

**HB**

**362**

<TARGET><BILL>HB 362</BILL><SUBJECT>HB  
362</SUBJECT><COMM>HJUD28</COMM></TARGET>

# Alaska Legislature

## Representative Charisse Millett

### Session:

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*District 24*

### Sponsor Statement-House Bill 362

Synthetic drugs are having an ever deepening impact on our communities. Several attempts have been made by the Legislature to curb the sale of these illicit substances by classifying certain known chemical compounds as controlled substances. Unfortunately, manufacturers of these drugs have made slight changes to the chemical compounds, effectively evading law enforcement.

House Bill 362 is aimed at an effective solution to this problem by targeting not the chemical compound of the drug, but rather its packaging. According to the National Institute on Drug Abuse, labels on these drug products often claim that they contain "natural" psycho-active material taken from a variety of plants. Having these items labelled as "incense" and "potpourri," combined with their accessibility as gas stations and tobacco shops, as well as the misperception that these products are "natural" and therefore harmless, has likely contributed to their growing use and popularity. House Bill 362 will make it illegal to sell these designer drugs that are packaged as "spice," "potpourri," or a variety of other misleading labels. House Bill 362 would also make it illegal to offer, display, market, or advertise for the purpose of selling these illicit items.

With the passage of HB 36, the sale and distribution of these drugs will now be considerably more difficult, if not impossible.

I respectfully request your support.

28-LS1538U  
Strasbaugh  
3/18/14

**CS FOR HOUSE BILL NO. 362( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-EIGHTH LEGISLATURE - SECOND SESSION**

**BY**

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

**Sponsor(s): REPRESENTATIVES MILLETT, Tuck**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to a prohibition on the possession, offer, display, marketing,**  
2 **advertising for sale, or sale of illicit synthetic drugs."**

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

4 **\* Section 1.** AS 17 is amended by adding a new chapter to read:

5 **Sec. 17.21.010. Illicit synthetic drugs.** (a) A person may not possess, offer,  
6 display, market, advertise for sale, or sell an illicit synthetic drug.

7 (b) A synthetic drug is illicit if

8 (1) the label

9 (A) is false or misleading;

10 (B) does not specify the identity of the substances contained in  
11 the synthetic drug; or

12 (C) does not specify the name and place of business of the  
13 manufacturer, packer, or distributor; and

14 (2) the synthetic drug has one or more of the following characteristics:

1 (A) the packaging or labeling of the synthetic drug suggests  
2 that the user will achieve euphoria, a hallucination, mood enhancement,  
3 relaxation, stimulation, or another effect on the body;

4 (B) the name or packaging of the synthetic drug uses images or  
5 labels suggesting that it is a controlled substance or has the effect of a  
6 controlled substance;

7 (C) the synthetic drug resembles a controlled substance in  
8 appearance, in chemical structure, or composition;

9 (D) the synthetic drug is marketed or advertised for a particular  
10 use or purpose and the cost of the synthetic drug is disproportionately higher  
11 than other products marketed or advertised for the same or similar use or  
12 purpose;

13 (E) the synthetic drug contains a warning label stating or  
14 suggesting that the synthetic drug is in compliance with state laws regulating  
15 controlled substances;

16 (F) the synthetic drug is a product to which has been added a  
17 synthetic chemical or synthetic chemical compound that does not have a  
18 legitimate relationship to the advertised use of the product;

19 (G) the synthetic drug is labeled as or has one or more of the  
20 following street names: AK47, Aroma, Atomic, Aura, Barely In, Black  
21 Mamba, Black Rob, Bliss, Blizzard, Blue Silk, Bombay Blue, Bonzai Grow,  
22 Brain Storm, Bullet, Buzz, California Dreams, Charge Plus, Charlie, Chill X,  
23 Chronic Spice, Cloud 9, Dank, Daylights, Dead Man Walking, Demon,  
24 Dragons Fire, Drone, D-ZL, Earth Impact, Earthquake, Energy-1, Euphoria,  
25 Fake Weed, g-13, G-20, Galaxy Gold, Genie, Guerrilla Warfare, Hayze,  
26 Hurricane, Hurricane Charlie, Hush, Hypnotiq, Ivory Wave, Jazz, Joker, K2,  
27 K3, Kush, Kush Mania, Legal, Lovely Dovey, Lucid, Lunar Wave, Maddie,  
28 Mad Hatter, Makes Scents, Matrix, Maui Wowie, MCAT, MDPK, MDPV,  
29 Meow Meow, Meph, Mind Trip, Moon Rocks, MTV, Mystery, Nightlights,  
30 Ocean, Ocean Blue, Ocean Burst, OMG, Peeve, Pineapple Express, Pixie Dust,  
31 Posh, Pot-Pourri, Pulse, Pure Ivory, Purple Wave, PV, Red Dove, Sence,

1 Serenity, Smoke, Snow Leopard, Mr. Happy, Mr. Nice Guy, Scarface, Scooby  
2 Snax, Scope, Skunk, Sky High, Solar Flare, Soul Sence, Space Truckin, Spice,  
3 Spice 99, Spice Gold, Spice Silver, Stardust, Stinger, Super Coke, Tiger Shark,  
4 Vanilla Sky, Voodoo, Voodoo Child, White Dove, White Knight, White  
5 Lightning, Zohai.

6 (c) It is an affirmative defense to an action for a violation of this section that a  
7 product is expressly exempted from or is expressly regulated under and is in  
8 compliance with state or federal law. In this subsection, "affirmative defense" has the  
9 meaning given in AS 11.81.900.

10 **Sec. 17.21.020. Exemption.** AS 17.21.010 does not apply to a synthetic drug  
11 intended solely for investigational use by experts qualified by scientific training and  
12 experience to investigate the safety of drugs if the drug is plainly labeled "for  
13 investigational use only," and the investigational use is authorized by state or federal  
14 law.

15 **Sec. 17.21.030. Enforcement and penalties.** (a) The commissioner of public  
16 safety is responsible for enforcing this chapter and may

17 (1) delegate that authority as appropriate; and

18 (2) cooperate with the Department of Health and Social Services in  
19 carrying out the commissioner's enforcement activities.

20 (b) This section does not limit the authority of a peace officer.

21 (c) A person who violates AS 17.21.010 is guilty of a violation and, upon  
22 conviction, is punishable by a fine of not more than \$500.

23 (d) The provisions of this section are in addition to the remedies available  
24 under AS 45.50.471 - 45.50.561.

25 **Sec. 17.21.090. Definitions.** In this chapter, unless the context clearly requires  
26 otherwise,

27 (1) "controlled substance" has the meaning given in AS 11.71.900;

28 (2) "drug" has the meaning given in AS 17.20.370;

29 (3) "synthetic drug" means a substance that is

30 (A) a chemical or chemical compound intended, when  
31 introduced into the human body, to mimic or simulate the effect of a drug or

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controlled substance;

(B) in the form of

(i) a crystalline or powder product in crystalline, loose powder, block, tablet, or capsule form; or

(ii) plant material in granular, loose leaf, powder, or liquid form or used as a food additive; and

(C) that is not a controlled substance.

\* **Sec. 2.** AS 44.29.020 is amended by adding a new subsection to read:

(c) The Department of Health and Social Services shall cooperate with the Department of Public Safety in enforcement of the prohibition on the possession, offer, display, marketing, advertising, or sale of illicit synthetic drugs under AS 17.21.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362-ACS-TRC-03-24-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Alaska Court System  
Appropriation: Alaska Court System  
Allocation: Trial Courts  
OMB Component Number: 768

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version.
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Prepared By: Nancy Meade, General Counsel	Phone: (907)463-4736
Division: Alaska Court System	Date: 03/24/2014 04:00 PM
Approved By: Nancy Meade for Christine Johnson, Administrative Director	Date: 03/24/14
Agency: Alaska Court System	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB362

**Analysis**

House Bill 362 adds a new section to the Alaska Food, Drug, and Cosmetic Act in Title 17 to make the display, marketing, advertising, or sale of illicit synthetic drugs a violation of the law. The Commissioner of Public Safety would be responsible for enforcing the new provisions, and may cooperate with the Department of Health and Social Services in carrying out the enforcement activities.

