

ND BOARD OF PHARMACY

TESTIMONY OF ATTORNEY GENERAL WAYNE STENEHJEM, April 24, 2010

I am here to encourage the Board to continue the listing of the subject products to the schedule of controlled substances that were addressed by the Board in its emergency rule on Feb. 26, 2010.

Starting late last year, and into this year, my office began hearing reports from law enforcement, school resource officers, probation officers and judges about the use of a new chemical substance among young people. The substance goes by a variety of names, including Spark, K2, Spice, Yucatan Gold, JWH-018, and others. We heard reports of adverse reaction to the use of this item, which was commonly sold in head shops in several North Dakota communities.

Hospital emergency room personnel also were reporting patients presenting with a variety of adverse reactions resulting from the use of the product. Research revealed that the active ingredient in the product was similar to that in marijuana, with indications that its potency greatly exceeded that of THC. And, as far as we could initially determine, the product was legal. The product was being marketed as an incense, an aromatherapy product or other allegedly legal and benign purpose, but it was well known in the drug culture and among its user as a synthetic and legal alternative to marijuana. The product was sold at a price far in excess of anything that would be seen for a traditional incense, more similar in price to the street prices we see for marijuana – as much as \$35 to \$50 per gram.

I instructed a narcotics task force agent to obtain some of the product so we could have it tested at the Crime Lab. Agents bought two one gram packages of a product labeled “Spark.” The analysis of the product confirmed it as Methelene dioxy pyro valerone [MDPV].

This product has been banned in a number of European countries, including Austria, Germany, Sweden, and since Dec. 23, 2009, UK. Some US states have likewise taken, or are considering, doing the same.

The sale and use of this product is troubling for a number of reasons:

- Detailed and exhaustive studies of this relatively new substance have yet to be conducted.
- There is certainly no quality control, so intentional use of the product can have unknown consequences. For example, the sample tested at our crime lab indicated that in addition to the MDPV in the substance, there was also an indication of the presence of lidocaine, a pain medication.
- People may inaccurately assume that because these products were legal, that must also mean they are safe.

The product has no known medical use, and as will be seen, a high potential for abuse.

Here to testify today are an emergency room physician, a hospital security provider and a highly experienced agent from BCI.

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