

CS FOR SENATE BILL NO. 140(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 2/13/12

Referred: Finance

Sponsor(s): SENATORS MEYER, GIESSEL, AND OLSON, Egan, McGuire, Wagoner, Huggins

A BILL

FOR AN ACT ENTITLED

1 **"An Act classifying certain substances as schedule IIA controlled substances and**
2 **providing penalties relating to those substances; and providing for an effective date."**

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

4 *** Section 1.** AS 11.71.040(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 fourth degree if the person

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

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

14 (3) possesses

1 (A) any amount of a

2 (i) schedule IA **controlled substance**; or

3 (ii) IIA controlled substance **except a controlled**
 4 **substance listed in AS 11.71.150(e)(11) - (15)**;

5 (B) 25 or more tablets, ampules, or syrettes containing a
 6 schedule IIIA or IVA controlled substance;

7 (C) one or more preparations, compounds, mixtures, or
 8 substances of an aggregate weight of

9 (i) three grams or more containing a schedule IIIA or
 10 IVA controlled substance except a controlled substance in a form listed
 11 in (ii) of this subparagraph;

12 (ii) 12 grams or more containing a schedule IIIA
 13 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
 14 sprayed on or otherwise applied to tobacco, an herb, or another organic
 15 material; **or**

16 (iii) **500 milligrams or more of a schedule IIA**
 17 **controlled substance listed in AS 11.71.150(e)(11) - (15)**;

18 (D) 50 or more tablets, ampules, or syrettes containing a
 19 schedule VA controlled substance;

20 (E) one or more preparations, compounds, mixtures, or
 21 substances of an aggregate weight of six grams or more containing a schedule
 22 VA controlled substance;

23 (F) one or more preparations, compounds, mixtures, or
 24 substances of an aggregate weight of four ounces or more containing a
 25 schedule VIA controlled substance; or

26 (G) 25 or more plants of the genus cannabis;

27 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

28 (A) with reckless disregard that the possession occurs

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

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

31 or

1 (B) on a school bus;

2 (5) knowingly keeps or maintains any store, shop, warehouse,
3 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
4 keeping or distributing controlled substances in violation of a felony offense under this
5 chapter or AS 17.30;

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

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

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

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

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

20 * **Sec. 2.** AS 11.71.050(a) is amended to read:

21 (a) Except as authorized in AS 17.30, a person commits the crime of
22 misconduct involving a controlled substance in the fifth degree if the person

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

27 (2) possesses

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

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

1 (i) three grams containing a schedule IIIA or IVA
 2 controlled substance except a controlled substance in a form listed in
 3 (ii) of this subparagraph;

4 (ii) 12 grams but more than six grams containing a
 5 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)
 6 that has been sprayed on or otherwise applied to tobacco, an herb, or
 7 another organic material; or

8 **(iii) 500 milligrams containing a schedule IIA**
 9 **controlled substance listed in AS 11.71.150(e)(11) - (15);**

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

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

15 (E) one or more preparations, compounds, mixtures, or
 16 substances of an aggregate weight of one ounce or more containing a schedule
 17 VIA controlled substance; or

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

20 * **Sec. 3.** AS 11.71.150(e) is amended to read:

21 (e) Schedule IIA includes, unless specifically excepted or unless listed in
 22 another schedule, any material, compound, mixture, or preparation which contains any
 23 quantity of the following substances having a stimulant effect on the nervous system:

24 (1) amphetamine, its salts, optical isomers, and salts of its optical
 25 isomers;

26 (2) methamphetamine, its salts, isomers, and salts of its isomers;

27 (3) methylphenidate;

28 (4) phenmetrazine and its salts;

29 (5) fenethylamine;

30 (6) N-ethylamphetamine;

31 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-

1 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

2 (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-
3 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;

4 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-
5 oxazoline;

6 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
7 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
8 isomers, and salts of optical isomers;

9 **(11) cathinone;**

10 **(12) 2-methylamino-1-phenylpropan-1-one, also known as**
11 **methcathinone and cat, its salts, optical isomers, and salts of isomers;**

12 **(13) 4-methylmethcathinone, also known as mephedrone, its salts,**
13 **isomers, and salts of isomers;**

14 **(14) 3,4-methylenedioxypropylamphetamine, also known as MDPV, its**
15 **salts, isomers, and salts of isomers;**

16 **(15) substituted cathinones, including any compound, except**
17 **bupropion or a compound listed in another schedule, structurally derived from**
18 **2-amino-1-phenyl-1-propanone by modification in any of the following ways:**

19 **(A) by substitution in the phenyl ring to any extent with**
20 **alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,**
21 **whether or not further substituted in the phenyl ring by one or more other**
22 **univalent substituents;**

23 **(B) by substitution at the 3-position with an alkyl**
24 **substituent;**

25 **(C) by substitution at the nitrogen atom with alkyl or**
26 **dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.**

27 * **Sec. 4.** AS 11.71.140(b)(5) is repealed.

28 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).