

ATTACHMENT 1

San Diego County Media Coverage:

- “Nothing nice in this ‘spice,’” *North County Times*,
January 26, 2011
- “Local campaign against synthetic pot ramps up,”
San Diego Union Tribune, March 9, 2011
- “Enforcing fake-pot ban could be tough,” *North County Times*, March 21, 2011

VISTA COMMUNITY CLINIC *No County Times 1-26-11*

Nothing nice in this 'spice'

BY ERICA LEARY
For the North County Times

Just in time for the holidays, the U.S. Drug Enforcement Administration has delivered a welcome message to all those concerned with preventing youth substance abuse. On Nov. 24, the DEA announced it will temporarily add five chemicals to its list of Schedule I substances, the most restrictive category.

This will make possessing or selling these substances illegal for at least one year while further study is conducted.

So what are these substances, and what's the concern? They are synthetic cannabinoids (or THC), manufactured to mimic the effects of marijuana but sold under the guise of incense. They come packaged in small plastic jars or foil bags with names such as "K2," "Spice," "Yucatan Fire," "Blueberry Mamba," "Genie," etc. and are sold in liquor and convenience stores, gas stations, smoke shops, and head shops.

Their use continues to grow, and has been linked to adverse effects such as panic attacks, heart palpitations, respiratory complications, aggression, mood swings, altered perception, and paranoia. The DEA has received an increasing number of reports from poison control centers, hospitals, and law enforcement agencies regarding these



Spice Gold is one of a class of synthetic cannabinoids, manufactured to mimic the effects of marijuana but sold under the guise of incense.

Courtesy photo

products.

If you're over 30 and not involved with teens or the drug culture, you've probably never even heard of these products.

But those working with youth, particularly high-risk youth, have heard about them — a lot.

Jayson Bordges, project coordinator of Vista Community Clinic's REACH program in Oceanside, is particularly troubled because he hears of more and more middle school students using these products.

"Many middle school students say they get Spice through 'hook-ups,' where older teens buy it for them," Bordges said. "Since it's on the store shelves being sold, they think it's not harmful."

Teens also know it doesn't show up on standard drug tests, and some report

smoking before school or on campus because they won't be caught or get in trouble.

The promise of avoiding a positive drug test is another draw for both teens and adults, especially those struggling with treatment, or on probation or parole. Only recently have drug testing companies developed additional tests for metabolites of these synthetic cannabinoids. The tests are more expensive than traditional tests and are not yet routine. In a local pilot study of 73 teens in San Diego County Juvenile Hall, 38 of them (52 percent) tested positive for synthetic THC.

The new year should bring a welcome change, as the DEA regulations take effect and corner stores are no longer be permitted to carry these products. This will reduce their access and availability, but parents and educators need to stay informed and aware. The Internet and underground markets will probably remain a source for Spice, as well as for numerous other products of abuse.

The public can help ensure synthetic THC stays out of local businesses by being the "eyes and ears" and reporting violations. Reports made to the North Coastal Prevention Coalition will be forwarded to the appropriate law enforcement agency.

Please call 760-631-5000, ext. 7149 or e-mail to info@northcoastalpreventioncoalition.org.

San Diego Union Tribune, March 9, 2011

Local campaign against synthetic pot ramps up

BY NATHAN MAX AND HAILEY PERSINGER

WEDNESDAY, MARCH 9, 2011 AT 1:22 P.M.

CITY HEIGHTS — A group trying to raise awareness about the dangers of synthetic marijuana has launched a campaign throughout Mid-City in an attempt to get stores to stop selling products containing recently banned ingredients.

The U.S. Drug Enforcement Agency has outlawed five ingredients in particular that make up what is commonly known as Spice or K2 for one year. An investigation into its use has resulted in eight expulsions this year from the United States Naval Academy in Annapolis, Md., according to a report in The Baltimore Sun.

On Wednesday, the U.S. House of Representatives approved a ban on synthetic marijuana. That legislation will now be considered by the Senate.

Other brand names for synthetic marijuana include Blaze and Red X Dawn. It is supposed to give a marijuana-like high, while not being detectable to standard drug tests.

In the last two weeks, advocates have held a news conference and spoken to a community group in City Heights about the products and the potential danger to kids.

