

SB 2059

House Judiciary Committee, March 3, 2021

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Mr. Chairman, members of the Judiciary Committee.

This is my sixth legislative session helping to update North Dakota's laws to extend to the new designer drugs or novel psychoactive substances (NPS) being currently identified in forensic casework. The original concept of designer drugs was to produce and sell compounds that are not regulated, but can mimic the effects of drugs that are already controlled, thus producing legal highs. They include synthetic cannabinoids, stimulants, opioids, hallucinogens, benzodiazepines and dissociatives.

It started over 10 years ago, with the surge of synthetic cannabinoid compounds, sold as incense or potpourri giving users a high similar to THC (Marijuana). Then moved onto the substituted cathinones, sold as bath salts producing central nervous system stimulant effects and then onto the potent synthetic hallucinogens. These are all groups of compounds that have been added to North Dakota's law. Four years ago, the fentanyl derivative group was added to encompass the many fentanyl analogs that are being identified in seized drugs. Today I will discuss novel designer benzodiazepines with emphasis on the six specific compounds that are being recommended to be listed in Schedule I.

Benzodiazepines are one of the most important groups of medicines that are specifically produced for sedation and to aid sleep. They are the most widely prescribed group of medicines in the world and are used to treat anxiety, insomnia, epilepsy and alcohol withdrawal. Given the large demand from consumers, they are a target for criminal groups that divert legitimate products from the market, sell unlicensed products or make counterfeit versions of legitimate medicines. In the case of counterfeit versions, new designer benzodiazepine compounds are increasingly being used, particularly to produce fake diazepam tablets (Valium) and fake alprazolam tablets (Xanax). These novel substances are being used in counterfeit pharmaceuticals instead of, or in addition to, the declared active pharmaceutical ingredients.

There are numerous benzodiazepine compounds approved for medical and therapeutic use that are currently specifically listed in Schedule IV. Designer benzodiazepines resemble traditional benzos but differ with the addition of new elements or functional groups to the chemical structure. In 2012, the first designer benzodiazepines were sold in internet shops as an alternative to prescription-only benzodiazepines. They have been implicated in an increasing number of adverse health events, marked by emergency room and death investigations, especially when ingested in combination with opioids.

Designer benzodiazepines are synthetically manufactured drugs that are of public health and safety concern due to high potency at low doses, producing strong sedation and amnesia. Additional adverse effects include loss of coordination, drowsiness, dizziness, blurred vision, slurred speech, muscle relaxation, respiratory depression, and, in some cases, death. Today, many non-FDA approved benzodiazepines are sold via illicit marketplaces such as the darknet or other obscure websites that label these compounds as research chemicals or legal alternatives. It is being proposed to add the six currently most encountered designer benzodiazepines in seized drug samples specifically to schedule I.

The DEA's data query system, NFLIS (National Forensic Laboratory Information System) collects drug chemistry analysis results from cases analyzed by state, local and federal forensic laboratories. The following national statistics from 2012 to 2020 show the dramatic rise in designer benzodiazepines identifications from state, local and federal forensic laboratories throughout the United States:

2012 – 2
2013 – 82
2014 – 158
2015 – 464
2016 – 779
2017 – 1260
2018 – 2233
2019 – 6020
2020 – 11766

* Number of identifications of Clonazepam, Etizolam, Flualprazolam, Flubromazolam, flubromazepam, & Adinazolam

By scheduling these specific substances that are currently most prevalent in seized drug samples, not only will it make them illegal due to no medical use, but will also stop or at least caution online vendors from selling and distributing these substances to the state of ND. Typically, online vendors will look at each state's current law to determine if specific substances can be sold and shipped to that state.

Thank you for your attention and I would be happy to answer any questions.