

HB

253

<TARGET><BILL>HB 253</BILL><SUBJECT>HB
253</SUBJECT><COMM>HFIN27</COMM></TARGET>

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 253(JUD)
 Fiscal Note Number 4
 (H) Publish Date 2/10/12

Identifier (file name) HB253-DPS-LAB-02-03-12 Dept. Affected Public Safety
 Title CATHINONE BATH SALTS Appropriation Statewide Support
 Allocation Laboratory Services
 Sponsor Representative(s) Stoltze, Thompson, Millett, Pruitt,...
 Requester (H) JUD OMB Component Number 527

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Orin Dym, Laboratory Manager
 Division Scientific Crime Detection Laboratory
 Approved by Joe Masters, Commissioner
Department of Public Safety

Phone (907) 269-5743
 Date/Time 2/3/12 4:24 PM
 Date 2/3/2012

FISCAL NOTE #4

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 253(JUD)

Analysis

This proposed legislation would add certain synthetic substances to the Schedule IIA list of statutorily controlled substances and provide for an effective date.

The Scientific Crime Detection Laboratory (crime lab) provides analysis of suspected controlled substances, issues reports, and provides expert testimony for the State of Alaska. The crime lab currently receives an average of ten submittals each month from law enforcement referencing "suspected bath salts." If these substances become controlled, the Chemistry Section of the lab can expect some change in requests for laboratory service, but is unable to determine how significant that change will be; whether it will remain roughly ten submittals per month or if it will increase.

These substances are unlike most that have been previously criminalized in that they are not "street drugs" but legally contrived and sold online via the internet and locally over-the-counter through tobacco shops. Because actual fiscal impact is unknown and difficult to determine, the crime lab is not requesting any additional funds or positions at this time but also does not wish to leave a matter the crime laboratory cannot fully assess without the reality of possible, though not probable, future fiscal impact.

FISCAL NOTE

STATE OF ALASKA cost # codes
2012 LEGISLATIVE SESSION

Bill Version CSHB 253(JUD)
Fiscal Note Number 3
Publish Date 2/10/12 (H)

Identifier (file name) HB 253-DOC-OC-01-13-12 Dept. Affected DOC
Title "An Act classifying certain substances as Schedule IIA Appropriation Admin & Support
Allocation Commissioner's Office
Sponsor Representative Stoltze
Requester House Judiciary Committee OMB Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**	**	**	**	**	**	**

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		**	**	**	**	**	**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

This is the original version of the bill.

Prepared by Leslie Houston, Director
Division Admin. Services, Department of Corrections
Approved by Joseph D. Schmidt, Commissioner
Department of Corrections

Phone 907-465-3339
Date/Time 02/07/12 9:31AM
Date 2/7/2012

FISCAL NOTE #3

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 253(JUD)

Analysis

This legislation classifies certain substances as Schedule IIA controlled substances.

Currently, possession of a schedule IIA is a Class C felony with a possible sentence of 0-2 years. Manufacturing or delivering a schedule IIA controlled substance is a Class B felony with a possible sentence of 0-4 years. The current average daily cost to house an inmate is \$134.90. Therefore, housing an offender could cost the department anywhere from \$0.0 (no time served) to \$196,954.00 (for a 4-year sentence).

DOC analyzed the impacts of similar laws passed in recent years (Example, HB 7 - Synthetic Marijuana), we have found zero convictions and therefore zero offenders being housed in DOC facilities.

The department is currently unable to quantify the fiscal impacts of this bill, as we cannot predict the number of offenses that will occur. Should this legislation pass, the department will closely monitor the potential future fiscal impacts.

FISCAL NOTE

STATE OF ALASKA cost # codes
2012 LEGISLATIVE SESSION

Bill Version CSHB 253(JUD)
Fiscal Note Number 2
Publish Date 2/10/12 (H)

Identifier (file name) HB253-DOA-PDA-1-23-12 Dept. Affected Administration
Title Cathinone Bath Salts Appropriation Legal and Advocacy Services
Allocation Public Defender Agency
Sponsor Representatives Stoltze, Thompson, Millett, Pruitt
Requester House Judiciary OMB Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	****	****	****	****	****	****	****

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		****	****	****	****	****	****

POSITIONS

Full-time						
Part-time						
Temporary						

CHANGE IN REVENUES

--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Quinlan Steiner, Public Defender
Division Public Defender Agency
Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907 334-4414
Date/Time 1/20/12 12:55 PM
Date 1/23/2012

FISCAL NOTE #2

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSHB 253(JUD)

Analysis

This bill classifies certain compounds commonly called "bath salts" as Schedule IIA controlled substances. This classification creates new crimes that can be charged as multiple degrees of misconduct involving a controlled substance.