New AS 17.21.030(c) states that a person who violates the law is guilty of a violation; violations are punishable by a fine of up to \$500. Though this has the potential to lead to an increase in the number of violations that the court handles, the Court System anticipates that this will not result in any measurable increase in work load that would have a fiscal impact.

The Court System therefore submits this zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362-DHSS-BHA-03-19-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary Committee

Department: Department of Health and Social Services  
Appropriation: Behavioral Health  
Allocation: Behavioral Health Administration  
OMB Component Number: 2665

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
if yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By:	Barbara Henjum, Acting Director	Phone:	(907)269-3410
Division:	Behavioral Health	Date:	03/05/2014 02:00 PM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	03/19/14
Agency:	Health & Social Services		

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2014 LEGISLATIVE SESSION**

**BILL NO. HB362**

**Analysis**

House Bill 362 provides for a prohibition on the offer, display, marketing, advertising for sale, or sale of illicit drugs. The overall intent of this bill is to place prohibitions on the marketing and sale of a wide and growing number of illicit synthetic drugs, thereby reducing the harmful effects of these drugs on Alaska citizens and communities.

As written, the Department of Health and Social Services will be in a secondary role to assist and cooperate with the Department of Public Safety in enforcement of this act. At this time, it appears that DHSS would be available to assist with education, notification to the Department of Public Safety of possible violations and other support roles, without the need for additional resources.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362CS(JUD)-DOA-OPA-03-25-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? N/A  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated for new committee substitute.
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Prepared By:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	03/25/2014 09:30 PM
Approved By:	Curtis Thayer, Commissioner	Date:	03/25/14
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSHB 362

**Analysis**

The bill adds a new chapter to AS.17 regulating the display, advertising, or sale of substances defined by the chapter as "illicit synthetic substances."

CSHB362 would likely not materially impact the operations or administration of the Office of Public Advocacy (OPA) and therefore, OPA submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362-DOA-OPA-03-21-2014  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	0.0	***	***	***	***	***

**Fund Source (Operating Only)**

None							
<b>Total</b>	***	0.0	***	***	***	***	***

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? N/A  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: Richard Allen, Director  
Division: Office of Public Advocacy  
Approved By: Curtis Thayer, Commissioner  
Agency: Department of Administration

Phone: (907)269-3504  
Date: 03/21/2014 02:15 PM  
Date: 03/21/14

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 362

**Analysis**

This bill amends Title 17, which addresses regulation of food, drugs and controlled substances, by adding a new chapter. The new chapter would define and regulate illicit synthetic drugs.

The definition of what constitutes an illicit synthetic drug includes very broad descriptive terms which might raise constitutional questions or challenges in an actual case.

By making the violation of the new law a criminal offense, the bill would impact the operations of the Office of Public Advocacy (OPA) and the Public Defender Agency (PD) by increasing the defense attorneys' caseloads appointed by the courts to represent indigent persons charged with those offenses.

The Office of Public Advocacy cannot accurately predict the fiscal impact of this legislation and therefore submits a indeterminate fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362CS(JUD)-DOA-PDA-03-26-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Updated for committee substitute.

Prepared By: <u>Quinlan Steiner, Public Defender</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>03/26/2014 03:00 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/26/14</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CSHB 362

**Analysis**

HB362 adds a new chapter to AS 17 making it a violation to display, advertise, or sell substances defined by the chapter as "illicit synthetic substances."

The Agency does not anticipate any financial impact from this legislation. The agency, therefore, submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362-DOA-PDA-03-24-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

### Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>	***	***	***	***	***	***	***	***
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	***	0.0	***	***	***	***	***	***

### Fund Source (Operating Only)

None								
<b>Total</b>	***	0.0	***	***	***	***	***	***

### Positions

Full-time								
Part-time								
Temporary								

### Change in Revenues

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

### ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

### Why this fiscal note differs from previous version:

Not applicable, initial version

Prepared By: <u>Quinlan Steiner, Public Defender</u>	Phone: <u>(907)334-4414</u>
Division: <u>Public Defender Agency</u>	Date: <u>03/21/2014 09:30 AM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/24/2014</u>
Agency: <u>Department of Administration</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 362

**Analysis**

HB362 adds a new chapter to AS 17 criminalizing the display, advertising or sale of substances defined by the chapter as "illicit synthetic substances." The definition of what constitutes an illicit synthetic drug includes very broad descriptive terms which might raise constitutional questions or challenges in an actual case.

The Agency cannot accurately predict the fiscal impact of this legislation. Therefore the agency submits an indeterminate fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 362  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB362-DPS-DET-03-24-14  
Title: SYNTHETIC DRUGS  
Sponsor: MILLETT  
Requester: House Judiciary

Department: Department of Public Safety  
Appropriation: Alaska State Troopers  
Allocation: Alaska State Trooper Detachments  
OMB Component Number: 2325

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: <u>Lt. Rodney Dial</u>	Phone: <u>(907)247-4480</u>
Division: <u>Alaska State Troopers</u>	Date: <u>03/21/2014 03:35 PM</u>
Approved By: <u>Gary Folger, Commissioner</u>	Date: <u>03/24/14</u>
Agency: <u>Department of Public Safety</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 362

**Analysis**

This bill would make it unlawful to offer, display, market, advertise for sale, or sell illicit synthetic drugs by making it a violation punishable by a \$500 fine.

This bill would not change the Alaska State Troopers' enforcement efforts. Persons found in violation of the law would be issued a citation as is currently done for other offenses that are defined as violations. Additionally, it is anticipated that most citations would be issued by municipal law enforcement agencies where many of the shops currently selling these substances are located.

Therefore, it is expected that passage of this bill would have no fiscal impact to the Department of Public Safety.

# LEGAL SERVICES

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

(907) 465-3867 or 465-2450  
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State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

March 19, 2014

**SUBJECT:** CSHB 362( ): Issues raised by requested changes  
(Work Order No. 28-LS1538\U)

**TO:** Representative Charisse Millett  
Attn: Akis Gialopsos

**FROM:** Kathleen Strasbaugh  
Legislative Counsel

Please find enclosed a new version of the above bill. As you requested, it mirrors the provisions of CSSB 173(JUD). I do want to bring to your attention a couple of issues raised by the changes to the bill.

1. Adding possession to the conduct the bill prohibits. First, adding possession to the conduct prohibited by proposed AS 17.21.010 may implicate an individual's privacy interests. The definition of synthetic drugs in the bill excludes controlled substances. It is considered a violation of the right to privacy guaranteed by art. I, sec. 22 of the Constitution of the State of Alaska, to penalize the possession in the home of small amounts of marijuana, which is a controlled substance. *Ravin v. State*, 537 P.2d 494 (Alaska 1975). Prohibiting possession of a small amount<sup>1</sup> of a noncontrolled substance in the home may be seen by a court as a greater violation of privacy than that addressed in *Ravin*.

