

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 8, 2017

1:31 p.m.

MEMBERS PRESENT

Senator David Wilson, Chair
Senator Natasha von Imhof, Vice Chair
Senator Cathy Giessel
Senator Peter Micciche
Senator Tom Begich

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 20

"An Act classifying U-47700 as a schedule IA controlled substance; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 20

SHORT TITLE: LIST U-47700 AS A CONTROLLED SUBSTANCE

SPONSOR(s): SENATOR(s) MEYER

01/18/17	(S)	READ THE FIRST TIME - REFERRALS
01/18/17	(S)	HSS, JUD
02/08/17	(S)	HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 20.

CHRISTINE MARASIGAN, Staff
Senator Kevin Meyer
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions regarding SB 20.

CHARLES FOSTER, Chemistry Supervisor
Scientific Crime Detection Laboratory
Alaska Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Addressed chemical-composition variability to statutorily identify the drug U-47700 that related to SB 20.

DR. JAY BUTLER, Chief Medical Officer
Alaska Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Addressed questions regarding the drug U-47700 that related to SB 20.

KATE BURKHART, Executive Director
Alaska Mental Health Board
Advisory Board on Alcoholism and Drug Abuse
Alaska Department of Health and Social Services
Juneau, Alaska

POSITION STATEMENT: Called attention to recommendations from the Alaska Opioid Policy Task Force in reference to SB 20.

MICHAEL DUXBURY, Captain
Statewide Drug Enforcement Unit
Alaska State Troopers
Anchorage, Alaska

POSITION STATEMENT: Commented on law enforcement issues that SB 20 addresses.

ACTION NARRATIVE

[1:31:19 PM](#)

CHAIR DAVID WILSON called the Senate Health and Social Services Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Giessel, von Imhof, Begich, Micciche, and Chair Wilson.

SB 20-LIST U-47700 AS A CONTROLLED SUBSTANCE

[1:31:46 PM](#)

CHAIR WILSON announced the consideration of SB 20.

[1:32:15 PM](#)

SENATOR KEVIN MEYER, sponsor of SB 20, Alaska State Legislature, Juneau, Alaska, set forth that SB 20 would classify "U-47700," a synthetic opioid commonly known as "Pink" or "U4," as a Schedule IA controlled substance. He noted that U-47700 is eight times more powerful than heroin. He detailed that research on U-47700 was started in the 1970s and patented, but never approved for human testing or consumption.

He said currently there is a demand for opioids. He revealed that labs in China are busy making U-47700 and selling them in great quantities online. He warned that U-47700 is very deadly and noted that the national-enforcement agency reported 45 fatalities thus far linked to the drug since 2015 with 3 confirmed deaths in Alaska. He said the federal government has issued a temporary placement for U-47700 into Schedule I due to the eminent hazard to public safety.

He stated that everyone is painfully aware of the opioid crisis happening not only nationwide, but in Alaska as well. He remarked that he does not think a day goes by without hearing about somebody's house or car getting broke into, or somebody getting held up so that people can get money to support their opioid habit.

He urged the committee to pass SB 20 and classify U-47700 as a Schedule IA substance so that law enforcement can go after those who are selling, using, purchasing, possessing, manufacturing, and transporting the synthetic opioid in Alaska. He set forth that his preference is to go after those who purchase in large quantities for the purposes of selling, but the bill would also allow those who possess and use the drug to be charged.

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SENATOR VON IMHOF thanked Senator Meyer for bringing the bill forward. She pointed out that a slight chemical change and the drug is no longer identified as U-47700. She asked how much flexibility is allowed in a drug's composition for its statutory identification as U-47700 to continue.

SENATOR MEYER noted that Senator von Imhof's question addresses an ongoing frustration. He related that he has brought many of synthetic drug bills forward that addressed synthetic marijuana, also known as "Spice," and synthetic cocaine, which is derived from bath salts. He remarked that the impression is the Legislature is constantly chasing its tail because chemicals are simply changed once laws on synthetic drugs are tightened up. He insisted that the Legislature keep "chasing its tail" because he

noted that changing chemical compounds takes a while. He admitted that he did not know how much chemical flexibility there was in the state's regulations. He suggested that Dr. Butler address Senator von Imhof's question.

