

27th Legislature(2011-2012)
Bill Text 27th Legislature

00 Enrolled HB 7

01 Classifying certain substances as schedule IIIA controlled substances and relating
02 for possession of those substances; and providing for an effective date.

03

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

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

07 (1) manufactures or delivers any amount of a schedule IVA or VA
08 controlled substance or possesses any amount of a schedule IVA or VA controll
09 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 sub
12 of an aggregate weight of one ounce or more containing a schedule VIA control
13 substance;

01 (3) possesses

02 (A) any amount of a schedule IA or IIA controlled substance;

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

05 (C) one or more preparations, compounds, mixtures, or
06 substances of an aggregate weight of

07 (i) three grams or more containing a schedule IIIA or
08 IVA controlled substance except a controlled substance in a form
09 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 b
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 sche
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 substanc

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 cent

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
31 keeping or distributing controlled substances in violation of a felony offens

01 chapter or AS 17.30;

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

06 (7) knowingly uses in the course of the manufacture or distributio
07 controlled substance a registration number that is fictitious, revoked, suspe
08 issued to another person;

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

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

14 (10) affixes a false or forged label to a package or other contain
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 sub
21 of an aggregate weight of less than one ounce containing a schedule VIA contr
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
30 (ii) of this subparagraph;

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

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

06 (D) one or more preparations, compounds, mixtures, or
07 substances of an aggregate weight of less than six grams containing a sc
08 VA controlled substance; or

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

12 (3) fails to make, keep, or furnish any record, notification, orde
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 o
25 otherwise applied to tobacco, an herb, or another organic material; or

26 (3) refuses entry into a premise for an inspection authorized unde
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 list
30 another schedule, any material, compound, mixture, or preparation that contai
31 any quantity of the following substances or that contains any of its salts, i
01 whether optical, position, or geometric, or salts of isomers whenever the exi
02 of those salts, isomers, or salts of isomers is possible within the specific
03 designation:

04 (1) hashish;

05 (2) hash oil or hashish oil;

06 (3) tetrahydrocannabinols;

07 (4) parahexyl;

08 (5) dronabinol (synthetic) in sesame oil and encapsulated in a sof
09 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 o
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
01 chain.

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