

2024-2025

*Annual Notification*

**ALCOHOL AND OTHER  
DRUG INFORMATION**  
for students and employees



## Contents

<b>Drug and Alcohol Counseling, Treatment, and Resource Options</b>	<b>3</b>
State and National Resources for Students and Employees	3
Local Resources for Students and Employees	4
<b>Health Risks Associated with Substance Abuse</b>	<b>6</b>
<b>Drugs of Abuse/Uses and Effects</b>	<b>8</b>
Standards of Conduct for Students and Employees	15
<b>Disciplinary Procedures and Sanctions for Students and Employees</b>	<b>17</b>
<b>Alcohol and Drugs: Federal and State Laws and Penalties</b>	<b>20</b>
Alaska Statutes - Title 4 - Alcoholic Beverages (Select Provisions)	29
Alaska Statutes - Title 11 – Criminal Law (Select Provisions)	42
Alaska Statutes - Title 17 - Food and Drug (Select Provisions)	48
Alaska Statutes - Title 28 – Motor Vehicles (Select Provisions)	49
Federal Trafficking Penalties	60
<b>UAF Campus Specific Local Policies and Resources</b>	<b>63</b>
UAF Residence Life Alcohol Policy	63
UAF Residence Life Drugs and Other Substances, Including Marijuana	63
UAF Alcohol and Intoxicants- Field Policy	64
UAF Alcohol Beverage Policy	65
<b>Local Municipal Laws</b>	<b>65</b>
Bethel Municipal Code (Select Provisions)	65
City of Seldovia Code of Ordinances (Select Provisions)	67
Code of Ordinances City of Fairbanks, Alaska (Select Provisions)	67
Code of Ordinances of Nome (Select Provisions)	69
The Code of the City of Seward, Alaska (Select Provisions)	71
Dillingham Municipal Code (Select Provisions)	72
Fairbanks North Star Borough Code (Select Provisions)	73
Kotzebue, Alaska Municipal Code (Select Provisions)	74

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989 and to promote healthy lifestyles and prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees, the University of Alaska presents the following information about health risks associated with drug and alcohol use; federal, state, and local law and legal sanctions; University policies and sanctions; and counseling, treatment, and resource options.

If you have any questions about the purpose of this report or its content, please contact the Office of Rights, Compliance, and Accountability by phone at 907-474-7300 or by email at [uaf-orca@alaska.edu](mailto:uaf-orca@alaska.edu).

## Drug and Alcohol Counseling, Treatment, and Resource Options

### Students

The University of Alaska offers numerous health education seminars, workshops, and events, and students are encouraged to participate. Treatment, personal counseling options, and campus resource information for our University of Alaska campus can be found below.

TimelyCare is offered as a supplement to the extensive existing in-person and virtual services offered by the UAF Student Health and Counseling Center. This is a no cost service offered to enrolled students residing in the United States. These virtual mental health services are available 24/7, 365 days/year and include immediate crisis care and up to 9 ongoing counseling sessions per academic year.

### Employees

Employees experiencing substance abuse-related issues are strongly encouraged to seek confidential counseling services. The ComPsych Employee Assistance Program is a free service provided for employees, spouses/FIPs, dependents, and anyone living in the employee's home. It offers a wide variety of counseling, referral, and consultation services that are completely confidential. The program can be accessed 24/7 by contacting ComPsych's toll-free helpline at 1-888-969-0155. Online access is also available at <https://www.guidanceresources.com/groWeb/login/login.xhtml>, (click register, and use the WebID: UofAK). The University of Alaska employee health insurance program also contains benefits for some in-patient and out-patient treatment.

### State and National Resources for Students and Employees

- [AA Alaska Online Meetings](#)
- [Akeela House Recovery Center](#): 800-478-7738
- [Alaska AL-ANON](#)
- Alaska Tobacco Quit Program: 1-800-QUIT NOW (1-800-784-8669)
- Alcoholics Anonymous of Alaska (907) 272-2312
- [Alcoholics Anonymous online support](#)
- Careline Mental Health and Suicide Prevention Hotline: 800-273- 8255 Text 4 Help to 839863
- CoDA Meetings (Co-Dependents Anonymous) - 888-444-2359;  
<https://coda.org/>
- Fallen Up Ministries Substance Misuse Crisis Line: 907-815-SAVE
- [Ideal Option](#): 877-522-1275
- [Iknowmine](#)

- [Marijuana Anonymous online support](#)
- [Narcotics Anonymous- Alaska Region](#) (866) 258-6329
- [Narcotics Anonymous online and skype options](#)
- [National Alliance for Mental Illness Helpline](#): 800-950-6264
- National Institute on Drug Abuse Hotline: 800-662-HELP (4357)
- [Recover Alaska](#)
- [Reddit Recovery virtual hang out and support during recovery](#)
- [Sober Recovery online forum](#) for those in recovery and their family and friends
- [The Trevor Project Lifeline Suicide Prevention for LGBTQ+ Youth](#):  
866-488-7386
- This is Quitting (text to quit vaping): Text "DITCHJUUL" to 88709
- [True North Recovery](#): 907-313-1333
- VA Alaska health care 888-353-7574
- [We Connect Recovery online groups](#) for substance use/mental illness

## **Local Resources for Students and Employees**

### Bethel (Kuskokwim)

- [Bethel Family Clinic](#): 907-543-3773
- [KUC Mental Health Professional](#): 907-543-4526
- [McCann Treatment Center](#): 907-543-6398
- [Yukon Kuskokwim Ayagnirvik Healing Center](#): 907-543-6735
- [Yukon Kuskokwim Health Corporation](#): 907-966-8721

### Dillingham (Bristol Bay)

- [Bristol Bay Health Corporation](#): 907-842-5201
- [Jake's Place](#): 907-842-5266

### Fairbanks

- [Alaska Behavioral Health](#): 907-371-1300
- [All Together](#): (907) 452-6251
- [Athabaskan Recovery Center](#)
- [Community Opioid Intervention Project](#): (907) 452-6251
- [Continuing Hope Counseling](#): 907-451-8208
- [Fairbanks Alcohol Safety Action Program \(FASAP\)](#): 907-452-6144
- [Fairbanks Memorial Hospital](#): 907-452-8181
- [Fairbanks Public Health Center](#): 907-452-1776
- [Fairbanks Vet Center](#): 907-456-4238
- [Fairbanks Wellness Coalition](#): 907-888-3430
- [Family Centered Services of Alaska](#): 907-474-0890
- [Interior Aids Association](#): 907-452-4222
- [New Hope](#): 907- 452-6251
- [Pacific Rim Counseling](#): 907-452-5252

- [Pathways to Recovery](#): 907-452-6251
- [Preparing Future Leaders](#): 907-452-6251
- [Ralph Perdue Center](#): 907-452-6251
- [Restore Inc.](#): 907-374-1097
- [Turning Point Counseling Services](#): 907-374-7776
- [UAF Student Health and Counseling Center](#): 907-474-7043
- [Women and Children Center for Inner Healing](#): 907-452-6251

Kotzebue (Chukchi)

- [Manilaq Health Center](#): 907-442-3231

Nome (Northwest)

- Kusqui House: 907-443-4536
- [Norton Sound Regional Hospital](#): 907-443-3311

Seldovia (Kasitsna Bay)

- [Seldovia Village Tribe Health and Wellness](#): 907-435-3262
- [Set Free Alaska INC](#): 907-235-4732

Seward Marine Center

- [Providence Seward Medical Center](#): 907-224-5205
- [SeaView Seward Mental Health Center](#): 907-224-5257
- [Seward Community Health Center](#): 907-224-2273

Tok

- [Tanana Chiefs Conference Inc \(Upper Tanana Behavioral Health Program\)](#):  
907-883-5106 or 907-883-5107

## Health Risks Associated with Substance Abuse

### Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including partner and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely affecting a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol may produce these effects.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and intellectual disabilities. In addition, research indicates that children of parents with alcohol addiction are at a greater risk than others of developing an alcohol addiction.

*From page 62 of "What Works: Schools Without Drugs" published by the US Department of Education*

### Drugs

Drug use can have a wide range of short-term, long-term, direct, and indirect effects. Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.

Longer-term effects can include heart or lung disease, cancer, mental illness, HIV/AIDS, hepatitis, and other diseases. Long-term drug use can also lead to addiction. Drug addiction is a brain disorder. Not everyone who uses drugs will become addicted, but for some, drug use can change how certain brain circuits work. These brain changes interfere with how people experience normal pleasures in life and can make it much

more difficult for someone to stop taking the drug even when it's having negative effects on their life and they want to quit.

Drug use can also have indirect effects on both the people who are taking drugs and on those around them. This can include affecting a person's nutrition; sleep; decision-making and impulsivity; and risk for trauma, violence, injury, and communicable diseases. Drug use can also affect babies born to women who use drugs while pregnant. Broader negative outcomes may be seen in education level, employment, housing, relationships, and criminal justice involvement.

*From National Institute on Drug Abuse. Health consequences of drug misuse.*

# Drugs of Abuse/Uses and Effects

## Cannabis

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Marijuana	Unknown/Moderate	Problems with memory & learning, distorted perception, difficulty thinking & problem solving, loss of coordination, dizziness, nausea, tachycardia, facial flushing, dry mouth, merriment, happiness, disinhibition, relaxation, enhanced sensory perception, time distortions, impaired judgment, increased appetite, sedation, bloodshot eyes, increased heart rate, coughing, increased blood pressure	Fatigue, paranoia, possible psychosis	Headache, shakiness, sweating, stomach pains, nausea, restlessness, irritability, sleep difficulties, decreased appetite
Marijuana Concentrates	Unknown/Moderate	Paranoia, anxiety, panic attacks, hallucinations, increased heart rate & blood pressure, hypotension	Fatigue, paranoia, possible psychosis	Headache, shakiness, sweating, stomach pains, nausea, restlessness, irritability, sleep difficulties, decreased appetite
Vaping	Unknown/Moderate	Paranoia, anxiety, panic attacks, hallucinations, increased heart rate & blood pressure, hypotension	Fatigue, paranoia, possible psychosis	Headache, shakiness, sweating, stomach pains, nausea, restlessness, irritability, sleep difficulties, decreased appetite

## Inhalants

Drug	Physical/Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Amyl and Butyl Nitrite	Unknown/Unknown	Loss of consciousness, slurred speech, inability to coordinate, weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, damage to the nervous system & other organs	Loss of consciousness, death	Agitation
Nitrous Oxide	Unknown/Low	Loss of consciousness, slurred speech, inability to coordinate, weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, damage to the nervous system & other organs	Loss of consciousness, death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions



## Alcohol

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Alcohol	High/High	Impaired memory, slurred speech, drunken behavior, vitamin deficiency, organ damage	Vomiting, respiratory depression, loss of consciousness, possible death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions

## Stimulants

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Amphetamines	Possible/ High	Paranoia, picking at skin, preoccupation with one's own thoughts, auditory & visual hallucinations, increased blood pressure & pulse rates, insomnia, loss of appetite, physical exhaustion	Agitation, increased body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Cocaine	Possible/ High	Euphoria, increased alertness & excitation, restlessness, irritability, anxiety, mental and physical exhaustion, drug craving, increased blood pressure & heart rate, dilated pupils, insomnia, loss of appetite, irregular heartbeat, ischemic heart conditions, sudden cardiac arrest, convulsions, strokes, death	Unknown	Apathy, long periods of sleep, irritability, depression, disorientation
Khat	Possible/ High	Grandiose delusions, paranoia, nightmares, hallucinations, hyperactivity, increase blood pressure & heart rate, stained teeth, insomnia, gastric disorder	Delusions, loss of appetite, difficulty with breathing, increased blood pressure & heart rate, liver damage, cardiac complications	Apathy, long periods of sleep, irritability, depression, disorientation
Metham-pheta mine	Possible/ High	Anxiety, confusion, insomnia, paranoia, aggression, visual & auditory hallucinations, mood disturbances, delusions, increased wakefulness, increased physical activity, decreased appetite, rapid breathing & heart rate, irregular heartbeat, increased blood pressure, hyperthermia	Possible death, stroke, heart attack, multiple organ problems from overheating	Apathy, long periods of sleep, irritability, depression, disorientation

## Narcotics

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Codeine	Moderate/ Moderate	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Hydrocodone	High/High	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Fentanyl	High/High	Relaxation, euphoria, pain relief, sedation, confusion, drowsiness, dizziness, nausea, vomiting, urinary retention, pupillary constriction, respiratory depression	Changes in pupillary size, cold & clammy skin, cyanosis, coma, respiratory failure leading to death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Heroin	High/High	Drowsiness, respiratory depression, constricted pupils, nausea, warm flushing of the skin, dry mouth, and heavy extremities	Slow and shallow breathing, blue lips and fingernails, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Methadone	High/High	Sweating, itchy skin, sleepiness	Slow and shallow breathing, blue lips and fingernails, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating

Hydromorphone	High/High	Constipation, pupillary constriction, urinary retention, nausea, vomiting, respiratory depression, dizziness, impaired coordination, loss of appetite, rash, slow or rapid heartbeat, changes in blood pressure	Severe respiratory depression, drowsiness progressing to stupor or coma, lack of skeletal muscle tone, cold and clammy skin, constricted pupils, reduction in blood pressure and heart rate, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Morphine	High/High	Euphoria, relief of pain, decrease in hunger, inhibition of the cough reflex	Cold & clammy skin, lowered blood pressure, sleepiness, slowed breathing, slow pulse rate, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Opium	High/High	Euphoria, relaxation, relief of physical pain, constipation, dry mouth, dry mucous membrane in the nose	Slow breathing, seizures, dizziness, weakness, loss of consciousness, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating
Oxycodone	High/High	Euphoria, feeling of relaxation, pain relief, sedation, respiratory depression, constipation, papillary constriction, cough suppression, severe liver damage	Extreme drowsiness, muscle weakness, confusion, cold & clammy skin, pinpoint pupils, shallow breathing, slow heart rate, fainting, coma, possible death	Watery eyes, runny nose, yawning, sweating, restlessness, irritability, loss of appetite, nausea, tremors, drug craving, severe depression, vomiting, increased heart rate and blood pressure, chills alternating with flushing and excessive sweating

## Steroids

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Anabolic Steroids	Unknown/Yes	Dramatic mood swings, increased feeling of hostility, impaired judgment, increased levels of aggression, high cholesterol, acne & fluid retention, endocarditis	Not associated	Possible depression
Testosterone	Unknown/ Unknown	Edema, testicular atrophy, gynecomastia, acne, aggressive behavior	Not associated	Possible depression

## Depressants

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Barbiturates	High-Moderate/ High-Moderate	Mild euphoria, lack of restraint, relief of anxiety, sleepiness, impairment of memory judgment & coordination, irritability, paranoia, suicidal ideation	Central nervous system depression, decreased respiration, increased heart rate, decreased blood pressure, decreased urine production, decreased body temperature, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benzodiazepines	Low/Low	Amnesia, hostility, irritability, vivid and disturbing dreams, sleepiness, relaxed mood	Extreme drowsiness, confusion, impaired coordination, decreased reflexes, respiratory depression, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Rohypnol	Moderate/ Moderate	Drowsiness, sleep, decreased anxiety, amnesia, increased or decreased reaction time, impaired mental functioning & judgment, confusion, aggression, excitability, slurred speech, loss of motor coordination, weakness, headache, respiratory depression	Severe sedation, unconsciousness, slow heart rate, suppression of respiration, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
GHB	Moderate/ Moderate	Euphoria, drowsiness, decreased anxiety, confusion, memory impairment, visual hallucinations, excited & aggressive behavior,	unconsciousness, seizures, slowed heart rate, greatly slowed breathing, lower body temperature, vomiting, nausea, coma, death	Insomnia, anxiety tremors, increased heart rate & blood pressure, occasional psychotic thoughts, topical irritation to skin & eyes, nausea, vomiting, incontinence, loss of consciousness, seizures, liver damage, kidney failure, respiratory depression, death

## Hallucinogens

Drug	Physical/ Psychological Dependence	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Ecstasy/ MDMA	None/ Moderate	Changes to perception, euphoria, increased sensitivity to touch, need for stimulation, confusion, anxiety, depression, paranoia, sleep problems, drug craving, muscle tension, tremors, involuntary teeth clenching, muscle cramps, nausea, faintness, chills, sweating, blurred vision	Interfere with ability to regulate temperature, increase in body temperature, possible death	Muscle aches, drowsiness, depression, acne
Ketamine	Possible/ High	Hallucinations, agitation, depression, cognitive difficulties, unconsciousness, amnesia, involuntary rapid eye movement, dilated pupils, salivation, tear secretions, stiffening muscles, possible nausea	Unconsciousness, dangerously slowed breathing	Unknown
LSD	None/ Unknown	Dilated pupils, higher body temperature, increased heart rate & blood pressure, sweating, loss of appetite, sleeplessness, dry mouth, tremors, extreme changes in mood, impaired depth & time perception, impaired judgment	More intense “trip” episodes, fear, depressions, anxiety, paranoia	Unknown
Peyote & Mescaline	None/None	Intense nausea, vomiting, dilation of pupils, increased heart rate, increased blood pressure, rise in body temperature, headaches, muscle weakness, impaired motor coordination, illusions, hallucinations, altered perception of space and time, altered body image, euphoria, anxiety	Longer more intense “trip” episodes, challenging experiences, psychosis, possible death	Unknown
Psilocybin	None/None	Nausea, vomiting, muscle weakness, lack of coordination, hallucinations, panic reactions	Longer more intense “trip” episodes, challenging experiences, psychosis, possible death	Unknown

## Designer Drugs

Drug	Possible Effects	Effects of Overdose
Bath Salts	Euphoria, alertness confusion, acute psychosis, agitation, combativeness, aggression, violent & destructive behavior, paranoia, hallucinations, delusions, rapid heart rate, hypertension, hyperthermia, dilation of the pupil, teeth grinding, sweating, headaches, palpitations, seizures	Rapid heart rate, hypertension, hyperthermia, dilation of the pupil, teeth grinding, sweating, headaches, palpitations, seizures, death
K2/Spice	Acute psychotic episodes, dependence, hallucinations, severe agitation, disorganized thoughts, paranoid delusions, violence, tachycardia, elevated blood pressure, unconsciousness, tremors, seizures, vomiting, anxiety, numbness, tingling	Nausea, vomiting, agitation, anxiety, seizures, stoke, coma, acute kidney failure, death
Synthetic opioids	Relaxation, euphoria, pain relief, sedation, confusion, drowsiness, dizziness, nausea, vomiting, urinary retention, pupillary constriction, respiratory depression	Stupor, changes in pupillary size cold & clammy skin, cyanosis, coma, death

## Drugs of Concern

Drug	Possible Effects	Effects of Overdose
DXM	Confusion, inappropriate laughter, agitation, paranoia, euphoria, hallucinations, over-excitability, lethargy, loss of coordination, slurred speech, sweating, hypertension, nausea, vomiting, involuntary spasmodic movement of the eyeballs	Impairment of senses, death
Kratom	Increased alertness, physical energy, talkativeness, psychosis, hallucinations, delusion, confusion, nausea, itching, sweating, dry mouth, constipation, increased urination, tachycardia, vomiting, drowsiness, loss of appetite, weight loss, insomnia, hepatotoxicity, seizure, hallucinations	Unknown
Salvia Divinorum	Loss of coordination, dizziness, slurred speech, body or object distortions, fear, panic, uncontrollable laughter, sense of overlapping realities, paranoia, hallucinations	Unknown

Information used for these charts can be referenced at <https://www.dea.gov/factsheets>.

# Standards of Conduct for Students and Employees

## Students

The University of Alaska Board of Regents have established a set of rights and responsibilities, The Student Code of Conduct (the Code), that students attending at any of the UA campuses are expected to abide by. The Code for all universities can be found in the [University of Alaska Board of Regents' Policy and University Regulation](#).

### **Applicable sections of the Code include:**

Violations of the Code, that occur on property, owned or controlled by the University, or at activities authorized by the University, are subject to University student conduct review and disciplinary action by the University. The Student Code of Conduct may also apply to behavior that occurs off campus. See [P09.02.030.B](#).

The University may initiate disciplinary action and impose sanctions on any student or student organization found responsible for committing, attempting to commit, or intentionally assisting in the commission of prohibited conduct. See [P09.02.020.C](#).

### **Misuse of Alcohol**

Misuse of alcohol includes but is not limited to:

- use, possession, manufacture, or distribution of alcoholic beverages in violation of local, state or federal law, Regents' Policy, University Regulation, or MAU rules and procedures; or
- engaging in any other category of prohibited conduct while under the influence of alcohol. See [R09.02.020\(14\)](#).

### **Misuse of Drugs or Other Intoxicants**

Misuse of drugs or other intoxicants includes but is not limited to:

- use, possession, manufacture, distribution, or being under the influence of illegal drugs or other controlled substances in violation of local, state or federal law, Regents' Policy, University Regulation or MAU rules and procedures;
- abuse or misuse of prescription or over-the-counter medications, other chemical substances or other intoxicants;
- engaging in any other category of prohibited conduct while under the influence of legal drugs or other intoxicants; or
- use, possession, manufacture, distribution, or being under the influence of designer drugs. See [R09.02.020\(15\)](#).

## **Employees**

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or controlled substance by an employee is prohibited in any workplace of the University. Further, the use of any legally obtained drug, including alcohol, to the point where such use adversely affects the employee's job performance, is prohibited. An employee must notify the University within five days of any conviction for criminal drug statute violations occurring on-or off- University premises while conducting University business. University Board of Regents' Policy and Regulations, [P04.02.040](#) and [P04.02.050](#), provide for a University Drug-Free Workplace; and Employee Alcohol and Controlled Substance Testing for certain employees.



