



NEVADA
LEGISLATIVE
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RESEARCH BRIEF ON

METHAMPHETAMINE, SYNTHETIC CANNABINOIDS, AND SUBSTITUTED CATHINONES

The Centers for Disease Control and Prevention reports that drug-induced deaths in Nevada (20.1 per 100,000) exceeded the national rate (12.7 per 100,000) in 2007 for which the most recent data was available. According to the Substance Abuse and Mental Health Services Administration, methamphetamine remains the number one drug among individuals who received treatment admission in 2010.

Schedule I substances are defined as having a high potential for abuse with no accepted medical use in treatment in the United States, or accepted safety for use in treatment under medical supervision. The State Board of Pharmacy is responsible for regulating which drugs should be added to the list of Schedule I substances. Methamphetamine, synthetic cannabinoids, and substituted cathinones are all included on the list of Schedule I substances.

GENERAL INFORMATION

METHAMPHETAMINE

The following background information on methamphetamine is from “KCI—The Anti-Meth Site,” at: <http://www.kci.org/>. Additional information is available through this site and numerous other resources, including the National Institute on Drug Abuse, the Drug Enforcement Agency (DEA), the National Meth Center, and the Meth Project.

A synthetic drug, methamphetamine is illegally produced and sold in capsules, chunks, pill form, and powder. A person on methamphetamine may exhibit aggressive or violent behavior; anxiousness; disinterest in previously enjoyed activities; extreme moodiness and irritability; a false sense of confidence and power; incessant talking; nervousness; repetitious behavior, such as picking at skin or pulling out hair; severe depression; and sleep disturbances.

“The process required to make methamphetamine from precursor substances is easier and more accessible than ever. Precursors are substances that, in nature, might be inactive. However, when combined with another chemical, the result is a new product.” “The drug can be made in a makeshift ‘lab’ that can fit into a suitcase” and can be produced in a variety of locations from garages and motel rooms to vehicles.

The most commonly used ingredients to make methamphetamine are: antifreeze; battery acid; certain cold and asthma medications (containing ephedrine or pseudoephedrine); drain cleaner; hydrochloric acid; lantern fuel; lye; and red phosphorous.

Experts estimate that 1 ounce of methamphetamine equals about 110 meth “hits.” “Several treatment providers describe methamphetamine abusers as ‘the hardest to treat’ of all drug users. Methamphetamine addicts get over the acute effects of withdrawal fairly quickly. However, the ‘wall’ period lasts six to eight months for casual users and two to three years for regular users.”

SYNTHETIC CANNABINOIDS

The following material is obtained from the DEA and National Conference of State Legislatures.

Until recently, a legal alternative to marijuana has been in the form of synthetic cannabinoids,

which is a chemically engineered version of THC, the active ingredient in marijuana. Synthetic cannabinoids are commonly known as “Spice,” or “K2,” and have street names of “Fake Weed,” “Black Mamba,” “Bombay Blue,” and “Genie,” to list a few. Availability of the drug is widespread through local convenience stores and the Internet. While the drug is often labeled “not for human consumption” and is marketed as an incense or potpourri, individuals smoke or ingest the dried leaves, which are sold in small, silver plastic bags.

While the effects of the drug are similar to marijuana, individuals can also experience panic attacks, paranoia, and increased heart rate and blood pressure. The body appears to store the drug for long periods of time; therefore, it is unknown what long-term effects are possible. Poison Control Centers have seen an influx of calls related to negative exposure to synthetic marijuana. In 2010, the American Association of Poison Control Centers received 2,906 calls, which increased to 6,955 calls in 2011.

As of October 24, 2011, 40 states had banned synthetic cannabinoids. However, the challenge for lawmakers is the ability of drug makers to change chemical compounds in the drug which can then bypass state law if not covered by statute.

SUBSTITUTED CATHINONES

Marketed as “bath salts,” substituted cathinones are synthetic derivatives of a central nervous system stimulant called cathinone, which is a chemical naturally found in the khat plant. It is known on the street as “Bliss,” “Blue Silk,” “Cloud Nine,” and “Vanilla Sky,” plus many other names. These drugs are also found in convenience stores and available for sale over the Internet. Bath salts are in powder form and sold in plastic or foil packages of 200 or 500 milligrams.

Users ingest bath salts intravenously, nasally, orally, or by smoking.

Because substituted cathinones have similar effects to cocaine and LSD, users have reported feeling agitation, chest pains, depression, impaired perception of reality, insomnia, rapid heart rate, seizures, suicidal thoughts, and other symptoms. Bath salts are also labeled not for human consumption, and the long-term effects are unknown for this relatively new drug.

The danger of substituted cathinones is evident in the substantial rise of calls to Poison Control Centers. The American Association of Poison Control Centers reported 303 calls related to bath salts in 2010, which increased to 6,072 for 2011.

As of October 24, 2011, 33 states took actions to ban substituted cathinones.

NEVADA LAW AND REGULATIONS

The Nevada Legislature has passed numerous measures relating to methamphetamine. In 2011, several bills were introduced during the legislative session and new regulations have been proposed to address the epidemic of synthetic cannabinoids and substituted cathinones.

The following is a brief summary of legislation and proposed regulations over the past seven years.

2005 Legislation

- ***Selling or Manufacturing Controlled Substances (Including Methamphetamine) Around a Child***—Assembly Bill 465 (Chapter 310, *Statutes of Nevada 2005*) prohibited a person from intentionally allowing a child to be present in any conveyance (vehicle) or upon any premises

where a controlled substance other than marijuana is illegally being used, sold, exchanged, bartered, supplied, prescribed, given away, administered, or manufactured. The bill further specified the crime is a category A, B, or C felony with penalties based upon the circumstances. (See *Nevada Revised Statutes* [NRS] 453.3325.)

