

**HB**

**7**

<TARGET><BILL>HB 7</BILL><SUBJECT>HB  
7</SUBJECT><COMM>SJUD27</COMM></TARGET>

# SENATE COMMITTEE REPORT

DATE: 3/1/11

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 3/25/11

Judiciary Committee considered CS FOR HOUSE BILL NO. 7(JUD)

## HB 7-SYNTHETIC CANNABINOIDS

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

and recommends:

be replaced with SCS CS HB 7 (JUD)  
 Same Title  Technical Title Change or  New Title & SCR No. 8

adopt previous SCS \_\_\_\_\_  
 Same Title  Technical Title Change or  New Title & SCR No. \_\_\_\_\_

attached amendment(s)

adopt \_\_\_\_\_ Letter of Intent

further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
H.FIN/DPS			✓	4
LAW			✓	5
COR		✓		6

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Coghill			✓	
	Paskvan	x			
	Wielechowski			✓	
CHAIR:	French	✓			




REPRESENTATIVE CATHY MUÑOZ

**MEMORANDUM**

TO: Senator Bert Stedman  
Senate Finance Co-Chair

CC: Darwin Peterson  
Finance Committee Aide

FROM: Representative Cathy Muñoz 

DATE: March 29, 2011

RE: Changes to Senate CS for CS HB 7 (JUD)

---

The Senate Judiciary Committee changed the penalties relating to the possession of organic herbs that contain synthetic cannabinoids.

- 1) Possession of 12 grams or more of organic herbs that contain synthetic cannabinoids as a misconduct in the fourth degree (Class C felony).
- 2) Possession of 6-12 grams of organic herbs that contain synthetic cannabinoids as a misconduct in the fifth degree (Class A misdemeanor).
- 3) Possession of 6 grams and under of organic herbs that contain synthetic cannabinoids as a misconduct in the sixth degree (Class B misdemeanor).

Other penalties relating to the selling and manufacturing of the synthetic cannabinoids, which are listed as a scheduled IIIA controlled substance, remain unchanged. The pure liquid form of these synthetic cannabinoids remains a class C felony for possession of 3 grams or more, a class A misdemeanor for under 3 grams.

An effective of July 1, 2011 was added to give adequate notice to the public and store owners who are selling these materials.

A title change has been done to reflect to the two changes.

# Alaska State Legislature

Senator Hollis French, Chair  
State Capitol, Room 417  
Juneau, Alaska 99801  
Phone: (907) 465-3892  
Fax: (907) 465-6595



Committee Members:  
Senator Bill Wielechowski  
Senator Lesil McGuire  
Senator Joe Paskvan  
Senator John Coghill

## Senate Judiciary Committee

### MEMORANDUM

March 16, 2011

TO: Leg. Legal

FROM: Cindy Smith *cls*

RE: HB7 Synthetic Cannabinoids

Please draft a Senate Judiciary CS to HB 7 Synthetic Cannabinoids (LS044\T) to make the following changes:

1. Amend penalties schedule provisions as follows for possession of substances sprayed on plant materials only:

6 grams and under (sprayed on plant material, per T.1 amendment offered in HFIN, attached) - B misdemeanor;

Over 6 and up to 12 grams - A Misdemeanor

Over 12 - felony, in a schedule that does not result in

2. Amend effective date to be July 1, 2011.

27-LS0044R  
Luckhaupt  
3/17/11

**SENATE CS FOR CS FOR HOUSE BILL NO. 7(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES MUÑOZ, HERRON, KERTTULA, GATTO, LYNN, AND PRUITT, Costello, Thompson, Millett, Fairclough, Johansen, Johnson, Petersen, Doogan, Tuck, Peggy Wilson**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act classifying certain substances as schedule IIIA controlled substances and**  
2 **relating to penalties for possession of those substances; and providing for an effective**  
3 **date."**

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

5 **\* Section 1.** AS 11.71.040(a) is amended to read:

6 (a) Except as authorized in AS 17.30, a person commits the crime of  
7 misconduct involving a controlled substance in the fourth degree if the person

8 (1) manufactures or delivers any amount of a schedule IVA or VA  
9 controlled substance or possesses any amount of a schedule IVA or VA controlled  
10 substance with intent to manufacture or deliver;

11 (2) manufactures or delivers, or possesses with the intent to  
12 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
13 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
14 substance;

1 (3) possesses

2 (A) any amount of a schedule IA or IIA controlled substance;

3 (B) 25 or more tablets, ampules, or syrettes containing a  
4 schedule IIIA or IVA controlled substance;

5 (C) one or more preparations, compounds, mixtures, or  
6 substances of an aggregate weight of

7 (i) three grams or more containing a schedule IIIA or  
8 IVA controlled substance **except a controlled substance in a form**  
9 **listed in (ii) of this subparagraph;**

10 (ii) **12 grams or more containing a schedule IIIA**  
11 **controlled substance listed in AS 11.71.160(f)(7) - (16) that has been**  
12 **sprayed on or otherwise applied to tobacco, an herb, or another**  
13 **organic material;**

14 (D) 50 or more tablets, ampules, or syrettes containing a  
15 schedule VA controlled substance;

16 (E) one or more preparations, compounds, mixtures, or  
17 substances of an aggregate weight of six grams or more containing a schedule  
18 VA controlled substance;

19 (F) one or more preparations, compounds, mixtures, or  
20 substances of an aggregate weight of four ounces or more containing a  
21 schedule VIA controlled substance; or

22 (G) 25 or more plants of the genus cannabis;

23 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

24 (A) with reckless disregard that the possession occurs

25 (i) on or within 500 feet of school grounds; or

26 (ii) at or within 500 feet of a recreation or youth center;

27 or

28 (B) on a school bus;

29 (5) knowingly keeps or maintains any store, shop, warehouse,  
30 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
31 keeping or distributing controlled substances in violation of a felony offense under this

1 chapter or AS 17.30;

2 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
3 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
4 mark, imprint, or device of another or any likeness of any of these upon a drug, drug  
5 container, or labeling so as to render the drug a counterfeit substance;

6 (7) knowingly uses in the course of the manufacture or distribution of a  
7 controlled substance a registration number that is fictitious, revoked, suspended, or  
8 issued to another person;

9 (8) knowingly furnishes false or fraudulent information in or omits  
10 material information from any application, report, record, or other document required  
11 to be kept or filed under AS 17.30;

12 (9) obtains possession of a controlled substance by misrepresentation,  
13 fraud, forgery, deception, or subterfuge; or

14 (10) affixes a false or forged label to a package or other container  
15 containing any controlled substance.

16 \* **Sec. 2.** AS 11.71.050(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of  
18 misconduct involving a controlled substance in the fifth degree if the person

19 (1) manufactures or delivers, or possesses with the intent to  
20 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
21 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
22 substance;

23 (2) possesses

24 (A) less than 25 tablets, ampules, or syrettes containing a  
25 schedule IIIA or IVA controlled substance;

26 (B) one or more preparations, compounds, mixtures, or  
27 substances of an aggregate weight of less than

28 (i) three grams containing a schedule IIIA or IVA  
29 controlled substance **except a controlled substance in a form listed in**  
30 **(ii) of this subparagraph;**

31 **(ii) 12 grams but more than six grams containing a**

1 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) -  
2 (16) that has been sprayed on or otherwise applied to tobacco, an  
3 herb, or another organic material;

4 (C) less than 50 tablets, ampules, or syrettes containing a  
5 schedule VA controlled substance;

6 (D) one or more preparations, compounds, mixtures, or  
7 substances of an aggregate weight of less than six grams containing a schedule  
8 VA controlled substance; or

9 (E) one or more preparations, compounds, mixtures, or  
10 substances of an aggregate weight of one ounce or more containing a schedule  
11 VIA controlled substance; or

12 (3) fails to make, keep, or furnish any record, notification, order form,  
13 statement, invoice, or information required under AS 17.30.

14 \* Sec. 3. AS 11.71.060(a) is amended to read:

15 (a) Except as authorized in AS 17.30, a person commits the crime of  
16 misconduct involving a controlled substance in the sixth degree if the person

17 (1) uses or displays any amount of a schedule VIA controlled  
18 substance;

19 (2) possesses one or more preparations, compounds, mixtures, or  
20 substances of an aggregate weight of

21 (A) less than one ounce containing a schedule VIA controlled  
22 substance;

23 (B) six grams or less containing a schedule IIIA controlled  
24 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or  
25 otherwise applied to tobacco, an herb, or another organic material; or

26 (3) refuses entry into a premise for an inspection authorized under  
27 AS 17.30.

28 \* Sec. 4. AS 11.71.160(f) is amended to read:

29 (f) Schedule IIIA includes, unless specifically excepted or unless listed in  
30 another schedule, any material, compound, mixture, or preparation that contains  
31 any quantity of the following substances or that contains any of its salts, isomers,

1 whether optical, position, or geometric, or salts of isomers whenever the existence  
2 of those salts, isomers, or salts of isomers is possible within the specific chemical  
3 designation:

4 (1) hashish;

5 (2) hash oil or hashish oil;

6 (3) tetrahydrocannabinols;

7 (4) parahexyl;

8 (5) dronabinol (synthetic) in sesame oil and encapsulated in a soft  
9 gelatin capsule in a U.S. Food and Drug Administration approved drug product;  
10 [AND]

11 (6) nabilone;

12 (7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-  
13 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

14 (8) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-  
15 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as Dexanabinol or  
16 HU-211;

17 (9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

18 (10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

19 (11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone,  
20 also known as JWH-015;

21 (12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-  
22 398;

23 (13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as  
24 JWH-250;

25 (14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;

26 (15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also  
27 known as JWH-200;

28 (16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-  
29 yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in  
30 this paragraph, "homologue" means a chemical compound in a series in which  
31 each compound differs by one or more alkyl functional groups on an alkyl side

1

**chain.**

2

\* **Sec. 5.** This Act takes effect July 1, 2011.