# Disciplinary Procedures and Sanctions for Students and Employees

## Students

Students found responsible for misuse of alcohol or other intoxicants or drugs will have disciplinary sanctions imposed. Additionally, student conduct violating federal, state, or local laws may be referred for prosecution. In determining appropriate University sanctions, a student's present and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the prohibited behavior, and other factors relevant to the matter will be considered. The following list of sanctions is an illustrative rather than exhaustive list of disciplinary measures that may be taken by the University. The University reserves the right to create other reasonable sanctions or combine sanctions as it deems appropriate. Sanctions include:

1. **Warning** - A written notice that the student is violating or has violated the Code, and that further misconduct may result in more severe disciplinary action.
2. **Probation** - A written warning that includes the probability of more severe disciplinary sanctions if the student is found to be violating the Code during a specified probationary period.
3. **Denial of Benefits** - Specific benefits may be denied a student for a designated period of time.
4. **Restitution** - A student may be required to reimburse the University or other victims related to the misconduct for damage to or misappropriation of property, or for reasonable expenses incurred.
5. **Discretionary Sanction** - Discretionary sanctions include community service work or other uncompensated labor, educational classes, research papers, reflective essays, counseling, or other sanctions that may be seen as appropriate to the circumstances of a given matter. Costs incurred by the student in fulfilling a discretionary sanction will be the responsibility of the student.
6. **Restricted Access** - A student may be restricted from entering certain designated areas and/or facilities or from using specific equipment for a specified period of time.
7. **Suspension** - The separation of the student from the University for a specified period of time, after which the student may be eligible to return. During the period of suspension, the student may be prohibited from participation in any activity authorized by the University and may be barred from all property owned or controlled by the University.

8. **Expulsion** - Expulsion is considered to be the permanent separation of the student from the University. The student may be prohibited from participation in any activity authorized by the University and may be barred from property owned or controlled by the University.
9. **Group Sanctions** - Student groups or organizations found to have violated provisions of the Code may be put on probation or sanctioned, which may include loss of University-related benefits and access to University facilities and University-held funds.

## UA Amnesty Policy

This policy provides amnesty from minor policy violations, such as the misuse of alcohol, to students who may be hesitant to report student misconduct, such as sexual assault. This policy provides amnesty to individuals who help others in need, students who ask for help with addictive behaviors, and individuals who bring serious crimes to the University's attention. To review the full amnesty policy, please refer to BOR Policy and Regulations Chapter [09.02](#).

## Employees

Violation of employee standards of conduct will result in corrective or disciplinary action per Board of Regents Policy and Union Collective Bargaining Agreements. Such actions may include, but are not limited to, the following which may be taken in any order as deemed appropriate by the University. HR should be contacted before any disciplinary action is taken.

1. **Verbal Warning**- A verbal warning is an oral statement or conversation initiated by a supervisor with an employee indicating a performance expectation has not met. As a part of the verbal warning the supervisor will clearly state to the employee what is expected moving forward.
2. **Written Reprimand**- A written reprimand describes the nature of the offense or deficiency, the method or methods of correction, and the probable action to be taken if the offense is repeated or the deficiency persists. The written reprimand will be placed in the employee's official personnel file and also state the employee's right to request administrative review of the action.
3. **Written Notice of Intent to Take Corrective Action**- If corrective action more formal than written reprimand is necessary, the supervisor will work with HR to notify the employee in writing of the action to be taken.
4. **Disciplinary Probation**- Any employee who fails to meet the performance standards or employment conditions of the supervisor may, at the discretion of the supervisor, be placed on disciplinary probation for a period not exceeding six months. Failure to meet the performance standards or

employment conditions of the supervisor may result in termination of employment for cause.

5. **Investigatory Leave**- After review by UA Human Resources, a supervisor may place an employee on paid investigatory leave without prior written warning in order to review or investigate allegations of serious misconduct of a nature which, at the discretion of the university, requires removing the employee from the premises.
6. **Suspension**- Suspension without pay of not greater than 10 working days may be used in circumstances which the supervisor believes that by its use the employee will correct the employee's job related behavior or performance and where discharge appears unwarranted. The employee will be provided the reason for the suspension and the date and time to return to work in writing. The written notice will also state the employee's right to request administrative review of the action. A suspended employee will not receive holidays, wages, sick or annual leave accrual or other benefits based on hours worked during the leave period, but will continue to be covered by the applicable group insurance program.
7. **Termination of Employment**- Regular employees may be terminated from employment for cause. In the event of a decision to terminate an employee for cause, the supervisor will provide the employee a written statement of the reason for the planned action, a statement of the evidence supporting the reason for the planned action, and notice of the employee's right to request a hearing in accordance with the procedure set forth in university policy.
8. **Referral for prosecution**- The University may report and refer illegal activities to law enforcement for prosecution.

# Alcohol and Drugs: Federal and State Laws and Penalties

The University of Alaska prohibits the misuse of alcohol, marijuana, and other controlled substances and enforces state and federal laws regarding these substances on campus. Individuals who violate this policy are subject to university disciplinary action, including suspension or expulsion of students and termination of employment, as well as local, state, and federal legal penalties.

The following is a summary of some pertinent state laws concerning controlled substances and is subject to change. If you have questions concerning the actual provisions, scope, application, or penalties of the law, you should consult legal counsel. The most current information on State of Alaska laws is available at <https://www.akleg.gov/basis/statutes.asp>. In addition to criminal penalties, civil consequences may also occur for illegal activity involving controlled substances, including drugs, tobacco, and alcohol.

## Applicable Laws and Penalties

The top chart classifies specific drugs into categories called schedules. These schedule classifications are used in the charts below to describe laws pertaining to those categories of drugs.

SCHEDULE	DRUGS
AS § 11.71.140 Schedule IA  Effective November 27, 2017	(a) A substance shall be placed in schedule IA if it is found under AS 11.71.120(c) to have the highest degree of danger or probable danger to a person or the public. (b) Schedule IA includes, unless specifically excepted or listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following: (A) raw opium; (B) opium extracts; (C) opium fluid extracts; (D) powdered opium; (E) granulated opium; (F) tincture of opium; (G) codeine; (H) ethylmorphine; (I) etorphine hydrochloride; (J) hydrocodone; (K) hydromorphone; (L) metopon; (M) morphine; (N) oxycodone; (O) oxymorphone; (P) thebaine;

(2) any salt, compound, derivative, or preparation of a substance included in (b)(1) of this section which is chemically equivalent or identical to any of the substances referred to in (b)(1) of this section; however, these substances do not include the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) concentrate of poppy straw which is the crude extract of poppy straw in either liquid, solid, or powder form which contains the phennanthrine alkaloids of the opium poppy.

(5) Repealed by SLA 2012, ch. 57, § 4, eff. June 7, 2012.

(c) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan excepted:

- (1) acetylmethadol;
- (2) allylprodine;
- (3) alphacetylmethadol;
- (4) alphameprodine;
- (5) alphamethadol;
- (6) alphaprodine;
- (7) anileridine;
- (8) benzethidine;
- (9) betacetylmethadol;
- (10) betameprodine;
- (11) betamethadol;
- (12) betaprodine;
- (13) bezitramide;
- (14) clonitazene;
- (15) dextromoramide;
- (16) diampromide;
- (17) diethylthiambutene;
- (18) difenoxin;
- (19) dihydrocodeine;
- (20) dimenoxadol;
- (21) dimepheptanol;
- (22) dimethylthiambutene;
- (23) dioxaphetyl butyrate;
- (24) diphenoxylate;
- (25) dipipanone;
- (26) ethylmethythiamutene;
- (27) etonitazene;
- (28) etoxeridine;
- (29) fentanyl;
- (30) furethidine;
- (31) hydroxypethidine;
- (32) isomethadone;
- (33) ketobemidone;
- (34) levomethorphan;
- (35) levomoramide;
- (36) levorphanol;
- (37) levophenacylmorphan;
- (38) meperidine, also known as pethidine;
- (39) metazocine;
- (40) methadone;
- (41) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (42) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
- (43) morpheridine;
- (44) noracymethadol;

(45) norlevorphanol;  
(46) normethadone;  
(47) norpipanone;  
(48) pethidine, also known as meperidine;  
(49) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;  
(50) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;  
(51) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
(52) phenadoxone;  
(53) phenampromide;  
(54) phenazocine;  
(55) phenomorphan;  
(56) phenoperidine;  
(57) piminodine;  
(58) piritramide;  
(59) propheptazine;  
(60) properidine;  
(61) propiram;  
(62) racemethorphan;  
(63) racemoramide;  
(64) racemorphan;  
(65) trimeperidine;  
(66) alfentanil;  
(67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)-ethyl-4-piperidyl] propionanilide;  
1-(1-methyl-2-phenylethyl)-4(N-propanilido) piperidine);  
(68) bulk dextropropoxyphene (non-dosage form);  
(69) carfentanil;  
(70) sufentanil;  
(71) tilidine;  
(72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);  
(73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);  
(74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);  
(75) alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide);  
(76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);  
(77) beta-hydroxy-3-methylfentanyl  
(N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);  
(78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide);  
(79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);  
(80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
(81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
(82) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, also known as U-47700.  
(d) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) acetorphine;
- (2) acetyldihydrocodeine;
- (3) benzylmorphine;
- (4) codeine methylbromide;
- (5) codeine-n-oxide;
- (6) cyprenorphine;
- (7) desomorphine;
- (8) dihydromorphine;
- (9) drotebanol;
- (10) etorphine, except hydrochloride salt;
- (11) heroin;
- (12) hydromorphinol;

	<p>(13) methyl-desorphan; (14) methyl-dihydromorphine; (15) morphine methyl-bromide; (16) morphine methyl-sulfonate; (17) morphine-n-oxide; (18) myrophine; (19) nicocodeine; (20) nicomorphine; (21) normorphine; (22) pholcodine; (23) thebacon.</p> <p>(e) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation:</p> <p>(1) gamma-hydroxybutyric acid (GHB) (some other names include gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);</p> <p>(2) when intended or used for human consumption:</p> <p>(A) gamma butyrolactone (GBL);</p> <p>(B) 1,4 butanediol (BD);</p> <p>(C) gamma hydroxyvalerate (GHV);</p> <p>(D) gamma-valerolactone 4-pentanolide (GVL).</p>
<p>AS § 11.71.150 Schedule IIA</p> <p>Effective June 7, 2012</p>	<p>(a) A substance shall be placed in schedule IIA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IA, but higher than substances listed in schedule IIIA.</p> <p>(b) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation:</p> <p>(1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-bromo-2, 5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;</p> <p>(2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-methylphenethylamine and 2,5-DMA;</p> <p>(3) 4-methoxyamphetamine, also known as 4-methoxy-a-methylphenethylamine and paramethoxyamphetamine, PMA;</p> <p>(4) 5-methoxy-3,4-methylenedioxy-amphetamine;</p> <p>(5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine;</p> <p>(6) 3,4-methylenedioxy amphetamine;</p> <p>(7) 3,4,5-trimethoxy amphetamine;</p> <p>(8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine, and mappine;</p> <p>(9) diethyltryptamine, also known as N, N-diethyltryptamine and DET;</p> <p>(10) dimethyltryptamine, also known as DMT;</p> <p>(11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1', 2': 1, 2] azepino [5, 4-b] indole and tabernanthe iboga;</p> <p>(12) lysergic acid diethylamide, also known as LSD;</p> <p>(13) mescaline;</p> <p>(14) n-ethyl-3-piperidyl benzilate;</p> <p>(15) n-methyl-3-piperidyl benzilate;</p> <p>(16) peyote;</p> <p>(17) analogs of phencyclidine (PCP), including:</p>

(A) ethylamine analog, also known by some trade or other names as follows:  
N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl)-ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

(B) pyrrolidine analog, also known by some trade or other names as follows:  
1-(1-phenylcyclohexyl)-pyrrolidine, PCPY, PHP;

(C) thiophene analog, also known as 1-[1-(2-thienyl) cyclohexyl]piperidine and 2-thienylanalog of phencyclidine, TPCP, and TCP;

(D) 1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine, also known as TCPy;

(18) psilocybin;

(19) psilocyn;

(20) 3,4-methylenedioxyamphetamine (MDMA).

(c) Schedule IIA includes cocaine or coca leaves, and any salt, compound, derivative, mixture, isomer, ester, ether, or preparation of cocaine or coca leaves produced directly or indirectly by extraction from coca leaves, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, including the isomers, salts, and salts of isomers of cocaine and other derivatives of coca leaves whenever the existence of these esters, ethers, isomers or salts is possible, but does not include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(d) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) amobarbital;
- (2) mandrix or mandrax;
- (3) mecloqualone;
- (4) methaqualone;
- (5) pentobarbital;
- (6) phencyclidine, also known as PCP;
- (7) secobarbital.

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

- (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) methamphetamine, its salts, isomers, and salts of its isomers;
- (3) methylphenidate;
- (4) phenmetrazine and its salts;
- (5) fenethylamine;
- (6) N-ethylamphetamine;
- (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-oxazoline;
- (10) N,N-dimethylamphetamine, also known as N,N,alpha-trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical isomers, and salts of optical isomers;
- (11) cathinone;
- (12) 2-methylamino-1-phenylpropan-1-one, also known as methcathinone and cat, its salts, optical isomers, and salts of isomers;
- (13) 4-methylmethcathinone, also known as mephedrone, its salts, isomers, and salts of isomers;
- (14) 3,4-methylenedioxypropylone, also known as MDPV, its salts, isomers, and salts of isomers;
- (15) substituted cathinones, including any compound, except bupropion or a compound listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:



	<p>(A) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;</p> <p>(B) by substitution at the 3-position with an alkyl substituent;</p> <p>(C) by substitution at the nitrogen atom with alkyl or dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.</p> <p>(f) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, mixture, or preparation which contains any quantity of the following substances:</p> <p>(1) immediate precursor to amphetamine and methamphetamine: phenylacetone also known as phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;</p> <p>(2) immediate precursors to phencyclidine, also known as PCP:</p> <p>(A) 1-phenylcyclohexylamine;</p> <p>(B) 1-piperidinocyclohexanecarbonitrile, also known as PCC.</p>
<p>AS § 11.71.160 Schedule IIIA</p> <p>Effective July 1, 2011</p>	<p>(a) A substance shall be placed in schedule IIIA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public less than the substances listed in schedule IIA but higher than substances listed in schedule IVA.</p> <p>(b) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers whether optical, position, or geometric, and salts of these isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:</p> <p>(1) benzphetamine;</p> <p>(2) chlorphentermine;</p> <p>(3) clortermine;</p> <p>(4) Repealed.</p> <p>(5) phendimetrazine;</p> <p>(6) any compound, mixture, or preparation in dosage unit form containing any stimulant substance listed in schedule IIA, which compound, mixture, or preparation was listed on August 25, 1971, as an excepted compound under 21 C.F.R. § 1308.32, and any other drug of the quantitative composition shown in that list for those substances, or which is the same except that it contains a lesser quantity of any controlled substance.</p> <p>(c) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:</p> <p>(1) amobarbital, secobarbital, or pentobarbital or any salt of these substances, combined with one or more other active medicinal ingredients which are not listed in any other schedule;</p> <p>(2) amobarbital, secobarbital, or pentobarbital or any salt of these substances, approved by the federal Food and Drug Administration for marketing only as a suppository;</p> <p>(3) any substance which contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;</p> <p>(4) chlorhexadol;</p> <p>(5) glutethimide;</p> <p>(6) lysergic acid;</p> <p>(7) lysergic acid amide;</p> <p>(8) methyprylon;</p> <p>(9) sulfondiethylmethane;</p> <p>(10) sulfonethylmethane;</p> <p>(11) sulfonmethane;</p> <p>(12) tiletamine and zolazepam, or any of their salts.</p> <p>(d) Schedule IIIA includes nalorphine.</p> <p>(e) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in the following quantities:</p> <p>(1) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;</p>

	<p>(2) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;</p> <p>(3) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;</p> <p>(4) not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;</p> <p>(5) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;</p> <p>(6) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;</p> <p>(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;</p> <p>(8) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.</p> <p>(f) Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation:</p> <p>(1) hashish;</p> <p>(2) hash oil or hashish oil;</p> <p>(3) tetrahydrocannabinols;</p> <p>(4) parahexyl;</p> <p>(5) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product;</p> <p>(6) nabilone;</p> <p>(7)  (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;</p> <p>(8)  (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as Dexanabinol or HU-211;</p> <p>(9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;</p> <p>(10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;</p> <p>(11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone, also known as JWH-015;</p> <p>(12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-398;</p> <p>(13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as JWH-250;</p> <p>(14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;</p> <p>(15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also known as JWH-200;</p> <p>(16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in this paragraph, "homologue" means a chemical compound in a series in which each compound differs by one or more alkyl functional groups on an alkyl side chain.</p>
<p>AS § 11.71.170  Schedule IVA</p> <p>Effective  November 27,  2017</p>	<p>(a) A substance shall be placed in schedule IVA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public which is less than the substances listed in schedule IIIA, but higher than the substances listed in schedule VA.</p> <p>(b) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:</p> <p>(1) barbital;</p> <p>(2) chloral betaine;</p> <p>(3) chloral hydrate;</p> <p>(4) chlordiazepoxide;</p> <p>(5) clonazepam;</p>

(6) clorazepate;  
(7) diazepam;  
(8) ethchlorvynol;  
(9) ethinamate;  
(10) flurazepam;  
(11) lorazepam;  
(12) mebutamate;  
(13) meprobamate;  
(14) methohexital;  
(15) methylphenobarbital, also known as mephobarbital;  
(16) oxazepam;  
(17) paraldehyde;  
(18) petrichloral;  
(19) phenobarbital;  
(20) prazepam;  
(21) alprazolam;  
(22) halazepam;  
(23) temazepam;  
(24) triazolam;  
(25) midazolam;  
(26) quazepam;  
(27) flunitrazepam;  
(28) ketamine hydrochloride.

(c) Schedule IVA includes any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts, isomers whether optical, position, or geometric, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible: fenfluramine.

(d) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers whether optical, position, or geometric, and salts of these isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) diethylpropion;  
(2) phentermine;  
(3) pemoline, including organometallic complexes and chelates of this substance;  
(4) mazindol;  
(5) pipradol;  
(6) SPA ((-)-1-dimethylamino-1,2-diphenylethane);  
(7) cathine;  
(8) fencamfamin;  
(9) fenproporex;  
(10) mefenorex.

(e) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or their salts calculated as the free anhydrous base or alkaloid.

(f) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including their salts:

(1) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-dephenyl-3-methyl-2-propionoxybutane);  
(2) pentazocine;  
(3) propoxyphene.

(g) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance or its salts calculated as the free anhydrous base or alkaloid:

	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers, including tramadol.
<p>AS § 11.71.180 VA</p> <p>Effective June 3, 2006</p>	<p>(a) A substance shall be placed in schedule VA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IVA, but higher than substances listed in schedule VIA.</p> <p>(b) Schedule VA includes any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities as specified in (1)–(6) of this subsection, which includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by schedule IA substances alone:</p> <ol style="list-style-type: none"> <li>(1) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;</li> <li>(2) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;</li> <li>(3) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;</li> <li>(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;</li> <li>(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;</li> <li>(6) not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.</li> </ol> <p>(c) Repealed.</p> <p>(d) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the narcotic drug buprenorphine and its salts.</p> <p>(e) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:</p> <ol style="list-style-type: none"> <li>(1) propylhexedrine, except when contained in a Benzedrex inhaler;</li> <li>(2) pyrovalerone.</li> </ol> <p>(f) Schedule VA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers if those salts, esters, or isomers promote muscle growth, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation: anabolic steroids. In this subsection, “anabolic steroids” means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth; “anabolic steroids” does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for that administration, unless a person prescribes, dispenses, or distributes that type of anabolic steroid for human use; “anabolic steroids” includes the following:</p> <ol style="list-style-type: none"> <li>(1) boldenone;</li> <li>(2) chlorotestosterone (4-chlorotestosterone);</li> <li>(3) clostebol;</li> <li>(4) dehydrochlormethyltestosterone;</li> <li>(5) dihydrotestosterone (4-dihydrotestosterone);</li> <li>(6) drostanolone;</li> <li>(7) ethylestrenol;</li> <li>(8) fluoxymesterone;</li> <li>(9) formebulone (formebolone);</li> <li>(10) mesterolone;</li> <li>(11) methandienone;</li> <li>(12) methandranone;</li> <li>(13) methandriol;</li> <li>(14) methandrostenolone;</li> <li>(15) methenolone;</li> <li>(16) methyltestosterone;</li> </ol>

	(17) mibolerone; (18) nandrolone; (19) norethandrolone; (20) oxandrolone; (21) oxymesterone; (22) oxymetholone; (23) stanolone; (24) stanozolol; (25) testolactone; (26) testosterone; (27) trenbolone.
AS § 11.71.190 Schedule VIA	(a) A substance shall be placed in schedule VIA if it is found under AS 11.71.120(c) to have the lowest degree of danger or probable danger to a person or the public. (b) Marijuana is a schedule VIA controlled substance.

