

**HOUSE BILL NO. 362**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT, Tuck

Introduced: 2/26/14

Referred: Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to a prohibition on the offer, display, marketing, advertising for sale,  
2 or sale of illicit synthetic drugs."

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

4 \* **Section 1.** AS 17 is amended by adding a new chapter to read:

5 **Sec. 17.21.010. Illicit synthetic drugs.** (a) A person may not offer, display,  
6 market, advertise for sale, or sell an illicit synthetic drug.

7 (b) A synthetic drug is illicit if

8 (1) the label

9 (A) is false or misleading;

10 (B) does not specify the identity of the substances contained in  
11 the synthetic drug; or

12 (C) does not specify the name and place of business of the  
13 manufacturer, packer, or distributor; and

14 (2) the synthetic drug has one or more of the following characteristics:

1 (A) the packaging or labeling of the synthetic drug suggests  
2 that the user will achieve euphoria, a hallucination, mood enhancement,  
3 relaxation, stimulation, or another effect on the body;

4 (B) the name or packaging of the synthetic drug uses images or  
5 labels suggesting that it is a controlled substance or has the effect of a  
6 controlled substance;

7 (C) the synthetic drug resembles a controlled substance in  
8 appearance, in chemical structure, or composition;

9 (D) the synthetic drug is marketed or advertised for a particular  
10 use or purpose and the cost of the synthetic drug is disproportionately higher  
11 than other products marketed or advertised for the same or similar use or  
12 purpose;

13 (E) the synthetic drug contains a warning label stating or  
14 suggesting that the synthetic drug is in compliance with state laws regulating  
15 controlled substances;

16 (F) the owner or person in control of the synthetic drug uses  
17 evasive tactics or actions to avoid detection by law enforcement authorities;

18 (G) the synthetic drug is a product to which has been added a  
19 synthetic chemical or synthetic chemical compound that does not have a  
20 legitimate relationship to the advertised use of the product;

21 (H) the synthetic drug has one or more of the following street  
22 names: AK47, Aroma, Atomic, Aura, Barely In, Black Mamba, Black Rob,  
23 Bliss, Blizzard, Blue Silk, Bombay Blue, Bonzai Grow, Brain Storm, Bullet,  
24 Buzz, California Dreams, Charge Plus, Charlie, Chill X, Chronic Spice, Cloud  
25 9, Dank, Daylights, Dead Man Walking, Demon, Dragons Fire, Drone, D-ZL,  
26 Earth Impact, Earthquake, Energy-1, Euphoria, Fake Weed, g-13, G-20,  
27 Galaxy Gold, Genie, Guerrilla Warfare, Hayze, Hurricane, Hurricane Charlie,  
28 Hush, Hypnotiq, Ivory Wave, Jazz, Joker, K2, K3, Kush, Kush Mania, Legal,  
29 Lovely Dovey, Lucid, Lunar Wave, Maddie, Mad Hatter, Makes Scents,  
30 Matrix, Maui Wowie, MCAT, MDPK, MDPV, Meow Meow, Meph, Mind  
31 Trip, Moon Rocks, MTV, Mystery, Nightlights, Ocean, Ocean Blue, Ocean

1 Burst, OMG, Peeve, Pineapple Express, Pixie Dust, Posh, Pot-Pourri, Pulse,  
 2 Pure Ivory, Purple Wave, PV, Red Dove, Sence, Serenity, Smoke, Snow  
 3 Leopard, Mr. Happy, Mr. Nice Guy, Scarface, Scooby Snax, Scope, Skunk,  
 4 Sky High, Solar Flare, Soul Sence, Space Truckin, Spice, Spice 99, Spice  
 5 Gold, Spice Silver, Stardust, Stinger, Super Coke, Tiger Shark, Vanilla Sky,  
 6 Voodoo, Voodoo Child, White Dove, White Knight, White Lightning, Zohai.

7 (c) It is an affirmative defense to an action for a violation of this section that a  
 8 product is expressly exempted from or is expressly regulated under and is in  
 9 compliance with state or federal law. In this subsection, "affirmative defense" has the  
 10 meaning given in AS 11.81.900.

11 **Sec. 17.21.020. Exemption.** AS 17.21.010 does not apply to a synthetic drug  
 12 intended solely for investigational use by experts qualified by scientific training and  
 13 experience to investigate the safety of drugs if the drug is plainly labeled "for  
 14 investigational use only," and the investigational use is authorized by state or federal  
 15 law.

16 **Sec. 17.21.030. Enforcement and penalties.** (a) The commissioner of public  
 17 safety is responsible for enforcing this chapter and may

18 (1) delegate that authority as appropriate; and

19 (2) cooperate with the Department of Health and Social Services in  
 20 carrying out the commissioner's enforcement activities.

21 (b) This section does not limit the authority of a peace officer.

22 (c) A person who violates AS 17.21.010 is guilty of a violation and, upon  
 23 conviction, may be punished as provided in AS 12.55.

24 (d) The provisions of this section are in addition to the remedies available  
 25 under AS 45.50.471 - 45.50.561.

26 **Sec. 17.21.090. Definitions.** In this chapter, unless the context clearly requires  
 27 otherwise,

28 (1) "controlled substance" has the meaning given in AS 11.71.900;

29 (2) "drug" has the meaning given in AS 17.20.370;

30 (3) "synthetic drug" means a substance that is

31 (A) a chemical or chemical compound intended, when

1 introduced into the human body, to mimic or simulate the effect of a drug or  
2 controlled substance;

3 (B) in the form of

4 (i) a crystalline or powder product in crystalline, loose  
5 powder, block, tablet, or capsule form; or

6 (ii) plant material in granular, loose leaf, powder, or  
7 liquid form or used as a food additive; and

8 (C) that is not a controlled substance.

9 \* **Sec. 2.** AS 44.29.020 is amended by adding a new subsection to read:

10 (c) The Department of Health and Social Services shall cooperate with the  
11 Department of Public Safety in enforcement of the prohibition on the offer, display,  
12 marketing, advertising, or sale of illicit synthetic drugs under AS 17.21.