



State of Utah
Department of Commerce
Division of Occupational and Professional Licensing

GARY R. HERBERT
Governor

FRANCINE A. GIANI
Executive Director

MARK B. STEINAGEL
Division Director

November 9, 2010

Health and Human Services Interim Committee
Office of Legislative Research and General Counsel
W210 State Capitol Complex
Salt Lake City, UT 84114

Dear Members of the Health and Human Services Interim Committee:

Utah Code Title 58, Chapter 38a creates the Controlled Substances Advisory Committee (“Committee”) as a consultative and advisory body to the Legislature regarding:

- (a) the movement of a controlled substance from one schedule to another;
- (b) the removal of a controlled substance from any schedule; and
- (c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule.

The Committee is required to submit to the Health and Human Services Committee a written report that: (a) lists any substances recommended by the Committee for scheduling, rescheduling, or deletion from the schedules by the Legislature; and (b) states the reasons for the recommendation.

The Committee has researched whether specific substances found in a product known as “Spice”¹ should be added to the controlled substances schedule established in the Utah Controlled Substances Act (Title 58, Chapter 37). At the Committee’s October 6, 2010 meeting, Committee members approved a motion to recommend that the Utah Legislature take legislative action during the 2011 General Legislative Session to address use of Spice. At the November 4, 2010 Committee meeting, Committee members approved a motion in support of the following findings and recommendations:

- (1) Synthetic cannabinoid substances found in “Spice” present a risk to public health and safety.** “Spice” is a mixture of dried herbs sprayed with synthetic cannabinoid substances, such as JWH-018. Although the chemical structure of JWH-018 differs significantly from THC (the psychoactive ingredient in marijuana), it produces similar effects and reports to be more potent than THC. Because “Spice” is currently unregulated in Utah, it is easy to purchase at corner markets and “headshops.” “Spice” is advertised on its packaging as “not for human consumption,” but when smoked, it has been found to have the following effects on its users: impaired reaction time and motor

¹ The term “Spice” as used in this report refers to a product that is a mixture of dried herbs sprayed with synthetic cannabinoid substances. “Spice” is the most common brand name of this product in Utah, but the mixture of dried herbs sprayed with synthetic cannabinoid substances is also sold under other brand names such as K2, Silver Spice, Diamond Spice, Yukatan Fire Spice, PEP Spice, Fire n’ Ice, Demon, and Genie.

coordination, intense anxiety and agitation, elevated blood pressure, rapid heart rate or respiration, vomiting, hallucinations, seizures, numbness and tingling in extremities, depression, and headaches. The fact that “Spice” does not show a positive reading in current routine urinalysis drug tests adds to the desirability and increased growth among drug abusers and increases the threat to the public health and safety by avoiding detection. There is no quality control to ensure the purity or safety of the product. Adverse reactions to “Spice” are easily possible because the type and amount of synthetic cannabinoid has been found to vary considerably from batch to batch. Several local health departments throughout Utah attribute multiple emergency room visits to use of “Spice.”

- (2) **Synthetic cannabinoid substances found in “Spice” should not be placed in a controlled substance schedule established in the Utah Controlled Substances Act (Title 58, Chapter 37).** The Committee found that synthetic cannabinoid substances found in “Spice” products have a high potential for abuse; however, no scientific evidence indicates that the substances are addictive. A lack of data and controlled testing makes it difficult to determine the long-term effects of synthetic cannabinoid compounds contained in “Spice.” Although chemicals in “Spice” are reported to have a tetrahydrocannabinol (THC)-like effect, this finding is anecdotal, not scientific. The Committee is concerned that the addition of a synthetic cannabinoid substance to a specific controlled substance schedule will hinder the practice of legitimate medical research of the substance. Adding of a synthetic cannabinoid substance to a specific controlled substance schedule may also hinder the appropriate medical application of the substance in the future. For these reasons, the Committee does not recommend placement of the synthetic cannabinoid substances found in “Spice” in a controlled substances schedule.
- (3) **The Utah Controlled Substances Act should be amended to include a new list of “listed controlled substances” and the synthetic cannabinoid chemicals found in Spice should be added to the list.** By creating a new list of “controlled”, but not “scheduled” substances, and adding synthetic cannabinoid substances to the list, the sale and use of “Spice” and other products containing synthetic cannabinoids could be prohibited without hindering legitimate research of the substances. This proposal prohibits public production, possession, and administration of substances in Spice, but holders of controlled substance licenses would still be able to produce, possess, or administer the “listed controlled substances” as they conduct legitimate research on the substances. The Committee finds that “Spice” contains substances with the following chemical structures and recommends that these substances be included in the list of controlled substances:

- (1) AM-694; 1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone;
- (2) CP 47,497 and its C6, C8, and C9 homologs; 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol;

- (3) HU-210; (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol;
- (4) HU-211; Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan- 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- (5) JWH-015; (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;
- (6) JWH-018; Naphthalen-1-yl-(pentylindol-3-yl)methanone {also known as 1-Pentyl-3-(1- naphthoyl)indole};
- (7) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
- (8) JWH-073; Naphthalen-1-yl(1-butylindol-3yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole};
- (9) JWH-081; 4-methoxynaphthalen- 1-yl- (1-pentylindol- 3-yl)methanone;
- (10) JWH-122; CAS#619294-47-2; (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);
- (11) JWH-200; 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole;
- (12) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- (13) JWH-251; 2-(2- methylphenyl)-1-(1- pentyl-1H- indol-3-yl)- ethanone; and
- (14) JWH-398; [1-pentyl-3-(4-chloro-1-naphthoyl)indole; and
- (15) RCS-8; [1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole {also known as BTW-8 and SR-18}.

The Committee may later recommend to the Legislature that additional substances be added to the proposed list of “listed controlled substances.”

At the Committee’s next meeting scheduled for February 10, 2011, the Committee will consider possible placement of other substances, such as Tramadol and Salvia divinorum, on the controlled substances schedule. Please contact me if you have any questions regarding the findings and recommendations outlined in this report.

Sincerely,

David Sundwall, MD, - Dept. of Health Executive Director, Committee Chair
 Todd C. Grey, MD - State Chief Medical Examiner
 Major Jeff Carr - Dept. of Public Safety Commissioner
 Kristen Ries, MD - Member of Physicians Licensing Board
 David Young, R.Ph. - Member of Utah State Board of Pharmacy
 Alexander Larsen, DDS - Member of Dentist/Dental Hygienist Board
 Scott Reed - Representative of Statewide Assn. of Prosecutors
 Glen R. Hanson, MD - Utah Addiction Center
 Elizabeth Howell, MD - psychiatrist
 Darin Vercillo, MD - individual with expertise in substance abuse addiction

