

# ACT NO. 2012-267

1 SB208  
2 136785-5  
3 By Senators Orr, Brewbaker, Ward, Taylor and Fielding  
4 RFD: Judiciary  
5 First Read: 07-FEB-12



SB208

ENROLLED, An Act,

Relating to Schedule I controlled substances; to amend Section 20-2-23, Code of Alabama 1975; to provide legislative findings relating to controlled substance analogs; to add cathinone compounds, certain named chemical compounds of synthetic cannabinoids, and controlled substance analogs to the Schedule I controlled substances list subject to regulation and penalties in the same manner as other controlled substances; to amend Section 3A-12-214.1, Code of Alabama 1975, to remove references to certain named chemical compounds of synthetic cannabinoids for consistency with the addition of these compounds to Schedule I; to amend Section 13A-12-231, Code of Alabama 1975, to provide penalties for trafficking in controlled substance analogs added to Schedule I; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds the following:

(1) New synthetic substances are being created which are not controlled under the provisions of existing state law but which have a potential for abuse similar to or greater than that for substances controlled under existing state law. These new synthetic substances are called "controlled substance analogs," and can be designed to produce a desired pharmacological effect and to evade the controlling statutory provisions. Controlled substance analogs are being manufactured, distributed, possessed, and used as substitutes for controlled substances.

(2) The hazards attributable to the traffic in and use of controlled substance analogs are increased because their unregulated manufacture produces variations in purity and concentration.

(3) Many new synthetic substances are untested, and it cannot be immediately determined whether they have useful medical or chemical purposes.

(4) The uncontrolled importation, manufacture, distribution, possession, or use of controlled substance analogs has a substantial and detrimental impact on the health and safety of the people of this state.

(5) Controlled substance analogs can be created more rapidly than they can be identified and controlled by action of the Legislature. There is a need for a speedy determination of their proper classification under existing law. It is

1 therefore necessary to identify and classify new substances  
2 that have a potential for abuse, so that they can be  
3 controlled in the same manner as other substances controlled  
4 under existing state law.

5 Section 2. Sections 20-2-23, 13A-12-214.1, and  
6 13A-12-231, Code of Alabama 1975, are amended to read as  
7 follows:

8 "§20-2-23.

9 "The controlled substances listed in this section  
10 are included in Schedule I:

11 "(1) Any of the following opiates, including their  
12 isomers, esters, ethers, salts, and salts of isomers, esters  
13 and ethers, unless specifically excepted, whenever the  
14 existence of these isomers, esters, ethers and salts is  
15 possible within the specific chemical designation:

16 "a. Acetylmethadol;

17 "b. Allylprodine;

18 "c. Alphacetylmethadol;

19 "d. Alphameprodine;

20 "e. Alphamethadol;

21 "f. Benzethidine;

22 "g. Betacetylmethadol;

23 "h. Betameprodine;

24 "i. Betamethadol;

25 "j. Betaprodine;

1 "k. Clonitazene;  
 2 "l. Dextromoramide;  
 3 "m. Dextrorphan;  
 4 "n. Diampromide;  
 5 "o. Diethylthiambutene;  
 6 "p. Dimenoxadol;  
 7 "q. Dimepheptanol;  
 8 "r. Dimethylthiambutene;  
 9 "s. Dioxaphetyl butyrate;  
 10 "t. Dipipanone;  
 11 "u. Ethylmethylthiambutene;  
 12 "v. Etonitazene;  
 13 "w. Etoxeridine;  
 14 "x. Furethidine;  
 15 "y. Hydroxypethidine;  
 16 "z. Ketobemidone;  
 17 "aa. Levomoramide;  
 18 "bb. Levophenacylmorphane;  
 19 "cc. Morpheridine;  
 20 "dd. Noracymethadol;  
 21 "ee. Norlevorphanol;  
 22 "ff. Normethadone;  
 23 "gg. Norpipanone;  
 24 "hh. Phenadoxone;  
 25 "ii. Phenampromide;

