

SB

140

<TARGET><BILL>SB 140</BILL><SUBJECT>SB
140</SUBJECT><COMM>HFIN27</COMM></TARGET>

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 140(JUD)
Fiscal Note Number 1
(S) Publish Date 2/13/12

Identifier (file name) SB140-LAW-CRIM-01-25-12 Dept. Affected Law
Title An Act classifying certain substances as schedule IIA controlled substances. Appropriation Criminal
Allocation Criminal Justice Litigation
Sponsor Senators Meyer, Giessel and Olson
Requester (S) 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				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	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

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

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 Richard Svobodny, Acting Attorney General
Department of Law

Phone 465-5427
Date/Time 1/25/12 5:10PM
Date 1/25/2012

FISCAL NOTE #1

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 140(JUD)

Analysis

SB 140 adds new substances to Schedule IIA of Alaska's 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.

Schedule IIA currently includes, among other substances, amphetamines and methamphetamines, which are fairly dangerous substances.

The fiscal impact is zero.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 140(JUD)
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB140-DOA-PDA-1-23-12 Dept. Affected ADMINISTRATION
 Title Cathinone Bath Salts Appropriation Legal and Advocacy Services
 Allocation Public Defender Agency
 Sponsor Senators Meyer, Giessel, Olson
 Requester HOUSE FINANCE COMMITTEE 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	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	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

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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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)

The House Finance Committee reduced the fiscal note to zero.

Prepared by JOE MICHEL
 Division House Finance Committee Staff
 Approved by Co-Chair Bill Stoltze
House Finance Committee Co-Chair

Phone 465-4958
 Date/Time 4/11/12 3:45 PM
 Date 4/11/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 140(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 .

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 140 (JUD)
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB 140-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 Senator Meyer, Giessel & Olson
 Requester House Finance 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	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

POSITIONS

Full-time						
Part-time						
Temporary						

CHANGE IN REVENUES

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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)

The House Finance Committee reduced the fiscal note to zero.

Prepared by Joe Michel
 Division House Finance Committee Staff
 Approved by Co-Chair Bill Stoltze
House Finance Committee Co-Chair

Phone 465-4958
 Date/Time 4/11/12 3:45PM
 Date 4/11/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSSB 140 (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.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 140(JUD)
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) SB140-DPS-LAB-01-23-12 Dept. Affected Public Safety
Title CATHINONE BATH SALTS Appropriation Statewide Support
Allocation Laboratory Services
Sponsor Senators Meyer, Giessel, Olson
Requester House Finance Committee 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				
			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	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

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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)

The House Finance Committee reduced the fiscal note to zero.

Prepared by Joe Michel
Division House Finance Committee Staff
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House Finance Committee Co-Chair

Phone 465-4948
Date/Time 4/11/12 3:45 PM
Date 4/11/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. CSSB 140(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.

Life-threatening Necrotizing Fasciitis Due to ‘Bath Salts’ Injection

RUSSELL RUSSO, MD; NOAH MARKS, MD; KATY MORRIS, MD; HEATHER KING, MD; ANGELLE GELVIN, MD; RONALD ROONEY, MD

abstract

Full article available online at ORTHOSuperSite.com. Search: 20111122-36

Necrotizing fasciitis is an orthopedic emergency. The ability to quickly and accurately diagnose this rapidly spreading disease can save a patient's life and limb. However, the diagnosis is complex because necrotizing fasciitis usually manifests as a less severe cellulitis or abscess while the majority of the damages rage beneath the surface of the skin. Although the diagnosis is not new, the potential causes and vectors continually change. This article reports a new source of necrotizing fasciitis in an intramuscular injection of “bath salts,” a rapidly emerging street drug that is legal in some states and evades authorities with its innocuous name.

The patient presented 2 days after injection of bath salts with extensive cellulitis extending to the mid portion of her upper arm. The cellulitis initially responded to broad-spectrum intravenous antibiotics, but rapidly deteriorated 48 hours later, leading to a forequarter amputation with radical mastectomy and chest wall debridement to obtain healthy tissue margins and control the disease. The patient made a full recovery after further minor debridements, negative pressure dressings, directed antibiotic therapy, and skin grafting.

The recent emerging popularity of this highly obtainable, injectable substance may lead to an increase in cases of necrotizing fasciitis. Orthopedic surgeons should be vigilant in diagnosing this process early and should perform an extensive debridement.

Drs Russo, Marks, Morris, and Rooney are from the Department of Orthopaedics, and Drs King and Gelvin are from the Department of General Surgery, Louisiana State University Health Sciences Center, New Orleans, Louisiana.

Drs Russo, Marks, Morris, Gelvin, Rooney, and King have no relevant financial relationships to disclose.

Investigation performed at Earl K. Long Medical Center, Baton Rouge, Louisiana, in conjunction with the Department of Orthopaedics, Louisiana State University Health Sciences Center, New Orleans, Louisiana.

The authors thank the anesthesia and nursing staffs, who provided superb care in the treatment of this patient and who were integral in her full recovery.

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doi: 10.3928/01477447-20111122-36



Figure: Photograph after debridement.

The term necrotizing fasciitis originates from a report by Wilson¹ in 1952. However, what we know now as necrotizing fasciitis was described initially by Hippocrates as early as the fifth century BC. The term was repopularized by Confederate Army surgeon Joseph Jones as “hospital gangrene.” In 1924, Meleney again renamed it “hemolytic streptococcal gangrene.”² Despite the changes in nomenclature, the disease known as necrotizing fasciitis is the same spectrum of infections, ranging from superficial cellulitis to rapidly spreading myonecrosis. The pathogenesis of the disease has remained constant over time. This article describes a form of necrotizing fasciitis, a rapidly progressing streptococcal myositis, originating from an intramuscular injection of “bath salts.”

Bath salts, or synthetic cathinones, have gained increasing worldwide popularity in the past few years.³ Despite its name, bath salts have no legitimate use for bathing and are intended only for substance abuse. Its recent popularity, initiating in Western Europe in 2009, has alarmed both authorities and health care providers with its rapid emergence.⁴ The first cases of bath salts intoxication were reported in August 2010 in Louisiana (n=1) and Kentucky (n=1).³ These intoxications create a deep paranoia and recurrent delusions in users.⁵ More cases have followed over the past 2 years. Unlike common illicit drugs such as cocaine, heroin, lysergic acid diethylamide, phencyclidine, and ecstasy, the dangers of bath salts are unknown and only beginning to emerge. At least 16 states so far this year have placed emergency bans on the products, which are marketed under false pretenses to evade authorities.³

However, as the drug’s use evolves from an oral, smokable, and snortable form to an injectable version, communities need to become aware of the implications of an increase in injectable illicit substances.³ Studies in the past outlined the dangers of dirty needle use from illegal substances ranging from anabolic steroids to heroin.^{3,6} Injection risks range from local pain

and swelling to peripheral nerve palsies. However, the most severe consequence is necrotizing fasciitis infection, which can initially appear innocuous but later manifest as a severe infection, culminating frequently in loss of limb and even death.⁷

The diagnosis of necrotizing infections of both muscle and subcutaneous tissue can be difficult and time sensitive. The only effective treatment is extensive debridement with intravenous antibiotics to prevent loss of life and limb. This article reports the danger of injecting bath salts intramuscularly and the difficult subsequent diagnosis and treatment.

CASE REPORT

A 34-year-old woman presented with a 2-day history of increasing right forearm pain and erythema. She reported the redness and pain began the morning after a party. She reported no subjective fever or chills and had no documented temperatures >100.4°F. She was hemodynamically stable and well appearing with an anxious affect. She reported no symptoms other than her right arm complaints. Her erythema extended from the middle of her upper arm to her metacarpophalangeal joints. She had mild swelling compared with the contralateral extremity, and no crepitus was palpable. She was able to move her shoulder, elbow, and wrist with moderate pain. She had 1 small red puncture wound that she later admitted was a needle stick. She had no neurovascular deficits, and initial radiographs revealed no fracture, dislocation, or apparent gas or foreign body. The areas of erythema were marked with a sterile skin marker, and she was started on broad-spectrum intravenous (IV) antibiotics for cellulitis.

The next morning, the patient’s erythema had receded to approximately 50% of the previous physical examination and markings. The patient reported mild resolution of pain. On further questioning, she reported injecting bath salts 2 nights prior to developing symptoms. She also reported the injection was intramuscular

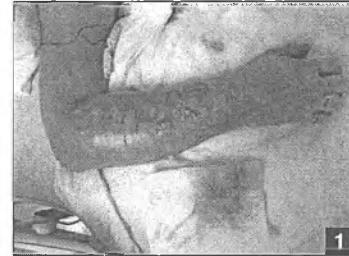


Figure 1: Patient at time of operative incision.

because she could not obtain intravascular access. The patient initially denied illicit drug use, but then reported cocaine, opiates, and benzodiazepine use in addition to the recent bath salts injection.

The patient remained on broad-spectrum IV antibiotics with close monitoring. She continued to be afebrile with no tachycardia. Her white blood cell count was 17.9, her erythrocyte sedimentation rate was 125, and her C-reactive protein count was 20. All other laboratory values were within normal limits. She tested positive for cocaine, opiates, and benzodiazepines prior to iatrogenic administration of those medications.

