

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 9, 2011

1:32 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Dennis Egan
Senator Johnny Ellis
Senator Kevin Meyer
Senator Fred Dyson

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 17

"An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date."

- MOVED SB 17 OUT OF COMMITTEE

PRESENTATION BY CITIZEN REVIEW PANEL

- HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 17

SHORT TITLE: SYNTHETIC CANNABINOIDS

SPONSOR(s): SENATOR(s) MEYER

01/19/11	(S)	PREFILE RELEASED 1/7/11
01/19/11	(S)	READ THE FIRST TIME - REFERRALS
01/19/11	(S)	HSS, JUD
02/09/11	(S)	HSS AT 1:30 PM BUTROVICH 205
SPONSOR(s): SENATOR(s) MEYER		
01/19/11	(S)	PREFILE RELEASED 1/7/11
01/19/11	(S)	READ THE FIRST TIME - REFERRALS
01/19/11	(S)	HSS, JUD
02/09/11	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

ROBERT THOMPSON, Sergeant
Fairbanks Police Department
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 17.

DENNIS WHEELER
Municipal Attorney
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 17.

JENNIFER MESSIG
Traffic Safety Resource Prosecutor
Municipality of Anchorage
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 17.

SHELLY HUGHES, Director
Government Affairs
Alaska Primary Care Association
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 17.

ORRIN DYM, Manager
Alaska State Crime Lab
Commissioner's Office
Department of Public Safety
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 17.

SUSAN HEUER, Chair
Citizen Review Panel
Anchorage, AK

POSITION STATEMENT: Presented annual report by Citizen Review Panel.

FRED VAN WALLINGA, Member
Citizen Review Panel
Willow, AK

POSITION STATEMENT: Presented annual report by Citizen Review Panel.

CHRISTY LAWTON, Acting Director
Office of Children's Services
Department of Health and Social Services
Juneau, AK

POSITION STATEMENT: Gave OCS response to Citizen Review Panel report.

ACTION NARRATIVE

[1:32:07 PM](#)

CHAIR BETTYE DAVIS called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Ellis, Egan, Dyson, Paskvan, Meyer, and Chair Davis.

SB 17-SYNTHETIC CANNABINOIDS

[1:32:40 PM](#)

CHAIR DAVIS announced the first order of business would be SB 17.

SENATOR MEYER, sponsor of SB 17, explained this bill would classify synthetic cannabinoids as a controlled substance. He explained that synthetic cannabinoids have recently appeared in the form of a new drug, called "Spice" or "K2". These substances are relatively cheap, easily attainable, and used by many people, especially teenagers. Spice is popular because it has effects similar to marijuana but can't be detected in a drug test, and is legally sold over the counter as incense; it is also more potent than marijuana.

The Municipality of Anchorage (MOA) has passed an ordinance prohibiting the possession of the substance in the city of Anchorage. The Drug Enforcement Agency (DEA) and the US military have also taken action against it, and the city of Juneau is considering an ordinance. By enacting SB 17, he emphasized, hopefully the legislature can prevent this substance from causing more harm and more accidents. Senator Meyer noted that 15 states have already passed legislation against the drug, and 21 states have introduced legislation that will make it unlawful to sell, purchase, possess, manufacture, transport or deliver synthetic cannabinoids.

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CHRISTINE MARASIGAN, staff to Senator Meyer said she would answer any questions.

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ROBERT THOMPSON, Sergeant, Fairbanks Police Department, testified in favor of SB 17. On January 12, he said, there was a traffic accident in Fairbanks where the driver admitted to using Spice, and acknowledged that he was impaired. They discovered

that they could not charge him under the DUI statutes, but only for reckless driving. It is obviously a public safety risk that people are consuming Spice and driving. Sergeant Thompson noted the driver was described as being passed out, and was disoriented when he came to. He emphasized that although this substance is legal, it creates a significant threat to public safety.

