

SB

17

<TARGET><BILL>SB 17</BILL><SUBJECT>SB
17</SUBJECT><COMM>SJUD27</COMM></TARGET>



February 14, 2011

Senator Kevin Meyer
Alaska State Senate
State Capitol
Juneau AK 99801-1182

Dear Senator Meyer:

On behalf of our respective organizations, we would like to thank you for introducing SB 17, 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

27-LS0121\ND
Luckhaupt
2/22/11

CS FOR SENATE BILL NO. 17(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MEYER, Dyson, Giessel

A BILL

FOR AN ACT ENTITLED

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

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

4 * Section 1. AS 11.71.160(f) is amended to read:

5 (f) Schedule IIIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation that contains
7 any quantity of the following substances or that contains any of its salts, isomers,
8 whether optical, position, or geometric, or salts of isomers whenever the existence
9 of those salts, isomers, or salts of isomers is possible within the specific chemical
10 designation:

- 11 (1) hashish;
- 12 (2) hash oil or hashish oil;
- 13 (3) tetrahydrocannabinols;
- 14 (4) parahexyl;

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

4 (6) nabilone;

5 (7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-
6 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

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

10 (9) 1-pentyl-3-(1-naphthoyl)indole, also known as JWH-018;

11 (10) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;

12 (11) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone,
13 also known as JWH-015;

14 (12) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-
15 398;

16 (13) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as
17 JWH-250;

18 (14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;

19 (15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole, also
20 known as JWH-200;

21 (16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
22 yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in
23 this paragraph, "homologue" means a chemical compound in a series in which
24 each compound differs by one or more alkyl functional groups on an alkyl side
25 chain.

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

27-LS0121\I
Luckhaupt
2/8/11

CS FOR SENATE BILL NO. 17()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATORS MEYER, Dyson, Giessel

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9 of those salts, isomers, or salts of isomers is possible within the specific chemical
10 designation:

- 11 (1) hashish;
- 12 (2) hash oil or hashish oil;
- 13 (3) tetrahydrocannabinols;
- 14 (4) parahexyl;

(mannol)

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

4 (6) nabilone;

5 (7) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-
6 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;

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18 (14) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;

19 (15) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole, also
20 known as JWH-200;

21 (16) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
22 yl)phenol, also known as CP 47, 497, and its dimethyloctyl (C8) homologue; in
23 this paragraph, "homologue" means a chemical compound in a series in which
24 each compound differs by one or more alkyl functional groups on an alkyl side
25 chain.

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

ALASKA STATE LEGISLATURE

Interim:
716 West 4th Avenue
Anchorage, Alaska 99501-2133
Phone: (907) 269-0199
Fax (907) 269-0197
Senator_Kevin_Meyer@legis.state.ak.us



Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
Phone: (907) 465-4945
Fax: (907) 465-3476
Toll Free: (866) 465-4945

SENATOR KEVIN MEYER
MAJORITY LEADER

TO: Senator Hollis French, Chair
Senate Judiciary Committee

Ki

FROM: Senator Kevin Meyer

DATE: February 9, 2011

RE: SB 17 Request for Hearing

I respectfully request the Senate Judiciary Committee to schedule a hearing for SB 17, "An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date."

The following documents are attached and will be sent electronically:

- Current version of the bill: 27-LS0121\B
- Sponsor Statement for version B
- Sectional Analysis
- Letters of support
- Back up information
- Fiscal Notes
- Witness/Testimony:
 - Dennis Wheeler, Anchorage Municipality Attorney
 - Jennifer Messick, Assistant Municipal Prosecutor
 - Sgt. Robert Thompson, Fairbanks Police Department
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would make it unlawful to sell, use, purchase, possess, manufacture transport or deliver synthetic cannabinoids otherwise known as "Spice" or "K2."

Please contact Christine if you have any questions regarding this legislation.

Alaska State Legislature



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

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

Senator Kevin Meyer Senate District O

SPONSOR STATEMENT FOR SB 17

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

SB 17 would classify certain synthetic cannabinoids, commonly known as K2 or Spice as a schedule IIA controlled substance.

This new drug is dangerous, cheap and legally available. Sold in smoke shops and gas stations as incense, it is marketed to people who are interested in herbal alternatives to cannabis. Synthetic cannabinoids are inexpensive, accessible and undetectable in most drug tests. Here in Alaska, the drug enjoys some popularity amongst North Slope workers, U.S. Military members and students. The U.S. Drug Enforcement Administration, Municipality of Anchorage and the U.S. Military have all taken action to control or prohibit use of this drug.

Synthetic cannabinoids are abused mainly by smoking organic material which is sprayed with the drug, or prepared in a drink. Users experience severe adverse reactions including dangerously high blood pressure, hallucinations, nausea, vomiting, agitation, delusions, loss of consciousness, and panic attacks. The chemical composition of synthetic cannabinoids is considerably more potent and intense than tetrahydrocannabinol (THC the active ingredient in marijuana).

11 states have passed legislation classifying synthetic marijuana as a controlled substance. 21 states, including Alaska, have introduced similar legislation. Should SB 17 pass, it will be unlawful to sell, use, purchase, possess, manufacture, transport or deliver synthetic cannabinoids.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 27, 2011

SUBJECT: Sectional Summary - SB 17 (Work Order No. 27-LS0121\B)

TO: Senator Kevin Meyer
Attn: Christine Marasigan

FROM: Gerald P. Luckhaupt 
Assistant Revisor

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.71.150(b), by adding certain compounds to the list of Schedule IIA controlled substances contained in that section. The compounds that are being included:

- (21) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210;
- (22) (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 or HU-211;
- (23) 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018;
- (24) 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073;
- (25) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone, also known as JWH-015;
- (26) 1-pentyl-3-(4-chloro-1-naphthoyl)indole, also known as JWH-398;
- (27) 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as JWH-250;
- (28) 1-hexyl-3-(1-naphthoyl)indole, also known as JWH-019;
- (29) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole, also known as JWH-200;
- (30) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47, 497, and homologues

are commonly known, or have been identified by other states or the federal government, as forms of synthetic marijuana.

Section 2 of the bill provides an effective date.

GPL:ljlw
11-053.ljlw

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

January 28, 2011

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

Re: Senate Bill 17

Dear Senator Meyer,

Thank you for introducing Senate Bill 17, *"An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date."*

The Municipality of Anchorage fully supports the passage of SB 17 and its companion bill, HB 7. In the last few years, the use of synthetic cannabinoids has quickly become a significant health and public safety issue.

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

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

Thank you again for introducing this important legislation.

Sincerely,



Dan Sullivan
Mayor



FAIRBANKS POLICE

911 Cushman Street
Fairbanks, Alaska 99701-4616
Phone (907) 450-6500
Fax (907) 452-1588
Email: fpd@ci.fairbanks.ak.us



January 21, 2011

Senator Kevin Meyer
State Capitol Room 103
Juneau AK 99801

Dear Senator Meyer:

As the Chief of Police for the Fairbanks Police Department, I would like to extend my support of Senate Bill No. 17 "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", with a long horizontal flourish extending to the right.

Laren Zager
Chief of Police
Fairbanks Police Department

Advisory Board on Alcoholism
and Drug Abuse



Alaska Mental Health Board

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

February 3, 2011

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

Re: SB 17 – Regulation of Synthetic Cannabinoids

Dear Senator Meyer,

On behalf of the Advisory Board on Alcoholism and Drug Abuse, I would like to express our thanks for your efforts to regulate synthetic marijuana or “cannabinoids.” These products pose a grave risk to youth and adults, causing serious health consequences and impairments to 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 situations requiring medical care due to 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



U.S. Department of Justice

NEWS RELEASE NEWS RELEASE

November 24, 2010

DEA MOVES TO EMERGENCY CONTROL SYNTHETIC MARIJUANA

Agency Will Study Whether To Permanently Control Five Substances

WASHINGTON, D.C. – The United States Drug Enforcement Administration (DEA) is using its emergency scheduling authority to temporarily control five chemicals (JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol) used to make “fake pot” products. Except as authorized by law, this action will make possessing and selling these chemicals or the products that contain them illegal in the U.S. for at least one year while the DEA and the United States Department of Health and Human Services (DHHS) further study whether these chemicals and products should be permanently controlled.