### Alaska State Law Penalties (AS § 12.55.035, Effective January 1, 2023)

Classification	Fine	Imprisonment
Class A Felony / Unclassified Felony	Up to \$250,000	Up to 20 Years (Up to 99 Years for Repeat Offenses)
Class B Felony	Up to \$100,000	Up to 10 Years
Class C Felony	Up to \$50,000	Up to 5 Years
Class A Misdemeanor	Up to \$25,000	Up to 1 Year
Class B Misdemeanor	Up to \$2000	Up to 90 Days
Violation	Up to \$500	N/A

### Alaska Statutes – Title 4 – Alcoholic Beverages (Select Provisions)

<p>Effective: January 1, 2024</p> <p><b>§ 04.11.010. License or permit required; presumption concerning possession for sale</b></p> <p>(a) Except as provided in AS 04.11.020, a person may not knowingly</p> <p>(1) possess for barter, traffic in, or barter an alcoholic beverage unless under license or permit issued under this title; or</p> <p>(2) manufacture an alcoholic beverage, sell an alcoholic beverage, offer an alcoholic beverage for sale, or possess an alcoholic beverage for sale in an area that has adopted a local option under AS 04.11.491 unless under license or permit issued under this title.</p> <p>(b) Except as provided in this subsection, a person may not solicit or receive orders for the delivery of an alcoholic beverage in an area that has adopted a local option under AS 04.11.491. If the area has adopted a local option under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), a package store licensee outside of that local option area may receive orders as provided under a package store shipping endorsement under AS 04.09.460 but may not solicit in that area or receive orders through an agent or employee in that area. This subsection does not apply to a package store licensee who operates a package store in an area that has adopted a local option under AS 04.11.491(a)(2)(C) or (3)(C) or (b)(2)(C). A person who violates this subsection is punishable upon conviction as provided under AS 04.16.200(a) or (b).</p> <p>(c) Unless a municipality or established village has adopted a more restrictive local option under AS 04.11.491(g), in a criminal prosecution for possession of alcoholic beverages for barter or sale in violation of (a) of this section, AS 04.09.060, 04.09.140, or 04.09.800, the fact that a person</p> <p>(1) possessed more than 10 ½ liters of distilled spirits or 24 liters or more of wine, or either a half-barrel keg of brewed beverages or 12 gallons or more of brewed beverages in individual containers in an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person possessed the alcoholic beverages for barter or sale;</p> <p>(2) sends, transports, or brings more than 10 ½ liters of distilled spirits or 24 liters or more of wine, or either a half-barrel keg of brewed beverages or 12 gallons or more of brewed beverages in individual containers to an area where the sale of alcoholic beverages is restricted or prohibited under AS 04.11.491 creates a presumption that the person sent, transported, or brought the alcoholic beverages for barter or sale in the area.</p>
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(d) In this section,

- (1) "bring" has the meaning given in AS 04.11.499;
- (2) "send" has the meaning given in AS 04.11.499;
- (3) "transport" has the meaning given in AS 04.11.499.

Effective: January 1, 2024

**§ 04.11.015. Purchase from nonlicensee prohibited**

Currentness

- (a) A person may not purchase or barter for alcoholic beverages from a person who is not a licensee, permittee, or an agent or employee of a licensee or permittee.
- (b) A person who violates (a) of this section is guilty of a violation.

**§ 04.11.020. Exceptions: License or permit not required**

- (a) A license or permit is not required to authorize sales made by a person under a judgment and decree of foreclosure, under the bankruptcy law of the United States, or under order of the board or a court under AS 04.16.220.
- (b) A license or permit is not required to serve alcoholic beverages in exchange for valuable contributions at a private gathering of a bona fide group of co-workers or of a professional, social, or fraternal organization if equal contributions are made by all in attendance and only the amount required to purchase the alcoholic beverages is contributed. All other applicable provisions of this title and regulations under this title shall be observed at these private gatherings.

Effective: January 1, 2024

**§ 04.11.050. Reports required of corporations**

- (a) A corporation issued a license under this title shall report to the board when 10 percent or more of its corporate stock is transferred and shall also report any change in its corporate officers or in the membership of its board of directors.
- (b) The report to the board shall be made in writing in duplicate and shall be sent within 10 days after the transfer of the stock or the change in officers or directors.
- (c) This section does not apply to a corporation whose stock is listed on a stock exchange, a corporation that is required by law to file periodic reports with the United States Securities Exchange Commission, or to a bank, trust company, financial institution, or title company to which a license is issued in a fiduciary capacity.
- (d) A corporation that fails to report as required under (a) of this section, other than a corporation described in (c) of this section, commits the offense of failure to report a stock transfer or change of officers or board members.
- (e) Failure to report a stock transfer or change of officers or board members is a violation.

Effective: January 1, 2024

**§ 04.16.010. Hours of sale and presence on licensed premises (standard closing hours)**

- (a) A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day.
- (b) A licensee, an agent, or employee may not permit a person to consume alcoholic beverages on the licensed premises between the hours of 5:00 a.m. and 8:00 a.m. each day.
- (c) Except as provided in (e) of this section, a licensee, an agent, or an employee may not permit a person to enter and a person may not enter premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day, unless the person is
  - (1) on the premises to conduct business with the licensee, agent, or employee, and the licensee, agent, or employee is in compliance with (a) and (b) of this section;
  - (2) a common carrier with a common carrier dispensary license under AS 04.09.260;
  - (3) an employee of the licensee who is on the premises to prepare for the next day's business;
  - (4) performing maintenance or improvements authorized by the licensee; or
  - (5) on the premises to consume food or nonalcoholic beverages and the premises are
    - (A) licensed under a restaurant or eating place license issued under AS 04.09.210 or a seasonal restaurant or eating place tourism license issued under AS 04.09.360; or
    - (B) covered under a restaurant endorsement issued under AS 04.09.450.
- (d) A municipality may provide for additional hours of closure under AS 04.21.010.
- (e) A brewery, winery, or distillery retail licensee or an agent or employee of a brewery, winery, or distillery retail licensee may not permit a person to enter or remain on and a person may not enter or remain on a premises licensed under this title between the hours of 9:30 p.m. and 9:00 a.m. each day, unless the person is
  - (1) on the premises to conduct business with the licensee, agent, or employee, and the licensee, agent, or employee is in compliance with (a) and (b) of this section;
  - (2) an employee of the licensee who is on the premises to prepare for the next day's business; or
  - (3) performing maintenance or improvements authorized by the licensee.
- (f) A person who violates (a), (b), (c), or (e) of this section is guilty of a violation.

Effective: January 1, 2024

**§ 04.16.015. Pricing and marketing of alcoholic beverages**

- (a) On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not
- (1) offer or deliver, as a marketing device to the general public, free alcoholic beverages to a patron, except as provided for the holder of a manufacturer sampling endorsement under AS 04.09.410 or a package store sampling endorsement under AS 04.09.490;
  - (2) deliver an alcoholic beverage to a person already possessing two or more;
  - (3) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during a consecutive seven-day period, except at private functions not open to the general public;
  - (4) sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons during a set period of time for a fixed price;
  - (5) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public;
  - (6) encourage or permit an organized game or contest on the licensed premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes.
- (b) A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under (a) of this section.
- (c) This section may not be construed as prohibiting a licensee or a licensee's agent or employee from offering free food or entertainment at any time, from serving wine by the bottle or carafe or beer by the pitcher with or without meals, or from including an alcoholic beverage as part of a meal package.
- (d) Notwithstanding (a) and (b) of this section, a licensee or a licensee's agent or employee when acting as a caterer may offer or deliver free alcoholic beverages to a political, charitable, or educational group or organization.
- (e) A person who violates this section is guilty of a violation.

Effective: January 1, 2024

**§ 04.16.020. Solicitation of alcoholic beverages; purchase on behalf of another**

- (a) A person may not pay or receive from another a salary, percentage, or commission to solicit or encourage a patron of licensed premises to purchase alcoholic or other beverages for a person other than the patron.
- (b) A licensee, an agent, or employee may not knowingly permit a person to loiter within or about premises licensed under this title for the purpose of begging or soliciting a patron or visitor to purchase alcoholic or other beverages for the person who is begging or soliciting.
- (c) A person may not purchase alcohol by written order on behalf of another person who resides in a municipality or established village that has adopted a local option under AS 04.11.491(a)(5) or (b)(4).
- (d) A person who violates a provision of this section commits the offense of unauthorized solicitation or purchase of alcoholic beverages.
- (e) Unauthorized solicitation or purchase of alcoholic beverages is a violation and is punishable by a fine of \$100.

Effective: January 1, 2024

**§ 04.16.022. Online sale and purchase of alcoholic beverages**

- (a) A licensee or a licensee's agent or employee may not sell or offer to sell alcoholic beverages to the public online unless the licensee holds a manufacturer direct shipment license issued under AS 04.09.370 or a package store shipping endorsement under AS 04.09.460.
- (b) A person may not purchase alcoholic beverages online except from the holder of a manufacturer direct shipment license issued under AS 04.09.370 or a package store shipping endorsement under AS 04.09.460.
- (c) A person who violates (a) of this section is, upon conviction, guilty of a class A misdemeanor.
- (d) A person who violates (b) of this section is guilty of a violation.

Effective: January 1, 2024

**§ 04.16.025. Illegal presence on premises involving alcoholic beverages**

- (a) A person may not knowingly enter or remain on premises
- (1) in which alcoholic beverages are manufactured, sold, offered for sale, possessed for sale or barter, trafficked in, or bartered in violation of
    - (A) AS 04.09.060, 04.09.800, or AS 04.11.010; or
    - (B) a municipal ordinance adopted under AS 04.21.010(a) or (b); or
  - (2) licensed under this title during hours in which the person's presence on the premises is a violation of a municipal ordinance adopted under authority of AS 04.16.010(d) providing for hours of closure that are outside the hours of closure prescribed by AS 04.16.010(c) or (e).
- (b) A person who violates this section is guilty of a violation.

Effective: January 1, 2024

**§ 04.16.030. Prohibited conduct relating to drunken persons**

- (a) A licensee, an agent, or employee may not with criminal negligence
  - (1) sell, give, or barter alcoholic beverages to a drunken person;
  - (2) allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;
  - (3) allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;
  - (4) permit a drunken person to sell or serve alcoholic beverages.
- (b) A person receiving compensation for transporting alcoholic beverages may not knowingly deliver alcoholic beverages to a drunken person.
- (c) The holder of a license is strictly and vicariously liable for an offense committed under (c) of this section by an employee or agent of the licensee on the licensed premises, punishable by an administrative penalty of \$250. Notwithstanding AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1), the board may not order suspension of the license for the first violation committed on the licensed premises under this section.
- (d) A person who violates this section commits the offense of prohibited conduct relating to a drunken person.
- (e) Prohibited conduct relating to a drunken person is a violation, punishable by a fine of \$500.
- (f) A licensee who knowingly allows an agent or employee of the licensee to commit the offense of prohibited conduct relating to a drunken person under (d) of this section commits the crime of failure to ensure compliance relating to a drunken person.
- (g) Failure to ensure compliance relating to a drunken person is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.035. Possession of ingredients for homebrew in certain areas**

- (a) A person residing in an area that has adopted a local option under AS 04.11.491 may not possess sugar, artificial sugar, malt, yeast, or any other material or equipment with the intent to use the material or equipment to create an alcoholic beverage.
- (b) A person who knowingly violates this section commits the crime of possession of ingredients for homebrew.
- (c) Possession of ingredients for homebrew is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.040. Access of drunken persons to licensed premises**

- (a) A drunken person may not knowingly enter or remain on premises licensed under this title.
- (b) A person who violates this section commits the offense of prohibited access by a drunken person.
- (c) Prohibited access by a drunken person is a violation.

Effective: January 1, 2024

**§ 04.16.045. Obligation to enforce restrictions in licensed premises**

- (a) A licensee, an agent, or employee may not permit the consumption of alcoholic beverages by any person within licensed premises unless it is permitted by the license.
- (b) A person who violates this section commits the offense of permitting consumption not authorized under a license.
- (c) Permitting consumption not authorized under a license is a violation.

Effective: January 1, 2024

**§ 04.16.047. Access of persons with restriction on purchasing alcoholic beverages**

- (a) A person who is restricted from purchasing alcoholic beverages under AS 04.16.160 may not knowingly enter or remain in premises licensed under this title to obtain or consume alcoholic beverages.
- (b) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,000 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.
- (c) Nothing in this section or AS 04.16.160 creates a duty or imposes an obligation on a licensee to physically check the identification of any person entering licensed premises.
- (d) A person who is restricted from purchasing alcoholic beverages under AS 04.16.160 who knowingly violates (a) of this section commits the crime of entering or remaining on licensed premises.
- (e) Entering or remaining on licensed premises is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.049. Access of persons under the age of 21 to licensed premises**

- (a) A person under 21 years of age may not knowingly enter or remain in premises licensed under this title unless
  - (1) accompanied by a parent, guardian, or spouse who has attained 21 years of age;
  - (2) the person is allowed to enter and remain on the premises under a restaurant or eating place license issued under AS 04.09.210, seasonal restaurant or eating place tourism license issued under AS 04.09.360, or restaurant endorsement issued under AS 04.09.450;



- (3) the person is permitted on the premises under a club license issued under AS 04.09.220(g) or former AS 04.11.110(g); or
- (4) otherwise provided under (c), (d), or (g) of this section.
- (b) Notwithstanding (a) of this section, a licensee or an agent or employee of the licensee may refuse entry to a person under 21 years of age to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under 21 years of age, or may require a person under 21 years of age to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.
- (c) Notwithstanding any other provision in this section, a person 16 or 17 years of age may enter and remain within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant in the course of employment if
- (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;
  - (2) the person has the written consent of a parent or guardian; and
  - (3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development.
- (d) Notwithstanding any other provision in this section, a person 18, 19, or 20 years of age may be employed within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant, may enter and remain within those premises for the purpose of employment, but may not, in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.
- (e) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,500 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.
- (f) A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under this title at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.
- (g) Notwithstanding any other provision in this section, a person under 21 years of age may be present on licensed premises on a golf course for the purpose of playing golf or attending golf-related activities if the person
- (1) is at least 16 years of age; or
  - (2) is under 16 years of age and
- (A) the person is accompanied by a person who is at least 21 years of age; and
  - (B) a parent or guardian of the underaged person consents.
- (h) Notwithstanding any other provision in this section, a person under 21 years of age may be present on the licensed premises of a common carrier dispensary, destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging, or outdoor recreation activities provided by the licensee if the person is
- (1) at least 16 years of age; or
  - (2) under 16 years of age and a parent or legal guardian of the underaged person consents.
- (i) A person under 21 years of age who knowingly enters or remains on premises licensed under this title except as allowed in this section commits the offense of unauthorized presence by a person under 21 years of age on licensed premises.
- (j) Unauthorized presence by a person under 21 years of age on licensed premises is a violation, punishable by a fine of \$500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to \$50 for a person who has not more than one previous violation or to \$250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of
- (1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under AS 47.37; or
  - (2) a community diversion panel.

Effective: July 1, 2022

**§ 04.16.050. Possession, control, or consumption by persons under 21 years of age**

- (a) A person under 21 years of age may not knowingly consume, possess, or control alcoholic beverages except those furnished to persons under AS 04.16.051(b).
- (b) A person under 21 years of age who knowingly consumes, possesses, or controls an alcoholic beverage other than an alcoholic beverage furnished under AS 04.16.051(b) commits the offense of minor consuming or in possession or control.
- (c) Minor consuming or in possession or control is a violation, punishable by a fine of \$500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to \$50 for a person who has not more than one previous violation or to \$250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of

- (1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under AS 47.37; or
- (2) a community diversion panel.

Effective: January 1, 2024

**§ 04.16.051. Furnishing or delivery of alcoholic beverages to persons under the age of 21**

- (a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years. This subsection does not apply to a licensee or an agent or employee of a licensee while working on licensed premises.
- (b) This section does not prohibit the furnishing or delivery of an alcoholic beverage
  - (1) by a parent to the parent's child, by a guardian to the guardian's ward, or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises; or
  - (2) by a licensed physician or nurse to a patient in the course of administering medical treatment.
- (c) Acts unlawful under AS 11.51.130 are not made legal by (b) of this section.
- (d) A person who, with criminal negligence, furnishes or delivers an alcoholic beverage to a person under 21 years of age in violation of (a) of this section commits the crime of furnishing or delivering to a minor.
- (e) Furnishing or delivering to a minor is
  - (1) a class A misdemeanor, except as provided in (2) of this subsection;
  - (2) a class C felony if
    - (A) within the five years preceding the violation, the person has been previously convicted under
      - (i) this section; or
      - (ii) a law or ordinance of this or another jurisdiction with elements substantially similar to this section;
    - (B) the person who receives the alcoholic beverage negligently causes serious physical injury to or the death of another person while under the influence of the alcoholic beverage received in violation of this section; in this subparagraph,
      - (i) "negligently" means acting with civil negligence; and
      - (ii) "serious physical injury" has the meaning given in AS 11.81.900(b); or
    - (C) the violation occurs within the boundaries of a municipality or the perimeter of an established village that has adopted a local option under AS 04.11.491 and has not opted out of applying a class C felony to violations of this section under AS 04.11.491(g).

Effective: January 1, 2024

**§ 04.16.052. Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

- (a) A licensee or an agent or employee of the licensee may not with criminal negligence
  - (1) allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 years within licensed premises;
  - (2) allow a person under the age of 21 years to enter and remain within licensed premises except as provided in AS 04.16.049;
  - (3) allow a person under the age of 21 years to consume an alcoholic beverage within licensed premises;
  - (4) allow a person under the age of 21 years to sell or serve alcoholic beverages;
  - (5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years.
- (b) The holder of a license is strictly liable for an offense committed under (a) of this section by an employee or agent of the licensee on the licensed premises, punishable by an administrative penalty of \$250. Notwithstanding AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1), the board may not order suspension of the license for the first violation committed on the licensed premises under this section.
- (c) A person who violates (a) of this section commits the offense of licensee, employee, or agent furnishing alcohol to a minor.
- (d) Licensee, employee, or agent furnishing alcohol to a minor is a violation and is punishable by a fine of \$500.
- (e) A licensee who knowingly allows an agent or employee of the licensee to commit the offense of licensee, employee, or agent furnishing alcohol to a minor under (c) of this section commits the crime of failure to ensure compliance relating to furnishing alcohol to a minor.
- (f) Failure to ensure compliance relating to furnishing alcohol to a minor is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.055. Room rental for purposes of consuming alcoholic beverages**

- (a) A person may not rent a room in a hotel, motel, resort, or similar business for the purpose of providing alcoholic beverages to a person under the age of 21 years.
- (b) A person who knowingly rents a room in a hotel, motel, resort, or similar business for the purpose of providing alcoholic beverages to a person under 21 years of age commits the crime of renting a room for the purpose of providing alcoholic beverages to a person under 21 years of age.
- (c) Renting a room for the purpose of providing alcoholic beverages to a person under 21 years of age is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.057. Permitting minor to illegally possess liquor in dwelling**

(a) Except as provided by AS 04.16.051, a person who is physically in possession and exercising dominion and control over a dwelling may not knowingly permit a person under 21 years of age to possess an alcoholic beverage in the dwelling.

(b) A person who violates this section is guilty of a violation and is punishable by a fine of \$500.

**§ 04.16.059. Aggravated penalties for certain violations involving a person under 21 years of age and committed by a sex offender or child kidnapper**

(a) Notwithstanding AS 04.16.051, 04.16.055, 04.16.057, and 04.16.180, the penalty for a violation of AS 04.16.051, 04.16.055, or 04.16.057 that involved a person under 21 years of age and that was committed by a person who is required to register as a sex offender or child kidnapper under AS 12.63 is as follows:

(1) if the underlying offense is a violation, a sex offender or child kidnapper committing the offense is guilty of a class B misdemeanor and shall be punished as provided in AS 12.55;

(2) if the underlying offense is a class A misdemeanor, a sex offender or child kidnapper committing the offense is guilty of a class C felony and shall be punished as provided in AS 12.55;

(3) if the underlying offense is a class C felony, a sex offender or child kidnapper committing the offense is guilty of a class B felony and shall be punished as provided in AS 12.55.

(b) In this section, "sex offender or child kidnapper" has the meaning given in AS 12.63.100.

Effective: January 1, 2024

**§ 04.16.060. Purchase by or delivery to persons under the age of 21**

(a) A person under the age of 21 years may not purchase alcoholic beverages or solicit another to purchase alcoholic beverages for the person under the age of 21.

(b) A person may not influence the sale, gift, or service of an alcoholic beverage to a person under the age of 21 years, by misrepresenting the age of that person.

(c) A person may not order or receive an alcoholic beverage from a licensee, an agent or employee of the licensee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 21 years.

(d) A person under the age of 21 years may not enter licensed premises where alcoholic beverages are sold and offer or present to a licensee or an agent or employee of the licensee a birth certificate or other written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresent the person's age, for the purpose of inducing the licensee or an agent or employee of the licensee to sell, give, serve, or furnish alcoholic beverages contrary to law.

(e) A person under the age of 21 who is seeking to enter and remain in a licensed premises under AS 04.16.049(a)(2) may not misrepresent the person's age or having obtained the consent of the parent or guardian required by that section.

(f) A person does not violate this section if the person performs an act proscribed under this section, the person performs that act at the request of a peace officer, the peace officer accompanies, supervises, or otherwise observes the person's act, and the purpose of the act is to assist in the enforcement of this section.

(g) A person who violates (a) of this section commits the offense of purchase by a person under 21 years of age.

(h) A person who violates (b) or (c) of this section commits the offense of delivery to a person under 21 years of age.

(i) Purchase by a person under 21 years of age is a violation and is punishable by a fine of \$500.

(j) Delivery to a person under 21 years of age is a violation and is punishable by a fine of \$500.

<Text of subsec. (k) effective on occurrence of contingency; for contingency, see historical note, post.>

(k) For a person under 21 years of age who commits an offense under (g) of this section, the violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to \$50 for a person who has not more than one previous violation or to \$250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of

(1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under AS 47.37; or

(2) a community diversion panel.

**§ 04.16.065. Civil penalty for violations of AS 04.16.060**

(a) A person who has attained 18 years of age, or an emancipated minor, who violates AS 04.16.060 is, in addition to any criminal penalty provided by law, liable in a civil action to the licensee for a penalty of \$1,500 plus costs and reasonable attorney fees.

(b) A person, having legal custody of an unemancipated minor who solicits another person to violate AS 04.16.060, is liable in a civil action for a penalty of \$1,000, plus costs and reasonable attorney fees, to the licensee from whom the other person purchased, ordered, or received an alcoholic beverage in violation of AS 04.16.060.