The following morning, the erythema only surrounded the needle injection site. However, the patient reported pain at the site of the injection, so an ultrasound was ordered to delineate any nonradiopaque foreign bodies and the presence of fluid or gas.

Hours later, when the patient was re-examined, she was found to have progressive erythema that had developed past the earlier skin markings and an area of skin sloughing around the injection site with a malodorous drainage. The diagnosis of a fast-spreading infection, such as necrotizing fasciitis, was assumed, and the patient immediately underwent emergent surgical debridement and exploration. She was placed on penicillin G and clindamycin for antibiotic coverage (Figure 1).

By the time surgery began, the erythema had spread farther proximally, and bullae were beginning to form at the injection mark on the dorsal forearm. An inci-

Case Report

sion was made over the dorsal forearm in the Thompson approach. A large amount of pink, thin, purulent fluid was expressed with a foul odor. As the debridement continued, a large area of dark, noncontractile muscle surrounding the area of injection was present. After full dissection of the forearm, 30% of the skin and subcutaneous tissue remained viable, along with the contents of the volar forearm (Figure 2).

No clear margins proximally of healthy muscle were available, so an incision was made in the anterolateral approach to the shoulder. In the time it took to expose the anterior upper arm, muscle in the forearm that had previously been contractile and pink had turned dusky and noncontractile. We disarticulated the shoulder to obtain clear margins of the disease to prevent disease progression. The general surgery team was placed on standby to aid with further chest wall and neck debridement as indicated, and massive blood transfusion protocols were instituted.

To prevent the spread of disease and obtain healthy viable tissue, a complete forequarter amputation was performed, removing both scapula and clavicle while debriding all noncontractile, unhealthy muscle. The general surgery team also elected to perform a right radical mastectomy and further chest wall debridement to prevent further progression of the disease. All bleeding vessels were ligated, and we obtained disease-free tissue throughout the wound bed. Sterile dressings were applied, and the patient was transferred to the intensive care unit for monitoring (Figure 3).

Bacterial isolates included alpha-hemolytic *Streptococcus*, *Streptococcus viridans*, *Peptostreptococcus micros*, *Gemella morbillorum*, and *Actinomyces odontolyticus*. Recent studies indicated that 82% of these infections were polymicrobial, with the most common organisms including Gram-negative enteric bacilli, enterococci, staphylococcal, and streptococcal species.⁸

The patient underwent further debridement and negative pressure dress-



Figure 2: Photograph during forearm debridement.

ing changes in the following days and remained disease free, afebrile, and hemodynamically stable. She then underwent extensive split-thickness skin grafting after healthy granulatory tissue covered the expanse of the wound. She is currently undergoing rehabilitation and is in excellent health (Figure 4).

DISCUSSION

As bath salts gain popularity, medical centers of all disciplines must be prepared to identify the signs of intoxication while treating the potential side effects.³ The associated trauma brought on by the drugs' psychogenic effects may lead patients to orthopedic surgeons through more common routes.

In addition to the effects of the drug, injecting these illicit substances can cause a rare, often-fatal infection. Past reports linked the injection of illicit drugs, including anabolic steroids, with similar devastating clostridial myonecrosis.⁶ These infections are usually associated with crush traumas and farm injuries, but now one must also be prepared and vigilant when presented with a cellulitic patient who has a history of needle use. Even patients with their own clean needles are not immune, as evident in a report of an asthmatic patient developed necrotizing fasciitis from an injection of subcutaneous epinephrine.⁹

The key to treatment in this population is early recognition and immediate extensive surgical debridement coupled with penicillin G and clindamycin IV antibiot-



Figure 3: Photograph after debridement.



Figure 4: Photograph after skin grafting.

ics. The diagnosis may be delayed due to the nature of the disease. According to a 1995 study of 65 patients, initial symptoms included fever in 60% of patients, skin blebs or bullae in 38% of patients, and minor pain in 27% of patients at presentation.⁸

Deep muscular necrosis is often masked by a nonerythematous overlying tissue bed, and surgical intervention is often delayed after hospital admission. Vigilant monitoring of patients with cellulitis who present with a history of needle use with a low threshold to an extensive debridement is the only means for treatment to cure the patient. One study noted an average time to operative procedure after admission of 45 hours (range, 1.7-312 hours), with the average time to surgery for survivors being 25 hours, whereas nonsurvivors had an average time to surgery of 90 hours.⁸

Necrotizing fasciitis has a rapid timeline to tissue destruction and loss of life. A 1995 study found the survival rate of those diagnosed with necrotizing fasciitis to be as low as 50% (range, 6%-76%). However, wide ranges of mortality exist depending on a multitude of factors.⁸ Therefore, the treating orthopedic surgeon must be able to perform a full, extensive debridement

in extreme cases, in which a forequarter amputation may be indicated to prevent delay in treatment and infection progression and, ultimately, death. A similar extensive debridement was documented in a report by Brzozowski and Ross,¹⁰ in which a rapidly progressing *Escherichia coli* forearm infection was treated by forequarter amputation to save a patient's life before the patient succumbed to the disease.

To our knowledge, our article is the first to report streptococcal necrotizing fasciitis and myonecrosis from intramuscular injection of bath salts, which are currently only banned in some US states. Despite the drug's legal status, it must be treated as illicit, and one must be suspicious when examining a patient with this clinical history because the diagnosis of flesh-eating bacteria can masquerade as abscesses and cellulitis.⁷ Treatment for this virulent disease remains a swift diagnosis with extensive surgical debridement to obtain complete control of the organism and prevent death. However, the best treatment is prevention with public, street-based education and early detection.

A large retrospective study performed in California between 1984 and 1999 showed a sharp increase in necrotizing fasciitis between 1994 and 1999 in conjunction with the rise in popularity of the intravenous drug black tar heroin.¹¹ Hopefully, this rise in popularity of bath salts does not preclude a similar rise in necrotizing fasciitis, but surgeons must be ready to diagnose and perform extensive debridements in association with general surgeons in some instances to obtain limb salvage and function and prevent death. ☒

REFERENCES

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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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Alaska law banning K2, Spice scheduled to take effect in July

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, methyline 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, methyline 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.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version CSSB 140(JUD)
 Fiscal Note Number 2
 (S) Publish Date 2/13/12

Identifier (file name) SB140-DPS-LAB-01-23-12 Dept. Affected Public Safety
 Title CATHINONE BATH SALTS Appropriation Statewide Support
 Allocation Laboratory Services
 Sponsor Senators Meyer, Giessel, Olson
 Requester (S) 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				
			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 Orin Dym, Laboratory Manager
 Division Scientific Crime Detection Laboratory
 Approved by Joe Masters, Commissioner
Department of Public Safety

Phone (907) 269-5743
 Date/Time 1/13/12 1:00 PM
 Date 1/23/2012

FISCAL NOTE #2

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 140(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
2012 LEGISLATIVE SESSION

Bill Version CSSB 140(JUD)
 Fiscal Note Number 4
 (S) Publish Date 2/13/12

Identifier (file name) SB140-DOA-PDA-1-23-12 Dept. Affected Administration
 Title Cathinone Bath Salts Appropriation Legal and Advocacy Services
 Allocation Public Defender Agency
 Sponsor Senators Meyer, Giessel, Olson
 Requester Senate 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					
			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 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 12:45 PM
 Date 1/23/2012

FISCAL NOTE #4

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 140(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 CSSB 140(JUD)
 Fiscal Note Number 3
 (S) Publish Date 2/13/12

Identifier (file name) SB 140-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 Senator Meyer, Giessel & Olson
 Requester Senate 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 1/13/12 11:32 AM
 Date 1/13/2012

FISCAL NOTE #3

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. CSSB 140(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.

Alaska State Legislature
HOUSE FINANCE COMMITTEE

Agenda
9:00 AM

Tuesday, April 10, 2012

SB 140-CATHINONE BATH SALTS

Testifier Teleconference Questions Only:

Dr. Michael Cooper, Deputy State Epidemiologist, Department of
Public Health, Department of Health and Social Services

Lt. Dial, Public Safety

For Both Bills:

Anne Carpeneti, Dept. of Law, Criminal Division

Nancy Meade, General Counsel, Courts

HB 286-G.O. BONDS FOR PORTS

NEW CS WORKDRAFT 27-GH2769\I



Department of Health and Social Services
William J Streur, Commissioner

Division of Public Health
Ward B Hurlburt, MD, MPH, CMO/Director

Editors:
Joe McLaughlin, MD, MPH
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Bulletin No.27 October 6, 2011

Psychoactive “Bath Salts” Toxicity in Alaska—A Case Series

Introduction

This Bulletin presents case reports of three adults with presumed psychoactive “bath salts” (PABS) toxicity who were cared for at an Anchorage hospital in May 2011.