There are also circumstances where an offense under proposed AS 17.21.010 may overlap with the existing provisions of AS 11.73.010, which prohibit possession of an imitation controlled substance with intent to deliver. The definition of synthetic drug is different than the definition of imitation drug, but it is possible that an imitation drug, which must contain a listed substance, might be the same as an illicit synthetic drug if both are mislabeled (a feature of both the imitation controlled substance definition and the illicit synthetic substance offense) and the synthetic drug has an additive under AS 17.21.010(b)(2)(F) (in the "U" version) that contains one of the substances listed in AS 11.73.099(3). Violation of AS 11.73.010 is a felony. Violation of AS 17.21.010 is a violation punishable by only a fine. This significant difference in punishment for similar misconduct raises constitutional issues. A court will, as a matter of due process and equal protection, evaluate whether offenses and their accompanying sentences are

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<sup>1</sup> Small enough to avoid an inference of an intent to sell.

proportional to each other, that is, whether greater punishment is imposed for less blameworthy conduct.<sup>2</sup>

2. Wording of penalty provision. I have copied a change to the penalty provision into CSHB 362( ). Originally it was:

(c) A person who violates AS 17.21.010 is guilty of a violation and, upon conviction, may be punished as provided in AS 12.55.

Now it is:

(c) A person who violates AS 17.21.010 is guilty of a violation and, upon conviction, is punishable by a fine of not more than \$500.

The former is better because it will change as the penalty for violations changes without the necessity of a major effort to seek out individual statutes that are intended, as this one is, to provide the same penalty as is provided in AS 12.55.<sup>3</sup> Apparently there is some concern that the mention of AS 12.55, the criminal sentencing statute, might suggest that a person is entitled to appointed counsel. In my opinion, the \$500 fine does not trigger the right to counsel.<sup>4</sup> This is the preferred drafting convention and is used in numerous places throughout the Alaska Statutes.

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<sup>2</sup> In *Pruett v. State*, 742 P.2d 257, 263 (Alaska App. 1987) the Alaska Court of Appeals considered two statutes, one that imposed a five-year presumptive sentence for manslaughter (recklessly killing a victim) and one that imposed a seven-year sentence for first degree assault (recklessly injuring, but not killing a victim). The court found that the legislature could not have intended a five-year presumptive term for killing a victim but a seven-year presumptive sentence for injuring the victim, and determined that the lower presumptive sentence should apply to a defendant charged with assault. *See also Smith v. State*, 28 P.3d 323, 329 - 30 (Alaska App. 2001).

<sup>3</sup> AS 12.55 provides the sentencing structure for offenses committed in Alaska. Offenses, consisting of crimes and noncriminal violations, are processed in the criminal justice system and governed by this chapter. A specific penalty should only be included if one intends a punishment that is different than those provided in AS 12.55

<sup>4</sup> In *Baker v. City of Fairbanks*, 471 P.2d 386 (Alaska 1970), the court defined "criminal prosecution" as that term is used in art. I of the Constitution the State of Alaska, as including (1) offenses for which a direct penalty may be incarceration, (2) offenses which may result in the loss of a valuable license, and (3) offenses for which the fine imposed is heavy enough to indicate criminality, because such a fine could be taken as a gauge of the ethical and social judgments of the community. A \$500 fine does not meet this threshold. I am unaware of a case where a person has been provided counsel at public expense when being sentenced under AS 12.55 for a violation, that did not involve or implicate in the future, a loss of a valuable license.

Representative Charisse Millett  
March 19, 2014  
Page 3

If I may be of further assistance, please advise.

KJS:ray  
14-117.ray

Enclosure

## Three weeks after city enacts new law, Spice hard to find in Anchorage

Sean Doogan

February 4, 2014



Marshmallow root for sale at Planet X. Planet X in Anchorage sells tobacco and non-tobacco products, and Anchorage police recently confiscated some of the latter under a new Spice ordinance.

Three weeks after the Anchorage Assembly passed a new approach to getting rid of the synthetic drug known as Spice, the drug seems to have disappeared from the shops, if not the streets, of Anchorage. But the new ordinance -- modeled after a novel approach tried in Bangor, Maine -- has drawn criticism from local smoke and head shop owners as well as civil libertarians, who contend it is too broad.

Since the ordinance became law Jan. 23, Anchorage police have issued three tickets to local shops accused of selling Spice. At least two of those citations have been dismissed by Anchorage's municipal prosecutor as cases of mistaken identity. In one, police ticketed a clerk at Planet X -- a

Spenard smoke and novelty shop -- for possession of synthetic drugs. The substance in question was actually marshmallow root, a tobacco alternative with no known narcotic effects.

Like most shops around Anchorage, Planet X stopped selling Spice immediately after the new ordinance passed in January. Alaska Dispatch visited more than a dozen Anchorage shops that -- according to a joint Air Force-Anchorage police investigation in 2013 -- previously sold the drug, but has been unable to find it for sale. When asked, most clerks said their store quit selling Spice because of the new ordinance.

We don't want to sell Spice and if they actually did something about it and stopped it, we would be fine with it," said Planet X owner Scot Dunnachie. "We have no problem not selling it."

### **Cocktail of chemicals**

Dunnachie said he is working to have the citation expunged from his clerk's record, now that the matter has been dropped.

Spice is touted as a synthetic alternative to marijuana. It is, in reality, a cocktail of chemicals that act more like LSD and PCP than opiates such as marijuana. A Wasilla family blames the drug for the death of 18-year old Kurtis Hildreth. Hildreth's body was found in November, crumpled against a wall in his bedroom, a pipe filled with Spice in his lap.

In 2010, Anchorage passed a law banning the drug, which is often sold in smoke and head shops. But the ordinance, like most anti-Spice laws targeted the chemical combinations of the many varieties that were found in Alaska. But the people producing Spice -- the federal Drug Enforcement Administration (DEA) believes most of the chemicals come from China -- simply changed their formulas, creating a new wave of "legal" Spice that again flooded Alaska and Anchorage.

The ordinance passed in January does not make possessing or selling Spice a criminal offense. Instead, like officials in Bangor, Maine, Anchorage prosecutors crafted a law to treat Spice as a minor offense -- but one that comes with a hefty \$500 fine. The ordinance avoids the problem of going after an ever-shifting mixture of chemical combinations by treating the drug for what it isn't. Most Spice is sold under other names, like potpourri, incense or iPod cleaner. But the packages do not contain manufacturing

information or ingredients, and sell for a higher price -- \$20 for 2 grams -- than the products they claim to be. The Anchorage law goes after anyone selling or possessing Spice because the drug packaging does not meet city requirements. Disclaimers on some Spice packages that say "not for human consumption" aren't enough to make them legal, according to the new ordinance.

The approach has worked in Bangor, and officials in Anchorage are hoping it will work there too. And at least one state senator is working to take the Anchorage ordinance statewide.

"You start hitting them where it hurts, which is in the money, and it works," Sen. Kevin Meyer, R-Anchorage, said.

Meyer is working to mimic the Anchorage ordinance at a state level. He has cosponsored several anti-synthetic drug bills, including the current Alaska law regarding Spice and said he is frustrated with the process.

"In the past we have listed chemical compounds, and they simply just change the formula and then they are back on the streets," Meyer said. The Anchorage approach -- to go after packages that claim to be incense or potpourri but are really used to get high -- may face a legal challenge. At least one legal advocacy group sees potential problems with the law. The American Civil Liberties Union of Alaska said the new Anchorage Spice law may be too broadly worded.

Joshua Decker, the local ACLU director, said he believes that the law could be thrown out by a judge because it could be applied to too many consumer goods, such as coffee and plant food. Planet X owner Dunnachie said he too believes the new law has gone too far.

"The new law says they can just walk in and say, 'this is against the law,' and whether they have evidence or not, they can charge you for it," Dunnachie said.

Until any legal challenge comes, the ordinance appears to be having its desired effect: Spice is difficult to find in Anchorage.

Anchorage municipal prosecutor Cynthia Franklin wants to keep it that way and promised that police and city officials would soon be back inside shops

that may be tempted to sell the drug -- which can bring in huge profits. And at least one shop clerk, who used to sell the drug at a store in Midtown Anchorage, is OK with that.