27-LS0709\A  
Luckhaupt  
3/17/11

**SENATE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY**

**Introduced:**  
**Referred:**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning House Bill No. 7, relating to classifying certain substances as**  
3 **schedule IIIA controlled substances.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of  
6 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding  
7 changes to the title of a bill, are suspended in consideration of House Bill No. 7, relating to  
8 classifying certain substances as schedule IIIA controlled substances.



The Honorable Representative Muñoz  
Alaska State House  
State Capitol, Room 403  
Juneau, Alaska 99801

Re: Support for HB 7 Synthetic Cannabinoids

March 7, 2011

Dear Representative Muñoz,

The Alaska Primary Care Association (APCA) supports passage of HB 7 Synthetic Cannabinoids. Although the substances addressed in the bill present tremendous public safety risks and dangers, the APCA also wants to point out that these substances cause serious health risks and dangers. Impacting the cardiovascular and central nervous systems, the use of these substances often requires medical attention, and too often emergency room and hospitalizations.

To promote improved health outcomes for Alaska and to bring down health care costs, it is important for Alaska to take steps to alert the public that these substances are harmful and to prevent them from being readily available. Passage of HB 7 will do both. The primary care centers operated by the members of the APCA often treat patients with substance abuse problems and are daily faced with the associated challenges in assisting these patients, including uncompensated costs for clinic care and wait lists for drug treatment programs. Less access to harmful substances will help.

The APCA represents 25 health care organizations operating 142 Community Health Center (CHC) clinic sites, as well as other primary care safety net providers throughout Alaska that serve medically underserved populations and communities. The CHCs provided primary care services to 87,000 patients (1 in 9 Alaskans) last year.

In closing, the Alaska Primary Care Association strongly supports HB 7 and encourages the Alaska State Legislature to pass this important bill to not only promote public safety, but to promote a healthier Alaska.

Respectfully,

Shelley S. Hughes  
Government Affairs Director

903 W. Northern Lights Blvd., Suite 200, Anchorage, AK 99503-2400  
main: 907.929.2722 fax: 907.929.2734 [www.alaskapca.org](http://www.alaskapca.org)  
*supporting Alaskans' health care homes*



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AMENDMENT

#1 FAILED

OFFERED IN THE HOUSE  
TO: CSHB 7(JUD)

BY REPRESENTATIVE GARA

1 Page 1, line 1, following "substances":

2 Insert "and relating to penalties for possession of those substances"

3

4 Page 1, following line 3:

5 Insert new bill sections to read:

6 **\*\* Section 1.** AS 11.71.040(a) is amended to read:

7 (a) Except as authorized in AS 17.30, a person commits the crime of  
8 misconduct involving a controlled substance in the fourth degree if the person

9 (1) manufactures or delivers any amount of a schedule IVA or VA  
10 controlled substance or possesses any amount of a schedule IVA or VA controlled  
11 substance with intent to manufacture or deliver;

12 (2) manufactures or delivers, or possesses with the intent to  
13 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
14 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
15 substance;

16 (3) possesses

17 (A) any amount of a schedule IA or IIA controlled substance;

18 (B) 25 or more tablets, ampules, or syrettes containing a  
19 schedule IIIA or IVA controlled substance;

20 (C) one or more preparations, compounds, mixtures, or  
21 substances of an aggregate weight of

22 (i) three grams or more containing a schedule IIIA or  
23 IVA controlled substance except a controlled substance in a form

1 **listed in (ii) of this subparagraph:**

2 **(ii) six grams or more containing a schedule IIIA**  
3 **controlled substance listed in AS 11.71.160(f)(7) - (16) that has been**  
4 **sprayed on or otherwise applied to tobacco, an herb, or another**  
5 **organic material:**

6 (D) 50 or more tablets, ampules, or syrettes containing a  
7 schedule VA controlled substance;

8 (E) one or more preparations, compounds, mixtures, or  
9 substances of an aggregate weight of six grams or more containing a schedule  
10 VA controlled substance;

11 (F) one or more preparations, compounds, mixtures, or  
12 substances of an aggregate weight of four ounces or more containing a  
13 schedule VIA controlled substance; or

14 (G) 25 or more plants of the genus cannabis;

15 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

16 (A) with reckless disregard that the possession occurs

17 (i) on or within 500 feet of school grounds; or

18 (ii) at or within 500 feet of a recreation or youth center;

19 or

20 (B) on a school bus;

21 (5) knowingly keeps or maintains any store, shop, warehouse,  
22 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
23 keeping or distributing controlled substances in violation of a felony offense under this  
24 chapter or AS 17.30;

25 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
26 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
27 mark, imprint, or device of another or any likeness of any of these upon a drug, drug  
28 container, or labeling so as to render the drug a counterfeit substance;

29 (7) knowingly uses in the course of the manufacture or distribution of a  
30 controlled substance a registration number that is fictitious, revoked, suspended, or  
31 issued to another person;

1 (8) knowingly furnishes false or fraudulent information in or omits  
2 material information from any application, report, record, or other document required  
3 to be kept or filed under AS 17.30;

4 (9) obtains possession of a controlled substance by misrepresentation,  
5 fraud, forgery, deception, or subterfuge; or

6 (10) affixes a false or forged label to a package or other container  
7 containing any controlled substance.

8 \* **Sec. 2.** AS 11.71.050(a) is amended to read:

9 (a) Except as authorized in AS 17.30, a person commits the crime of  
10 misconduct involving a controlled substance in the fifth degree if the person

11 (1) manufactures or delivers, or possesses with the intent to  
12 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
13 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
14 substance;

15 (2) possesses

16 (A) less than 25 tablets, ampules, or syrettes containing a  
17 schedule IIIA or IVA controlled substance;

18 (B) one or more preparations, compounds, mixtures, or  
19 substances of an aggregate weight of less than

20 (i) three grams containing a schedule IIIA or IVA  
21 controlled substance **except a controlled substance in a form listed in**  
22 **(ii) of this subparagraph;**

23 **(ii) six grams or more containing a schedule IIIA**  
24 **controlled substance listed in AS 11.71.160(f)(7) - (16) that has been**  
25 **sprayed on or otherwise applied to tobacco, an herb, or another**  
26 **organic material;**

27 (C) less than 50 tablets, ampules, or syrettes containing a  
28 schedule VA controlled substance;

29 (D) one or more preparations, compounds, mixtures, or  
30 substances of an aggregate weight of less than six grams containing a schedule  
31 VA controlled substance; or

1 (E) one or more preparations, compounds, mixtures, or  
2 substances of an aggregate weight of one ounce or more containing a schedule  
3 VIA controlled substance; or

4 (3) fails to make, keep, or furnish any record, notification, order form,  
5 statement, invoice, or information required under AS 17.30."

6

7 Page 1, line 4:

8 Delete "**Section 1**"

9 Insert "**Sec. 3**"

10

11 Renumber the following bill section accordingly.

**SEAN PARNELL,  
GOVERNOR**

**DEPARTMENT OF CORRECTIONS  
OFFICE OF THE COMMISSIONER**

P.O. Box 112000  
Juneau, AK 99801  
PHONE: (907) 465-4652  
FAX: (907) 465-3390

March 1, 2011

The Honorable Hollis French  
Alaska State Senate  
State Capitol, Room 417  
Juneau, Alaska 99801

Dear Senator French:

Today you received a letter from the Department of Corrections in response to questions raised during a Senate Judiciary Committee hearing on SB 17. We would like to provide you with more detailed information in response to the committee's inquiry on the number of inmates incarcerated in the State of Alaska for drug charges and to those incarcerated on charges specific to marijuana.

As of December 31, 2010:

- Total inmate population was 5,604
- 2.7% of all unique inmates had at least one of their convictions involve marijuana.
- Of all drug-related convictions, 14.7% involved marijuana.
- 63 unique offenders have been convicted on drug related charges only.
- 1 (one) unique offender has been convicted on marijuana-related charges only
- 1 other offender has been convicted of marijuana and some other drug offense only. In other words, this person has been convicted of only drug related offenses, one of which was for a marijuana related offense.

It is our hope that the committee finds this additional information helpful. Please feel free to contact my office at any time if you need further information or have questions.

