

**CS FOR SENATE BILL NO. 66(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/12/14

Referred: Finance

Sponsor(s): SENATOR EGAN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to imitation controlled substances; and providing for an effective  
2 date."

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

4 \* **Section 1.** AS 11.73.010(b) is amended to read:

5 (b) Except as provided in AS 11.73.030, a person who violates this section  
6 commits a

7 (1) class A misdemeanor; or

8 (2) class C felony **if, within the preceding 10 years, the person has**

9 **been convicted two or more times of a crime under AS 11.71 or this chapter, or a**

10 **law or ordinance of another jurisdiction with elements similar to a crime under**

11 **AS 11.71 or this chapter.**

12 \* **Sec. 2.** AS 11.73.030(b) is amended to read:

13 (b) A person who violates this section commits a

14 (1) class C felony; or

1                   (2) class B felony **if, within the preceding 10 years, the person has**  
 2                   **been convicted two or more times of a crime under AS 11.71 or this chapter, or a**  
 3                   **law or ordinance of another jurisdiction with elements similar to a crime under**  
 4                   **AS 11.71 or this chapter.**

5 \* Sec. 3. AS 11.73.040(b) is amended to read:

6                   (b) A person who violates this section commits a

7                               **(1) class A misdemeanor; or**

8                               (2) class C felony **if, within the preceding 10 years, the person has**  
 9                   **been convicted two or more times of a crime under AS 11.71 or this chapter, or a**  
 10                   **law or ordinance of another jurisdiction with elements similar to a crime under**  
 11                   **AS 11.71 or this chapter.**

12 \* Sec. 4. AS 11.73.099(3) is amended to read:

13                   (3) "imitation controlled substance" means a substance  
 14 [CONTAINING EPHEDRINE, EPHEDRINE SULFATE, PSEUDOEPHEDRINE,  
 15 PSEUDOEPHEDRINE HYDROCHLORIDE, PHENYLPROPANOLAMINE,  
 16 CAFFEINE, THEOPHYLLINE, LIDOCAINE, PROCAINE, TETRACAINE,  
 17 DYCLONINE, ACETAMINOPHEN, SALICYLAMIDE, DOXYLAMINE,  
 18 DIPHENHYDRAMINE, PHENIRAMINE, CHLORPHENIRAMINE, OR  
 19 PYRILAMINE, OR THEIR SALTS,] that is not a controlled substance [,] and that, by  
 20 dosage unit appearance (including color, shape, size, and markings) and by  
 21 representations, would lead a reasonable person to believe that the substance is a  
 22 controlled substance; the term **"representations,"** ["REPRESENTATIONS",] as used  
 23 in this paragraph, includes

24                               (A) statements made by an owner or by anyone else in control  
 25 of the substance concerning the nature of the substance [,] or its use or effect;

26                               (B) statements made to the recipient that the substance may be  
 27 resold for inordinate profit;

28                               (C) whether the substance is packaged in a manner normally  
 29 used for controlled substances;

30                               (D) evasive tactics or actions used by the owner or person in  
 31 control of the substance to avoid detection by law enforcement authorities;

1                   (E) the storage, packaging, presentation, display of, or  
2                   reference to a controlled substance with, near, or in connection with the  
3                   activity involving the imitation controlled substance;

4       \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6                   **APPLICABILITY.** This Act applies to offenses committed on or after the effective  
7 date of this Act. References to previous convictions in AS 11.73.010, 11.73.030, and  
8 11.73.040, as amended by secs. 1 - 3 of this Act, include convictions occurring before, on, or  
9 after the effective date of this Act.

10       \* **Sec. 6.** AS 11.73.020 is repealed.

11       \* **Sec. 7.** This Act takes effect July 1, 2014.