



State of Utah

Controlled Substances Advisory Committee

DAVID SUNDWALL, MD
Chair

September 27, 2012

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

SUBJECT: Controlled Substances Advisory Committee 2013 Legislative Recommendations

Dear Members of the Health and Human Services Interim Committee:

The Controlled Substances Advisory Committee (CSAC) is pleased to provide for you, as required by law, an update on recommendations for your consideration for action during the 2013 legislative session. Our committee is composed of individuals with a broad range of expertise and/or experience in public health, clinical care, and academia, and meets quarterly to address issues related to use of “recreational drugs”, i.e. substances not currently regulated by the Controlled Substances Act (CSA), but which are considered potentially dangerous to health and wellbeing, and might merit being added to a designated schedule in the CSA.

We are sorry to report that the use of these substances continues to be a serious and wide-spread problem throughout the state of Utah and the Nation. Notwithstanding our collective efforts to control the use of these substances through regulation and law enforcement, new substances continue to be developed, marketed, and sold to a significant number of ready and willing customers. Therefore, after careful review of such activity in our state, we recommend additional substances be regulated by amending the CSA.

The Controlled Substances Advisory Committee respectfully recommends the following for consideration during the 2013 Legislative session:

- 1. Add the following spice and bath salts analogs to “listed controlled substances” identified in Utah Code 58-37-4.2:**
 - a. AM-2233**
 - b. AM-679**
 - c. AB-001**
 - d. MAM-2201**
 - e. XLR11**
 - f. UR-144**
 - g. AM-1248**
 - h. 2NE1**
 - i. STS-135**
 - j. AKB48**
 - k. A796,260**

- l. UR-144 N-(5-chloropentyl) analog**
- m. 2C-E**
- n. 2C-I**
- o. 2C-P**
- p. 2C-D**
- q. 2C-C**
- r. 2C-T-2**
- s. 2C-T-4**
- t. 2C-H**
- u. 2C-N**
- v. 25I-NBOMe**
- w. 4-Methylethcathinone**
- x. 5-MeO-DALT**
- y. alpha-Pyrrolidinovalerophenone (alpha-PVP)**
- z. 2,5-Dimethoxy-4-chloroamphetamine (DOC)**
- aa. Methoxetamine**
- bb. Fluoroisocathinone**
- cc. Butylone**
- dd. Pentylone**
- ee. Ethylone**
- ff. Pentedrone**
- gg. Naphyrone**
- hh. Fluoromethamphetamine**
- ii. 5-Iodo-2-aminoindane (5-IAI)**
- jj. 4-Methyl-alpha-pyrrolidinopropiophenone**
- kk. Diisopropyltryptamine (DiPT)**

The above are customary abbreviations for the full chemical name of the substances. The CSAC will provide, upon request, more detailed information about these substances.

- 2. Amend the Utah Controlled Substances Act in two minor areas:**
 - a. Correct the spelling of “dimethoxyphenethylamine” in Utah Code 58-37-4 (2)(a)(iii)(C); and**
 - b. Combine the two analogs in Utah Code 58-37-4.2 (16) and (17),**
 - c. 4-Fluoromethcathinone and 3-Fluoromethcathinone, into one reference, “Fluoromethcathinone.”**

- 3. Grant the CSAC authority to approve *temporary* placement of substances on the controlled substances list until the following legislative session, when permanent placement would be determined by the Legislature. This would give law enforcement the authority to control the sale of newer substances that are developed and marketed between legislative sessions, but leave it to the legislature to determine if they should be permanently placed on the list of controlled substances.**

Background:

The Controlled Substances Advisory Committee, established by Utah Code 58-38a, is a consultative and advisory body to the Legislature. The CSAC met on September 10, 2012 to draft the annual written report listing any substances recommended by the Committee for scheduling, rescheduling, or deletion from the schedules by the Legislature. The following is a rationale for these recommendations.

Since the 2011 enactment of H.B. 23, certain components of bath salts and spice have been added to the list of controlled substances delineated in Utah Code 58-37-4.2. The Utah Bureau of Forensic Services reported over the past several months that the substances listed above have been identified in our state crime lab tests or reported in national data bases, which is why we are recommending they now be included in our state's statute.

We are also seeking your support for the CSAC having authority to temporarily add new drugs to the list of controlled substances when the legislature is out of session. Once substances become illegal, manufacturers create new analogs (drugs similar to, but not identical to those currently regulated), of the banned substances. Prosecutors have reported that it is difficult to prosecute cases involving analogs in that such cases require extra preparation time and costly expert witness testimony. It is the consensus of the Committee that adding the new analog drugs in statute during the legislative interim could help protect the public, encourage prosecution of these cases, and enable law enforcement to be more nimble in responding to these new versions of potentially deadly substances. At the next general session of the Legislature, permanent placement of these substances on the list of controlled substances could then be determined by our elected officials.

The Committee thanks you for your attention to these important items and looks forward to continuing to serve as a consultative and advisory body to the Legislature.

Respectfully submitted,

The Controlled Substances Advisory Committee

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