1 "jj. Phenomorphan;  
 2 "kk. Phenoperidine;  
 3 "ll. Piritramide;  
 4 "mm. Proheptazine;  
 5 "nn. Properidine;  
 6 "oo. Racemoramide;  
 7 "pp. Trimeperidine.  
 8 "(2) Any of the following opium derivatives, their  
 9 salts, isomers and salts of isomers, unless specifically  
 10 excepted, whenever the existence of these salts, isomers and  
 11 salts of isomers is possible within the specific chemical  
 12 designation:  
 13 "a. Acetorphine;  
 14 "b. Acetyldihydrocodeine;  
 15 "c. Benzylmorphine;  
 16 "d. Codeine methylbromide;  
 17 "e. Codeine-N-Oxide;  
 18 "f. Cyprenorphine;  
 19 "g. Desomorphine;  
 20 "h. Dihydromorphine;  
 21 "i. Etorphine;  
 22 "j. Heroin;  
 23 "k. Hydromorphenol;  
 24 "l. Methyldesorphine;  
 25 "m. Methyldihydromorphine;

1 "n. Morphine methylbromide;  
 2 "o. Morphine methylsulfonate;  
 3 "p. Morphine-N-Oxide;  
 4 "q. Myrophine;  
 5 "r. Nicocodeine;  
 6 "s. Nicomorphine;  
 7 "t. Normorphine;  
 8 "u. Pholcodine;  
 9 "v. Thebacon.  
 10 "(3) Any material, compound, mixture or preparation  
 11 which contains any quantity of the following hallucinogenic  
 12 substances, their salts, isomers and salts of isomers, unless  
 13 specifically excepted, whenever the existence of these salts,  
 14 isomers and salts of isomers is possible within the specific  
 15 chemical designation:  
 16 "a. 3,4-methylenedioxy amphetamine;  
 17 "b. 5-methoxy-3,4-methylenedioxy amphetamine;  
 18 "c. 3,4,5-trimethoxy amphetamine;  
 19 "d. Bufotenine;  
 20 "e. Diethyltryptamine;  
 21 "f. Dimethyltryptamine;  
 22 "g. 4-methyl-2,5-dimethoxy amphetamine;  
 23 "h. Ibogaine;  
 24 "i. Lysergic acid diethylamide;  
 25 "j. Marihuana;

1            "k. Mescaline;  
 2            "l. Peyote;  
 3            "m. N-ethyl-3-piperidyl benzilate;  
 4            "n. N-methyl-3-piperidyl benzilate;  
 5            "o. Psilocybin;  
 6            "p. Psilocyn;  
 7            "q. Tetrahydrocannabinols.  
 8            "(4) Any of the following chemical compounds:  
 9            "a. 3,4-Methylenedioxymethcathinone (Methylone),  
 10        some trade or other names: N-methylcathinone.  
 11            "b. 3,4-Methylenedioxypyrovalerone (MDPV), some  
 12        trade or other names: N-methylcathinone.  
 13            "c. 4-Methylmethcathinone (Mephedrone), some trade  
 14        or other names: N-methylcathinone.  
 15            "d. 4-Methoxymethcathinone, some trade or other  
 16        names: PMMA.  
 17            "e. 3-Fluoromethcathinone, some trade or other  
 18        names: 3-FMC.  
 19            "f. 4-Fluoromethcathinone, some trade or other  
 20        names: 4-FMC.  
 21            "g.  
 22        1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone,  
 23        some trade or other names: AM-694.

1                    "h.  
2            1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone,  
3            some trade or other names: AM-2201.  
4                    "i. 2-[(1R,3S)-3-hydroxycyclohexyl]-  
5            5-(2-methylnonan-2-yl)phenol phenol, some trade or other  
6            names: Cannabicyclohexanol.  
7                    "j. (6aR, 10aR)-9-(hydroxymethyl)-6,  
8            6-dimethyl-3-(2-methyloctan-2-yl)-6a  
9            ,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other  
10           names: HU-210.  
11                    "k.  
12            (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y  
13            l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or  
14           other names: HU-211, Dexanabinol.  
15                    "l. 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some  
16           trade or other names: JWH-007.  
17                    "m.  
18            (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,  
19           some trade or other names: JWH-015.  
20                    "n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone,  
21           some trade or other names: JWH-018.  
22                    "o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade  
23           or other names: JWH-019.  
24                    "p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some  
25           trade or other names: JWH-073.

