

SENATE CS FOR CS FOR HOUSE BILL NO. 7(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/28/11

Referred: Finance

Sponsor(s): REPRESENTATIVES MUÑOZ, HERRON, KERTTULA, GATTO, LYNN, AND PRUITT,
Costello, Thompson, Millett, Fairclough, Johansen, Johnson, Petersen, Doogan, Tuck, Peggy Wilson

A BILL

FOR AN ACT ENTITLED

1 "An Act classifying certain substances as schedule IIIA controlled substances and
2 relating to penalties for possession of those substances; and providing for an effective
3 date."

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

5 * **Section 1.** AS 11.71.040(a) is amended to read:

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

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

11 (2) manufactures or delivers, or possesses with the intent to
12 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
13 of an aggregate weight of one ounce or more containing a schedule VIA controlled
14 substance;

- 1 (3) possesses
- 2 (A) any amount of a schedule IA or IIA controlled substance;
- 3 (B) 25 or more tablets, ampules, or syrettes containing a
4 schedule IIIA or IVA controlled substance;
- 5 (C) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of
- 7 (i) three grams or more containing a schedule IIIA or
8 IVA controlled substance **except a controlled substance in a form**
9 **listed in (ii) of this subparagraph;**
- 10 (ii) **12 grams or more containing a schedule IIIA**
11 **controlled substance listed in AS 11.71.160(f)(7) - (16) that has been**
12 **sprayed on or otherwise applied to tobacco, an herb, or another**
13 **organic material;**
- 14 (D) 50 or more tablets, ampules, or syrettes containing a
15 schedule VA controlled substance;
- 16 (E) one or more preparations, compounds, mixtures, or
17 substances of an aggregate weight of six grams or more containing a schedule
18 VA controlled substance;
- 19 (F) one or more preparations, compounds, mixtures, or
20 substances of an aggregate weight of four ounces or more containing a
21 schedule VIA controlled substance; or
- 22 (G) 25 or more plants of the genus cannabis;
- 23 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
- 24 (A) with reckless disregard that the possession occurs
- 25 (i) on or within 500 feet of school grounds; or
- 26 (ii) at or within 500 feet of a recreation or youth center;
- 27 or
- 28 (B) on a school bus;
- 29 (5) knowingly keeps or maintains any store, shop, warehouse,
30 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
31 keeping or distributing controlled substances in violation of a felony offense under this

1 chapter or AS 17.30;

2 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
3 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
4 mark, imprint, or device of another or any likeness of any of these upon a drug, drug
5 container, or labeling so as to render the drug a counterfeit substance;

6 (7) knowingly uses in the course of the manufacture or distribution of a
7 controlled substance a registration number that is fictitious, revoked, suspended, or
8 issued to another person;

9 (8) knowingly furnishes false or fraudulent information in or omits
10 material information from any application, report, record, or other document required
11 to be kept or filed under AS 17.30;

12 (9) obtains possession of a controlled substance by misrepresentation,
13 fraud, forgery, deception, or subterfuge; or

14 (10) affixes a false or forged label to a package or other container
15 containing any controlled substance.

16 * **Sec. 2.** AS 11.71.050(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 fifth degree if the person

19 (1) manufactures or delivers, or possesses with the intent to
20 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
21 of an aggregate weight of less than one ounce containing a schedule VIA controlled
22 substance;

23 (2) possesses

24 (A) less than 25 tablets, ampules, or syrettes containing a
25 schedule IIIA or IVA controlled substance;

26 (B) one or more preparations, compounds, mixtures, or
27 substances of an aggregate weight of less than

28 (i) three grams containing a schedule IIIA or IVA
29 controlled substance **except a controlled substance in a form listed in**

30 **(ii) of this subparagraph;**

31 **(ii) 12 grams but more than six grams containing a**

1 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) -
 2 (16) that has been sprayed on or otherwise applied to tobacco, an
 3 herb, or another organic material;

4 (C) less than 50 tablets, ampules, or syrettes containing a
 5 schedule VA controlled substance;

6 (D) one or more preparations, compounds, mixtures, or
 7 substances of an aggregate weight of less than six grams containing a schedule
 8 VA controlled substance; or

9 (E) one or more preparations, compounds, mixtures, or
 10 substances of an aggregate weight of one ounce or more containing a schedule
 11 VIA controlled substance; or

12 (3) fails to make, keep, or furnish any record, notification, order form,
 13 statement, invoice, or information required under AS 17.30.

14 * **Sec. 3.** AS 11.71.060(a) is amended to read:

15 (a) Except as authorized in AS 17.30, a person commits the crime of
 16 misconduct involving a controlled substance in the sixth degree if the person

17 (1) uses or displays any amount of a schedule VIA controlled
 18 substance;

19 (2) possesses one or more preparations, compounds, mixtures, or
 20 substances of an aggregate weight of

21 (A) less than one ounce containing a schedule VIA controlled
 22 substance;

23 (B) six grams or less containing a schedule IIIA controlled
 24 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or
 25 otherwise applied to tobacco, an herb, or another organic material; or

26 (3) refuses entry into a premise for an inspection authorized under
 27 AS 17.30.

28 * **Sec. 4.** AS 11.71.160(f) is amended to read:

29 (f) Schedule IIIA includes, unless specifically excepted or unless listed in
 30 another schedule, any material, compound, mixture, or preparation that contains
 31 any quantity of the following substances or that contains any of its salts, isomers,

1 **whether optical, position, or geometric, or salts of isomers whenever the existence**
 2 **of those salts, isomers, or salts of isomers is possible within the specific chemical**
 3 **designation:**

4 (1) hashish;

5 (2) hash oil or hashish oil;

6 (3) tetrahydrocannabinols;

7 (4) parahexyl;

8 (5) dronabinol (synthetic) in sesame oil and encapsulated in a soft
 9 gelatin capsule in a U.S. Food and Drug Administration approved drug product;
 10 [AND]

11 (6) nabilone;

12 **(7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-**
 13 **2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;**

14 **(8) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-**
 15 **2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as Dexanabinol or**
 16 **HU-211;**

17 **(9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;**

18 **(10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;**

19 **(11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone,**
 20 **also known as JWH-015;**

21 **(12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-**
 22 **398;**

23 **(13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as**
 24 **JWH-250;**

25 **(14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;**

26 **(15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also**
 27 **known as JWH-200;**

28 **(16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-**
 29 **yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in**
 30 **this paragraph, "homologue" means a chemical compound in a series in which**
 31 **each compound differs by one or more alkyl functional groups on an alkyl side**

1 chain.

2 * **Sec. 5.** This Act takes effect July 1, 2011.