

Police: Spice still on the street, but off Anchorage shelves

By TEGAN HANLON

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A new Anchorage ordinance cracks down on designer drugs called Spice that are packaged as potpourri or incense. These packages were confiscated either by police, or when a person went to the sleep off center. Wednesday, Jan. 22, 2014. BILL ROTH — Anchorage Daily News

The new law banning Spice based on its packaging has swept the designer drug off Anchorage shelves, but not city streets, according to law enforcement.

Police have ticketed owners and employees at three shops caught selling the product since the Anchorage Assembly passed the ordinance on Jan. 14. By their second round of checks, packets of Spice disappeared, said Mark Karstetter, an Anchorage patrol officer and member of the Community Action Policing team.

"I think it's outstanding," Karstetter. "We've got compliance from pretty much everybody at the smoke shops."

Still, the ordinance hasn't knocked out street sales and the municipal prosecutor has voided at least two tickets issued for misidentified and legal smoking products.

Both Karstetter and Chris Schutte, executive director of the Anchorage Downtown Partnership, said that after the law passed people started traveling to Palmer or Wasilla to buy Spice in bulk and resell it in Anchorage.

When the green-colored contents are removed from its packaging, the new law is essentially ineffective. Spice is typically rolled into thin cigarettes called sticks and users compare the high to that of LSD or methamphetamine.

"On one hand the crooks can read and on the other hand Palmer and Wasilla aren't that far away," Schutte said.

An ordinance, similar to the one in Anchorage, is scheduled to be introduced to the Wasilla City Council Monday, according to the city's website.

Passage of the Wasilla ordinance would be another step to strangle the sale of Spice, an elusive drug that Alaska lawmakers have chased for years.

The Anchorage Assembly first attempted to stop sales in 2010, passing an ordinance to ban the drug, considered a synthetic cannabinoid, based on its chemical composition. The state soon followed.

But manufacturers quickly shifted ingredients, spraying different psychotropic compounds on herbal mixtures and staying one step ahead of the law.

Now, police can ticket a shop based on what's on the outside of the Spice package, often marketed as potpourri or incense, and not its contents. If a packet is printed with one of the more than 100 criminalized names for Spice or doesn't list ingredients and the manufacturer's address, it's

considered illegal, said Municipal Prosecutor Cynthia Franklin, who helped write the legislation.

The labeling guidelines haven't necessarily made for perfect identification and Franklin has voided tickets issued for legal products.

It's why Scot Dunnachie, owner of Planet X in Spenard, is fighting back.

He stopped selling the drug soon after the ordinance passed, but an employee at his shop received a \$500 ticket for selling marshmallow root on Jan. 21.

Marshmallow root is an herb sold in brightly-colored packaging, sometimes found in tea and intended to produce calming effects. Planet X sells 7-gram packages for \$10 while the cheapest Spice on the market sold for \$10 per gram, Dunnachie said.

"On the ticket it says possession of illicit drugs," he said. "The fact that they're just going off the law that was written, the law says that they can walk in and grab anything they want and charge you that it is Spice."

Franklin said it was "just a little bit of a training issue" and officers were looking at similar products they may have never seen before.

Karstetter said some of the legal herbs look "remarkably like synthetic cannabinoids" and police were instructed to issue a ticket, confiscate the packet and then examine the intent of the ordinance. Police issue tickets to both employees and owners -- whoever is there, he said.

"And then we looked back and dismissed the citation," he said.

As police finish up check backs at nearly 20 stores that once sold Spice in Anchorage, Karstetter expects to hand ticketing over to full patrol soon.

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