1                   "q.  
2       4-Methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
3       trade or other names: JWH-081.  
4                   "r.  
5       4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)  
6       methanone, some trade or other names: JWH-098.  
7                   "s.  
8       4-Methylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
9       trade or other names: JWH-122.  
10                  "t.  
11       (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone  
12       , some trade or other names: JWH-200.  
13                  "u.  
14       2-(2-Chlorophenyl)-1-(1-pentylindol-3-yl)ethanone, some trade  
15       or other names: JWH-203.  
16                  "v.  
17       4-Ethyl-naphthalen-1-yl-(1-pentylindol-3-yl)methanone, some  
18       trade or other names: JWH-210.  
19                  "w.  
20       2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade  
21       or other names: JWH-250.  
22                  "x.  
23       5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethano  
24       ne, some trade or other names: JWH-307.

"y. 1-Pentyl-3-(4-Chloro-1-naphthoyl)indole, some trade or other names: JWH-398.

"z. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other names: CP 47, 497, and homologues.

"aa. 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanone, some trade or other names: RCS-8, SR-18.

bb. 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some trade or other names: RCS-4.

"cc. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other names: WIN 55,212-2.

"dd. (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-yl]methanone, some trade or other names: WIN 48,098, Pravadoline.

"(5) a. A controlled substance analog, being a material, mixture, or preparation that contains any chemical structure of which is chemically similar to the chemical structure of any other controlled substance in Schedule I or Schedule II and that satisfies any one of the following:

"1. Has a stimulant, depressant, or hallucinogenic effect on the central nervous system that mimics or is similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or Schedule II.

"2. With respect to a particular person, if the person represents or intends that the substance have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or Schedule II.

"3. Has been demonstrated to have binding activity at one or more cannabinoid receptors.

"4. Is capable of exhibiting cannabinoid-like activity.

"5. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent.

"6. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of

1 the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl,  
2 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not  
3 further substituted in the pyrrole ring to any extent, whether  
4 or not substituted in the naphthyl ring to any extent.

5 "7. Any compound structurally derived from  
6 1-(1-naphthylmethyl)indene by substitution at the 3-position  
7 of the indene ring by alkyl, alkenyl, cycloalkylmethyl,  
8 cycloalkylethyl or 2-(4-morpholinyl)ethyl whether or not  
9 further substituted in the indene ring to any extent, whether  
10 or not substituted in the naphthyl ring to any extent.

11 "8. Any compound structurally derived from  
12 3-phenylacetylindole by substitution at the nitrogen atom of  
13 the indole ring with alkyl, alkenyl, cycloalkylmethyl,  
14 cycloalkylethyl or 2-(4-morpholinyl)ethyl, whether or not  
15 further substituted in the indole ring to any extent, whether  
16 or not substituted in the phenyl ring to any extent.

17 "9. Any compound structurally derived from  
18 2-(3-hydroxycyclohexyl)phenol by substitution at the  
19 5-position of the phenolic ring by alkyl, alkenyl,  
20 cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl,  
21 whether or not substituted in the cyclohexyl ring to any  
22 extent.

23 "b. A controlled substance analog does not include  
24 any of the following:

1           "1. Any substance for which there is an approved new  
2 drug application under the Federal Food, Drug, and Cosmetic  
3 Act.

4           "2. With respect to a particular person, any  
5 substance, if an exemption is in effect for investigational  
6 use, for that person, as provided by 21 U.S.C. § 355, and the  
7 person is registered as a controlled substance researcher as  
8 required under section 152.12, subdivision 3, to the extent  
9 conduct with respect to the substance is pursuant to the  
10 exemption and registration.

11           "c. A controlled substance analog, to the extent  
12 intended for human consumption, is treated as a controlled  
13 substance in Schedule I.

14           "d. After the Alabama Department of Forensic  
15 Sciences has determined a substance to be a controlled  
16 substance analog under this section, the department shall  
17 notify the Alabama Department of Public Health with  
18 information relevant to scheduling as provided by Section  
19 20-2-20.

20           "§13A-12-214.1.