A Notice of Intent to Temporarily Control was published in the *Federal Register* today to alert the public to this action. After no fewer than 30 days, DEA will publish in the *Federal Register* a Final Rule to Temporarily Control these chemicals for at least 12 months with the possibility of a six-month extension. They will be designated as Schedule I substances, the most restrictive category, which is reserved for unsafe, highly abused substances with no medical usage.

Over the past year, smokable herbal blends marketed as being “legal” and 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 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 incense to mask their intended purpose.

Since 2009, DEA has received an increasing number of reports from poison centers, hospitals and law enforcement regarding these products. Fifteen 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 emergency schedule an abused, harmful, non-medical substance in order to avoid an imminent public health crisis while the formal rule-making procedures described in the CSA are being conducted.

“The American public looks to the DEA to protect its children and communities from those who would exploit them for their own gain,” said DEA Acting Administrator Michele M. Leonhart. “Makers of these harmful products mislead their customers into thinking that ‘fake pot’ is a harmless alternative to illegal drugs, but that is not the case. Today’s action will call further attention to the risks of ingesting unknown compounds and will hopefully take away any incentive to try these products.”

##

and other information in your case record, we will try to resolve it. * * *

(Emphasis added). We provide similar definitions of the terms “marked” and “extreme” in the listings section for children, with criteria appropriate to childhood.

Why are we providing a limited reopening of the public comment period?

In response to the NPRM, we received many public comments that seemed to misunderstand our current policy, what changes we were proposing, and how the proposals might affect adults and children. We believe that much of the confusion was caused by our failure to provide sufficiently detailed information about our current policies and where our proposals came from. We apologize for that omission, which we have corrected in this notice.

Although we received a wide variety of comments, we are reopening the public comment period on a limited basis to specifically address the misunderstanding of our current and proposed policy regarding the use of standardized tests. We are requesting public comment only on this issue in light of the clarification we are providing in this notice.

Many commenters focused on two aspects of our proposed rule: (1) A definition of “marked” based on a standardized test score that is two standard deviations below the mean; and, (2) a separate definition of “marked” based on functioning that would be the equivalent of such a score if there were a standardized test. As discussed above, neither of these proposals represents new policy; both are based on our longstanding rules. However, some commenters said that our proposal would encourage our adjudicators to use standardized tests. Many said that we should drop all reference to standardized tests in the mental illness sections of the proposed rules and that the change would reduce the number of children and adults with serious mental disorders who qualify for disability benefits. Some who are already beneficiaries or who have family members who are beneficiaries were concerned that they would lose their benefits.

We did not intend for, and do not believe that, our proposed rules would do any of these things. The childhood mental disorders listings have contained a provision defining “marked” limitation as a score that is two standard deviations below the mean on a standardized test for 20 years. We developed those rules with information

we received from a group of mental health experts. We did not propose to change that provision or the way we determine disability in children with serious mental disorders. We proposed only to extend the provision to adults since it has worked well in childhood claims.

The proposed rules for adults and children do not state that adjudicators should obtain standardized tests, encourage them to do so, or indicate that there are standardized tests for all serious mental disorders. Rather, our proposed rules state only that if a person has a standardized test and the scores are two standard deviations below the mean, the test will show that the person has a “marked” limitation. Consistent with our current childhood rules, the proposed rules also state that adjudicators must not rely on the results of standardized tests alone but must consider all of the evidence in the person’s case record.

Since the beginning of 2001, our functional equivalence regulation has contained an alternative rule defining “marked” limitation for children based on functioning that would be consistent with a score on a standardized test that is two standard deviations below the mean, if there were such a test. As with the provision for actual scores from an actual test, the rule provides that we will find that the child has a marked limitation if the child is functioning at that level. The regulation section, like the proposed rule for the mental disorders listings, also provides other definitions for the term “marked.” We began using this regulation in 1997, 13 years ago. The number of awards of children who apply for SSI has not fallen since that time.¹³ Given this experience, we believe that it was appropriate to include the rule in both the adult and child mental disorders listings.

Perhaps most importantly, it appeared that many commenters did not understand that we do not deny a person’s claim merely because his or her impairment(s) does not meet or medically equal the criteria of our listings. As under our current rules, adults with mental disorders who cannot perform their past work or a significant number of jobs in the national economy considering their age, education, and work experience would still be able to qualify under other rules we have for finding persons disabled.

¹³ You may look up our award data for children under SSI by year in the *SSI Annual Statistical Report*, available at: http://www.socialsecurity.gov/policy/docs/statcomps/ssi_asr/2009/ssi_asr09.pdf.

We also want to make clear that we do not reexamine the entitlement of beneficiaries when we revise listings. When we periodically perform continuing disability reviews to determine if beneficiaries are still disabled, we continue to use the same listing section we used to make our most recent favorable decision.¹⁴ Thus, beneficiaries who qualified under a current listing would continue to qualify as long as their impairments continued to meet or medically equal the current listing.

In light of the importance of this issue and the widespread misunderstanding of our proposed rules, we are reopening the comment period for the limited purpose of allowing interested persons to provide any additional comments they may have on our proposed policy regarding the use of standardized tests.

Michael J. Astrue,
 Commissioner of Social Security.
 [FR Doc. 2010–29577 Filed 11–23–10; 8:45 am]
 BILLING CODE 4191–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–345N]

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

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

ACTION: Notice of Intent.

SUMMARY: The Deputy Administrator of the Drug Enforcement Administration (DEA) is issuing this notice of intent to temporarily place five synthetic cannabinoids into the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions under 21 U.S.C. 811(h) of the CSA. 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 intended action is based on a finding by the DEA Deputy

¹⁴ See 404.1594(c)(3)(i), 416.994(b)(2)(iv)(A), and 416.994a(b)(2).

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. Finalization of this action will impose criminal sanctions and regulatory controls of Schedule I substances under the CSA on the manufacture, distribution, possession, importation, and exportation of these synthetic cannabinoids.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, Ph.D., 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@dea.usdoj.gov.

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. 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 Administrator of DEA (28 CFR 0.100). The Administrator has redelegated this function to the Deputy Administrator, pursuant to 28 CFR, appendix to subpart R, section 12.

Section 201(h)(4) of the CSA (21 U.S.C. 811(h)(4)) requires the Deputy Administrator to notify the Assistant Secretary for Health, delegate of the Secretary of Health and Human Services, of her intention to temporarily place a substance into Schedule I of the CSA. Comments submitted by the Assistant Secretary for Health in response to this notification, including whether there is an exemption or approval in effect for the substance in question under the Federal Food, Drug and Cosmetic Act, shall be taken into consideration before a final order is published.

In making a finding that placing a substance temporarily into Schedule I of

the CSA is necessary to avoid an imminent hazard to the public safety, the Deputy Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA (21 U.S.C. 811(c)). These factors are as follows: (4) History and current pattern of abuse; (5) The scope, duration and significance of abuse; and (6) What, if any, risk there is to the public health.

Synthetic Cannabinoids

Synthetic cannabinoids have been developed over the last 30 years for research purposes to investigate the cannabinoid system. No legitimate non-research uses have been identified for these synthetic cannabinoids. They have not been approved by the U.S. Food and Drug Administration for human consumption. These THC-like synthetic cannabinoids, 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-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue), are so termed for their THC-like pharmacological properties. Though they have similar properties to *delta*-9-tetrahydrocannabinol (THC) found in marijuana and have been found to be more potent than THC in animal studies. Numerous herbal products have been analyzed and JWH-073, JWH-018, JWH-200, CP-47,497, and cannabicyclohexanol have been identified in varying mixture profiles and amounts spiked on plant material.

Factor 4. History and Current Pattern of Abuse

The emergence of these synthetic cannabinoids represents a recent phenomenon in the designer drug market. Since the initial identification of JWH-018 in December 2008, many additional synthetic cannabinoids with purported psychotropic effects have been identified in related products. The popularity of these THC-like synthetic cannabinoids has greatly increased in the United States and they are being abused for their psychoactive properties. Primarily found laced on plant material, these synthetic cannabinoids are also being abused alone as self-reported on Internet discussion boards. This abuse has been characterized by both acute and long term public health and safety problems. Even though there is no accepted use for these synthetic cannabinoids, multiple shipments of JWH-018 and JWH-073 have been intercepted by U.S. Customs

and Border Protection in 2010, with one being in excess of 50 kilograms. Additionally, bulk loads of JWH-018 and JWH-200 have been seized by law enforcement in 2010. In Casper, Wyoming, products seized in a raid, which were laced with synthetic cannabinoids, were found in conjunction with illicit drugs.

