

HB

253

<TARGET><BILL>HB 253</BILL><SUBJECT>HB
253</SUBJECT><COMM>HJUD27</COMM></TARGET>

Melanie Lesh

From: House Judiciary
Sent: Tuesday, February 07, 2012 4:53 PM
To: Allen, Richard K (DOA); 'Anne Carpeneti'; 'Brandy Cote'; Cori M. Badgley; Crystaline Jones; 'Deb Behr'; 'Douglas Wooliver'; Jackie Schulz; James Waldo; 'Jane Pierson'; 'Jeffrey Mittman'; Jenna Crouse; Jim Pound; 'Kelly A. Howell (DPS)'; LIO Juneau Group; Londi Ensor; Mike Coumbe; Mike Sica; Nancy Meade; 'Quinlan Steiner'; Rep. Bob Lynn; Rep. Lance Pruitt; Rep. Lindsey Holmes; Rep. Max Gruenberg; Rep. Steve Thompson; Rep. Wes Keller; 'Shalon Szymanski-Harrington'; 'Sonia Christensen'; Susan Rael
Cc: House Judiciary
Subject: HJUD Meeting 2/8/12 Additional Documents
Attachments: HB253-DOA-PDA-1-23-12.pdf; HB253-DOC-OC-01-13-12.pdf; HB 253 CS () Draft CS.pdf; HB303-DOA-PDA-1-30-12.pdf; HB303-DOA-OPA-1-30-12.pdf

House Judiciary Committee Members and Contacts:

Attached are two new fiscal notes for HB 303 – Suspended Imposition of Sentence; and two new fiscal notes for HB 253 – Cathinone Bath Salts; AND a draft CS from the bill sponsor, Rep Stoltze. The two changes from the original version of HB 253 are:

FYI - This is what Ryan in Stoltze's office will explain.
Mel

1. Page 2, line 11 – Replaces the name of the drug listed in AS 11.71.150(e)
(e) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the nervous system

...
Delete "methcathinone"

Insert "2-methylamino-1-phenylpropan-1-one, also known as methcathinone and cat"

2. Page 2, following line 27 – Deletes (5), see below:

Sec. 11.71.140. Schedule IA.

(a) A substance shall be placed in schedule IA if it is found under AS 11.71.120(c) to have the highest degree of danger or probable danger to a person or the public.

(b) Schedule IA includes, unless specifically excepted or listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(4) concentrate of poppy straw which is the crude extract of poppy straw in either liquid, solid, or powder form which contains the phennanthrine alkaloids of the opium poppy;

(5) ~~2-methylamino-1-phenylpropan-1-one, also known as methcathinone and cat.~~

 melanie

Melanie Lesh
House Judiciary Committee Aide
Rep. Carl Gatto, Chair
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ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

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

Member:
Legislative Council
Legislative Budget & Audit (alt)



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

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

Sponsor Statement for HB 253

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

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

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

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

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

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

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

27-LS1131\M
Luckhaupt
2/3/12

*requested
2/9/12*

CS FOR HOUSE BILL NO. 253()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES STOLTZE, THOMPSON, MILLETT, PRUITT, AND TUCK, Lynn, Costello

A BILL

FOR AN ACT ENTITLED

1 **"An Act classifying certain substances as schedule IIA controlled substances; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 11.71.150(e) is amended to read:

5 (e) Schedule IIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation which contains any
7 quantity of the following substances having a stimulant effect on the nervous system:

8 (1) amphetamine, its salts, optical isomers, and salts of its optical
9 isomers;

10 (2) methamphetamine, its salts, isomers, and salts of its isomers;

11 (3) methylphenidate;

12 (4) phenmetrazine and its salts;

13 (5) fenethylamine;

14 (6) N-ethylamphetamine;

1 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
2 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

3 (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-
4 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;

5 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-
6 oxazoline;

7 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
8 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
9 isomers, and salts of optical isomers;

10 **(11) cathinone;**

11 **(12) 2-methylamino-1-phenylpropan-1-one, also known as**
12 **methcathinone and cat, its salts, optical isomers, and salts of optical isomers;**

13 **(13) 4-methylmethcathinone, also known as mephedrone, its salts,**
14 **isomers, and salts of isomers;**

15 **(14) 3,4-methylenedioxypropylamphetamine, also known as MDPV, its**
16 **salts, isomers, and salts of isomers;**

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

20 **(A) by substitution in the phenyl ring to any extent with**
21 **alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,**
22 **whether or not further substituted in the phenyl ring by one or more other**
23 **univalent substituents;**

24 **(B) by substitution at the 3-position with an alkyl**
25 **substituent;**

26 **(C) by substitution at the nitrogen atom with alkyl or**
27 **dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.**

28 * Sec. 2. AS 11.71.140(b)(5) is repealed.