“We want to educate our community partners to be a part of this campaign,” said Claudia Baltazar, a representative with the Social Advocates for Youth San Diego. “It’s not fair or responsible for retailers to sell something when they don’t know what it contains.”

The products, which are marketed as herbal incense, have been easily obtainable around City Heights, Baltazar said. In the past month, she said her group found them being sold at five liquor stores within about a mile of Crawford High School, Hoover High School and Horace Mann Middle School.

“We wanted to see if stores were selling this in our community and if this was a problem in our community,” Baltazar said. “They had it at the front counter, and they were drawing attention to it with a big sign that said, ‘Spice.’”

At a March 5 news conference, Scripps Mercy Hospital Director of Operations Roneet Lev said the products can cause seizures and heart problems. Because it doesn’t show up on drug tests, doctors can sometimes be flummoxed when patients come in with deleterious side effects, she said.

Hoover High School freshman Abigail Figueroa, who is campaigning against synthetic marijuana, said she has never used, never seen anybody use and isn’t aware of anyone she knows having used the products. Nevertheless, she wants it out of her community.

“My friends and I care about our neighborhood and the families who live here,” said Figueroa, 15. “We don’t think it’s fair that kids can buy drugs at a corner store, and the owner is not held responsible.”

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REGION

NCT 3-21-11

Enforcing fake-pot ban could be tough

Editor's note: Due to a production error, this story did not run in its entirety on Sunday. It is presented here in full.

BY MORGAN COOK
mcook@nctimes.com

The U.S. Drug Enforcement Administration earlier this month outlawed five chemicals found in unregulated herbal incense that officials say was widely used by consumers seeking a marijuana-like high without the legal ramifications.

But enforcing the ban on the chemicals will be tough.

Federal authorities say manufacturers can create new compounds faster than they can identify them.

And California has no laws banning the substances, which authorities say can cause vomiting, a racing heartbeat, seizures and hallucinations.

"Just because the government has not weighed in on every one of these substances doesn't mean they are safe," DEA spokesman Rusty Payne wrote in an e-mail. "There are so many unknowns. Why would anyone play Russian roulette with their bodies by abusing something that we have such little information about? Plus, how do you know that what you are smoking is actually what the label says?"

"People are flirting with disaster."

The five chemicals — JWH-018, JWH-073, JWH-200, CP-47,497 and cannabicyclolhexanol — were classified for one year as Schedule I drugs, placing them in the same category as marijuana, with similar criminal, civil and administrative penalties.

The incense treated with

the chemicals typically was packaged in small plastic jars, tins and foil bags and sold under names such as "K2" and "Spice." It was sold in liquor and convenience stores, smoke shops and head shops.

"Just because the government has not weighed in on every one of these substances doesn't mean they are safe. There are so many unknowns."

RUSTY PAYNE
Drug Enforcement Agency
spokesman

People who try to go around the new law by using new, similar chemicals aren't safe from federal prosecution.

Authorities said they can prosecute those who manufacture, possess, or distribute imitations of the banned chemicals, using a little-known law called the Controlled Substance Analogue Enforcement Act, Payne said.

"If we can prove that these new chemicals mimic the effects of the controlled chemicals, have similar chemical structure, and are manufactured for human consumption (which we know they are), then we can prosecute under the Analogue statute," Payne said.

Local police can use the federal laws to make arrests, but local district attorneys

can't prosecute the cases, officials with the San Diego County district attorney's office said. They would have to defer to the U.S. attorney's office.

"The bottom line is that it does not appear the substances that the DEA has scheduled would be similarly illegal under California law," said San Diego County Deputy District Attorney Steve Walter.

Lt. Leonard Mata of the Oceanside Police Department said figuring out how to approach enforcement would take time, but he said police were eager to get synthetic marijuana off the streets.

"We definitely believe it's a problem that needs to be addressed," he said of chemically treated herbal incense. "We're glad the DEA has taken steps to make (the chemicals) illicit."

Cracking down on the substances could be tricky.

For one thing, authorities must know what chemicals are used in the products to prove people have broken the law. And in many cases, determining a product's ingredients will take more than reading the labels.

