

1 SB208
2 134983-2
3 By Senators Orr, Brewbaker, Ward, Taylor and Fielding
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would add certain named chemical
9 compounds of synthetic cannabinoid and certain
10 controlled substance analogs to Schedule I of the
11 controlled substances list. Possession,
12 distribution, and trafficking of these compounds
13 would be deemed unlawful, and violations would be
14 subject to the existing criminal penalties for
15 distribution and possession.

16 This bill would add the following to the
17 Schedule I of the controlled substances list:
18 3,4-Methylenedioxy methcathinone (Mephedrone),
19 3,4-Methylenedioxy pyrovalerone (MDPV),
20 4-Methylmethcathinone (Mephedrone),
21 4-Methoxymethcathinone, 3-Fluoromethcathinone, and
22 4-Fluoromethcathinone.

23 This bill would also provide for penalties
24 for trafficking of controlled substance analogs
25 added to Schedule I.

26 Amendment 621 of the Constitution of Alabama
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, prohibits a general
3 law whose purpose or effect would be to require a
4 new or increased expenditure of local funds from
5 becoming effective with regard to a local
6 governmental entity without enactment by a 2/3 vote
7 unless: it comes within one of a number of
8 specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

12 The purpose or effect of this bill would be
13 to require a new or increased expenditure of local
14 funds within the meaning of the amendment. However,
15 the bill does not require approval of a local
16 governmental entity or enactment by a 2/3 vote to
17 become effective because it comes within one of the
18 specified exceptions contained in the amendment.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to Schedule I controlled substances; to
25 amend Section 20-2-23, Code of Alabama 1975; to provide
26 legislative findings relating to controlled substance analogs;
27 to add cathinone compounds, certain named chemical compounds

1 of synthetic cannabinoids, and controlled substance analogs to
2 the Schedule I controlled substances list subject to
3 regulation and penalties in the same manner as other
4 controlled substances; to amend Sections 3A-12-214.1 and
5 13A-12-231, Code of Alabama 1975, to remove references to
6 certain named chemical compounds of synthetic cannabinoids for
7 consistency with the addition of these compounds to Schedule
8 I; to provide penalties for trafficking in controlled
9 substance analogs added to Schedule I; and in connection
10 therewith would have as its purpose or effect the requirement
11 of a new or increased expenditure of local funds within the
12 meaning of Amendment 621 of the Constitution of Alabama of
13 1901, now appearing as Section 111.05 of the Official
14 Recompilation of the Constitution of Alabama of 1901, as
15 amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. The Legislature finds the following:

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

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

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

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

12 (5) Controlled substance analogs can be created more
13 rapidly than they can be identified and controlled by action
14 of the Legislature. There is a need for a speedy determination
15 of their proper classification under existing law. It is
16 therefore necessary to identify and classify new substances
17 that have a potential for abuse, so that they can be
18 controlled in the same manner as other substances controlled
19 under existing state law.

20 Section 2. Sections 20-2-23, 13A-12-214.1, and
21 13A-12-231, Code of Alabama 1975, are amended to read as
22 follows:

23 "§20-2-23.

24 "The controlled substances listed in this section
25 are included in Schedule I:

26 "(1) Any of the following opiates, including their
27 isomers, esters, ethers, salts, and salts of isomers, esters

1 and ethers, unless specifically excepted, whenever the
2 existence of these isomers, esters, ethers and salts is
3 possible within the specific chemical designation:

- 4 "a. Acetylmethadol;
- 5 "b. Allylprodine;
- 6 "c. Alphacetylmethadol;
- 7 "d. Alphameprodine;
- 8 "e. Alphamethadol;
- 9 "f. Benzethidine;
- 10 "g. Betacetylmethadol;
- 11 "h. Betameprodine;
- 12 "i. Betamethadol;
- 13 "j. Betaprodine;
- 14 "k. Clonitazene;
- 15 "l. Dextromoramide;
- 16 "m. Dextrorphan;
- 17 "n. Diampromide;
- 18 "o. Diethylthiambutene;
- 19 "p. Dimenoxadol;
- 20 "q. Dimepheptanol;
- 21 "r. Dimethylthiambutene;
- 22 "s. Dioxaphetyl butyrate;
- 23 "t. Dipipanone;
- 24 "u. Ethylmethylthiambutene;
- 25 "v. Etonitazene;
- 26 "w. Etoxeridine;
- 27 "x. Furethidine;

