

Interim Judiciary Committee Meeting

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October 11, 2012

The legal designer drug market has exploded in the last four years. The products are marketed as Incense, Potpourri, Bath Salts, and Pond Cleaner or sold on the internet as Research Chemicals and labeled "Not for Human Consumption." However, it is clearly known that they are legal chemicals that give psychoactive and mind altering effects. Some of the newer compounds have never been studied or researched on humans and the users are paying the price by being the test subjects each time a person uses one of these chemicals. Below are some of the different types of designer drugs and their current status and situation as seen by the North Dakota State Crime Laboratory.

Synthetic Cannabinoids

In 2011, North Dakota passed SB2119 that placed Synthetic Cannabinoids into seven chemical classes in schedule I of the ND Century Code. This allowed the state to control hundreds of compounds via a generic group definition. Although a very proactive approach, it didn't solve the problem as the Crime Lab continues to identify new compounds that fall outside the definition of these seven classes. SB2119 went into effect Aug 1st 2011 and three weeks later, the Crime Lab started identifying new compounds that fell outside of the classes defined in the Century Code. For the 2013 legislative session, North Dakota would like to add an additional class (Tetramethylcyclopropanoylindoles) to the Synthetic Cannabinoids in the Century Code, which includes some of the compounds that the Crime Lab is identifying in case work. Four other additional synthetic cannabinoid compounds that are being identified in casework and don't fall into any of the classes are being proposed to be specifically named and added to the Century Code.

Substituted Cathinones (Bath Salts)

In 2011, North Dakota scheduled two synthetic cathinone compounds (MDPV and Mephedrone) which are central nervous system stimulants. The DEA also emergency scheduled these two compounds along with an additional compound (Methylone) on October 21, 2011. The Crime Lab has identified eleven synthetic cathinone compounds in ND, two of which are currently controlled, and there are numerous others that could be seen. As of June 2012, twenty states have utilized some form of chemical class approach with the substituted cathinones similar to what North Dakota did with the synthetic cannabinoids. North Dakota is proposing to do the same with these compounds and have a generic chemical class definition that would encompass these substituted cathinones and would have specific examples listed in the Century Code.

Hallucinogens (Phenethylamines & Tryptamines)

Synthetic legal designer drugs have increased in popularity in the past few years, hence the increase in synthetic cannabinoids and substituted cathinones, but there are other designer drugs such as psychedelic hallucinogens which have become increasingly popular. The "2C" compounds are psychedelic phenethylamines that produce extreme hallucinations and mind alterations similar to LSD.

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On July 9th 2012, the DEA added nine of these compounds to the Controlled Substances Act but North Dakota has been identifying additional phenethylamine hallucinogen compounds. A few of these compounds are thought to be associated with the two deaths and five other additional overdoses in the Grand Forks area this past summer. There are hundreds of these substituted phenethylamine compounds that could be encountered and therefore, just like the cannabinoids and substituted cathinones, North Dakota is proposing to add a generic chemical definition of this class of compounds and list specific examples under the definition. Some compounds that would fall into this class are already listed schedule I hallucinogens in the Century Code and if they meet the chemical definition, they would be moved under the class.

There is another group of hallucinogenic compounds that are called substituted tryptamines and are becoming more popular in the designer drug market. These compounds are similar to the natural compounds Psilocyn and DMT, which are already controlled substances. North Dakota is proposing to add a chemical definition for this class of compounds and list specific examples. Like the Phenethylamines, some compounds may already be listed in the Century Code, therefore some would get moved under the correct class if they meet the definition.

Along with the addition of these class definitions, there are a few other compounds that North Dakota proposes to add that will be specifically named and listed.