

“The Dangers of Synthetic Cannabinoids and Stimulants”
Senate Caucus on International Narcotics Control
Written testimony of Erica Leary, Program Manager
North Coastal Prevention Coalition/Vista Community Clinic
1000 Vale Terrace
Vista, CA 92084

Chairwoman Feinstein, Co-Chairman Grassley, and other distinguished members of the Senate Caucus on International Narcotics Control, thank you for the opportunity to testify before this panel regarding the impact of synthetic drugs in our communities. I am here today on behalf of the North Coastal Prevention Coalition, which serves the cities of Vista, Oceanside, and Carlsbad in north San Diego County, but will also share findings and experiences from several colleagues throughout San Diego County who share our concerns regarding synthetic drugs, and support efforts to address this problem.

I have worked with the North Coastal Prevention Coalition (NCPC) since 1995 – our mission is to reduce the harm of alcohol, tobacco, marijuana and other drugs in the cities of Carlsbad, Oceanside, and Vista through community action, education, support, and collaboration. NCPC has realized tremendous success in this mission, and has been recognized as such, including receiving the Got Outcomes! Coalition of Excellence award from Community Anti-Drug Coalitions of America (CADCA) in 2008, and the National Exemplary Award for Innovative Substance Abuse Prevention Programs, Practices, & Policies by the National Association of State Alcohol and Drug Abuse Directors (NASADAD) in 2010.

We recognize that access and availability of drugs (including alcohol) are key factors in rates of use, and have led numerous successful efforts to reduce availability of alcohol and other drugs to youth. However, products containing synthetic cannabinoids have presented us with a new challenge as they’ve spread to various retail outlets under the false pretense of being ‘incense,’ and are viewed as a ‘legal’ alternative to marijuana use by teens and others.

Today, I’ll be sharing with you some examples of how synthetic marijuana products have impacted various sectors in San Diego County; where we are finding these products, and how they are marketed; some recent efforts undertaken to address the problem; and how this proposed legislation may be utilized at the local level to help eliminate these dangerous products in our communities.

The Impact of Synthetic Marijuana in San Diego County:

Our coalition first became aware of Spice and similar products approximately 18 months ago when a colleague who coordinates an after-school program asked us what we knew

about this new ‘legal’ marijuana-like product that many teens in his program were discussing. Several had tried it, and since it was being sold in local stores, they assumed it was legal and safe, and that they couldn’t get in trouble for using it.

In speaking with colleagues throughout San Diego County, products like Spice appeared on the radar in 2009 and increased substantially in 2010. Comprehensive data is not available for several reasons: our student surveys are only conducted every two years and do not currently ask specific questions regarding products like Spice; drug tests for synthetic marijuana have only recently been developed and are currently too expensive to conduct on a routine basis; and current systems impacted by the use of synthetic marijuana, such as emergency rooms, treatment programs, and criminal justice, have not had time to change their existing data collection processes to single out the specific impact of Spice and similar products.

However, through anecdotal evidence, it appears synthetic marijuana use has impacted many sectors throughout San Diego County, including high school campuses, adolescent treatment centers, probation, and the military.

Alcohol and marijuana use remain the primary drugs of choice for adolescents in our area, but Spice is viewed as a convenient alternative, especially for those who are likely to be subjected to random drug tests. A clinical social worker with the Marine Corps Substance Abuse Counseling Center in San Diego informed me that they first learned of Spice use by finding drug paraphernalia. When drug tests of those in possession of paraphernalia turned up negative, they confessed to smoking Spice. Similarly, some clients in residential or outpatient adolescent treatment programs admit to using Spice after their drug tests turn out negative, despite exhibiting signs of being under the influence. Joe Olesky¹, a substance abuse counselor with the San Dieguito Union High School District and coordinator of the READI Program (Recovery Education Alcohol Drug Initiative), noted that they’ve had 8-10 parents very concerned that drug tests they administered to their teens have come out positive for PCP. The teens then admitted to using Spice as an alternative to marijuana. Mr. Olesky believes this may explain the often erratic behavior and hallucinations those using Spice describe.

Drug testing manufacturers have since developed new tests capable of detecting synthetic marijuana products, but they remain significantly more expensive than standard tests. I have been told that when these new tests have been piloted in various settings, such as juvenile probation or treatment programs, the positive rate is significant, sometimes with over half the tests administered coming back positive for synthetic THC.

Dr. Roneet Lev², an emergency room physician and director of operations at Scripps Mercy Hospital, recently spoke at a press conference in San Diego addressing the problem of these products:

“Synthetic drugs and herbal drug products are not produced in a controlled laboratory environment,” she explained. “Predicting the dangerous contaminants that could be inhaled when smoking *Spice* and other variations of synthetic marijuana is impossible. It’s tragic to see young people admitted to hospital emergency rooms with heart problems and seizures caused by their ingestion of these drugs. As an emergency room physician, I’m gravely concerned about the potential harm these substances pose to residents, particularly our youth.”