“Bath salts” is a term used to describe a class of designer drugs intended to have pharmacologic effects similar to controlled substances but to be chemically distinct from them, thus avoiding legal control.¹ Sold in powder form, they may be marketed under such names as plant food, research chemicals, or pond water cleaner, and labeled “not for human consumption” in order to avoid regulation. These drugs typically contain synthetic cathinones, which include the following central nervous system stimulants: 3,4-methylenedioxypyrovalerone (MDPV), mephedrone, and methylone (bk-MDMA).² They generally cause a considerable sympathomimetic effect, and desired effects include increased energy, euphoria, enhanced sexual sensation, and synesthesia. Documented adverse reactions include agitation, hyperthermia, hyponatremia, myocarditis, rhabdomyolysis, psychosis, and seizures. When PABS are taken orally, intranasally, intravenously, or rectally, their effects occur with doses as low as 3–5 mg, and the average dose ranges from 5–20 mg.³ The risk of overdose is high, since packages contain up to 500 mg, and some labels recommend increasing dosages to >50 mg.³ Because the desired effects of these drugs peak after 1.5 hours when taken orally and then tend to wane rapidly after 3–4 hours,³ users may re-dose frequently, potentially leading to increased toxicity. The long-term use of PABS leads to tolerance, and abstinence results in psychologic withdrawal and craving.³

While many states have banned the sale of select synthetic cathinones commonly found in PABS, they remain unscheduled under the Federal Controlled Substances Act, and are widely available on the Internet. The Drug Enforcement Agency is working to register these compounds as Schedule I substances under its emergency scheduling authority.⁴

Case Series

Case 1: A 24-year-old man on the general medical service was being evaluated for anxiety as a possible contributor to ongoing abdominal pain. Within 24 hours of admission, he displayed paranoia, tachycardia and restlessness. He denied substance abuse other than cannabis and hydrocodone. Laboratory results and physical examination were unremarkable, other than a resting heart rate of 115 beats per minute. A urine drug screen showed only cannabinoids and nonspecific opioids. His symptoms improved after a few hours, but then abruptly returned. A packet of “bath salts” was found when the patient went through his belongings with staff. A repeat urine drug screen 6 hours later was unchanged. The patient admitted to rectal administration of the “bath salts” a few hours prior to admission, and then insufflation during his hospital stay. Without access to this powder, no further tachycardia or restlessness were observed. He experienced no withdrawal symptoms other than fatigue and mild anhedonia. While his “bath salts” were not formally analyzed, the patient was under the impression that they contained MDPV.

Case 2: A 55-year-old woman was admitted to the critical care service following a cardiac arrest requiring defibrillation for ventricular fibrillation within 24 hours of ingesting crack cocaine and “bath salts.” On admission, a urine drug screen was positive only for cocaine. On evaluation, she had an anterolateral myocardial infarction. She recovered well following thrombectomy and coronary stenting.

Case 3: A 42-year-old man on the general medical service was being evaluated for delirium and concern for serotonin syndrome. On admission, he was delirious, mildly hyponatremic (sodium: 127 mEq/L), disoriented, and swatting at the air. His temperature was elevated at 100.2 °F. His outpatient medications included fluoxetine (40 mg daily) and loratadine. He took a dextromethorphan-containing cough syrup in small amounts for 2 nights prior to admission, reportedly for “allergies.” A urine drug screen was positive only for cannabinoids. Laboratory results and physical examination ruled out infection and serotonin syndrome. On interview, he admitted to regular abuse of “bath salts” labeled as containing methylone. He reported last using “bath salts” the day before admission. On discussion with the patient, the psychiatry service reviewed the possible interactions between methylone, dextromethorphan, and fluoxetine, the overlap between his lab findings, and the toxicity of methylone.

Discussion

Abuse of “bath salts” has been rapidly increasing in the United States, with 303 calls to Poison Control Centers (PCC) nationwide in 2010, and 4,720 calls through August 31, 2011.⁵ The Oregon PCC reported that so far in 2011, they have received 14 calls regarding PABS toxicity concerns in Alaska.

This case series demonstrates the wide age range of persons who choose to abuse these compounds, and highlights several potential dangers of “bath salts” abuse. First, severe overdoses may require treatment and monitoring in the intensive care unit.³ Second, they are often abused in combination with other drugs, and their effects can be quite variable, as these drugs contain unpredictable types and amounts of psychoactive synthetic substances.³ Finally, routine drug screens do not detect PABS.

Recommendations

1. As the active substances found in “bath salts” are not detectable by standard drug screening, health care providers should always consider including “bath salts” in substance abuse screening discussions.
2. Providers should consider synthetic cathinones in the differential diagnosis for a possible sympathomimetic presentation or toxidrome, and be aware that these substances may be present in polydrug ingestions.
3. Because there is no specific antidote or reversal agent for these drugs, providers should treat these patients by appropriately managing symptoms, and remain aware that patients may need physical restraints and high doses of sedatives to prevent self-harm or harm to others.³
4. Providers are encouraged to call the Oregon PCC not just for medical toxicologic consultation, but also to report all “bath salts” intoxication cases they encounter (phone: 800-222-1222).

References

1. CDC. Emergency department visits after use of a drug sold as “bath salts” — Michigan, November 13, 2010—March 31, 2011. *MMWR Morb Mort Wkly Rep* 2011;60(19):624-7. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6019a6.htm>
2. U.S. Department of Justice. “Synthetic Cathinones (Bath Salts): An Emerging Domestic Threat (Situation Report), July 2011.”
3. Ross EA, Watson M, Goldberger B. “Bath Salts” intoxication. *New Eng J Med* 2011;365(10):967-8.
4. Drug Enforcement Agency. “DEA Moves to Emergency Control Synthetic Stimulants,” (News Release), September 7, 2011. Available at: <http://www.justice.gov/dea/pubs/pressrel/pr090711.html>
5. American Association of Poison Control Centers. “Poison Control Centers Applaud DEA’s Ban of Bath Salts,” (Press Release), September 8, 2011.

Alaska State Legislature



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Juneau, Alaska 99801-1182
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Senator Kevin Meyer
Senate District O

SPONSOR STATEMENT FOR SB 140

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

SB 140 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 SB 140 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.

SB140 Cathinone Bath Salts
Changes from Version B to Version I.

New Sections 1 and 2 were added to the bill to amend the penalties for the cathinone substances listed in the original bill.

In Section 1, sales, distribution, manufacture, and possession of 500 milligrams or more of the substances remain classified as Misconduct involving a Controlled Substance (MICS) in the 4th degree, a Class C felony.

In Section 2, possession of **under** 500 milligrams are classified as MICS in the 5th degree, an A misdemeanor.

In Section 3, a technical amendment was made by legislative legal drafters to transfer methicathinone from the list of Schedule 1 substances into Schedule 2, so that all the cathinone-related substances are listed in the same schedule.

Section 4 repeals the methicathinone listing in Schedule 1.

administrative law judge mails a notice of his or her hearing decision.

■ 8. Amend § 416.1442 by revising paragraphs (d), (e) introductory text, (e)(1), and (f)(3) to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

* * * * *

(d) *Notice of a decision by an attorney advisor.* If an attorney advisor issues a fully favorable decision under this section, we will mail a written notice of the decision to all parties at their last known addresses. We will state the basis for the decision and advise all parties that they may request that an administrative law judge reinstate the request for a hearing if they disagree with the decision for any reason. Any party who wants to make this request must do so in writing and send it to us within 60 days of the date he or she receives notice of the decision. The administrative law judge will extend the time limit if the requestor shows good cause for missing the deadline. The administrative law judge will use the standards in § 416.1411 to determine whether there is good cause. If the request is timely, an administrative law judge will reinstate the request for a hearing and offer all parties an opportunity for a hearing.

(e) *Effect of an attorney advisor's decision.* An attorney advisor's decision under this section is binding unless—

(1) You or another party to the hearing submits a timely request that an administrative law judge reinstate the request for a hearing under paragraph (d) of this section;

* * * * *

(f) * * *

(3) Make the decision of an attorney advisor under paragraph (d) of this section subject to review by the Appeals Council if the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the decision under § 416.1469.

* * * * *

■ 9. Amend § 416.1448 by revising the second sentence of paragraph (a), and paragraph (b)(1)(ii), to read as follows:

§ 416.1448 Deciding a case without an oral hearing before an administrative law judge.

(a) *Decision fully favorable.* * * * The notice of the decision will state that you have the right to an oral hearing and to examine the evidence on which the administrative law judge based the decision.

(b) * * *

(1) * * *

(ii) You live outside the United States, you do not inform us that you wish to

appear, and there are no other parties who wish to appear.

* * * * *

■ 10. Revise § 416.1460 to read as follows:

§ 416.1460 Vacating a dismissal of a request for a hearing before an administrative law judge.

(a) Except as provided in paragraph (b) of this section, an administrative law judge or the Appeals Council may vacate a dismissal of a request for a hearing if you request that we vacate the dismissal. If you or another party wish to make this request, you must do so within 60 days of the date you receive notice of the dismissal, and you must state why our dismissal of your request for a hearing was erroneous. The administrative law judge or Appeals Council will inform you in writing of the action taken on your request. The Appeals Council may also vacate a dismissal of a request for a hearing on its own motion. If the Appeals Council decides to vacate a dismissal on its own motion, it will do so within 60 days of the date we mail the notice of dismissal and will inform you in writing that it vacated the dismissal.

(b) If you wish to proceed with a hearing after you received a fully favorable revised determination under the prehearing case review process in § 416.1441, you must follow the procedures in § 416.1441(d) to request that an administrative law judge vacate his or her order dismissing your request for a hearing.