The products containing these THC-like synthetic cannabinoids are marketed as "legal" alternatives to marijuana and are being sold over the Internet and in tobacco and smoke shops, drug paraphernalia shops, and convenience stores. These 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. DEA has been made aware that smoking these synthetic cannabinoids for the purpose of achieving intoxication and experiencing the psychoactive effects is identified as a reason for emergency room visits and calls to poison control centers.

As of October 15, 2010, 15 states in the United States, European and Scandinavian countries have controlled one or more of the synthetic cannabinoids DEA is temporarily scheduling here.

Factor 5. Scope, Duration and Significance of Abuse

According to forensic laboratory reports, the first appearance of these synthetic cannabinoids in the United States occurred in November 2008, when U.S. Customs and Border Protection analyzed "Spice" products. From January 2010 through September 2010, the National Forensic Laboratory Information System, a national repository of drug evidence analyses from forensic laboratories across the United States, reported over 500 exhibits relating to these synthetic cannabinoids from various States including Alabama, Arkansas, California, Florida, Hawaii, Iowa, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, North Dakota, Nebraska, Nevada, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia. Additionally, the American Association of Poison Control Centers (AAPCC) has reported receiving over 1,500 calls as of September 27, 2010, relating to products spiked with these synthetic cannabinoids from 48 states and the District of Columbia.

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

JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol share pharmacological similarities with the Schedule I substance THC. Health warnings have been issued by numerous state public health departments and poison control centers describing the adverse health effects associated with these synthetic cannabinoids and their related products including agitation, anxiety, vomiting, tachycardia, elevated blood pressure, seizures, hallucinations and non-responsiveness. Case reports describe psychotic episodes, withdrawal, and dependence associated with use of these synthetic cannabinoids, similar to syndromes observed in cannabis abuse. Emergency room physicians have reported admissions connected to the abuse of these synthetic cannabinoids. Additionally, when responding to incidents involving individuals who have reportedly smoked these synthetic cannabinoids, first responders report that these individuals suffer from intense hallucinations. Detailed chemical analysis by DEA and other investigators have found these synthetic cannabinoids spiked on plant material in products marketed to the general public. The risk of adverse health effects is further increased by the fact that similar products vary in the composition and concentration of synthetic cannabinoids(s) spiked on the plant material.

Self-reported abuse of these THC-like synthetic cannabinoids alone and spiked on plant material appear on Internet discussion boards. According to self-reports, these substances are cannabis-like (or THC-like) in their psychoactive effects and are more potent than THC in this regard. The most common route of administration of these synthetic cannabinoids is by smoking, using a pipe, water pipe, or rolling the drug-spiked plant material in cigarette papers.

The marketing of products that contain one or more of these synthetic cannabinoids is geared towards teens and young adults. Despite disclaimers that the products are not intended for human consumption, retailers promote that routine urinalysis tests will not typically detect the presence of these synthetic cannabinoids.

Furthermore, a number of the products and synthetic cannabinoids appear to originate from foreign sources and are manufactured in the absence of quality controls and devoid of regulatory oversight. These products

and associated synthetic cannabinoids are readily accessible via the Internet.

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 have a high potential for abuse, no currently accepted medical use in treatment in the United States and are not safe for use under medical supervision.

Based on the above data, the continued uncontrolled manufacture, distribution, importation, exportation, and abuse 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. As required by section 201(h)(4) of the CSA (21 U.S.C. 811(h)), the Deputy Administrator in a letter dated October 6, 2010, notified the Assistant Secretary of Health of the intention to temporarily place five synthetic cannabinoids in Schedule I.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Deputy 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 placement of these synthetic cannabinoids into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

Because the Deputy Administrator finds that it is necessary to temporarily place these synthetic cannabinoids into Schedule I to avoid an imminent hazard to the public safety, the final order, if issued, will be effective on the date of publication of the order in the **Federal Register**. JWH-018, JWH-073, JWH-200, CP-47,497, and cannabicyclohexanol will be subject to the regulatory controls and administrative, civil and criminal sanctions applicable to the manufacture, distribution, possession, importing and exporting of a Schedule I controlled substance under the CSA. Further, it is the intention of the Deputy Administrator to issue such a final order as soon as possible after the expiration

of thirty days from the date of publication of this notice and the date that notification was transmitted to the Assistant Secretary for Health.

Regulatory Certifications*Regulatory Flexibility Act*

The Deputy Administrator hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 601-612), has reviewed this regulation, and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This action provides a notice of intent to temporarily place 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 into Schedule I of the CSA. DEA is not aware of any legitimate non-research uses for these synthetic cannabinoids in the United States.

Executive Order 12988

This regulation 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 rulemaking 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 rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule 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.

Congressional Review Act

This rule is not a major rule as defined by 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1308

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

Under the authority vested in the Attorney General by section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Deputy Administrator of the DEA by Department of Justice regulations (28 CFR 0.100, and section 12 of the Appendix to Subpart R), the Deputy Administrator hereby intends to order that 21 CFR part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

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

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

2. Section 1308.11 is amended by adding new paragraphs (g)(1), (2), (3), (4), and (5) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7297

(Other names: CP-47,497)

(2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7298

(Other names: cannabicyclohexanol and CP-47,497 C8 homologue)

(3) 1-Butyl-3-(1-naphthoyl)indole-7173

(Other names: JWH-073)

(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole-7200

(Other names: JWH-200)

(5) 1-Pentyl-3-(1-naphthoyl)indole-7118

(Other names: JWH-018 and AM678)

Dated: November 15, 2010.

Michele M. Leonhart,
Deputy Administrator.

[FR Doc. 2010-29600 Filed 11-23-10; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2010-0062]

RIN 1625-AA00

Safety Zone; Fleet Week Maritime Festival, Pier 66, Elliot Bay, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulation establishing a permanent safety zone extending 100 yards from Pier 66, Elliot Bay, WA to ensure adequate safety during the parade of ships and aerial demonstration for Fleet Week. This supplemental notice of proposed rulemaking introduces revisions to enforcement dates, times and location of this safety zone. This safety zone is necessary in order to restrict vessel movement for participant and spectator safety in the proximity of Pier 66, Elliot Bay, WA to provide unencumbered access for response craft in the event of an emergency during the annual parade of ships and aerial demonstration.

DATES: Comments and related material must be received by the Coast Guard on or before December 27, 2010.

ADDRESSES: You may submit comments identified by docket number USCG-2010-0062 using any one of the following methods:

(1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail LTJG Ashley M. Wanzer, Sector Puget Sound Waterways

Management Division, Coast Guard; telephone 206-217-6175, e-mail SectorSeattleWWM@uscg.mil. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-0062), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2010-0062" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½; by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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**State Legislation on Synthetic Cannabinoids
Pending on January 18, 2011**

As of January 18, 2011, 21 states had legislation pending to modify existing laws or create new laws relating synthetic cannabinoids.

2011 PENDING LEGISLATION

Alaska H 7

Classifies certain synthetic cannabinoids as schedule IIA controlled substances.

Alaska S 17

Classifies certain synthetic cannabinoids as schedule IIA controlled substances.

Arkansas S 2

Amends the schedule VI substances regarding drugs in the criminal code; declares an emergency.

Arizona H 2167

Relates to definition of dangerous drugs; relates to synthetic.

Florida H 39

Relates to controlled substances; defines term homologue for purposes of Florida Comprehensive Drug Abuse Prevention and Control Act; includes certain hallucinogenic substances on list of controlled substances in Schedule I; reenacts provisions to incorporate amendment.

Florida S 336

Revises the list of controlled substances included in Schedules I, II, III, IV, and V.

Florida S 204

Relates to controlled substances; defines the term homologue for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; includes certain hallucinogenic substances on the list of controlled substances in Schedule I; reenacts specified provisions relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code.

Iowa H 33

Adds hallucinogenic substances to the list of schedule I controlled substances; adds salvia divinorum and salvinorin A to the list of schedule I controlled substances; adds certain synthetic cannabinoids to the list of schedule I controlled substances in addition to the tetrahydrocannabinols and synthetic equivalents listed in schedule I.