These crimes range from class C felonies to unclassified felonies, with broad sentencing ranges; fourth-degree misconduct involving a controlled substance is a class C felony and carries a potential sentence of up to 5 years imprisonment; third-degree misconduct involving a controlled substance is a class B felony and carries a sentence of up to 10 years imprisonment, first-degree misconduct involving a controlled substance is an unclassified felony and carries a sentencing range of up to 99 years of imprisonment .

The Agency has no reliable method for determining how many cases will be charged under the new classification or how many individuals charged will require public counsel. Additional felony cases will, however, have a fiscal impact on the Agency. The Agency, therefore, submits an indeterminate fiscal note.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSHB 253(JUD)
 Fiscal Note Number 1
 (H) Publish Date 2/10/12

Identifier (file name) HB253-LAW-CRIM-02-03-12 Dept. Affected Law
 Title An Act classifying certain substances as Schedule IIA controlled substances. Appropriation Criminal
 Allocation Criminal Justice Litigation
 Sponsor Representative(s)Stoltze, Thompson, Millett, Pruitt, Tuck
 Requester (H) Judiciary OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
	TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

--	--	--	--	--	--	--	--

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by Michael C. Geraghty, Attorney General
Department of Law

Phone 465-5427
 Date/Time 2/3/12 5:10PM
 Date 2/3/2012

FISCAL NOTE #1

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSHB 253(JUD)

Analysis

HB 253 adds new substances to Schedule IIA of Alaska's schedules of controlled substances. These substances are currently not controlled. They are sometimes referred to as synthetic cocaine or bath salts. It is difficult to predict the number of cases that would be filed after these substances are included in Alaska's schedules of controlled substances but the number should not be great.

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Designer drugs like 'plant food' and 'bath salts' exploding across Alaska

Victoria Barber and Noah Hull Diamond | The Seward Journal | Nov 07, 2011



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In towns both large and small throughout Alaska a new class of potent designer drugs has established a foothold, sending more and more users to hospital emergency rooms while police wonder how to fight back.

Mephedrone, methylone and MDPV -- drugs commonly known as "plant food," "bath salts" and "air freshener" -- are legal under state law.

While the street names sound benign, the drugs' effects are anything but. The powerful drugs are easy to get and relatively cheap. The three drugs are marketed interchangeably and sometimes referred to as "synthetic cocaine." They are all powerful central nervous system stimulants, designed to mimic the effects of illegal drugs like meth, cocaine and ecstasy -- with some hallucinogenic properties as well.

"We're seeing a psychoactive substance that seems to be more intense than any of the stimulants -- more intense and more robust in some cases than meth, and definitely cocaine and ecstasy," said Patrick Hayes, supervisor of the outpatient substance abuse program at SeaView Community Services in Seward.

The drugs are relatively inexpensive, in part because they have been easy to get. Bath salts and plant food can be found easily on the Internet, where they are marketed under names like "Vanilla Sky," "Ivory Wave," and "Red Dove." They can come in almost banal-looking packages (bath salts are often emblazoned with images of flower petals, angels, birds and women's feet) and marked with a disclaimer that they're not for human consumption.

The drugs have also gained a following as something that won't show up on urinalysis tests. Until recently the compounds were legal -- the U.S. Drug Enforcement Administration temporarily banned the substances just last month, but the state of Alaska has yet to address the issue legally.

Hayes said that he first heard about plant food in Seward several years ago. During the last two years, he said, it seems to have caught on.

"It seemed like the people who were moving from cocaine to meth eventually starting moving on to it," Hayes said. "I think that meth is being replaced by plant food."

Effects mimic a schizophrenic breakdown

"I used, what you're calling plant food, for the first time about a year or so ago," said "Sam," a Seward resident in his early 30s who spoke on the condition of anonymity.

Sam sat down to talk at a local restaurant on a chilly evening this fall. He grew up with nice parents in a middle-class family, he said, but fell into substance abuse. It started in his teens with cigarettes and marijuana and progressed to hallucinogens, prescription drugs and cocaine.

Today, Sam is usually homeless. He said he turns to plant food as an alternative to spendier, harder-to-find drugs like heroin. "It's pretty cheap, and you get high for a while," Sam said.

Plant food, bath salts and air freshener can be ingested in a variety of ways. They come in powder or pill form and can be snorted, freebased, mixed with water and injected or atomized.

But while the drugs' effects mimic substances like cocaine or ecstasy, there isn't a lot of information about how mephedrone, methylone and MDPV affect the human body, even as users are landing in hospital emergency rooms.