[FR Doc. 2011-27236 Filed 10-20-11; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-357]

Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cathinones Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.
ACTION: Final Order.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) is issuing this final order to temporarily schedule three synthetic cathinones under the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The substances are 4-methyl-N-methylcathinone (mephedrone), 3,4-

methylenedioxy-N-methylcathinone (methylone), and 3,4-methylenedioxypropylvalerone (MDPV). This action is based on a finding by the Administrator that the placement of these synthetic cathinones and their salts, isomers, and salts of isomers into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety. As a result of this order, the full effect of the CSA and its implementing regulations including criminal, civil and administrative penalties, sanctions and regulatory controls of Schedule I substances will be imposed on the manufacture, distribution, possession, importation, and exportation of these synthetic cathinones.

DATES: Effective Date: This Final Order is effective on October 21, 2011.

FOR FURTHER INFORMATION CONTACT: Imelda L. Paredes, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone (202) 307-7165.

SUPPLEMENTARY INFORMATION:

Background

The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), which was signed into law on October 12, 1984, amended section 201 of the CSA (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA for one year without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid imminent hazard to the public safety. 21 U.S.C. 811(h); 21 CFR 1308.49. If proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling up to an additional six months. 21 U.S.C. 811(h)(2). Where the necessary findings are made, a substance may be temporarily scheduled in Schedule I if it is not listed in any other schedule under section 202 of the CSA (21 U.S.C. 812) or if there is no exemption or approval in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for the substance. 21 U.S.C. 811(h)(1). The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of DEA. 28 CFR 0.100.

Section 201(h)(4) of the CSA (21 U.S.C. 811(h)(4)) requires the Administrator to notify the Secretary of Health and Human Services of her intention to temporarily place a substance into Schedule I of the CSA.¹

¹ Because the Secretary of Health and Human Services has delegated to the Assistant Secretary for

Continued

The Administrator transmitted notice of her intent to place mephedrone, methylone and MDPV in Schedule I on a temporary basis to the Assistant Secretary in a letter dated June 15, 2011. The Assistant Secretary responded to this notice by letter dated July 25, 2011, and advised that based on review by the Food and Drug Administration (FDA) there are currently no investigational new drug applications (INDs) or approved new drug applications (NDAs) for MDPV, mephedrone, or methylone. The Assistant Secretary also stated that the Department of Health and Human Services has no objection to the temporary placement of MDPV, mephedrone, and methylone into Schedule I of the CSA. DEA has taken into consideration the Assistant Secretary's comments. As MDPV, mephedrone, and methylone are not currently listed in any schedule under the CSA, as no exemptions or approvals are in effect for MDPV, mephedrone, and methylone under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), and as this temporary scheduling is necessary to avoid an imminent hazard to the public safety, DEA believes that the conditions of 21 U.S.C. 811(h)(1) have been satisfied.

A notice of intent to temporarily place mephedrone, methylone, and MDPV into Schedule I of the CSA was published in the *Federal Register* on September 8, 2011 (76 FR 55616). The data in support of the notice of intent and additional data continue to support the necessary findings to place mephedrone, methylone, and MDPV temporarily into Schedule I of the CSA as necessary to avoid an imminent hazard to the public safety.² In making this finding, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA (21 U.S.C. 811(c)). These factors are as follows: The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(c)(4)–(6). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

Health of the Department of Health and Human Services the authority to make domestic drug scheduling recommendations, for purposes of this Final Order, all subsequent references to "Secretary" have been replaced with "Assistant Secretary."

² See "Background, Data and Analysis of Synthetic Cathinones: Mephedrone (4-MMC), Methylone (MDMC) and 3,4-Methylenedioxypyrovalerone (MDPV)" found at <http://www.regulations.gov>.

Mephedrone, methylone, and MDPV are not currently listed in any schedule under the CSA. The temporary placement of these three synthetic cathinones into Schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety. First, there has been a rapid and significant increase in abuse of these substances in the United States. As a result of this abuse, synthetic cathinones are banned in at least 37 states in the United States and several countries, and all five branches of the U.S. military prohibit military personnel from possessing or using synthetic cathinones. Second, law enforcement has seized synthetic cathinones and, based on self-reports to law enforcement and health care professionals, synthetic cathinones are abused for their psychoactive properties. Third, federal, state and local public health departments and poison control centers have issued reports describing public health consequences such as emergency department visits and deaths from the use of these synthetic cathinones. Based on scientific data currently available, these three substances have the potential to be extremely harmful and, therefore, pose an imminent hazard to the public safety.

Factor 4: History and Current Pattern of Abuse

Synthetic cathinones are designer drugs of the phenethylamine class which are structurally and pharmacologically similar to amphetamine, 3,4-methylenedioxymethamphetamine (MDMA), cathinone and other related substances. The addition of a beta-keto (β -keto) substituent to the phenethylamine core structure produces a group of substances that now have cathinone as the core structure. Synthetic cathinones, like amphetamine, cathinone, methcathinone, and methamphetamine, are central nervous system (CNS) stimulants.

The synthetic cathinones mephedrone, methylone, and MDPV have recently emerged on the United States' illicit drug market and are being perceived as being 'legal' alternatives to cocaine, methamphetamine, and MDMA. Although synthetic cathinones are new to the United States' illicit drug market, they have been popular drugs of abuse in Europe since 2007. MDPV is a derivative of pyrovalerone, which is a psychoactive drug that was used to treat chronic lethargy and fatigue. Research in anti-depressant and anti-parkinson agents resulted in the development and patenting of methylone. Methylone,

however, has not been approved for these purposes. There are no currently accepted medical uses in treatment in the United States for mephedrone, methylone, or MDPV.

Mephedrone, methylone, and MDPV are falsely marketed as "research chemicals," "plant food," or "bath salts." They are sold at smoke shops, head shops, convenience stores, adult book stores, and gas stations. They can also be purchased on the Internet and mailed using the U.S. Postal Service or international mail services. The packages of products containing these synthetic cathinones usually have the warning "not for human consumption," most likely in an effort to circumvent statutory restrictions for these substances. Despite disclaimers that the products are not intended for human consumption, retailers promote that routine urinalysis drug tests will not typically detect the presence of these synthetic cathinones. However, analytical methods for the detection of mephedrone, methylone, MDPV, and other synthetic cathinones have recently been developed for these substances.

Evidence indicates that mephedrone, methylone, and MDPV are being abused for their psychoactive properties. Drug surveys found that these and other synthetic cathinones are being used as recreational drugs and are used as alternatives to illicit stimulants like MDMA and cocaine. Accordingly, mephedrone, methylone, and MDPV have been identified in human urine samples that were obtained for routine drug screenings, they have been detected in samples from drivers suspected of driving under the influence, and they have been detected by drug courts during mandatory periodic drug screens. They have also been identified in biological specimens from individuals (some exhibiting symptoms of "extreme agitation" or "excited delirium") who have been arrested for possession of a controlled substance, child endangerment, or homicide. They have been detected in samples from decedents whose causes of death were reported as drug-induced toxicity, multiple drug toxicity, or other causes (e.g., blunt force trauma from a vehicular collision or suicide).

Based on studies in the scientific literature, the marketing of products that contain mephedrone, methylone, and MDPV is geared towards teens and young adults. Accordingly, reports indicate that the main users of synthetic cathinones are young male adults. These substances are also used by mid-to-late adolescents and older adults. Many of these abusers of synthetic cathinones have a previous history of drug abuse.

According to drug surveys, the reported average amount of synthetic cathinones used per dose ranged from approximately 25 to 250 milligrams and the average amount used per session (i.e., repeated administration and binging) ranged from approximately 25 milligrams to 5 grams depending on the substance consumed, duration of intake, and route of administration. The most common routes of administration of these substances are nasal insufflation by snorting the powder and oral ingestion by swallowing capsules or tablets. Other reported methods of administration include injection, rectal administration, and "bombing" (wrapping a dose of powder in a paper wrap and swallowing). Synthetic cathinones have also been reported to be used in binges. Reasons cited for binging include to prolong the duration of effects, to satisfy a "craving," or to satisfy a strong urge to re-dose.

According to information found in drug surveys, clinical case reports, and law enforcement reports, users have reported using products containing mephedrone, methylone, and MDPV with other synthetic cathinones (e.g., butylone, fluoromethcathinone, 4-MEC, etc.), pharmaceutical agents (e.g., lidocaine, caffeine, benzocaine, etc.), or other recreational substances (e.g., amphetamine, MDMA, cocaine, gamma-butyrolactone (GBL), kratom, N,N-benzylpiperazine (BZP), and 1-(3-trifluoromethylphenyl)-piperazine (TFMPP)). Chemical analyses of seized and purchased synthetic cathinone products indicate that some products contain multiple substances. Furthermore, investigative toxicology reports of drug screens in which more than one substance was detected indicate that users have ingested products composed of drug combinations (e.g., a tablet composed of MDPV and BZP) or multiple drug products (e.g., a MDPV powder product and a MDMA tablet).