Iowa S 35

Adds certain synthetic cannabinoids to the list of schedule I controlled substances; adds certain synthetic cannabinoids, also known as K2, to the list of schedule I controlled substances in addition to the tetrahydrocannabinols and synthetic equivalents listed in schedule I under Code section 124.204; A schedule I



controlled substance is considered to have a high potential for abuse and no medical purpose in treatment in the United States.

Iowa SSB 1016

Revises the lists of drugs on the controlled substances schedules, and provides penalties; removes marijuana from schedule I and reclassifies it as a schedule II controlled substance; strikes references to the authority of the board of pharmacy to adopt rules for the use of marijuana or tetrahydrocannabinols for medicinal purposes.

Iowa HSB 5

Adds hallucinogenic substances to the list of schedule I controlled substances; adds salvia divinorum and salvinorin A", also known as divinorin A to the list of schedule I controlled substances; adds certain synthetic cannabinoids, also known as "K2", to the list of schedule I controlled substances in addition to the tetrahydrocannabinols and synthetic equivalents listed in schedule I under Code section 124.204(4)(u); A schedule I controlled substance is considered to have a high potential.

Indiana S 152

Relates to synthetic cannabinoids; defines synthetic cannabinoid and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments and corrections.

Indiana S 5

Relates to synthetic cannabinoids; defines synthetic cannabinoid and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments.

Indiana H 1102

Relates to possession or manufacture of synthetic cannabinoid; defines synthetic cannabinoid and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments.

Indiana H 1277

Prohibits sale of synthetic cannabinoids; defines "synthetic cannabinoid" and makes dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; enhances the penalty based on the same weights used to enhance the penalty for dealing in, manufacturing, or delivering hash oil or hashish; makes conforming amendments and a technical correction.

Indiana S 448

relates to spice; defines "synthetic cannabinoid" and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments.

Indiana S 57

Relates to synthetic cannabinoids; defines synthetic cannabinoid and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments.

Indiana H 1315



Relates to spice and salvia divinorum; defines synthetic cannabinoid and makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid or salvia divinorum equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish; makes conforming amendments and a technical correction.

Kentucky H 121

Relates to crimes and punishments and declaring an emergency; bans possession, trafficking, or manufacture of 3,4-methylenedioxypropylone the primary ingredient of a drug with a street name "dove"; amend various sections of KRS Chapters 217 and 218A and KRS 530.064 relating to unlawful transaction with a minor to conform.

Minnesota H 57

Relates to public safety; establishes the crimes of sale or possession of synthetic cannabinoids; provides for a penalty.

Minnesota S 7

Relates to public safety; adds synthetic marijuana to the list of Schedule I controlled substances; prescribes criminal penalties.

Mississippi S 2163

Conforms the punishment for the illegal possession, manufacture and sale of synthetic cannabinoids to the punishment for the illegal possession, manufacture and sale of marijuana.

Mississippi S 2226

Includes cathinone derivatives in Schedule I; clarifies the punishment for offenses involving synthetic cannabinoids; clarifies the punishment for offenses involving synthetic cannabinoids.

Mississippi H 518

Includes synthetic Cannabinoids in schedule I.

Mississippi S 2369

Relates to cathinone derivatives in schedule I and to clarify the punishment for offenses involving synthetic cannabinoids; clarifies the punishment for offenses involving synthetic cannabinoids.

Mississippi H 869

Amends existing code, to include cathinone derivatives in Schedule I and to clarify the punishment for offenses involving synthetic cannabinoids; clarifies the punishment for offenses involving synthetic cannabinoids.

Montana H 185

Bans synthetic marijuana; relates to crimes; relates to alcohol and drugs.

North Dakota S 2119

Relates to the scheduling of controlled substances; modifies provisions of the controlled substance schedule relating to certain substances, including tetrahydrocannabinols and synthetic cannabinoids.

New Jersey A 2644

Adds certain cannabis-like chemical substances to list of controlled dangerous substances.

New Jersey S 2606



Adds certain cannabis-like chemical substances to list of controlled dangerous substances.

New York S 1834

Prohibits sale or distribution of any product containing a synthetic cannabinoid; defines the chemical compounds which constitute a synthetic cannabinoid; imposes a civil penalty of not more than \$500 for a violation thereof; creates defenses based on over the counter drugs approved by the federal food and drug administration or lack of knowledge that the product contained a synthetic cannabinoid.

Oregon H 2462

Directs State Board of Pharmacy to classify certain synthetic cannabinoid compounds as Schedule I controlled substances; declares emergency, effective on passage.

Oregon H 2709

Directs State Board of Pharmacy to classify certain synthetic cannabinoid compounds as Schedule I controlled substances; declares emergency, effective on passage.

South Carolina H 3137

Relates to materials, compounds, mixtures, and preparations classified as schedule i drugs, add synthetic cannabis to the list of schedule I drugs.

South Carolina H 3144

Relates to materials, compounds, mixtures, and preparations classified as schedule i drugs, add synthetic cannabis to the list of schedule I drugs.

South Carolina S 78

Relates to materials, compounds, mixtures, and preparations classified as schedule I drugs; adds synthetic cannabis to the list of schedule I drugs.

Texas H 49

Relates to the addition of certain synthetic derivatives of marihuana to Penalty Group 2 of the Texas Controlled Substances Act.

Texas H 108

Relates to the addition of a synthetic derivative of marihuana to Penalty Group 2 of the Texas Controlled Substances Act.

Texas H 597

Relates to adding certain synthetic cannabinoids to Penalty Group 2 of the Texas Controlled Substances Act.

Texas S 331

Relates to adding certain synthetic cannabinoids to Penalty Group 2 of the Texas Controlled Substances Act.

Utah H 23

Modifies provisions relating to the Utah Controlled Substances Act by creating a controlled class of listed synthetic cannabinoid substances found in products often referred to as spice.

Utah H 200

Modifies the Criminal Code prohibiting the sale, distribution, and other activities relating to products containing a synthetic cannabinoid to any person under 19 years of age; provides advertising restrictions for



products containing a synthetic cannabinoid; prohibits a person from providing a product containing a synthetic cannabinoid to any person under 19 years of age.

Virginia H 1243

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1427

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1434

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1473

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act; relates that notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1481

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act; relates that the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1778

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 (Section 54.1-3446) of the Drug Control Act ([Section] 54.1-3400 et seq.); provides that the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 1878

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act; provides that the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia H 2049

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 (Section 54.1-3446) of the Drug Control Act ([Section] 54.1-3400 et seq.); notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for



possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 745

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 746

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 748

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 749

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 of the Drug Control Act, notwithstanding the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 926

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule I (Section 54.1-3446) of the Drug Control Act ([Section] 54.1-3400 et seq.); Notwithstands the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule I, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana.

Virginia S 1082

Adds synthetic marijuana (known as K2 and Spice and various other names) to Schedule I of the Drug Control Act.

Virginia S 1186

Creates a new category for synthetic marijuana as a series of controlled substances listed in Schedule 1 (Section 54.1-3446) of the Drug Control Act ([Section] 54.1-3400 et seq.); Notwithstands the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule 1, punishment for possession and distribution of synthetic marijuana is largely in accord with the provisions for actual marijuana; provides that has an emergency clause.

Virginia S 1373

Creates a new category for synthetic cannabinoids as a series of controlled substances listed in Schedule I (Section 54.1-3446) of the Drug Control Act ([Section] 54.1-3400 et seq.); Notwithstands the provisions regarding punishment for possession and distribution of controlled substances listed in Schedule I,



punishment for possession and distribution of synthetic cannabinoids is largely in accord with the provisions for actual marijuana.

Washington S 5101

Places certain synthetic cannabinoids into schedule I of the uniform controlled substances act.

West Virginia H 2505

Adds synthetic cannabinoids and hallucinogens and stimulants to the Schedule I list of controlled substances (K2).

West Virginia S 63

Extends number of prohibited products included in definition of salvia divinorum.