Sincerely,



Joseph Schmidt  
Commissioner

cc: Anne Carpeneti, Assistant Attorney General, Department of Law  
Karen J. Rehfeld, Executive Director, Office of Management and Budget

Presented by: Assemblymember  
Sanford  
Introduced: 02/07/2011  
Drafted by: J.W. Hartle

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2011-05

### **An Ordinance Amending the Penal Code to Prohibit the Manufacture, Assembly, Distribution, Marketing, Sale, Use, or Possession of Substances Containing Synthetic Cannabinoids, and Providing for a Penalty.**

WHEREAS, the City and Borough is aware that substances containing synthetic cannabinoids were and are manufactured, or assembled for, or marketed, sold or offered for sale to, residents of the municipality, including minors; and

WHEREAS, local law enforcement personnel and "first responders" indicate there is an increased use of synthetic cannabinoids, currently marketed and sold under a variety of names, including "K2", "Spice", "Black Mamba", "Blue Pearl", "Genie", "DaScents", "Spike", and "Zohai"; and

WHEREAS, some users of the synthetic cannabinoids endanger the public by operating vehicles while under the influence and endanger the welfare of first responders; and

WHEREAS, some users reportedly experience severe reactions, resulting in unconsciousness, seizures, and hospitalization; and

WHEREAS, users of the drug report the effects are similar to marijuana and LSD usage, include blurred vision, extremely elevated blood pressure, irregular heart rates, hallucinations, delusions, vomiting, euphoria, "highs", and disturbing side effects including feelings of excruciating pain, agitation and loss of control; and

WHEREAS, products containing synthetic cannabinoids are not tested by the Food and Drug Administration (U.S. Department of Agriculture) or other governmental regulatory agencies for human consumption and may contain chemicals detrimental to the health and welfare of those ingesting them; and

WHEREAS, medical studies and treatises note deleterious health risks and adverse effects associated with the use of synthetic cannabinoids and products containing the synthetic cannabinoids; and

WHEREAS, despite packaging warning purchasers the products are not for human consumption, the warnings are not being heeded; and

WHEREAS, synthetic cannabinoids are banned in many states and municipalities throughout the United States as a danger to public health and welfare; and

WHEREAS, the smoke emanating from the burning or incineration of synthetic cannabinoids may cause adverse effects on bystanders or those in the vicinity of such activity; and

WHEREAS, it is in the best interest of the City and Borough to prohibit the manufacturing, assembly, possession, use, sale, marketing, or offering for sale of synthetic cannabinoids within the boundaries of the City and Borough to protect the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

**Section 2. New Chapter.** CBJ Title 42 Penal Code, is amended by adding a new chapter, to read as follows:

### Chapter 42.35

#### SYNTHETIC CANNABINOIDS

##### 42.35.100 Sale of synthetic cannabinoids.

(a) It shall be unlawful for any person or entity to knowingly manufacture, assemble, distribute, dispense, sell, attempt to sell, give, trade, barter, transfer, or to otherwise furnish in a single transaction any product or combination of products containing synthetic cannabinoids, such as products commonly known as "K2", "Spice", "Genie", "DaScents", "Zohai" or similar products. Synthetic cannabinoids contain one or more of the following chemical compounds:

- (1) HU-210: (6aR, 10aR)-9-(hydroxymethyl)-6,6 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, or 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pran-9-methanol;
- (2) HU-211: (6aS, 10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)(also known as Dexanabinol);
- (3) CP47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol;
- (4) JWH-018: 1-Pentyl-3-(1-naphthoyl)indole;
- (5) JWH-019: 1-Hexyl-1-(1-naphthoyl)indole;
- (6) JWH-073: 1-Butyl-3-(1-naphthoyl)indole;

- (7) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, (also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanon);
- (8) JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
- (9) JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, (also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone);
- (10) JWH-398: 1-Pentyl-3-(4-chloro-1-naphthoyl)indole);
- (11) TEMPP: 1-(3 trifluoromethylphenyl) piperazine;
- (12) BZP: N-benzylpiperazine; or
- (13) Any other synthetic cannabinoids or derivatives, salts, isomers, or salts of isomers with similar chemical structure and pharmacological activity as the substances described above.
- (14) This prohibition shall also apply to any other equivalent compound, substance, or derivative, whether described as tobacco, herbs, incense, food, nutrient, spice or any blend thereof which, when smoked or ingested, mimics the effects of a controlled substance, regardless of whether the substance is marketed for the purpose of being smoked or ingested.

(b) It shall be unlawful for any person or entity to recklessly manufacture, assembly, distribute, sell, market, display for sale, or offer for sale within the City and Borough products containing synthetic cannabinoids described in subsection (a).

(c) Products containing synthetic cannabinoids may not be possessed, ingested, burned, incinerated or ignited in the City and Borough.

(d) A person or entity violating the provisions of subsections (a) shall be guilty of a Class A misdemeanor. A person or entity violating the provisions of subsection (b) shall be guilty of a Class B misdemeanor. A person or entity violating the provisions of subsection (c) shall be guilty of an infraction.

(e) If, after multiple violations by the same person or entity, the City Attorney and the Juneau Police Department determine the imposition of criminal penalties or civil fines will not be effective in enforcing this section, the City Attorney may seek any other remedies provided by law, including injunctive relief.

(f) It is not an offense under this section if the person or entity was acting at the direction of an authorized agent of the City and Borough to enforce or ensure compliance with this section.

(g) Any product described in subsection (a) found in the illegal possession of any person or entity may be confiscated and destroyed by the City and Borough.

(h) This section does not apply to drugs or substances lawfully prescribed or drugs or substances approved by the federal Food and Drug Administration or drugs or substances specifically permitted by State law.

**Section 3. Amendment to Section.** CBJ 03.30.065 Penal code fine schedule, is amended to read:

**03.30.065 Penal code fine schedule.**

Pursuant to sections 03.30.010--03.30.015 of this chapter, the following offense which is amenable to disposition without court appearance may be disposed of upon payment of the fine listed to the municipal clerk of the court. If a person charged with this offense appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for the offense listed in the following schedule:

**PENAL CODE FINE SCHEDULE**

CBJ	Offense	No. of Offenses	Fine
...	...	...	...
42.20.220	Truancy	1st 2nd 3rd and subseq.	100.00 MCA*
42.35.100 (c)	Possession or use of synthetic cannabinoid	1 <sup>st</sup>	\$100.00
		2 <sup>nd</sup>	200.00
		3 <sup>rd</sup> and subseq.	300.00

**Section 4.** The sections, paragraphs, sentences, clauses, phrases and words of this ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this ordinance.

**Section 5.** This ordinance shall be automatically repealed 30 days after the effective date of a State statute criminalizing substantially the same conduct. The City Attorney shall notify the Assembly if and when this occurs.

//

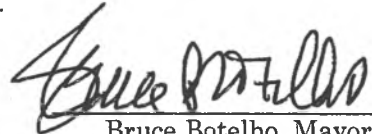
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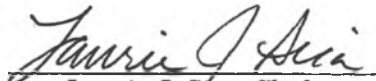
//

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 28<sup>th</sup> day of February, 2011.

  
Bruce Botelho, Mayor

Attest:

  
Laurie J. Sica, Clerk



REPRESENTATIVE CATHY MUÑOZ

**MEMORANDUM**

TO: Senator Hollis French  
Judiciary Chair

CC: Cindy Smith  
Judiciary Committee Aide

FROM: Representative Cathy Muñoz

DATE: March 2, 2011

RE: HB 7 Hearing Request

A handwritten signature in cursive script, appearing to read "Cathy Muñoz", written over the printed name in the "FROM:" field.

---

Please schedule CS HB 7 (JUD) – Synthetic Cannabinoids as Schedule IIIA in Senate Judiciary for hearing at your earliest convenience.

Attached to this memo please find the following documents

- CS HB 7 (JUD) – Synthetic Cannabinoids as Schedule IIIA
- Fiscal Notes from Departments of Corrections, Public Safety & Law
- Sponsor Statement
- Legislative Research Report
- DEA Article
- Support Letters
- Office Contact: Kendra Kloster, 465-4712, [Kendra\\_kloster@legis.state.ak.us](mailto:Kendra_kloster@legis.state.ak.us)

Thank You.



## REPRESENTATIVE CATHY MUÑOZ

### CS HB7 (JUD) - Ban on Controlled Substances

A new synthetic cannabinoid, commonly known as K2 or Spice, has become readily available at local stores and over the internet. Some users of this chemical compound experience severe adverse reactions including hallucinations, nausea, vomiting, agitation, and panic attacks.

The synthetic cannabinoid is a combination of herbal and chemical compounds that commonly produce a reaction similar to the use of marijuana. The popularity is increasing, especially among youth, due to easy accessibility, low cost, and the difficulty of detection on drug tests.

The first introduction to K2 came to my attention through an individual's story. Within moments of inhaling K2 the young man experienced adverse reactions that included severe vomiting, loss of reality, inability to walk and talk, and violent outbursts. Without the quick reaction of those nearby there may have been tragic ending to this story. Many similar stories have surfaced in communities throughout Alaska. To date, nine states have successfully enacted laws to prohibit synthetic cannabinoids.

HB7 will classify certain synthetic cannabinoids as schedule IIIA controlled substance. Schedule IIIA includes materials, compounds and mixtures which contain similar synthetic chemicals. It is important that we get ahead of this growing problem and I urge your support for the passage of this bill.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version CSHB007 (JUD)  
 () Publish Date \_\_\_\_\_

Identifier (file name) CSHB007(JUD)-DPS-LAB-02-22-11 Dept. Affected Public Safety  
 Title "An Act Relating to Synthetic Cannabinoids As Schedule IIIA" Appropriation Statewide Support  
 Allocation Laboratory Services  
 Sponsor Representatives Munoz, Herron, Kerttula, Lynn, and Pruitt  
 Requester House Finance OMB Component Number 527

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>							
Personal Services	96.0		96.0	96.0	96.0	96.0	96.0
Travel	3.0		3.0	3.0	3.0	3.0	3.0
Services	8.5		5.6	5.6	5.6	5.6	5.6
Commodities	12.0		2.0	2.0	2.0	2.0	2.0
Capital Outlay	7.3						
Grants							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>126.8</b>		<b>106.6</b>	<b>106.6</b>	<b>106.6</b>	<b>106.6</b>	<b>106.6</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	126.8		106.6	106.6	106.6	106.6	106.6
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other (please identify)							
<b>TOTAL</b>	<b>126.8</b>	<b>0.0</b>	<b>106.6</b>	<b>106.6</b>	<b>106.6</b>	<b>106.6</b>	<b>106.6</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

**POSITIONS**

Full-time	1.0		1	1	1	1	1
Part-time							
Temporary							

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

Changed from Schedule IIA to Schedule IIIA.