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CHRISTINE MARASIGAN, Staff, Senator Kevin Meyer, Alaska State Legislature, Juneau, Alaska, recommended that Mr. Charles Foster with the Scientific Crime Detection Laboratory - Department of Public Safety address Senator von Imhof's question as well.

SENATOR VON IMHOF pointed out that U-47700 was created and patented by a doctor in 1976. She surmised that the drug's chemical composition was posted with the patent office and was readily accessible on the internet. She asked if there have been efforts to redact portions of patented chemicals to avoid the ability for drugs to be copied.

MS. MARASIGAN replied that patents are public information that is not exact. She noted that redacting information may actually harm people because labs may produce riskier drugs due to partial information. She revealed that labs were also disguising copied drugs and selling them as something else.

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CHARLES FOSTER, Chemistry Supervisor, Scientific Crime Detection Laboratory, Alaska Department of Public Safety, Anchorage, Alaska, explained that U-47700 is specific to only one chemical structure and no other analogs of similar chemicals.

SENATOR BEGICH asked what the level of use of Pink was in the state.

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DR. JAY BUTLER, Chief Medical Officer, Alaska Department of Health and Social Services, Juneau, Alaska, opined that the state is seeing the "tip of the iceberg" regarding U-47700. He revealed that three-overdose cases have been identified and occurred in different parts of the state which suggests that the drug is fairly prevalent.

SENATOR BEGICH asked if there has ever been an attempt made to pass legislation that also included derivatives of drugs like U-47700.

DR. BUTLER replied that there has been some legislation in Texas, but the legal analysis continues. He noted that the

federal government approaches the situation with emergency regulatory authority and that was the way U-47700 ended up on the federal controlled substances list. He noted that Alaska does not have emergency regulatory authority, but an option to consider to make the state more agile. He concurred with Mr. Foster that U-47700 is a specific chemical structure.

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SENATOR MICCICHE noted that the United Nations Commission on Narcotic Drugs estimates that new psychoactive substances are emerging globally at an average rate of one-per-week. He inquired if there is a better way to go to either an automatic adherence to the federal Schedule I which does include U-47700, or to include verbiage about all non-prescriptions synthetic opioids. He pointed out that Senator Meyer referenced the chasing around of Spice for years and opined that a better catchall may be to include the verbiage on non-prescription synthetic opioids.

DR. BUTLER agreed that what the state currently has is not agile enough to even begin to keep pace with the ability of the chemists. He concurred that Senator Micciche's approach would certainly be another viable option, but deferred to his colleagues in law and public safety who actually have to use the drug laws for prosecution purposes.

SENATOR MICCICHE asked Mr. Foster to address his question regarding a catchall for non-prescription synthetic-opioid derivatives.

MR. FOSTER replied that the current law for substituted cathinones is similar to Senator Micciche's inquiry. He opined that the law for substituted cathinones works as a larger "net" for catching a lot of new compounds, but the difficult part is a pretty good knowledge of chemistry is required to interpret whether or not a compound is indeed fitting what is written in statutes.

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SENATOR MICCICHE remarked that there has to be a better system to address drugs rather than naming each substance. He reiterated that new drugs are emerging globally on an average of one-per-week.

CHAIR WILSON replied that he agreed with Senator Micciche.

SENATOR GIESSEL pointed out that the bill addresses Schedule IA, which means Alaska's scheduling of drugs are referenced. She detailed that Schedule I drugs are very dangerous, have no therapeutic use, and have a high risk of side effects. She noted that two drugs, fentanyl and methadone, are listed as Schedule IA in Alaska, but federal law are Schedule II for the same drugs and are thus prescribable by a clinician with a DEA number. She continued as follows:

So this bill refers to a slightly different list than perhaps you are thinking of in federal law, so that's just a nuance here. I agree with Senator Micciche, a more nimble way to take care of this kind of stuff, these illegal drugs, but this is probably not the method.