"It's so new, we don't even know the half life (how long it takes the liver to detoxify half of the drug)," Hayes said. "We don't know long-term effects of chronic use. We're seeing people using it, showing up at the ER with symptoms of psychosis, rapid heart-beat, elevated heart pressure, along with delusional thinking and hallucinations, both auditory and visual."

The hallucinations described by users, Hayes said, are "more along the lines of someone who is experiencing a schizophrenic breakdown."

"I've talked to people who've used plant food -- they say it's the worst acid trip they've been on -- but as soon as they come down they want more."

'Absolutely' dangerous

"There may be users that say they've never had a bad trip. That may be," said Jennifer Messick, a traffic safety resource prosecutor with the Municipality of Anchorage who works with the Anchorage Police Department. Those aren't the users that law enforcement ends up dealing with, she said. "We find many users who say they thought it was safe -- a safe alternative to cocaine, meth or whatever, and land in the hospital."

Messick began researching designer drugs a couple years ago. As her expertise has grown, she's been inundated with requests to visit communities around the state and nation to talk with police officers about designer drugs and how to safely handle people who are on them.

Messick said users on mephedrone tend to be paranoid and delusional. They commonly report a sense of impending death or doom, seeing hallucinations of dead people.

Some drug users enter a state of "excited delirium" -- a condition often associated with cocaine or meth -- where they become extremely aggressive, temporarily insensitive to pain and display incredible strength and endurance. This poses "a huge safety risk for officers," Messick said.

It's becoming a bigger problem because use of plant food, bath salts and their kind is increasing "exponentially" across the state, Messick said. It's hit the Mat-Su Valley and Anchorage hard, but small towns have not been spared either. "I can assure you it's about everywhere in Alaska, even some of the villages," Messick said.

Messick said mephedrone, methylone and MDPV started out as party drugs in Russia and Western Europe. They have since been banned in many European nations, including the United Kingdom, but their popularity spread overseas to the U.S. on the heels of synthetic cannabinoids like "spice" and "K2."

Plant food and bath salt use appears to have exploded in the last couple years. Nationwide, there were a total of 298 calls to the American Association of Poison Control Centers about plant food in 2010. In just the first half of 2011 that number jumped to 4,137 - a 1,400 percent increase. That doesn't even include 911 calls, Messick noted.

"Unfortunately, the general public doesn't understand how absolutely dangerous these things are," Messick said.

Families on alert

"I can say I was shocked when I heard (plant food) was in Seward," said Karen Sturdy, director of the Seward Parks and Recreation Department.

Sturdy said she first heard the drug was being used in Seward last year. In a presentation before City Council, she said plant food was one of the dangers facing Seward's youth. "I think it's way more prevalent than anyone is willing to admit," said Sturdy.

The drugs are scary on their own, Sturdy said, but she's also worried that youth, upon hearing the street names, will try to snort or otherwise ingest real plant food or bath salts, thinking it will get them high. "There are kids in Seward who think they are 10 feet tall and bullet proof," Sturdy said. "So, it's frightening."

Lt. Louis Tiner said Seward police are coming into contact with more and more people who are on plant food and bath salts or admit to using them. "But more than anything we hear from concerned people about their friends and family members," Tiner said. "There are people using it and addicted to it and there are people here distributing it. It is something parents should be aware of and on the lookout for."

Illegal, and not illegal

Last month, mephedrone, methylone and MDPV became illegal under federal law. The DEA took emergency action Oct. 21 to control the substances, making the possession and sale of the

chemicals, or products containing them, illegal in the United States. It's a temporary action that will be in effect for a year while the DEA and U.S. Department of Health and Human Services study whether the drugs should be permanently controlled.

Until then, police have few tools with which to battle the use of mephedrone, methylone and MDPV. That's because while the drugs are banned under federal law, the State of Alaska has yet to take action on them. If a police officer in Seward came across someone in possession or selling plant food they could only pass the case along to the DEA for review. While the DEA could prosecute, there's also a chance they wouldn't take action on small-scale, individual cases. "There's a great need for state and local legislation," said Messick.

Anchorage Mayor Dan Sullivan introduced an ordinance last month to criminalize plant food, bath salts and the others. And state Sen. Kevin Meyer announced his intent to introduce legislation in the upcoming session to ban mephedrone and MDPV at the state level.

"What makes these substances even more dangerous is how they are being marketed . . . With names like 'Meow-Meow,' 'Vanilla Sky,' 'Ivory Snow' and 'Bliss', (they're) obviously aimed at kids and young adults," Meyer said in a press release.