"Personally, I am glad we don't sell that crap anymore," said the clerk, who did not want her name used. "That stuff made people crazy."

*Contact Sean Doogan at [sean\(at\)alaskadispatch.com](mailto:sean(at)alaskadispatch.com)*

# Prosecutors lead effort to make fake pot illegal in Anchorage

By CASEY GROVE

With the designer drug known as Spice easily available in Anchorage, often retailed as potpourri or incense, municipal prosecutors are trying to make it illegal to sell and possess by rewriting local drug laws to make them broader and get ahead of the manufacturers.

Attempts by federal and state lawmakers to criminalize the drug, which is marketed by word of mouth as a legal alternative to marijuana, have fallen short. Local law enforcement officials say that is because the makers of Spice have sidestepped controlled-substance laws by tweaking chemical compounds to no longer fit the drug definitions that lawmakers write into controlled-substances laws. Changing the formulas allows Spice-makers to stay one step ahead of the law, prosecutors say.

The new criminalization effort in Anchorage comes in the form of a proposed amendment to a municipal drug ordinance introduced at Tuesday night's Assembly meeting and set for public hearing Jan. 14. It aims to cut through the haze of confusion by criminalizing Spice, not for what it is, but for what it isn't.

"In other words, you find a legal way to describe what these are without calling them by their chemical composition," said Municipal Prosecutor Cindy Franklin, who helped write the ordinance. "Because, frankly, nobody knows what this is, even the people making it."

If passed, the new law would require Spice packaging to include labels that say specifically what is contained in the packets or jars and the name of the manufacturer. And the packaging cannot be "false or misleading" and must carry accurate directions for use. The penalty for possession: \$500 per unit of sale.

The stakes are high, say Franklin and police officials. Users, increasingly teenagers, are having bad physical and psychological reactions after smoking Spice or ingesting it in other ways, they say. It can make people paranoid and panicky, according to a memorandum attached to the proposed ordinance amendment. Anchorage police have described users becoming unpredictable and psychotic.

"The short-term physiological effects include increased heart rate and increased blood pressure, and the long term physiological effects are unknown," the memo says.

Spice can also make someone comatose, as was the case with a young woman raped at Town Square Park in 2012 while she was incapacitated after smoking Spice, police and charging documents said.

There are dozens of brands of the leafy material sprayed with chemicals and sold over the counters of smoke shops and some gas stations as incense or potpourri. But the products in colorful packaging emblazoned with names like "Scooby Snax" and "Crippler" are really intended for human consumption, even if the packets claim they are not, Franklin said.

"This is a drug, and everybody knows it," she said. "People are just making gobs of money selling it, and bragging about it. If you ask them what they're selling, they have no idea."

At The Smoke Shoppe in Mountain View on Wednesday, glass pipes, bongs and hookahs sat in display cases or lined the wall on one side of the business. At the front of the store were tobacco products and rolling papers. When asked if the store sold any Spice, a woman behind the counter said they did not.

"No, we carry potpourri," she said. "It's on the back wall."

Directly behind the pipes, tacked to the wall, was a small display with packets of the purported potpourri. The display advertised a packet holding two grams of "Green Dream" for \$20 and a packet with five grams of "Lazy Daze" for \$20 with a sticker that said, "Sweet deal!!"

The clerk declined an interview request. The store's manager was not there, and an email to the manager was not returned Wednesday. The clerk did not provide a phone number.

Paul Honeman -- an Assembly member on the Public Safety committee, a University of Alaska Anchorage police officer and a former Anchorage cop -- said he recently walked into a shop while investigating a theft on campus. The suspect used a stolen credit card at a smoke shop to buy two packets of "potpourri."

Honeman was in uniform and the clerk talked to him openly about what he believed was Spice.

"I said, 'Man that stuff's no good,' and she goes, 'Yeah, I know. I wouldn't use it,'" Honeman said. "She's not the owner. She's not even the manager. She's just a clerk. But they're pushing this stuff out the door. I mean, they've got boxes of the stuff."

Both Honeman and Franklin admitted it might be a challenge to prove that retailers are not simply selling very expensive potpourri or incense. The additional requirements for packaging -- forcing manufacturers to say what is in their product -- is designed to help with that, Franklin said. Honeman said it comes down to common sense.

"If you sell it, you know, for 20 times the cost of what somebody would pay for potpourri or incense, and you look on the packaging and it doesn't really contain any ingredients that says what it is, I think that's the answer," Honeman said. "Attack it for what it's not."

Reach Casey Grove at [casey.grove@adn.com](mailto:casey.grove@adn.com) or 257-4343. Twitter updates: [twitter.com/kcgrove](https://twitter.com/kcgrove).

ADN 1/22/14

## **Anchorage police write first tickets to retailers under new Spice law**

By TEGAN HANLON

Anchorage Police have begun slapping tickets on local smoke shops and gas stations caught selling a designer drug called Spice.

Businesses market it as "potpourri" or "incense," but police and others say they've seen users high on the synthetic material, regardless of its name, plaguing the city at increasing rates. Users' behaviors range from comatose to psychotic, some collapse onto the sidewalk and some smash windows, police said.

The Anchorage Assembly passed an ordinance last week, effective immediately, in hopes of cracking down on the drug, forbidding its sale based on a list of labeling criterion that manufacturers currently do not meet.

"This is just the piece of the puzzle," said Municipal Prosecutor Cynthia Franklin, who helped write the legislation. "This is just a little ordinance designed to address a very specific part of the problem, this open-air dealing and this myth that because it can be sold and can be bought over the counter it must be safe."

Under the new law, labels on containers, vials and tubes that contain the drug must accurately identify the substance, detail the name of the manufacturer and provide directions for use, among other strict guidelines.

The law spells out more than 100 now criminalized names for Spice like "Space Truckin," "Dr. Feel Good," "Puff," "The Hampster," "Dead Man," and "Funky Monkey 20X."

Police have issued three \$500 warning tickets as of Tuesday to businesses with Spice still on store shelves, said Sgt. Mark Rein who leads the Community Action Policing team.

If police return and it's still for sale, a shop will be fined \$500 per unit, Rein said. The same goes for individual users.

Possessing, using, providing, selling, producing, manufacturing, distributing, offering, displaying, marketing or advertising the synthetic drug is considered a minor offense. If the fine is paid, the charge is erased, Franklin said.

"Nobody can go to jail under this ordinance," she said.

## CHASING SPICE

Spice isn't new to Anchorage, but its ever-changing ingredients have dizzied lawmakers and complicated police enforcement.

To make the drug, manufacturers spray psychotropic compounds on plant material. Choosing one of the dozens of colorful Spice packages is like dipping your hand into a chemical grab bag -- each one a little different, each high uncertain, Franklin said.

"They are making this stuff up as they go along," she said. "The compound and the name and the packaging."

In November 2010, the Assembly outlawed Spice, what it called a "synthetic cannabinoid," on the basis of its composition. "1-Pentyl-3-(1-naphthoyl)indole" and more than ten other compounds became illegal.

The state followed suit within the next year.

But manufacturers quickly shifted ingredients to sidestep the law here and elsewhere. The Anchorage Assembly and state Legislature remained one step behind, Franklin said.

Police could issue Spice users civil citations, a \$300 fine, under the 2010 ordinance. But Rein said this happened sporadically. Police would have to interview suspects and they'd have to admit to using the drug.

Potpourri and incense stayed on store shelves.

For the past year-and-a-half, Franklin searched for the right language to criminalize Spice as usage in the city, she said, continued to spiral out of control.

"We saw problems increase, the complaints increased, the ER calls increased," she said.

## 'WE SEE IT ON A REGULAR BASIS'

Lincoln said Spice is a growing problem among soldiers and North Slope workers looking to get around mandatory drug tests.