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CHAIR WILSON opened public testimony on SB 20.

1:50:08 PM

KATE BURKHART, Executive Director, Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse, Alaska Department of Health and Social Services, Juneau, Alaska, addressed recommendations from the Alaska Opioid Policy Task Force as follows:

Given that your conversation has moved toward the idea of how can we be more nimble in addressing emerging public health dangers such as synthetic opioids and other synthetic substances of abuse, I would be remiss if I did not mention that one of the recommendations of the Alaska Opioid Policy Task Force; which was a joint effort of the Division of Public Health, the Advisory Board on Alcoholism and Drug Abuse, the Alaska Mental Health Trust Authority, and Senator Giessel participated. One of those recommendations is to provide for a mechanism like Dr. Butler described that the U.S. Drug Enforcement Agency uses for emergency regulatory action when there is an emerging public health danger posed by some sort of synthetic substance. We don't have that ability right now in Alaska, so we rely on proactive legislators to address those concerns, but there is a consensus recommendation from the Alaska Opioid Policy Task Force that this would be a way that we could pounce on things earlier rather than waiting until January every year to get ahead of those things and to give law

enforcement the tools they need to move forward. Given that I had the opportunity to work with the task force I felt like we just put that into the universe, it is not a recommendation related to this bill at all, we appreciate the bill, but since your conversation led there I thought I would add that to the mix.

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CHAIR WILSON closed public testimony on SB 20.

[1:52:57 PM](#)

SENATOR GIESSEL moved Amendment 1.

30-LS0319\A.1
Martin
2/7/17

AMENDMENT 1

OFFERED IN THE SENATE
TO: SB 20

Page 1, line 1, following "substance;":
Insert "classifying tramadol and related substances as schedule IVA controlled substances;"

Page 4, following line 29:
Insert a new bill section to read:

"Sec. 2. AS 11.71.170 is amended by adding a new subsection to read:

(g) Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance or its salts calculated as the free anhydrous base or alkaloid: 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers, including tramadol."

Renumber the following bill section accordingly.

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At ease.

[1:54:20 PM](#)

CHAIR WILSON called the committee back to order. He announced that before taking up the amendment, Ms. Marasigan has asked to address earlier questions from committee members.

MS. MARASIGAN noted a previous inquiry about chemical composition "wobble room" on deciding whether a specified material is a Schedule I drug. She revealed that Section 1 in SB 20 covers opiates and opiate variants: isomers, esters, and salts.

She addressed a more nimble regulatory process query and noted that some states have an emergency-regulatory board that enact emergency-schedule materials until the next legislative session. She added that fast-track legislation is a similar consideration where substance-abuse advisory boards are involved until a legislature catches up.

She cautioned on the danger of putting a material on the controlled substance list without testimony and public input in order to avoid putting something on the list that does not need to be there.

SENATOR MICCICHE stated that he heeded Ms. Marasigan's warning, but pointed out that the Legislature finally addressed the Spice issue saying that anything within set parameters would be regarded as a synthetic drug that is illegal in Alaska. He opined that a balance probably exists to put parameters around the ability to create emergency authority to see if there is something in between that might be more effective. He said he would work with Senator Meyer should he consider an amendment to the bill.

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SENATOR MEYER pointed out that Spice, the synthetic cannabinoid, was a little easier to deal with because the Legislature went after the packaging of something that was being sold as incense that obviously had nothing to do with incense. He noted that bath salts presented a similar situation, but conceded that the problem has gone from synthetic cocaine from bath salts to heroin, which is worse. He agreed with Ms. Marasigan that making something a crime warrants a deliberate process. He said there is probably a better way and he is open to any suggestions the committee may have.