21           "(a) The possession of *salvia divinorum* or  
22 *salvinorum* A , including all parts of the plant presently  
23 classified botanically as *salvia divinorum*, whether growing or  
24 not, the seeds thereof, any extract from any part of such  
25 plant, and every compound, manufacture, salts, derivative,

1 mixture, or preparation of such plant, its seeds or extracts  
2 shall be illegal in this state.

3 "(b) A violation of subsection (a) shall be subject  
4 to the same penalties as a violation of Sections 13A-12-213  
5 and 13A-12-214."

6 "§13A-12-231.

7 "Except as authorized in Chapter 2, Title 20:

8 "(1) Any person who knowingly sells, manufactures,  
9 delivers, or brings into this state, or who is knowingly in  
10 actual or constructive possession of, in excess of one kilo or  
11 2.2 pounds of any part of the plant of the genus Cannabis,  
12 whether growing or not, the seeds thereof, the resin extracted  
13 from any part of the plant, and every compound, manufacture,  
14 salt, derivative, mixture, or preparation of the plant, its  
15 seeds, or resin including the completely defoliated mature  
16 stalks of the plant, fiber produced from the stalks, oil, or  
17 cake, or the completely sterilized samples of seeds of the  
18 plant which are incapable of germination is guilty of a  
19 felony, which felony shall be known as "trafficking in  
20 cannabis." Nothing in this subdivision shall apply to samples  
21 of tetrahydrocannabinols including, but not limited to, all  
22 synthetic or naturally produced samples of  
23 tetrahydrocannabinols which contain more than 15 percent by  
24 weight of tetrahydrocannabinols and which do not contain plant

1 material exhibiting the external morphological features of the  
2 plant cannabis. If the quantity of cannabis involved:

3 "a. Is in excess of one kilo or 2.2 pounds, but less  
4 than 100 pounds, the person shall be sentenced to a mandatory  
5 minimum term of imprisonment of three calendar years and to  
6 pay a fine of twenty-five thousand dollars (\$25,000).

7 "b. Is 100 pounds or more, but less than 500 pounds,  
8 the person shall be sentenced to a mandatory minimum term of  
9 imprisonment of five calendar years and to pay a fine of fifty  
10 thousand dollars (\$50,000).

11 "c. Is 500 pounds or more, but less than 1,000  
12 pounds, the person shall be sentenced to a mandatory minimum  
13 term of imprisonment of 15 calendar years and to pay a fine of  
14 two hundred thousand dollars (\$200,000).

15 "d. Is 1,000 pounds or more, the person shall be  
16 sentenced to a mandatory term of imprisonment of life without  
17 parole.

18 "(2) Any person who knowingly sells, manufactures,  
19 delivers, or brings into this state, or who is knowingly in  
20 actual or constructive possession of, 28 grams or more of  
21 cocaine or of any mixture containing cocaine, described in  
22 Section 20-2-25(1), is guilty of a felony, which felony shall  
23 be known as "trafficking in cocaine." If the quantity  
24 involved:

1            "a. Is 28 grams or more, but less than 500 grams,  
2            the person shall be sentenced to a mandatory minimum term of  
3            imprisonment of three calendar years and to pay a fine of  
4            fifty thousand dollars (\$50,000).

5            "b. Is 500 grams or more, but less than one kilo,  
6            the person shall be sentenced to a mandatory minimum term of  
7            imprisonment of five calendar years and to pay a fine of one  
8            hundred thousand dollars (\$100,000).

9            "c. Is one kilo, but less than 10 kilos, then the  
10           person shall be sentenced to a mandatory minimum term of  
11           imprisonment of 15 calendar years and to pay a fine of two  
12           hundred fifty thousand dollars (\$250,000).

13           "d. Is 10 kilos or more, the person shall be  
14           sentenced to a mandatory term of imprisonment of life without  
15           parole.

16           "(3) Any person who knowingly sells, manufactures,  
17           delivers, or brings into this state, or who is knowingly in  
18           actual or constructive possession of, four grams or more of  
19           any morphine, opium, or any salt, isomer, or salt of an isomer  
20           thereof, including heroin, as described in Section 20-2-23(2)  
21           or Section 20-2-25(1)a., or four grams or more of any mixture  
22           containing any such substance, is guilty of a felony, which  
23           felony shall be known as "trafficking in illegal drugs." If  
24           the quantity involved:

1           "a. Is four grams or more, but less than 14 grams,  
2 the person shall be sentenced to a mandatory minimum term of  
3 imprisonment of three calendar years and to pay a fine of  
4 fifty thousand dollars (\$50,000).