29 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 253

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STOLTZE, THOMPSON, MILLETT, PRUITT, AND TUCK, Lynn, Costello

Introduced: 1/17/12

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 11.71.150(e) is amended to read:

5 (e) Schedule IIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation which contains any
7 quantity of the following substances having a stimulant effect on the nervous system:

8 (1) amphetamine, its salts, optical isomers, and salts of its optical
9 isomers;

10 (2) methamphetamine, its salts, isomers, and salts of its isomers;

11 (3) methylphenidate;

12 (4) phenmetrazine and its salts;

13 (5) fenethylamine;

14 (6) N-ethylamphetamine;

1 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
2 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

3 (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-
4 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;

5 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-
6 oxazoline;

7 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
8 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
9 isomers, and salts of optical isomers;

10 (11) cathinone;

11 (12) methcathinone, its salts, optical isomers, and salts of optical
12 isomers;

13 (13) 4-methylmethcathinone, also known as mephedrone, its salts,
14 isomers, and salts of isomers;

15 (14) 3,4-methylenedioxypyrovalerone, also known as MDPV, its
16 salts, isomers, and salts of isomers;

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

20 (A) by substitution in the phenyl ring to any extent with
21 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
22 whether or not further substituted in the phenyl ring by one or more other
23 univalent substituents;

24 (B) by substitution at the 3-position with an alkyl
25 substituent;

26 (C) by substitution at the nitrogen atom with alkyl or
27 dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.

28 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA cost # codes
 2012 LEGISLATIVE SESSION

Bill Version HB253
 Fiscal Note Number _____
 Publish Date _____

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

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			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 12:55 PM
 Date 1/23/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB253

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 cost # codes
 2012 LEGISLATIVE SESSION

Bill Version _____
 Fiscal Note Number _____
 Publish Date _____

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

Expenditures/Revenues (Thousands of Dollars)

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

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

FUND SOURCE (Thousands of Dollars)

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

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

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

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

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

This is the original version of the bill.

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

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

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 253

Analysis

This legislation classifies certain substances as Schedule IIA controlled substances.

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

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

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

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB253
 Fiscal Note Number _____
 () Publish Date _____

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

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			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** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

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

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

Not applicable, initial version.

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

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

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB253

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 HB 253
Fiscal Note Number _____
() Publish Date _____

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

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			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 Michael C. Geraghty, Attorney General
Department of Law

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

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 253

Analysis

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

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News

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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RELATED

Alaska legislation would ban smoke-shop 'incense' OTC drugs K2 Spice

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

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

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

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

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

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

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

Effects mimic a schizophrenic breakdown

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

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

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

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

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

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

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

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

'Absolutely' dangerous

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

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

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

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

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

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

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

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

Families on alert

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

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

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

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

Illegal, and not illegal

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

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

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

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

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

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

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

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

ALASKA STATE LEGISLATURE

Co-Chair:
House Finance Committee

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

Member:
Legislative Council
Legislative Budget & Audit (alt)



Session:
Alaska State Capitol, Rm 515
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654

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

MEMORANDUM

To: Representative Carl Gatto, Chair
House Judiciary

From: Representative Bill Stoltze, Co-Chair
House Finance Committee

Date: 01/27/2012

Re: **Hearing Request for HB 253- Cathinone Bath Salts**

received
1/27/2012
12:09 PM
PS

I respectfully request that House Bill 253- Cathinone Bath Salts be scheduled for a hearing in the House Judiciary Committee.