CHAIR WILSON asked Captain Duxbury from the Statewide Drug Enforcement Unit for his comments on some of the drug enforcement issues, challenges or successes.

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MICHAEL DUXBURY, Captain, Statewide Drug Enforcement Unit, Alaska State Troopers, Anchorage, Alaska, addressed federal spending and explained that federal scheduling has minimums that are quite high for Alaska; however, the state is affected due to its small population with a wide distribution area. He explained that Alaska needed the ability to perform operations that could target some of the issues going with Pink or U-47700. He noted that another dynamic is that Pink or U-47700 is readily available on the internet and certain types of retail outlets in Alaska. He asserted that the drug's ability to have a negative impact on the state is significant and even small amounts are worth the Statewide Drug Enforcement Unit to pay attention to the drug because of its lethality.

He disclosed that he had discussions with an expert chemist as well as a Drug Enforcement Administration (DEA) chemist regarding coverage of isomers, salts and esters. He disclosed that the chemists believed that the state's attempt would be a pretty good attempt; however, not all situations would be covered.

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SENATOR MICCICHE remarked that Alaska is seeing a dramatic explosion in heroine, synthetic opioid, and prescription opioid distribution and abuse. He noted that the drugs can my ordered online and asked if the department has an effective way to interrupt the flow into Alaska.

CAPTAIN DUXBURY concurred that the situation Senator Micciche addressed is a tremendous problem. He said the state is being exploited by individuals that realize illicit substances can bring up to three times more money in Alaska. He revealed that organized-crime gangs from the Lower 48 are exploiting the state's vulnerable communities. He detailed that the Statewide Drug Enforcement Unit is concentrating on those places that are "hubs" in the state. He said due to budgetary constraints, the unit does not have the resources for a broader approach. He disclosed that in order to deal with its resource constraints, the unit tries to find collaborative and cooperative partners in any and every avenue. He asserted that the state cannot arrest its way out of the problem. He said as much as the need for enforcement, the state has to have social and educational programs in addition to more deterrence for consumption.

SENATOR BEGICH said he recognized the prevention end that Captain Duxbury noted, but wondered if a more nimble process from emergency regulation would help the enforcement end for the Statewide Drug Enforcement Unit.

CAPTAIN DUXBURY replied yes.

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SENATOR MEYER remarked that he is very frustrated about the topic and believes everybody is as well. He noted that drug-related crimes are prevalent throughout Alaska on a daily basis. He concurred with Senator Micciche that the demand is out there for synthetic drugs, heroine, or prescription drugs. He remarked that as long as the demand for drugs is out there, people are going to provide it and the state will have an ongoing problem with public safety, judiciary, and trying to fight it. He opined that the state can build more treatment and rehab centers; however, they only help people who want help. He said he is frustrated on how to reduce the demand for drugs and thinks that better education and keeping topics like what the bill addresses out in the forefront to the public is needed.

CHAIR WILSON asked that Senator Giessel address Amendment 1.

[2:07:45 PM](#)

SENATOR GIESSEL reintroduced Amendment 1, [30-LS0319\A.1]. She stated that the issue that is illuminated in SB 20 is extremely important. She said as a side comment, Ms. Burkhart and Dr. Butler have both eluded to the Alaska Opioid Policy Task Force and asserted that the committee would find the task force's recommendations very interesting. She said the recommendations certainly apply to content of SB 20, but also apply to Amendment 1. She detailed that Amendment 1 would move tramadol [to another drug schedule.]

CHAIR WILSON asked if there was an objection to Amendment 1.

SENATOR GIESSEL objected for discussion purposes. She detailed that Amendment 1 would place tramadol as Schedule IVA controlled substance in Alaska statute. She explained the reasons for the schedule change as follows:

- DEA placed tramadol on Schedule IV in 2014.
- Tramadol is an "analgesic" opioid-like drug that is used to relieve pain.
- Tramadol has shown to cause serious side effects and be addictive.

