Synthetic Drugs
(New Psychoactive Substances):
Best Practices and Solutions
for Local Control

February 7, 2017
William Perno, SAY San Diego
John Byrom, North Coastal Prevention Coalition
Strategic Prevention Framework
Goals and Take Aways

• Why have a local ordinance instead of a State or Federal law?
• What does your EMS data show? Do existing surveys ask the appropriate questions?
• Have an education and awareness campaign that is population specific.
• Focus on synthetic cannabinoids (Spice) due to the youth access. However, good policies will include all new psychoactive substances.
San Diego Prevention System

- Six County Funded Regional Providers
- Four County-Wide Initiatives
- North Coastal Prevention Coalition
- Central Region Prevention Coalition
- Cinco de Mayo Con Orgullo Coalition - DFC
- Five other DFC’s in SD County and 1 Mentoring DFC
San Diego & Oceanside
40 Miles Apart

1.3 Million – Population San Diego
172,794 – Population Oceanside
3.1 Million – San Diego County
38.4 Million – State of California
Introduction of Speakers and Topic

- John Byrom
  - Prevention Specialist ATOD
  - North Coastal Prevention Coalition
  - 27 years in the prevention field with expertise in Environmental ATOD Prevention
  - As of Thursday Feb. 9 will have 31 years of recovery from drugs and alcohol
Introduction of Speakers and Topic

• William Perno
  – Prevention Specialist ATOD
  – Synthetic Drug Expert
  – Retired Deputy Sheriff
  – Parent
  – How I got started in prevention…
Disclosures

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Synthetic Cannabinoids “Spice” “K2”

- **Sold** in foil packages, clear plastic baggies, and jars/containers
Synthetic Cannabinoids “Spice” “K2”

- “Spice” is a toxic, man-made, chemical drug.
- There is nothing plant based about the drug. The drug is sprayed/laced onto plant material.
- The plant material is the fuel source to burn and vaporize the chemicals. Inhaling or ingesting the chemical fumes/chemicals causes the high.
- Hundreds of different chemical formulas
- Chemical Russian Roulette!
Area Snapshot City of Oceanside
Area Snapshot City of Oceanside

- Southern California beach town 40 miles north of San Diego
- Population 174,558
- Camp Pendleton 42,000 Marines
- Oceanside’s unsheltered population more than doubled – from 158 people in 2015 to 392 in 2016.
Oceanside Voluntary Compliance

- In 2010 began hearing about Spice.
- Our youth group started addressing the issue.
- Educational presentations.
- No State Laws for Synthetic Drugs in California
Early Efforts

- Problem identification
- Community assessments
- Youth involvement
- Public and retailer awareness campaigns
- Law enforcement ‘requests’ (limited enforcement options)
Oceanside Voluntary Compliance
(May 2011)
Oceanside Voluntary Compliance

- Identified retailers selling synthetic drugs
- A letter from Oceanside Police Chief was written and sent out
- Many stores stopped selling
- Youth group tried mock buys
- Reduced the number of stores selling to four.
State Enforcement
New Laws 2011- 2012

- October 2011 Synthetic Stimulants “Bath Salts” law
- January 2012 “Spice” law took effect in CA
- In 2013, the State Department of Alcoholic Beverage Control cited a liquor store in Vista for selling “Bath Salts” resulting in a 21 day suspension of their liquor license.
- Over the next several years, continued to inform the DEA in San Diego County about stores in Oceanside that continued selling synthetic drugs.
Liquor Store Suspension for Sales of Spice (January 2013)

South Bay Voluntary Compliance

- Grass Roots organizing by parents
- Local ordinances and State law for “Bath Salts” passed
- Law Enforcement letters – Origin Oceanside, North Coastal Prevention Coalition and Erica Leary!
- Erica’s letter was the template for a letter from the County Police Chiefs and Sheriff’s Association utilized throughout San Diego County
- Difficulties…
May 24, 2011

Dear Retailer,

This letter is in support of the North Coastal Prevention Coalition (NCPC) efforts to reduce the availability of synthetic drug products found in the cities of Oceanside, Carlsbad and Vista.

The availability of synthetic drugs found in products such as herbal incense and bath salts is a concern to law enforcement, parents, and many community groups. On March 1, 2011 the Drug Enforcement Administration (DEA) issued a final order published in the Federal Register (76 Fed. Reg. 11075) temporarily placing five synthetic cannabinoids into the Controlled Substance Act as Schedule 1 substances. In addition, federal legislators are proposing new legislation to curtail the growing marketing and use of these products.