"It's extremely dangerous, it's unregulated and it's being marketed to our young people for the profit of a greedy few and to the detriment of our entire community," Franklin said.

Monitors at Bean's Cafe, the downtown soup kitchen, said they have watched Spice usage surge and spread from younger clients to the older as well.

"It is pretty prevalent, we see it on a regular basis," said Daniel Garcia, a volunteer monitor.

He described Spice as a green-colored "pocket lint." He's caught clients rolling thin cigarettes using Spice on cafe tables. They sell for \$2 and are called sticks, Garcia said. Just this week, he kicked out five people smoking "sticks" on Bean's Cafe property.

The drug's side effects vary from paranoia to violence to a "zombie state," he said.

One man marched in circles in the parking lot for four hours. A woman stripped off her clothes and ran around the cafe. Another person attempted to choke a monitor. Seizures are common for those who mix Spice and alcohol, he said.

"I don't know what's going through their head, but they're not aware of what they're doing," Garcia said.

He said he has sat outside with many clients high on Spice while they come down. It usually takes less than 30 minutes. He compared the effects of Spice to LSD or methamphetamine.

Garcia said he's observed generally-healthy Spice users deteriorate. Some mutter and talk to themselves even when they haven't been smoking.

Chris Schutte, executive director of the Anchorage Downtown Partnership, said Spice has "had a profound impact on downtown, primarily because of the unpredictably."

He said he's seen people collapse on the sidewalk and others stroll down streets punching everything in range. A young woman was raped in Town Square Park in 2012 while she was incapacitated after smoking Spice, according to police and charging documents.

Schutte said the Downtown Partnership lumps Spice incidents in with all other drug related calls. In the winter of 2013, drug incidents trumped public intoxication -- a new trend, he said.

"People aren't giving up booze and taking up Spice," Schutte said. "They're either doing both or there's just a lot of people who want to smoke Spice."

Over at the Anchorage Safety Center, which takes in individuals incapacitated by drugs or alcohol, Spice prevalence has been on the upswing for more than a year, officials said.

"At first it was kind of an anomaly, but now it's becoming more and more common," said Mark Lessard, who manages the center's contract for the Department of Health and Human Services.

The center can't test for Spice, but Lessard said a lot more people who are clearly incapacitated have passed Breathalyzer tests.

"We went to the municipal attorney's office and said, 'Hey, we've got this issue and what can be done?' " Lessard said.

## SPICE MARKET

Elihue Lee, 33, of Mountain View, said he has smoked Spice about 20 times. He was told it was like marijuana, so he thought he'd try it.

Lee said he would get high for about 10 minutes at a time. He compared it to spacing out.

"I've seen people have seizures on Spice. I've seen people just have a good time on Spice. I've seen some people relaxed on Spice. It just depends on how much they consume at one time," he said.

Lee bought the drug at a local smoke shop, where he had to show ID to make the purchase, he said.

As of April 2013, 23 shops sold the drug in Anchorage, Franklin said.

Smoke King in Mountain View sold Spice (potpourri) up until nine months ago. Employees asked the manager to stop buying the product. They said the customer

base shifted. People who started coming to the shop wouldn't look them in the eye and were paranoid and nervous.

"We were making a lot of money, but at the same time we were like, 'We don't like dealing with these sketchy people,' " said Kent Monroe, an employee at the shop for two years.

Monroe said the shop would buy Spice packets for about \$5 and turn them around for \$15.

Franklin said it's likely manufacturers are ordering the product from out of state or online.

One woman who answered the phone at a number linked to a Miami-based distributor declined an interview. The website listed an array of incense brands, sold at just under \$35 for 10 grams.

She would not describe the products on the website or how the incense is used.

"I don't know anything, we just ship out," she said.

Rein said he's also observed people selling Spice on the streets, like marijuana or any other drug, which may pose as a problem for enforcement under the new ordinance since the drug is unlabeled.

"I think this will take it off the shelves," Rein said. "It may not completely dry up."

Reach Tegan Hanlon at [thanlon@adn.com](mailto:thanlon@adn.com) or 257-4589.

# Alaska Dispatch

News and voices from the Last Frontier

Alaska Dispatch

January 10, 2014

The state has ruled 18-year-old Kurtis Hildreth's cause of death as "undetermined." But the aunt he had been staying with in Wasilla, Kerri Stevens (pictured), believes he was killed by the synthetic drug Spice -- and she and Hildreth's family plan to fight for answers. Loren Holmes photo

Kurtis Hildreth, 18, came to Alaska after graduating high school. He was living with his aunt's family in Wasilla to get a head start on the next phase of his life. But Hildreth's life didn't get a new beginning in the Last Frontier -- it ended abruptly, the young man found dead inside his room, a pipe filled with the synthetic drug known as Spice and a lighter, on the floor next to him. His family believes the drug killed him. But the state medical examiner and Alaska State troopers aren't sure.

Hildreth moved from Florida to spend time with his aunt, Kerri Stevens, and her family at their Wasilla home. Stevens said she wanted to show Hildreth around Alaska and offer him a job in her family's commercial glass shop. Stevens said she has always been close to Hildreth, her sister Kelli Farquer's oldest child, and was even there when he was born. She was also there when he died on Nov. 16, 2013, opening Hildreth's bedroom door to find her nephew's body crumpled against the wall. Hildreth's arms were still propped on the windowsill.

Related:

[Anchorage looks to Maine for clues to handle Alaska 'spice' problem](#)

[Chemical designer drugs like Spice pose new puzzle for lawmakers](#)

"Whatever hit him, (it) hit him hard and hit him fast," Stevens said as she recounted her nephew's death. "The pipe was right there by his feet. He was a healthy kid. The lighter was right there. The pipe was right there. He never had any kind of heart problems or seizures." (See the entire interview of Stevens)

Inside the pipe was some partially burned synthetic marijuana, commonly known as "Spice." The drug is gaining popularity as a legal marijuana alternative. It is, in reality, an unknown combination of chemicals usually made in China and shipped to the U.S., where it is sprayed

on plant material and packaged as incense or potpourri. Most of the packages have labels that say "not for human consumption" on them. And at \$20 for two grams, it is extremely expensive -- for incense. But everyone knows what the mixture is really used for: to get high.

Stevens and Farquer are certain Spice killed the otherwise healthy Hildreth. But the Alaska Medical Examiner's Office has listed his death as "undetermined."

Video of She found him dead, clutching spice pipe

Officially, no one has died as a result of smoking Spice in Alaska. As in many suspected cases, an autopsy of Hildreth's body did not turn up any medical conditions or problems. A toxicity screening of his blood, bile and other body fluids did not turn up any signs of illegal drugs or alcohol. Hildreth's death -- like an average of 28 others each year in Alaska -- will likely go unsolved, medically speaking. But not if Hildreth's family -- and an Illinois mother who started an Internet crusade after the Spice-related death of her own son -- has anything to do with it.

The number of people killed by synthetic drugs each year is relatively unknown because most Spice-related deaths are listed as undetermined or as a result of something else. In September, Colorado officials began looking into three deaths that may have been caused by the drug. Internet sites like To the Maximus are rife with stories of both suspected and officially designated Spice-related deaths.

To the Maximus is a nonprofit anti-synthetic drug foundation started by Illinois mother Karen Dobner. Her son Max was killed in June 2011 after he smoked synthetic marijuana then ran his car into a house at more than 100 mph. Dobner had reportedly called his brother to say that he had smoked "that legal stuff" and was "freaking out." But, as with Hildreth, Dobner's death was not officially attributed to Spice.

"Currently only 22 of several hundred synthetic cannabinoids can be identified in blood fluids. They are actually looking for metabolites in blood, and it is a difficult and slow process to identify these chemicals," Karen Dobner said.