(c) It is a condition precedent to maintaining an action under this section that the owner or seller of the merchandise send by first class mail to the defendant at the defendant's last known address 15 days or more before the action is commenced a notice

demanding the relief authorized. The board may adopt regulations prescribing the form of this notice. It is not a condition precedent to maintaining an action under this section that the person who violated AS 04.16.060 or solicited a violation was charged or convicted under any statute or ordinance.

(d) In this section, “emancipated minor” means a minor whose disabilities have been removed for general purposes under AS 09.55.590.

Effective: January 1, 2024

**§ 04.16.080. Consumption at school events**

(a) A person who is 21 years of age or older may not consume alcoholic beverages during a school event at the site of the event if the event is expected to attract attendees under 21 years of age.

(b) A person who is 21 years of age or older who consumes an alcoholic beverage during a school event at the site of the event under (a) of this section commits the offense of consuming at a school event.

(c) Consuming at a school event is a violation and is punishable by a fine of \$100.

Effective: January 1, 2024

**§ 04.16.090. Prohibition of bottle clubs**

(a) A person may not maintain a place in which alcoholic beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.

(b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.

(c) In this section, “consideration” includes a cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, the furnishing of glassware or other containers for use in the consumption of alcoholic beverages, other charges for access to the licensed premises, or other services or products provided on the licensed premises.

(d) A person who knowingly violates this section commits the crime of maintaining a bottle club.

(e) Maintaining a bottle club is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.110. Sale of certain alcoholic beverages prohibited**

(a) A person may not sell an alcoholic beverage if it

(1) is intended for human consumption and is in powdered form; or

(2) contains more than 76 percent alcohol by volume.

(b) A person who knowingly sells an alcoholic beverage in violation of (a) of this section commits the crime of sale of a prohibited alcoholic beverage.

(c) Sale of a prohibited alcoholic beverage is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.120. Removal or introduction of alcoholic beverages**

(a) A person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises.

(b) Except as provided in this subsection, a person may not bring an alcoholic beverage into licensed premises for use or consumption by oneself or another person on the premises unless that person is a licensee, an agent, employee, or common carrier in the regular course of employment. With the permission of the licensee, a person may bring wine into premises licensed as a beverage dispensary or a restaurant or eating place for consumption by the person while eating food served at a table on the licensed premises. The beverage dispensary or restaurant or eating place may charge a corkage fee for serving wine supplied by a customer.

(c) Notwithstanding (a) of this section, a person may remove from licensed premises the unconsumed portion of one or more bottles of wine that were partially consumed with a meal if (1) the original or a similar type of cork is reinserted in each bottle by the licensee and the cork can only be removed by a corkscrew or other similar device, or (2) each bottle is sealed or packaged by the licensee in a manner set by the board. Notwithstanding another provision of law, each bottle of wine that is recorked, sealed, or packaged as provided in this subsection is not an open container if the cork reinserted by the licensee or the seal made by the licensee has not been disturbed.

(d) Notwithstanding (a) of this section, the holder of a beverage dispensary license under AS 04.09.200, the holder of a beverage dispensary tourism license under AS 04.09.350, or the holder's employee may transport alcoholic beverages across unlicensed portions of a hotel, motel, or large resort if the

(1) licensee holds an endorsement under AS 04.09.430 or 04.09.440; and

(2) licensee or employee is walking directly from one licensed area of the premises to another licensed area.

(e) Notwithstanding (a) of this section, a person may remove alcoholic beverages from the licensed premises of a beverage dispensary license under AS 04.09.200 or a beverage dispensary tourism license under AS 04.09.350 for consumption on unlicensed portions of a large resort if the licensee holds a large resort endorsement under AS 04.09.440.

(f) A person who removes an alcoholic beverage from licensed premises in violation of (a) of this section and a person who brings an alcoholic beverage onto licensed premises in violation of (b) of this section commits the offense of removal or introduction of alcoholic beverages.

(g) Removal or introduction of alcoholic beverages is a violation and is punishable by a fine of \$100.

Effective: January 1, 2024

**§ 04.16.125. Alcoholic beverages transported by common carrier**

(a) A person may not use a common carrier to transport alcoholic beverages into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2) unless

(1) the shipping container holding the alcoholic beverages is clearly labeled as containing alcoholic beverages; and

(2) an itemized invoice showing the quantity and purchase value of distilled spirits, wine, and brewed beverages is attached to the outside of the shipping container.

(b) The requirements in (a) of this section do not apply to

(1) a person transporting

(A) two liters or less of wine;

(B) one gallon or less of brewed beverages; or

(C) one liter or less of distilled spirits; or

(2) the transportation of alcoholic beverages for use on premises allowed under AS 04.11.491(a)(2) -- (3) or (b)(2) or for use under a permit allowed under AS 04.11.491(a)(2).

(c) In this section,

(1) "common carrier" means a motor vehicle, watercraft, aircraft, or railroad car available for public hire to transport freight or passengers;

(2) "transport" has the meaning given in AS 04.11.499.

(d) A person who knowingly violates this section commits the crime of unauthorized transportation of alcoholic beverages by common carrier into a local option area.

(e) Unauthorized transportation of alcoholic beverages by common carrier into a local option area is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.130. Stock confined to licensed premises**

(a) Unless authorized under AS 04.21.060, a licensee may not store before sale any alcoholic beverages elsewhere than on the premises indicated on the license.

(b) This section does not apply to stocks of beer carried on a delivery truck by a licensed wholesaler if carried for the purpose of sale and delivery to persons licensed under this title in quantities of not less than 10 gallons for each sale.

- (c) A person who violates this section commits the offense of unauthorized storage of alcoholic beverages.  
(d) Unauthorized storage of alcoholic beverages is a violation.

Effective: January 1, 2024

**§ 04.16.150. Licensee responsible for violations**

- (a) A licensee may neither knowingly allow agents or employees to violate this title or regulations adopted under this title nor recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law or regulation.  
(b) Except as provided under AS 04.16.030(f) and 04.16.052(e), a licensee who knowingly violates (a) of this section commits the offense of failure to ensure compliance.  
(c) Failure to ensure compliance is a violation.

Effective: January 1, 2024

**§ 04.16.160. Restriction on purchasing alcoholic beverages**

- (a) Except as otherwise provided by law, a person who is 21 years of age or older may not purchase alcoholic beverages if the person has been ordered to refrain from consuming alcoholic beverages under AS 12.55.015(a)(13) or as part of a sentence for conviction of a crime under AS 28.35.030, 28.35.032, or a similar municipal ordinance, as a condition of probation or parole from a conviction under AS 28.35.030, 28.35.032, or a similar municipal ordinance, or as a condition of probation or parole for any other crime. The restriction on purchasing alcoholic beverages applies during the period that the person is required to refrain from consuming alcoholic beverages under the sentence or condition of probation or parole.  
(b) A court imposing a restriction on a person under (a) of this section, and the Department of Corrections, shall notify the person that an identification card issued under AS 18.65.310 must list the restriction imposed for the period of the person's probation or parole.  
(c) A person who knowingly fails to comply with a restriction on purchasing alcoholic beverages in violation of (a) of this section commits the crime of failure to comply with a restriction on purchasing alcoholic beverages.  
(d) Failure to comply with a restriction on purchasing alcoholic beverages is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.16.170. Source of alcoholic beverages**

- (a) Alcoholic beverages for consumption by the purchaser may not be sold unless obtained from a person licensed under this title.  
(b) A person transporting alcoholic beverages into the state may not sell those alcoholic beverages to a person not licensed under this title, unless the alcoholic beverages are used for religious, industrial, pharmaceutical, or medical purposes, or as allowed under AS 04.09.370.  
(c) A licensee who knowingly violates (a) or (b) of this section commits the crime of sale of alcoholic beverages from or to an unlicensed person.  
(d) Sale of alcoholic beverages from or to an unlicensed person is a class A misdemeanor.

Effective: January 1, 2024

**§ 04.21.020. Civil liability of persons providing alcoholic beverages**

- (a) Except as provided under (b) and (d) of this section, a person who provides alcoholic beverages to another person may not be held civilly liable for injuries resulting from the intoxication of that person unless the person who provides the alcoholic beverages holds a license authorized under AS 04.09.020--04.09.370 or is an agent or employee of a licensee and  
(1) the alcoholic beverages are provided to a person under 21 years of age in violation of AS 04.16.051, unless the licensee, agent, or employee secures in good faith from the person a signed statement, liquor identification card, or driver's license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the person is 21 years of age or older; or  
(2) the alcoholic beverages are provided to a drunken person in violation of AS 04.16.030.  
(b) A person who sells or barter an alcoholic beverage to another person in violation of AS 04.09.060, 04.09.800, or AS 04.11.010 is strictly liable (1) to the recipient or another person for civil damages if, while under the influence of the alcoholic beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages; and (2) for the cost to the state or a political subdivision of the state to criminally prosecute a person who receives an alcoholic beverage from a person who violates AS 04.11.010 if the prosecution results from the violation of AS 04.11.010 described in this subsection.  
(c) In an action under (b) or (d) of this section, it is not a defense that the person receiving the alcoholic beverage voluntarily consumed the alcoholic beverage or that the person receiving the alcoholic beverage was voluntarily under the influence of the alcoholic beverage.  
(d) A person who knowingly furnishes or delivers an alcoholic beverage to a person under 21 years of age in violation of AS 04.16.051 is civilly liable to the recipient or another person for civil damages if, while under the influence of the alcoholic

beverage, the person receiving the alcoholic beverage engages in conduct that results in civil damages and the recipient's being under the influence of the alcoholic beverage substantially contributes to the civil damages.

(e) In this section, "civil damages" includes damages for personal injury, death, or injury to property of a person, including the state or a political subdivision of the state.

Effective: January 1, 2024

**§ 04.21.025. Alcohol server education course**

(a) Except as provided under (e) and (f) of this section, as a condition of issuance or renewal of a license or conditional contractor's permit and selling alcoholic beverages under a license or conditional contractor's permit, the board shall require a licensee or permittee who sells or serves alcoholic beverages and a licensee's or permittee's agents and employees who sell or serve alcoholic beverages or check the identification of a patron to complete an alcohol server education course approved by the board.

(b) The subjects that are included in an approved alcohol server education course shall be determined under regulations adopted by the board. In approving alcohol server education courses, the board shall consider the needs of both urban and rural licensees regarding access to an approved alcohol server education course and allow a licensee, permittee, agent, or employee to complete an alcohol server education course online or in person. A licensee, permittee, agent, or employee who sells or serves alcoholic beverages shall keep the card described in (c) of this section or other proof acceptable to the board of successful completion of an approved alcohol server education course on the licensed premises during working hours.

(c) A licensee, permittee, agent, or employee shall complete the course required under (a) of this section and pass a written test, online or in person, demonstrating an understanding of the course subjects not more than 30 days after being licensed, permitted, or employed. The course provider shall issue a card to each individual who completes the course and passes the written test. A card issued under this subsection is valid for three years from the date of issue. A licensee, permittee, agent, or employee may renew a card issued under this section; to renew the card, the licensee, permittee, agent, or employee must pass a written test demonstrating an understanding of the course subjects. Notwithstanding the 30-day period for completing the course and passing the written test under this subsection, a person may not sell or serve alcoholic beverages or check the identification of a patron at a permitted event under AS 04.09.600--04.09.710 unless the person possesses a valid card issued before the event.

(d) The board shall review an approved alcohol server education course at least once every three years.

(e) A person licensed as a common carrier dispensary shall train agents and employees who sell or serve alcoholic beverages or who check the identification of a patron on provisions of state law regarding sale of alcoholic beverages, including AS 04.16.015, 04.16.020, 04.16.030, 04.16.051, 04.16.052, 04.16.120, 04.16.125, AS 04.21.030, and 04.21.050. The training must include the subjects of the effects of alcohol consumption, identifying a drunken person, determining valid identification, intervention to prevent unlawful alcohol consumption, and penalties for unlawful acts by agents and employees of licensees. A common carrier licensee shall, once every three years, provide the board with a description of its training program including the subjects taught, teaching method, and testing required.

(f) This section does not apply to the following licenses:

- (1) brewery manufacturer license under AS 04.09.020, unless the licensee holds a manufacturer sampling endorsement;
- (2) winery manufacturer license under AS 04.09.030, unless the licensee holds a manufacturer sampling endorsement;
- (3) distillery manufacturer license under AS 04.09.040, unless the licensee holds a manufacturer sampling endorsement;
- (4) general wholesale license under AS 04.09.100;
- (5) limited wholesale brewed beverage and wine license under AS 04.09.110;
- (6) manufacturer direct shipment license under AS 04.09.370.

(g) A person who violates (a)--(c) or (e) of this section commits the offense of failure to comply with alcohol server education requirements.

(h) Failure to comply with alcohol server education requirements is a violation.

**§ 04.21.030. Responsibility of licensees, agents, and employees**

The licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes, but is not limited

(1) to ensuring the compliance by agents or employees with this title and regulations adopted under this title, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this title and the regulations adopted under this title, either by securing the agent's or employee's written acknowledgement of posted instructions or otherwise; and

(2) to ensuring the compliance of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

Effective: January 1, 2024

**§ 04.21.050. Proof of age and of not being restricted from purchasing alcoholic beverages**

(a) If a licensee or an agent or employee of the licensee questions or has reason to question whether a person entering licensed premises, or ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure alcoholic beverages,

(1) has attained the age of 21 years or is entering without consent in violation of AS 04.16.049(a)(2) and has not attained the age of 16 years, that licensee, agent, or employee shall require the person to furnish proof of age acceptable under (b) of this section or proof of consent in a form determined by the board; if the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent, or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee, or agent shall require the person to sign a statement that the person is over the age of 21 or 16 years, as appropriate; this statement shall be made on a form prepared by and furnished to the licensee by the board;

(2) is restricted from purchasing alcoholic beverages under AS 04.16.160, the licensee, agent, or employee may, but has no duty or obligation to, require the person to furnish proof acceptable under (b) of this section that the person is not restricted from purchasing alcoholic beverages or require the person to sign a statement that the person is not restricted from purchasing alcoholic beverages under AS 04.16.160; this statement shall be made on a form prepared by and furnished to the licensee by the board.

(b) Except as provided in AS 04.16.160, a valid driver's license or a valid identification card is acceptable as proof of age or that the person is not restricted from purchasing alcoholic beverages when used for identification in the purchase of alcoholic beverages and for securing entry to and remaining on premises where alcoholic beverages are sold if the license or identification card is made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth. A licensee, agent, or employee may elect to not accept a passport, military identification card, or other identification as proof that the person is not restricted from purchasing alcoholic beverages and may require the person to furnish a valid driver's license or state identification card or otherwise furnish proof that the person is not a resident of this state.

(c) A licensee, or an agent or employee of the licensee, may not be charged for a violation of AS 04.16.047--04.16.052 if a signed statement as provided in (a) of this section is secured in good faith, or a valid driver's license or identification card is presented indicating that the owner and possessor of the presented driver's license or identification card is 21 or 16 years of age or over or is not restricted from purchasing alcoholic beverages, as appropriate.

#### **§ 04.21.055. Refusal of service**

A licensee, an agent, or employee may refuse to sell, give, or serve alcoholic beverages to a person if the licensee, agent, or employee reasonably believes that the consumption of alcohol by that person may result in serious harm to that person or to others.

Effective: January 1, 2024

#### **§ 04.21.065. Posting of warning signs**

(a) A holder of one of the following types of licenses or permits shall post on the licensed or designated premises three separate warning signs as described in (b) of this section:

- (1) brewery manufacturer license under AS 04.09.020 with a manufacturer sampling endorsement under AS 04.09.410;
- (2) winery manufacturer license under AS 04.09.030 with a manufacturer sampling endorsement under AS 04.09.410;
- (3) distillery manufacturer license under AS 04.09.040 with a manufacturer sampling endorsement under AS 04.09.410;
- (4) beverage dispensary license under AS 04.09.200;
- (5) restaurant or eating place license under AS 04.09.210;
- (6) club license under AS 04.09.220;
- (7) package store license under AS 04.09.230;
- (8) pub license under AS 04.09.240;
- (9) theater license under AS 04.09.250;
- (10) common carrier dispensary license under AS 04.09.260;
- (11) sporting activity or event license under AS 04.09.270;
- (12) outdoor recreation lodge license under AS 04.09.280;
- (13) fair license under AS 04.09.290;
- (14) golf course license under AS 04.09.300;
- (15) destination resort license under AS 04.09.310;
- (16) brewery retail license under AS 04.09.320;
- (17) winery retail license under AS 04.09.330;
- (18) distillery retail license under AS 04.09.340;
- (19) beverage dispensary tourism license under AS 04.09.350;
- (20) seasonal restaurant or eating place tourism license under AS 04.09.360;
- (21) beverage dispensary caterer's permit under AS 04.09.610;



- (22) restaurant caterer's dining permit under AS 04.09.620;
  - (23) club caterer's permit under AS 04.09.630;
  - (24) art exhibit event permit under AS 04.09.640;
  - (25) music festival permit under AS 04.09.650;
  - (26) nonprofit organization event permit under AS 04.09.660;
  - (27) package store tasting event permit under AS 04.09.680;
  - (28) conditional contractor's permit under AS 04.09.710;
  - (29) another license or permit issued by the board authorizing consumption of alcoholic beverages.
- (b) The warning signs required by (a) of this section must be at least 11 inches by 14 inches, and the lettering must be at least one-half inch high and in contrasting colors. The first sign must read, "WARNING: Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy can cause birth defects." The second sign must read, "WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." The third sign must read, "WARNING: An unaccompanied person under 21 years of age who enters these premises in violation of law may, under AS 04.16.049(e), be civilly liable for damages of \$1,500." The license or permit holder shall display the first and second signs in a manner that would make them conspicuous to a person who will be purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or designated premises and shall conspicuously display the third sign at each door through which customers enter the licensed premises.
- (c) The board shall furnish a sign required under this section to a person who requests it with the intention of displaying it.
- (d) A peace officer may issue a citation for a violation of this section. The provisions of AS 12.25.175--12.25.230 apply to the issuance of a citation under this subsection.
- (e) An employee of the board designated by the board to enforce this section may issue a citation for a violation of this section regardless of whether the violation was committed in the employee's presence. A citation issued under this subsection must be in the same form and shall be processed in the same manner as a citation issued by a peace officer under (d) of this section. An employee of the board may not arrest a person for a violation of this section.
- (f) A holder of a license or permit who violates this section is guilty of a violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of not less than \$20 nor more than \$300. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation.
- (g) The supreme court shall establish a schedule of bail amounts for violations of this section. The bail amount may not exceed the maximum fine that may be imposed for the violation under (f) of this section. The bail amount for a violation must appear on the citation.
- (h) If a person cited for a violation under this section does not contest the citation, the person may, on or before the 30th day after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed
- (1) the amount of bail indicated on the citation for the violation; and
  - (2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered, and the bail is forfeited.
- (i) When bail has been forfeited under (h) of this section, a judgment of conviction shall be entered. Forfeiture of bail is a complete satisfaction for the violation. The clerk of the court accepting the bail shall provide the violator with a receipt stating that fact if requested.
- (j) A person cited under this section is guilty of failure to obey a citation under AS 12.25.230 if the person fails to pay the bail amount established under (g) of this section or to appear in court as required.
- (k) The board or any affected party may institute an action in the superior court to enjoin repeated violations of this section.
- (l) Notwithstanding AS 04.11.370, the board is not required to suspend or revoke a license or permit for a violation of this section; however, the board may consider a violation of this section when determining under AS 04.11.370(a)(2) whether continuation of activities authorized under a license or permit would be in the best interests of the public.

Effective: January 1, 2024

**§ 04.21.072. Fines and other criminal penalties**

Currentness

- (a) A violation under this title, unless otherwise specified in the provision of this title defining the offense, is punishable by a fine of \$250.
- (b) A misdemeanor or felony under this title, unless otherwise specified in the provision of this title defining the offense, is punishable as provided in AS 12.55.

## Alaska Statutes – Title 11 – Criminal Law (Select Provisions)

Effective: [See Text Amendments] to December 31, 2024

### § 11.71.010. Misconduct involving a controlled substance in the first degree

- (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the first degree if the person
- (1) delivers any amount of a schedule IA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;
  - (2) delivers any amount of a schedule IIA or IIIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or
  - (3) engages in a continuing criminal enterprise.
- (b) For purposes of this section, a person is engaged in a “continuing criminal enterprise” if
- (1) the person commits a violation of this chapter which is punishable as a felony; and
  - (2) that violation is a part of a continuing series of five or more violations of this chapter
- (A) which the person undertakes in concert with at least five other persons organized, supervised, or otherwise managed by the person; and
- (B) from which the person obtains substantial income or resources.
- (c) Misconduct involving a controlled substance in the first degree is an unclassified felony and is punishable as provided in AS 12.55.