Wyoming H 62

Relates to the Wyoming Controlled Substances Act; conforms punctuation and spelling in the act to terminology in federal law; adds and deleting substances in the various schedules of the act as specified; amends registration requirements as specified; amends methamphetamine precursor sales restrictions to match federal requirements; specifies penalties; authorizes a person to sign a consent for a third party to receive prescription tracking reports; specifies applicability of new registration requirements.

Wyoming S 59

Relates to the Wyoming Controlled Substances Act; adds specified controlled substances to schedule I of the act; authorizes additional positions.



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Synthetic Cannabinoid State Laws

(Updated: January 18, 2011)

State	Related Bill Numbers	Classified as a Schedule I Controlled Substance	Crimes and Penalties	Chemical Substances*
Alabama	HB 697 (2010)	No	Subject to the same penalties as possession of marijuana in the first and second degree.	HU-210; JWH-018; and JWH-073.
Georgia	HB 1309 (2010)	Yes	Not Specified	CP 47, 497 and homologues; HU-210; and JWH-018.
Illinois	HB 6459 (2010)	Yes	Not Specified	JWH-018 and JWH-073.
Kansas	HB 2411 (2010)	Yes	Not Specified	HU-210; JWH-018; and JWH-073.
Kentucky	HB 265 (2010)	Yes	Possession of synthetic cannabinoid is a class B misdemeanor. Trafficking in synthetic cannabinoid and manufacturing synthetic cannabinoids are class A misdemeanors. Subject to the same penalties and exclusions as marijuana for certain controlled substances crimes.	Any chemical compound that contains CP 47, 497 and homologues; dexamabinol; JWH-018; or JWH-073. Excludes synthetic cannabinoids that require a prescription, are approved by the USDA and are legally dispensed.



State	Related Bill Numbers	Classified as a Schedule I Controlled Substance	Crimes and Penalties	Chemical Substances*
Louisiana	HB 121 (2010), HB 173 (2010), and SB 37 (2010)	Yes	Subject to the same penalties as possession, distribution and possession with intent to distribute of marijuana.	CP 47, 497 and homologues; HU-210; JWH-018; and JWH-073.
Michigan	HB 6038 (2010)	Yes	Not Specified	CP 47,497; HU-210; JWH-015; JWH-018; JWH-073; JWH-200; and JWH-250.
Mississippi	SB 2004 (2010)	Yes	Subject to the same penalties and exclusions as marijuana for certain controlled substances crimes.	CP-47, 497 and homologues; HU-210; JWH-018; JWH-019; JWH-073; JWH-200; JWH-250; and JWH-398.
Missouri	HB 1472 (2010)	Yes	Possession of 35 grams or less of synthetic cannabinoids is a class A misdemeanor, and possession of more than 35 grams is a class C felony.	HU-211; Indole or JWH-018; Indole or JWH-073; and Phenol CP 47, 497 and homologues.
Oklahoma	HB 3241 (2010)	Yes	Not Specified	HU-210; JWH-018; and JWH-073.
Tennessee	SB 2982 (2010)	No	Subject to the same penalties as producing, manufacturing, distributing, possessing or possessing with intent to produce, manufacture or distribute salvia divinorium.	HU-210; HU-211; JWH-018; and JWH-073. Excludes synthetic cannabinoids lawfully prescribed or substances approved by the Food and Drug Administration.

*Synthetic Cannabinoid Chemical Substances and Trade Names:

- 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole [trade name: JWH-200]
- 1-Butyl-3-(1-naphthoyl)indole [trade name: JWH-073]
- 1-hexyl-3-(1-naphthoyl)indole [trade name: JWH-019]
- 1-pentyl-3-(1-naphthoyl)indole [trade name: JWH-018]
- 1-pentyl-3-(2-methoxyphenylacetyl)indole [trade name: JWH-250]



- 1-pentyl-3-(4-chloro-1-naphthoyl)indole [trade name: JWH-398]
- 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol [trade name: CP 47, 497 and homologues]
- [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol] [trade name: HU-210]
- (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone [trade name: JWH-015]
- Dexanabinol
- dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol [trade name: HU-211]

NCSL's Criminal Justice Program is in Denver, Colo., at (303) 364-7700 or ci-info@ncsl.org.
Statutes and bills may be edited or summarized; full text can be retrieved from [NCSL's website](#).

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 12-7-10

Submitted by: ASSEMBLY CHAIR TRAINI,
MAYOR DAN SULLIVAN, AND
ASSEMBLY MEMBERS
HONEMAN AND GUTIERREZ
Prepared by: Dept. of Law
For reading: December 7, 2010

ANCHORAGE, ALASKA
AO No. 2010-87(S)

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35**
2 **TO PROHIBIT THE MANUFACTURE, ASSEMBLY, DISTRIBUTION, MARKETING,**
3 **SALE, USE OR POSSESSION OF SUBSTANCES CONTAINING SYNTHETIC**
4 **CANNABINOIDS, TO PROHIBIT THE SALE OR POSSESSION OF**
5 **PARAPHERNALIA RELATED TO THE USE OF SYNTHETIC CANNABINOIDS, TO**
6 **PROVIDE PENALTIES, AND AMENDING SECTION 14.60.030 TO PROVIDE FOR**
7 **CIVIL PENALTIES.**
8

9
10 **WHEREAS**, the Municipality is aware that substances containing synthetic
11 cannabinoids were and are manufactured, or assembled for, or marketed, sold or
12 offered for sale to, residents of the Municipality, including minors; and
13

14 **WHEREAS**, local law enforcement personnel and "first responders" indicate there is
15 an increased use of synthetic cannabinoids, currently marketed and sold under a
16 variety of names, including "K2", "Spice", "Black Mamba", "Blue Pearl", "Genie",
17 "DaScents", "Spike", "Space" and "Zohai"; and
18

19 **WHEREAS**, some users of the synthetic cannabinoids endanger the public by
20 operating vehicles while under the influence and endanger the welfare of first
21 responders; and
22

23 **WHEREAS**, some users experience severe reactions, resulting in unconsciousness,
24 seizures, and hospitalization; and
25

26 **WHEREAS**, users of the drug report the effects are similar to marijuana and LSD
27 usage, including blurred vision, extremely elevated blood pressure, irregular heart
28 rates, hallucinations, delusions, vomiting, euphoria, "highs", and disturbing side
29 effects including feelings of excruciating pain, agitation and loss of control; and
30

31 **WHEREAS**, representatives of businesses selling the substance indicate it is
32 available to minors as well as adults; and
33

34 **WHEREAS**, products containing synthetic cannabinoids are not tested by the Food
35 and Drug Administration (U.S. Department of Agriculture) or other governmental
36 regulatory agency for human consumption and may contain chemicals detrimental to
37 the health and welfare of those ingesting them; and
38

1 **WHEREAS**, medical studies and treatises note deleterious health risks and adverse
2 effects associated with the use of synthetic cannabinoids and products containing the
3 synthetic cannabinoids; and
4

5 **WHEREAS**, despite packaging warning purchasers the products are not for human
6 consumption, the warnings are not being heeded; and
7

8 **WHEREAS**, synthetic cannabinoids are banned in many states and municipalities
9 throughout the United States as a danger to public health and welfare; and
10

11 **WHEREAS**, the smoke emanating from the burning or incineration of synthetic
12 cannabinoids may cause adverse effects on bystanders or those in the vicinity of
13 such activity; and
14

15 **WHEREAS**, it is in the best interest of the Municipality to prohibit the manufacture,
16 assembly, possession, use, sale, marketing, or offering for sale of synthetic
17 cannabinoids within the boundaries of the Municipality to protect the health, safety
18 and welfare of its citizens; now, therefore,
19

20 **THE ANCHORAGE ASSEMBLY ORDAINS:**
21

22 **Section 1.** Anchorage Municipal Code chapter 8.35 is amended by adding a new
23 section to read as follows:
24

25 **8.35.100 [SALE OF] [s] Synthetic cannabinoids.**
26

27 A. It shall be unlawful for any person or **entity** [organization] to knowingly
28 manufacture, assemble, distribute, dispense, sell, attempt to sell, give,
29 trade, barter, transfer, or to otherwise furnish in a single transaction any
30 product or combination of products containing synthetic cannabinoids,
31 such as products commonly known as "K2", "Spice", "Genie",
32 "DaScents", "Zohai" or similar products, [r] **Synthetic cannabinoids**
33 contain[ing] one or more of the following chemical compounds:
34

35 1. HU-210: (6aR, 10aR)-9-(hydroxymehty1)-6,6 dimethyl-3-
36 (2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
37 o1, or 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10,10a-tetrahydro-
38 1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pran-9-methanol;

39
40 2. HU-211: (6aS, 10aS)-9- (hydroxmethyl)-6,6-dimethyl-3-(2-
41 methyloctan-2-y1)-6a,7,10,10a-tetsahydrobenzo[c]chromen-1-
42 ol)(also known as Dexanabinol);

43
44 3. CP47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
45 (2-methyloctan-2-y1)phenol;

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47 4. JWH-018: 1-Pentyl-3-(1-naphthoyl)indole;

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49 5. JWH-019: 1-Hexyl-1-(1-naphthoyl)indole;.