- ***Causing Harm or Death During Discovery or Cleanup of Premises Used to Manufacture Controlled Substances (Including Methamphetamine) Unlawfully***—Assembly Bill 531 (Chapter 266, *Statutes of Nevada 2005*) provided an additional or alternative penalty if a person sustains substantial bodily harm or death during the discovery or cleanup of the premises where certain controlled substances were unlawfully manufactured or compounded. In the case of ***substantial bodily harm***, the person who committed the offense is punished by a prison term equal to, and in addition to, the term prescribed by statute for the offense. In the case of ***death***, the offense becomes a category A felony punishable by life without parole, life with the possibility of parole after 20 years, or a definite term of 50 years, with parole eligibility after 20 years. (See NRS 453.3353.)

2007 Legislation

Methamphetamine Precursors—Assembly Bill 148 (Chapter 518, *Statutes of Nevada 2007*) and Senate Bill 112 (Chapter 230, *Statutes of Nevada 2007*) established restrictions on the sale and purchase of products that contain materials used to manufacture methamphetamine. The restrictions set forth in A.B. 148 and S.B. 112 mirror the restrictions enacted by the federal government in 2006 as discussed below. Assembly Bill 148 further prohibited any person, other than a pharmacy, from selling or transferring a product that is a precursor to methamphetamine. Additionally, any pharmacy

that becomes aware of any unusual or excessive loss of such a product must report it to Nevada's Department of Public Safety. The measures specified that a seller who violates these provisions may be subject to civil penalties, and a purchaser who violates these restrictions may be subject to criminal penalties based upon the circumstances. (See NRS 453.352 through NRS 453.359.)

2009 Legislation

Senate Bill 60 (Chapter 220, *Statutes of Nevada 2009*) provided that the district board of health in Clark County, or the State Board of Health in all other counties, is the governmental entity responsible for determining that a building or place that was used for unlawfully manufacturing a controlled substance is safe for habitation. It also required these entities to evaluate the removal or remediation of controlled substances and any materials that contain methamphetamine. Finally, the measure required the State Environmental Commission, State Department of Conservation and Natural Resources, to adopt regulations concerning the monitoring of the remediation of such substances and establishing standards for the circumstances under which a location may be deemed safe for habitation.

2011 Legislation

Several measures (S.B. 203, S.B. 224, S.B. 228, and A.B. 339) proposed to require the State Board of Pharmacy to add synthetic marijuana and bath salts to the Schedule I list and certain precursors of methamphetamine to the Schedule III list. Although these bills did not pass the 2011 Session, the Board has the authority to take such measures through regulation.

The 2011 Legislature did pass A.B. 61 (Chapter 89, *Statutes of Nevada*) to create a Substance Abuse Working Group within the

Office of the Attorney General to study general issues of substance abuse in Nevada through June 30, 2015. Additional information is available through the Office of the Attorney General.

2011 Regulations

The State Board of Pharmacy enacted two sets of regulations in 2011 to add components of designer drugs to the controlled substances list. (See *Nevada Administrative Code* 453.510.)

1. LCB File R156-10, effective May 5, 2011, added compounds that produce synthetic marijuana to the Schedule I list.
2. LCB File R065-11, effective February 15, 2012, added synthetic compounds that produce bath salts to the Schedule I list.

FEDERAL LAW

In 2006, Congress passed the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177). Title VII of that Act is named the Combat Methamphetamine Epidemic Act of 2005. More detailed information describing the impact of the legal requirements for the sale and purchase of drug products containing ephedrine, phenylpropanolamine, and pseudoephedrine is available through the U.S. Food and Drug Administration. In brief, national requirements were established under the Act for controlling the sale and purchase of these products that include the following:

- Drug Sales Limits—A daily sales limit of 3.6 grams per day per customer, and a 30-day sales limit of 9 grams per customer.
- Seller Requirements—Requirements for sellers include the following:
 1. Placing scheduled, listed chemical products where customers do not have

direct access to them before sale (“behind the counter” placement);

2. Delivering such products directly into the custody of the purchaser;
 3. Maintaining a logbook of sales that identifies the products by dates and times of sale, name, purchaser name and address, quantity, except for any purchase by an individual of a single sales package of not more than 60 milligrams of pseudoephedrine (single dose packages);
 4. Maintaining such logbook entries for not fewer than two years; and
 5. Submitting to the Attorney General a self-certification that all individuals responsible for delivering or selling such products have undergone training on the requirements.
- Seller Restrictions—Sellers are prohibited from selling such a product unless:
 1. The prospective purchaser presents an identification card and signs the logbook; and
 2. The seller verifies that the name in the logbook corresponds to the identification and enters the name of the product and quantity sold.

The logbook and photo identification provisions, along with other requirements relating to training and certification for certain sales personnel, were effective on September 30, 2006. The Act itself should be reviewed for definitive information on these legal requirements.

DEA Emergency Bans

On March 1, 2011, the DEA enacted an emergency ban on five chemicals used to make

“fake pot.” On October 21, 2011, the DEA further issued an emergency ban on three synthetic stimulants used in the production of bath salts or plant food. Unless authorized by law, these bans make the possessing or selling of such chemicals or products illegal in the United States and both drugs are placed in the Schedule I category of controlled substances. The temporary bans remain in effect for at least one year in order to study whether these chemicals should be permanently included in the Controlled Substances Act.