Effective: July 9, 2019 to December 31, 2024

### § 11.71.021. Misconduct involving a controlled substance in the second degree

- (a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the second degree if the person
- (1) manufactures or delivers any amount of a schedule IA controlled substance or possesses any amount of a schedule IA controlled substance with intent to manufacture or deliver;
  - (2) manufactures any material, compound, mixture, or preparation that contains
    - (A) methamphetamine, or its salts, isomers, or salts of isomers; or
    - (B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;
  - (3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers;
  - (4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains
    - (A) methamphetamine, or its salts, isomers, or salts of isomers; or
    - (B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers;
  - (5) possesses methamphetamine in an organic solution with intent to extract from it methamphetamine, or its salts, isomers, or salts of isomers; or
  - (6) under circumstances not proscribed under AS 11.71.010(a)(2), delivers
    - (A) an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, to another person with reckless disregard that the precursor will be used to manufacture any material, compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or
    - (B) a listed chemical to another person with reckless disregard that the listed chemical will be used to manufacture any material, compound, mixture, or preparation that contains
      - (i) methamphetamine, or its salts, isomers, or salts of isomers;
      - (ii) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomers; or
      - (iii) methamphetamine, or its salts, isomers, or salts of isomers in an organic solution.
- (b) In a prosecution under (a) of this section, possession of more than six grams of the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals is prima facie evidence that the person intended to use the listed chemicals to manufacture, to aid or abet another person to manufacture, or to deliver to another person who intends to manufacture methamphetamine, its immediate precursors, or the salts, isomers, or salts of isomers of methamphetamine or its immediate precursors. The prima facie evidence described in this subsection does not apply to a person who possesses
- (1) the listed chemicals ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals

(A) and the listed chemical was dispensed to the person under a valid prescription; or  
(B) in the ordinary course of a legitimate business, or an employee of a legitimate business, as a  
(i) retailer or as a wholesaler;  
(ii) wholesale drug distributor licensed by the Board of Pharmacy;  
(iii) manufacturer of drug products licensed by the Board of Pharmacy;  
(iv) pharmacist licensed by the Board of Pharmacy; or  
(v) health care professional licensed by the state; or  
(2) less than 24 grams of ephedrine, pseudoephedrine, phenylpropanolamine, or the salts, isomers, or salts of isomers of those chemicals, kept in a locked storage area on the premises of a legitimate business or nonprofit organization operating a camp, lodge, school, day care center, treatment center, or other organized group activity, and the location or nature of the activity, or the age of the participants, makes it impractical for the participants in the activity to obtain medicinal products.  
(c) In this section, "listed chemical" means a chemical described under AS 11.71.200.  
(d) Misconduct involving a controlled substance in the second degree is a class A felony.

Effective: July 9, 2019

**§ 11.71.030. Misconduct involving a controlled substance in the third degree**

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person  
(1) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance;  
(3) possesses any amount of a schedule IA or IIA controlled substance  
(A) with reckless disregard that the possession occurs  
(i) on or within 500 feet of school grounds; or  
(ii) at or within 500 feet of a recreation or youth center; or  
(B) on a school bus;  
(4) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(5) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(6) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(7) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(8) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(9) under circumstances not proscribed under AS 11.71.021(a)(2) -- (6), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver.  
(b) It is an affirmative defense to a prosecution under (a)(3)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center, and that the prohibited conduct did not involve distributing, dispensing, or possessing with the intent to distribute or dispense a controlled substance for profit. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.  
(c) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.  
(d) Misconduct involving a controlled substance in the third degree is a class B felony.  
(e) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138.

Effective: July 9, 2019

**§ 11.71.040. Misconduct involving a controlled substance in the fourth degree**

Currentness

(a) Except as authorized in AS 17.30 and AS 17.38, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person  
(1) manufactures or delivers any amount of a schedule IVA or VA controlled substance or possesses any amount of a schedule IVA or VA controlled substance with intent to manufacture or deliver;  
(2) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance;  
(3) possesses any amount of a schedule IA controlled substance listed in AS 11.71.140(e);  
(4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance  
(A) with reckless disregard that the possession occurs

- (i) on or within 500 feet of school grounds; or
- (ii) at or within 500 feet of a recreation or youth center; or
- (B) on a school bus;
- (5) knowingly keeps or maintains any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for keeping or distributing controlled substances in violation of a felony offense under this chapter or AS 17.30;
- (6) makes, delivers, or possesses a punch, die, plate, stone, or other thing that prints, imprints, or reproduces a trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of these on a drug, drug container, or labeling so as to render the drug a counterfeit substance;
- (7) knowingly uses in the course of the manufacture or distribution of a controlled substance a registration number that is fictitious, revoked, suspended, or issued to another person;
- (8) knowingly furnishes false or fraudulent information in or omits material information from any application, report, record, or other document required to be kept or filed under AS 17.30;
- (9) obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
- (10) affixes a false or forged label to a package or other container containing any controlled substance;
- (11) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138
- (12) violates AS 11.71.050(a)(4) and, within the preceding 10 years, has been previously convicted of a crime under AS 11.71.050(a)(4), or a law or ordinance in this or another jurisdiction with elements similar to AS 11.71.050(a)(4).
- (b) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds or recreation or youth center. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.
- (c) Nothing in (a)(5) or (6) of this section precludes a prosecution or civil proceeding brought under any other provision of this section or any other section of this chapter or under AS 17.
- (d) Misconduct involving a controlled substance in the fourth degree is a class C felony.

Effective: July 9, 2019

**§ 11.71.050. Misconduct involving a controlled substance in the fifth degree**

- (a) Except as authorized in AS 17.30 and AS 17.38, a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person
  - (1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance;
  - (2) Repealed by SLA 2016, ch. 36, § 179, eff. July 12, 2016.
  - (3) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under AS 17.30;
  - (4) under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), or 11.71.040(a)(4) possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance; or
  - (5) under circumstances not proscribed under AS 11.71.040(a)(4), possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing a schedule VIA controlled substance.
- (b) Misconduct involving a controlled substance in the fifth degree is a class A misdemeanor.

Effective: July 9, 2019

**§ 11.71.060. Misconduct involving a controlled substance in the sixth degree**

- (a) Except as authorized in AS 17.30 or AS 17.38, a person commits the crime of misconduct involving a controlled substance in the sixth degree if the person
  - (1) uses or displays any amount of a schedule VIA controlled substance;
  - (2) possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of
    - (A) less than one ounce containing a schedule VIA controlled substance;
    - (B) Repealed by 1st Sp. Sess. 2019, ch. 4, § 138
  - (3) refuses entry into a premise for an inspection authorized under AS 17.30.
- (b) Misconduct involving a controlled substance in the sixth degree is a class B misdemeanor.

**§ 11.71.090. Affirmative defense to a prosecution under AS 11.71.030--11.71.060; medical use of marijuana**

- (a) In a prosecution under AS 11.71.030--11.71.060 charging the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display of a schedule VIA controlled substance, it is an affirmative defense that the defendant is a patient, or the primary caregiver or alternate caregiver for a patient, and
  - (1) at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display, the patient was registered under AS 17.37;

- (2) the manufacture, delivery, possession, possession with intent to manufacture, deliver, use, or display complied with the requirements of AS 17.37; and
- (3) if the defendant is the
  - (A) primary caregiver of the patient, the defendant was in physical possession of the caregiver registry identification card at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display; or
  - (B) alternate caregiver of the patient, the defendant was in physical possession of the caregiver registry identification card at the time of the manufacture, delivery, possession, possession with intent to manufacture or deliver, use, or display.
- (b) In this section,
  - (1) “alternate caregiver” has the meaning given in AS 17.37.070;
  - (2) “patient” has the meaning given in AS 17.37.070;
  - (3) “primary caregiver” has the meaning given in AS 17.37.070.

**§ 11.73.010. Manufacture or delivery of an imitation controlled substance**

- (a) Except as provided in AS 11.73.050, a person may not manufacture, deliver, or possess with intent to deliver, an imitation controlled substance.
- (b) Except as provided in AS 11.73.030, a person who violates this section commits a class C felony.

**§ 11.73.020. Possession of substance with intent to manufacture**

- (a) Except as provided in AS 11.73.050, a person may not possess the following substances or their salts with the intent to manufacture an imitation controlled substance:
  - (1) ephedrine;
  - (2) ephedrine sulfate;
  - (3) pseudoephedrine;
  - (4) pseudoephedrine hydrochloride;
  - (5) phenylpropanolamine;
  - (6) caffeine;
  - (7) theophylline;
  - (8) lidocaine;
  - (9) procaine;
  - (10) tetracaine;
  - (11) dyclonine;
  - (12) acetaminophen;
  - (13) salicylamide;
  - (14) doxylamine;
  - (15) diphenhydramine;
  - (16) pheniramine;
  - (17) chlorpheniramine; or
  - (18) pyrilamine.
- (b) A person who violates this section commits a class C felony.

**§ 11.73.030. Delivery of an imitation controlled substance to a minor**

- (a) Except as provided in AS 11.73.050, a person 19 years of age or older may not deliver an imitation controlled substance to a person under 19 years of age, who is at least three years younger than the person delivering the substance.
- (b) A person who violates this section commits a class B felony.

**§ 11.73.040. Advertisement to promote the delivery of an imitation controlled substance**

- (a) Except as provided in AS 11.73.050, a person may not knowingly place in a newspaper, magazine, handbill, or other publication, or post or distribute in a public place, an advertisement or solicitation knowing that the purpose of the advertisement or solicitation is to promote the delivery of an imitation controlled substance in the state.
- (b) A person who violates this section commits a class C felony.

**§ 11.73.050. Imitation controlled substance as placebo**

No civil or criminal liability may be imposed under this chapter on a person who manufactures, delivers, possesses, or advertises or solicits to promote delivery of an imitation controlled substance solely for use as a placebo prescribed by a registered practitioner, as defined in AS 11.71.900, in the course of professional practice or research.

Effective: January 1, 2024

**§ 11.76.100. Selling or giving tobacco to a minor**

- (a) A person commits the offense of selling or giving tobacco to a minor if the person
  - (1) negligently sells a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 19 years of age;

(2) is 19 years of age or older and negligently exchanges or gives a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 19 years of age;

(3) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or products containing tobacco; or

(4) holds a business license endorsement under AS 43.70.075 and allows a person under 19 years of age to sell a cigarette, a cigar, tobacco, or a product containing tobacco.

(b) Notwithstanding the provisions of (a) of this section, a person who maintains a vending machine is not in violation of (a)(3) of this section if the vending machine is located

(1) on premises licensed as a beverage dispensary under AS 04.09.200 or 04.09.350, licensed as a club under AS 04.09.220, or licensed as a package store under AS 04.09.230; and

(A) as far as practicable from the primary entrance; and

(B) in a place that is directly and continually supervised by a person employed on the licensed premises during the hours the vending machine is accessible to the public; or

(2) in an employee break room or other controlled area of a private work place that is not generally considered a public place and the room or area contains a posted warning sign at least 11 inches by 14 inches indicating that possession of tobacco by a person under 19 years of age is prohibited under AS 11.76.105.

(c) In this section, a person maintains a vending machine if the person owns the machine or owns or controls a facility in which the machine is located.

(d) The court shall forward a record of each person convicted under this section who holds a business license endorsement under AS 43.70.075, or who is an employee or agent of a person who holds a license endorsement under AS 43.70.075 to the Department of Commerce, Community, and Economic Development.

(e) The provisions of (a) of this section do not apply to a person who sells or gives tobacco to a minor, if the minor is a prisoner at an adult correctional facility.

(f) A person who violates (a) of this section is guilty of a violation and upon conviction is punishable by a fine of not less than \$300.

Effective: July 1, 2022

**§ 11.76.105. Possession of tobacco, electronic smoking products, or products containing nicotine by a minor**

(a) A person under 19 years of age may not knowingly possess a cigarette, a cigar, tobacco, a product containing tobacco, an electronic smoking product, or a product containing nicotine in this state. This subsection does not apply to a person who is a prisoner at an adult correctional facility.

(b) In a prosecution under (a) of this section for possession of an electronic smoking product or a product containing nicotine, it is an affirmative defense that the electronic smoking product or product containing nicotine possessed by the person under 19 years of age was intended or expected to be consumed without being combusted, and the electronic smoking product or product containing nicotine

(1) has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes;

(2) was being marketed and sold for the approved purposes; and

(3) was

(A) prescribed by a health care professional;

(B) given to the person by the person's parent or guardian;

(C) provided by a state-approved tobacco cessation program administered by the Department of Health; or

(D) provided by a pharmacist to a person 18 years of age or older without a prescription.

(c) Possession of tobacco, an electronic smoking product, or a product containing nicotine by a minor is a violation.

Effective: January 1, 2019

**§ 11.76.106. Selling tobacco, electronic smoking products, or products containing nicotine outside controlled access**

(a) Except as provided under (b) of this section, a person may not sell cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine unless the sale occurs in a manner that allows only the sales clerk to control access to the cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine.

(b) Subsection (a) does not apply if the sale

(1) is by vending machine as provided under AS 11.76.100(b) or 11.76.109(d);

(2) is a wholesale transaction, the person is licensed as a manufacturer or distributor under AS 43.50.010, and the sale occurs on premises where no retail transactions occur;

(3) is by a retailer who sells primarily cigarettes, cigars, tobacco, products containing tobacco, electronic smoking products, or products containing nicotine and who restricts access to the premises to only those individuals who are 19 years of age or older; or

(4) is of electronic smoking products over the Internet to a person 19 years of age or older.

(c) A person who violates this section is guilty of a violation and upon conviction is subject to a fine of not less than \$300.

Effective: January 1, 2024

**§ 11.76.109. Selling or giving electronic smoking product or product containing nicotine to a minor**

(a) A person commits the offense of selling or giving an electronic smoking product or a product containing nicotine to a minor if the person

- (1) negligently sells an electronic smoking product or a product containing nicotine to a person under 19 years of age;
- (2) is 19 years of age or older and negligently exchanges or gives an electronic smoking product or a product containing nicotine to a person under 19 years of age;
- (3) maintains a vending machine that dispenses electronic smoking products or products containing nicotine; or
- (4) holds a business license endorsement under AS 43.70.075 and allows a person under 19 years of age to sell an electronic smoking product or a product containing nicotine.

(b) The provisions of (a) of this section do not apply to the sale, exchange, or gift to a person under 19 years of age of an electronic smoking product or a product containing nicotine that is intended or expected to be consumed without being combusted if the electronic smoking product or product containing nicotine

- (1) has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes;
- (2) is being marketed and sold solely for the approved purposes; and
- (3) is

(A) prescribed by a health care professional;

(B) given to a person by the person's parent or legal guardian;

(C) provided by a state-approved tobacco cessation program administered by the Department of Health; or

(D) provided by a pharmacist to a person 18 years of age or older without a prescription.

(c) An employer is legally accountable as provided in AS 11.16.110 for the conduct of an employee who violates (a) of this section if the employer negligently fails to advise the employee regarding the conduct prohibited in (a) of this section.

(d) Notwithstanding (a)(3) of this section, a person who maintains a vending machine is not in violation of (a)(3) of this section if the vending machine is located

(1) on premises licensed as a beverage dispensary under AS 04.09.200 or 04.09.350, licensed as a club under AS 04.09.220, or licensed as a package store under AS 04.09.230, and is located

(A) as far as practicable from the primary entrance; and

(B) in a place that is directly and continually supervised by a person employed on the licensed premises during the hours the vending machine is accessible to the public; or

(2) in an employee break room or other controlled area of a private work place that is not generally considered a public place and the room or area contains a posted warning sign at least 11 inches by 8.5 inches indicating that possession of electronic smoking products or products containing nicotine by a person under 19 years of age without a prescription is prohibited under this section.

(e) The court shall forward a record of each person convicted under this section who holds a business license endorsement under AS 43.70.075, or who is an employee or agent of a person who holds a business license endorsement under AS 43.70.075, to the Department of Commerce, Community, and Economic Development.

(f) In this section, "product containing nicotine" does not include a cigarette, a cigar, tobacco, or a product containing tobacco.

(g) Selling or giving an electronic smoking product or a product containing nicotine to a minor is a violation and, upon conviction, is punishable by a fine of not less than \$300.

**§ 11.76.140. Avoidance of ignition interlock device**

(a) A person commits the crime of avoidance of ignition interlock device if the person knowingly

(1) circumvents or tampers with an ignition interlock device in a manner intended to allow a person on probation under AS 12.55.102, with a condition of sentence under AS 12.55.102 or another section, or who has an ignition interlock limited license to avoid using the device;

(2) rents a motor vehicle to a person and with criminal negligence disregards the fact that the person is on probation under AS 12.55.102, has a condition of sentence under AS 12.55.102 or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in AS 12.55.102; or

(3) loans a motor vehicle to a person and knowingly disregards the fact that the person is on probation under AS 12.55.102, has a condition of sentence under AS 12.55.102 or another section, or has an ignition interlock limited license, unless the vehicle is equipped with an ignition interlock device described in AS 12.55.102.

(b) Avoidance of ignition interlock device

- (1) under (a)(1) of this section is a class A misdemeanor;
- (2) under (a)(2) or (3) of this section is a class B misdemeanor and is punishable by a term of imprisonment of not more than 30 days and a fine of not more than \$500.

**§ 11.76.150. Sale of products containing dextromethorphan**

- (a) A seller, retailer, or vendor may not sell a product containing dextromethorphan to another person unless
  - (1) the seller, retailer, or vendor checks a government-issued photo identification and determines the person is 18 years of age or older;
  - (2) from the person's outward appearance, the seller, retailer, or vendor would reasonably presume the person to be 25 years of age or older; or
  - (3) the person is under 18 years of age and has a prescription for the product issued by a licensed practitioner.
- (b) A seller, retailer, or vendor or an employee of a seller, retailer, or vendor who knowingly or wilfully violates this section is guilty of a violation and is punishable by a fine of
  - (1) \$150 for the first violation; and
  - (2) \$250 for the second and each subsequent violation.

## Alaska Statutes - Title 17 - Food and Drug (Select Provisions)

**§ 17.21.010. Illicit synthetic drugs**

- (a) A person may not possess, offer, display, market, advertise for sale, or sell an illicit synthetic drug.
- (b) A synthetic drug is illicit if
  - (1) the label
    - (A) is false or misleading;
    - (B) does not specify the identity of the substances contained in the synthetic drug; or
    - (C) does not specify the name and place of business of the manufacturer, packer, or distributor; and
  - (2) the synthetic drug has one or more of the following characteristics:
    - (A) the packaging or labeling of the synthetic drug suggests that the user will achieve euphoria, a hallucination, mood enhancement, relaxation, stimulation, or another effect on the body;
    - (B) the name or packaging of the synthetic drug uses images or labels suggesting that it is a controlled substance or has the effect of a controlled substance;
    - (C) the synthetic drug resembles a controlled substance in appearance, in chemical structure, or composition;
    - (D) the synthetic drug is marketed or advertised for a particular use or purpose and the cost of the synthetic drug is disproportionately higher than other products marketed or advertised for the same or similar use or purpose;
    - (E) the synthetic drug contains a warning label stating or suggesting that the synthetic drug is in compliance with state laws regulating controlled substances;
    - (F) the synthetic drug is a product to which has been added a synthetic chemical or synthetic chemical compound that does not have a legitimate relationship to the advertised use of the product.
- (c) It is an affirmative defense to an action for a violation of this section that a product is expressly exempted from or is expressly regulated under and is in compliance with state or federal law. In this subsection, "affirmative defense" has the meaning given in AS 11.81.900.

**§ 17.30.080. Unlawful administration, prescription, and dispensation of controlled substances**

- (a) A controlled substance classified under federal law or in a schedule set out in AS 11.71.140--11.71.190 may not be administered, prescribed, dispensed, or distributed other than for a medical purpose.
- (b) A person who violates (a) of this section, or who otherwise manufactures, distributes, dispenses, or conducts research with a controlled substance in the state without fully complying with 21 U.S.C. 811--830 (Controlled Substances Act), and regulations adopted under those sections, is guilty of misconduct involving a controlled substance under AS 11.71.010--11.71.060 in the degree appropriate to the circumstances as described in those sections. Upon filing a complaint, information, presentment, or indictment charging a medical assistance provider with misconduct involving a controlled substance under AS 11.71.140--11.71.190, the attorney general shall, in writing, notify the commissioner of health of the filing.
- (c) Upon receiving a notice from the attorney general under (b) of this section, the commissioner of health shall immediately undertake a review of all unpaid claims or requests for reimbursements attributable to services claimed to have been provided by the person charged.
- (d) In this section,
  - (1) "claims" has the meaning given in AS 47.05.290;



- (2) "medical assistance provider" has the meaning given in AS 47.05.290;
- (3) "medical purpose" means a purpose that is solely medical as opposed to any other purpose, that is reasonably necessary for treatment of a person's illness, injury, or physical or mental health, and that is provided by a practitioner while acting within the usual course of professional practice or research and in accordance with a standard of care generally recognized and accepted within the medical profession in the United States;
- (4) "practitioner" has the meaning given in AS 11.71.900.

**§ 17.38.020. Personal use of marijuana**

Notwithstanding any other provision of law, except as otherwise provided in this chapter, the following acts, by persons 21 years of age or older, are lawful and are not criminal or civil offenses under state law or the law of any political subdivision of the state or a basis for seizure or forfeiture of assets under state law:

- (1) possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;
- (2) possessing, growing, processing, or transporting not more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the plants on the premises where the plants were grown, except that not more than 12 marijuana plants, with six or fewer being mature, flowering plants, may be present in a single dwelling regardless of the number of persons 21 years of age or older residing in the dwelling;
- (3) transferring one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration;
- (4) consumption of marijuana, except that nothing in this chapter permits the consumption of marijuana in public; and
- (5) assisting, aiding, or supporting another person who is 21 years of age or older in any of the acts described in (1)–(4) of this section.

**§ 17.38.030. Restrictions on personal cultivation, penalty**

(a) The personal cultivation of marijuana described in AS 17.38.020(2) is subject to the following terms:

- (1) marijuana plants shall be cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids;
- (2) a person who cultivates marijuana must take reasonable precautions to ensure the plants are secure from unauthorized access;
- (3) marijuana cultivation may only occur on property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property.

(b) A person who violates this section while otherwise acting in compliance with AS 17.38.020(2) is guilty of a violation punishable by a fine of up to \$750.

**§ 17.38.040. Public consumption banned, penalty**

It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to \$100.

**§ 17.38.050. False identification, penalty**

(a) A person who is under 21 years of age may not present or offer to a marijuana establishment or the marijuana establishment's agent or employee any written or oral evidence of age that is false, fraudulent, or not actually the person's own, for the purpose of

- (1) purchasing, attempting to purchase, or otherwise procuring or attempting to procure marijuana or marijuana products; or
- (2) gaining access to a marijuana establishment.

(b) A person who violates this section is guilty of a violation punishable by a fine of up to \$400.