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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[12]. TEMPP: 1-(3-trifluoromethylphenyl) piperazine;
[~~Salvia Divinorum or Salvinorum A; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture or preparation of the plant, its seeds or extracts;~~]
- 12 [13]. BZP: N-benzylpiperazine; or
- 13 [14]. 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 to manufacture synthetic cannabinoids described in subsection A. within the Municipality.
- C. It shall be unlawful for any person or entity [~~organization~~] to recklessly manufacture, assemble, distribute, sell, market, display for sale, or offer for sale within the Municipality products containing synthetic cannabinoids described in subsection A.
- D. Products containing synthetic cannabinoids may not be possessed, ingested, burned, incinerated or ignited in ~~any public place or on any property owned, leased or controlled by the Municipality. For purposes of this section, "public place" includes any public transit vehicle, any public street or other right of way, and any public school building or grounds.~~

- 1 E. A person or **entity** [organization] violating the provisions of subsections
2 A. or B. shall be guilty of a misdemeanor and shall be punishable by:
3
4 1. A fine of not more than \$5,000 or imprisonment of not more than
5 one year, or both.
6
7 F. A person or **entity** [organization] violating the provisions of subsection
8 C. shall be guilty of a misdemeanor and shall be punishable by:
9
10 1. A fine of not more than \$5,000 or imprisonment of not more than
11 6 months, or both.
12
13 G. A person or **entity** [organization] violating the provisions of subsection
14 D. shall be guilty of a misdemeanor and shall be punishable by:
15
16 1. A fine of not more than \$5,000 or imprisonment of not more than
17 6 months, or both.
18
19 H. As an alternative to the remedies, procedures and penalties provided in
20 this title and section 1.45.010, a violation of subsection C. **or D.** may be
21 charged as a civil violation subject to and prosecuted in accordance
22 with title 14, and in such case shall be punishable by a civil penalty in
23 accordance with chapter 14.60.
24
25 I. If, after multiple violations by the same person or entity, the Municipal
26 Attorney and the Anchorage Police Department determine the
27 imposition of criminal penalties or civil fines will not be effective in
28 enforcing this section, the Municipal Attorney may seek any other
29 remedies provided by law, including injunctive relief.
30
31 J. It is not an offense under this section if the person **or entity** was acting
32 at the direction of an authorized agent of the municipality to enforce or
33 ensure compliance with this section.
34
35 K. Any product described in subsection A. found in the illegal possession
36 of any person **or entity** may be confiscated and destroyed by the
37 municipality.
38
39 L. This section does not apply to drugs or substances lawfully prescribed
40 or drugs or substances approved by the federal Food and Drug
41 Administration or drugs or substances specifically permitted by state
42 law.
43
44 **Section 2.** Anchorage Municipal Code section 8.35.010 is hereby amended to read
45 as follows (*the remainder of the section is not affected and therefore not set out*):
46
47 A. The following words, terms and phrases, when used in this chapter,
48 shall have the meanings ascribed to them in this section, except where
49 the context clearly indicates a different meaning:

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

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

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

14.60.030 Fine schedule.

Code Section	Offense	Penalty/Fine
***	***	***
<u>8.35.100 C.</u> <u>or</u> <u>8.35.100 D.</u> <u>[8.36.100B]</u>	Possession or use of synthetic cannabinoid	\$150 for the first violation; \$300 for the second violation; \$600 for subsequent violations
***	***	***

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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09)

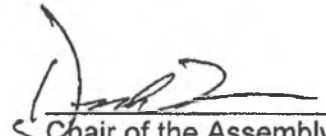
Section 4. The sections, paragraphs, sentences, clauses, phrases and words of this ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or

1 unenforceable by the valid judgment or decree of a Court of competent jurisdiction,
2 such unconstitutionality, invalidity or unenforceability shall not affect any of the
3 remaining words, phrases, clauses, sentences, paragraphs and sections of this
4 ordinance.

5
6 **Section 5.** This ordinance shall be effective on _____, 2010 **upon**
7 **30 days of passage by the Anchorage Assembly.**

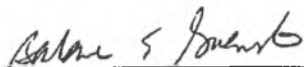
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10 PASSED AND APPROVED by the Anchorage Assembly this 7th day of
11 December, 2010.

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Chair of the Assembly

ATTEST:



Municipal Clerk

Assembly outlaws chemical known as 'synthetic marijuana'

By ROSEMARY SHINOHARA
rshinohara@adn.com
(12/08/10 20:59:04)

A street chemical that authorities say can cause severe reactions will be illegal in Anchorage starting in early January.

The Anchorage Assembly on Tuesday voted unanimously to ban the sale, possession or use of products containing synthetic versions of cannabinoids. The products go by a variety of names such as K2, Spice and Spike, and are found in convenience stores and tobacco shops in parts of the country where they're not illegal.

Cannabinoids, natural and synthetic, are versions of the active ingredients in marijuana.

"These products pose serious and significant health risks up to and including death, and they offer nothing positive to anyone ingesting it," said Assembly member Paul Honeman, a former police officer. Assembly members Honeman, Dick Traini and Mike Gutierrez and Mayor Dan Sullivan sponsored the new city law.

State Sen. Kevin Meyer, R-Anchorage, has pre-filed a legislative bill for consideration next year that would criminalize such products on a statewide basis.

In Anchorage, it will be a misdemeanor to sell, make, have or use products containing cannabinoids starting on Jan. 6.

The Anchorage School District made public its fears about use of the synthetic chemical last April, and said some Anchorage teens have been hospitalized. In October, school district spokeswoman Heidi Embley said regular marijuana is still much more prevalent, and that the district knew of probably only a handful of synthetic cannabinoid cases.

Lawmakers seek ban on Spice, legal synthetic marijuana

SYNTHETIC: Alarming trend sweeps nation, finally gets to Alaska.

By CASEY GROVE
casey.grove@adn.com

(10/20/10 11:41:47)

A new street drug that authorities claim is capable of causing everything from hallucinations and slurred speech to death is sweeping the nation and has made its way to Alaska, according to local police and public officials.

It goes by many names -- Spice, Spike, K2 -- but the new craze among kids, the military and others looking for a high is essentially synthetic marijuana: plant material that can hold any number of various sprayed-on psychotropic compounds.

And for now, it is legal.

State Sen. Kevin Meyer and Anchorage Assembly members Mike Gutierrez and Paul Honeman hope to change that.

The drug can be 600 to 800 times stronger than pot and can cause a physical addiction similar to methamphetamine, Gutierrez said at a press conference Tuesday.

"It's a lot more dangerous than marijuana," Gutierrez said. "Your 14-year-old can walk into a convenience store and, right next to the energy drinks, they can buy it."

Meyer has pre-filed a bill for the state Legislature that would criminalize the drug, and Honeman and Gutierrez plan to introduce a resolution to the Assembly Oct. 26 that would ask local retailers to voluntarily remove it from their shelves until the Legislature has a chance to make it illegal.

Until then, the various types of synthetic pot continue to be marketed as incense and sold in convenience stores and tobacco shops across the country. Everywhere, that is, except 10 states that have already criminalized it.

Driving under the influence of synthetic marijuana can lead to an impaired driving arrest with the same penalties as drunken driving, according to local law enforcement. Hallucinations from smoking it can also compel people to commit other crimes, they say.

A 28-year-old Fairbanks man who told Alaska State Troopers he'd smoked synthetic marijuana early Tuesday morning kicked in the door of an unoccupied home on Goldhill Road, took off all of his clothes and went to sleep in a bed, according to a trooper report.

