



Date: October 9, 2013
To: Senate Committee on Judiciary and Labor
Fr: Senator Sheila Harsdorf
Re: Senate Bill 325—Synthetic Drugs

Dear Chair Grothman and Committee Members,

Thank you for holding a public hearing on Senate Bill 325 (SB 325), which expands the definition of synthetic drugs, also referred to as “bath salts,” “plant food,” “herbal incense,” “K2,” and “spice.” SB 325 would replace the concept of an analog of a synthetic drug with the description of the chemical structure so that any substance that conforms to the structural definition of the chemical compound would be prohibited.

As you may recall, last session, in response to concerns raised by law enforcement, we passed legislation to help close loopholes in our controlled substance laws by banning the sale of synthetic marijuana and potent stimulants that mimic the effect of cocaine when ingested. Last session’s law was written to be proactive by prohibiting new drugs coming on the market as well as their analogs. However, since the enactment of last session’s bill, individuals have found ways to alter the chemical structure of banned drugs beyond what is currently defined in law. Additionally, based on how a controlled substance analog is defined in law, prosecutors have had to prove a drug is a certain substance, which is done by a chemist in a crime lab, in addition to proving the drug has a certain effect on the human body, which is done by a pharmacologist or expert witness. These requirements have proven both challenging and costly for district attorneys to charge analog cases because they have to hire pharmacologists to comment on a drug’s effect on the body. Since SB 325 replaces the concept of an analog with the description of the chemical structure, a prosecutor will no longer have to hire a pharmacologist to prove the drug’s effect on the body; instead, a chemist would just be used to prove the structure of the substance. SB 325 will help district attorneys prosecute cases by eliminating this extra step of the prosecution.

I appreciate the efforts of the Department of Justice to address new issues that have been raised by law enforcement and district attorneys around the state to expand the definition of synthetic drugs. The Department’s recommended changes have been introduced as SB 325. This legislation proposes to list a description of substances and the chemical structure of controlled substances to make any substance, listed or not, that conforms to the structural definition illegal. Using the structural definition of a synthetic drug instead of listing analogs will better equip law enforcement and district attorneys to enforce and prosecute the sale of current and new illegal drugs as they are created.

The use of synthetic drugs is on the rise nationwide and in many parts of our state. According to the National Institute on Drug Abuse, one in nine high school seniors reported using synthetic marijuana. Additionally, the Drug Enforcement Administration reports that the number of calls made to poison control centers related to synthetic drug abuse increased by over 400% in one year from 2010 to 2011.

Synthetic hallucinogenic drugs are dangerous with severe side effects and are often significantly stronger than the drugs they seek to mimic. Synthetic drug use initially gives the user a euphoric high feeling followed by a psychological low point that can last up to two weeks, during which time a drug user may experience psychosis or suicidal or homicidal tendencies. Law enforcement officers report instances of synthetic drug users believing they were on fire, being shot at, or chased by a swarm of killer bees.

I am pleased that this legislation has bipartisan support and urge your passage of SB 325 in order to allow law enforcement and prosecutors to better address the illegal sale of dangerous, synthetic drugs. Thank you again for allowing me to speak in favor of the passage of SB 325. I welcome the opportunity to take questions.



BOB JAUCH
WISCONSIN STATE SENATOR

Senator Jauch Testimony in Support of Senate Bill 325

Synthetic Marijuana abuse is a serious problem in our communities that has reached an almost epidemic level. These drugs contain powerful chemicals and can cause dangerous health effects. Local Emergency Rooms have been inundated with cases of people experiencing severe reactions to the drug but medical personnel are struggling to treat these patients because, again, they have no idea what substances may be involved.

I am pleased to be working with Senator Harsdorf, Representative Bies, and Attorney General Van Hollen, in developing a more comprehensive solution to stem sales and use of these dangerous drugs.

This is not an easy issue to address. Two years ago, the state attempted to restrict the use of synthetic marijuana and the industry quickly found a way to bypass the law. Manufacturers have been able to skirt the law by constantly changing the chemical composition of their drugs.

The current law was written to proactively prohibit any new drug that comes on the market by also prohibiting any similar “analog”. The problem is how we define “analog”. Prosecutors have had to prove that a drug has both a similar chemical composition and a similar effect on the body. Cases have been dropped because it takes too long and it is too expensive to find an expert witness to testify that an analog has a similar effect on the body.

This new legislation gives prosecutors the tools necessary to more efficiently and effectively make their case. The bill provides a vastly more comprehensive list of illegal substances based on what our state crime labs are seeing and crime labs across the country. More importantly, this bill makes illegal any chemical substances that are similar in composition to the listed substances.

This bill will put an end to the loophole, in which a drug’s chemistry is altered to avoid prosecution. Even if it is altered, if the drug maintains the same chemical structure- it is illegal. In essence, if it looks like a duck and quacks like a duck- it’s the same poison.

The citizens of northern Wisconsin are all too familiar with the dangers of this drug and are fed up with the illicit sales of a product that is harming our citizens. Before passing ordinances aimed to curb the sale and use of synthetic marijuana, the Superior City Council heard testimony from a mother who had just lost one son only to learn that her other son was in the hospital in a coma and on a respirator after smoking synthetic marijuana. While her son survived, he was in a coma for three weeks and spent two months in a nursing home recovering.

In Ashland, a meeting of the city council heard from a mother who testified that one son was already in prison and the other was on their way as a result of using synthetics.

Another mother has started an anti-synthetic community group after her 15 year old son was found by police, wandering along the highway frothing at the mouth, growling at motorists incoherently and grabbing at passing cars after smoking synthetic marijuana.

This is an incredibly dangerous drug and it's not just a problem in northern Wisconsin, it's a problem across the state and across the country. Synthetic marijuana is now the second most frequently used illicit drug behind marijuana and over 20 deaths were reported last year nationwide. According to the Drug Enforcement Administration, the number of calls to poison centers related to synthetic drugs soared from about 3,200 in 2010 to more than 13,000 in 2011.

By broadening the legal definition of prohibited chemical substances and eliminating the need for an expert witness, this bill will enable law enforcement to crack down and prosecutors to more effectively prosecute the illegal sale of these very dangerous drugs.

We are confident that the more powerful legal tool will be welcomed by citizens, local officials, health care workers, law enforcement, and prosecutors who have been frustrated by the willful sale of this poison in their communities.

I would like to thank Senator Harsdorf and Representative Bies for bringing forth this legislation that is very important to the safety and well-being of Wisconsin citizens.

Thank you.