Factor 5: Scope, Duration and Significance of Abuse

The popularity of synthetic cathinones as recreational drugs has increased since they first appeared on the United States' illicit drug market. According to forensic laboratory reports, the first appearance of these synthetic cathinones in the United States occurred in 2009. In 2009, NFLIS registered 15 exhibits from 8 states containing these three synthetic cathinones. In 2010, there were 574 reports from 29 states related to these substances registered in NFLIS, and in

2011 (January to August) there were 995.³

Based on reports to DEA from law enforcement and public health officials, synthetic cathinones are becoming increasingly prevalent and abused throughout the United States. At one United States point of entry, the U.S. Customs and Border Protection (CBP) has encountered at least 127 shipments containing primarily mephedrone, methylone, and MDPV, as well as other synthetic cathinones like 4-MEC, butylone, fluoromethcathinone, and dimethylcathinone. Most of these shipments originated in China or India and were being shipped to destinations throughout the United States such as Arizona, Alaska, Hawaii, Kansas, Louisiana, Oklahoma, Oregon, Pennsylvania, Missouri, Virginia, Washington, and West Virginia. The American Association of Poison Control Centers (AAPCC), a non-profit, national organization that represents the poison control centers of the United States, reported that in 2010, poison control centers took 303 calls about synthetic cathinones. However, in just the first eight months of 2011, poison control centers have already received 4,720 calls relating to these products. These calls were received in poison control centers representing at least 47 states and the District of Columbia. Individual state poison control centers have also reported an increase in the number of calls regarding "bath salts" from 2009 to 2011.

Concerns over the abuse of these and other synthetic cathinones have prompted many states to control these substances. As of September 15, 2011, at least 37 states have emergency scheduled or enacted legislation placing regulatory controls on some or many of the synthetic cathinones. These states include Alabama, Arkansas, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming. Several countries including all members of the European Union have also placed controls on the possession and/or sale of one or more of these substances. Moreover, the use of synthetic cathinones by members of the U.S. Armed Forces is prohibited.

³ Analyzed on September 15, 2011.

Factor 6: What, if Any, Risk There Is to the Public Health

The risks to the public health associated with the abuse of mephedrone, methylone, and MDPV relate to acute and long term public health and safety problems. These synthetic cathinones have become a serious drug abuse threat as there have been reports of emergency room admissions and deaths associated with the abuse of these substances.

Clinical case reports indicate that these synthetic cathinones produce a number of stimulant-like adverse effects such as palpitation, seizure, vomiting, sweating, headache, discoloration of the skin, hypertension, and hyper-reflexia. Adverse effects associated with consumption of these drugs as reported by abusers include nose-bleeds, bruxism (teeth grinding), paranoia, hot flashes, dilated pupils, blurred vision, dry mouth/thirst, palpitations, muscular tension in the jaw and limbs, headache, agitation, anxiety, tremor, and fever or sweating. Consequently, numerous individuals have presented at emergency departments in response to exposure incidents and several cases of acute toxicity have been reported due to the ingestion of mephedrone, methylone, or MDPV. In addition, case reports have shown that the abuse of synthetic cathinones can lead to psychological dependence like that reported for other stimulant drugs.

According to clinical case reports, investigative toxicological reports, and autopsy reports, mephedrone, methylone, and MDPV have been implicated in drug induced overdose deaths. In at least three reported deaths, one of these synthetic cathinones was ruled as the cause of death. Other deaths involved individuals under the influence of these synthetic cathinones who acted violently and unpredictably in causing harm to themselves or others. There have also been reports in the scientific literature of deaths caused by individuals who were driving under the influence of these synthetic cathinones.

A number of synthetic cathinones and their products, as identified by CBP and reported in the scientific literature, appear to originate from foreign sources. The manufacturers and retailers who make and sell these products do not fully disclose the product ingredients including the active ingredients or the health risks and potential hazards associated with these products. This poses significant risk to abusers who may not know what they are purchasing or the risk associated with the use of those products.

Based on the above data, the continued uncontrolled manufacture, distribution, importation, exportation, and abuse of mephedrone, methylone, and MDPV pose an imminent hazard to the public safety. DEA is not aware of any recognized therapeutic uses of these synthetic cathinones in the United States.

DEA has considered the three criteria for placing a substance into Schedule I of the CSA (21 U.S.C. 812), and finds that the data available and reviewed for mephedrone, methylone, and MDPV indicate that these synthetic cathinones each have a high potential for abuse, no currently accepted medical use in treatment in the United States, and lack accepted safety for use under medical supervision.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Administrator has considered the available data and the three factors required to support a determination to temporarily schedule three synthetic cathinones (4-methyl-N-methylcathinone, 3,4-methylenedioxy-N-methylcathinone, and 3,4-methylenedioxypropylvalerone) in Schedule I of the CSA and finds that placement of these synthetic cathinones and their salts, isomers, and salts of isomers into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

Regulatory Requirements

With the issuance of this final order, mephedrone, methylone, and MDPV become subject to the regulatory controls and administrative, civil and criminal sanctions applicable to the manufacture, distribution, possession, importation and exportation of a Schedule I controlled substance under the CSA.

1. Registration. Any person who manufactures, distributes, dispenses, imports, exports, or possesses mephedrone, methylone, or MDPV or who engages in research or conducts instructional activities with respect to mephedrone, methylone, or MDPV, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with 21 U.S.C. 823 and 958. Any person who is currently engaged in any of the above activities and is not registered with DEA must submit an application for registration and may not continue their activities until DEA has approved that application. Retail sales of Schedule I controlled substances to the general public are not allowed under the Controlled Substances Act.

2. Security. Mephedrone, methylone, and MDPV are subject to Schedule I security requirements. Accordingly, appropriately registered DEA registrants must manufacture, distribute and store these substances in accordance with 1301.71; 1301.72(a), (c), and (d); 1301.73; 1301.74; 1301.75(a) and (c); and 1301.76 of Title 21 of the Code of Federal Regulations as of October 21, 2011.

3. Labeling and packaging. All labeling and packaging requirements for controlled substances set forth in Part 1302 of Title 21 of the Code of Federal Regulations shall apply to commercial containers of mephedrone, methylone, and MDPV. Current DEA registrants shall have thirty (30) calendar days from the effective date of this Final Order to be in compliance with all labeling and packaging requirements.

4. Quotas. Quotas for mephedrone, methylone, and MDPV will be established based on registrations granted and quota applications received pursuant to Part 1303 of Title 21 of the Code of Federal Regulations.

5. Inventory. Every DEA registrant who possesses any quantity of mephedrone, methylone, or MDPV is required to keep inventory of all stocks of these substances on hand pursuant to 1304.03, 1304.04, and 1304.11 of Title 21 of the Code of Federal Regulations. Every current DEA registrant who desires registration in Schedule I for mephedrone, methylone, or MDPV shall conduct an inventory of all stocks of these substances. Current DEA registrants shall have thirty (30) calendar days from the effective date of this Final Order to be in compliance with all inventory requirements.

6. Records. All registrants who handle mephedrone, methylone, or MDPV are required to keep records pursuant to 1304.03, 1304.04, 1304.21, 1304.22, and 1304.23 of Title 21 of the Code of Federal Regulations. Current DEA registrants shall have thirty (30) calendar days from the effective date of this Final Order to be in compliance with all recordkeeping requirements.

7. Reports. All registrants are required to submit reports in accordance with 1304.33 of Title 21 of the Code of Federal Regulations. Registrants who manufacture or distribute mephedrone, methylone, or MDPV are required to comply with these reporting requirements and shall do so as of October 21, 2011.

8. Order Forms. All registrants involved in the distribution of mephedrone, methylone, or MDPV must comply with order form requirements of Part 1305 of Title 21 of the Code of

Federal Regulations as of October 21, 2011.

9. Importation and Exportation. All importation and exportation of mephedrone, methylone, or MDPV must be conducted by appropriately registered DEA registrants in compliance with Part 1312 of Title 21 of the Code of Federal Regulations on or after October 21, 2011.

10. Criminal Liability. The manufacture, distribution, dispensation, or possession with the intent to conduct these activities: Possession, importation, or exportation of mephedrone, methylone, or MDPV not authorized by, or in violation of the CSA or the Controlled Substances Import and Export Act occurring as of October 21, 2011 is unlawful.

Pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act) (5 U.S.C. 801–808), DEA has submitted a copy of this Final Order to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

Under the authority vested in the Attorney General by section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of the DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby orders that 21 CFR Part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Section 1308.11 is amended by adding new paragraphs (g)(6), (7) and (8) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(6) 4-methyl-N-methylcathinone—1248

(Other names: mephedrone)

(7) 3,4-methylenedioxy-N-methylcathinone—7540

(Other names: methylone)

(8) 3,4-methylenedioxypropylvalerone—7535

(Other names: MDPV)

* * * * *

Dated: October 14, 2011.

Michele M. Leonhart,
Administrator.

[FR Doc. 2011-27282 Filed 10-20-11; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2011-0268]

RIN 1625-AA09

Drawbridge Operation Regulation; Passaic River, Harrison, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has changed the drawbridge operation regulations that govern the operation of the Amtrak's Dock Bridge across the Passaic River, mile 5.0, at Harrison, New Jersey. The owner of the bridge has requested relief from crewing the bridge at all times because the bridge has received few requests to open during past years. It is expected that an advance notice requirement for bridge openings will provide relief to the bridge owner while continuing to meet the reasonable needs of navigation.

DATES: This rule is effective November 21, 2011.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2011-0268 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0268 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Mr. John W. McDonald, Project Officer, First Coast Guard District Bridge Branch, 617-223-8364, john.w.mcdonald@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On June 24, 2011, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations Passaic River in the *Federal Register* (76 FR 37039). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Basis and Purpose

The Amtrak Dock Bridge, mile 5.0, across the Passaic River at Harrison, New Jersey, has a vertical clearance in the closed position of 24 feet at mean high water and 29 feet at mean low water. The drawbridge operation regulations are listed at 33 CFR 117.739(e).

