

**Uniform Controlled Substances
Act (UCSA)(1990)
Controlled Substance Analogs**

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Uniform Controlled Substances Act (UCSA)(1990) Controlled Substance Analogs Policy Statement

America has experienced for the past 20 years a growth in the popularity of controlled substance analogs, or “designer drugs.” Federal and state drug statutes control substances by listing them on schedules. Each controlled substance is defined according to a precise chemical structure. Manufacture, distribution, and use of a substance with a listed chemical structure is subject to regulation. In the 1970s drug dealers quickly realized they could evade drug laws by creating substances which varied slightly in molecular structure from commonly abused controlled drugs. Because these new analog substances were unscheduled, their production and use were unrestricted. Chemists with rudimentary scientific knowledge and no concern for public health consequences began to manufacture analogs with devastating results.

“China White”, an analog of the controlled substance fentanyl, was 3,000 times more potent than heroin and resulted in hundreds of drug overdoses in Southern California and other areas¹. An analog of Demerol was linked to Parkinson’s disease which resulted in near total paralysis of dozens of users and identification of over 400 users believed to be at serious risk of developing Parkinson’s disease². The deaths of 11 people in the New York-New Jersey-Connecticut area resulted from ingestion of a potent designer drug called “Tango and Cash.” The drug is laced with a powerful tranquilizer which makes it 27 times more potent than the heroin on which it is based³.

In 1990 the National Conference of Commissioners on Uniform State Laws (NCCUSL) promulgated legislation to help states deal fairly and effectively with the designer drug problem. The Uniform Controlled Substances Act (UCSA)(1990) provisions define and prohibit the production of designer drugs and allow emergency scheduling of analogs to avoid an imminent hazard to the public safety. Simultaneously, the UCSA permits legitimate scientific research to continue even though the research may result in accidental production of an analog. Protection is also afforded the use of analogs for purposes other than human consumption.

¹ American Prosecutors Research Institute, *Overview STATE DRUG LAWS FOR THE '90s* 37 (1991).

² *Id.*

³ *Id.*

Highlights of the Uniform Controlled Substances Act (UCSA)(1990) Controlled Substance Analogs

- Defines a controlled substance analog as a substance substantially similar to a controlled substance in chemical structure which has, or is represented to have, an effect on the central nervous system substantially similar to that of a controlled substance.
- Excludes from regulation substances which are the subject of legitimate scientific research or are intended for purposes other than human consumption.
- Allows temporary emergency scheduling of an analog to prevent imminent hazards to public safety upon receipt of relevant information by prosecutors.
- Requires commencement of general comprehensive rulemaking proceedings simultaneously with issuance of an emergency scheduling order.
- Authorizes prosecution of illegal manufacturers and distributors of analogs.
- Requires analogs to be treated as Schedule I controlled substances for prosecution and penalty purposes.
- Terminates prosecution of an analog case if the appropriate agency finds that the analog should remain unscheduled.