Marketed as bath salts or plant food, synthetic cathinones pose a great threat to the community largely due to the fact they are inexpensive, accessible, and undetectable in most drug tests. Many use this drug as a legal alternative to cocaine, ecstasy, or methamphetamines. Without laws to halt such actions Alaskans could see an escalation in drug abuse.

HB 253 if passed, would make it unlawful throughout 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.

I appreciate your consideration.

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AMENDMENT

OFFERED IN THE HOUSE

TO: HB 253

- 1 Page 2, line 11:
- 2 Delete "**methcathinone**"
- 3 Insert "**2-methylamino-1-phenylpropan-1-one, also known as methcathinone and**
- 4 **cat**"
- 5
- 6 Page 2, following line 27:
- 7 Insert a new bill section to read:
- 8 "*** Sec. 2. AS 11.71.140(b)(5) is repealed.**"
- 9
- 10 Renumber the following bill section accordingly.

Melanie Lesh

From: Ryan McKee
Sent: Friday, February 03, 2012 10:39 AM
To: Melanie Lesh
Subject: Public Testimony

Melanie,

We will have 1 person testifying , and will also be available for questions for HB 253 on Feb 8th.

- Orin Dym, the Forensic Laboratory Manager from the Crime Lab.
907-269-5743
Orin.dym@alaska.gov

Ryan

Melanie Lesh

From: Laughlin, Wilda J (HSS) <wilda.laughlin@alaska.gov>
Sent: Monday, February 06, 2012 2:20 PM
To: Ryan McKee; Melanie Lesh
Cc: Cooper, Michael P (HSS); Lewis, Jill (HSS)
Subject: HB 253 // cathinone bath salts

Please be advised that Dr. Michael Cooper, deputy state epidemiologist, will be calling in by teleconference to testify on HB 253, cathinone bath salts, on Wednesday, Feb. 8.

w.

Wilda J. Laughlin
Legislative Liaison, Dept. of Health and Social Services
Phone (907) 465-1613
Fax (907) 465-3068
Cell (907) 723-3802

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HOUSE BILL NO. 253

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE STOLTZE

Introduced: 1/6/12

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act classifying certain substances as schedule IIA controlled substances; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 11.71.150(e) is amended to read:

5 (e) Schedule IIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation which contains any
7 quantity of the following substances having a stimulant effect on the nervous system:

8 (1) amphetamine, its salts, optical isomers, and salts of its optical
9 isomers;

10 (2) methamphetamine, its salts, isomers, and salts of its isomers;

11 (3) methylphenidate;

12 (4) phenmetrazine and its salts;

13 (5) fenethylamine;

14 (6) N-ethylamphetamine;

1 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
2 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;

3 (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-
4 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;

5 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-
6 oxazoline;

7 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
8 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
9 isomers, and salts of optical isomers;

10 (11) cathinone;

11 (12) methcathinone, its salts, optical isomers, and salts of optical
12 isomers;

13 (13) 4-methylmethcathinone, also known as mephedrone, its salts,
14 isomers, and salts of isomers;

15 (14) 3,4-methylenedioxypyrovalerone, also known as MDPV, its
16 salts, isomers, and salts of isomers;

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

20 (A) by substitution in the phenyl ring to any extent with
21 alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,
22 whether or not further substituted in the phenyl ring by one or more other
23 univalent substituents;

24 (B) by substitution at the 3-position with an alkyl
25 substituent;

26 (C) by substitution at the nitrogen atom with alkyl or
27 dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.

28 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

'Bath Salts' Drug Trend: Expert Q&A

Why 'bath salts' are dangerous, though not illegal in all states.

By Matt McMillen

WebMD Feature

Reviewed by Laura J. Martin, MD

Editor's note: On Sept. 7, 2011, the U.S. Drug Enforcement Administration (DEA) invoked its "emergency scheduling authority" to control three synthetic stimulants -- mephedrone, MDPV, and methylene -- commonly called "bath salts" or "plant food" and marketed under such names as "Ivory Wave," "Purple Wave," "Vanilla Sky," and "Bliss." The DEA plans to make possessing and selling these chemicals, or products that contain them, illegal in the United States. The emergency action will remain in effect for at least a year, during which time the government is expected to call for permanent control of the drugs.

