

Senate Bill 2093

Senate Judiciary Committee

January 11, 2023

Testimony of Charlene Rittenbach, Forensic Scientist
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Madam Chair, members of the Senate Judiciary Committee.

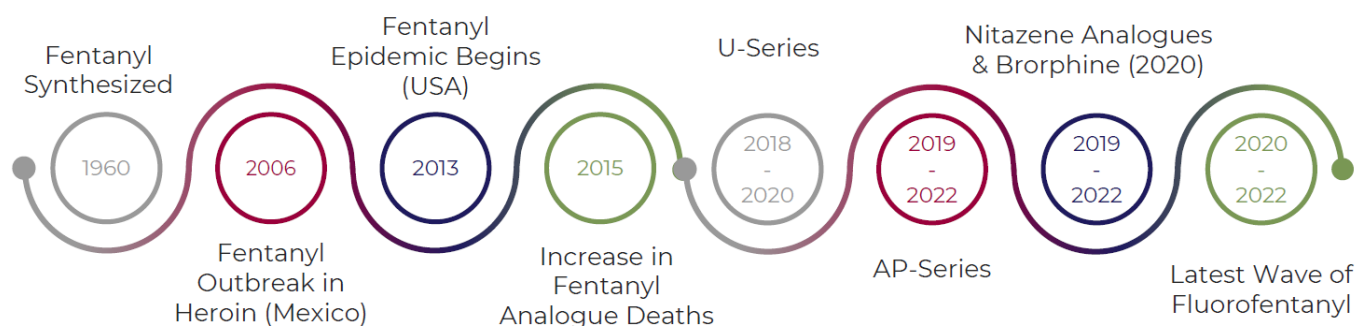
I am Charlene Rittenbach, Forensic Scientist with the North Dakota Office of Attorney General Crime Laboratory Division. This is my seventh legislative session helping to update North Dakota's Controlled Substances Act to extend to the new designer drugs or novel psychoactive substances (NPS) being identified in forensic seized drugs 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. Today regarding Senate Bill 2093, I will be discussing some of the proposed additions to synthetic opioids, synthetic cannabinoids and designer benzodiazepines.

Synthetic opioids produce analgesia, euphoria, and sedation with adverse effects which can include respiratory depression, nausea, vomiting, reduced blood pressure and heart rate. Similar to heroin, fentanyl and other opioids, one can develop dependence and tolerance from repeated use which has caused the opioid epidemic to grip our nation.

The illustration below, from the Center for Forensic Science Research and Education NPS Discovery, discusses the timeline of types of synthetic opioids and displays the current trends.

Timeline



The Benzylbenzimidazoles, otherwise known as the Nitazene analogues, are the most recent class of emerging opioid compounds being identified in the illicit drug market in the United States. These compounds are structurally different than fentanyl thus do not fall under North Dakota's current fentanyl derivative language. Last session, Isotonitazene was added (see page 2) and the compounds currently proposed to be added on page 3 are a list of chemically similar Nitazene compounds that have recently been scheduled by the DEA.

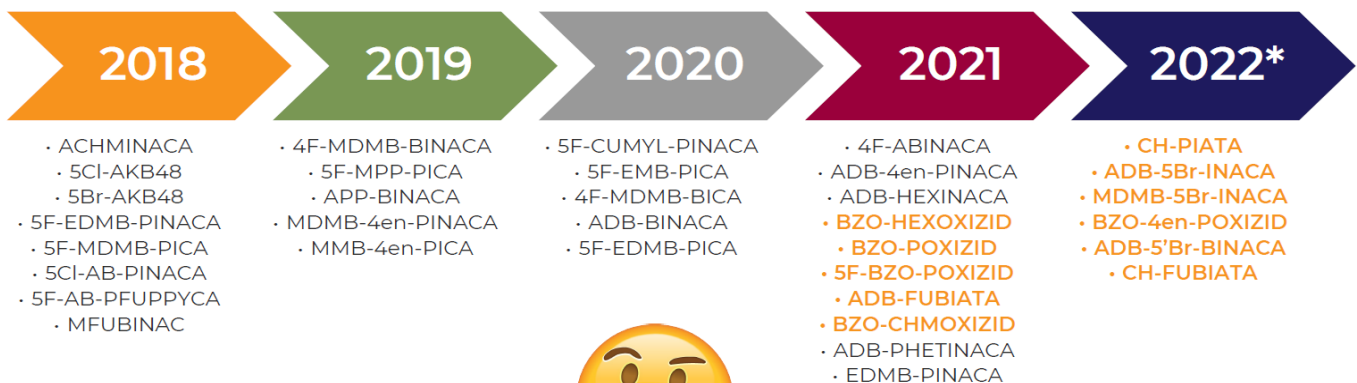
The very first wave of designer drugs started back in 2010 with the surge of synthetic cannabinoid compounds, sold as incense or potpourri giving users a high similar to THC with varying levels of activity (CB1 vs CB2) and potency. These are compounds that are a structurally diverse class of drugs, distinct from classical

cannabinoids (e.g. THC). Like other NPS subclasses, synthetic cannabinoids have continuous cycles with respect to emergence and proliferation but continue to be a persistent subclass within the NPS markets.

In May of 2021, the Office of China National Narcotics Control Commission (NNCA) announced to place synthetic cannabinoids under national control using a generic structural class definition as well as 18 additional substances using an individual listing approach. This generic structural class approach is very similar to how North Dakota defines synthetic cannabinoids in the state's Controlled Substances Act. After the law change in China, the class structures of the synthetic cannabinoid compounds being identified in the illicit market worldwide began to shift to outside of the previously defined structural classes.

The illustration below, from the Center for Forensic Science Research and Education NPS Discovery, displays the new synthetic cannabinoids reported since 2018. You will notice that the compounds listed in colored text structurally fall outside of the structural classes put in place in China in 2019.

NEW SYNTHETIC CANNABINOIDS REPORTED SINCE 2018



*Only 6 months

The proposed new class of synthetic cannabinoids, Indole Acetamides, proposed on Page 9 Line 14 of the bill is a new structural class to capture some of these emerging cannabinoid compounds. The other current emerging synthetic cannabinoids that fall outside of all the defined structural classes are specifically listed on page 18.

And finally on page 23 there are some proposed additional designer benzodiazepines specifically listed. You may recall last session; the designer benzodiazepines were the group that was mainly discussed and letters d through l were added. Besides being in counterfeit pharmaceuticals, designer benzodiazepines are increasingly being mixed with opioids in the illicit drug supply which is being called “benzo-dope” and is increasingly adding to the death toll within the opioid epidemic.

By staying proactive with the emerging NPS compounds, not only will it make it 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 stand to answer any questions.