

MINUTES

UTAH  
CONTROLLED SUBSTANCES ADVISORY COMMITTEE  
MEETING

November 27, 2012

Room 474 (fourth Floor) – 4:00 P.M.  
Heber M. Wells Building  
Salt Lake City, UT 84111

CONVENED: 4:06 p.m.

ADJOURNED: 5:23 p.m.

Bureau Manager:  
Board Secretary:

Debra Hobbins, DNP, APRN  
Shirlene Kimball

Division Staff:

Tom Harper, Manager –Training, Education & Outreach

Committee Members Present:

David N. Sundwall, MD, Chairperson  
Major Jeff Carr  
Blaine Winters, APRN  
Todd C. Grey, MD  
David Young, Pharm D  
Elizabeth Howell, MD  
Darin M. Vercillo, MD  
Scott W. Reed  
Glen R. Hanson, Ph.D, DDS

Committee Members Excused:

Jeffrey Wright, ND  
Jeffrey Paul Clark, MD  
Kristen Ries, MD

Guests:

Sgt. Stanton Van Wagoner, Unified Police Department  
Barbara Crouch, Pharm D, MSPH Utah Poison Control  
Detective Matt Melton  
Jennifer McNair, Bureau of Forensic Services  
Misoo Abele, MD  
Taha Al-Shaikhly  
Kade Carlson, Utah Addiction Center

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

September 10, 2012 Minutes:

Dr. Howell made a motion to approve the September 10, 2012 minutes as written. Dr. Vercillo seconded the motion. All Board members voted in favor of the motion.

1. Discussion and report regarding the October 17, 2012 and November 14, 2012 meeting with the Health and Human Services Interim Committee:

Dr. Sundwall, Major Jeff Carr and Scott Reed attended the October 17, 2012 Health and Human Services Committee meeting. Dr. Sundwall reported the Committee reviewed and discussed the report submitted by the Controlled Substances Advisory Committee. Health and Human Services Committee members noted that the statute cannot be changed nor items added to the controlled substances list without approval of the state Legislature and that the constitution takes precedence. It was suggested that during the interim, a special session of the Legislature could be held for the addition of substances to the controlled substances list. It was pointed out that there could be a legal challenge to convictions of criminals possessing items added to the controlled substance list without proper legislative approval. Mr. Reed asked the committee to consider forming a special legislative committee with rulemaking authority to address these issues. Committee members indicated that a subset of the Legislature would still be unable to pass legislation on behalf of the entire Legislature. Rep. Ray will file a bill to make additions and technical changes to the state's statutory schedule of controlled substances. Rep. Ray presented this bill at the November Health and Human Services Interim Committee meeting.

At the November 14, 2012 meeting of the Health and Human Interim Committee, members considered draft legislation for 2013 that adds substances and makes technical changes to the controlled substances schedules. Dr. Sundwall indicated that every substance listed in the letter was placed in the proposed bill. Major Carr stated there was no additional discussion.

Mr. Reed indicated after that meeting, he spoke with Legislative counsel and a meeting with the Governor's office has been scheduled for December 14, 2012. Major Carr reported Rep. Greenwood, a member of another Legislative Committee, is also looking for solutions to this problem. There may be some overlap of Committees and Rep. Greenwood would like a report from the CSAC.

2. Update from various parties regarding experience and perspective related to the use of "recreational" drugs and

a. Law enforcement: Sgt. Van Wagoner reported he recently approached the proprietor of a shop who indicated they no longer carry the product he had asked

substances:

- a. Law enforcement
- b. State Crime Lab
- c. Health departments and hospitals
- d. Utah Poison Control
- e. Medical Examiner

for. However, the proprietor then proceeded to direct him to another product. Sgt. Van Wagoner reported the substance was analyzed by the State Crime Lab. The indication is that the substance was a stimulant. Sgt. Van Wagoner indicated he feels the proprietor of the shop directed him to a new product because he is trying to sell the next best synthetic high in order to keep his business.

Sgt. Van Wagoner reported that products known as Mr. Smiley and Doves will provide the same high as bath salts. He indicated that adding Viagra and Cialis to energy drinks is a trend coming from the east coast. Dr. Vercillo questioned whether any of these substances would appear on a hospital toxicology screen. Dr. Howell stated that it would depend on what drug the test is looking for.

b. State Crime Lab: Ms. McNair handed out a report regarding the types of controlled substances analyzed 2005 to September 2012. The graph included the types of drugs analyzed. She indicated there are between 40 and 50 basic types of drugs and the light blue on the graph indicates new drugs analyzed.

Ms. McNair reported that three new substances have been identified since the CSAC letter was sent to the Health and Human Services Interim Committee. Dr. Sundwall questioned whether these substances need to be added as an amendment to the letter. Mr. Reed stated that if the Committee determines it is necessary to add these three substances, the sponsor of the bill would need to do a friendly amendment. We could determine whether to add an amendment at the next meeting.

Ms. McNair also reported the State Crime Lab is working on providing a portable scan for the police department to test for marijuana and cocaine. Mr. Reed indicated any analysis completed at the police department might be called in question by a prosecuting attorney because chemistry is very sensitive.

c. Poison control: Dr. Crouch reported Poison control continues to receive calls regarding ecstasy and PCP. Most calls are from health care professionals regarding spice and some bath salts.

3. National trends and policies:

Ms. McNair indicated other states are struggling with the same issues we are. Dr. Howell stated the chemists are a lot more sophisticated now and the public is at risk by not knowing what the product contains. Mr. Reed stated we are behind in public education. Dr. Vercillo indicated the goal is patient safety, but some individuals will not care what they take even if they know the risks. Dr. Vercillo questioned whether the Committee could have hospitals identify and report the bad effects. Dr. Sundwall stated the purpose of the Committee is to keep the Legislature informed and he requested Committee members think about policy issues we might raise with the legislators.

4. Scheduling of next meeting:

January 13, 2013 at 4:00 p.m.

5. Board Survey of Online Disciplinary Documents:

Committee members discussed the letter requesting Board members' opinions whether DOPL should post its disciplinary documents in a way that restricts a person's ability to find them through a general internet search. For example, individuals could find the documents by searching within [dopl.utah.gov](http://dopl.utah.gov), but not through general search engines like Google, Yahoo or Bing. Committee members recommended option number one that reads, "We believe disciplinary documents posted on DOPL's website should only be found through a search someone performs within DOPL's website. General internet searches shouldn't be allowed to display or embed disciplinary documents as a search result." Dr. Hobbins indicated disciplinary documents are currently handled this way.

*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.*

January 24, 2013  
Date Approved

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

January 24, 2013  
Date Approved

(ss) Debra Hobbins  
Debra Hobbins, Bureau Manager, Division of  
Occupational & Professional Licensing