The existing drawbridge operation regulations require the draw to open on signal; except that, from 7:20 a.m. to 9:20 a.m. and 4:30 p.m. to 6:50 p.m., Monday through Friday, except Federal holidays, the draw need not be opened. At all other times, an opening may be delayed no more than ten minutes, unless the draw tender and the vessel operator, communicating by radio-telephone, agree to a longer delay.

The Coast Guard received a request from the National Railroad Passenger Corporation (Amtrak), the owner of the bridge, for relief from crewing the bridge at all times, because the bridge has received only eight requests to open during the past three years.

Amtrak requested that a twenty four hour advance notice be required for all bridge openings, except during the existing morning and afternoon closed periods.

As a result of the fact that the bridge has received only eight requests to open during the past three years, the Coast Guard believes it is reasonable for the bridge owner to require a twenty four hour advance notice for bridge openings and that doing so would continue to meet the reasonable needs of navigation.

Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking. As a result, no changes have been made to this final rule.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Executive Order 12866 and Executive Order 13563

This final rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be minimal. Although this regulation may have some impact on the public, the potential impact will be minimized for the following reasons:

The bridge has only received eight requests to open during the past three years. The bridge openings can still be obtained at any time, except the morning and afternoon closed periods, by providing at least a twenty four hour advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This final rule would affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit the bridge.

This final rule would not have a significant economic impact on a substantial number of small entities for the following reasons:

The bridge only received eight requests to open during the past three years. The bridge openings can still be obtained at any time, except during the Monday through Friday closed periods, by providing a twenty four hour advance notice.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: November 8, 2011

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 11-8-11

ANCHORAGE, ALASKA
AO No. 2011-106(S)

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35**
2 **TO PROHIBIT THE MANUFACTURE, ASSEMBLY, DISTRIBUTION, MARKETING,**
3 **SALE, USE OR POSSESSION OF SUBSTANCES CONTAINING CERTAIN**
4 **CHEMICAL COMPOUNDS, INCLUDING THOSE COMMONLY MARKETED AND**
5 **SOLD AS "BATH SALTS", PLANT FOOD, INCENSE OR DIETARY**
6 **SUPPLEMENTS AND WHICH INDUCE EFFECTS SIMILAR TO CERTAIN ILLEGAL**
7 **DRUGS, TO PROHIBIT THE SALE OR POSSESSION OF PARAPHERNALIA**
8 **RELATED TO THE USE OF THESE CHEMICAL COMPOUNDS, TO PROVIDE**
9 **PENALTIES, AND AMENDING SECTION 14.60.030 TO PROVIDE FOR CIVIL**
10 **PENALTIES.**

11
12
13 **WHEREAS**, the chemical compounds 3,4-Methylenedioxy-N-methylcathinone
14 (methylone), 3,4-Methylenedioxypropylvalerone (MDPV), 4-Methyl-N-methylcathinone
15 (mephedrone), 3-Methoxymethylcathinone, 3-Fluoromethylcathinone, and 4-
16 Fluoromethylcathinone are psychoactive substances that, when introduced into the
17 body, induce effects similar to illegal drugs;

18
19 **WHEREAS**, much like the marketing of Synthetic Cannabinoids (Spice/K2) as
20 incense, these substances are commercially available and in some cases are being
21 marketed as "bath salts" under names such as "Vanilla Sky", "Ivory Snow", "Bliss",
22 "White Lightning", "Hurricane Charlie", and "Red Dove", and in other cases packaged
23 or marketed as plant food, dietary supplements, insect repellent, potpourri or incense;

24
25 **WHEREAS**, some or all of the substances used to make "bath salts" are banned in
26 Alabama, Arkansas, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas,
27 Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Jersey,
28 New Mexico, New York, North Dakota, North Carolina, Ohio, Oklahoma, Oregon,
29 Pennsylvania, Texas, Tennessee, Utah, Virginia, Washington, West Virginia,
30 Wisconsin, and Wyoming and municipalities throughout the United States;

31
32 **WHEREAS**, on October 21 [~~September 8~~], 2011 the federal Drug Enforcement
33 Agency issued a one year ban on [~~notice of intent, 76 FR 55616-01, to~~
34 ~~temporarily schedule~~] the three synthetic cathinones mephedrone, methylone and
35 MDPV under Schedule I of the Controlled Substances Act based on findings it is
36 necessary to avoid imminent hazard to the public safety because they have a high
37 potential for abuse, no currently accepted medical use in treatment in the United
38 States, and lack accepted safety for use under medical supervision;

39
40 **WHEREAS**, Phenazepam is an unregulated benzodiazepine drug which, as with
41 other benzodiazepines, in case of abrupt discontinuation following prolonged use,

1 can induce severe withdrawal symptoms including restlessness, anxiety, insomnia,
2 seizures, convulsions and death;

3
4 **WHEREAS**, Benzylpiperazine (BZP) is a recreational drug with euphoric, stimulant
5 properties. The effects produced by BZP are comparable to those produced by
6 amphetamine. Adverse effects have been reported following its use including acute
7 psychosis, renal toxicity, and seizures. Its sale is banned in a few countries, including
8 Australia, New Zealand, the United States, the Republic of Ireland, the United
9 Kingdom, and other parts of Europe;

10
11 **WHEREAS**, the abuse of these substances has been increasing and law
12 enforcement and medical professionals have indicated bath salts, in particular, are
13 becoming increasingly popular due to the misperception that they pose a seemingly
14 safer alternative to illegal methods of getting "high" and can be obtained at
15 convenience stores, pawnshops, and gas stations;

16
17 **WHEREAS**, users of these drugs report the effects are similar to cocaine, ecstasy or
18 methamphetamine usage, including blurred vision, extremely elevated blood
19 pressure, irregular heart rates, hallucinations, delusions, vomiting, suicidal thoughts,
20 "highs", and disturbing side effects including feelings of excruciating pain, agitation
21 and loss of control. Some abusers describe the effects as similar to
22 methamphetamine, ecstasy, and cocaine, and have referred to bath salts as
23 "complete crank" and "fake cocaine";

24
25 **WHEREAS**, some users experience severe reactions, resulting in unconsciousness,
26 seizures, and hospitalization, and in some reported cases even death;

27
28 **WHEREAS**, products containing the substances are not tested by the Food and Drug
29 Administration (U.S. Department of Agriculture) or other governmental regulatory
30 agency for human consumption and contain chemicals detrimental and dangerous to
31 the health and welfare of those ingesting them;

32
33 **WHEREAS**, representatives of businesses selling the substances indicate they are
34 available to minors as well as adults;

35
36 **WHEREAS**, despite packaging warning purchasers that the products are not for
37 human consumption, the warnings are not being heeded;

38
39 **WHEREAS**, Alaska Statutes do not currently regulate the sale, purchase,
40 possession, or manufacture of these substances, but Senator Kevin Meyer intends
41 to introduce legislation criminalizing these substances [or, if currently
42 regulated, may not provide the resources to fully prosecute offenders];

43
44 **WHEREAS**, within the United States there is no currently sanctioned medicinal or
45 other legitimate purpose for taking these substances; and

46
47 **WHEREAS**, it is in the best interest of the Municipality to prohibit the manufacture,
48 assembly, possession, use, sale, marketing, or offering for sale of these substances

1 within the boundaries of the Municipality to protect the health, safety and welfare of
2 its citizens; now, therefore,

3
4 **THE ANCHORAGE ASSEMBLY ORDAINS:**

5
6 **Section 1.** Anchorage Municipal Code chapter 8.35 is amended by adding a new
7 section to read as follows:

8
9 **8.35.110 Illegal synthetic compounds.**

10
11 A. It shall be unlawful for any person or entity to knowingly manufacture,
12 assemble, distribute, dispense, sell, attempt to sell, give, trade, barter,
13 transfer, or to otherwise furnish in a single transaction any product or
14 combination of products containing ~~[an amount in excess of 25~~
15 ~~milligrams in the aggregate of any of the following substances]:~~

16
17 1. Cathinone or substituted cathinones, including any compound,
18 except bupropion or a compound listed in another schedule,
19 structurally derived from 2-amino-1-phenyl-1-propanone by
20 modification in any of the following ways:

- 21
22 (a) substitution in the ring system to any extent (including
23 alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
24 substituents), whether or not further substituted in the
25 ring system by other substituents;
26
27 (b) substitution at the 3-position with an alkyl substituent; or
28
29 (c) substitution at the 2-amino nitrogen atom with alkyl or
30 dialkyl groups, or inclusion of the 2-amino nitrogen atom
31 in a cyclic structure. ~~[;]~~

32
33 2. ~~[By example,]~~ Compounds such as:

- 34
35 (a) 4-Methyl-N-methylcathinone (Also known as
36 Mephedrone), its salts, optical isomers, and salts of
37 optical isomers;
38 (b) 3,4-Dimethylmethcathinone (Also known as 3,4-DMMC),
39 its salts, optical isomers, and salts of optical
40 isomers;
41 (c) 3-Fluoromethcathinone (Also known as 3-FMC), its
42 salts, optical isomers, and salts of optical isomers;
43 (d) 4-Fluoromethcathinone (Also known as Flephedrone),
44 its salts, optical isomers, and salts of optical
45 isomers;
46 (e) 3,4-Methylenedioxy-N-methylcathinone (Also known as
47 Methylone);
48 (f) 3,4-Methylenedioxyprovalerone (Also known as MDPV)

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, its salts, optical isomers, and salts of optical isomers:

- (g) alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);
- (h) Naphthylpyrovalerone (Also known as Naphyrone);
- (i) beta-Keto-N-methylbenzodioxolylpropylamine (Also known as Butylone);
- (j) beta-Keto-N-methylbenzodioxolylpentanamine (Also known as Pentylone);
- (k) beta-Keto-Ethylbenzodioxolylbutanamine (Also known as Eutylone); and
- (l) 3,4-methylenedioxy-N-ethylcathinone (Also known as Ethylone);
- (m) methcathinone, its salts, optical isomers, and salts of optical isomers;

- 3. Benzodiazepines, including Phenazepam;
- 4. Benzylpiperazine (BZP); or
- 5. Any other derivatives, analogues, homologues, salts, isomers, or salts of isomers with substantially similar chemical structure and pharmacological activity as the substances described above.

