

Small Business Economic Impact Statement (SBEIS)  
for  
WAC 246-887-100  
Adding Synthetic Cannabinoids (Marijuana) and  
Substituted Cathinones to the Schedule I Controlled Substances List  
July 11, 2011

**Scope of the proposed rule package**

The proposed rule will permanently add synthetic cannabinoids (marijuana) and substituted cathinones (including their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation) to Schedule I of the Uniform Controlled Substances Act (UCSA). The proposed rule will make it illegal to sell, possess, manufacture or deliver these substances and will give law enforcement clear authority to prosecute these crimes.

**Background and History**

The Board of Pharmacy (board) filed an emergency rule on April 15, 2011 to immediately make synthetic cannabinoids (marijuana) and substituted cathinones (including their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation) illegal by placing them into Schedule I. The emergency rule followed a previous emergency rule that had made only synthetic cannabinoids illegal. The board is proposing to permanently add both synthetic cannabinoids (marijuana) and substituted cathinones (including their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation) into the Schedule I list because it has determined these substances have been found to be unsafe and have a high potential for abuse, have no current accepted medical use for treatment in the United States, and potentially serious health and safety risks have been linked to their use.

Synthetic Cannabinoids

Synthetic cannabinoids are psychoactive substances which, when consumed, mimic the affects of tetrahydrocannabinol (THC), the active ingredient in marijuana. Products containing cannabinoids present a clear and imminent danger to the public. These products also known as Spice, K2 and other names, produce a “marijuana-like” high making them appealing to teens and young adults. Products containing these substances have been marketed as safe, as legal herbal products and are sold as incense to hide their intended purpose. They are available through retail outlets, tobacco/smoke shops, paraphernalia/head shops and over the internet. The federal Drug

Administration (DEA) does not approve these substances for human consumption and does not oversee their manufacturing.

Since 2009, the DEA has received an increasing number of reports from poison centers, hospitals and law enforcement regarding these substances. Locally, the Washington State Poison Center (WSPC) reported eight cases of Spice ingestion in the last half of 2009 and sixty-eight cases of Spice ingestion reported in 2010.

On March 1, 2011, the DEA temporarily banned five types of synthetic cannabinoids, placing these into Schedule I of the federal Controlled Substances Act, under the temporary scheduling provision of Title 21 of the United States Code. In addition, several countries, as well as 15 states, have already taken action to make one or more of these substances illegal.

### Substituted Cathinones

Products containing substituted cathinones also present a clear and imminent danger to the public. Marketed as “bath salts” and “pond cleaner” and known by a variety of names, such as Ivory and Purple Wave, Red Dove, Blue Silk, and Zoom, these products are sold legally as synthetic powder both over the internet and in drug paraphernalia stores. Doctors and clinicians at U.S. poison centers have indicated that ingesting or snorting “bath salts” cause chest pains, increased blood pressure, increased heart rate, agitation, hallucinations, extreme paranoia, and delusions. These effects are similar to the effects of methamphetamine, ecstasy, and cocaine. There have also been reports of self-mutilations, suicides, and homicides linked to the drug.<sup>1</sup>

Cathinone and methcathinone have been Schedule I controlled substances since the early 1990's. The substituted cathinones listed in the proposed rule are analogs of cathinone and methcathinone, with minor structural derivative that may only be different by a single element. The Federal Analog Act does not apply to these analogs because they are marketed as “incense” and “bath salts” that are labeled as “not for human consumption.”

Data from both national poison centers and the WSPC show increasing ingestion exposures related to “bath salts.” Data from 2010 through March 2011 shows that national poison centers are reporting a three-fold increase in cases reported.<sup>2</sup>

### **Conclusion**

Synthetic cannabinoids are psychoactive substances which, when consumed, mimic the affects of tetrahydrocannabinol (THC), the active ingredient in marijuana. Products containing cannabinoids present a clear and imminent danger to the public.

Substituted cathinones also present a clear and imminent danger to the public. Products that contain substituted cathinones, when consumed, can cause chest pains, increased blood pressure, increased heart rate, agitation, hallucinations, extreme paranoia, and delusions. These effects are

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<sup>1</sup> Anon. Methylendiozypyrovalerone. Drug Enforcement Administration. December 2010.

<sup>2</sup> National Institute for Drug Abuse - <http://www.drugabuse.gov/about/welcome/MessageBathSalts211.html>.

similar to the effects of methamphetamine, ecstasy, and cocaine. There have also been reports of self-mutilations, suicides, and homicides linked to the drug.

All of these substances have high potential for abuse; have no currently accepted medical use in treatment in the United States; and they lack accepted safety for use in treatment under medical supervision. These substances and products containing these substances are labeled as “not for human consumption” and are unsafe.

The proposed rule may affect businesses that sell, possess, manufacture or deliver these substances. This may include retail outlets, tobacco/smoke shops, and paraphernalia/head shops. Adam Eidinger, owner of Capitol Hemp, a store in Washington D.C., said that “in the 18 months he has been stocking Spice, the demand has doubled every month and it is now making up a third of his revenue”.<sup>3</sup> However, it is important to note that these substances have high potential for abuse, lack accepted safety for use, and are clearly dangerous to the public.

The board has discussed the proposed rules, and the uses and effects of the substances at open public meetings, in which the public, including small business owners were given the opportunity to provide input. By making it illegal to sell, possess, manufacture or deliver these substances some businesses may lose revenue from future sale of these substances or products containing these substances. Considering the severity of the health hazards of these substances such as self-mutilations, suicides, and homicides, the department and the board have determined that:

- Estimating the revenue losses for sellers/suppliers does not serve any positive social purpose.
- There are no viable methods to reduce the cost or loss of revenue without impacting the health and safety of the people in Washington State.
- Estimating the number of jobs that will be lost as the result of compliance with the proposed rule does not serve any positive social purpose.

The loss of future revenue to businesses from selling socially hazardous products are clearly offset with the benefit of reducing injury, hospitalizations and death associated with the use of these substances. Thus, the total probable benefits of the proposed rule outweigh the total probable costs or loss of revenue.

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<sup>3</sup> <http://blogcritics.org/politics/article/synthetic-marijuana-sales-soar-as-demand1/#ixzz1QbiiFAVs>