Prepared by Orin Dym, Laboratory Manager  
 Division Scientific Crime Detection Laboratory  
 Approved by Joseph A Masters  
Commissioner

Phone (907) 269-5743  
 Date/Time 2/22/2011 3:30PM  
 Date 2/22/2011

## FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB7 (JUD)

### Analysis

This proposed legislation would add certain synthetic cannabinoids to the schedule IIIA list of controlled substances. This bill would become effective immediately.

The Alaska Scientific Crime Detection Laboratory (Crime Laboratory) provides analysis of suspected controlled substances, issues reports, and provides expert testimony for the state of Alaska. For calendar year 2010 the laboratory received 1,267 requests for controlled substances analysis. A full time position is capable of analyzing 480 requests per year. The Controlled Substances Section of the Crime Lab currently has 2.5 full time staff assigned to it.

Once controlled, it is anticipated that the Crime Laboratory will receive significant requests for analysis related to the newly controlled substances. With the large presence of internet sales, and the ability for manufacturers to rapidly change the substances present in the materials sold, any suspected of containing these newly controlled substances will require scientific analysis at the Crime Laboratory.

This new position would come at an initial cost of \$126,800. This includes a starting salary with benefits of \$96,000, a work station start up cost of \$7,300 for equipment, \$2,000 for supplies, and there will be \$3,000 in travel funds required for the ongoing training and education necessary for an analyst to maintain their expertise and certifications. There is an expected \$5,000 in contractual costs as well, and this position also requires an initial \$3,500 to obtain licensing required for the laboratory's LIMS database. Subsequently, there is a yearly 18% maintenance fee for that license. In addition to the above considerations involved with this new position, the Crime Laboratory would be required to obtain the standards necessary to analyze these nine new chemicals and their various isomers. This would be a one-time cost of \$10,000.

In addition to the ongoing salary, benefits, and necessary travel costs relative to this position, all positions utilize an ongoing \$2,000 for supply needs, and there is an ongoing licensing and maintenance cost of \$5,600 per year. Therefore, the initial cost for this position would be \$126,800, with a subsequent ongoing cost of \$106,600.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version CSHB007(JUD)  
 () Publish Date \_\_\_\_\_

Identifier (file name): HB007CS(JUD)-LAW-CRIM-02-18-11 Dept. Affected Law  
 Title An Act classifying certain synthetic cannabinoids as schedule IIIA controlled substances; and providing for an effective date. Appropriation Criminal  
 Allocation Criminal Justice Litigation  
 Sponsor Representative(s) Munoz, Herron, Kerttula, Gatto, Lynn, Pruitt  
 Requester (H) Judiciary OMB Component Number 2202

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Prepared by Eileen Donahue, Division Operations Manager  
 Division Administrative Services  
 Approved by John J. Burns, Attorney General  
Department of Law

Phone 465-5427  
 Date/Time 2/18/11 10:00 AM  
 Date 2/18/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB007(JUD)

**Analysis**

This bill adds several chemical forms of synthetic cannabinoids to Schedule IIIA of Alaska's prohibited substance schedules. The bill also adds salts, isomers, and other forms of Schedule IIIA substances to the same schedule. Currently, marijuana is a Schedule VIA prohibited substance. The anticipated fiscal impact is zero, however, if litigation ensues there will be addition costs in defending this litigation.

# FISCAL NOTE

**STATE OF ALASKA**  
**2011 LEGISLATIVE SESSION**

Fiscal Note Number \_\_\_\_\_  
 Bill Version CSHB007(JUD)  
 () Publish Date 1/18/2011

Identifier (file name) HB007CS(JUD)-DOC-OC-02-02-11 Dept. Affected DOC  
 Title "An Act classifying synthetic cannabinoids as schedule IIIA Appropriation Admin & Support  
 Allocation Commissioner's Office  
 Sponsor Rep. Munoz, Herron, Kerttula, Gatto, Lynn & Pruitt  
 Requester (H)Finance Committee OMB Component Number 694

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
<b>TOTAL</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>

Estimate of any current year (FY2011) cost 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

This is the first version of the bill.

Prepared by Leslie Houston, Director  
 Division Dept. of Corrections - Administrative Services  
 Approved by Joseph D. Schmidt, Commissioner  
Dept. of Corrections

Phone 465-3339  
 Date/Time 2/23/2011 2:30 p.m.  
 Date 2/23/2011

FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHB007(JUD)

**Analysis**

This legislation makes synthetic cannabinoids a schedule IIIA controlled substance.

Currently, possession of a schedule IIIA is a Class A misdemeanor if the amount possessed is less than 3 grams (AS 11.71.050) or a Class C Felony if the amount possessed is over 3 grams (AS 11.71.040).

Manufacturing or delivering a schedule IIIA controlled substance is a Class B felony (AS 11.71.030). The sentences for these crimes range anywhere from 0 - 10 years.

The current average daily cost to house an inmate is \$136.44. Therefore, housing an offender could cost the department anywhere from \$0.0 (no time served) to \$498.1 (for a 10-year sentence).

The Department of Corrections is unable to determine the fiscal impacts of the passage of this legislation, as we cannot estimate the total number of convictions that will occur.

**News Release**

FOR IMMEDIATE RELEASE

March 01, 2011

Contact: DEA Public Affairs

Number: 202-307-7977

**Chemicals Used in "Spice" and "K2" Type Products Now Under Federal Control and Regulation***DEA Will Study Whether To Permanently Control Five Substances*

**MAR 01 - WASHINGTON, D.C.** – The United States Drug Enforcement Administration (DEA) today exercised its emergency scheduling authority to control five chemicals (JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol) used to make so-called "fake pot" products. Except as authorized by law, this action makes possessing and selling these chemicals or the products that contain them illegal in the United States. This emergency action was necessary to prevent an imminent threat to public health and safety. The temporary scheduling action will remain in effect for at least one year while the DEA and the United States Department of Health and Human Services (DHHS) further study whether these chemicals should be permanently controlled.



**Chemicals like K-2 and Spice are designated as Schedule I substances, the most restrictive category under the Controlled Substances Act.**

The Final Order was published today in the *Federal Register* to alert the public to this action. These chemicals will be controlled for at least 12 months, with the possibility of a six month extension. They are designated as Schedule I substances, the most restrictive category under the Controlled Substances Act. Schedule I substances are reserved for those substances with a high potential for abuse, no accepted medical use for treatment in the United States and a lack of accepted safety for use of the drug under medical supervision.

Over the past couple of years, smokeable herbal products marketed as being "legal" and as providing a marijuana-like high, have become increasingly popular, particularly among teens and young adults. These products consist of plant material that has been coated with research chemicals that claim to mimic THC, the active ingredient in marijuana, and are sold at a variety of retail outlets, in head shops, and over the Internet. These chemicals, however, have not been approved by the FDA for human consumption, and there is no oversight of the manufacturing process. Brands such as "Spice," "K2," "Blaze," and "Red X Dawn" are labeled as herbal incense to mask their intended purpose.

Since 2009, DEA has received an increasing number of reports from poison control centers, hospitals and law enforcement regarding these products. At least 16 states have already taken action to control one or more of these chemicals. The Comprehensive Crime Control Act of 1984 amends the Controlled Substances Act (CSA) to allow the DEA Administrator to place a substance temporarily in schedule I when it is necessary to avoid an imminent threat to the public safety. Emergency room physicians report that individuals that use these types of products experience serious side effects which include: convulsions, anxiety attacks, dangerously elevated heart rates, increased blood pressure, vomiting, and disorientation.

"Young people are being harmed when they smoke these dangerous 'fake pot' products and wrongly equate the products' 'legal' retail availability with being 'safe'," said DEA Administrator Michele M. Leonhart. "Parents and community leaders look to us to help them protect their kids, and we have not let them down. Today's action, while temporary, will reduce the number of young people being seen in hospital emergency rooms after ingesting these synthetic chemicals to get high."

[>> Notice of Intent to Temporarily Control Five Synthetic Cannabinoids](#)



U.S. Department of Justice Drug Enforcement Administration  
**Office of Diversion Control**

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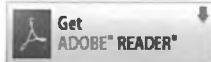
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[Federal Register Notices](#) > [Rules - 2011](#) > [Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I](#)

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## Rules - 2011

[Federal Register Volume 76, Number 40 (Tuesday, March 1, 2011)]  
 [Rules and Regulations]  
 [Pages 11075-11078]  
 From the Federal Register Online via the Government Printing Office [www.gpo.gov]  
 [FR Doc No: 2011-4428]

### DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-345F]

### Schedules of Controlled Substances: Temporary Placement of Five Synthetic Cannabinoids Into Schedule I

**AGENCY:** Drug Enforcement Administration (DEA), U.S. Department of Justice.

**ACTION:** Final order.

**SUMMARY:** The Administrator of the Drug Enforcement Administration (DEA) is issuing this final order to temporarily place five synthetic cannabinoids into the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions. The substances are 1-pentyl-3-(1-naphthoyl)indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole (JWH-073), 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue). This action is based on a finding by the Administrator that the placement of these synthetic cannabinoids 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 cannabinoids.