He did it because "God told him to," troopers said.

In a separate case, in March, a Fort Richardson soldier just back from Iraq was convicted of operating a vehicle while under the influence of Spike. He was arrested after driving his Chevrolet Avalanche over three raised medians, into a concrete wall, and then driving down a sidewalk on flat tires and with a broken axle, according to a police report. The 25-year-old man later admitted to

smoking some Spike, according to the police report.

The arresting officer noted some strange behavior in his report.

"I asked him who was drinking and driving and he said, 'You were,'" wrote Officer Earl Ernest in his report. "He then hollered, 'You drink, you drive, you die.' I asked if he was saying he was going to kill me and he said, 'Yes.' He then threw the cell phone he'd been holding."

The man, who later pleaded guilty to driving under the influence, had no alcohol in his system, according to a breath-alcohol test noted in the police report.

"You may not always have a bad trip, so to speak, but if you do, chances are, you're going to end up in the emergency room, you're going to be seeing the EMTs, you're going to be seeing an ER doc," Gutierrez said.

Some Anchorage teens have been hospitalized, according to the Anchorage School District, which publicized its fears about synthetic marijuana use last April. Still, use of drugs like Spice by Anchorage students does not come close to the number of cases of marijuana use, school district spokeswoman Heidi Embley said.

"You could probably count the number of cases on one hand," Embley said.

Gutierrez and Honeman had not yet compiled a list of Anchorage stores selling Spice and similar smokeable products, but they planned to do so in order to notify stores of their upcoming resolution.

Print Page

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Army punishes 36 for using synthetic pot
SPICE AND K2: U.S. Army Alaska banned head shop product in August.

The Associated Press

(12/21/10 11:33:48)

The U.S. Army Alaska says it has punished 36 soldiers for the use of synthetic marijuana since it banned the substance.

Seven soldiers were tried at courts-martial, and 29 received nonjudicial punishments, the Fairbanks Daily News-Miner reported.

Synthetic marijuana is known as Spice or K2. It's a blend of spices and herbs sprayed with a compound similar to the psychoactive ingredient in marijuana. It's commonly sold in head shops.

Some users think the substance can't be detected in drugs tests. But the Army says its urine tests can now find the chemicals used in Spice.

In March, a 25-year-old Fort Richardson soldier just back from Iraq was convicted of driving under the influence of Spice. He was arrested after driving his Chevrolet Avalanche over three raised medians, into a concrete wall and down a sidewalk with flat tires and a broken axle.

The U.S. Army Alaska banned Spice in August.

It had seen an increase in users with high blood pressure and heart rates admitted to hospitals at Fort Richardson in Anchorage and Fort Wainwright in Fairbanks.

The soldiers have had life-threatening reactions in some cases, the commander of U.S. Army Alaska, Brig. Gen. Raymond Palumbo, wrote in a commentary published in the Fort Richardson and Fort Wainwright newspapers.

"We have no idea what the long-term effects are since the chemicals vary and have not been fully tested," Palumbo wrote. "But we do know that in the short term, bad things happen when people use Spice."

This month, the Anchorage Assembly voted unanimously to make the chemicals illegal in the city as of Jan. 6. It will be a misdemeanor to sell, make, have or use products containing cannabinoids, which are versions of the active ingredients in marijuana. The products are found in convenience stores and tobacco shops in parts of the country where they're not illegal.

In October, state Sen. Kevin Meyer, R-Anchorage, proposed a bill to outlaw Spice after state troopers arrested a Fairbanks man who used the substance, broke into a house, stripped naked and slept in the homeowners' bed. He told troopers God had told him to do so.

The U.S. Drug Enforcement Agency has started a process to outlaw five chemicals commonly used in synthetic marijuana.



U.S. National Library of Medicine
NIH National Institutes of Health

'Fake Marijuana' Users Showing Up in Emergency Rooms

Called 'K2' or 'Spice,' the drug is legal in many states

URL of this page: http://www.nlm.nih.gov/medlineplus/news/fullstory_105434.html (*this news item will not be available after 02/09/2011)

Thursday, November 11, 2010

HealthDay



Photo courtesy: Wikimedia/Schorle

THURSDAY, Nov. 11 --(HealthDay News) -- A form of synthetic marijuana known as "K2" is sending young people to the hospital with racing heart beats, extreme anxiety and hallucinations, toxicologists warn.

In recent months, physicians and toxicologists say more young people have been showing up in emergency rooms after smoking synthetic marijuana. Despite the side effects, K2 is legal in many states, although many state legislators are rushing to pass legislation banning it.

Since the start of 2010, the American Association of Poison Control Centers has received nearly 2,000 reports of people who became ill after smoking K2, compared to about a dozen in 2009. Poison control officials described some of the symptoms as "life-threatening."

K2 is often marketed as incense and sold in packets of herbs laced with synthetic marijuana at "head shops," gas stations, convenience stores and online for about \$30 to \$40 per three-gram bag. The drug also goes by other names, including Spice, Spice Gold, Spice Diamond, Yucatan Fire, Solar Flare, K2 Summit, Genie, PEP Spice, and Fire n Ice, according to the U.S. Drug Intelligence Center.

While people who smoke K2 think they're going to experience deep relaxation and euphoria, those who end up in the hospital report unpleasant experiences, said Dr. Anthony Scalzo, medical director of the Missouri Poison Center and chief of toxicology at St. Louis University.

"The classic symptoms are agitation, anxiety, racing heart beat, elevated blood pressure," Scalzo said. "And some kids are having very negative psychotropic experiences. One said, 'I felt like I went down to hell.'"

In some cases, the drug also causes vomiting, tremors and seizures, according to federal drug abuse agencies.

Scalzo was the first to sound the alarm about K2 earlier this year after seeing a couple of dozen of reports of young people treated at emergency rooms who said they'd smoked K2.

The drug, also sold under the name Happy Shaman Herbs, Smoke, Skunk and Zohai, among others, was developed for study purposes in the mid-'90s in the lab of John Huffman, a Clemson University chemist, who was conducting National Institute on Drug Abuse-supported research on cannabinoids.

The chemical makeup of the drug, which he called JWH-018 and JWH-073, was similar to tetrahydrocannabinol (THC), the active ingredient in marijuana, only considerably more potent.

While THC is a cannabinoid, it's one of many, Huffman said. There are many other substances that interact with the cannabinoid receptors in the brain and other organs, Huffman said.

"These receptors don't exist so that people can smoke marijuana and get high; they play a role in regulating appetite, nausea, mood, pain and inflammation. They may be involved in the development of conditions such as osteoporosis, liver disease and some kinds of cancer," Huffman said. "Synthetic cannabinoids can help us understand these interactions and ultimately this knowledge may contribute to the development of new therapies.

Huffman and his colleagues described JWH-018 and JWH-073 in scientific literature. "Evidently some people have figured out how to make them," Huffman said.

Huffman warned that the drugs were only meant to be used in the lab and were not designed for use in people, Huffman said. "These compounds were not meant for human consumption," Huffman said. "Their effects in humans have not been studied and they could very well have toxic effects. They absolutely should not be used as recreational drugs."

And while the makers of K2 seem to have latched on to JWH-018, many other labs have developed their own synthetic cannabinoids that may also find their way into synthetic marijuana products, Scalzo said.

The K2 craze caught on several years ago Europe, prompting several countries to make synthetic cannabis products illegal.

In the United States, the Drug Enforcement Agency has listed K2 as a "drug or chemical of concern." But because it isn't officially "scheduled," it remains legal under federal law, according to published reports.

Alarmed by the rise in popularity, several states have rushed to outlaw K2. Earlier this year, Kansas became the first state to ban K2. Other states that have outlawed it include Iowa, Missouri, Arkansas, Kentucky, Alabama, Michigan and Illinois (where K2 remains legal until the end of the year). There are similar bills pending in many other states, including Nebraska, North Dakota, Ohio, New York, New Jersey and Louisiana.

Scalzo said the prohibitions don't come a moment too soon. Little is known about the health effects of the drug. But he's heard enough anecdotal reports about strange behavior -- ranging from extreme agitation to withdrawal to a suicide after smoking K2 -- to be concerned.

"This chemical was not meant to be used in any kind of pharmaceutical manner," Scalzo said.

