OVERVIEW OF NOVEL PSYCHOACTIVE SUBSTANCES AND STATE RESPONSES

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BACKGROUND

• Synthetic cannabinoids originally created as research chemicals in the 1960’s to test their use as pharmaceutical agents, typically for the treatment of pain

  • Attempt to separate the unwanted psychoactive effects from the treatment aspects of THC

  • Many of the currently abused synthetic cannabinoids stem from this research

  • Seen in Europe as early as 2004

  • First detected in the US in DEA forensic labs in 2008
BACKGROUND

- Substituted cathinones – derived from the khat plant; some also began as research chemicals
  - Methylone as an antidepressant
  - MDPV for treatment of chronic fatigue
  - Recreational use of cathinones began in the mid-to late 2000’s
BACKGROUND

• Chemicals are manufactured overseas, typically south and southeast Asian countries, and shipped to the US; typically sold via the internet

• Synthetic cannabinoids arrive in powder form to the distributor
  • Mixed with acetone to convert it to liquid form and sprayed or poured directly onto smokeable plant matter
  • Flipped or mixed to coat the plant matter then left to dry
    • Use bathtubs, horse troughs, cement mixers
Hi,
Here is a supplier of Pharmaceutical intermediates from China.
Our main products include 2,5-Dimethoxy-4-chloroamphetamine, APVP, APVT, 4MMC, 3MMC, 4MEC, AL-LAD, AM2201, 25I-NBOMe, Methylone(BK-MDMA), 5F-PB22, 5FAKB48, MXE, MDAI, MDPV, 6-APB, 2-FMA, Dichloropane, UR144, Butylone, Pentyline, Pentedrone ...
As the manufacturer, also have many experiences in this industry, can make sure you the high purity products and competitive price.
anything can offer or help you, please email us via:
Your early reply will be highly appreciated.
Warm regards,

Lookchem Verified Premium Supplier: http://vincor.lookchem.com/
Website: www.shvbe.com
ShangHai Vincor BioEngineering Co., Ltd.
Add: Baoshan District, Shanghai
BACKGROUND

- New type of synthetic cannabinoid comes in liquid form and is smoked via electronic cigarettes
- Synthetic cannabinoids are typically leafy, resembling marijuana
- Substituted cathinones typically arrive to the distributor in powder form and are placed into capsules and packaged for sale
- Also sold in pill, capsule, crystal, powder, tablet, and liquid
BACKGROUND

• Come in bright, colorful packages

• “Not for human consumption”

• Include disclaimers that the package doesn’t contain certain illegal substances

• Generally don’t include the name and address of the manufacturer/distributor

• Also typically don’t include instructions for use or a list of ingredients
BACKGROUND
BACKGROUND

• Poison Control Center Calls
  
  • 2011 – Synthetic Cannabinoids 6,968
  • 2011 – Substituted Cathinones 6,137
  
  • 2012 – Synthetic Cannabinoids 5,230
  • 2012 – Substituted Cathinones 2,691
  
  • 2013 – Synthetic Cannabinoids 2,663
  • 2013 – Substituted Cathinones 996
  
  • August 2014 – Synthetic Cannabinoids 2,154
  • August 2014 – Substituted Cathinones 421

BACKGROUND

- Health effects of using synthetic cannabinoids include:
  - Severe agitation and anxiety
  - Racing heartbeat and high blood pressure
  - Nausea and vomiting
  - Muscle spasms, seizures, and tremors
  - Hallucinations and psychotic episodes
  - Suicidal and other harmful thoughts
  - Kidney and other organ damage/failure

BACKGROUND

- Health effects of using substituted cathinones include:
  - Paranoia and violent behavior
  - Hallucinations
  - Delusions
  - Suicidal thoughts
  - Seizures
  - Panic attacks
  - Increased blood pressure and heart rate
  - Chest pain
  - Nausea and vomiting

BACKGROUND

• How we track new substances:
  • National and international news alerts
  • Advisory Council on the Misuse of Drugs (UK)
  • European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
    • EU-Early Warning System detected 81 new psychoactive substances in 2013 –
      • 29 synthetic cannabinoids
      • 13 substituted phenethylamines
      • 7 synthetic cathinones
      • A tryptamine and a piperazine
      • 30 that didn’t conform to the readily recognized chemical groups
WORKING GROUP MEETING