**FOR FURTHER INFORMATION CONTACT:** Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, 8701 Morrisette Drive, Springfield, VA 22152, telephone (202) 307-7183, fax (202) 353-1263, or e-mail ode@usdoj.gov.

**DATES:** Effective Date: March 1, 2011.

### 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. The Attorney General may extend the temporary scheduling up to six months during pendency of proceedings under 21 U.S.C. 811(a)(1). A substance may be temporarily scheduled under the emergency provisions of the CSA 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 21 U.S.C. 355 for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the DEA Administrator (28 CFR 0.100).

As per section 201(h)(4) of the CSA (21 U.S.C. 811(h)(4)), the Deputy Administrator, now Administrator, transmitted notice of her intention to temporarily place JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol into Schedule I of the CSA to the Assistant Secretary for Health of the Department of Health and Human Services (HHS) in a letter dated October 6, 2010. In response to this notification, the

Assistant Secretary of Health, HHS communicated in a letter dated November 22, 2010, to the then-DEA Acting Administrator that there are no exemptions or approvals in effect for JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol under Section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355). The substances are not listed in any other schedule in 21 U.S.C. 812.

A notice of intent to temporarily place JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol into Schedule I of the CSA was published in the Federal Register on November 24, 2010 (75 FR 71635). Before making a finding that temporarily placing a substance into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator must consider three of the eight factors (factors 4, 5, and 6) set forth in section 201(c) of the CSA (21 U.S.C. 811(c)). These factors are the history and current pattern of abuse, the scope, duration, and significance of abuse, and what, if any, risk there is to the public health, including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

The temporary placement of these five synthetic cannabinoids into Schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety. First, these substances are not intended for human consumption, but there has been a rapid and significant increase in abuse of these substances in the United States. As a result of this abuse, synthetic cannabinoids are banned in at least 18 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 cannabinoids. Second, law enforcement has seized synthetic cannabinoids in conjunction with controlled substances and based on self-reports to law enforcement and health care professionals, synthetic cannabinoids are abused for their psychoactive properties. Third, numerous state and local public health departments and poison control centers have issued health warnings describing the adverse health effects associated with synthetic cannabinoids. Based on scientific data currently available, these five substances have the potential to be extremely harmful and, therefore, pose an imminent hazard to the public safety.

#### **History and Current Pattern of Abuse**

A "cannabinoid" is a class of chemical compounds in the marijuana plant that are structurally related. The cannabinoid [Delta]9- tetrahydrocannabinol (THC) is the primary psychoactive constituent of marijuana. "Synthetic cannabinoids" are a large family of chemically unrelated structures functionally (biologically) similar to THC, the active principle of marijuana.

Two of the five synthetic cannabinoids (CP-47,497 and cannabicyclohexanol) were synthesized in the early 1980s for research purposes

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in the investigation of the cannabinoid system. JWH-018, JWH-073, and JWH-200 were prepared in the mid-1990s and evaluated to further advance understanding of drug-receptor interactions regarding the cannabinoid system. Developed and evaluated as research tools, no other known legitimate uses have been identified for these five synthetic cannabinoids. Furthermore, these five synthetic cannabinoids are not intended for human consumption.

The emergence of these five synthetic cannabinoids represents a recent phenomenon in the U.S. designer drug market. Since the initial identification of JWH-018 by U.S. forensic laboratories, many additional synthetic cannabinoids including JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol have been identified in related herbal incense products and plant food. These synthetic cannabinoids have purported psychotropic effects when smoked or ingested. These substances are typically found in powder form or are dissolved in appropriate solvents, such as acetone, before being sprayed on the plant material contained in the herbal incense products.

The popularity of these THC-like synthetic cannabinoids has significantly increased throughout the United States, and they are being abused for their psychoactive properties as reported by law enforcement, the medical community, and through scientific literature.

Some of the product names include, but are not limited to, "Spice," "K2," and many more. Due to sophisticated marketing, the products that contain these five THC-like synthetic cannabinoids are perceived as "legal" alternatives to marijuana despite the fact that they are typically advertised as herbal incense or plant food (Bonsai- 18) by Internet retailers, tobacco shops, head shops, and other domestic brick and mortar retail venues, and labeled "Not For Human Consumption." No evidence exists that these synthetic cannabinoids have value as an additive to herbal incense products due to the absence of odor associated with the substances.

Based on law enforcement encounters, these five substances are typically found laced on plant material. The plant material is packaged in small pouches or packets, and is being sold over the Internet, in tobacco and smoke shops, drug paraphernalia shops, gas stations, and convenience stores as herbal incense products, giving customers of all ages direct access to these five substances. Research articles propose that the packaging is professional and conspicuous, targeting young people, possibly eager to use cannabis, but who are afraid of the judicial consequences and/or association with illicit drugs.

According to Internet discussion boards and law enforcement encounters reported directly to DEA, these five synthetic cannabinoids are being both abused alone and/or being sprayed on plant material (which is then smoked). The most common route of administration of these synthetic cannabinoids is by smoking (using a pipe, a water pipe, or rolling the drug-spiked plant material in cigarette papers).

These five synthetic cannabinoids alone or spiked on plant material have the potential to be extremely harmful due to their method of manufacture and high pharmacological potency. There is little information regarding the pharmacology, toxicology, and safety of these substances in humans given the minimal amount of pre-clinical investigations undertaken regarding these substances; therefore, the full danger of these drugs has not yet been determined.

As of January 31, 2011, 18 states in the United States and other countries have controlled one or more of the five synthetic cannabinoids. Moreover, all five branches of the military prohibit their personnel from possessing or using synthetic cannabinoids associated with products such as Spice and K2.

#### **Scope, Duration, and Significance of Abuse**

According to forensic laboratory reports, the initial appearance of these synthetic cannabinoids in herbal incense products in the United States occurred in November 2008 when U.S. Customs and Border Protection first encountered products such as Spice.

The increasing abuse of the five synthetic cannabinoids is demonstrated by the increase in federal, state, and local law enforcement activity associated with these substances. The National Forensic Laboratory Information System, a national repository for drug evidence analyses from forensic laboratories across the United States, has reported in excess of 500 exhibits containing synthetic cannabinoid from January 2010 through September 2010. These exhibits came from numerous states across the nation including Alabama, Arkansas, California, Florida, Hawaii, Iowa, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, North Dakota, Nebraska, Nevada, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia.

Even though there is no evidence of legitimate non-research related use for these synthetic cannabinoids, multiple shipments of JWH-018 and JWH-073 have been encountered by U.S. Customs and Border Protection in 2010. One enforcement operation encountered five shipments of JWH-018 totaling over 50 kilograms (110.2 pounds) of powder. In addition, bulk loads of JWH-018 and JWH-200 have been encountered by law enforcement in 2010. For example, in Casper, Wyoming, DEA agents encountered large quantities of herbal incense products laced with the synthetic cannabinoid JWH-018 in conjunction with methamphetamine and other illegal drugs in execution of search and arrest warrants.

On March 24, 2010, the American Association of Poison Control Centers reported receiving 112 calls from 15 states related to synthetic cannabinoids to U.S. poison centers since 2009. Just nine months later, the number of calls increased to over 2,700 from 49 states and the District of Columbia.

#### **What, If Any, Risk There Is to the Public Health**

Health warnings have been issued by numerous state and local public health departments and poison control centers describing the adverse health effects associated with these synthetic cannabinoids and their related products, including agitation, anxiety, nausea, vomiting, tachycardia (fast, racing heartbeat), elevated blood pressure, tremor, seizures, hallucinations, paranoid behavior, and non-responsiveness.

Smoking these synthetic cannabinoids for the purpose of achieving intoxication and experiencing the psychoactive effects has been identified as a reason for emergency room visits and calls to poison control centers. In a fact sheet by the National Drug Court Institute, the problem of synthetic cannabinoid abuse is described as "significant and disturbing." This is supported by information that was communicated to DEA from one of the major private toxicology laboratories. Based on laboratory findings from drug screens for the period of July 2010 through November 2010, over 3,700 specimens tested positive for either JWH-018 or JWH-073. They also indicated that they were finding 30-35% positivity for specimens submitted by juvenile probation departments.

Case reports describe psychotic episodes, withdrawal, and dependence associated with use of these synthetic cannabinoids, similar to syndromes

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observed in marijuana abuse. In addition, based on law enforcement encounters reported directly to DEA, when responding to incidents involving individuals who have reportedly smoked these synthetic cannabinoids, first responders report that these individuals have suffered from intense hallucinations. Moreover, emergency department physicians and toxicologists have reported the adverse health effects associated with smoking herbal incense products laced with these substances. Furthermore, based on law enforcement encounters, suspected Driving Under the Influence of Drug incidents are attributed to the smoking of synthetic cannabinoids. For example, in September 2010, police in Nebraska responded to an incident involving a teenage male who had careened his truck into the side of a residence. After striking the residence and several more items, the teen continued several more yards before coming to a complete stop. Prior to crashing the truck, the individual had driven past a junior high school and nearly struck a child. Upon further investigation, the driver of the vehicle admitted to smoking "Wicked X," a product marketed as "herbal incense" and known to contain synthetic cannabinoids, prior to the accident. Preliminary toxicology reports indicated that the individual did not have any alcohol or other illegal substances in his system.

Detailed chemical analyses by DEA and other investigators have found these synthetic cannabinoids spiked on plant material in herbal incense products marketed to the general public. Product analyses have found variations in both the synthetic cannabinoid found on the plant material and the amount. As proposed in scientific literature, the risk of adverse health effects is further increased by the fact that similar products vary in the composition and concentration of synthetic cannabinoids spiked on the plant material.