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DENNIS WHEELER, Municipal Attorney, Anchorage (MOA), said the municipality supports SB 17 and its companion bill, HB 7. The MOA believes there should be felony penalties, and the substance should be criminalized statewide. He mentioned that the MOA has benefitted from a grant from the Highway Traffic Safety Office which allowed Ms. Messig to make presentations around the state regarding this drug, its effects, and why it is so dangerous.

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JENNIFER MESSIG, Traffic Safety Resource Prosecutor, Municipality of Anchorage, said that APD had a traffic fatality where Spice was involved, as well as numerous DUI cases, but they are not able to prosecute these as DUI cases. There are also health concerns with these chemical compounds. There has been at least one death directly attributed to Spice; in Montana a 16 year old died after using Spice, and blood toxicology confirmed no other drugs were present in his system.

A number of very dangerous symptoms can occur when someone uses this drug, and it doesn't depend on the amount used. Some of the symptoms are dangerously high blood pressure, loss of consciousness, acute tachycardia, unpleasant hallucinations, delusions of impending death, and delusions of super-human strength.

SENATOR MEYER noted that many people use Spice because it is legal, so they believe it must not be harmful. He asked about the difference between marijuana and Spice.

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MS. MESSIG responded that Spice can look like marijuana, because the chemical compounds are often sprayed onto leafy green substances, and it has the same method of delivery. The researcher who developed Spice was actually researching the possible medicinal effects of marijuana. He discovered that the compounds in Spice bind differently in the brain than marijuana, up to 800 times tighter, so the effect is much stronger than marijuana. What makes it so dangerous is that it targets people

who might not otherwise experiment with drugs. They reason it is not illegal, so it must not be harmful.

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SENATOR MEYER said he asked his daughter if she had heard of Spice in her high school, and she said it was very popular because it doesn't show up on a drug test. He then asked how law enforcement agencies test for Spice now that it is illegal in Anchorage.

MS. MESSIG said that Spice is not detectable in an ordinary drug screen. A few labs have developed the ability to test for some of those compounds in the urine, and those tests cost anywhere from \$35 to \$55, but not all 7 compounds can be tested for. One lab can do a blood test but it is very expensive.

SENATOR MEYER asked if they have to send samples out of state to be tested.

MS. MESSIG confirmed they do have to send them out, and it is a very difficult process.

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SHELLY HUGHES, Government Affairs Director, Alaska Primary Care Association, testified in support of SB 17. She cited health risks and the potential for substance abuse, and said that the effects to the central nervous systems and cardio vascular systems are evident, and it is a concern to clinicians across the state. Spice-related emergency room visits and the need for medical care by students are all red flags.

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CHAIR DAVIS closed public testimony on SB 17.

SENATOR MEYER asked a question for the state crime lab.

[1:54:45 PM](#)

ORIN DYM, Manager, Alaska State Scientific Crime Laboratory, Commissioner's Office, Department of Public Safety, stated he was available to answer questions.

[1:55:24 PM](#)

SENATOR MEYER asked why there is a fiscal note.

MR. DYM explained that there are two types of analyses that should be clarified. The Alaska State Crime Lab has no toxicology section; what they can test for is the possession of

such substances, in order to provide positive identity for court cases.

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SENATOR EGAN asked if the state crime lab has seen a cocaine-like bath salts being sold in stores.

MR. DYM said the first sample was recently submitted; there are three common chemicals associated with those substances, which he forwarded to the department of law.

SENATOR EGAN said, "So it has reached Alaska."

MR. DYM confirmed that was true.

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SENATOR EGAN asked if the new substance could be included in this bill.

CHAIR DAVIS said it could be considered.

SENATOR MEYER said his staff has looked at that issue.

CHRISTINE MARASIGAN, staff to Senator Meyer, said that issue has been brought up before. She pointed out that several of the compounds in Spice have already been on a DEA watch list, which makes Spice a known quantity, with data backing up the use, manufacture, and transport. She further stated that at this point there is no conclusive research on the bath salts.

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CHAIR DAVIS noted a letter of support from the Mayor of Anchorage, and state troopers on the line to answer questions; she asked if anyone from DSHS was present.