**§ 17.38.060. Marijuana accessories authorized**

Notwithstanding any other provision of law, it is lawful and is not an offense under state law or the law of any political subdivision of the state or a basis for seizure or forfeiture of assets under state law for persons 21 years of age or older to manufacture, possess, or purchase marijuana accessories, or to distribute or sell marijuana accessories to a person who is 21 years of age or older.

## Alaska Statutes – Title 28 – Motor Vehicles (Select Provisions)

**28.35.029. Open container**

(a) A person may not drive a motor vehicle on a highway or vehicular way or area, when there is an open bottle, can, or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle, except as provided in (b) of this section.

(b) Except as provided in AS 28.33.130, a person may transport an open bottle, can, or other receptacle containing an alcoholic beverage

(1) in the trunk of a motor vehicle;

(2) on a motor driven cycle, or behind the last upright seat in a motor home, station wagon, hatchback, or similar trunkless vehicle, if the open bottle, can, or other receptacle is enclosed within another container;

(3) behind a solid partition that separates the vehicle driver from the area normally occupied by passengers; or

(4) if the open bottle, can, or other receptacle is in the possession of a passenger in a motor vehicle for which the owner receives direct monetary compensation and that has a capacity of 12 or more persons.

(c) In this section

(1) "alcoholic beverage" has the meaning given in AS 04.21.080(b);

(2) Repealed.

(3) "motor vehicle" means a vehicle for which a driver's license is required;

(4) "open" includes having a broken seal;

(5) "passenger compartment" means the area normally occupied by the driver and passengers and includes a utility or glove compartment accessible to the driver or a passenger while the motor vehicle is being operated.

(d) A person who violates (a) of this section is guilty of an infraction.

Effective: July 1, 2022

**§ 28.35.030. Operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance**

(a) A person commits the crime of driving while under the influence of an alcoholic beverage, inhalant, or controlled substance if the person operates or drives a motor vehicle or operates an aircraft or a watercraft

(1) while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination; or

(2) and if, as determined by a chemical test taken within four hours after the alleged operating or driving, there is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or if there is 0.08 grams or more of alcohol per 210 liters of the person's breath.

(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor. Upon conviction,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of six months, and impose a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 12 months, and impose a fine of not less than \$3,000 if the person has been previously convicted once;

(C) not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 18 months, and impose a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (n) of this section;

(D) not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 24 months, and impose a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (n) of this section;

(E) not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 30 months, and impose a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (n) of this section;

(F) not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege, including any limited privilege, to operate a motor vehicle for a minimum of 36 months, and impose a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (n) of this section;

(2) the court may not

(A) suspend execution of sentence or grant probation except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device for a violation of (a)(1) of this section involving an alcoholic beverage or intoxicating liquor, singly or in combination, or a violation of (a)(2) of this section;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181, and may order that the motor vehicle, aircraft, or watercraft that was used in commission of the offense be forfeited under AS 28.35.036; and

(4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law.

(c) Repealed.

(d) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress. Information compiled under this subsection is confidential and may only be used in connection with court proceedings involving the defendant's treatment, including use by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a presentence report for the use of the court in sentencing a person convicted under this section.

(e) A person who is sentenced to imprisonment for 72 consecutive hours upon a first conviction under this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(f) Repealed.

(g) Notwithstanding (b) of this section, the court may reduce the fine required to be imposed under (b) of this section by the cost of the ignition interlock device.

(h) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an alcohol safety action program if such a program is available in the community where the person resides, or a private or public treatment facility approved by the Department of Health, under AS 47.37 to make referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person is convicted under (n) of this section, the court shall order the person to be evaluated as required by this subsection before the court imposes sentence for the offense.

(i) A program of inpatient treatment may be required by the authorized agency under (h) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(j) If a person fails to satisfy the requirements of an authorized agency under (i) of this section, the court

(1) may impose any portion of a suspended sentence; however, if the person was convicted under (n) of this section, the court shall impose a part or all of the remaining portion of any suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's driver's license, privilege to drive, and privilege to obtain a driver's license until the requirements are satisfied.

(k) Imprisonment required under (b)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (b)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (b)(1)(B)--(F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.065. The cost of imprisonment resulting from the sentence imposed under (b)(1) of this section shall be paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment

is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.140. A person sentenced under (b)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(l) The commissioner of corrections shall determine and prescribe by regulation a uniform average cost of imprisonment for the purpose of determining the cost of imprisonment required to be paid under (k) of this section by a convicted person. The regulations must include the costs associated with electronic monitoring under AS 33.30.065.

(m) If the act for which a person is convicted under this section contributes to a motor vehicle accident, the court shall order the person to pay the reasonable cost of any emergency services that responded to the accident, if the convicted person or the convicted person's insurer has not already paid the cost of the emergency services. If payment is required under this subsection, the payment shall be made directly to the emergency service and shall be equal to the actual cost of responding to the accident or the previous year's annual average cost of responding to a motor vehicle accident, whichever is higher. In this subsection, "emergency service" includes a peace officer, fire department, ambulance service, emergency medical technician, or emergency trauma technician.

(n) A person is guilty of a class C felony if the person is convicted under (a) of this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under this subsection or under AS 28.35.032(p) was previously imposed within the last 10 years. For purposes of determining minimum sentences based on previous convictions, the provisions of (w)(4) of this section apply. Upon conviction, the court

(1) shall impose a fine of not less than \$10,000, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 60 months, and impose a minimum sentence of imprisonment of not less than

- (A) 120 days if the person has been previously convicted twice;
- (B) 240 days if the person has been previously convicted three times;
- (C) 360 days if the person has been previously convicted four or more times;

(2) may not

(A) suspend execution of sentence or grant probation except on condition that the person

- (i) serve the minimum imprisonment under (1) of this subsection;
- (ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device for a violation of (a)(1) of this section involving an alcoholic beverage or intoxicating liquor, singly or in combination, or a violation of (a)(2) of this section;

(3) shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration of the license under (o) of this section;

(4) may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;

(5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft, or aircraft used in the commission of the offense, subject to remission under AS 28.35.037; and

(6) shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle or is registered as a co-owner under a business name, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection.

(o) Upon request, the department shall review a driver's license revocation imposed under (n)(3) of this section and, unless the revocation was ordered under (u) or (v) of this section or in a case in which the person was also convicted of a crime under AS 11.41.100--11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,

(1) may restore the driver's license if

- (A) the license has been revoked for a period of at least 10 years;
- (B) the person has not been convicted of a driving-related criminal offense or a felony in the 10 years preceding the request for restoration of the license; and
- (C) the person provides proof of financial responsibility;

(2) shall restore the driver's license if

(A) the person has been granted limited license privileges under AS 28.15.201(g) and has successfully driven under that limited license for three years without having the limited license privileges revoked;

(B) the person has successfully completed a court-ordered treatment program under AS 28.35.028 or a rehabilitative treatment program under AS 28.15.201(h);

(C) the person has not been convicted of a violation of AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another jurisdiction since the license was revoked;

(D) the person is otherwise eligible to have the person's driving privileges restored as provided in AS 28.15.211; in an application under this subsection, a person whose license was revoked for a violation of AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as required under AS 28.35.030(h) or 28.35.032(l); and

(E) the person provides proof of financial responsibility.

(p) Repealed by SLA 2006, ch. 56, § 7, eff. June 9, 2006.

(q) For purposes of this section, the director of the division within the department responsible for administration of this section or a person designated by the director may request and receive criminal justice information available under AS 12.62. In this subsection, "criminal justice information" has the meaning given in AS 12.62.900.

(r) Repealed by SLA 2010, ch. 85, § 12, eff. Sept. 14, 2010.

(s) In a prosecution under (a) of this section, a person may introduce evidence on the amount of alcohol consumed before or after operating or driving the motor vehicle, aircraft, or watercraft to rebut or explain the results of a chemical test, but the consumption of alcohol before operating or driving may not be used as a defense that the chemical test did not measure the blood alcohol at the time of the operating or driving. Consumption of alcohol after operating or driving the motor vehicle, aircraft, or watercraft may be used to raise such a defense.

(t) Notwithstanding (b) or (n) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in a community included on the list published by the department under AS 28.22.011(b).

(u) In addition to the penalties imposed under (n) of this section, if a person is convicted under (n) of this section and has been convicted two or more times under (n) of this section or a similar law of another jurisdiction at any time preceding the date of the present offense, upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license.

(v) In addition to the penalties imposed under (b) of this section, if a person is convicted under (a) of this section and the person has previously had the person's driver's license restored under (o) of this section or under AS 28.35.032(q), upon conviction, the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license.

(w) In this section,

(1) "inhalant" has the meaning given to the phrase "hazardous volatile material or substance" in AS 47.37.270;

(2) "operate an aircraft" means to navigate, pilot, or taxi an aircraft in the airspace over this state, or upon the land or water inside this state;

(3) "operate a watercraft" means to navigate a vessel used or capable of being used as a means of transportation on water for recreational or commercial purposes on all waters, fresh or salt, inland or coastal, inside the territorial limits or under the jurisdiction of the state;

(4) "previously convicted" means having been convicted in this or another jurisdiction within the 15 years preceding the date of the present offense of any of the following offenses; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous conviction:

(A) operating a motor vehicle, aircraft, or watercraft in violation of this section or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under (a)(2) of this section;

(B) refusal to submit to a chemical test in violation of AS 28.35.032 or in violation of another law or ordinance with similar elements; or

(C) operating a commercial motor vehicle in violation of AS 28.33.030 or in violation of another law or ordinance with similar elements, except that the other law or ordinance may provide for a lower level of alcohol in the person's blood or breath than imposed under AS 28.33.030(a)(2).

#### **§ 28.35.031. Implied consent**

(a) A person who operates or drives a motor vehicle in this state or who operates an aircraft as defined in AS 28.35.030(w) or who operates a watercraft as defined in AS 28.35.030(w) shall be considered to have given consent to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath if lawfully arrested for an offense arising out of acts alleged to have been committed while the person was operating or driving a

motor vehicle or operating an aircraft or a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance or if lawfully arrested under AS 28.35.280 for the offense of minor operating a vehicle after consuming alcohol. The test or tests shall be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating or driving a motor vehicle or operating an aircraft or a watercraft in this state while under the influence of an alcoholic beverage, inhalant, or controlled substance or that the person was a minor operating a vehicle after consuming alcohol.

(b) A person who operates or drives a motor vehicle in this state or who operates an aircraft or watercraft shall be considered to have given consent to a preliminary breath test for the purpose of determining the alcoholic content of the person's blood or breath. A law enforcement officer may administer a preliminary breath test at the scene of the incident if the officer has probable cause to believe that a person's ability to operate a motor vehicle, aircraft, or watercraft is impaired by the ingestion of alcoholic beverages and that the person

(1) was operating or driving a motor vehicle, aircraft, or watercraft that is involved in an accident;

(2) committed a moving traffic violation or unlawfully operated an aircraft or watercraft; in this paragraph, "unlawfully" means in violation of any federal, state, or municipal statute, regulation, or ordinance, except for violations that do not provide reason to believe that the operator's ability to operate the aircraft or watercraft was impaired by the ingestion of alcoholic beverages; or

(3) was operating or driving a motor vehicle in violation of AS 28.35.029(a).

(c) Before administering a preliminary breath test under (b) of this section, the officer shall advise the person that refusal may be used against the person in a civil or criminal action arising out of the incident and that refusal is an infraction. If the person refuses to submit to the test, the test shall not be administered.

(d) The result of the test under (b) of this section may be used by the law enforcement officer to determine whether the driver or operator should be arrested.

(e) Refusal to submit to a preliminary breath test at the request of a law enforcement officer is an infraction.

(f) If a driver or operator is arrested, the provisions of (a) of this section apply. The preliminary breath test authorized in this section is in addition to any tests authorized under (a) of this section.

(g) A person who operates or drives a motor vehicle in this state shall be considered to have given consent to a chemical test or tests of the person's breath and blood for the purpose of determining the alcoholic content of the person's breath and blood and shall be considered to have given consent to a chemical test or tests of the person's blood and urine for the purpose of determining the presence of controlled substances in the person's blood and urine if the person is involved in a motor vehicle accident that causes death or serious physical injury to another person. The test or tests may be administered at the direction of a law enforcement officer who has probable cause to believe that the person was operating or driving a motor vehicle in this state that was involved in an accident causing death or serious physical injury to another person.

(h) Nothing in this section shall be construed to restrict searches or seizures under a warrant issued by a judicial officer, in addition to a test permitted under this section.

Effective: July 1, 2022

**§ 28.35.032. Refusal to submit to chemical test**

(a) If a person under arrest for operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance refuses the request of a law enforcement officer to submit to a chemical test authorized under AS 28.33.031(a)(1) or AS 28.35.031(a), or if a person involved in a motor vehicle accident that causes death or serious physical injury to another person refuses the request of a law enforcement officer to submit to a chemical test authorized under AS 28.33.031(a)(2) or AS 28.35.031(g), after being advised by the officer that the refusal will result in the denial or revocation of the driver's license, privilege to drive, or privilege to obtain a license, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a motor vehicle or aircraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, and that the refusal is a crime, a chemical test may not be given, except as provided by AS 28.35.035. If a person under arrest for operating a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance refuses the request of a law enforcement officer to submit to a chemical test authorized under AS 28.35.031(a), after being advised by the officer that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance, and that the refusal is a crime, a chemical test may not be given, except as provided by AS 28.35.035.

(b) to (d) Repealed.

(e) The refusal of a person to submit to a chemical test authorized under AS 28.33.031(a) or AS 28.35.031(a) or (g) is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the

person while operating or driving a motor vehicle or operating an aircraft or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance.

(f) Except as provided under (p) of this section, refusal to submit to a chemical test authorized by AS 28.33.031(a) or AS 28.35.031(a) or (g) is a class A misdemeanor.

(g) Upon conviction under this section,

(1) the court shall impose a minimum sentence of imprisonment of

(A) not less than 72 consecutive hours, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of six months, and impose a fine of not less than \$1,500 if the person has not been previously convicted;

(B) not less than 20 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 12 months, and impose a fine of not less than \$3,000 if the person has been previously convicted once;

(C) not less than 60 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 18 months, and impose a fine of not less than \$4,000 if the person has been previously convicted twice and is not subject to punishment under (p) of this section;

(D) not less than 120 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 24 months, and impose a fine of not less than \$5,000 if the person has been previously convicted three times and is not subject to punishment under (p) of this section;

(E) not less than 240 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 30 months, and impose a fine of not less than \$6,000 if the person has been previously convicted four times and is not subject to punishment under (p) of this section;

(F) not less than 360 days, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 36 months, and impose a fine of not less than \$7,000 if the person has been previously convicted more than four times and is not subject to punishment under (p) of this section;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;

(B) suspend imposition of sentence; or

(C) suspend the requirement for an ignition interlock device;

(3) the court shall revoke the person's driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181, and may order that the motor vehicle, aircraft, or watercraft that was used in commission of the offense be forfeited under AS 28.35.036;

(4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law; and

(5) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person.

(h) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under this section shall supply the judge, prosecutor, defendant, and an agency involved in the defendant's treatment with information and reports concerning the defendant's past and present assessment, treatment, and progress.

Information compiled under this subsection is confidential and may only be used in connection with court proceedings involving the defendant's treatment, including use by a court in sentencing a person convicted under this section, or by an officer of the court in preparing a pre-sentence report for the use of the court in sentencing a person convicted under this section.

(i) A person who is sentenced to imprisonment for 72 consecutive hours under (g) of this section and who is not released from imprisonment after 72 hours may not bring an action against the state or a municipality or its agents, officers, or employees for damages resulting from the additional period of confinement if

(1) the employee or employees who released the person exercised due care and, in releasing the person, followed the standard release procedures of the prison facility; and

(2) the additional period of confinement did not exceed 12 hours.

(j) For purposes of this section, convictions under AS 28.33.030 or AS 28.35.030 and for refusal to submit to a chemical test under this section, if arising out of a single transaction and a single arrest, are considered one previous conviction.

(k) Notwithstanding (g) of this section, the court may reduce the fine required to be imposed under (g) of this section by the cost of the ignition interlock device.

(l) The court shall order a person convicted under this section to satisfy the screening, evaluation, referral, and program requirements of an alcohol safety action program if such a program is available in the community where the person resides, or a private or public treatment facility approved by the Department of Health under AS 47.37 to make referrals for rehabilitative treatment or to provide rehabilitative treatment. If a person is convicted under (p) of this section, the court shall order the person to be evaluated as required by this subsection before the court imposes sentence for the offense.

(m) A program of inpatient treatment may be required by the authorized agency under (l) of this section only if authorized in the judgment, and may not exceed the maximum term of inpatient treatment specified in the judgment. A person who has been referred for inpatient treatment under this subsection may make a written request to the sentencing court asking the court to review the referral. The request for review shall be made within seven days of the agency's referral, and shall specifically set out the grounds upon which the request for review is based. The court may order a hearing on the request for review.

(n) If a person fails to satisfy the requirements of an authorized agency under (m) of this section, the court (1) may impose any portion of a suspended sentence; however, if the person was convicted under (p) of this section, the court shall impose a part or all of the remaining portion of any suspended sentence;

(2) may punish the failure as contempt of the authority of the court under AS 09.50.010 or as a violation of a condition of probation; and

(3) shall order the revocation or suspension of the person's driver's license, privilege to drive, and privilege to obtain a driver's license until the requirements are satisfied.

(o) Imprisonment required under (g)(1)(A) of this section shall be served at a community residential center or by electronic monitoring at a private residence under AS 33.30.065. If a community residential center or electronic monitoring at a private residence is not available, imprisonment required under (g)(1)(A) of this section may be served at another appropriate place determined by the commissioner of corrections. Imprisonment required under (g)(1)(B)--(F) of this section may be served at a community residential center or at a private residence if approved by the commissioner of corrections. Imprisonment served at a private residence must include electronic monitoring under AS 33.30.065. The cost of imprisonment resulting from the sentence imposed under (g)(1) of this section shall be paid to the state by the person being sentenced. The cost of imprisonment required to be paid under this subsection may not exceed \$2,000. Upon the person's conviction, the court shall include the costs of imprisonment as a part of the judgment of conviction. Except for reimbursement from a permanent fund dividend as provided in this subsection, payment of the cost of imprisonment is not required if the court determines the person is indigent. For costs of imprisonment that are not paid by the person as required by this subsection, the state shall seek reimbursement from the person's permanent fund dividend as provided under AS 43.23.140. A person sentenced under (g)(1)(B) of this section shall perform at least 160 hours of community service work, as required by the director of the community residential center or other appropriate place, or as required by the commissioner of corrections if the sentence is being served at a private residence. In this subsection, "appropriate place" means a facility with 24-hour on-site staff supervision that is specifically adapted to provide a residence, and includes a correctional center, residential treatment facility, hospital, halfway house, group home, work farm, work camp, or other place that provides varying levels of restriction.

(p) A person is guilty of a class C felony if the person is convicted under this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under this subsection or under AS 28.35.030(n) was previously imposed within the last 10 years. For purposes of determining minimum sentences based on previous convictions, the provisions of AS 28.35.030(w)(4) apply. Upon conviction,

(1) the court shall impose a fine of not less than \$10,000, require the person to use an ignition interlock device after the person regains the privilege to operate a motor vehicle for a minimum of 60 months, and impose a minimum sentence of imprisonment of not less than

(A) 120 days if the person has been previously convicted twice;

(B) 240 days if the person has been previously convicted three times;

(C) 360 days if the person has been previously convicted four or more times;

(2) the court may not

(A) suspend execution of the sentence required by (1) of this subsection or grant probation, except on condition that the person

(i) serve the minimum imprisonment under (1) of this subsection;

(ii) pay the minimum fine required under (1) of this subsection;



- (B) suspend imposition of sentence; or
- (C) suspend the requirements for an ignition interlock device;
- (3) the court shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration under (q) of this section;
- (4) the court may order that the person, while incarcerated or as a condition of probation or parole, take a drug, or combination of drugs intended to prevent consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;
- (5) the sentence imposed by the court under this subsection shall run consecutively with any other sentence of imprisonment imposed on the person;
- (6) the court shall order forfeiture under AS 28.35.036, of the motor vehicle, aircraft, or watercraft used in the commission of the offense, subject to remission under AS 28.35.037; and
- (7) the court shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection.
- (q) Upon request, the department shall review a driver's license revocation imposed under (p)(3) of this section and, unless the revocation was ordered in a case in which the person was also convicted of a crime under AS 11.41.100 -- 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction or the revocation was ordered under AS 28.35.030(u) or (v), may restore the driver's license if
  - (1) the license has been revoked for a period of at least 10 years;
  - (2) the person has not been convicted of a driving-related criminal offense or a felony in the 10 years preceding the request for restoration of the license; and
  - (3) the person provides proof of financial responsibility.
- (r) Repealed by SLA 2006, ch. 56, § 7, eff. June 9, 2006.
- (s) For purposes of this section, the director of the division within the department responsible for administration of this section or a person designated by the director may request and receive criminal justice information available under AS 12.62.
- (t) Notwithstanding (g) or (p) of this section, the court shall waive the requirement of the use of an ignition interlock device when a person operates a motor vehicle in a community included on the list published by the department under AS 28.22.011(b).
- (u) In this section,
  - (1) "cost of imprisonment" means the cost of imprisonment as determined under AS 28.35.030(1);
  - (2) "previously convicted" has the meaning given in AS 28.35.030.