B. It shall be unlawful to knowingly manufacture, assemble, distribute, dispense, sell, attempt to sell, give, trade, barter, transfer, or to otherwise furnish in a single transaction any other equivalent compound, substance, or derivative, whether described as tobacco, herbs, incense, plant food, food, nutrient, dietary supplement, spice, bath salts or any blend thereof which is not regulated or approved for human consumption by the U.S. Food and Drug Administration [~~in an amount in excess of 25 milligrams in the aggregate~~], and when introduced into the body, induces the effects substantially similar to that of a controlled substance, regardless of whether the substance is marketed for the purpose of human consumption.

C. It shall be unlawful for any person or entity to manufacture, assemble, distribute, sell, market, display for sale, or offer for sale within the municipality products containing the substances prohibited by subsections A and B [~~in any amount~~]. It shall be unlawful to attempt the conduct prohibited by this subsection.

D. It shall be unlawful to knowingly possess, attempt to possess, inject, ingest, insert rectally, burn, incinerate or ignite products containing substances prohibited by this section in the municipality. For purposes of this section, a person knowingly possesses such substances when the person knows the substance induces the effects described in this ordinance, regardless of whether the person knows whether the

1 chemical compounds described in subsection A are present in the
2 product possessed.

3
4 **E.** **It shall be unlawful to possess, attempt to possess, inject, ingest,**
5 **insert rectally, burn, incinerate or ignite products containing**
6 **substances prohibited by this section in the municipality.**

7
8 **F.** A person or entity violating the provisions of subsections A, ~~[or] B, or D~~
9 shall be guilty of a misdemeanor and shall be punishable by a fine of
10 not more than \$5,000 or imprisonment of not more than one year, or
11 both.

12
13 **G** ~~[F].~~ A person or entity violating the provisions of subsection C shall be
14 subject to a penalty not to exceed \$5,000 for each violation. For
15 purposes of this subsection, each batch of a substance described in
16 subsection A or B, or each day the person or entity engaged in the
17 prohibited conduct, shall constitute a separate violation.

18
19 **H** ~~[G].~~ A person or entity violating the provisions of subsection ~~E~~ **D** shall be
20 subject to a penalty not to exceed **\$500** ~~[\$1,000]~~ for each violation. For
21 purposes of this subsection, each separately packaged amount of a
22 substance described in subsections A or B shall constitute a separate
23 violation.

24
25 **I** ~~[H].~~ As an alternative to the remedies, procedures and penalties provided in
26 this title and section 1.45.010, a violation of subsection C. or ~~E~~ **D**.
27 may be charged as a civil violation subject to and prosecuted in
28 accordance with title 14, and in such case shall be punishable by a civil
29 penalty in accordance with chapter 14.60.

30
31 **J** ~~[I].~~ The criminal penalties and civil fines authorized by this section are not
32 exclusive, and the municipality may seek any other remedies provided
33 by law or equity, including injunctive relief, for repeated violations of this
34 section.

35
36 **K** ~~[J].~~ It is not an offense under this section if the person or entity was acting
37 at the direction of an authorized agent of the municipality or other
38 authorized law enforcement agency to enforce or ensure compliance
39 with this section.

40
41 **L** ~~[K].~~ Any product described in subsection A or B. found by or that comes in
42 the possession of a police officer or a municipal official may be
43 confiscated as contraband and destroyed in accordance with chapter
44 7.25 as such.

45
46 **M** ~~[L].~~ This section does not apply to drugs or substances lawfully prescribed
47 or drugs or substances approved by the federal Food and Drug

Administration or drugs or substances otherwise specifically permitted by federal or state law.

NFM]. The use of the substances described in this section for bona fide research or educational purposes under lawful federal, state or local authority is exempt from the prohibitions of this section.

Section 2. Anchorage Municipal Code section 8.35.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

8.35.010 Definitions.

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Analogue means a chemical compound that is structurally similar to another but differs slightly in composition (as in the replacement of one atom by an atom of a different element or in the presence of a particular functional group).

*** **

Drug paraphernalia means any items whose objective characteristics or objective manufacturer's design indicate that it is intended for use in the consumption, ingestion, inhalation, injection or other method of introduction of:

1. A controlled substance into the human body or to facilitate a violation of AS 11.71; or
2. A product containing illegal synthetic cannabinoids under section 8.35.100 or an illegal synthetic compound under section 8.35.110.

*** **

Homologue means one of a series of compounds distinguished by addition of a CH₂ group in successive members.

*** **

(AO No. 81-219; AO No. 98-59(S), § 1, 5-19-98; AO No. 2000-95, § 11, 10-16-00; AO No. 2010-87(S), § 2, 12-7-10)

Section 3. Anchorage Municipal Code section 14.60.030 is hereby amended to add to the fine schedule (*the remainder of the schedule is not affected and therefore not set out*):

14.60.030 Fine schedule.

Code Section	Offense	Penalty/Fine
***	***	***

8.35.110 C.	<u>Manufacture, assemble, distribute, sell, market, display for sale, or offer for sale any amount of an illegal synthetic compound</u>	<u>\$5,000 for each separate violation</u>
<u>8.35.110 E[D].</u>	<u>Possession or use of illegal synthetic compound</u>	<u>\$500 [\$1,000] for each separate violation</u>
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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO No. 2010-87(S), § 3, 12-7-2010; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11)

Section 4. This ordinance shall be effective immediately upon passage and approval ~~30 days from passage and approval.~~

PASSED AND APPROVED by the Anchorage Assembly this 8th day of November, 2011.

Debrai Orono
Chair of the Assembly

ATTEST:

Salma S. Duarte
Municipal Clerk

Alaska lawmakers seek inexpensive crime solutions

By AUSTIN BAIRD

(01/24/12 13:23:29)

Lawmakers, prosecutors and law enforcement officers from around the state gathered Tuesday for a two-day summit that aims to identify cost-effective ways to fight crime and improve public safety across Alaska.

The Senate Judiciary Committee opened the summit with a presentation from Annie Pennucci, a researcher for the Washington State Institute for Public Policy. The institute is nonpartisan and established by the Washington Legislature to study the economic impacts of issues important to the state.

Pennucci told the bipartisan committee that a summary of 66 studies of 3- and 4-year-old low-income children she helped conduct for the Washington Legislature show a direct correlation between preschool for low-income children and lower crime rates.

Everything from high school graduation rates to out-of-home placement rates are also correlated, she said.

"It bends the curve significantly," said the committee's chairman, Sen. Hollis French, D-Anchorage, who has sponsored legislation that would expand education opportunities to pre-elementary aged children. French said early childhood education is not a cure-all but a part of an overall solution.

Other topics of discussion at the summit included how communities of varying sizes, from Anchorage to Palmer to rural villages, have fared as budget cuts have chiseled away resources available to departments.

Anchorage Police Chief Mark Mew asked the state for renewed support of community policing, for which a grant recently expired, and for other programs that he said have been effective at curtailing crime in Anchorage.

Another focus was on so-called "bath salts," which are synthetic drugs legally sold over-the-counter that mimic the highs from cocaine, ecstasy and other illicit substances. Bath salts have become a focus for lawmakers and will be the subject of a hearing before the committee Friday.

The legislature banned synthetic marijuana last year, and that was helpful, Mew said. "We have a misdemeanor ordinance (in Anchorage) for bath salts, but it really needs to be a felony," he said.

It's not clear whether any special initiatives or new legislation will result from the summit, but French has said it's important to bring together criminal justice experts to get a better sense of what is happening in the system as a way of considering catalysts for change.

The summit is scheduled to continue Wednesday, with speakers slated to include Walt Monegan, CEO of the Alaska Native Justice Center, and Nancy Haag of Stand Together Against Rape.

adn.com

Anchorage Daily News

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Dangerous new designer drugs are showing up in Alaska

'BATH SALTS': Side effects can include seizures, paranoia, death.

By ROSEMARY SHINOHARA

(11/15/11 22:07:24)

A year after Anchorage led the state in outlawing a new street drug known as Spice, K2 or Spike, another set of new so-called "designer" drugs that are at least as dangerous is appearing in Alaska, a city prosecutor says.

The Spice-type drugs are synthetic marijuana.

The new drugs are chemical stimulants that mimic the effects of cocaine, ecstasy and methamphetamine, and are peddled under names like Pure Ivory, White Rush and Synergy.

