

MINUTES

**UTAH
CONTROLLED SUBSTANCES ADVISORY COMMITTEE
MEETING**

October 6, 2010

**Room 474 – 4th Floor – 1:00 P.M. – 4:00 P.M.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 3:08 P.M.

ADJOURNED: 4:52 P.M.

Bureau Manager:

Richard J. Oborn

Board Secretary:

Lee Avery

Committee Members Present:

David N. Sundwall, MD, Chairperson
Alexander B. Larsen, DDS
Scott Reed
Kristen Ries, MD
Major Jeff Carr
Todd C. Grey, MD
David C. Young, R.Ph.
Glen R. Hanson, MD
Darin M. Vercillo, MD

Committee Members Absent

Elizabeth Howell, MD

Guests:

Paul Boyden, Prosecutors Assoc.
Dan Weist, Standard Examiner
Scott Van Wagoner, Unified Police Department

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The Committee reviewed the minutes dated September 15, 2010. Dr. Vercillo motioned to approve the minutes, seconded by Dr. Larsen. The motion carried unanimously.

DISCUSSION ITEMS:

1. Possible recommendations of placement of substances on controlled substances schedule
 - i. Spice
 - a. Report on information about laws regulating Spice in various jurisdictions

The Committee discussed the written report that needs to be submitted to the Health and Human Services Interim Committee by November 2010. Dr. Sundwall stated that this Committee may want to prepare a draft outline from today's meeting and meet one more time

- b. Ability to detect Spice in drug screens
- c. Factors to consider in making recommendation to legislature
- ii. Tramadol
- iii. Salvia divinorum
- iv. Other

before the final report is submitted to the Health and Human Services Interim Committee. The Committee decided to focus on regulation of Spice at this time. Mr. Oborn reviewed Spice regulations in Utah municipalities. The Committee reviewed a report outlining the regulation of Spice in thirteen other states. Dr. Vercillo motioned that the Committee recommend that the Utah Legislature take legislative action during the 2011 General Legislative Session to address abuse of Spice, with specifics of the recommendation to be determined later, seconded by Dr. Larsen. The motion carried unanimously.

The Committee expressed concern that some counties and city municipalities in Utah are establishing their own ban on the use of Spice. The Committee stated that they do not want a checkerboard across the state of local ordinances, each with different prohibitions. The language in the proposed statute needs to be written so as to give law enforcement the tools needed to uniformly enforce the law across the State.

Mr. Paul Boyden led the Committee in reviewing an option for regulating Spice. Mr. Boyden circulated a draft of his proposal which would create a list of substances within the Controlled Substances Act (Utah Code 58-37) that are controlled, but not scheduled. Synthetic cannabinoid substances found in Spice would be added to the list. One such substance is the chemical structure JWH-018. If substances containing a chemical with the structure JWH-018 are “controlled” but not “scheduled,” any distribution, dispersing, of the products sprayed with chemical containing JWH-018 would be prohibited unless an individual holds a controlled substance license.

The Committee noted that it does not want to inhibit appropriate use of synthetic cannabinoid chemicals. Excessively broad language in statute would have adverse impact on researchers interested in performing legitimate research. Mr. Boyden recommended that the Board be careful not to name substances that have a legitimate medical purpose.

Dr. Hansen emphasized the importance of being as specific as possible in identifying the compounds to

list as controlled substances. Dr. Hansen also expressed concern regarding the placement of synthetic cannabinoid substances in Schedule I. If a substance is listed as a Schedule I, it is very difficult to get research of the substance approved by an institutional review board. An institutional review board sometimes approves Schedule I substances for research, but placement on the Schedule I list makes research more difficult. Dr. Hansen stated that we cannot just start throwing substances into a controlled substance schedule just because we want them taken off the counter of a corner market. Dr. Hansen believes this was not the intent of scheduling substances.

Mr. Boyden informed the Committee that substances listed by the DEA as controlled substances at the federal level also must be listed at the state level because Utah law forbids delegation of authority to the federal government to determine a penalty.

Mr. Boyden informed the Committee that he understood that it was not the Committee's responsibility to draft the actual language for legislation. The committee is to recommend a general framework for how to regulate the use of substances of concern such as those contained in Spice.

Dr. Hanson stated that scheduling a substance is a tool used for controlling a substance in statute. Substances listed under Schedule I are those that have a high potential for abuse and have no approved clinical use. Dr. Hanson stated that based on his research, THC is not a terribly addictive substance. It can cause addiction in some people but the people have to work at it. Dr. Hanson believes that THC is considerably less addictive than substances that are currently scheduled in Schedule I.

Dr. Grey stated that it sounds like the Committee may be interested in not recommending that substances found in Spice be placed in Schedule I at this time. The Committee offers as an alternative the creation of a list in the Utah Controlled Substances Act that would list the substances found in Spice as "controlled", but not "scheduled."

Dr. Hanson emphasized that he wants to provide law enforcement the tools necessary to get Spice off the streets.

Dr. Vercillo inquired as to whether there are unintended consequences to creating a list of substances that are controlled but not scheduled. Mr. Reed stated that the DEA already has a list of substances that are controlled but not scheduled.

The Committee discussed the need to create a subcommittee to assist in development of an accurate list of chemicals found in the Spice. Dr. Hansen and Dr. Young were asked to assist in the development of the list. Mr. Oborn will contact the Health and Human Services Interim Committee and inform them of the progress of the Committee.

2. Scheduling of future meetings:

The Committee determined that the next meeting will be on November 4, 2010 at 3:00 P.M.

ADJOURN:

Adjourn: 4:52 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

November 4, 2010
Date Approved

(ss) David N. Sundwall, MD
Chairperson, Controlled Substances Advisory
Committee

November 4, 2010
Date Approved

(ss) Richard J. Oborn
Bureau Manager, Division of Occupational &
Professional Licensing