[2:01:17 PM](#)

CHRISTY LAWTON, Acting Director, Office of Children's Services, said this was the first she had heard of SB 17, and she did not know the department's position.

SENATOR EGAN moved to report SB 17 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 17 moved from the Senate Health and Social Services Standing Committee.

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CHAIR DAVIS announced a brief at-ease.

Presentation: Citizen Review Panel

2:04:34 PM

CHAIR DAVIS announced the next item of business would be a presentation by the Citizen Review Panel. She noted this is a panel mandated by the federal government, and it is obligated to give a yearly report to the legislature and the governor.

SUSAN HEUER, Chair, Citizen Review Panel (CRP), explained the panel is a volunteer group of seven members who review the policies and procedures of the Office of Children's Services by contacting OCS and its community partners throughout the state. CRP picks a hub, such as Bethel, and does visits from that hub to neighboring villages.

She stated that one of the CRP's recommendations to OCS was to address the discrepancy between rural, bush and urban child protection services. In traveling to the rural areas, the panel noticed that children in urban areas had better access to child protective services than children in small, remote villages. A second recommendation was that OCS front line workers need adequate support staff to allow them to focus on social work, not paperwork, and a third was that training for new workers needs to be modified to address the on-ground reality of the job.

MS. HEUER said the panel's recommendations to the legislature were similar; address the discrepancy between rural, urban, and bush child protective services, clarify fiscal responsibility in certain areas, and use the capital budget to adequately fund housing and facility work for OCS and its workers.

2:09:39 PM

She further reported that staff in Bethel and the surrounding areas say the lack of housing affects worker recruitment and retention, and retaining workers in remote areas is always a problem. She also stated the panel would like to see standardization of resources between state agencies. In terms of OCS, she said, the panel was pleased to learn that "safety is safety," regardless of location. OCS has also acknowledged staff retention problems as a barrier to protecting children. Frequent turnover directly impacts the safety of children, especially in bush and rural areas. Ms. Heuer also noted the lack of adequate support staff, and said that OCS has requested an updated workload study, and has undertaken an in-house data study to examine caseload and resource distribution. She further noted that OCS has updated its training curriculum, and supervisory

strategic plan, and that overall, OCS is doing a good job of addressing the most pressing issues. She emphasized that OCS is a huge, ponderous, bureaucratic agency with a very challenging mission, and that the agency is working hard to comply with requirements from the federal Program Improvement Plan. Changes being made are reflected in better child protection policies and evolving practices.

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MS. HEUER said poor worker retention leads to frustrations in the court system because of continuances, late reports, detrimental court rulings, and children remaining in custody for too long. OCS needs to resolve poor worker retention to fix these issues. She said the panel supports OCS's efforts to evaluate staff ratios; once that study is complete, OCS will need financial support to implement it. She also said the housing issue is critical to staff retention, and that policies will fail without staff to implement them.

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MS. HEUER stressed that Alaska does not want to be a state that will not make changes until a child dies. Unfortunately, the perception among OCS staff now is that children are less safe than they were before; workers are afraid that a child will die on their watch.

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CHAIR DAVIS asked in what way are children are less safe.

MS. HEUER said the CRP met with all the supervisors in the OCS Wasilla field office in December, and that as a group they are worried the population generally is less safe; kids are falling through the cracks; children are at risk; the level of worry in the meeting was alarming.

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FRED VAN WALLINGA, panel member, said that after going into a community and talking with agencies and citizens, the CRVP reports back to senior management, and therefore problems can get fixed more quickly.

MS. HEUER noted the newly created Western Region of OCS is also struggling with staffing issues.

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CHRISTY LAWTON, acting director, Office of Children's Services, Department of Health and Social Services, said she would respond to the report from the CRV.

CHAIR DAVIS asked Ms. Lawton if she could first give a brief overview of her career.

MS. LAWTON said she was previously a child welfare administrator, where she had oversight of field operations in the 5 regions on a state-wide level. She has been with OCS for thirteen years.