The drugs are sometimes sold under the guise of "bath salts" or "plant food." Ingesting the powders and crystals causes side effects such as delusions, seizures, teeth grinding, paranoia, heart palpitations, blue extremities and, in some cases, death, assistant city prosecutor Jennifer Messick told Anchorage Assembly members at a work session earlier this month.

The Assembly last week made it illegal to sell, use or possess the chemical compounds found in the "bath salt" group of drugs in Anchorage. The federal Drug Enforcement Administration in October added the ingredients of the synthetic drugs to a list of controlled substances that are illegal to sell or possess in the United States.

Sen. Kevin Meyer, R-Anchorage, is planning to introduce a proposed state law banning the chemicals used in bath salts too.

A state law will help because the federal government "may not prosecute many of the lower-level cases that we and the state can," said Anchorage city attorney Dennis Wheeler.

But no one thinks these laws will totally erase the threat. The new rules are difficult to enforce and fresh versions of designer drugs can appear at any time.

"In just over a year, we went from five compounds in Spice to 400-something substances out there as of July," Messick said.

ARE THE DRUGS HERE?

So what's the evidence that the bath salt drugs -- synthetic stimulants Mephedrone, Methylone and a third known as MDPV -- are actually in Alaska?

Providence Alaska Medical Center psychiatric nurse practitioner Heather Brock said this year she's seen about one person a month who is sick enough from the bath salt family of drugs to be admitted to the hospital. They've either told her what they've taken or they've brought in the package, she said.

Other users may have just been seen in the emergency room.

Dr. Jeff Baurick, who works in the emergency room at Alaska Regional Hospital, said he's had one bath salt case in the past few months and has heard of a few other patients seen by one of the nine other ER doctors there.

People snort or swallow the drugs or even put them up their rectums, Brock said.

"People are confused, agitated, they have increased heart rates, a couple cases of arrhythmia," she said. "They're very paranoid, like you would see in any kind of stimulant."

The effects only last a few hours, she said. That leads to another problem.

"Because they're fast-on, fast-off, people are more likely to re-dose, which makes it more likely to overdose," Brock said.

There's no antidote, she said. Medical providers simply treat the symptoms: "You address the heart rate, the fever, the anxiety."

In at least one case, a person mixed a bath salt drug with cocaine, causing a bad reaction, she said. She couldn't be more specific due to privacy rules.

Messick said the drugs are appearing locally "quite a bit."

She said between Anchorage police and Valley emergency and law enforcement officials, reports are made just about daily that they're dealing with people showing the symptoms of having used the bath salt compounds.

In her talks in Anchorage schools, Messick has found students are aware of the new variety of drugs. But earlier this month, a School District spokeswoman said the district has had no incidents involving students.

"We may be getting on the front end of it," Anchorage Police Chief Mark Mew said. "We're looking at a situation where the evidence is anecdotal."

WHERE TO GET THEM

Bath salts are accessible through the Internet and are believed to have been available in some tobacco shops, Messick said. When she visited a couple of tobacco shops in East Anchorage after the feds made bath salts illegal last month, though, the store representatives said they didn't have any.

"We could go to jail," one of them told her.

But both shops offered packets of material called Spice, she said. The packets could have been synthetic marijuana, which both the municipality and the state made illegal over the past year.

The fact that Spice is still on the shelves illustrates another problem: enforcement.

Whether stores that are still offering items marketed as Spice are breaking the law is "open for debate," Messick said.

The ingredients on so-called Spice packets aren't listed and it's unclear if they contain the specific ingredients banned under state or city law.

The city law "casts a wide net if you market anything with the same effect," Messick said. "I think the concern is whether it's vague and overbroad."

Another enforcement issue: The city doesn't have a field test kit for either the synthetic marijuana drugs or the latest, so-called bath salt drugs, Chief Mew said. A field test would give officers probable cause to arrest someone for use of the drugs.

Users could still be arrested for driving under the influence under a city law that makes it illegal to drive if a person is impaired by any substance, Messick said.

And test kits might become available before long. Messick said a company in the Netherlands is producing them.

Reach Rosemary Shinohara at rshinohara@adn.com or 257-4340.

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Adopted: 02/07/12

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 12-016**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING SENATE BILL 140 AND HOUSE BILL 253, BANNING THE COMPOUNDS USED TO MAKE SYNTHETIC COCAINE.

WHEREAS, the compounds mephedrone and methylenedioxypyrovalerone or MDVP are currently being sold legally at gas stations, tobacco shops and other businesses statewide as bath salts, plant food, incense, potpourri, insect repellent and dietary supplements; and

WHEREAS, these compounds are used to make synthetic cocaine and are known to be extremely addictive and produce a high similar to methamphetamine and cocaine, but have been found to be 10 times as dangerous; and

WHEREAS, symptoms of synthetic cocaine include paranoia, delusions, hallucinations, suicidal behavior, and violence; and

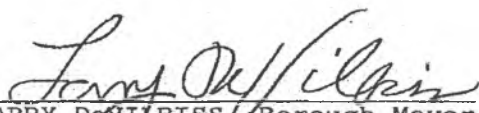
WHEREAS, the abuse of these substances has been increasing and law enforcement and medical professionals have indicated "bath salts" in particular are becoming increasingly popular due to the misperception that they pose a seemingly safer alternative to illegal methods of getting "high;" and

WHEREAS, representatives of businesses selling the substances indicate they are available to minors as well as adults;

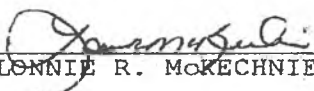
WHEREAS, the products used to make synthetic cocaine pose a real threat to the health and safety of Borough residents.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports and endorses the passage of Senate Bill 140 and House Bill 253 that ban the compounds used to make synthetic cocaine.

ADOPTED by the Matanuska-Susitna Borough Assembly this 7 day of February, 2012.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. MOKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Keogh, Woods, Arvin, Colligan, Salmon, and Colver

Advisory Board on Alcoholism
and Drug Abuse



Alaska Mental Health Board

ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

January 24, 2012

Senator Kevin Meyer
Alaska State Capitol, Room 103
Juneau, Alaska 99801

Re: Letter of Support for SB 140

Dear Senator Meyer,

The Advisory Board on Alcoholism and Drug Abuse appreciates your recognition of the need to regulate cathinone and similar substances marketed as "bath salts." These substances pose a serious risk to the health and welfare of Alaskans and should be Schedule IIA controlled substances.

Cathinone, methcathinone, and methylenedioxypropylamphetamine (MDPV) produce amphetamine-like effects. Commonly marketed as "bath salts," these drugs can be inhaled, ingested, injected, or smoked. The expected effect is a sort of euphoria, but these chemicals also have dangerous effects. "Bath salts" substances have been reported to cause extreme anxiety and paranoia, delusional thinking, visual and auditory hallucinations leading to violent outbursts, self-mutilation, and suicidal thoughts and actions.

Nationwide, there were 6,072 calls to poison centers about designer drugs labeled as "bath salts" in 2011.¹ In 2010, that number was 303 calls.² This reflects the rapid increase in use of these synthetic drugs in the United States. In response, the U.S. Drug Enforcement Administration invoked its emergency scheduling powers in September 2011 to make possession and sale of mephedrone, MDPV, and methylone (common "bath salts" substances") illegal. This emergency regulation will expire in September 2012. State and city governments across the country are taking similar action through emergency powers, ordinances, and legislation in an effort to protect health and safety.³

The Advisory Board on Alcoholism and Drug Abuse supports SB 140 and we appreciate your work on behalf of Alaskans.

Sincerely,

Robert Coghill, Jr. Chairman
Advisory Board on Alcoholism and Drug Abuse

¹ American Association of Poison Control Centers report on "closed human exposures calls to poison centers about exposures to bath salts as of December 31, 2011," updated January 5, 2012. Available online at <http://www.aapcc.org/dnn/Portals/0/Bath%20Salts%20Data%20for%20Website%201.5.2012.pdf>.

² *Id.*

³ Nevada's Board of Pharmacy just restricted "bath salts" substances through its emergency powers in January, 2012. Maine, Louisiana, Kentucky, Ohio, Delaware, and nearly three-quarters of U.S. states have acted to prohibit sale and/or possession of these substances. The Municipality of Anchorage passed an ordinance in October 2011 to prohibit manufacture, sale, and possession of these substances.

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

January 25, 2012

The Honorable Kevin Meyer
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: Senate Bill 140

Dear Senator Meyer,

Thank you for introducing Senate Bill 140, *"An Act classifying certain substances as schedule IIA controlled substances; and providing for an effective date."*

The Municipality of Anchorage fully supports the passage of SB 140. The use of cathinone and its derivatives (commonly referred to as "bath salts") has quickly become a significant health and public safety issue.

Due to the huge range in potency between the various compounds and products, municipal first responders have encountered users of these drugs having severe reactions, including from bizarre and dangerous behavior to unconsciousness. Users who operate machinery, especially motor vehicles, have had significant accidents and present a danger to others that is on par with operating under the influence of alcohol.

In response, the Municipality has enacted its own local code, but does not have the jurisdiction to deal with the influx of the drug on a state-wide basis or impose the kinds of meaningful criminal sentences that are needed to stem the manufacture, distribution, and sale of these drugs.

Thank you again for introducing this important legislation.

Sincerely,

Dan Sullivan
Mayor