• October 2013 – hosted by NAMSDL

• 18 participants included forensic scientists, toxicologists, state drug directors, representatives from law enforcement, epidemiologists, and two international participants – epidemiologist from the Canadian Centre on Substance Abuse and the Chair of the Technical Committee from the UK Advisory Council on the Misuse of Drugs

• Purpose was to pool the experience and knowledge of the participants and come up with model laws to help combat the manufacture and distribution of synthetic drugs
MODEL LAWS

• Four model laws stemmed from the working group –
  
• Scheduling of Novel Psychoactive Substances Law
  • Straight scheduling language incorporating both specific substances and class definitions as recommended by Working Group participants

• Emergency Scheduling of NPS and Analogues
  • Provides language so that states can schedule NPS on an emergency basis and give the legislature time to investigate the substance to determine if it should be scheduled permanently
MODEL LAWS

- Model Controlled Substances Analogue Law
  - Provides language for dealing with substances labeled “not for human consumption”

- Model NPS Economic Sanctions Package
  - Revocation or suspension of business license
  - Injunctive or other relief
  - Nuisance abatement act
  - Mislabeled or misbranded products
MODEL LAWS

• Scheduling of Novel Psychoactive Substances Law

• List of all novel psychoactive substances of which we were aware at the time by both class definition where known and by specific substance

• Class definition encompasses all those within the particular class whether specifically listed or not so it would include any new substances that fall within the class

• Listing by specific substances makes it easier to prosecute
MODEL LAWS

• Emergency Scheduling of NPS and Analogues
  • Allows a state agency to temporarily schedule a substance for no more than 18 months to give the agency or the legislature an opportunity to review additional information or research related to the substance to determine if it should be permanently scheduled
  • Provides a six month extension
MODEL LAWS

• Model Controlled Substances Analogue Law

• No agreement on all the language but were able to reach a consensus in certain areas

• Factors to determine if a substance is an analogue:
  • Difference between the price at which the substance is being sold and the price at which the substance it is purported to be is sold
  • Diversion from legitimate channels
  • Defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or other means
MODEL LAWS

• Model Controlled Substances Analogue Law, cont’d.

  • Additional factors to determine if a substance is an analogue:
    • Defendant’s prior convictions, if any
    • Comparisons with accepted methods of marketing a legitimate nonprescription drug:
      • The packaging of the substance and its appearance in overall finished dosage form
      • Oral and written statements or representations concerning the substance
      • Methods of distribution
      • Manner in which it’s sold to the public
MODEL LAWS

• Model Controlled Substances Analogue Law, cont’d.
  
  • Creates a Controlled Substance Analogue Committee to temporarily schedule analogues on an emergency or expedited basis as needed
  
  • Sample language – clarifies that to be a controlled substance analogue, a substance must be substantially similar to a controlled substance and must either have a substantially similar effect on the body or is intended to have such an effect
  
  • Provides guidance on what constitutes “substantially similar”
MODEL LAWS

• Model Novel Psychoactive Substances Economic Sanctions Package
  • Provides for the suspension or revocation of liquor, beer, wine, and tobacco licenses for violations
  • Seizure of any and all mislabeled/misbranded products
  • Violations may result in the premises being declared a public or drug-related nuisance and includes provisions for abatement and suspension or revocation of certain licenses
  • Suspension or revocation of retail merchant license
  • Imposition of temporary restraining order, preliminary injunction, temporary forfeiture order, temporary closure order, or order of abatement for violations
STATE RESPONSES

• All 50 states have scheduled one or more synthetic cannabinoids either by specific substance or class definition

• All 50 states have scheduled one or more substituted cathinones either by specific substance or class definition

• More states are moving to scheduling by class definition with specific substances listed as examples under the class
STATE RESPONSES

Synthetic Cannabinoids

Synthetic Cannabinoids

States that have scheduled by specific substance
States that have scheduled by class definition
States that have scheduled by both

STATE RESPONSES
Substituted Cathinones

States that have scheduled by specific substance
States that have scheduled by class definition
States that have scheduled by both
STATE RESPONSES

• More specific definitions of controlled substance analogue
  
  • South Dakota states that it’s a substance that differs in its chemical structure by substituting one or more hydrogens with halogens or by substituting one halogen with a different halogen
  
  • Tennessee states that it must differ in no more than two atoms, one functional group, or one double bond from the structure of a controlled substance
STATE RESPONSES