Hildreth's blood was tested for 300 known illegal drugs, including outlawed combinations of Spice. But when it comes to designer drugs, police and prosecutors are far behind the dealers. The chemists change their formulas often, trying to dodge laws aimed at their product. Such is the case in Alaska, where packages of synthetic drugs -- easily found on the shelves of dozens of Anchorage and Wasilla area stores -- have not tested positive for banned substances in months.

"It's not a marijuana alternative, and these newer chemicals have never been seen on earth before -- the kids are the lab rats," Dobner said.

In Hildreth's case, the drugs themselves were not tested to determine their composition. The state medical examiner has refused to discuss Hildreth's case, citing the privacy of the family. The Alaska State Troopers have finished their report into Hildreth's death, but it has not yet been released to his family.

Simply put, testing for the exact chemical composition in synthetic drugs can be a challenge. But it's not impossible. NMS labs, in Willow Grove, Pa., does the body fluids drug and chemical testing for the state of Alaska. And while synthetic drugs are difficult to find in blood because the body metabolizes them, they can be identified in the drug itself. It is this test Dobner and Hildreth's family want the state to carry out. Farquer said the troopers told her they could not submit the drugs to the lab because there appeared to be no criminal intent in Hildreth's death. Farquer said she is hiring a private attorney to get the drugs to the lab for testing.

"I know Spice killed my son," Farquer said.

Meanwhile, the Municipality of Anchorage is looking to rid itself of the drug. The Anchorage Assembly is set to consider a new law that will outlaw possession and sale of Spice, not based on the chemical makeup of the drug, but because of what officials say is deceptive marketing.

The drug can be bought in Alaska at local smoke and head shops. It's usually packaged with a cartoonish character and a devious-sounding name. Popular varieties include "Dead Man" and "Mr. Nice Guy." It is the latter -- inside a package adorned with a smiley face that has been shot through the head -- that Hildreth was smoking when he died.

"They market this crap to 12-year-olds. It has Scooby-Doo on the front of it, smiley faces, SpongeBob -- I mean, that's who its being marketed to. It's horrible," Stevens said.

Hildreth's best friend, Brandon Jenkins, said the 18-year-old called him the night before he died. Jenkins said Hildreth told him he was smoking Spice. Jenkins advised his friend to stop. Now that Hildreth is dead, Jenkins is warning other teens to stay away from Spice."

"It isn't worth it," Jenkins said. "Life will lead you in better directions than this stuff will. Life has many opportunities, and death only has one."

Contact Sean Doogan at [sean@alaskadispatch.com](mailto:sean@alaskadispatch.com).

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Dept. of Law  
For reading: December 17, 2013

**ANCHORAGE, ALASKA**  
**AO No. 2013-156**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 8.35**  
2 **TO ADD A SECTION PROHIBITING ILLICIT SYNTHETIC DRUGS SUCH AS**  
3 **"SPICE", "K2", AND "BATH SALTS"; AND PROVIDING FOR A MINOR OFFENSE**  
4 **PENALTY.**  
5

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6  
7 **WHEREAS**, herbal and/or chemical mixtures are being marketed and sold in the  
8 Municipality of Anchorage which are not necessarily controlled by federal or state law  
9 but which are designed and marketed to mimic the effects of controlled substances,  
10 as detailed in the Assembly Memorandum accompanying this ordinance;  
11

12 **WHEREAS**, the Anchorage Police Chief has advised that the Anchorage Police  
13 Department is concerned that the proliferation and availability of these substances  
14 presents a threat to public safety, and police officers' attempts to address the  
15 provision and marketing of these products through application of current state and  
16 municipal laws is inefficient and usually ineffective, for the reasons described in the  
17 AM. The APD has verified the availability of a significant number of these products  
18 in the city. Along with the Municipal Prosecutor's office, APD supports the adoption  
19 of an ordinance that would allow its officers to identify prohibited products through  
20 examination of the packaging and/or statements made at the point of sale or seizure;  
21 and  
22

23 **WHEREAS**, because illicit synthetic drugs are an immediate and ever-present threat  
24 to the public safety and to the health of young people in particular, and are causing  
25 psychological and physical affects to users, this ordinance is deemed to be an  
26 emergency measure and shall become effective immediately in order to protect the  
27 public health and safety; now, therefore,  
28

29 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
30

31 **Section 1.** Anchorage Municipal Code chapter 8.35, Drug Abuse and  
32 Paraphernalia, is hereby amended by adding a new section to read as follows:  
33

34 **8.35.500 Illicit synthetic drugs.**  
35

- 36 A. *Purpose.* The purpose of this section is to regulate the availability of  
37 products which are enhanced with synthetic chemicals, which  
38 chemicals mimic the effects of controlled substances on users,  
39 because these products are a danger to the public health, safety and  
40 welfare.  
41  
42 B. *Definitions.* For purposes of this section, the following terms, phrases,  
43 words and their derivatives shall have the meanings given herein,

1 unless the context clearly indicates or requires a different meaning:  
2

3 *BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC*  
4 *STIMULANTS, N-BOMB, 251-NBOMe* is any crystalline, liquid or powder  
5 product in crystalline, loose powder, block, tablet, tabs, paper, blotter paper or  
6 capsule form, or any stimulant-type product, when  
7

8 1. the label is in any way false or misleading, or which does not  
9 contain a label specifying:

- 10  
11 a. the identity of the commodity; and  
12 b. the name and place of business of the manufacturer,  
13 packer, or distributor.  
14

15 2. Street names for these products include, but are not limited to:  
16 Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave,  
17 Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Ivory Soft,  
18 Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky,  
19 White Dove, White Knight, White Lightning, White Rush, White  
20 China, Blizzard, Bonzai Grow, Charge Plus, Charlie, Euphoria,  
21 Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface,  
22 Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane  
23 Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone,  
24 MCAT, Funky Green Stuff, Reggie's Blend, Hammer Head,  
25 Scooby Snax, XXX, Baby Halo, Zombie Matter, El Diablo,  
26 Supernova Halo, Dead Man, Smokin' Dragon, Rippler, Twilight  
27 Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody Eyes, Mad  
28 Hatter, Grape Ape, Smiles, Mr. Happy, Crippler, Diablo, Dragon  
29 Blow, Lightning, Caution, Eclipse, Lunar Eclipse, Serenity,  
30 Serenity Now, Superman, Synergy, Arctic Synergy, Flight 300,  
31 Cotton Cloud, Kush, Kush Blitz, Amp, Space, Dynamite, Sippin  
32 Syrup and Dark Night.  
33

34 3. This definition shall include any product to which any synthetic  
35 chemical or synthetic chemical compound has been added  
36 which has no legitimate relation to the advertised use of the  
37 product, whether or not the label meets the requirements herein.  
38

39 *DRUG* is an article that is intended to affect the function of the body of  
40 humans.  
41

42 *ILLICIT SYNTHETIC DRUGS* are spice, synthetic cannabinoids,  
43 synthetic marijuana, bath salts, synthetic cathinones, n- bombs, 251-NBOMe,  
44 synthetic stimulants, and misbranded drugs, as defined herein.  
45

46 *MISBRANDED DRUG* is any drug for which:

- 47 1. the label is in any way false or misleading;  
48 2. the label does not bear the name and place of business of the  
49 manufacturer, repackager, or distributor of the finished form of  
50 the drug;

- 1                   3.     the label does not bear adequate directions for customary use;  
2                   or  
3                   4.     the label does not bear adequate warnings against customary  
4                   use.