The federal Food and Drug Administration does not require a list of ingredients to appear on packaging of such products because they're marketed as herbal incense, authorities said.

Instead, packaging often bears the words, "Not for human consumption."

"Because these products are not marketed for human consumption, the FDA does not regulate them," FDA spokesman Jeffrey Ventura said. "The FDA doesn't regulate any herbal incense."

With no one to check a label's accuracy, retailers

may not be able to trust manufacturers' claims about what is — or isn't — in their products, authorities said.

"The merchants are taking a chance if they don't know what's in the can," Mata said. "Because if they do sell it and there's an illegal substance, then they can be held criminally liable."

DEA spokesman Payne agreed.

"Because these products are not marketed for human consumption, the FDA does not regulate them."

JEFFREY VENTURA
Food and Drug
Administration spokesman

"Labeling means nothing," Payne said of herbal incense products. "Putting something on the label does not absolve anyone of responsibility for possible violation."

Testing is one way authorities can find out what chemicals are used in herbal incense products, authorities said. But new chemicals can be synthesized quickly.

"The issue of synthetic drugs is going to be a challenge for the foreseeable future," Payne said. "With scientific advances, chemicals that used to take years to synthesize now take far less time."

Call staff writer Morgan Cook at 760-739-6675.

ATTACHMENT 2

Coalition Efforts Reduce Drug Paraphernalia

- Letter from the Department of Alcoholic Beverage Control in collaboration with Tri-City Prevention Collaborative informing retailers about drug paraphernalia regulations, April 2003
- ABC Form 546-A (12/03): Letter to Licensees Concerning Drug Paraphernalia
- Tri-City Prevention Collaborative Fourth Bi-annual Assessment of Drug Paraphernalia Availability at Alcohol Retail Establishments, May 2008

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

San Marcos District Office
334 Via Vera Cruz, Suite 204
San Marcos, CA 92069
(760) 471-4237



April 2003

Dear Licensee(s):

This letter is being sent in support of the Tri-City Prevention Collaborative and their efforts to reduce the availability of drug paraphernalia in the cities of Carlsbad, Oceanside, and Vista.

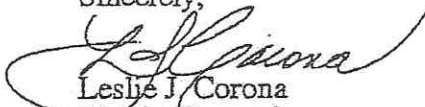
The availability of drug paraphernalia is a concern to our Department, law enforcement agencies, and many community groups. While the sale of drug paraphernalia in businesses licensed to sell alcoholic beverages has always been illegal, an addition to the Business and Professions Code (Section 24200.6 added in January 2003) clarifies what may be considered drug paraphernalia and how licensees should be informed.

In response to Section 24200.6 B&P, the Department developed form ABC-546-A (*Notice to Licensees concerning Drug Paraphernalia*). A copy of this form is enclosed for your information. It is also being sent by our Department Headquarters with license renewal information for Type 20 & 21 licenses throughout California.

Our office will be working in cooperation with local law enforcement agencies and through our IMPACT and LEAD programs to ensure compliance with laws concerning drug paraphernalia.

Thank you for your attention to this issue. If you have any questions about the enclosed information, please feel free to contact our office at 760-471-4237.

Sincerely,


Leslie J. Corona
District Supervisor

Notice to Licensees Concerning Drug Paraphernalia Under Section 24200.6 Business & Professions Code

Selling drug paraphernalia is a crime and could result in your arrest and the loss of your ABC license. A new law, Section 24200.6 of the Business and Professions Code, took effect January 1, 2003. It says that you – or your agent – know that an item is drug paraphernalia if ABC or any other state or local law enforcement agency notifies you in writing that something is commonly sold or marketed as drug paraphernalia. To protect yourself and your ABC license, you should immediately remove any items of drug paraphernalia from your store.