1 "y. Hydroxypethidine;
2 "z. Ketobemidone;
3 "aa. Levomoramide;
4 "bb. Levophenacylmorphan;
5 "cc. Morpheridine;
6 "dd. Noracymethadol;
7 "ee. Norlevorphanol;
8 "ff. Normethadone;
9 "gg. Norpipanone;
10 "hh. Phenadoxone;
11 "ii. Phenampromide;
12 "jj. Phenomorphan;
13 "kk. Phenoperidine;
14 "ll. Piritramide;
15 "mm. Proheptazine;
16 "nn. Properidine;
17 "oo. Racemoramide;
18 "pp. Trimeperidine.
19 "(2) Any of the following opium derivatives, their
20 salts, isomers and salts of isomers, unless specifically
21 excepted, whenever the existence of these salts, isomers and
22 salts of isomers is possible within the specific chemical
23 designation:
24 "a. Acetorphine;
25 "b. Acetyldihydrocodeine;
26 "c. Benzylmorphine;
27 "d. Codeine methylbromide;

- 1 "e. Codeine-N-Oxide;
- 2 "f. Cyprenorphine;
- 3 "g. Desomorphine;
- 4 "h. Dihydromorphine;
- 5 "i. Etorphine;
- 6 "j. Heroin;
- 7 "k. Hydromorphenol;
- 8 "l. Methyldesorphine;
- 9 "m. Methyldihydromorphine;
- 10 "n. Morphine methylbromide;
- 11 "o. Morphine methylsulfonate;
- 12 "p. Morphine-N-Oxide;
- 13 "q. Myrophine;
- 14 "r. Nicocodeine;
- 15 "s. Nicomorphine;
- 16 "t. Normorphine;
- 17 "u. Pholcodine;
- 18 "v. Thebacon.

19 "(3) Any material, compound, mixture or preparation
20 which contains any quantity of the following hallucinogenic
21 substances, their salts, isomers and salts of isomers, unless
22 specifically excepted, whenever the existence of these salts,
23 isomers and salts of isomers is possible within the specific
24 chemical designation:

- 25 "a. 3,4-methylenedioxy amphetamine;
- 26 "b. 5-methoxy-3,4-methylenedioxy amphetamine;
- 27 "c. 3,4,5-trimethoxy amphetamine;

1 "d. Bufotenine;
2 "e. Diethyltryptamine;
3 "f. Dimethyltryptamine;
4 "g. 4-methyl-2,5-dimethoxy amphetamine;
5 "h. Ibogaine;
6 "i. Lysergic acid diethylamide;
7 "j. Marihuana;
8 "k. Mescaline;
9 "l. Peyote;
10 "m. N-ethyl-3-piperidyl benzilate;
11 "n. N-methyl-3-piperidyl benzilate;
12 "o. Psilocybin;
13 "p. Psilocyn;
14 "q. Tetrahydrocannabinols.
15 "(4) Any of the following chemical compounds:
16 "a. 3,4-Methylenedioxymethcathinone (Methylone),
17 some trade or other names: N-methylcathinone.
18 "b. 3,4-Methylenedioxypyrovalerone (MDPV), some
19 trade or other names: N-methylcathinone.
20 "c. 4-Methylmethcathinone (Mephedrone), some trade
21 or other names: N-methylcathinone.
22 "d. 4-Methoxymethcathinone, some trade or other
23 names: PMMA.
24 "e. 3-Fluoromethcathinone, some trade or other
25 names: 3-FMC.
26 "f. 4-Fluoromethcathinone, some trade or other
27 names: 4-FMC.

1 "g.
2 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone,
3 some trade or other names: AM-694.

4 "h.
5 1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone,
6 some trade or other names: AM-2201.

7 "i. 2-[(1R,3S)-3-hydroxycyclohexyl]-
8 5-(2-methylnonan-2-yl)phenol phenol, some trade or other
9 names: Cannabicyclohexanol.

10 "j. (6aR, 10aR)-9-(hydroxymethyl)-6,
11 6-dimethyl-3-(2-methyloctan-2-yl)-6a
12 ,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other
13 names: HU-210.

14 "k.
15 (6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-y
16 l)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, some trade or
17 other names: HU-211, Dexanabinol.

18 "l. 1-Pentyl-2-methyl-3-(1-naphthoyl)indole, some
19 trade or other names: JWH-007.

20 "m.
21 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone,
22 some trade or other names: JWH-015.

23 "n. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone,
24 some trade or other names: JWH-018.

25 "o. 1-Hexyl-3-(naphthalen-1-oyl)indole, some trade
26 or other names: JWH-019.

1 "p. Naphthalen-1-yl-(butylindol-3-yl)methanone, some
2 trade or other names: JWH-073.

3 "q.
4 4-Methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
5 trade or other names: JWH-081.