Self-reported abuse of these THC-like synthetic cannabinoids either alone (e.g., in pills with the substance in powder form) or spiked on plant material appear extensively on Internet discussion boards, and abuse has been reported to public health officials and law enforcement. The abuse of these substances spiked on plant material is corroborated by forensic laboratory analysis of products encountered by law enforcement.

According to the U.S. Customs and Border Protection, a number of the products and synthetic cannabinoids appear to originate from foreign sources. Product manufacturing operations encountered by law enforcement corroborate that the herbal incense products are manufactured in the absence of quality controls and devoid of regulatory oversight. Law enforcement has encountered the manufacture of herbal

incense products occurring in such places as residential neighborhoods. These products and associated synthetic cannabinoids are readily accessible via the Internet.

Based on the above data, the continued uncontrolled manufacture, distribution, importation, exportation, and possession of JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol pose an imminent hazard to the public safety. DEA is not aware of any recognized therapeutic uses of these synthetic cannabinoids 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). The data available and reviewed for JWH-073, JWH-018, JWH-200, CP-47,497, and cannabicyclohexanol indicate that these synthetic cannabinoids each has a high potential for abuse, no currently accepted medical use in treatment in the United States and a lack of 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 five synthetic cannabinoids: 1- butyl-3-(1-naphthoyl)indole, 1-pentyl-3-(1-naphthoyl)indole, 1-[2-(4- morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2- [(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2- [(1R,3S)-3-hydroxycyclohexyl]-phenol in Schedule I of the CSA and finds that temporary placement of these synthetic cannabinoids 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, JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol 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 JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol or who engages in research or conducts instructional activities with respect to JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol, 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.** JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol 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 March 1, 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 JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol. 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 JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol 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 JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol 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 JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol 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 JWH-018, JWH-073, JWH-200, CP-

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47,497, or cannabicyclohexanol 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 JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol are required to comply with these reporting requirements and shall do so as of March 1, 2011.

8. **Order Forms.** All registrants involved in the distribution of JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol must comply with order form requirements of part 1305 of Title 21 of the Code of Federal Regulations as of March 1, 2011.

9. **Importation and Exportation.** All importation and exportation of JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol 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 March 1, 2011.

10. Criminal Liability. The manufacture, distribution, dispensation, or possession with the intent to conduct these activities; possession; importation; or exportation of JWH-018, JWH-073, JWH-200, CP-47,497, or cannabicyclohexanol not authorized by, or in violation of the CSA or the Controlled Substances Import and Export Act occurring as of March 1, 2011 is unlawful.

*Executive Order 12988*

This final temporary scheduling order meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

*Executive Order 13132*

This final temporary scheduling order does not preempt or modify any provision of State law; nor does it impose enforcement responsibilities on any State; nor does it diminish the power of any State to enforce its own laws. Accordingly, this order does not have federalism implications warranting the application of Executive Order 13132.

*Congressional Review Act*

Pursuant to section 808(2) of the Congressional Review Act, the agency is not required to comply with the Act if it makes a good faith finding that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. It is in the public interest to schedule these cannabinoids immediately because they pose a public health risk. Use of materials spiked with these cannabinoids has been the cause of emergency room visits and calls to poison control centers. The adverse health effects associated with these synthetic cannabinoids and their related products include agitation, anxiety, nausea, vomiting, tachycardia (fast, racing heartbeat), elevated blood pressure, tremor, seizures, hallucinations, paranoid behavior, and non-responsiveness. The materials have been marketed on products that are available to the general public, and their manufacture is devoid of quality controls and unregulated.

This temporary scheduling action is taken pursuant to section 811(h), which is specifically designed to enable DEA to act in an expeditious manner to avoid an imminent hazard to the public safety from new or designer drugs or abuse of those drugs. Section 811(h) exempts the temporary scheduling order from standard notice and comment rulemaking procedures to ensure that the process moves swiftly. For the same reasons that underlie section 811(h), that is, DEA's need to move quickly to place these five cannabinoids into Schedule 1 because they pose a threat to public health, it would be contrary to the public interest to delay implementation of the temporary scheduling order by requiring DEA to undertake the procedures necessary to comply with the Congressional Review Act prior to the order taking effect.

*Unfunded Mandates Reform Act of 1995*

This final temporary scheduling order will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$126,400,000 or more (adjusting for inflation) in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

**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)), the Administrator hereby amends 21 CFR part 1308 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)(1), (2), (3), (4), and (5) to read as follows:

**Sec. 1308.11 Schedule I.**

\*\*\*\*\*

(g) \*\*\*

(1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7297 (Other names: CP-47,497)

(2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, its optical, positional, and geometric isomers, salts and salts of isomers--7298 (Other names: cannabicyclohexanol and CP-47,497 C8 homologue)

(3) 1-Butyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7173 (Other names: JWH-073)

(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7200 (Other names: JWH-200)

(5) 1-Pentyl-3-(1-naphthoyl)indole, its optical, positional, and geometric isomers, salts and salts of isomers--7118 (Other names: JWH-018 and AM678)

Dated: February 18, 2011.

**Michele M. Leonhart,**  
*Administrator.*

[FR Doc. 2011-4428 Filed 2-28-11; 8:45 am]

BILLING CODE 4410-09-P

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# LEGISLATIVE RESEARCH SERVICES

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## Memorandum

TO: Representative Cathy Muñoz  
FROM: Chuck Burnham, Legislative Analyst  
DATE: February 8, 2011  
RE: Comparing States' Laws on Synthetic Cannabinoids to Selected Alaska Drug Laws  
*LRS Report 11.159*

---

***You asked us for information on states' laws on synthetic cannabinoids. Specifically, you asked for an account of where such substances appear on states' schedules of controlled substances and the crime classifications and penalties for possessing those substances. You also asked us to compare those other states' penalties for such crimes to those indicated for possession of substances in Alaska's controlled substance schedules IIA and IIIA.***

---

We identified 11 states with laws prohibiting the possession of synthetic cannabinoids.<sup>1</sup> Classifications and penalties for a first criminal offense of possession in these states range from a Class B misdemeanor in Kentucky, which carries a maximum term of imprisonment of 90 days and a \$250 fine, to an unclassified felony in Georgia, for which an offender is subject to a prison sentence of 2-15 years. In addition to the 11 states that have synthetic cannabinoid prohibitions in place, at least 21 states, including Alaska, are currently considering similar legislation.

In Alaska, as you know, controlled substances are placed on a given level within the schedule of controlled substances based on the degree of danger or probable danger a given drug poses to a person or the public. Those schedules range from "IA," containing the most dangerous substances, to "VIA," which are perceived to be the least dangerous drugs. Possession of a Schedule IIA controlled substance in Alaska constitutes the crime of "misconduct involving a controlled substance in the fourth degree." That offense is a Class C felony punishable by a maximum of 5 years in prison and a \$50,000 fine. Please note, however, that the presumptive sentencing guideline in Alaska is far less severe, and a suspended sentence is possible for a first offense. Possession of a Schedule IIIA controlled substance in Alaska is a Class A misdemeanor for which an offender can receive a maximum of 1 year in prison and a \$10,000 fine.<sup>2</sup>

The attached table summarizes crime classifications and penalties for possessing synthetic cannabinoids in the eleven states where that activity has been criminalized, and compares that information to the crime classification and penalties for possession of items on Alaska's controlled substances Schedules IIA and IIIA. Please note that the penalties listed in our table are either maximum sentences or ranges of incarceration periods. Actual penalties are generally subject to considerable discretion by the sentencing courts.

We hope this is helpful. If you have questions or need additional information, please let us know.

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<sup>1</sup> Those states are Alabama, Georgia, Illinois, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Oklahoma, and Tennessee. According to the National Conference of State Legislatures (NCSL), synthetic cannabinoids are "chemically engineered substances, similar to THC—the active ingredient in marijuana—that, when smoked or ingested, can produce a high similar to marijuana. Initially developed for research related to treatment of pain and the effects of cannabis on the brain, these substances have recently become a popular alternative to marijuana. The NCSL maintains information about these substances and states' responses to the issue at <http://www.ncsl.org/?tabid=21398>.

<sup>2</sup> Controlled Substance Schedules in Alaska are enumerated at AS § 11.71.140-190.