The following items, either alone or in combination, are commonly sold or marketed as drug paraphernalia. Due to the ever-changing nature of illegal drug activity and the types of drug paraphernalia being used, there may be other items not listed below:

- Scales and balances for weighing drugs
- Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose for cutting illegal drugs
- Blenders, bowls, containers, spoons, and mixing devices used for compounding illegal drugs
- Capsules, balloons, envelopes, and other containers for packaging small quantities of illegal drugs. Includes miniature plastic baggies designed to hold jewelry or beads, but also used to hold illegal drugs
- Containers and other objects for storing or concealing illegal drugs
- Hypodermic syringes, needles, and other items for injecting illegal drugs into the human body. These are intended for diabetics, but are drug paraphernalia when made available to other customers
- Pipes made out of metal, wood, acrylic, glass, stone, plastic, or ceramic. They may be with or without screens. Includes glass tubes commonly marketed as a bud vase or air freshener. Also includes colorful marking pens which, when taken apart, contain a pipe that can be used for smoking crack cocaine.
- Pipe screens
- Water pipes - also called "bongs"
- Roach clips (small metal clips used to hold burning material such as a marijuana cigarette)
- Miniature cocaine spoons and cocaine vials

- A wiry sponge or scouring pad, made for cleaning, but when cut into pieces, is used as a filter for smoking crack cocaine
- Drug "kits." Some stores sell a number of items packaged together, such as a miniature flower vial (see photo below), together with chopped-up pieces of wiry sponge and a butane lighter.



Example of Drug Paraphernalia: "Rose Tube," "Love Rose" or "Stem"

This glass tube (pictured at the left) is used as a crack cocaine pipe. It contains a novelty-type item such as a miniature rose. Suppliers may tell you the tube is a gift item. However, drug users remove the rose or other contents, insert a piece of wiry sponge or scouring pad as a filter, and use it to smoke crack cocaine. The tubes are commonly displayed in a box (pictured at the right).

This form shall be deemed official notice to you under Section 24200.6 of the Business & Professions Code.

This law does not preempt local ordinances that prohibit drug paraphernalia sales.

ABC Investigators and local law enforcement officers are actively investigating the sale of drug paraphernalia (Section 11364.7 of the Health and Safety Code).

Questions about this notice should be directed to your local ABC District Office.



Tri-City Prevention Collaborative

May 2008

Fourth Bi-Annual Assessment of Drug Paraphernalia Availability at Alcohol Retail Establishments

Background:

The sale of drug paraphernalia, particularly at off-sale alcohol outlets, perpetuates the sale and consumption of illegal drugs in predominantly low-income neighborhoods. This, in turn, contributes to a whole host of nuisance and illegal activities around these outlets, such as loitering, littering, panhandling, harassment, and intimidation of neighborhood residents.

Drug paraphernalia is often “disguised” as other legitimate products, and may include air fresheners in glass tubes, chore boy scrubbers, small plastic bags, lighters, and rolling papers. Store operators may know and intentionally sell these products for the purpose of consuming drugs, but proving that fact is often difficult. *(Under the direction of Dr. Cleo Malone, Director of the Palavra Tree in San Diego, several liquor store owners in Southeast San Diego have lost their alcohol license after being caught selling \$5 brown bag “kits” containing glass tube lighters to customers who asked for them.)*



Photo of air freshener and nutritional supplement sold in glass vials.

Assembly Bill 2334 (Nakano):

On September 28, 2002, Governor Gray Davis signed AB 2334 into law, thanks in large part to the efforts of the California Council on Alcohol Policy. This bill more clearly defined what constitutes “knowledge” regarding the sale of drug paraphernalia. An alcohol licensee who receives notice in writing from either the Department of Alcoholic Beverage Control (ABC) or local law enforcement agency defining the sale of drug paraphernalia would have “knowledge” and could be found in violation of their alcohol license if they continued to sell the defined products. The law took effect on January 1, 2003. The Department of Alcoholic Beverage Control developed a retailer fact sheet about the law and began distributing it with license renewal applications in 2003.

Project Plan:

In an effort to determine if this change in law would impact the availability of certain products often used as drug paraphernalia, store assessments were conducted in December 2002, prior to the law taking effect. In the spring of 2003, TCPC mailed all off-sale alcohol retailers (n=187) information about the new law, including a cover letter and notice from the Department of Alcoholic Beverage Control. Follow-up assessments were conducted by TCPC staff in late summer 2003 and again in late fall 2004 with youth coalition members. Additional educational materials were delivered to retail managers and clerks during these follow-up assessments.