5  
6                   *SPICE, SYNTHETIC CANNABINOIDS, SYNTHETIC MARIJUANA* is  
7 any aromatic plant material in granular, loose leaf or powder form, or in liquid  
8 or as a food additive, or any herbal-incense-type stimulant or hallucinogen  
9 product, when

- 10  
11                  1.     the label is in any way false or misleading, or which does not  
12                  contain a label specifying:  
13  
14                   a.     the identity of the commodity; and  
15                   b.     the name and place of business of the manufacturer,  
16                   packer, or distributor.  
17  
18                  2.     Street names for these products include, but are not limited to:  
19                  Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice,  
20                  Zohai, K2, K3, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo,  
21                  Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue,  
22                  Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr.  
23                  Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth  
24                  Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks,  
25                  Aroma, Scope, Sky High, Atomic, G-20, Guerrilla Warfare,  
26                  Makes Scents, g-13, Tiger Shark, California Dreams, Dank,  
27                  Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix,  
28                  Hypnotiq, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead  
29                  Man Walking, Brain Storm, Soul Sence, Kush, Kush Mania,  
30                  Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG,  
31                  Demon, Barely In, Pineapple Express, Hayze, King Kong, Black  
32                  Out, Pure Evil, Blue Jay, Honeymoon, Cherry, El Diablo,  
33                  Scorpion King, Funky Monkey 20X, Funky Green Stuff, Reggie's  
34                  Blend, Hammer Head, XXX, Baby Halo, Zombie Matter, El  
35                  Diablo, Supernova Halo, Dead Man, Smokin' Dragon, Rippler,  
36                  Twilight Zone, Bloody Mary, Head Stash, Eight Ballz, Bloody  
37                  Eyes, Grape Ape, Crippler, Dr. Feel Good, Mr. Miyagi, Time  
38                  Out, Warpaint, K6, Black Diamond, Fuego, Green Monster,  
39                  Matrix, Voodoo, Mojo Extreme, Kush, Cloud 13, Storm, Good  
40                  Times, The Bomb, Voodoo Spice, Puff, Ninja, The Hampster,  
41                  Working Joe, Head Trip, Skyscraper, Froge.  
42  
43                  3.     This definition shall include any plant material to which any  
44                  synthetic chemical or synthetic chemical compound has been  
45                  added which has no legitimate relation to the advertised use of  
46                  the product, whether or not the label meets the requirements  
47                  herein.

48  
49                  *SYNTHETIC CHEMICAL or SYNTHETIC CHEMICAL COMPOUND* is  
50 any chemical or chemical compound whose molecular makeup is similar to

1 those substances listed as controlled substances in AS 11.71.160(f)(7)-(16),  
2 (including any isomers, esters, ethers, salts, and salts of isomers, esters, and  
3 ethers of such substances), or to those substances listed in or pursuant to 21  
4 U.S.C. 812(c), 21 U.S.C. 811(h), and 21 U.S.C. 802(32), or those substances  
5 listed temporarily subject to emergency scheduling in 21 C.F.R. § 1308.11(h),  
6 and whose intended use, when introduced into the human body, is to mimic or  
7 simulate the effects of a controlled substance.  
8

9 C. *Prohibition of illicit synthetic drugs.*

- 10
- 11 1. It is unlawful for any person to possess, use, provide, sell,  
12 produce, manufacture, or distribute, or to offer, display, market,  
13 or advertise for sale, any illicit synthetic drug.  
14
- 15 2. In determining whether a product is prohibited by this section,  
16 statements on package labeling such as "not for human  
17 consumption" may be disregarded when other relevant factors  
18 (viewed alone or in totality) indicate that the product is intended  
19 to be consumed or ingested by humans or is a product  
20 regulated by this section. Other relevant factors that may be  
21 used to determine whether a product or sale is prohibited by this  
22 section include, but are not limited to: verbal or written  
23 representations at the point of sale or seizure regarding the  
24 purpose, methods, use, or effect of the product; aspects of the  
25 packaging or labeling suggesting that the user will achieve a  
26 "high," euphoria, relaxation, mood enhancement, or that the  
27 product has other effects on the body; the cost of the product is  
28 disproportionately higher than other products marketed for the  
29 same use; the product contains a warning label stating or  
30 suggesting that the product is in compliance with state or federal  
31 laws regulating controlled substances; the product's name or  
32 packaging uses images or slang referencing an illicit street drug;  
33 illicit or underground methods of sale or delivery are employed  
34 by the seller or provider; or the product resembles an illicit street  
35 drug such as cocaine, methamphetamine, LSD, or marijuana.  
36
- 37 3. *Defense.* It shall be a defense to the prosecution of a violation of  
38 this section that a product is specifically excepted by, or  
39 regulated within and in compliance with, state or federal law. For  
40 the purposes of this section, it shall not be a defense that a  
41 product is not subject to regulation unless the product is  
42 specifically exempt from regulation; mere "nonregulation" by  
43 these acts without a specific regulatory exemption does not  
44 render a product exempt under this section.

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D. *Sale of certain products for human consumption prohibited.* It is unlawful for any person to provide, sell, or offer for sale a product for human consumption when the product is labeled "not for human consumption" or contains similar warnings.

E. *Violations and penalties; seizure.*

1. Each product, package, tube, vial or container possessed, used, provided, sold, produced, manufactured, distributed, or offered, displayed, marketed, or advertised for sale shall be a separate minor offense. The fine for each minor offense shall be \$500.

2. Any products found in violation of this section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after their use for evidentiary purposes is no longer required, including in accordance with chapter 7.25.

**Section 2.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of January, 2014.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

# Police: Spice still on the street, but off Anchorage shelves

By TEGAN HANLON

February 8, 2014



A new Anchorage ordinance cracks down on designer drugs called Spice that are packaged as potpourri or incense. These packages were confiscated either by police, or when a person went to the sleep off center. Wednesday, Jan. 22, 2014. BILL ROTH — Anchorage Daily News

The new law banning Spice based on its packaging has swept the designer drug off Anchorage shelves, but not city streets, according to law enforcement.

Police have ticketed owners and employees at three shops caught selling the product since the Anchorage Assembly passed the ordinance on Jan. 14. By their second round of checks, packets of Spice disappeared, said Mark Karstetter, an Anchorage patrol officer and member of the Community Action Policing team.

"I think it's outstanding," Karstetter. "We've got compliance from pretty much everybody at the smoke shops."

Still, the ordinance hasn't knocked out street sales and the municipal prosecutor has voided at least two tickets issued for misidentified and legal smoking products.

Both Karstetter and Chris Schutte, executive director of the Anchorage Downtown Partnership, said that after the law passed people started traveling to Palmer or Wasilla to buy Spice in bulk and resell it in Anchorage.

When the green-colored contents are removed from its packaging, the new law is essentially ineffective. Spice is typically rolled into thin cigarettes called sticks and users compare the high to that of LSD or methamphetamine.

"On one hand the crooks can read and on the other hand Palmer and Wasilla aren't that far away," Schutte said.

An ordinance, similar to the one in Anchorage, is scheduled to be introduced to the Wasilla City Council Monday, according to the city's website.

Passage of the Wasilla ordinance would be another step to strangle the sale of Spice, an elusive drug that Alaska lawmakers have chased for years.

The Anchorage Assembly first attempted to stop sales in 2010, passing an ordinance to ban the drug, considered a synthetic cannabinoid, based on its chemical composition. The state soon followed.

But manufacturers quickly shifted ingredients, spraying different psychotropic compounds on herbal mixtures and staying one step ahead of the law.

Now, police can ticket a shop based on what's on the outside of the Spice package, often marketed as potpourri or incense, and not its contents. If a packet is printed with one of the more than 100 criminalized names for Spice or doesn't list ingredients and the manufacturer's address, it's

considered illegal, said Municipal Prosecutor Cynthia Franklin, who helped write the legislation.

The labeling guidelines haven't necessarily made for perfect identification and Franklin has voided tickets issued for legal products.