• Indiana passed legislation in 2013 adding new penalties for the sale or solicited sale of a synthetic drug, including the suspension of a retail merchant certificate

• City of DeKalb, Illinois allows the suspension or revocation of licenses to sell liquor, beer, wine, or tobacco for the sale, offer for sale, offer to sell, distribution, delivery, or storage of an NPS
STATE RESPONSES

• Tennessee amended its controlled substance analogue statute in 2013 to include a nuisance provision

  • Any business may be declared a drug-related nuisance if it manufactures, delivers, dispenses, or sells a controlled substance analogue – including synthetics – and the premises and building of such business are subject to abatement
• Missouri passed SB 491 which modifies their nuisance provision to provide that it is unlawful to knowingly keep or maintain any room, building, structure, or inhabitable structure which is used for the manufacture, distribution, storage, or sale of 36 grams or more of a synthetic cannabinoid

• Offense is a class E felony (max. term of 4 years)
STATE RESPONSES

• Minnesota HF 2446 (2014) –

  • Modifies definition of “drug” to include any compound or substance not approved by the FDA for human consumption or specifically permitted for human consumption under MN law and, when introduced into the body produces an effect similar to that of a Schedule I or II substance, regardless of whether the substance is marketed for the purpose of human consumption and makes it illegal to sell any such substance
STATE RESPONSES

- Minnesota HF 2446 (2014), cont’d. –
  - Provides that a drug shall be deemed adulterated if it is produced in a facility that is not registered with the FDA or licensed by the board
  - Provides that a drug shall be deemed misbranded if it does not include a statement of the ingredients
STATE RESPONSES

• Minnesota HF 2446 (2014), cont’d. –
  
  • Provides that a person convicted of selling a controlled substance or analogue under the false pretense that the substance is legal shall pay restitution and expenses resulting from the crime, including:

    • Medical costs of persons who consumed the substances
    • Reasonable costs incurred by public and private entities that provided an emergency response to the person who consumed the substances sold by the offender
STATE RESPONSES

• Virginia HB 1112 (2014) –
  
• Adds a definition for “controlled substance analog”

• Allows the Board of Pharmacy, in consultation with the Dept. of Forensic Science, to place a substance in Schedule I or II after notice and a hearing

• Such substance shall remain in Schedule I or II for a period of 18 months after which it shall be de-scheduled unless a general law is enacted by the legislature prior to the expiration of the 18 month time period
STATE RESPONSES

• Massachusetts SB 2142 (2014) –
  
  • Allows the commissioner to place a substance in Schedule I on an emergency basis if the commissioner determines that it is necessary to avoid an imminent hazard to the public safety and is necessary for the preservation of the public health, safety, and welfare
  
  • Treated as an emergency regulation which can remain in effect for up to one year
STATE RESPONSES

• August 2014, New Hampshire Governor declared a state of emergency after at least 41 people experienced serious medical reactions after smoking a synthetic cannabinoid.

• September 2014, Colorado store fined $100,000 for selling products containing synthetic cannabinoids as the products were deceptively labeled and the store failed to disclose the products were illegal and harmful.
FEDERAL RESPONSES

• Since 2011, the DEA has used its temporary scheduling authority to schedule 28 drugs, all of which have been synthetic substances.

• May 2014, DEA arrested more than 150 individuals and seized hundreds of thousands of individually packaged synthetics as well as hundreds of kilograms of raw synthetic products to make thousands more in Phase II of Project Synergy.
FEDERAL RESPONSES

• Cong. HR 4975 & SB 1322 – modifies the definition of controlled substance analogue and includes factors for determining if a substance was intended for human consumption
  
  • Factors include:
    • The marketing, advertising and labeling of the substance
    • The known efficacy or usefulness of the substance for the marketed purpose
FEDERAL RESPONSES

- Cong. SB 1323 – modifies the definition of controlled substance analogue and creates the Controlled Substance Analogue Committee to establish and maintain a list of substances that are controlled substance analogues

- If a substance is subsequently scheduled, it will be removed from the controlled substance analogue list
RECOMMENDATIONS

• Switch to scheduling NPS by class definition, where available, with specific substances as examples

• Make use of statutes already on the books – nuisance abatement, consumer protection, license revocation

• Include guidance for courts, prosecutors, and defense lawyers regarding controlled substance analogues
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