



LAWS OF ALASKA

2000

Source
SCS CSHB 3(FIN)

Chapter No.
73

AN ACT

Relating to controlled substances and to the possession of certain chemicals; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 22, 2000
Actual Effective Date: May 23, 2000

AN ACT

1 Relating to controlled substances and to the possession of certain chemicals; and providing for
2 an effective date.

3

4 * Section 1. AS 11.71.020(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of
6 misconduct involving a controlled substance in the second degree if the person

7 (1) manufactures or delivers any amount of a schedule IA controlled
8 substance or possesses any amount of a schedule IA controlled substance with intent
9 to manufacture or deliver;

10 (2) manufactures any material, compound, mixture, or preparation
11 that contains

12 (A) methamphetamine, or its salts, isomers, or salts of
13 isomers; or

14 (B) an immediate precursor of methamphetamine, or its

1 salts, isomers, or salts of isomers;

2 (3) possesses an immediate precursor of methamphetamine, or the
3 salts, isomers, or salts of isomers of the immediate precursor of
4 methamphetamine, with the intent to manufacture any material compound,
5 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
6 salts of isomers; or

7 (4) possesses a listed chemical with intent to manufacture any
8 material, compound, mixture, or preparation that contains

9 (A) methamphetamine, or its salts, isomers, or salts of
10 isomers; or

11 (B) an immediate precursor of methamphetamine, or its
12 salts, isomers, or salts of isomer.

13 * Sec. 2. AS 11.71.020 is amended by adding a new subsection to read:

14 (c) In this section, "listed chemical" means a chemical described under
15 AS 11.71.200.

16 * Sec. 3. AS 11.71.030(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of
18 misconduct involving a controlled substance in the third degree if the person

19 (1) under circumstances not proscribed under AS 11.71.020(a)(2) -
20 (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled
21 substance or possesses any amount of a schedule IIA or IIIA controlled substance with
22 intent to manufacture or deliver;

23 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
24 substance to a person under 19 years of age who is at least three years younger than
25 the person delivering the substance; or

26 (3) possesses any amount of a schedule IA or IIA controlled substance

27 (A) with reckless disregard that the possession occurs

28 (i) on or within 500 feet of school grounds; or

29 (ii) at or within 500 feet of a recreation or youth center;

30 or

31 (B) on a school bus.

1 * **Sec. 4.** AS 11.71.170(b) is amended by adding a new paragraph to read:

2 (29) ketamine hydrochloride;

3 * **Sec. 5.** AS 11.71.195 is amended to read:

4 **Sec. 11.71.195. Exempted drugs.** Except as otherwise provided in this
 5 chapter, a [A] substance the manufacture, distribution, dispensing, or possession of
 6 which is explicitly exempt from criminal penalty under federal law is exempt from the
 7 application of this chapter and AS 17.30. This exemption includes any substances that
 8 [WHICH] may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully
 9 sold over the counter without a prescription. This exemption also includes those
 10 substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

11 * **Sec. 6.** AS 11.71 is amended by adding a new section to article 2 to read:

12 **Sec. 11.71.200. Listed chemicals.** Listed chemicals are chemicals that are
 13 used in manufacturing a controlled substance in violation of AS 11.71. Listed
 14 chemicals include

- 15 (1) anthranilic acid, its esters, and its salts;
- 16 (2) benzaldehyde;
- 17 (3) benzyl cyanide;
- 18 (4) ephedrine, its salts, optical isomers, and salts of optical isomers;
- 19 (5) ergonovine and its salts;
- 20 (6) ergotamine and its salts;
- 21 (7) N-acetylanthranilic acid, its esters, and its salts;
- 22 (8) nitroethane;
- 23 (9) norpseudoephedrine, its salts, optical isomers, and salts of optical
 24 isomers;
- 25 (10) phenylacetic acid, its esters, and its salts;
- 26 (11) phenylpropanolamine, its salts, optical isomers, and salts of optical
 27 isomers;
- 28 (12) piperidine and its salts;
- 29 (13) pseudoephedrine, its salts, optical isomers, and salts of optical
 30 isomers;
- 31 (14) 3,4-methylenedioxyphenyl-2-propanone;

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- 1 (15) any salt, optical isomer, or salt of an optical isomer of the
2 following chemicals:
3 (A) ethylamine;
4 (B) hydriodic acid;
5 (C) isosafrole;
6 (D) methylamine;
7 (E) N-methylephedrine;
8 (F) N-methylpseudoephedrine;
9 (G) piperonal;
10 (H) propionic anhydride;
11 (I) safrole;
12 (16) acetic anhydride;
13 (17) acetone;
14 (18) anhydrous ammonia;
15 (19) benzyl chloride;
16 (20) ethyl ether;
17 (21) hydriotic acid;
18 (22) hydrochloric gas;
19 (23) hydrophosphoric acid;
20 (24) iodine and crystal iodine;
21 (25) lithium metal;
22 (26) potassium permanganate;
23 (27) red phosphorous;
24 (28) toluene;
25 (29) 2-butanone (or methyl ethyl ketone).
26 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).