

Anchorage police write first tickets to retailers under new Spice law

By TEGAN HANLON

Anchorage Police have begun slapping tickets on local smoke shops and gas stations caught selling a designer drug called Spice.

Businesses market it as "potpourri" or "incense," but police and others say they've seen users high on the synthetic material, regardless of its name, plaguing the city at increasing rates. Users' behaviors range from comatose to psychotic, some collapse onto the sidewalk and some smash windows, police said.

The Anchorage Assembly passed an ordinance last week, effective immediately, in hopes of cracking down on the drug, forbidding its sale based on a list of labeling criterion that manufacturers currently do not meet.

"This is just the piece of the puzzle," said Municipal Prosecutor Cynthia Franklin, who helped write the legislation. "This is just a little ordinance designed to address a very specific part of the problem, this open-air dealing and this myth that because it can be sold and can be bought over the counter it must be safe."

Under the new law, labels on containers, vials and tubes that contain the drug must accurately identify the substance, detail the name of the manufacturer and provide directions for use, among other strict guidelines.

The law spells out more than 100 now criminalized names for Spice like "Space Truckin," "Dr. Feel Good," "Puff," "The Hampster," "Dead Man," and "Funky Monkey 20X."

Police have issued three \$500 warning tickets as of Tuesday to businesses with Spice still on store shelves, said Sgt. Mark Rein who leads the Community Action Policing team.

If police return and it's still for sale, a shop will be fined \$500 per unit, Rein said. The same goes for individual users.

Possessing, using, providing, selling, producing, manufacturing, distributing, offering, displaying, marketing or advertising the synthetic drug is considered a minor offense. If the fine is paid, the charge is erased, Franklin said.

"Nobody can go to jail under this ordinance," she said.

CHASING SPICE

Spice isn't new to Anchorage, but its ever-changing ingredients have dizzied lawmakers and complicated police enforcement.

To make the drug, manufacturers spray psychotropic compounds on plant material. Choosing one of the dozens of colorful Spice packages is like dipping your hand into a chemical grab bag -- each one a little different, each high uncertain, Franklin said.

"They are making this stuff up as they go along," she said. "The compound and the name and the packaging."

In November 2010, the Assembly outlawed Spice, what it called a "synthetic cannabinoid," on the basis of its composition. "1-Pentyl-3-(1-naphthoyl)indole" and more than ten other compounds became illegal.

The state followed suit within the next year.

But manufacturers quickly shifted ingredients to sidestep the law here and elsewhere. The Anchorage Assembly and state Legislature remained one step behind, Franklin said.

Police could issue Spice users civil citations, a \$300 fine, under the 2010 ordinance. But Rein said this happened sporadically. Police would have to interview suspects and they'd have to admit to using the drug.

Potpourri and incense stayed on store shelves.

For the past year-and-a-half, Franklin searched for the right language to criminalize Spice as usage in the city, she said, continued to spiral out of control.

"We saw problems increase, the complaints increased, the ER calls increased," she said.

'WE SEE IT ON A REGULAR BASIS'

Lincoln said Spice is a growing problem among soldiers and North Slope workers looking to get around mandatory drug tests.

"It's extremely dangerous, it's unregulated and it's being marketed to our young people for the profit of a greedy few and to the detriment of our entire community," Franklin said.

Monitors at Bean's Cafe, the downtown soup kitchen, said they have watched Spice usage surge and spread from younger clients to the older as well.

"It is pretty prevalent, we see it on a regular basis," said Daniel Garcia, a volunteer monitor.

He described Spice as a green-colored "pocket lint." He's caught clients rolling thin cigarettes using Spice on cafe tables. They sell for \$2 and are called sticks, Garcia said. Just this week, he kicked out five people smoking "sticks" on Bean's Cafe property.

The drug's side effects vary from paranoia to violence to a "zombie state," he said.

One man marched in circles in the parking lot for four hours. A woman stripped off her clothes and ran around the cafe. Another person attempted to choke a monitor. Seizures are common for those who mix Spice and alcohol, he said.

"I don't know what's going through their head, but they're not aware of what they're doing," Garcia said.

He said he has sat outside with many clients high on Spice while they come down. It usually takes less than 30 minutes. He compared the effects of Spice to LSD or methamphetamine.

Garcia said he's observed generally-healthy Spice users deteriorate. Some mutter and talk to themselves even when they haven't been smoking.

Chris Schutte, executive director of the Anchorage Downtown Partnership, said Spice has "had a profound impact on downtown, primarily because of the unpredictably."

He said he's seen people collapse on the sidewalk and others stroll down streets punching everything in range. A young woman was raped in Town Square Park in 2012 while she was incapacitated after smoking Spice, according to police and charging documents.

Schutte said the Downtown Partnership lumps Spice incidents in with all other drug related calls. In the winter of 2013, drug incidents trumped public intoxication -- a new trend, he said.

"People aren't giving up booze and taking up Spice," Schutte said. "They're either doing both or there's just a lot of people who want to smoke Spice."

Over at the Anchorage Safety Center, which takes in individuals incapacitated by drugs or alcohol, Spice prevalence has been on the upswing for more than a year, officials said.

"At first it was kind of an anomaly, but now it's becoming more and more common," said Mark Lessard, who manages the center's contract for the Department of Health and Human Services.

The center can't test for Spice, but Lessard said a lot more people who are clearly incapacitated have passed Breathalyzer tests.

"We went to the municipal attorney's office and said, 'Hey, we've got this issue and what can be done?' " Lessard said.

SPICE MARKET

Elihue Lee, 33, of Mountain View, said he has smoked Spice about 20 times. He was told it was like marijuana, so he thought he'd try it.

Lee said he would get high for about 10 minutes at a time. He compared it to spacing out.

"I've seen people have seizures on Spice. I've seen people just have a good time on Spice. I've seen some people relaxed on Spice. It just depends on how much they consume at one time," he said.

Lee bought the drug at a local smoke shop, where he had to show ID to make the purchase, he said.

As of April 2013, 23 shops sold the drug in Anchorage, Franklin said.

Smoke King in Mountain View sold Spice (potpourri) up until nine months ago. Employees asked the manager to stop buying the product. They said the customer

base shifted. People who started coming to the shop wouldn't look them in the eye and were paranoid and nervous.

"We were making a lot of money, but at the same time we were like, 'We don't like dealing with these sketchy people,' " said Kent Monroe, an employee at the shop for two years.

Monroe said the shop would buy Spice packets for about \$5 and turn them around for \$15.

Franklin said it's likely manufacturers are ordering the product from out of state or online.

One woman who answered the phone at a number linked to a Miami-based distributor declined an interview. The website listed an array of incense brands, sold at just under \$35 for 10 grams.

She would not describe the products on the website or how the incense is used.

"I don't know anything, we just ship out," she said.

Rein said he's also observed people selling Spice on the streets, like marijuana or any other drug, which may pose as a problem for enforcement under the new ordinance since the drug is unlabeled.

"I think this will take it off the shelves," Rein said. "It may not completely dry up."

Reach Tegan Hanlon at thanlon@adn.com or 257-4589.