5           "b. Is 14 grams or more, but less than 28 grams, the  
6 person shall be sentenced to a mandatory minimum term of  
7 imprisonment of 10 calendar years and to pay a fine of one  
8 hundred thousand dollars (\$100,000).

9           "c. Is 28 grams or more, but less than 56 grams, the  
10 person shall be sentenced to a mandatory minimum term of  
11 imprisonment of 25 calendar years and to pay a fine of five  
12 hundred thousand dollars (\$500,000).

13           "d. Is 56 grams or more, the person shall be  
14 sentenced to a mandatory term of imprisonment of life without  
15 parole.

16           "(4) Any person who knowingly sells, manufactures,  
17 delivers, or brings into this state, or who is knowingly in  
18 actual or constructive possession of 1,000 or more pills or  
19 capsules of methaqualone, as described in Section 20-2-1, et  
20 seq., is guilty of a felony, which felony shall be known as  
21 "trafficking in illegal drugs." If the quantity involved:

22           "a. Is 1,000 pills or capsules, but less than 5,000  
23 pills or capsules, the person shall be sentenced to a  
24 mandatory minimum term of imprisonment of three calendar years  
25 and pay a fine of fifty thousand dollars (\$50,000).

1            "b. Is 5,000 capsules or more, but less than 25,000  
2 capsules, that person shall be imprisoned to a mandatory  
3 minimum term of imprisonment of 10 calendar years and pay a  
4 fine of one hundred thousand dollars (\$100,000).

5            "c. Is 25,000 pills or more, but less than 100,000  
6 pills or capsules, the person shall be sentenced to a  
7 mandatory minimum term of imprisonment of 25 calendar years  
8 and pay a fine of five hundred thousand dollars (\$500,000).

9            "d. Is 100,000 capsules or more, the person shall be  
10 sentenced to a mandatory term of imprisonment of life without  
11 parole.

12           " (5) Any person who knowingly sells, manufactures,  
13 delivers or brings into this state, or who is knowingly in  
14 actual or constructive possession of 500 or more pills or  
15 capsules of hydromorphone as is described in Section 20-2-1,  
16 et seq., is guilty of a felony which shall be known as  
17 "trafficking in illegal drugs." If the quantity involved:

18           "a. Is 500 pills or capsules or more but less than  
19 1,000 pills or capsules, the person shall be sentenced to a  
20 mandatory term of imprisonment of three calendar years and to  
21 pay a fine of fifty thousand dollars (\$50,000).

22           "b. Is 1,000 pills or capsules or more, but less  
23 than 4,000 pills or capsules, the person shall be sentenced to  
24 a mandatory term of imprisonment of 10 calendar years and to  
25 pay a fine of one hundred thousand dollars (\$100,000).

"c. Is 4,000 pills or capsules or more but less than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of imprisonment of 25 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

"d. Is more than 10,000 pills or capsules, the person shall be sentenced to a mandatory term of life in prison without parole.

"(6) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine, is guilty of a felony, which felony shall be known as "trafficking in illegal drugs." If the quantity involved:

"a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

"b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

"c. Is one kilo, but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of

1 imprisonment of 15 calendar years and to pay a fine of two  
2 hundred fifty thousand dollars (\$250,000).

3 "d. Is 10 kilos or more, the person shall be  
4 sentenced to a mandatory term of imprisonment of life without  
5 parole.

6 "(7) Any person who knowingly sells, manufactures,  
7 delivers, or brings into this state, or who is knowingly in  
8 actual or constructive possession of, 28 grams or more of  
9 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture  
10 containing 5-methoxy-3, 4-methylenedioxy amphetamine is guilty  
11 of a felony, which felony shall be known as "trafficking in  
12 illegal drugs" if the quantity involved:

13 "a. Is 28 grams or more, but less than 500 grams,  
14 the person shall be sentenced to a mandatory minimum term of  
15 imprisonment of three calendar years and to pay a fine of  
16 fifty thousand dollars (\$50,000).