- Other countries and states in the U.S. have classified tramadol as a controlled substance.
- Health-care professionals have provided letters of recommendations to place tramadol on the Schedule IV substance list.
- Tramadol would be placed on the state's prescription-drug monitoring system to identify potentials for abuse.

SENATOR GIESSEL detailed that lines 2 and 3 in the amendment would bring forth an addition to the title of the bill because the change is not a Schedule I, but a Schedule IV. She added that lines 8-12 is a new subsection that would list tramadol in state statute.

SENATOR MICCICHE asked for additional information on tramadol, specifically about its abuse.

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SENATOR GIESSEL detailed that in 2010 there were more 16,000 visits to emergency rooms in the U.S. that resulted from the non-medical use of tramadol. She added that tramadol has significant withdrawal side effects that could result in emergency-room visits.

CHAIR WILSON asked if anyone had additional information on tramadol that could be shared with committee members.

CAPTAIN DUXBURY addressed western Alaska and noted that investigators have seen a significant amount of tramadol being sold for approximately \$2.00 to \$2.50 per milligram. He detailed that there have been 11 incidences of capturing tramadol in hub locations where 6,000 dosage units were seized prior to distribution to villages. He concurred with Senator Giessel's previous comments that tramadol has an overdose effect. He revealed that tramadol has been substituted when opioids are hard to obtain. He emphasized that tramadol is being abused on a regular basis.

[2:14:30 PM](#)

DR. BUTLER added that tramadol has a "double whammy" where an opioid-type effect is caused that includes respiratory depression, toxicity on the liver such that people develop extremely low blood sugar, and seizures.

SENATOR BEGICH asked Dr. Butler if he supported Amendment 1.

DR. BUTLER answered yes.

SENATOR GIESSEL removed her objection to Amendment 1.

CHAIR WILSON announced that without objection, Amendment 1 is adopted.

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CHAIR WILSON stated he would hold SB 20 in committee. He announced that a committee substitute will be introduced at the next committee meeting.

SENATOR BEGICH asked if other committee members intended to present an amendment related to "regulatory" because he would support an amendment or a separate piece of legislation.

SENATOR MICCICHE explained that he will do further investigation. He stated that his intent is to be effective and make the right choice.

He said he had another question for Captain Duxbury and asked what detection methods are used for drug trafficking. He inquired if dogs were used for drug detection. He opined that the constitution will sometimes get in the way of effective drug-trafficking management. He lauded Captain Duxbury for his hard work, but conceded that the state is currently in the "losing column."

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CAPTAIN DUXBURY revealed that canine-scent detection teams are not trained for tramadol. He addressed Senator Micciche's comment regarding being in the "losing column" and noted that the number of people in the Statewide Drug Enforcement Unit are a fraction of what he was used when he started. He reiterated that the state cannot arrest its way out of its drug problem. He thanked Dr. Butler for his service on the Alaska Opioid Policy Task Force and reiterated that collaboration is the only way under the current budget constraints to be able to make a dent. He noted that the state has some finite drug-transport conduits as opposed to the Lower 48 and the unit tries to work together with the Department of Transportation and commercial airlines.

SENATOR GIESSEL remarked that the discussion around SB 20 and the expert testimony highlighted how important the subject is to committee members. She reiterated that having Ms. Burkhart and Dr. Butler back before the committee to address what the Alaska Opioid Policy Task Force did during the previous summer was important. She noted that Senator Meyer brought up the idea of

prevention and revealed that prevention was an aspect of the discussions that the task force addressed as well. She pointed out that Alaska is number one in substance abuse, alcohol substances, and behavioral health issues. She opined that committee members would have a lot of great ideas for legislation after hearing the report of the Alaska Opioid Policy Task Force.

CHAIR WILSON agreed with Senator Giessel. He noted that the committee will hear an overview on the science of addiction at an upcoming meeting to start the discussion for positive solutions regarding opioid and other types of addiction issues that are facing the state.

[SB 20 was held in committee.]

[2:21:52 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Committee at 2:21 p.m.