**28.35.280. Minor operating a vehicle after consuming alcohol**

- (a) A person who is at least 14 years of age but not yet 21 years of age commits the offense of minor operating a vehicle after consuming alcohol if the person operates or drives a motor vehicle or operates an aircraft or a watercraft after having consumed any quantity of alcohol. A peace officer who has probable cause to believe that a person has committed the offense of minor operating a vehicle after consuming alcohol may
  - (1) place the person under arrest;
  - (2) request that the person submit to a chemical test or tests of the person's breath for the purpose of determining the alcoholic content of the person's blood or breath; and
  - (3) transport the person to a location at which a chemical or other test authorized under (2) of this subsection may be administered.
- (b) If a chemical test under this section reveals any alcohol concentration within the person's blood or breath, the person shall be cited for violating this section and then released unless there is a lawful reason for further detention. A person who is 18 years of age or older shall be released on the person's own recognizance. A person who is under the age of 18 shall be released to a parent, guardian, or legal custodian.
- (c) A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under AS 28.35.290 for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.
- (d) The offense of a minor operating a vehicle after consuming alcohol is an infraction, and, if the minor
  - (1) has not been previously convicted under this section, AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a
    - (A) fine of \$500; and
    - (B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if

opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, AS 28.35.285, or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

(e) In this section,

(1) "operate an aircraft" has the meaning given in AS 28.35.030(w);

(2) "operate a watercraft" has the meaning given in AS 28.35.030(w).

**28.35.285. Minor's refusal to submit to chemical test**

(a) If a person under arrest for minor operating a vehicle after consuming alcohol refuses the request of a peace officer to submit to a chemical test or tests of the person's breath authorized under AS 28.35.031(a) and 28.35.280(a), after being advised by the officer that the refusal will result in the denial or revocation of the driver's license, privilege to drive, or privilege to obtain a license, that the refusal may be used against the person in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol, and that the refusal is a violation, a chemical test may not be given.

(b) A person who is cited for violating this section shall be advised by a peace officer that it is unlawful under AS 28.35.290 for the person to operate a motor vehicle, aircraft, or watercraft during the 24 hours following the issuance of the citation.

(c) The refusal of a minor to submit to a chemical test authorized under AS 28.35.031(a) and 28.35.280(a) is admissible evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by the person while operating a vehicle after consuming alcohol.

(d) Refusal to submit to a chemical test or tests of the person's breath requested under AS 28.35.280 is an infraction, and, if the minor

(1) has not been previously convicted under this section, AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$500; and

(B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, AS 28.35.280, or 28.35.290, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

**28.35.290. Driving during the 24 hours after being cited for alcohol or breath test offenses**

(a) A person who has been cited for minor operating a vehicle after consuming alcohol under AS 28.35.280 or for refusal to submit to a chemical test of breath under AS 28.35.285 may not operate a motor vehicle, aircraft, or watercraft during the 24 hours following issuance of the citation.

(b) Operating a motor vehicle during the 24 hours after being cited for minor operating a vehicle after consuming alcohol or for minor's refusal to submit to a chemical test is an infraction, and, if the minor

(1) has not been previously convicted under this section, AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$500; and

(B) period of community work service of not less than 20 hours nor more than 40 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(2) has been previously convicted once under this section, AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$1,000; and

(B) period of community work service of not less than 40 hours nor more than 60 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service;

(3) has been previously convicted two or more times under this section, AS 28.35.280, or 28.35.285, upon conviction, the court shall impose a

(A) fine of \$1,500; and

(B) period of community work service of not less than 60 hours nor more than 80 hours; the community work service under this subparagraph must be related to education about or prevention or treatment of misuse of alcohol if opportunities are available for that type of work service in the community; if such opportunities are not available, the court shall make other provisions for the work service.

(c) In this section,

(1) "operate an aircraft" has the meaning given in AS 28.35.030(w);

(2) "operate a watercraft" has the meaning given in AS 28.35.030(w).

## **Federal Trafficking Penalties**

Marijuana is federally classified as a schedule I drug; possession, consumption, cultivation, and sale of it can result in penalties including imprisonment and serious fines. The University of Alaska is a federally funded institution and must comply with

federal law. Therefore, no person may possess, consume, cultivate, or be perceptively under the influence of marijuana on university property or at university-sanctioned events. Violation of this policy can result in disciplinary action, including suspension or expulsion and termination of employment, as well as local, state, and federal penalties. Please note that although Alaska state law allows individuals over the age of 21 to possess and consume marijuana, it is still prohibited on all UA property and at UA activities, and violators face serious university sanctions.

In addition to the state laws listed above, the possession, use, or distribution of illicit drugs is also prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses.

The misuse of prescription medication, including giving or sharing medication with another person, is unlawful use or distribution of a controlled substance. Penalties can include jail time and serious fines.

There are also strict penalties for federal trafficking of controlled substances, including marijuana. Please see the charts below for specific information.

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500-4999 grams mixture	<p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	5 kgs or more mixture	<p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 grams or more pure or 1 kg or more mixture	

Drug/Schedule	Quantity	Penalties
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Other Schedule I and II drugs (and any drug product containing GMA) Flunitrazepam (Schedule IV)	Any amount  1 Gram	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual  Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.  Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Drug/ Schedule	Quantity	Penalties
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	First Offense: Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. Second Offense*: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
	100 kg to 999 kg mixture; or 100 to 999 plants	First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. Second Offense*: Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
	More than 10 kgs hashish; 50 to 99 kg mixture More than 1kg of hashish oil; 50 to 99 plants	First Offense: Not less than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.  Second Offense*: Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
	1 to 49 plants; less than 50 kg mixture	First Offense: Not less than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual  Second Offense*: Not less than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual
Hashish (Schedule I)	10 kg or less	
Hashish Oil (Schedule I)	1 kg or less	

\* The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Information used to create these charts can be found at <https://www.dea.gov/sites/default/files/2021-12/Trafficking%20Penalties.pdf>.

# UAF Campus Specific Local Policies and Resources

## UAF Residence Life Alcohol Policy

- Residents and guests are expected to follow state laws and University regulations related to alcohol use and possession. With the exception of legal dependents, residents and guests under 21 years of age may not be in the same room or apartment as an open container of alcohol. If a minor is present in an apartment, residents 21 and over can consume alcohol in their individual bedroom with the door closed.
- If alcohol is found in residential facilities, it is considered to be in the resident's possession. In all residential areas, any alcoholic beverages possessed in violation of UAF regulations will be confiscated and disposed of by Residence Life staff.
- Alcohol must be confined to individual rooms, suites, and apartments. The consumption of alcohol is not permitted in or on public and common areas, including hallways, lounges, lobbies, and porches.
- Displays of alcohol or alcohol containers are permitted for residents of legal age, as long as displays are not in public view (able to be viewed by someone outside the room or apartment or through a window). Underage residents or residents of substance-free halls may not display containers that once held alcohol.
- The sale of alcoholic beverages to a person by another individual on campus is prohibited.
- Use of common sources of alcohol, including but not limited to kegs, party balls, beer pong, trashcans, and punch bowls is prohibited.
- In order to transport alcohol into halls residents must live in that particular building, and not be perceptibly under the influence of alcohol.
- Neither alcohol possession nor intoxication are allowed in Bartlett Hall, Wickersham Hall or Eileen Panigeo MacLean House regardless of resident age.

## **UAF Residence Life Drugs and Other Substances, Including Marijuana**

The unauthorized use, manufacture, distribution, possession, or being under the influence of illegal drugs or other controlled substances in violation of local, state or federal law, Regents' Policy, University Regulation or MAU rules and procedures, is prohibited. Possession or use of marijuana or any other substance controlled pursuant to 21 U.S.C. 841 et seq. anywhere on university property is prohibited.

- It is a violation of the Student Code of Conduct and the Department of Residence Life policy to possess, distribute, or use any substance solely for the purpose of becoming intoxicated.
- Residents cannot store drugs, including marijuana, in personal vehicles while the vehicles are on campus.
- Paraphernalia is prohibited in Residence Life facilities.

## **UAF Alcohol and Intoxicants- Field Policy**

### UAF Policy 02.09.030

#### **POLICY STATEMENT**

Except as provided herein, no alcohol, marijuana or other intoxicants may be present or consumed during or at the site of UAF-related field activities, including both course or research activities that occur beyond UAF campuses.

The Alcohol and Intoxicants - Field Policy (Policy) statement sets the minimum UAF requirements for restrictions on the possession and use of alcohol in the field. Principal Investigators (PIs), supervisors, deans, directors, vice provosts, and vice chancellors may set more restrictive policies for specific activities.

#### **BACKGROUND AND JUSTIFICATION**

UAF faculty, staff, and students participating in field activities represent the university both during and after working hours and should act responsibly. UAF is committed to the health, safety and well-being of all students, university employees, volunteers and community partners. Alcohol consumption can lead to impaired coordination and judgment and can reduce individuals' ability to avoid and defend against a variety of hazards at field locations. In field settings, emergency response to health and safety issues may not be immediately available and field activity participants must be able to respond as needed to address emergent situations.

Participants are expected to behave responsibly, maintaining the ability to respond appropriately to emergent situations irrespective of whether a field course or research activity is under UAF administrative control. This expectation further applies irrespective of whether the field activity has Chancellor (or designee) approval for limited alcohol possession and consumption as an exception to this Policy. Impairment as a result of the ingestion of drugs or alcohol is not permitted during any university-related activities.



# UAF Alcohol Beverage Policy

## UAF Policy 05.12.001

### **POLICY STATEMENT**

Serving alcohol beverages at events on campus, or at UAF events located off-campus, requires compliance with state laws and sensitivity to the public's perception of our institution. It is the University's desire to provide a safe and secure environment for all faculty, staff, students, and visitors attending UAF events. All persons who consume alcohol beverages will do so in a responsible manner.

### **BACKGROUND & JUSTIFICATION**

The sale and dispensing of alcohol beverages is regulated by the State of Alaska Alcoholic Beverage Control (ABC) Board. An ABC permit is required when alcohol is served at a UAF supported event. When a UAF supported event on or off campus requires an ABC permit, the permit application must be approved by the Director for Auxiliary, Recharge and Contract Operations (as the Chancellor's designee). Individuals serving alcohol must comply with State of Alaska ABC laws and regulations.

*The University reserves the right to amend this policy in accordance with the law, community standards, or the best interests of the University.*

## **Local Municipal Laws**

Applicable local alcohol and drug laws and ordinances are in accordance with state statutes, but may be subject to change with the passage and implementation of possible new laws.

Many municipalities have adopted, by reference, the Alaska state vehicle and traffic laws. This means a violation of a state statute (such as driving with an open container) can result in an additional fines from the municipality.

Many municipalities allow for civil court action against the offending individual for monetary compensation (in addition to any fine) and/or injunctive relief (a court order restricting future activities).

### **Bethel Municipal Code (Select Provisions)**

<https://bethel.municipal.codes/BMC>

**8.10.040 - Prohibition of smoking in public places. [Fine up to \$400]**

A. Smoking is prohibited in all enclosed public places within the city, including, but not limited to, the following enclosed places:

1. Elevators;
2. Restrooms, lobbies, reception areas, hallways and any other common-use areas;
3. Buses, taxicabs, and other means of public transit operating within the city, and ticket, boarding, and waiting areas of public transit depots;
4. Service lines;
5. Retail stores;
6. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, offices, banks, laundromats, hotels, motels, sales areas and areas where personal services are provided;
7. Restaurants;
8. Public areas of galleries, libraries and museums;
9. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance except as provided in BMC 8.10.070(A)(7);
10. Sports arenas and convention halls, including bowling facilities and places where bingo games and games of skill and chance are conducted;
11. Every room, chamber, place of meeting or public assembly, including school buildings under the control of the state or any board, council, commission, committee, including joint committees, or agencies of the state, the city or any political subdivision of the state or special purpose public or quasi-public entity created or authorized by state statute during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
12. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices;
13. Lobbies, hallways, recreation rooms, storage and parking areas, laundry facilities and other enclosed common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
14. Polling places.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any enclosed area that is unregulated space may declare that enclosed area a nonsmoking area and when such area is posted in accordance with BMC 8.10.080 no person may smoke in such area.

**8.10.050 - Prohibition of smoking in places of employment. [Fine up to \$400]**

A. Smoking in a place of employment is prohibited.

B. An employer may not permit any person to smoke in a place of employment.

C. It shall be the responsibility of employers to provide a smoke-free workplace for all employees. In providing a smoke-free workplace, an employer is not required to incur any expense to make structural or other physical modifications to their facilities to accommodate smokers.

D. Each employer having an enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking is prohibited in all enclosed areas within this place of employment, without exception. This includes common work areas, private offices, hallways, employee lounges, stairs, restrooms, vehicles, and all other enclosed areas and spaces.

E. The smoking policy shall be communicated to all employees within three (3) weeks of its adoption and shall be communicated to all new employees immediately upon employment.

F. A written copy of the smoking policy shall be given upon request to any existing or prospective employee. [Ord. 98-07 § 2.]

**8.10.060 - Smoking outside of buildings. [Fine up to \$400]**

A. No person may smoke outside within fifty (50) feet of any entrance, open window, or ventilation system intake of any building area within which smoking is prohibited by this chapter.

B. No person may smoke outside within fifty (50) feet of any public handicap access ramp. [Ord. 18-19 § 2; Ord. 05-03 § 2.]

## City of Seldovia Code of Ordinances (Select Provisions)

<https://www.cityofseldovia.com/seldovia-municipal-code>

### **9.04.020 Profanity and disorderly conduct. [Fine up to \$500]**

No person shall and it is unlawful to use any profane or obscene language in any public place or private house or place to the disturbance or annoyance of any person or persons, or shall make any loud noise or be guilty of tumultuous conduct in any public place or private house to the disturbance or annoyance of any person or persons, or be otherwise guilty of disorderly conduct, disturbance or annoyance of any person or persons, or shall be drunk in any private house or place to the annoyance of any person or persons, or shall be drunk in or upon any boat, train, passenger coach or other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or in any hotel lobby, store, dance hall, theater, liquor dispensary or any other public place, or shall drink intoxicating liquor in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or any hotel lobby, dance hall, theater or any other public place not permitted under license to dispense intoxicating liquor.

### **9.04.170 Attend illegal business. [Fine up to \$500]**

No person shall and it is unlawful to attend or frequent any place in which an illegal business is permitted or conducted. (Prior code Sec. 4.005(Q))

### **9.04.180 Soliciting people for illegal acts. [Fine up to \$500]**

No person shall and it is unlawful to solicit a person for the purpose of committing any illegal act. (Prior code Sec. 4.005(R))

### **9.16.010 Tobacco sale to -- Prohibited -- Penalty. [Fine up to \$500]**

A. It is unlawful to sell, exchange or give cigarettes, cigars or tobacco to a person under the age of eighteen years.

## Code of Ordinances City of Fairbanks, Alaska (Select Provisions)

[https://library.municode.com/ak/fairbanks/codes/code\\_of\\_ordinances?nodeId=COO\\_RFAAL](https://library.municode.com/ak/fairbanks/codes/code_of_ordinances?nodeId=COO_RFAAL)

### **Sec. 34-116. - Prohibition of smoking in public places. [\$100 Fine]**

(a)Smoking is prohibited in all enclosed public places within the City of Fairbanks including, but not limited to, the following places:(1)Elevators.(2)Restrooms, lobbies, reception areas, hallways, and any other common-use areas.(3)Buses, taxicabs, and other means of public transit operated in the city, and ticket, boarding, and waiting areas of public transit depots.(4)Service lines.(5)Retail stores.(6)All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to, attorneys' offices, engineering, accounting and other offices, banks, laundromats, hotels, and motels.(7)Public areas of aquariums, galleries, libraries and museums.(8)Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance.(9)Sports arenas, arcades, pull-tab parlors located in an enclosed shopping mall, convention halls, pool halls and other places of entertainment.(10)Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the City of Fairbanks.(11)Waiting rooms, hallways, wards, and semiprivate rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.(12)Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.(13)Polling places.(b)Notwithstanding any other provision of this chapter, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment or facility.

(Ord. No. 5574, § 1, 7-12-2004)

<p><b>Sec. 34-117. - Same—In places of employment. [\$100 Fine]</b>  (a)It shall be the responsibility of employers to provide a smoke-free workplace for all employees.(b)By the effective date of this chapter, each employer having an enclosed place of employment located within the City of Fairbanks shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements: Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities.  (c)The smoking policy shall be communicated to all employees within three weeks of its adoption and to all new employees upon their hire.  (Ord. No. 5574, § 1, 7-12-2004)</p>
<p><b>Sec. 34-118. - Smoke free distance. [\$100 Fine]</b>  Smoking is prohibited within a distance of ten feet from entrances, doorways, windows, and/or air ventilation systems of an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area where smoking is prohibited.  (Ord. No. 5574, § 1, 7-12-2004)</p>
<p><b>Sec. 34-119. - Where smoking not regulated.</b>  (a)Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this article:(1)Private residences, except those used as a child care, adult care, or health care facility, private offices and private vehicles.(2)30 rooms or 20 percent of hotel and motel rooms rented to guests, whichever is larger.(3)Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article.(4)Bars, restaurants, bingo halls and pull tab parlors unless located in an enclosed shopping mall.(5)Any separate building which is totally enclosed and set aside for smokers by an employer which has a separate entrance which is at least ten feet from entrances, doorways, windows, and/or air ventilation systems of any enclosed area where smoking is prohibited, provided that no employee is required to enter or pass through the structure to perform any required work function including but not limited to attendance at meetings, retrieval or storage of materials and information, or communications with any person.(b)Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment by permanently affixing a sign thereon.  (Ord. No. 5574, § 1, 7-12-2004)</p>
<p><b>Sec. 34-122. - Violations and penalties.</b>  (a)It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this article.(b)Violation of subsection (a) of this section is an infraction punishable by:  A fine of \$100.00.  Disposition of an offense under this section may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074.  (c)Each day on which a violation of this article occurs shall be considered a separate and distinct violation.  (Ord. No. 5574, § 1, 7-12-2004; Ord. No. 5956, § 1, 9-13-2014 )</p>
<p><b>Sec. 46-42. - Disturbing the peace. [\$100 Fine]</b>  [...]  (g) In addition to subsections (a) and (b), a person commits the offense of disturbing the peace if they:  (1) In a private place, consume marijuana with the intent to disturb or in reckless disregard of the peace and privacy of others after having been informed by another that the conduct is disturbing the peace and privacy of others not in the same place; or  (2) After being informed by a police officer that their consumption of marijuana is in violation of subpart (1), refuses to abate the consumption.  (Code 1960, § 6.202; Ord. No. 5744, § 7, 7-1-2008; Ord. No. 5876, § 2, 3-10-2012; Ord. No. 5970, § 1, 4-25-2015 )</p>
<p><b>Sec. 46-44. - Consuming marijuana in public place. [\$100 Fine]</b>  (a) It is unlawful for any person to knowingly consume marijuana when the person is:  (1)On, in, or upon any public place, except as permitted by ordinance, regulation, statute or permit; or  (2)Outdoors on property adjacent to a public place, and without consent of the owner or person in control thereof.  ( Ord. No. 5964, § 1, 2-28-2015 )</p>
<p><b>Sec. 46-80. - Drinking in public. [Fine up to \$600 and/or 60 Days Imprisonment]</b>  A person commits the offense of drinking in public if they drink any alcoholic beverage on or in any public place which is not covered by a license issued under the provisions of Alaska Statute Title 4, which permits the sale and consumption of</p>

alcoholic beverages on the premises.(b)The prohibition in subsection (a) only applies to borough parks and borough outdoor recreation areas if the borough has banned alcohol from those locations.  
(Code 1960, § 6.206; Ord. No. 6150 , § 1, 4-12-2021, eff. 4-17-2021; Ord. No. 6167 , § 1, 5-15-2021)

**Sec. 46-82. - Misconduct by minors regarding tobacco. [Increasing Fine \$75/\$100/\$125/\$250]**

(a)It is unlawful for any person under the age of 19, to consume, possess, purchase or attempt to purchase tobacco.(b)A person who violates a provision of this section is guilty of a violation and shall be punished by a fine not to exceed \$250.00 as set forth in the following schedule of fines:

- 1.First offense .....\$75.002.
- Second offense .....100.003.
- Third offense .....125.004.
- Each subsequent .....250.00

A person charged with a violation of this section must respond within 30 days of receipt of the citation. Disposition may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of the fine amount listed above and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines established in this fine schedule may not be judicially reduced.

(Ord. No. 5466, § 1, 1-14-2002; Ord. No. 5477, § 1, 3-25-2002; Ord. No. 5927, § 7, 10-12-2013)

**Sec. 46-362. - Sale of drug paraphernalia unlawful. [Fine between \$50 and \$1000 and/or Injunctive Relief]**

It is unlawful for any person to sell, or possess with intent to sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as specifically authorized and permitted under the provisions of AS Title 17 and by such rules and regulations as are adopted pursuant to such statute.

(Code 1960, § 6.702)

**Sec. 46-363. - Minors. [Fine between \$50 and \$1000 and/or Injunctive Relief]**

(a)Any person engaged in, conducting, managing or carrying on a drug paraphernalia store shall not permit persons under the age of 18 years of age to enter, unaccompanied by his or her parent or legal guardian, any area of such establishment or store, where such person under the age of 18 years may view drug paraphernalia.(b)For purposes of this section, a drug paraphernalia store means any establishment or place where drug paraphernalia is displayed, grouped, advertised or promoted for the purpose of sale, either as a primary business or as an incident of some other business.

(Code 1960, § 6.703)

**Sec. 78-576. - Drinking while driving; open container. [Fine up to \$600 and/or 60 Days Imprisonment]**

- (a) No person shall drink any alcoholic beverage while driving a vehicle on a roadway, highway or publicly maintained parking lot or park.
- (b) No person shall operate any motor vehicle in which an open container of alcoholic beverage is present within the passenger compartment.
- (c) No person shall possess an open container of alcoholic beverage within the passenger compartment of a motor vehicle while it is being operated.
- (d) For the purposes of this section, "open container" shall mean the same as defined in section 14-176(b); and "passenger compartment" shall mean the general area of a motor vehicle in which the driver and/or the passengers are contained while the vehicle is being operated.