It's why Scot Dunnachie, owner of Planet X in Spenard, is fighting back.

He stopped selling the drug soon after the ordinance passed, but an employee at his shop received a \$500 ticket for selling marshmallow root on Jan. 21.

Marshmallow root is an herb sold in brightly-colored packaging, sometimes found in tea and intended to produce calming effects. Planet X sells 7-gram packages for \$10 while the cheapest Spice on the market sold for \$10 per gram, Dunnachie said.

"On the ticket it says possession of illicit drugs," he said. "The fact that they're just going off the law that was written, the law says that they can walk in and grab anything they want and charge you that it is Spice."

Franklin said it was "just a little bit of a training issue" and officers were looking at similar products they may have never seen before.

Karstetter said some of the legal herbs look "remarkably like synthetic cannabinoids" and police were instructed to issue a ticket, confiscate the packet and then examine the intent of the ordinance. Police issue tickets to both employees and owners -- whoever is there, he said.

"And then we looked back and dismissed the citation," he said.

As police finish up check backs at nearly 20 stores that once sold Spice in Anchorage, Karstetter expects to hand ticketing over to full patrol soon.

Reach Tegan Hanlon at [thanlon@adn.com](mailto:thanlon@adn.com) or 257-4589.

## CSHB 362( ): Prohibit Illicit Synthetic Drugs

### Summary of Changes to 28-LS1538\U

Page, Line	Version 'A'	Version 'U'
Page 1, Line 1	"An Act relating to prohibition on the offer, display, marketing, advertising for sale, or sale of illicit synthetic drugs. "	Added " <u>possession</u> " to the list of prohibited actions
Page 1, Line 5	(a) "A person may not offer, display..."	Added " <u>possess</u> " to the list of prohibited actions
Page 2, Line 16-17	(F) "the owner or person in control of the synthetic drug uses evasive tactics to avoid detection by law enforcement authorities"	Removed this subsection, re-lettered remaining subsections
Page 2, Line 21	(H) "the synthetic drug has one or more of the following..."	(G) changed to "the synthetic drug <u>is labeled as or</u> has one or more of the following..."
Page 3, Lines 21-22	(c) A person who violates 17.21.010 is guilty of a violation and, upon conviction, may be punished as provided in AS 12.55.	(c) A person who violates AS 17.21.010 is guilty of a violation and, upon conviction, is punishable by a fine of not more than \$500.

1. Added the word "possession to the list of prohibited actions
2. Added the word "possess" to the list of prohibited actions
3. Removed the previous section AS 17.21.010 (b) (2) (F)
4. Added the words "is labeled as or" to make it clear that the packaging label would have one of the following listed names
5. Put the specific fine in language to address concerns of the Public Defenders Agency and the Office of Public Advocacy – this explicit change zeroed out the fiscal note

# Public urges Wasilla council to pass Spice ban

By ZAZ HOLLANDER

March 25, 2014 Updated 16 hours ago



Packages of an herbal capsule called "Kratom" are sold at Wasilla's Wild Zone smoke shop. The store is one of six that could have been regulated under a proposed synthetic drug ban that failed to get approval from the Wasilla City Council Monday night, February 24, 2014.

WASILLA -- Wasilla needs a synthetic drug ordinance -- any synthetic drug ordinance.

That was the plea from a disappointed public that this week asked Wasilla's city council to reconsider last month's failed ban on synthetic drugs like Spice and bath salts that mimic the effects of illegal drugs but are sold at six stores within city limits.

Council members voted Monday evening to reintroduce the legislation despite an attempt to change direction by council member Brandon Wall, who continues to question the ban's scope.

State and federal drug agencies have criminalized some chemicals in the drugs but foreign manufacturers constantly switch formulas to stay ahead of the laws. Wasilla's proposed ordinance is modelled on one passed in Anchorage in January.

Authorities say the substances are unsafe because their chemical makeup is a mystery, and can trigger unpredictable emotional and health problems, including aggressive behavior, seizures and collapse. "Not for human consumption" labels allow them to bypass Food and Drug Administration review.

Anecdotally, the synthetic drug of choice in the Valley is Spice, created by spraying leafy plant matter with chemicals. It's often marketed like marijuana but can reportedly lead to psychosis, hallucinations or cardiac problems.

"Someone very close to me came this close to dying from Spice," local businessman Robert Friesen told the council during public testimony Monday, holding his thumb and index finger a quarter-inch apart. "Get rid of this stuff. You had a chance. You didn't do it."

The drug is "contributing to youth homelessness" in the Valley because parents can't control the violence and unprovoked rages of young people in withdrawal, said Michelle Overstreet, founder of Mat-Su Youth Housing, which operates a coffee shop and drop-in center for 14- to 24-year-olds about a block from Wasilla City Hall.

Overstreet told the council about a homeless youth, a talented piano player who entertained coffee shop patrons last fall, but then started smoking Spice. She said the substance caused medical problems that left him in a five-day coma. He emerged but isn't the same.

"He can play about 30 seconds of the stuff he used to be able to play by heart," Overstreet said. "He's lost. He's a lost boy."

Principals in Valley high schools are dealing with Spice along with other drugs, Mat-Su School Board member Ole Larson told the council.

"It's sold legally, and it's insane," Larson said. "I figure that we should maybe call meth 'shower gel' and we can sell that too."

Under Wasilla's proposed ban, police would issue a \$500 citation to people or business caught using or selling compounds with more than 150 different street names from AK47 and Dead Man Walking to The Hampster and Froge. The ordinance targets products that promise a high, or make reference to illicit street drugs and that cost more than other products marketed for the same use.

The council on Feb. 24 failed to pass a synthetic drug ban despite a 3-2 vote in favor: it takes four votes to pass legislation but council member Leone Harris was absent. Harris the next day said she would have voted in favor but couldn't attend the meeting.

The two votes against the ban, Wall and Clark Buswell, blamed overly broad language and said they worried about police overreach.

Wall on Monday lost a 4-1 vote to pull the ordinance off the consent agenda for discussion. He also failed to drum up any interest in holding a work session to look at other anti-synthetic drug strategies such as going after the business license of someone caught selling them as several other communities in California and New Mexico do.

Wall wrote a memo outlining his concerns that the proposal gives too much leeway for law enforcement with ill-defined boundaries on what's illegal. A citation doesn't afford the due process like a jury trial that more serious charges do but still shows up on someone's record even if the charge is dropped.

People who buy the drugs legally elsewhere may not know they're illegal in Wasilla -- most people don't even know where city limits start, he said.

"I would have absolutely no problem voting for this even with the issues I've got with this if it only affected businesses," Wall said. "But when we are possibly affecting a young person's future livelihood because of something they bought legally one or two miles outside the city limits, that causes me a lot of concern."

The council's vote against Wall's motion disappointed former council member Dianne Woodruff.

"Nobody in this room, nobody in this community wants to see it continue to be sold," Woodruff said. "However, I do understand there may be better ways to address it, more effective ways and it certainly wouldn't hurt to look at those."

Mayor Verne Rupright and Wasilla police Chief Gene Belden proposed the original ordinance. The revised ordinance is supported by the mayor, police chief and council members Colleen Sullivan-Leonard, David Wilson and Gretchen O'Barr.

State Sen. Kevin Meyer, R-Anchorage, has proposed an anti-synthetic drug measure on the state level. Soldotna is also considering one.

A public hearing has been scheduled for the Wasilla ordinance at 6 p.m. on April 14, according to city clerk Kristie Smithers.

Reach Zaz Hollander at [zhollander@adn.com](mailto:zhollander@adn.com) or 257-4317.

Read more here: <http://www.adn.com/2014/03/25/3393585/public-urges-wasilla-council-to.html#storylink=cpy>