Messick acknowledged the laws may be insufficient. Designer drugs are carefully designed to get around the law. "I tell people to think not just about these drugs, but what drug will come out next year," Messick said. The most important thing to do, he said, is to make sure people know the risks. That can help -- although some people don't care.

"Some chemist will just change the formula a little then it'll be cheap and easy again," said Sam. "I want to get high and if they make it illegal, I still will."

This article was originally published in The Seward Journal and is reprinted here with permission.

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law

Member:
Legislative Council
Legislative Budget & Audit (alt)



Session:
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Wasilla, AK 99654

BILL STOLTZE
STATE REPRESENTATIVE
Representative_Bill_Stoltze@legis.state.ak.us

Sponsor Statement for HB 253

“An Act classifying certain synthetic cathinones as schedule IIA controlled substances; and providing for an effective date.”

HB 253 would classify certain synthetic cathinones, commonly known as synthetic cocaine and marketed as ‘bath salts,’ as a schedule IIA controlled substance.

Marketed as bath salts or plant food with names like ‘Meow-Meow,’ ‘Vanilla Sky,’ ‘Ivory Snow,’ and ‘Bliss,’ synthetic cathinones are inexpensive, accessible, and undetectable in most drug tests. Many users of this drug use them in combination with or as a legal alternative to cocaine, ecstasy or methamphetamines.

Drug effects include impaired perception, reduced motor control, disorientation, extreme paranoia and violent episodes. Synthetic cathinones are abused mainly by snorting and oral ingestion. The U.S. Drug Enforcement Administration, the U.S. Military, and the Municipality of Anchorage have all taken action to control or prohibit use of this drug.

According to the National Council of State Legislatures, as of October 24, 2011 there are 33 states that have adopted laws or have departmental rules banning chemical compounds associated with ‘bath salts.’ Seven states have legislation pending.

Should HB 253 pass, it would be unlawful throughout the State of Alaska to sell, use, purchase, possess, manufacture, transport or deliver synthetic cathinones, the chemical compounds which are being marketed as ‘bath salts’ and synthetic cocaine.

DISTRICT 16

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KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

Helen Phillips

From: Joe Michel
Sent: Monday, February 13, 2012 4:19 PM
To: House Finance Legislation
Subject: FW: HB 253 - Testimony

From: Luther [<mailto:tbheluther@yahoo.com>]
To: LIO Kodiak
Subject: Re: SB 140 & HB 253

Dear House Finance Committee Members:

Rep. Carl Gatto
Rep. Steve Thompson
Rep. Bob Lynn
Rep. Wes Keller
Rep. Lance Pruitt
Rep. Max Gruenberg
Rep. Lindsey Holmes
Rep. Mike Chenault

I would like to share some thoughts concerning HB 253.

I am a concerned community member of Kodiak. I have been a foster parent of teenage boys and currently my husband works with teens that are struggling to find their way in society- hence they are making very poor choices that affect them personally, their family and their community. We have seen first hand the affects of drugs/ synthetics and alcohol- its negative affects on youth, families and communities.

1. I would like to know if HB 253 is going to provide means for state agencies to test for synthetics, bath salts and the like? We have found that agencies do not want to or can not afford to test for these drugs. Once youth know they are not going to be tested they will use the drugs all the more, and whats the point of spending the money to make something illegal if we are not going to take the steps to follow thru. If its going to be illegal agencies like Juvenile Probation Officers, State Troopers, hospitals, etc should be required to test for them and Agencies Directors should not be allowed to deny the test due to funding.

2. There needs to be some type of law that allows Police, State Troopers, City and Borough governments to deal with Adult Entertainment shops. This is a serious problem in Kodiak. We have a shop that sells synthetics to minors. Along with this HB 253 needs to be written in such a way that it covers promotion, advertisement, packaging, and ingredients. Currently, when packaging is changed or ingredients are altered laws become null and void and the drug is back on the market. We don't have time for new laws to be developed each time a new synthetic drug is discovered, we dont have time to wait for new testing laws to be approved. Can HB 253 be written is such a way that it covers future changes to Bath Salts or any other synthetic that is developed?

3. I would like to see funding and grant monies be put in place for communities to provide training for parents, schools, assemblies, organizations, youth programs for at risk teens and pre teens,

afterschool clubs etc. These funds may already be in place but there seems to be a serious lack of current information available to community members. I see first hand how parents don't know what resources are available to them or where to go to find out the information they need to help succeed in the healthy fight for their child/teens life.

Thank you for all you are doing, your hard work is appreciated.

Sincerely,
Rebecca Luther
PO Box 376
Kodiak, AK 99615