(Code 1960, § 7.13.106)

## Code of Ordinances of Nome (Select Provisions)

<https://www.codepublishing.com/AK/Nome/#!/Nome03/Nome0305.html#3.05.030>

**3.05.030 Prohibitions. [\$100 Fine]**

(a) All laws and regulations of the state of Alaska regarding licensed alcoholic beverage sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated, except that the city of Nome has not adopted the local option pursuant to AS 04.11.491.

(b) It is unlawful to carry or transport an open container of intoxicating liquor on the public streets, alleys, parks or other public places, except that an open container of intoxicating liquor may be carried in a vehicle in a locked trunk or other secured location inaccessible to drivers and passengers of the vehicle.

(c) It is unlawful to consume intoxicating liquor on the public streets, alleys, parks or other public places, except as otherwise provided in NCO Section 3.05.070.

(Ord. O-14-01-02 § 3, 2014)

**3.05.070 Consumption in public places—Exceptions.**

The city manager shall promulgate regulations governing the service and consumption of intoxicating liquor at group functions conducted in city parks and at municipal buildings and facilities. The regulations shall require that a permit be obtained and shall set qualifications for the issuance of a permit. All proposed regulations shall be approved by resolution by the city council. It shall be unlawful for any person to violate the regulations promulgated under this section.

(Ord. O-93-6-6 § 1 (part), 1994)

**3.4.0.030 Violations and penalties. [Increasing Fine \$100/\$500]**

(a) It is unlawful for any person who operates any restaurant, eatery, bar, hotel, or other lodging to permit marijuana use in violation of this chapter.

(b) It is unlawful for any person to send, transport, bring, consume or use marijuana or marijuana products in violation of this chapter.

(Ord. O-16-01-02 § 3, 2016; Ord. O-15-08-03A § 1 (part), 2015)

**3.4.0.040 Marijuana use in public prohibited. [Fine up to \$500]**

Use or consumption of marijuana in public is prohibited. This section is not intended to restrict the owner of any property from further restricting use of marijuana.

(Ord. O-15-08-03A § 1 (part), 2015)

**3.4.0.050 Marijuana use in or on motor vehicles is prohibited. [Fine up to \$500]**

Marijuana use in or on motor vehicles, watercraft, or aircraft is prohibited.

(Ord. O-15-08-03A § 1 (part), 2015)

**3.4.0.060 Marijuana use without consent of property owner. [Fine up to \$500]**

(a) Use or consumption of marijuana on private property without the affirmative consent of the property owner is prohibited.

(b) If a person has a possessory interest in private property but is not the owner and the owner prohibits the use or consumption of marijuana, use or consumption of marijuana on or in that property is prohibited.

(Ord. O-15-08-03A § 1 (part), 2015)

**10.50.020 Smoking prohibited. [Increasing Fine \$100/\$200/\$500]**

(a) Smoking is prohibited at the following places:

(1) All enclosed public places within the city of Nome.

(2) All enclosed areas that are places of employment, including office buildings, hotels, restaurants, bars, medical facilities, stores, and all other types of businesses.

(3) All enclosed areas on properties, including buildings or vehicles, owned or controlled by the city of Nome, and including every room, chamber, place of meeting or public assembly under the control of the city of Nome.

(4) All areas within twenty feet of each entrance to enclosed areas on properties owned or controlled by the city of Nome, including every room, chamber, place of meeting or public assembly under the control of the city of Nome.

(5) All areas within fifty feet of each entrance to a health care facility.

(6) All outdoor playing fields, playgrounds, and parks controlled by the city of Nome except in designated smoking areas, which may be established only in perimeter areas at least twenty feet from bleachers, grandstands, seating areas within the venue/park/playground, and concession stands.

(7) All public and school bus stops, including buildings and other structures intended for shelter while waiting for transportation.

(8) All areas within twenty feet of each entrance to enclosed areas at an establishment licensed under state law to sell alcoholic beverages for consumption on the premises. When an establishment licensed under state law to sell alcoholic beverages for consumption on the premises includes an entrance to an outdoor area such as a patio or deck, the minimum reasonable distance under NCO Section 10.50.030 shall be ten feet.

(9) Reasonable distance areas as defined by NCO Section 10.50.030.

(b) Smoking is prohibited on any property not listed in subsection (a) of this section, whether or not enclosed, if the owner, operator, manager, or other person having control of the property chooses to prohibit smoking.

Nome Municipal Code 10.50.020, Smoking Prohibited, prohibits smoking in all enclosed public places within the city of Nome, including all enclosed areas that are places of employment, all enclosed areas on properties, including buildings or vehicles, owned or controlled by the city of Nome, all areas within twenty feet of each entrance to enclosed areas on properties owned or controlled by the city of Nome, all areas within fifty feet of each entrance to a health care facility, all outdoor playing fields, playgrounds, and parks controlled by the city of Nome except in designated smoking areas, all public and school bus stops and shelter, all areas within twenty feet of each entrance to enclosed areas at premises licensed to sell alcohol for consumption on the premises. Nome Municipal Code 1.20.040 provides violation of this ordinance is punishable by a \$100 fine for a first offense, \$200 fine for a second offense, and a \$500 fine for a third or subsequent offense.

**10.60.030 Prohibition of illicit synthetic drugs. [\$500 Fine]**

(a) It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or to offer, display, market, or advertise for sale, any illicit synthetic drug.

(b) In determining whether a product is prohibited by this section, statements on package labeling such as “not for human consumption” may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans or is a product regulated by this section. Other relevant factors that may be used to determine whether a product or sale is prohibited by this section include, but are not limited to: verbal or written representations at the point of sale or seizure regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a “high,” euphoria, relaxation, mood enhancement, or that the product has other effects on the body; the cost of the product is disproportionately higher than other products marketed for the same use; the product contains a warning label stating or suggesting that the product is in compliance with state or federal laws regulating controlled substances; the product’s name or packaging uses images or slang referencing an illicit street drug; illicit or underground methods of sale or delivery are employed by the seller or provider; or the product resembles an illicit street drug such as cocaine, methamphetamine, LSD, or marijuana. (Ord. O-14-01-03 § 2 (part), 2014)

**10.60.050 Sale of certain products for human consumption prohibited.**

It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled “not for human consumption” or contains similar warnings. (Ord. O-14-01-03 § 2 (part), 2014)

## The Code of the City of Seward, Alaska (Select Provisions)

[https://library.municode.com/ak/seward/codes/code\\_of\\_ordinances?nodeId=THCOS EAL](https://library.municode.com/ak/seward/codes/code_of_ordinances?nodeId=THCOS EAL)

**10.30.035 - Sale to minors. [Fine up to \$1000]**

It shall be unlawful to sell or give items designed or marketed for use with controlled substances to any child. (Ord. 508, 1982; Ord. No. 2023-011, § 1, 5-8-2023)

**10.30.045 - Remedies.**

A.A person who violates any provision of this chapter shall be subject to a civil penalty of not less than \$50.00 nor more than \$1,000.00 for each offense or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

(Ord. 508, 1982; Ord. 610, 1988; Ord. No. 2023-011, § 1, 5-8-2023)

## Dillingham Municipal Code (Select Provisions)

<https://www.codepublishing.com/AK/Dillingham/#!/Dillingham02/Dillingham0242.html>

### **2.42.240 Fire hazards prohibited. [\$75 Fine]**

[...]

D. No person may smoke on any other port facility designated by appropriate signs as a no-smoking area. (Ord. 08-05 § 2 (part), 2008.)

### **8.10.030 Prohibition of smoking in public places. [\$75 Fine]**

A. Smoking is prohibited in all enclosed public places within the city of Dillingham, including but not limited to the following places:

1. Elevators;
2. Restrooms, lobbies, reception areas, hallways and any other common-use areas;
3. Buses, taxicabs, and other means of public transit operating within the city, and ticket, boarding and waiting areas of public transit depots;
4. Service lines;
5. Retail stores;
6. All areas available to and customarily used by the general public in all businesses and non-profit entities patronized by the public, including but not limited to attorneys' offices and other offices, banks, laundromats, hotels and motels;
7. Restaurants;
8. Public areas of aquariums, galleries, libraries and museums when open to the public;
9. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance;
10. Sports arenas and convention halls, including bowling facilities and pool halls;
11. Every room, chamber, place of meeting or public assembly, including school buildings under the control of the state or any board, council, commission, committee, including joint committees, or agencies of the city of Dillingham or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city of Dillingham;
12. Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices, dentists' offices, health care facilities and licensed childcare facilities;
13. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
14. Polling places;
15. Building entranceways.

B. Notwithstanding any other provision of the section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

(Ord. 03-04 § 1 (part), 2003.)

### **8.10.040 Prohibition of smoking in places of employment. [\$75 Fine]**

A. It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications to discharge this responsibility.

B. By the effective date of the ordinance codified in this chapter, each employer having an enclosed place of employment located within the city of Dillingham shall adopt, implement, make known and maintain a written smoking policy which shall prohibit smoking in all enclosed areas within the place of employment.

C. The smoking policy shall be communicated to all employees and all employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

(Ord. 03-04 § 1 (part), 2003.)

### **8.10.050 Reasonable distance. [\$75 Fine]**

To ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or any other means, smoking may occur only at a reasonable distance outside any enclosed area within which smoking is prohibited, or when conditions allow.



(Ord. 03-04 § 1 (part), 2003.)
<b>8.30.030 Violations and remedies. [Increasing Fine \$100/\$300/Court Appearance]</b> A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel or other lodging, or retail establishment to permit marijuana use in violation of this chapter. B. It is unlawful for any person to consume or use marijuana in violation of this chapter. C. Any person aggrieved by a violation of this chapter or the city may bring a civil action against a person who violates this chapter and may recover a civil penalty not to exceed three hundred dollars per violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. (Ord. 15-04 § 2 (part), 2015.)
<b>8.30.040 Marijuana use in public places prohibited. [\$100 Fine]</b> Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana. (Ord. 15-04 § 2 (part), 2015.)
<b>8.30.050 Marijuana use in or on motor vehicles prohibited. [\$100 Fine]</b> Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited. (Ord. 15-04 § 2 (part), 2015.)
<b>8.30.060 Marijuana possession and use under the age of twenty-one prohibited. [Increasing Fine \$100/\$300/Court Appearance]</b> Possession and consumption of marijuana by persons less than twenty-one years of age are prohibited. (Ord. 15-04 § 2 (part), 2015.)
<b>9.38.010 Unlawful acts, generally. [\$75 Fine]</b> It is unlawful to: A. Use any profane or obscene language in any public place or private house or place to the disturbance or annoyance of any person or persons. B. Be drunk in any private house or place, or in any vehicle of a common carrier or waiting area used by common carriers, to the annoyance of any person or persons where the person refuses to comply with an order of the owner or resident to leave premises in which he has neither a right of occupancy nor the express invitation to remain of the person having the right of possession. C. Drink intoxicating liquor in or about any depot, platform, wharf or waiting room, or upon any public street, or at any public gathering, or any hotel lobby, dance hall, theater, or any other public place not permitted under license to dispense intoxicating liquor. (Ord. 77-12 § 2 (part), 1977; Ord. 78-12 § 1, 1978; Ord. 88-13, 1988).
<b>9.60.010 Minor consuming alcohol. [\$500 Fine]</b> A person under the age of twenty-one years may not knowingly consume, possess or control alcoholic beverages except those furnished persons under AS 04.16.051(b). (Ord. 17-03 § 2, 2017.)

## Fairbanks North Star Borough Code (Select Provisions)

<https://fnsb.borough.codes/FNSBC>

<b>9.04.030 - Consumption, possession of alcohol in Borough parks. [\$50 Fine]</b> A. No person may consume, possess, or otherwise use alcoholic beverages of any sort in areas posted “no alcoholic beverages allowed” in any Fairbanks North Star Borough park. B. For the purposes of this section, “possession” means having physical possession of or exercising dominion or control over alcoholic beverages, but does not include having alcoholic beverages within the digestive system of a person. C. Areas within Borough parks posted as in subsection (A) of this section shall be determined by the Parks and Recreation Commission in consultation with the Borough Parks and Recreation Department. D. A person who willfully violates the provisions of this section is guilty of a violation, and upon conviction is punishable by a fine as set forth at Chapter 1.20 FNSBC.
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(Ord. 2020-05 § 2, 2020; Ord. 2019-16 § 22, 2019; amended during 1993 republication; Ord. 91-047 § 2, 1991. 2004 Code § 9.12.030.)

**9.04.040 - Smoking in Borough parks. [\$50 Fine]**

A. Smoking is prohibited in any Fairbanks North Star Borough park or area of a park posted “smoking prohibited by law – fine \$50.”

B. For the purposes of this section, the following definitions apply:

“Electronic smoking device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person through inhalation of vapor or aerosol from the product, of any size or shape, whether the product is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or any other product name or descriptor; “electronic smoking device” does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration as those terms are defined in 21 U.S.C. 301 through 392 (Food, Drug, and Cosmetic Act), unless the use of those products simulate smoking or expose others to vapor or aerosol.

“Smoking” means using an electronic smoking device or other oral smoking device or inhaling, exhaling, burning, or carrying a lighted or heated cigar, cigarette, pipe, or tobacco or plant product intended for inhalation.

C. Borough parks posted as in subsection (A) of this section shall be determined by the Borough Parks and Recreation Commission in consultation with the Parks and Recreation Department.

D. A person who willfully violates the provisions of this section is guilty of a violation, and upon conviction is punishable by a fine as set forth at Chapter 1.20 FNSBC.

(Ord. 2019-31 § 2, 2019.)

**9.12.030 - Prohibiting certain product manufacturing methods of marijuana concentrates. [\$1,000 Fine]**

Production of or attempting to produce a marijuana concentrate by a method of extraction using flammable or combustible chemicals including, but not limited to, butane, acetone, hexane, naphtha, ethanol, methanol, petroleum ether, and alcohol constitutes marijuana product manufacturing and is prohibited except where such marijuana extraction is authorized by state law or regulation, permit, license, or registration or where such marijuana extraction is authorized by Borough ordinance, license, registration, or permit. A person who violates this section is guilty of a violation punishable by a fine as set forth at Chapter 1.20 FNSBC.

(Ord. 2019-16 § 23, 2019; Ord. 2015-12 § 3, 2015. 2004 Code § 9.17.050.)

## Kotzebue, Alaska Municipal Code (Select Provisions)

[https://library.municode.com/ak/kotzebue/codes/code\\_of\\_ordinances?nodeId=KOA\\_LMUCO](https://library.municode.com/ak/kotzebue/codes/code_of_ordinances?nodeId=KOA_LMUCO)

**3.40.070 - License required for dealers in cigarettes or tobacco products—Issuance. [Unspecified Sanction]**

A. No person may sell, purchase, possess, or acquire cigarettes or tobacco products within the city as a manufacturer, distributor, direct-buying retailer, vending machine operator, or buyer without a license issued under this chapter.

3.40.170 - Prohibited acts and penalties. [Fine depends on value of contraband.]

A. No person, in violation of or without compliance to the provisions of this chapter, may:

1. Import cigarettes or other tobacco products into the city;
2. Sell, transfer or acquire cigarettes or other tobacco products in the City; or
3. Participate in the importation into the city or in the sale, transfer or acquisition within the city of cigarettes or other tobacco products.

(Ord. No. 15-11, § 1(Exh. A), 6-4-2015)

**4.02.060 - Importation limits. [\$500 - \$1000 Fine; Permit Suspension for Repeat Offenses]**

A. Within any calendar month, a person may not import into the city more than twelve gallons of malt beverages, twenty-four liters of wine and ten and one-half liters of distilled spirits, as set forth in A.S. 04.11.150(g).

B. A person may not import any amount of alcoholic beverage containing more than seventy-six percent alcohol by volume, as set out in A.S. 04.16.110. However, the LCB, with city council approval, may impose a limit for distilled spirits of not less than forty percent or more than seventy-six percent alcohol by volume as permitted by A.S.

04.21.010(a)(2).

(Ord. No. 10-04, § 2(Exh. A), 4-1-2010)

**4.03.080 - Purchase of alcoholic beverages. [\$500 - \$1000 Fine; Permit Suspension for Repeat Offenses]**

A. The purchase of alcoholic beverages in Kotzebue may occur only at the package store established by this chapter until such time as a city-owned-and-operated beverage dispensary, licensed bar and/or city-owned-and-operated licensed restaurant is opened and in operation, at which time alcoholic beverages may also be purchased at such city-owned-and-operated facilities. Sales transactions for alcoholic beverages may be made only by an authorized officer or employee of the city.

B. The following persons are not authorized to purchase alcoholic beverages and no sales shall be made to such persons:

1. A person believed to be a drunken person by the package store employee in charge of the package store at the time the request to purchase is made;
2. A person who is unable to provide his/her current, valid permit to the package store employee;
3. A person who is unable to satisfy the package store employee by means of a duly-issued, official identification, with such identification requirements as set by regulations approved by the LBCB, that he/she is the person to whom the permit was issued;
4. A person who fails or refuses to pay all amounts owing the city with respect to the alcoholic beverages;
5. A person who, under A.S. 04.16.200 has been convicted within the preceding two years of a violation of A.S. 04.11.010;
6. For so long as the court order is in effect, a person whom a court has ordered not to consume or possess alcohol if the package store has been so notified by the Kotzebue Police Department;
7. For so long as the condition is in effect, a person who has been released from custody pending trial or who has been released on probation, parole or under similar circumstances, if a condition of the release is that the person not consume or possess alcoholic beverages if the package store has been so notified by the Kotzebue Police Department;
8. A person who is not able to satisfactorily prove that their domicile is the place shown on the permit; or
9. A person who has voluntarily placed himself/herself on a "no sale list" on such terms and conditions as established by duly-adopted LBCB regulations.

(Ord. No. 10-04, § 3(Exh. B), 4-1-2010)

**4.06.030 - Intoxication in public places prohibited. [Written Warning; Education; Increasing Fines \$150/\$300/\$500]**

No person in a public place shall conduct himself or herself in such a manner as to become an intoxicated or incapacitated person and to create a public nuisance.

(Ord. No. 13-03(Amd.), § 2(Exh. A), 11-1-2012)

**7.01.010 - Consuming marijuana in a public place. [\$100 Fine; Court Appearance]**

A. It is unlawful for any person to knowingly consume marijuana when the person is:

1. On, in or upon any public place, except as permitted by ordinance, regulation, statute or permit. This section is not intended to restrict a property owner from further restricting use of marijuana; or
2. Outdoors on property adjacent to a public place and without the consent of the owner or person in control thereof.

(Ord. No. 15-06, § 6(Exh. A), 3-19-2015; Ord. No. 19-06, § 4(Exh. B), 10-17-2019)

**7.01.020 - Allowing prohibited marijuana use prohibited. [Fine up to \$300]**

It is unlawful for any person who owns or operates any restaurant, eatery, bar, hotel, other lodging, retail establishment, motor vehicle, or watercraft to permit marijuana use in violation of state or local law.

(Ord. No. 19-06, § 4(Exh. B), 10-17-2019)

**7.01.030 - Marijuana use without consent of property owner. [Fine up to \$300]**

A. Use or consumption of marijuana on private property without the affirmative consent of the property owner is prohibited.

B. If a person has a possessory interest in private property but is not the owner and the owner prohibits the use or consumption of marijuana, use or consumption of marijuana on or in that property is prohibited.

(Ord. No. 19-06, § 4(Exh. B), 10-17-2019)

**7.01.040 - Marijuana use in or on motor vehicles, watercraft and aircraft prohibited. [Fine up to \$300]**

Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited. Motor vehicle means a vehicle which is self-propelled except a vehicle moved by human or animal power as set forth on Alaska Statute 28.90.990(a)(17).

(Ord. No. 19-06, § 4(Exh. B), 10-17-2019)

**7.01.050 - Marijuana possession and use under the age of twenty-one prohibited. [Fine up to \$300]**

Possession and consumption of marijuana by persons less than twenty-one years of age are prohibited.

(Ord. No. 19-06, § 4(Exh. B), 10-17-2019)

**9.08.010 - Supplying liquor or escape means. [Fine up to \$300]**

No person shall make available to, present to, or place within the reach of, any person confined under authority of the city, any intoxicating or malt liquors, or any tool, implement or other thing calculated to aid in the escape of such person so confined or any other person confined under authority of the city.

(Prior code § 8.05.010(i)(1))

**9.34.120 - Solicitation of drinks. [Fine up to \$300]**

No female person shall frequent or loiter in any tavern, cabaret, or nightclub, with the purpose of soliciting men to purchase drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any woman who violates the provisions of this section.

(Prior code § 8.15.010(b)).

**9.37.010 - Unlawful. [Chapter Title: ALCOHOL IN PUBLIC PLACES] [Fine up to \$300]**

A. It is unlawful for any person to consume any alcoholic beverage on municipal property or in any municipal building, except as permitted by ordinance or regulation, or in any store or establishment doing business with the public and not authorized to sell alcoholic beverages for consumption on the premises, nor shall any person who owns, operates or controls any such unauthorized store or establishment permit the consumption of alcoholic beverages therein.

B. The city council may by resolution authorize the consumption of alcoholic beverages in certain designated public places otherwise prohibited in Section A of this section for such terms and conditions as the council so resolves.

(Ord. 86-12 § 1, 1986).

**9.74.040 - Providing tobacco products to minors not yet sixteen. [Fine up to \$300]**

No person shall give or sell cigarettes, cigars, smoking or chewing tobacco of any kind or nature to any child under the age of sixteen.

(Ord. 80-4 (part), 1980; prior code § 8.20.010(d)).

**9.86.050 - Weapons transactions with intoxicated, disturbed or minor persons. [Fine up to \$300]**

No person shall purchase from, or sell, loan or furnish to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or any person in a condition of agitation and excitability, or a minor under the age of eighteen years without written permission of his parent or guardian, any weapon in which any explosive substance can be used.

(Prior code § 8.05.010(d)(5)).