6 "r.
7 4-Methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)
8 methanone, some trade or other names: JWH-098.

9 "s.
10 4-Methylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
11 trade or other names: JWH-122.

12 "t.
13 (1-(2-Morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
14 , some trade or other names: JWH-200.

15 "u.
16 2-(2-Chlorophenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
17 or other names: JWH-203.

18 "v.
19 4-Ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone, some
20 trade or other names: JWH-210.

21 "w.
22 2-(2-Methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone, some trade
23 or other names: JWH-250.

24 "x.
25 5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethano
26 ne, some trade or other names: JWH-307.

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

3 "z.
4 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol,
5 some trade or other names: CP 47, 497, and homologues.

6 "aa.
7 2-(2-Methoxyphenyl)-1-[1-(2-cyclohexylethyl)indol-3-yl]ethanon
8 e, some trade or other names: RCS-8, SR-18.

9 bb.
10 2-(4-Methoxyphenyl)-1-(1-pentyl-indol-3-yl)methanone, some
11 trade or other names: RCS-4.

12 "cc.
13 (R)-(+) -[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1
14 ,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone, some
15 trade or other names: WIN 55,212-2.

16 "dd.
17 (4-Methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-y
18 l]methanone, some trade or other names: WIN 48,098,
19 Pravadoline.

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

25 "1. Has a stimulant, depressant, or hallucinogenic
26 effect on the central nervous system that is similar to or
27 greater than the stimulant, depressant, or hallucinogenic

1 effect on the central nervous system of a controlled substance
2 in Schedule I or Schedule II.

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

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

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

14 "b. A controlled substance analog does not include
15 any of the following:

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

19 "2. With respect to a particular person, any
20 substance, if an exemption is in effect for investigational
21 use, for that person, as provided by 21 U.S.C. § 355, and the
22 person is registered as a controlled substance researcher as
23 required under section 152.12, subdivision 3, to the extent
24 conduct with respect to the substance is pursuant to the
25 exemption and registration.

1 "c. A controlled substance analog, to the extent
2 intended for human consumption, is treated as a controlled
3 substance in Schedule I.

4 "d. After the Alabama Department of Forensic
5 Sciences has determined a substance to be a controlled
6 substance analog under this section, the department shall
7 notify the Director of the Alabama Department of Public Health
8 with information relevant to scheduling as provided by Section
9 20-2-20.

10 "§13A-12-214.1.

11 "(a) The possession of ~~the following chemical~~
12 ~~compounds shall be illegal in this state:~~

13 ~~"(1) (6aR,10aR)-9-(hydroxymethyl)-6,~~
14 ~~6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-~~
15 ~~tetrahydrobenzo[c]chromen-1-ol, some trade or other names:~~
16 ~~HU-210.~~

17 ~~"(2) 1-Pentyl-3-(1-naphthoyl)indole, some trade or~~
18 ~~other names: JWH-018.~~

19 ~~"(3) 1-Butyl-3-(1-naphthoyl)indole, some trade or~~
20 ~~other names: JWH-073.~~

21 ~~"(4) Salvia salvia divinorum or salvinorum A7 ,~~
22 including all parts of the plant presently classified
23 botanically as salvia divinorum, whether growing or not, the
24 seeds thereof, any extract from any part of such plant, and
25 every compound, manufacture, salts, derivative, mixture, or
26 preparation of such plant, its seeds or extracts shall be
27 illegal in this state.

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

4 "§13A-12-231.

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

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

25 "a. Is in excess of one kilo or 2.2 pounds, but less
26 than 100 pounds, the person shall be sentenced to a mandatory

1 minimum term of imprisonment of three calendar years and to
2 pay a fine of twenty-five thousand dollars (\$25,000).

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

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

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

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

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

25 "b. Is 500 grams or more, but less than one kilo,
26 the person shall be sentenced to a mandatory minimum term of

1 imprisonment of five calendar years and to pay a fine of one
2 hundred thousand dollars (\$100,000).

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

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

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

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

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

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

5 "d. Is 56 grams or more, the person shall be
6 sentenced to a mandatory term of imprisonment of life without
7 parole.

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

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

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

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

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

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

10 "a. Is 500 pills or capsules or more but less than
11 1,000 pills or capsules, the person shall be sentenced to a
12 mandatory term of imprisonment of three calendar years and to
13 pay a fine of fifty thousand dollars (\$50,000).

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

18 "c. Is 4,000 pills or capsules or more but less than
19 10,000 pills or capsules, the person shall be sentenced to a
20 mandatory term of imprisonment of 25 calendar years and to pay
21 a fine of one hundred thousand dollars (\$100,000).