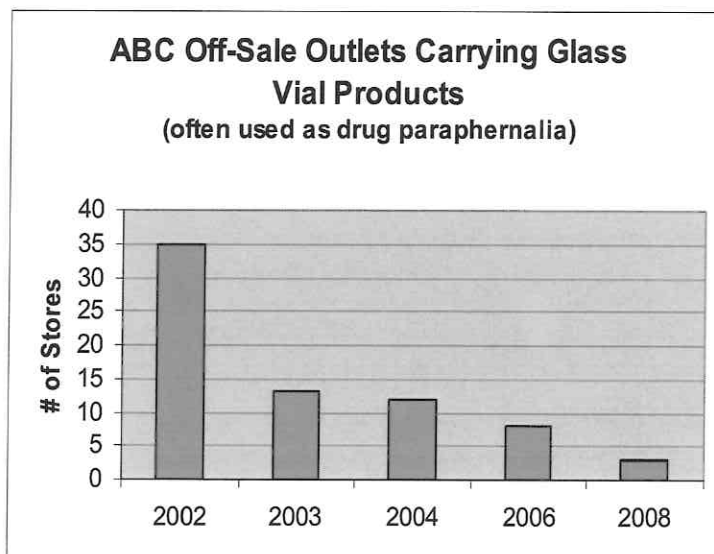
The initial assessments (December 2002) were conducted by one TCPC staff member in “undercover” dress (i.e. baseball cap and blue jeans) and included observation and brief interaction with clerks if products were not visible. The 2003 follow-up assessments were conducted by three TCPC staff members who identified themselves as working for the project and asked to speak with store management. The 2004 and early 2006 follow-up assessments were conducted by youth coalition members who identified themselves as youth advocates, and again in summer 2008 by staff.

Store Sample Selection:

A random selection of 56 retailers was chosen from a list of 110 off-sale retail outlets to be included in this evaluation. This included approximately 28 gas station and convenience chains, and 28 liquor stores and independent markets (the types of businesses typically more likely to sell products associated with drug

paraphernalia). There are approximately 180 off-sale alcohol licenses in the cities of Carlsbad, Oceanside, and Vista, but 56 of these are grocery and drug store chains (i.e. Ralph's, Longs) and 14 are "specialty" stores such as gourmet food and gift stores that are not typically associated with drug paraphernalia sales and therefore not included. Data from all 56 retailers were not available each year due to store construction or other variables.

Key Findings



- The biggest change was in the availability of glass vial products from baseline to initial follow-up:
 - 28 out of 52 stores (54%) sold glass vial products in December 2002 (baseline)
 - 12 out of 50 stores (24%) sold glass vial products in September 2003
 - 11 out of 54 stores (20%) sold glass vial products in November 2004
 - 6 out of 57 stores (11%) sold glass vial products in January 2006
 - 2 out of 49 stores (4%) sold glass vial product in June 2008
- Rose/vase tubes are indicated separately in the chart above because they are the most egregious of the glass vial products – they have a small hole at the bottom enabling them to be used for smoking drugs immediately after removing the plastic flower.
- In 2008, most merchants knew what the glass vials were used for and “didn’t want those types of customers.”
- In 2008 one merchant who was selling glass vials knew exactly what they were used for and did not care. Another merchant had the vials hiding behind the sales counter and when confronted said it was a mistake and the product was going to be sent back to distributor.
- Most merchants were thankful for the information presented during the follow-up assessments. Though time consuming, personal visits are necessary to conduct assessments and provide a good opportunity to present information as well as hear comments and questions from local merchants.

Conclusions:

The passage of AB 2334 and local efforts to inform merchants about the change in ABC law appear to have been effective in reducing the number of stores selling glass vial products. Without consequences, however, it may be unlikely that additional information and education will further reduce the number of merchants that carry these products associated with drug paraphernalia.

The Tri-City Prevention Collaborative (TCPC) is a project of the North Coastal Prevention Coalition, with Vista Community Clinic serving as the fiscal agent. Funds are provided by the County of San Diego, Health and Human Services Agency, Alcohol and Drug Services. The goal of TCPC is to reduce the harm of alcohol, tobacco, and other drugs in the cities of Carlsbad, Oceanside, and Vista. For more information, please call 760-407-1220 x174 or visit www.northcoastalpreventioncoalition.org