SOURCES: Anthony Scalzo, M.D., chief of toxicology, St. Louis University, St. Louis, Mo.; John Huffman, Ph.D., research professor, organic chemistry, Clemson University, Clemson, S.C.

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Fake Weed, Real Drug: K2 Causing Hallucinations in Teens

By Jeanna Bryner, LiveScience Managing Editor
 posted: 03 March 2010 04:46 pm ET

Teens are getting high on an emerging drug called "fake weed," a concoction also known as K2 and "spice" that is also causing hallucinations, vomiting, agitation and other dangerous effects.

In the last month, Dr. Anthony Scalzo, a professor of toxicology at Saint Louis University, has seen nearly 30 cases of teenagers experiencing these adverse effects after smoking the fake weed, a legal substance that reportedly offers a marijuana-like high.

"K2 use is not limited to the Midwest; reports of its use are cropping up all over the country," Scalzo said. "I think K2 is likely a bigger problem than we're aware of at this time." For instance, Atlanta has seen about 12 cases recently.

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K2 has been sold since 2006 as incense or potpourri for about \$30 to \$40 per three gram bag – comparable in cost to marijuana.

"K2 may be a mixture of herbal and spice plant products, but it is sprayed with a potent psychotropic drug and likely contaminated with an unknown toxic substance that is causing many adverse effects," said Scalzo, who also directs the Missouri Regional Poison Control Center.

Origin of K2

This K2 compound was first created in the mid-1990s in the lab of organic chemist John W. Huffman of Clemson

University, who studies cannabinoid receptors. He's not sure how the recipe for what is named JWH-018 (his initials) got picked up, but he did publish details on a series of compounds including JWH-018 in a book chapter. Even before that book came out, he recalls learning that in China and Korea people were selling the compound as a plant growth stimulant.

As for where it was first smoked or used as a recreational drug, Huffman thinks perhaps somewhere in Europe.

"Apparently somebody picked it up, I think in Europe, on the idea of doping this incense mixture with the compound and smoking it," Huffman told LiveScience. "You can get very high on it. It's about 10 times more active than THC," the active ingredient in marijuana.

From a chemist's perspective, that means K2 has an affinity for the cannabinoid brain receptor (CB1) that's about 10 times greater than THC. For the less chemically inclined, it means you can smoke a lot less K2 to get just as high.

The compound works on the brain in the same way as marijuana's active ingredient THC, or tetrahydrocannabinol. Both compounds bind to the CB1 receptors, which primarily affect the central nervous system. JWH-018 also binds to the peripheral brain (CB2) receptors, which are involved in the immune system, Huffman said.

Hallucinations and delusions

Since JWH-018 or K2 acts like marijuana, you'd expect to see the same effects, including sleepiness, relaxation, reduced blood pressure, and at high doses, hallucinations and delusions.

While some patients between the ages of 14 and 21 were showing up with hallucinations, other symptoms, such as increased agitation and elevated blood pressure and heart rates, didn't match up with marijuana.

Scalza speculates either another compound is responsible for the nasty side effects, or the concentration of JWH-018 is too high.

To answer this question, Scalzo is having doctors test patients' urine for JWH-018 and other compounds, but he is having trouble getting patients to agree to the test.

"This is *not* something that people are agreeing to," Scalzo said during a telephone interview. "Here's a legal substance that we don't know really that much about that people are putting into their bodies without quality control."

And even though doctors like Scalzo say they'd like to help the teens, that's not enough. "Phenomenally, people are saying no. They're afraid someone is going to find something," though Scalzo has no idea why they'd be afraid.

Dangerous drug

Both Scalzo and Huffman agree the drug is dangerous.

Further testing is needed, but Scalzo says the symptoms, such as fast heart beat, dangerously elevated blood pressure, pale skin and vomiting suggest that K2 is affecting the cardiovascular system of users. It also is believed to affect the central nervous system, causing severe, potentially life-threatening hallucinations and, in some cases, seizures.

"It's like playing Russian roulette. You don't know what it's going to do to you," Huffman said. "You're a potential winner of a Darwin award," referring to the tongue-in-cheek awards given to people who "do a service to humanity by removing themselves from the gene pool."

In addition to the compound being made without strict quality control or any regulation, as far as anyone knows, the compound itself has never been tested on humans. And when it was tested on mice, Huffman said, the animals were euthanized at the end of the experiment, so scientists don't even know how it affects mice long-term. "And mice are not humans," Huffman said.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB017
 () Publish Date _____

Identifier (file name) SB017-DPS-DET-02-07-11 Dept. Affected Public Safety
 Title "An Act classifying certain synthetic cannabinoids as controlled substances." Appropriation Alaska State Troopers
 Sponsor Senator Meyer Allocation AST Detachments
 Requester Senate Health & Social Services OMB Component Number 2325

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
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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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 Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version

Not applicable, initial version.

Prepared by Lt. Rodney Dial
 Division Alaska State Troopers
 Approved by Joseph Masters, Commissioner
Department of Public Safety

Phone (907) 247-4480
 Date/Time 2/7/11 3:38 PM
 Date 2/7/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB017

Analysis

This legislation would amend AS 11.71.150 by adding several synthetic drugs as schedule IIA controlled substances. It is not estimated that this bill will significantly increase the workload of the division of Alaska State Troopers. There is no fiscal cost to the AST as a result of this legislation.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB017
 () Publish Date _____

Identifier (file name): SB017-LAW-CRIM-02-04-11 Dept. Affected Law
 Title An Act classifying certain synthetic cannabinoids as schedule IIA controlled substances; and providing for an effective date. Appropriation Criminal
 Allocation Criminal Justice Litigation
 Sponsor Senator(s) Meyer
 Requester (S) Health and Social Services 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
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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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)								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

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 2/4/11 4:30 PM
 Date 2/4/2011

FISCAL NOTE

**STATE OF ALASKA
2011 LEGISLATIVE SESSION**

BILL NO. SB017

Analysis

This bill adds several chemical forms of Synthetic cannabinoids to Schedule IIA of Alaska's prohibited substance Schedules. Currently, marijuana, a natural form of cannabis, 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 SB 17
 () Publish Date 1/18/2011

Identifier (file name) SB017-DOC-OC-02-04-11
 Title "An Act classifying synthetic cannabinoids as schedule IIA"
 Sponsor Senator Meyer
 Requester Health & Social Services Committee
 Dept. Affected DOC
 Appropriation Admin & Support
 Allocation Commissioner's Office
 OMB Component Number 684

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
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants								
Miscellaneous								
TOTAL OPERATING	**	**	**	**	**	**	**	**

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES								
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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)								
TOTAL	**	**	**	**	**	**	**	**

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 2/4/2011 9:00 a.m.
 Date 2/4/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB 17

Analysis

This legislation makes synthetic cannabinoids a schedule IIA controlled substance. Currently, possession of a schedule IIA is a Class C felony with a possible sentence of 0-2 years. Manufacturing or delivering a schedule IIA controlled substance is a Class B felony with a possible sentence of 0-4 years. The current average daily cost to house an inmate is \$136.44. Therefore, housing an offender could cost the department anywhere from \$0.0 (no time served) to \$199.2 (for a 4-year sentence).

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

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB017
 () Publish Date _____

Identifier (file name) SB017-DPS-LAB-02-02-11 Dept. Affected Public Safety
 Title "An Act Relating to Synthetic Cannabinoids As Schedule IIA" Appropriation Statewide Support
 Allocation Laboratory Services
 Sponsor Senator Meyer
 Requester Senate Health & Social Services 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
OPERATING EXPENDITURES								
Personal Services	96.0		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	3.0
Services	8.5		5.6	5.6	5.6	5.6	5.6	5.6
Commodities	12.0		2.0	2.0	2.0	2.0	2.0	2.0
Capital Outlay	7.3							
Grants								
Miscellaneous								
TOTAL OPERATING	126.8		106.6	106.6	106.6	106.6	106.6	106.6

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
---------------------------	--	--	--	--	--	--	--	--

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	106.6
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other (please identify)								
TOTAL	126.8	0.0	106.6	106.6	106.6	106.6	106.6	106.6

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)

Not applicable; initial version.

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

Phone (907) 269-5743
 Date/Time 2/02/2011 3:30PM
 Date 2/4/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB017

Analysis

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

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.