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

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

1 3,4-methylenedioxy amphetamine, or of any mixture containing
2 3,4-methylenedioxy amphetamine, is guilty of a felony, which
3 felony shall be known as "trafficking in illegal drugs." If
4 the quantity involved:

5 "a. Is 28 grams or more, but less than 500 grams,
6 the 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 "(7) 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 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture
24 containing 5-methoxy-3, 4-methylenedioxy amphetamine is guilty
25 of a felony, which felony shall be known as "trafficking in
26 illegal drugs" if the quantity 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 "(8) 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 phencyclidine, or any mixture containing phencyclidine, is
20 guilty of a felony, which felony shall be known as
21 "trafficking in illegal drugs." If the quantity involved:

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

26 "b. Is 14 grams or more, but less than 28 grams, the
27 person shall be sentenced to a mandatory minimum term of

1 imprisonment of five calendar years and to pay a fine of one
2 hundred thousand dollars (\$100,000).

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

7 "d. Is 56 grams or more, the person shall be
8 sentenced to a mandatory term of imprisonment of life without
9 parole.

10 "(9) Any person who knowingly sells, manufactures,
11 delivers, or brings into this state, or who is knowingly in
12 actual or constructive possession of, four grams or more of
13 lysergic acid diethylamide, of four grams or more of any
14 mixture containing lysergic acid diethylamide, is guilty of a
15 felony, which felony shall be known as "trafficking in illegal
16 drugs." If the quantity involved:

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

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

25 "c. Is 28 grams or more, but less than 56 grams, the
26 person shall be sentenced to a mandatory minimum term of

1 imprisonment of 25 calendar years and to pay a fine of five
2 hundred thousand dollars (\$500,000).

3 "d. Is 56 grams or more, the person shall be
4 sentenced to a mandatory term of imprisonment of life without
5 parole.

6 "(10) 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 amphetamine or any mixture containing amphetamine, its salt,
10 optical isomer, or salt of its optical isomer thereof, is
11 guilty of a felony, which felony shall be known as
12 "trafficking in amphetamine." If the quantity involved:

13 "a. Is 28 grams or more but less than 500 grams, the
14 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).

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

1 "(11) Any person who knowingly sells, manufactures,
2 delivers, or brings into this state, or who is knowingly in
3 actual or constructive possession of, 28 grams or more of
4 methamphetamine or any mixture containing methamphetamine, its
5 salts, optical isomers, or salt of its optical isomers
6 thereof, is guilty of a felony, which felony shall be known as
7 "trafficking in methamphetamine." If the quantity involved:

8 "a. Is 28 grams or more but less than 500 grams, the
9 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 500 grams or more, but less than one kilo,
13 the person shall be sentenced to a mandatory minimum term of
14 imprisonment of five calendar years and to pay a fine of one
15 hundred thousand dollars (\$100,000).

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

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

23 "(12) Any person who knowingly sells, manufactures,
24 delivers, or brings into this state, or who is knowingly in
25 actual or constructive possession of 12 or more grams of a
26 controlled substance analog, as described in Section 20-2-23,
27 is guilty of a felony, which felony shall be known as

1 "trafficking in controlled substance analogs." If the quantity
2 involved:

3 "a. Is 12 grams or more, but less than 500 grams,
4 the person shall be sentenced to a mandatory minimum term of
5 imprisonment of three calendar years and to pay a fine of
6 fifty thousand dollars (\$50,000).

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

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

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

18 "(12) The felonies of "trafficking in cannabis,"
19 "trafficking in cocaine," "trafficking in illegal drugs,"
20 "trafficking in amphetamine," and "trafficking in
21 methamphetamine", " and "trafficking in controlled substance
22 analogs" as defined in subdivisions (1) through ~~(11)~~ (12),
23 above, shall be treated as Class A felonies for purposes of
24 Title 13A, including sentencing under Section 13A-5-9.
25 Provided, however, that the sentence of imprisonment for a
26 defendant with one or more prior felony convictions who
27 violates subdivisions (1) through ~~(11)~~ (12) of this section

1 shall be the sentence provided therein, or the sentence
2 provided under Section 13A-5-9, whichever is greater. Provided
3 further, that the fine for a defendant with one or more prior
4 felony convictions who violates subdivisions (1) through ~~(11)~~
5 (12) of this section shall be the fine provided therein, or
6 the fine provided under Section 13A-5-9, whichever is greater.

7 "(13) 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.

24 Section 4. This act shall become effective 10 days
25 following its passage and approval by the Governor, or its
26 otherwise becoming law.