## Comparing States' Laws on Synthetic Cannabinoids to Selected Alaska Drug Laws

State	Citation	Controlled Substance Schedule	Crime Classification (1st Offense--Possession)	Penalty
Alaska	AS § 11.71.040 and § 12.55.125	Schedule IIA (as proposed in HB 7)	Class C felony	Maximum 5 years imprisonment and \$50,000 fine (presumptive sentence is far less--suspended sentence possible)
	AS § 11.71.050	Schedule IIIA	Class A misdemeanor	Maximum 1 year imprisonment and \$10,000 fine
Alabama	CA § 13A-12-213 to 14.1	Not scheduled	Class A misdemeanor	Sentencing guidelines: up to 32 month sentence typically allotted by court among probation, community corrections, county jail/work release or an alternative
Georgia	OCGA § 16-30-25 and 16-13-30	Schedule I	Unclassified felony	2-15 years imprisonment
Illinois	720 ILCS § 570/204 and 402(c) and 730 ILCS § 5/5-4.5-45 and 5-4.5-50	Schedule I	Class 4 felony	1-3 years imprisonment and \$25,000 fine
Kansas	KSA § 21-36a06 and 4708	Schedule I	Class A non-person misdemeanor	Sentencing guidelines: typically, 10-12 months of probation
Kentucky	KRS § 218A.1427 and 534.040	Schedule I	Class B misdemeanor	Maximum imprisonment of 90 days and fine of \$250
Louisiana	LSA § 40:966	Schedule I	Unclassified	Maximum 6 months in jail and \$500 fine
Michigan	MCL § 333.7403	Schedule I	Unclassified misdemeanor	Maximum 1 year imprisonment and \$2,000 fine
Mississippi	MC § 41-29-113 and 139	Schedule I	Unclassified misdemeanor or felony depending upon amount of drug	For example, 0.1 grams to 2 grams, up to 2 years imprisonment and \$50,000 fine; 10-30 grams, 6-24 years imprisonment and up to \$50,000 fine.
Missouri	MRS § 195.202, 558.011, and 560.016	Schedule I	Class A misdemeanor	Maximum 1 year imprisonment and \$1,000 fine
Oklahoma	OSA 63 § 2-204 and § 2-402	Schedule I	Unclassified felony	2-10 years imprisonment and \$5,000 fine
Tennessee	TCA § 39-17-438	Not scheduled	Class A misdemeanor	Sentencing guidelines--wide latitude to courts

**Notes and Source:** This table provides information gleaned from the Lexis database of state statutes on first offenses for possessing small amounts of synthetic cannabinoids or the referenced drug schedule, as applicable. Please note that a variety of crime-specific circumstances and elements of criminal procedure impact actual sentences.

## Testimony for HB7

I would have to start by saying that I never thought I would have had a bad trip on synthetic herb, most times people have bad trips from mushrooms or acid but that herb I had was unlike anything I'd ever heard of. I had started smoking spice in February of this year and smoked on weekends. The appealing side of this herb was that it gave a marijuana like high for about 3 hours with just a couple of hits and the best part being that you didn't have to worry about drug tests because it passed for friends that I knew in the military so passing standard tests was not a problem.

Now another plus to this herb was that unlike normal weed, this herb is not supposed to produce any paranoia, and there was no sign of being high at all, such as no red eye, no half open eyes and you were able to basically be a functional stoner, you could be in public and not look or smell high in anyway. This of course was very appealing to me and many of my friends who also couldn't smoke weed because of drug tests at their jobs.

The brand of spice I had been smoking for about 6 months was called red dawn, spark 20. The herb I smoked the night of my incident was called spike, max. I only had 2 hits and less than 2 minutes later I was losing my perception of what was real in every way, it turned everything into a fuzzy cartoon like picture and I lost control of my legs that I couldn't walk at all. I couldn't talk. I could hear what I thought and what I wanted to say, but all I was spitting out was gibberish. This went on for what felt like many hours. I can remember thinking to myself that I wasn't actually going come out of this craziness and this might be how I end up dying! I remember telling my brother to call 911 and remember going into the ambulance and ending up in the hospital for a day. The doctors haven't had an incident with synthetic herb until that night and I had to basically be flushed out for 10 hours.

I know many people are still going to want to try spice but the fact it's just a bunch of chemicals sprayed on tobacco and nobody knows what the long term affects of this herb are and the scary thing is that this stuff is so easy to purchase. The price has dropped here in town from \$53 a gram down to \$30 a gram, which is just a bit more than the going rate for actual weed.

I would have thought this herb was completely harmless but the fact that a regular smoker such as myself could even have a bad experience as bad as mine was a huge eye opener to just how bad this stuff really is. The fact that it's very easy to get in town and that it only takes a little bit to get to a mind altering high is spooky. I know a large number of kids in town have had a substance abuse problem and this drug is dangerous because of the fact you can have an herb that twists reality in such a way that you can't tell what's real and what's a hallucination. I see this problem getting worse in the near future because it's a new drug that is easy to obtain and has a weed like high and at the same time has dangerous side effects.



January 31, 2011

Alaska House of Representatives

RE: Synthetic Cannabinoids

To Whom it May Concern,

The purpose of this correspondence is to support House Bill 7 that would list certain synthetic cannabinoids found in "K2" or "Spice" as Scheduled controlled substances which will provide law enforcement will have the necessary authority to prosecute the sell and possession of these substances. These drugs are currently being sold in several local vendors which sends the social message that they are not harmful and social acceptable; thereby, increasing the risk for youth consumption and related consequences.

K2/Spice products are a mixture of herbal/spice plant products sprayed with potent psychotropic drugs, often contaminated with unidentified toxic substances which is marketed under variety of names including K2, Spice, Pep Spice, Spice Silver, Spice Gold, Spice Diamond, Smoke, Sence, Skunk, Yucatan Fire, Genie & Zohai and sold in variety of colors/flavors-usually sold in foil packaging

The growing popularity of these drugs is causing increasing alarm among law enforcement officials, lawmakers, and health care professionals across America. "Spice" has been banned by some U.S. domestic and overseas military commands as well as in Germany and other European countries because substances have been identified in the product to have the presence of chemicals with tetrahydrocannabinol (THC)-like effects.

The danger in smoking "Spice" is that the product is unregulated and not manufactured in a controlled environment. Smoking this product could be very harmful because the substance could also include unknown contaminants. Therefore, there is no way to accurately determine what the potential harmful effects could be.<sup>1</sup> Medical officials concur that smoking "Spice" can cause adverse effects to one's health. Hospitals have reported incidents of people, mostly

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<sup>1</sup> 4Mind Hacks: Spice flow: the new street drug pharmacology December 01, 2009, Accessed 13 May 2010 and Wikipedia Accessed 13 May 2010

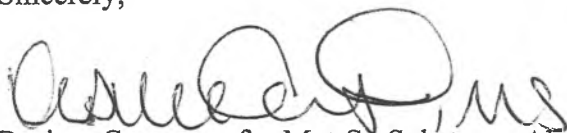
teenagers, visiting emergency rooms for: heart palpitations, respiratory issues, panic attacks, hallucinations, delusions, and, one case where a teen lapsed into a coma.<sup>2</sup>

The Mat-Su Substance Abuse Prevention Coalition seeks to reduce substance abuse among youth by advocating for and implanting evidence-based environmental strategies. These drugs are currently sold at local shops which increases access to the drug and sends the social message to young people that they are acceptable and not harmful.

I have attached legislation adopted by the state of Missouri which contains a list of the compounds used to create these drug which can be used by the Senate as a template to draft a similar bill/ordinance.

The Mat-Su Substance Abuse Prevention Coalition appreciates your time and consideration of this issue. If you would like any additional information, please contact the project coordinator, undersigned. Thank you for your time.

Sincerely,



Desiree Compton, for Mat-Su Substance Abuse Prevention Coalition  
Project Coordinator  
124 W. Swanson, Suite C  
Wasilla, AK 99654  
(907) 373-5818  
[dcompton@unitedwaymatsu.org](mailto:dcompton@unitedwaymatsu.org)



**Vision:** Our vision is to enhance our community by supporting healthy lifestyles and drug free alternatives.

**Mission Statement:** To reduce substance abuse among youth and, over time, among adults by addressing the factors in our community that increase the risk of substance abuse and promoting the factors that minimize the risk of substance abuse.

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<sup>2</sup> "Synthetic Marijuana A Growing Trend Among Teens, Authorities Say", CNN/WIBW.com March 24, 2010.  
Accessed 10 May 2010



## FAIRBANKS POLICE

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January 21, 2011

Representative Cathy Munoz  
State Capitol Room 403  
Juneau AK 99801

Dear Representative Munoz:

As the Chief of Police for the Fairbanks Police Department, I would like to extend my support of House Bill No. 7 "An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances."

According to the U.S. Department of Justice Drug Enforcement Administration, these substances have no known therapeutic use and are known to cause a variety of effects including seizures, hallucinations, psychotic episodes, and non-responsiveness. In addition the Alaska Information Analysis Center (AKIAC) has reported in studies that subjects have reported having difficulties with balance, slurred speech, and being light headed.

These cannabinoids present a significant threat to the safety of Alaska's citizens as long as they remain unclassified. Without this new legislation a person who is under the influence of synthetic cannabinoids while operating a motor vehicle is not in violation of the law. This presents a clear danger to the citizens of Alaska, as someone could potentially be under the influence of a synthetic cannabinoid while driving and experience hallucinations, seizures, or a psychotic episode. This is not a hypothetical situation and the Fairbanks Police Department has already investigated a motor vehicle accident where the driver of the vehicle was having seizures as a result of consuming synthetic cannabinoids.

By classifying synthetic cannabinoids as a schedule II controlled substance, the act of operating a motor vehicle under the influence of a synthetic cannabinoid would become an illegal act. This bill would therefore have a direct impact on the safety of the citizens of the State of Alaska.

Sincerely

A handwritten signature in black ink, appearing to read "Laren Zager", followed by a long horizontal line.

Laren Zager  
Chief of Police  
Fairbanks Police Department



February 14, 2011

Representative Cathy Muñoz  
House of Representatives  
State Capitol  
Juneau AK 99801-1182

Dear Representative Muñoz:

On behalf of our respective organizations, we would like to thank you for introducing HB 7, an Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date.

We met recently to review proposed legislation and decided to unanimously support this bill.

Again, thank you for addressing this issue. Please contact the APOA office in Anchorage at 277-0515 if there is anything our organizations can do to assist in the passage of this bill.