In addition to health concerns, these products have impacted public safety. On November 27, 2010 two masked men robbed the ‘Spice Shack’ in Fallbrook of \$1,400 worth of ‘herbal incense,’ less than a week after the DEA announced the emergency scheduling of these products as a Schedule I Controlled Substance (*San Diego Union-Tribune, November 28, 2010*).

Access, Availability, and Promotion:

Like in many parts of the country, we have found *Spice* and similar products in liquor stores, cigarette stores, convenience stores, head shops, and newer ‘specialty stores’ like ‘Incense World’ in Oceanside and the ‘Spice Shack’ in Fallbrook. During visits in November 2010 to a sample of approximately twelve such businesses in Oceanside and Vista, six were carrying synthetic marijuana. Unlike some products with legitimate uses that are abused by some people to get high (like Dust Off or solvents), these products are made to get people high and marketed in illegitimate ways. They come in multiple



Blueberry Mamba incense purchased for \$14 at an Oceanside liquor store, labeled ‘not for human consumption’ and ‘use only as directed’ though no directions or ingredients were listed.

flavors such as watermelon, lemon-lime, blueberry, and mango and are labeled as ‘incense.’ The liquor store in Vista where I recently purchased a sample of watermelon G.D.S. (GrandDaddySpice) displayed this ‘incense’ in a locked case by the counter selling for \$12 per 1.5 gram jar, while traditional incense sticks were on an open table selling for \$1 for 10 sticks. Also in this case was ‘8 Ballz’ bath salts selling for \$25 for a small pouch. For anyone unfamiliar with the drug culture, an eight ball can refer to 1/8 ounce of drugs such as heroin, cocaine, or methamphetamine.

The product is labeled ‘not for human consumption’ and sometimes includes a statement to ‘use only as directed,’ though no directions are included. We trained two of our high school youth coalition members to conduct purchase attempts at four stores in Vista, and

the teens were only successful in purchasing the product at one store. The others required an I.D. to determine if they were over 18. While checking I.D. and refusing sales to minors is something our coalition actively promotes, in this case it further demonstrates that everyone knows these products are not incense, and that they ARE used for human consumption.

In the Mid-City area of San Diego, where colleagues of mine facilitate the Latino Youth Council, a youth advocate was outraged to find synthetic marijuana in foil packages resembling candy. “A friend of mine grabbed what he thought was a package of *Pop Rocks* off a store shelf. But then he noticed that it wasn’t candy, it was fake pot, which we had learned about at a recent Latino Youth Council meeting. So he didn’t buy it,” shared Abigail Figueroa with the Latino Youth Council managed by Social Advocates for Youth (SAY) San Diego.

While retail outlets create a visible and convenient means for obtaining Spice, the internet is also a big supplier. As recently as March 27, 2011 the site ‘<http://www.k2incense.org>’ purports to sell:

- *The only specialty incense products LEGAL EVERYWHERE, including the military*
- *MORE effective than any previous generation K2 product! GUARANTEED TO SATISFY!*
- *WHOLESALE pricing available! Sell to anyone, anywhere, make MILLIONS like we have!*

Efforts Undertaken to Combat the Problem:

To address this blatant disregard for public health and safety by retail businesses, the Latino Youth Council recently launched the “Think Twice Before Selling Spice” campaign. As makers and distributors of these products are trying to stay one step ahead of the law by changing molecules or relabeling packages with statements such as ‘complies with emergency scheduling,’ teens are calling upon retailers to be responsible community partners.

They recently held a press conference in San Diego on March 4, 2011 in partnership with the DEA and launched a Facebook page urging retailers to be responsible, and urging community members to refuse to shop at stores that continue to sell Spice.

“Protecting San Diegans from unregulated synthetic marijuana products is a quality-of-life issue that any retailer who is a member of our community should wholeheartedly support,” said William Sherman, Acting Special Agent in Charge of the DEA’s San

Diego office. “The DEA calls on retailers to be part of the solution to limiting the reach of these dangerous substances.”

Outreach, education, and training regarding synthetic marijuana products have occurred in many sectors throughout San Diego County. Throughout the Marine Corps, the issue was recently addressed by all prevention staff at a Directors meeting. Additional training has been provided to all personnel regarding the Marine Corps Code which states that *“possession, use, trafficking or distribution of any legal or illegal form of substance used with the intent of altering the human state of consciousness...is not tolerated...and will lead to administrative consequences.”* Thus, the Marine Corp has been able to address the use of synthetic marijuana as a mind altering substance regardless of its legal classification, and several Marines have been separated from service because of using it. Classifying such products as Schedule I Controlled Substances will benefit by reducing their availability, particularly in retail stores.

In a similar manner, additional training and clarification has been issued through San Diego County Juvenile Probation and Drug Court Program. By court order, *“minor[s] shall not use or possess alcohol, a controlled substance, or **any substance the minor knows or reasonably should know is a mind altering substance** without a valid prescription and shall submit to testing for the detection of alcohol, controlled substances, or **mind altering substances** whenever directed by any law enforcement or Probation Officer.”*

Elizabeth Urquhart³, Director of Phoenix House San Diego, which provides adolescent residential and outpatient treatment services, shared that they have also addressed Spice and synthetic THC products during many staff training sessions. They also utilize drug-sniffing dogs at their residential facility that have been trained to detect Spice, along with other controlled substances.