17 "b. Is 500 grams or more, but less than one kilo,  
18 the person shall be sentenced to a mandatory minimum term of  
19 imprisonment of five calendar years and to pay a fine of one  
20 hundred thousand dollars (\$100,000).

21 "c. Is one kilo, but less than 10 kilos, then the  
22 person shall be sentenced to a mandatory minimum term of  
23 imprisonment of 15 calendar years and to pay a fine of two  
24 hundred fifty thousand dollars (\$250,000).

1           "d. Is 10 kilos or more, the person shall be  
2 sentenced to a mandatory term of imprisonment of life without  
3 parole.

4           "(8) Any person who knowingly sells, manufactures,  
5 delivers, or brings into this state, or who is knowingly in  
6 actual or constructive possession of, four grams or more of  
7 phencyclidine, or any mixture containing phencyclidine, is  
8 guilty of a felony, which felony shall be known as  
9 "trafficking in illegal drugs." If the quantity involved:

10           "a. Is four grams or more, but less than 14 grams,  
11 the person shall be sentenced to a mandatory minimum term of  
12 imprisonment of three calendar years and to pay a fine of  
13 fifty thousand dollars (\$50,000).

14           "b. Is 14 grams or more, but less than 28 grams, the  
15 person shall be sentenced to a mandatory minimum term of  
16 imprisonment of five calendar years and to pay a fine of one  
17 hundred thousand dollars (\$100,000).

18           "c. Is 28 grams or more, but less than 56 grams,  
19 then the person shall be sentenced to a mandatory minimum term  
20 of imprisonment of 15 calendar years and to pay a fine of two  
21 hundred fifty thousand dollars (\$250,000).

22           "d. Is 56 grams or more, the person shall be  
23 sentenced to a mandatory term of imprisonment of life without  
24 parole.

1           "(9) Any person who knowingly sells, manufactures,  
2 delivers, or brings into this state, or who is knowingly in  
3 actual or constructive possession of, four grams or more of  
4 lysergic acid diethylamide, of four grams or more of any  
5 mixture containing lysergic acid diethylamide, is guilty of a  
6 felony, which felony shall be known as "trafficking in illegal  
7 drugs." If the quantity involved:

8           "a. Is four grams or more, but less than 14 grams,  
9 the person shall be sentenced to a mandatory minimum term of  
10 imprisonment of three calendar years and to pay a fine of  
11 fifty thousand dollars (\$50,000).

12           "b. Is 14 grams or more, but less than 28 grams, the  
13 person shall be sentenced to a mandatory minimum term of  
14 imprisonment of 10 calendar years and to pay a fine of one  
15 hundred thousand dollars (\$100,000).

16           "c. Is 28 grams or more, but less than 56 grams, the  
17 person shall be sentenced to a mandatory minimum term of  
18 imprisonment of 25 calendar years and to pay a fine of five  
19 hundred thousand dollars (\$500,000).

20           "d. Is 56 grams or more, the person shall be  
21 sentenced to a mandatory term of imprisonment of life without  
22 parole.

23           "(10) Any person who knowingly sells, manufactures,  
24 delivers or brings into this state, or who is knowingly in  
25 actual or constructive possession of, 28 grams or more of

1 amphetamine or any mixture containing amphetamine, its salt,  
2 optical isomer, or salt of its optical isomer thereof, is  
3 guilty of a felony, which felony shall be known as  
4 "trafficking in amphetamine." If the quantity involved:

5 "a. Is 28 grams or more but less than 500 grams, the  
6 person shall be sentenced to a mandatory minimum term of  
7 imprisonment of three calendar years and to pay a fine of  
8 fifty thousand dollars (\$50,000).

9 "b. Is 500 grams or more, but less than one kilo,  
10 the person shall be sentenced to a mandatory minimum term of  
11 imprisonment of five calendar years and to pay a fine of one  
12 hundred thousand dollars (\$100,000).

13 "c. Is one kilo but less than 10 kilos, then the  
14 person shall be sentenced to a mandatory minimum term of  
15 imprisonment of 15 calendar years and to pay a fine of two  
16 hundred fifty thousand dollars (\$250,000).