Sincerely,

John Lucking Jr., President  
Alaska Peace Officers  
Association  
PO Box 240106  
Anchorage AK 99524

Tom Clemons, President  
Alaska Association of  
Chiefs of Police  
183 Nelson Ave  
Wasilla AK 99654

Michele Logan, President  
Women Police  
of Alaska  
PO Box 233306  
Anchorage AK 99523

cc: Reps. Carl Gatto, Bob Herron, Beth Kerttula,  
Bob Lynn, and Lance Pruitt

# MUNICIPALITY OF ANCHORAGE



Office of the Municipal Attorney  
Civil Division, Suite 730

Telephone: 907-343-4545  
Fax: 907-343-4550

*Mayor Dan Sullivan*

February 8, 2011

Chairman Carl Gatto  
House Judiciary Committee  
State Capitol, Room 118  
Juneau, Alaska 99801-1182

Vice-Chair Steve Thompson  
House Judiciary Committee  
State Capitol, Room 428  
Juneau, Alaska 99801-1182

Re: House Bill 7 and Senate Bill 17 - *Synthetic Cannabinoids*

Dear Representatives:

The Municipality of Anchorage supports the bills currently before the legislature. As I indicated last Friday before your Committee, the primary reasons to treat synthetic cannabinoids more serious than their organic equivalents is because the potency of the synthetics has been found to be up to 800 times greater than the organic, and the potency from sample to sample varies widely. We have evidence that this high potency induces hallucinogenic reactions and unpredictable behaviors that are far more dangerous to the user, and those who may come into contact with them, than marijuana. The variations in the strength of any one dose can cause users to get a mild reaction in one instance and fall into unconsciousness in another instance. We have had one death in Anchorage that can be directly attributed to the use of synthetic cannabinoids. The Municipality believes felony prosecution for the manufacture, production, distribution, and sale of synthetics is a necessary tool that should be available to law enforcement to discourage the use of these drugs.

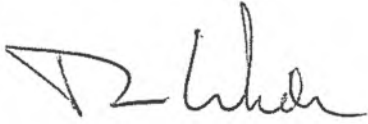
The Municipality supports providing the State Crime Lab with necessary resources to test for these drugs. As of a couple of months ago, we were aware of only two labs nationally that could test for these products in blood or urine. One lab could test urine samples and the other could test blood samples. In order to successfully prosecute people in the chain of production and consumption, we need the capability of testing both seized products and the bodily fluids of users. If properly resourced, having these tests performed locally and having local technicians available to testify, may save both money and time over using out-of-state labs.

February 8, 2011

Page 2 of 2

Please find included in our email the Powerpoint presentation our Traffic Safety Resource Prosecutor uses. We have been making these presentations to the local military, business groups, and governmental agencies. We look forward to providing additional testimony on the bills in the coming weeks. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wheeler". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dennis A. Wheeler  
Municipal Attorney

cc: Sara Gill, Special Assistant to the Mayor



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

February 3, 2011

Representative Cathy Munoz  
Alaska State Legislature  
Capitol Building, Room 403  
Juneau, Alaska 99801

Re: HB 7 – Regulation of Synthetic Cannabinoids

Dear Representative Munoz,

On behalf of the Advisory Board on Alcoholism and Drug Abuse, I would like to express our appreciation of your bringing this important issue to the forefront. Synthetic marijuana or “cannabinoids” pose a grave risk to youth and adults, given the serious health consequences and impairments experienced by users of these drugs.

The dangers posed by synthetic marijuana are serious. While the base products may be natural, the chemicals used to mimic the properties of THC are not approved for human consumption. National news reports on the effects of these products include elevated heart rate and blood pressure, extreme anxiety, poisoning, nausea and vomiting, hallucinations, overdoses, and even addiction.

The American Association of Poison Control Centers reported more than 3,000 calls related to poisoning by synthetic marijuana products in 2010 – and nearly 400 calls since January 1 of this year. The U.S. Army banned use of synthetic marijuana by service members in August 2010. The U.S. Drug Enforcement Agency (DEA) exercised its emergency scheduling authority to **temporarily** control five chemicals used in synthetic marijuana products (JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol). This federal regulation is limited in duration (12-18 months), leaving Alaskans at risk after that time without the state taking action.

The effects of synthetic marijuana are being felt right here in Alaska. News reports of crimes involving these products have come from Fairbanks and Anchorage. The U.S. Army reported courts martial and non-judicial discipline of more than thirty soldiers in Alaska by December 2010. The Anchorage School District reports use by students (though not to the same extent as actual marijuana). Given the health consequences and the role synthetic marijuana can play in criminal activity, there is a more than adequate basis for the regulation of these products to protect the health and safety of Alaskans.

Thank you for your work to protect Alaskans from these harmful products.

Sincerely,

J. Kate Burkhart  
Executive Director

## Kendra Kloster

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**From:** Scott Spickler [sspickler@gmail.com]  
**Sent:** Monday, January 24, 2011 4:07 PM  
**To:** Kendra Kloster  
**Subject:** HB-7,SB17

To Representatives Munoz and Kerttula and Senator Egan

I would like to voice my support for the passage of HB 7 and SB 17 banning synthetic marijuana and the chemical substances that these "Herbal Incense" are laced with.

I feel that for this product to be sold off the shelf by local businesses to anyone is a criminal act and the penalties should be severe enough to discourage the sale and distribution of this meth like product.

The target market for synthetic pot, in my opinion, is typically anyone that is trying to avoid drug use detection by their employers, (including the military), as well as students participating in school sports at districts that have a drug testing program in place.

While people over 18 should know better than to smoke this substance, many do not understand the consequences of inhaling the unregulated chemicals sprayed on these herbs. I fear that the drug is going to cause irreparable harm or death to someone, and sadly that someone will likely be under the age of 18 to get the public's attention and to shed the light on the potential harm that this product can cause. However, passage of a law to criminalize the sale and possession can help circumvent that concern.

The Federal Government regulates the importation of toys painted with lead from China, sometimes not all that well quite honestly. Alaska should join the ranks of several other states that have already passed legislation of this particular poison from being so readily available on store shelves.

We don't need to make it easy for people to gain access to this drug.

Thank you,

Scott Spickler  
10754 Horizon Dr.  
Juneau, AK. 99801

789-3780 W.

## Kendra Kloster

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**From:** frank.b@gci.net on behalf of Frank Bergstrom [frank.b@gci.net]  
**Sent:** Tuesday, January 25, 2011 10:26 AM  
**To:** Kendra Kloster  
**Subject:** HB-7 and SB-17

Honorable Representatives Munoz and Kerttula, and Senator Egan:

Please support the above bills and outlaw synthetic cannabis products (Spice, K2, etc.).

- This family of drugs is intended to produce a high – thus users are impaired in any activities they may undertake (e.g. driving)
- These products appear to be falsely labeled and do not contain herbal plants, but rather cannabinoid compounds related to THC (active ingredient in pot); i.e., they lie

It would appear these products are a thinly veiled effort to bypass anti-marijuana rules to sell pot by-any-other-name. Whether it is pot or other, the stated intent is to produce a drugged high. That alone is sufficient to merit regulation as a controlled substance. At a minimum it should be so regulated – at best it would be made illegal. It's market is based on wriggling around anti-drug law. Let's close the door on the deceptive marketing of pot by-any-other-name. It is a drug (or group of drugs) being made available to the public essentially as an unregulated nutraceutical. This is a sham and should be ended.

Respectfully,

Frank Bergstrom

Frank Bergstrom  
PO Box 22909  
Juneau, AK 99802  
907-523-1995 phone/fax  
907-321-3637 cell  
[frank.b@gci.net](mailto:frank.b@gci.net)

## Kendra Kloster

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**From:** bruce@donabel.biz on behalf of Bruce Abel [bruce@donabel.biz]  
**Sent:** Tuesday, January 25, 2011 10:07 AM  
**To:** Kendra Kloster  
**Subject:** HB-7/SB17

Dear Representatives Munoz and Kerttula and Senator Egan:

I would like express my support and encourage you to pass HB 7 and SB 17 banning synthetic marijuana and the chemical substances that lace these "Herbal Incense". These substances should not be sold to anyone for any reason. The sale of such material should be designated a criminal act with penalties severe enough to discourage their sale and distribution.

As an employer with strict drug use policies the legal sale of synthetic narcotics creates untold liability. I think it is safe to say that if my fully loaded boom truck is in an accident with your loved ones and the driver has been enjoying "Herbal Incense" prior to the accident you won't be satisfied with a defense that the product was sold over the counter by a local business and is legal. Dead is dead. Legalizing these materials creates a liability nightmare for employers, school sports programs and endangers the public.

Alaska has more than its share of substance abuse problems so lets join with other states that have already passed legislation of this particular poison from being so readily available on store shelves.

Sincerely,

Bruce Abel  
President/CEO  
Don Abel Bilding Supply  
9999 Glacier Highway  
Juneau, AK. 99801

## Kendra Kloster

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**From:** Kasen Spickler [kasen\_spickler@hotmail.com]  
**Sent:** Monday, January 24, 2011 8:59 PM  
**To:** Kendra Kloster  
**Cc:** Scott Spickler  
**Subject:** HB-7, SB17

To whom it may concern,

I would like to voice my opinion in favor of banning synthetic marijuana in Alaska. It's a very dangerous drug and it doesn't belong in our state.

I have seen what smoking this does to a person and it was a very scary experience. Vomiting, very intense hallucinations, and high heart rate just to name a few symptoms. I believe if I wasn't around during this episode this person very well could have died. I think it's just a matter of time before it does take someones life.

I hope Alaska follows in many other states footsteps and bans this substance.

Kasen Spickler  
9690 N. Douglas Hwy.  
Juneau, AK 99801

(907) 723-9330