Community education efforts have also been done at many levels, including informing parents and educators, law enforcement, teens, and political leaders at the local, State, and Federal level. Our coalition has written news articles, met with local City officials and law enforcement representatives, met with local retail outlets, and presented at numerous community groups to increase awareness and understanding of the risks of synthetic drugs. As we learn the challenges and limitations in current regulations, we are prepared to advocate for additional tools to prevent the sale and distribution of these products in our communities.

How the Combating Dangerous Designer Drugs Act of 2011 will help Communities:

The Combating Dangerous Designer Drugs Act of 2011 will take the source chemicals the DEA has identified within K2 and similar products and place them as Schedule I narcotics with other dangerous drugs.

The legislation will also amend the Controlled Substances Act, doubling the timeframe the Drug Enforcement Administration and the Department of Health and Human Services have to emergency schedule substances from 18 months to 36 months. This will allow for dangerous substances to be quickly removed from the market while being studied for permanent scheduling.

It is critical to curtail the expanding marketing, availability, and use of synthetic marijuana. We know the primary reasons people use Spice and similar products is for the legal 'cover' it provides, as well as the likelihood of avoiding detection in drug tests. By classifying these products as Schedule I narcotics, communities can work with their local officials and law enforcement agencies to inform businesses owners and hold them accountable for following the law.

Why Community Coalitions are Keys to Success:

Community coalitions are an essential component in reducing emerging drug use trends such as K2 and Spice because they are already connected with the key sectors needed to take action, and understand that multiple strategies are necessary to reduce the availability and use of these products. Communities with existing anti-drug coalitions can identify and combat synthetic drug problems like K2 and Spice quickly and before they attain crisis proportions, and are ready to utilize important policy changes to improve conditions at the local level.

I've included a local example in my attachments to describe how our coalition partnered with the California Department of Alcoholic Beverage Control (ABC) in 2002 to specifically address the sale of drug paraphernalia in licensed alcohol establishments. Products in glass tubes, including air freshener, vitamin supplements, and plastic roses were commonly sold in liquor stores for \$1 and were used as pipes to smoke meth and crack. Just as everyone knows Spice is smoked and not used as 'incense,' everyone knew these were crack pipes and not decorative roses or air fresheners. In 2002, the California legislature amended language in the Business and Professions Code to more clearly define drug paraphernalia. Our coalition was able to partner with our local ABC office to send a letter to local retailers and follow up with personal visits to make sure they were in compliance. While we are not aware of any retailers facing actual penalties, the

possibility of legal action was enough to reduce availability of these glass vial products from over 50% to less than 5% in retail outlets in our communities.

In a similar manner, local coalitions such as ours can utilize federal legislation such as this in our communities to dramatically reduce, if not eliminate, the availability of Spice and similar products. Synthetic drug use is a multi-dimensional problem that demands comprehensive, coordinated solutions involving the collaboration of multiple community sectors.

Erica Leary, MPH is the Program Manager for the North Coastal Prevention Coalition (NCPC) located in north San Diego County and managed by Vista Community Clinic. NCPC was recognized by Community Anti-Drug Coalitions of America (CADCA) as the Got Outcomes! Coalition of Excellence award recipient in 2008 and was awarded the 2010 National Exemplary Award for Innovative Substance Abuse Prevention Programs, Practices, and Policies for countering pro-marijuana influences by the National Association of State and Alcohol and Drug Abuse Directors (NASADAD). Ms. Leary has worked with NCPC in various capacities since 1995 including managing federal, county, local, and private foundation contracts. NCPC was supported in part by a federal Drug Free Communities Support Program grant from the Office of National Drug Control Policy (ONDCP) and the Center for Substance Abuse Prevention (CSAP) from 1998-2009. NCPC is also supported in part with funding from the County of San Diego, Health and Human Services Agency, Alcohol and Drug Services and by CSAP through the STOP Act (Sober Truth on Preventing Underage Drinking). She has presented at various local, state, and national trainings and conferences on environmental prevention strategies and community coalition efforts. Ms. Leary earned her Masters degree in Public Health from San Diego State University in 1993.

She can be reached at eleary@vistacommunityclinic.org or 760-631-5000 x7150.

Contact information for others quoted in testimony provided:

- ¹ Joseph Olesky, District Substance Abuse Counselor, San Dieguito Union High School District
Phone: 760-753-1121 x5056
Email: joe.olesky@sduhsd.net

- ² Dr. Roneet Lev, an emergency room physician and director of operations at Scripps Mercy Hospital was a spokesperson at a press conference organized by SAY San Diego. For contact information, please contact:
Mary Baum, Program Manager, SAY San Diego
Phone: 619-283-9624 x267
Email: mbaum@saysandiego.org

- ³ Elizabeth Urquhart, Director, Phoenix House San Diego
Phone: 619-445-0405 x4654
Email: eurquhart@phoenixhouse.org

Attachments sent separately