

Three weeks after city enacts new law, Spice hard to find in Anchorage

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Marshmallow root for sale at Planet X. Planet X in Anchorage sells tobacco and non-tobacco products, and Anchorage police recently confiscated some of the latter under a new Spice ordinance.

Three weeks after the Anchorage Assembly passed a new approach to getting rid of the synthetic drug known as Spice, the drug seems to have disappeared from the shops, if not the streets, of Anchorage. But the new ordinance -- modeled after a novel approach tried in Bangor, Maine -- has drawn criticism from local smoke and head shop owners as well as civil libertarians, who contend it is too broad.

Since the ordinance became law Jan. 23, Anchorage police have issued three tickets to local shops accused of selling Spice. At least two of those citations have been dismissed by Anchorage's municipal prosecutor as cases of mistaken identity. In one, police ticketed a clerk at Planet X -- a

Spice and novelty shop -- for possession of synthetic drugs. The substance in question was actually marshmallow root, a tobacco alternative with no known narcotic effects.

Like most shops around Anchorage, Planet X stopped selling Spice immediately after the new ordinance passed in January. Alaska Dispatch visited more than a dozen Anchorage shops that -- according to a joint Air Force-Anchorage police investigation in 2013 -- previously sold the drug, but has been unable to find it for sale. When asked, most clerks said their store quit selling Spice because of the new ordinance.

"We don't want to sell Spice and if they actually did something about it and stopped it, we would be fine with it," said Planet X owner Scot Dunnachie. "We have no problem not selling it."

Cocktail of chemicals

Dunnachie said he is working to have the citation expunged from his clerk's record, now that the matter has been dropped.

Spice is touted as a synthetic alternative to marijuana. It is, in reality, a cocktail of chemicals that act more like LSD and PCP than opiates such as marijuana. A Wasilla family blames the drug for the death of 18-year old Kurtis Hildreth. Hildreth's body was found in November, crumpled against a wall in his bedroom, a pipe filled with Spice in his lap.

In 2010, Anchorage passed a law banning the drug, which is often sold in smoke and head shops. But the ordinance, like most anti-Spice laws targeted the chemical combinations of the many varieties that were found in Alaska. But the people producing Spice -- the federal Drug Enforcement Administration (DEA) believes most of the chemicals come from China -- simply changed their formulas, creating a new wave of "legal" Spice that again flooded Alaska and Anchorage.

The ordinance passed in January does not make possessing or selling Spice a criminal offense. Instead, like officials in Bangor, Maine, Anchorage prosecutors crafted a law to treat Spice as a minor offense -- but one that comes with a hefty \$500 fine. The ordinance avoids the problem of going after an ever-shifting mixture of chemical combinations by treating the drug for what it isn't. Most Spice is sold under other names, like potpourri, incense or iPod cleaner. But the packages do not contain manufacturing

information or ingredients, and sell for a higher price -- \$20 for 2 grams -- than the products they claim to be. The Anchorage law goes after anyone selling or possessing Spice because the drug packaging does not meet city requirements. Disclaimers on some Spice packages that say "not for human consumption" aren't enough to make them legal, according to the new ordinance.

The approach has worked in Bangor, and officials in Anchorage are hoping it will work there too. And at least one state senator is working to take the Anchorage ordinance statewide.

"You start hitting them where it hurts, which is in the money, and it works," Sen. Kevin Meyer, R-Anchorage, said.

Meyer is working to mimic the Anchorage ordinance at a state level. He has cosponsored several anti-synthetic drug bills, including the current Alaska law regarding Spice and said he is frustrated with the process.

"In the past we have listed chemical compounds, and they simply just change the formula and then they are back on the streets," Meyer said. The Anchorage approach -- to go after packages that claim to be incense or potpourri but are really used to get high -- may face a legal challenge. At least one legal advocacy group sees potential problems with the law. The American Civil Liberties Union of Alaska said the new Anchorage Spice law may be too broadly worded.

Joshua Decker, the local ACLU director, said he believes that the law could be thrown out by a judge because it could be applied to too many consumer goods, such as coffee and plant food. Planet X owner Dunnachie said he too believes the new law has gone too far.

"The new law says they can just walk in and say, 'this is against the law,' and whether they have evidence or not, they can charge you for it," Dunnachie said.

Until any legal challenge comes, the ordinance appears to be having its desired effect: Spice is difficult to find in Anchorage.

Anchorage municipal prosecutor Cynthia Franklin wants to keep it that way and promised that police and city officials would soon be back inside shops

that may be tempted to sell the drug -- which can bring in huge profits. And at least one shop clerk, who used to sell the drug at a store in Midtown Anchorage, is OK with that.

"Personally, I am glad we don't sell that crap anymore," said the clerk, who did not want her name used. "That stuff made people crazy."

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