17 "d. Is 10 kilos or more, the person shall be  
18 sentenced to a mandatory term of imprisonment of life without  
19 parole.

20 "(11) Any person who knowingly sells, manufactures,  
21 delivers, or brings into this state, or who is knowingly in  
22 actual or constructive possession of, 28 grams or more of  
23 methamphetamine or any mixture containing methamphetamine, its  
24 salts, optical isomers, or salt of its optical isomers

thereof, is guilty of a felony, which felony shall be known as "trafficking in methamphetamine." If the quantity involved:

"a. Is 28 grams or more but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

"b. Is 500 grams or more, but less than one kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of five calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

"c. Is one kilo but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

"d. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

"(12) Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of 28 or more grams of a controlled substance analog, as described in Section 20-2-23, is guilty of a felony, which felony shall be known as "trafficking in controlled substance analogs." If the quantity involved:

"a. Is 28 grams or more, but less than 500 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three calendar years and to pay a fine of fifty thousand dollars (\$50,000).

"b. Is 500 grams or more, but less than 1 kilo, the person shall be sentenced to a mandatory minimum term of imprisonment of 10 calendar years and to pay a fine of one hundred thousand dollars (\$100,000).

"c. Is one kilo, but less than 10 kilos, then the person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and to pay a fine of two hundred fifty thousand dollars (\$250,000).

"c. Is 10 kilos or more, the person shall be sentenced to a mandatory term of imprisonment of life without parole.

"(13) The felonies of "trafficking in cannabis," "trafficking in cocaine," "trafficking in illegal drugs," "trafficking in amphetamine," "trafficking in methamphetamine," and "trafficking in controlled substance analogs" as defined in subdivisions (1) through (12), above, shall be treated as Class A felonies for purposes of Title 13A, including sentencing under Section 13A-5-9. Provided, however, that the sentence of imprisonment for a defendant with one or more prior felony convictions who violates subdivisions (1) through (12) of this section shall be the

1 sentence provided therein, or the sentence provided under  
2 Section 13A-5-9, whichever is greater. Provided further, that  
3 the fine for a defendant with one or more prior felony  
4 convictions who violates subdivisions (1) through (12) of this  
5 section shall be the fine provided therein, or the fine  
6 provided under Section 13A-5-9, whichever is greater.

7 "(14) Notwithstanding any provision of law to the  
8 contrary, any person who has possession of a firearm during  
9 the commission of any act proscribed by this section shall be  
10 punished by a term of imprisonment of five calendar years  
11 which shall be in addition to, and not in lieu of, the  
12 punishment otherwise provided, and a fine of twenty-five  
13 thousand dollars (\$25,000); the court shall not suspend the  
14 five-year additional sentence of the person or give the person  
15 a probationary sentence."

16 Section 3. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official ReCompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

SB208

1           Section 4. This act shall become effective 10 days  
2 following its passage and approval by the Governor, or its  
3 otherwise becoming law.

*Kay Ivey*

President and Presiding Officer of the Senate

*[Signature]*

Speaker of the House of Representatives

SB208

Senate 23-FEB-12

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris  
Secretary

House of Representatives  
Passed: 26-APR-12

By: Senator Orr

APPROVED

*April 30, 2012*

TIME

*8:54 am*  
*Robert Bentley*  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-267  
Bill Num....: S-208

Recv'd 04/30/12 02:39pmSLF

Orr  
SPONSORS  
Brewbaker  
Ward  
Taylor  
Fielding

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 208  
years 30 days 0 abstain

PATRICK HARRIS,  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB 208 as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,  
Secretary

CONFERENCE COMMITTEE  
Senate Conference

DATE: 2.23 2012  
RD 1 RFD  
Jody

REPORT OF STANDING COMMITTEE  
This bill having been referred by the House to its standing committee on House Judiciary was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) 1 w/sub  
This 19 day of April 2012  
Paul DeMarco Chairperson

DATE: 11 11 2012  
RD 2 CAL  
RF

DATE: 20  
RE REFERRED RE COMMITTED  
Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill SB 208  
YEAS 92 NAYS 0  
GREG PAPPAS,  
Clerk

FURTHER HOUSE ACTION (OVER)

HOLD OF REPERFORN  
 Year 99  
 42613