A new designer drug known as "bath salts" has become increasingly popular and increasingly scary. Poison centers across the U.S. have reported growing numbers of calls about the synthetic stimulant, and more and more states are banning the drug. But as of now, there is no federal law prohibiting their sale.

Make no mistake: These are not bath salts like those you would use in your bath.

WebMD talked to Zane Horowitz, MD, an emergency room physician and medical director of the Oregon Poison Center, about what they are and why you should avoid them.

First of all, what are bath salts?

"The presumption is that most bath salts are MDPV, or methylenedioxypropylvalerone, although newer pyrovalerone derivatives are being made by illegal street chemists. Nobody really knows, because there is no way to test for these substances," Horowitz says.

Why are they called bath salts?

"It's confusing. Is this what we put in our bathtubs, like Epsom salts? No. But by marketing them as bath salts and labeling them 'not for human consumption,' they have been able to avoid them being specifically enumerated as illegal," Horowitz says.

Are bath salts illegal?

"You can find them in mini-marts and smoke shops sold as Ivory Wave, Bolivian Bath, and other names," Horowitz says. "The people who make these things have skirted the laws that make these types of things illegal. While several states have banned the sale of bath salts, ultimately it will have to be a federal law that labels these as a schedule 1 drug, which means it has no medicinal value but a high potential for abuse, and declare them illegal."

What do you experience when you take bath salts?

"Agitation, paranoia, hallucinations, chest pain, suicidality. It's a very scary stimulant that is out there. We get high blood pressure and increased pulse, but there's something more, something different that's causing these other extreme effects. But right now, there's no test to pick up this drug. The only way we know if someone has taken them is if they tell you they have.

The clinical presentation is similar to mephedrone [a chemical found in other designer drugs], with agitation, psychosis, and stimulatory effects. Both of these agents should be of concern, as severe agitated behavior, like an amphetamine overdose, has occurred.

A second concern is the ongoing suicidality in these patients, even after the stimulatory effects of the drugs have worn off. At least for MDPV, there have been a few highly publicized suicides a few days after their use," Horowitz says.

Are bath salts addictive? How are they taken?

"We don't know if they are addictive. We have not had enough long-term experience with it. Acute toxicity is the main problem. But many stimulants do cause a craving. The people who take them are very creative. They snort it, shoot it, mix it with food and drink," Horowitz says.

Bath salts are the latest example of designer drugs. Where do you see this trend going?

"That's right. They are part of a long line of other pills and substances that we call designer drugs. And drug makers will keep creating new combinations at home and in illicit labs," Horowitz says. "It's almost impossible to keep up. And the motivation for buying them is always the same: Drugs like these are new and below the radar, unlike named illegal drugs."

Alaska State Legislature



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716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

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.

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

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.

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.

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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, Methydone 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.

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1/27 | Updated: 9:40 AM

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Senate committee to consider ban of 'bath salt' intoxicants

By AUSTIN BAIRD
Associated Press
Published: January 27th, 2012 08:16 AM
Last Modified: January 27th, 2012 08:24 AM

JUNEAU -- Alaska legislators today were to take up a bill that would ban a few substances sold over the counter and marketed as bath salts, which are a variety of chemical compounds that mimic effects of popular illicit drugs like cocaine and ecstasy.

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The Senate Judiciary Committee was to hear SB140, a bill co-sponsored by Republicans Kevin Meyer and Cathy Giessel, both of Anchorage, and Democrat Donald Olson from Nome.

Long-term side effects of bath salts are relatively unknown because few studies have been conducted.

The Alaska Legislature criminalized the similarly unknown synthetic marijuana last year, which was often packaged as incense and sold over the counter. Anchorage Police Chief Mark Mew said the same is needed for bath salts during this session.

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"We have a misdemeanor ordinance (in Anchorage) for bath salts, but it really needs to be a felony," which would be the effect of listing bath salts on the state's schedule of controlled substances, he said.

Legislators in statehouses across the country are pushing for criminalization of the chemical substances that compose bath salts, and a federal bill cleared the U.S. House and is pending in the U.S. Senate Committee on the Judiciary. The Drug Enforcement Agency also exercised emergency scheduling authority last October to control some of the substances in question while federal legislation develops.

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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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