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MS. LAWTON expressed her appreciation for the CVP, and said the information they produce is very valuable. Concerning the panel's recommendations for OCS, especially with regard to disparity among the different areas, she said that in a large agency of 500 employees in 26 field office, consistent communication is a challenge. There can be misunderstandings about what can be paid for. For instance, if a social worker in Bethel needs to get to a village, many times airline schedules will not meet their needs. In order to assure child safety, if they need to charter a plane, they can do that. Child safety comes first.

She said OCS is working on the support staff issue, and is doing an internal analysis of the number of support staff based on number of workers. In addition to administrative support staff, OCS also has a job class called Social Service Associates (SSAs). SSAs are para-professionals who can do the work of transporting children, providing supervised visitation, and some paperwork assistance. OCS administrative staff pays bills, answers phones, and helps with discovery for legal cases. OCS has not added support staff for a number of years, and it is looking for information regarding what is an adequate ratio of support staff to social workers.

MS. LAWTON stated OCS has a number of training initiatives and goals for 2011. The University of Alaska now has a family and youth services training academy, which is looking at ways to provide professional development for OCS staff. On-line training is available for the rural offices, and the agency has revamped its entire new worker training from 2 weeks to 4.

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She said that as far as worker retention, there are no magic bullets, but some things can have an impact. OCS is looking for

ways to hire people whose values are aligned with the agency. For instance, if their beliefs about a family's right to self determination, or about institutional racism, are aligned with those of the agency, they will be more likely to stay.

MS. LAWTON said OCS has received support from national resource centers to develop a supervisory strategic plan to strengthen and enhance child welfare supervision in Alaska. Child welfare workers look to their supervisors for support, guidance, clinical consultation, coaching, and mentoring. OCS is also focused on increasing and enhancing training opportunities for supervisors in the agency.

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MS. LAWTON made a final comment about children being less safe. She said it breaks her heart to hear that, and to believe it, because of all the work they have done to make children safer. She said that when staff is overworked it is natural for them to believe that children are not safe.

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SENATOR DYSON asked if the number of OCS cases is continuing to rise.

MS. LAWTON confirmed that the number of cases has climbed significantly in the last few years, but she said the number of children in out-of-home care is declining. She views this as success, because OCS is able to keep more children in their own homes.

SENATOR DYSON asked if she had percentage increase figures.

MS. LAWTON said there has been a nine percent increase over the past year.

SENATOR DYSON asked how many children in out-of-home care are reunited with their birth families.

MS. LAWTON responded that approximately 50 percent of children in out-of-home care are eventually reunited with their families.

SENATOR DYSON asked if there is a broad pattern of change in the intensity of neglect and abuse.

MS. LAWTON said there is discussion about increased intensity, especially in the Mat-Su Valley, but they have not been able to track this.

SENATOR ELLIS asked where line workers go when they leave their jobs, and do they ever mention state pay and benefits as a factor.

MS. LAWTON said they note many factors, and pay is a small part. The more significant areas are workload and support. Many staff members are actually promoted, and others simply realize social work is not the right job for them.

CHAIR DAVIS asked if the committee could have copies of the staff survey.

MS. LAWTON replied she would be happy to provide copies.

[2:42:11 PM](#)

CHAIR DAVIS questioned SSAs doing social work with only four weeks of training, and asked if they are supervised by other social workers.

MS. LAWTON responded the SSAs get the same four weeks training as other staff, and are supervised by a social work supervisor. Sometimes in rural areas with small offices, SSAs are forced to take on duties beyond their job description. In urban settings OCS has units based on job focus, and a supervisor is responsible for 5 - 8 front-line social workers plus SSAs. In rural areas, where there is not enough staff, sometimes there is not a supervisor on-site.

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CHAIR DAVIS asked if OCS is using nonprofit agencies in small towns and villages.

MS. LAWTON said they are making improvements in that regard, especially through their tribal partners and tribal agencies.

There being no further business to come before the committee, Chair Davis adjourned the meeting at 2:46 p.m.