Nationwide, calls to poison control centers from problems resulting from herbal incense have increased dramatically—from 13 calls in 2009 to over 2,000 in 2010. Despite labels stating “not for human consumption”, many retailers and consumers are aware these products are used as an alternative to marijuana.

While the legal details are being worked out at the Federal level, we are calling upon our local business community to stop the sale of products used as synthetic marijuana and stimulants to demonstrate support for public health and safety. Though some of these products may not be illegal at this time, we know they pose a health and safety risk to consumers. By refusing to sell them, you may help prevent customers from suffering illness or injury.

Thank you for your attention to this issue. If you have any questions, please feel free to contact our department at 760-435-4688.

Sincerely,

Frank S. McCoy
Chief of Police

San Diego County
Police Chiefs’ & Sheriff’s Association
8085 University Avenue
La Mesa, CA 91942
619.667.1400

July 11, 2011

Dear Retailer,

The members of the San Diego County Police Chiefs’ & Sheriff’s Association are seeking your cooperation in reducing the availability of synthetic drug products in San Diego County.

The availability of synthetic drugs found in products such as herbal incense and bath salts is a concern to law enforcement, parents, and many community groups. On March 1, 2011 the Drug Enforcement Administration (DEA) issued a final order published in the Federal Register (76 Fed. Reg. 11075) temporarily placing five synthetic cannabinoids into the Controlled Substances Act as Schedule 1 substances. In addition, federal legislators are proposing new legislation to curtail the growing marketing and use of these products.

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Thank you for your attention to this issue. Should you have any questions or would like additional information, please contact Captain Gary Facic at (619) 691-5230.

Yours truly,

[Signature]

David Bejarano
Police Chief
Area Snapshot Downtown SD

- San Diego Convention Center
- Petco Park Baseball Stadium
San Diego
“America’s Finest City”

Area Snapshot Downtown SD

- Shopping malls
- More than 20 public parks
- Neighborhoods include: Little Italy, Columbia, The Marina, The Gaslamp, Civic/Core, Cortez Hill & East Village

Area Snap Shot Downtown SD

- Downtown San Diego has a large business, tourism and entertainment district
- Homeless population #4 in the Country – 9,000 +
- Schools downtown e3 Civic High School
- Synthetic cannabinoids “Spice” is impacting our youth
- Large service member (Military) population
SD Central Library & e3 Civic High

Source: https://www.sandiego.gov/public-library
Data – SD Homelessness #4 in USA
More Than 17,500 People Used Homeless Services

Community Assessment
Synthetic Drugs
Worldwide Data

- Hundreds of chemical formulas with more introduced on a regular basis
- Clandestine chemists staying steps ahead of legislative efforts by changing chemical formulas
Local Data

- Downtown San Diego
- 35,000 residents
- 80,000 employees work downtown
- 137,000 jobs connected to downtown businesses
- Millions of year-round visitors
- Many services for homeless population

Local Data

- San Diego and Oceanside EMS data
- More than 1,000 Spice poisonings in the two cities of San Diego and Oceanside
- Millions of dollars in costs
- Number of poisonings overwhelming EMS response on some days
National Data

• Lack of understanding at the Local, State and Federal level of NPS impacts and harm
• DEA Request and Congressional Action for Synthetic Stimulants
  – “Bath Salts”. 17 types submitted for ban.
  – Only 2 types were actually banned by Congress in 2012!
## California State Penalties

<table>
<thead>
<tr>
<th>State of California</th>
<th>Possession Personal Use</th>
<th>Sales Trans. Manuf.</th>
<th>Guns present</th>
<th>Locations schools, parks ,etc</th>
<th>Minors</th>
<th>Priors</th>
<th>Weight Enhancement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spice And Bath Salts</td>
<td><strong>$250 Fine and/or Misd. (Tiered Penalties)</strong></td>
<td>Up to 6 months and/or $1,000</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Misd. (Prop 47)</td>
<td>Up to 7 Years</td>
<td>Up to 5 Yrs extra</td>
<td>Up to 5 Yrs. extra</td>
<td>Up to 9 Yrs</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 25 Yrs extra</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>Misd. (Prop 47)</td>
<td>Up to 7 Years</td>
<td>Up to 5 Yrs extra</td>
<td>Up to 5 Yrs. extra</td>
<td>Up to 9 + 2 Yrs if Child under 16</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 15 Yrs extra</td>
</tr>
<tr>
<td>PCP</td>
<td>Misd. (Prop 47)</td>
<td>Up to 7 Years</td>
<td>Up to 8 Years.</td>
<td>Up to 1Yr. extra</td>
<td>Up to 9 Years</td>
<td>Up to 3 Yrs extra</td>
<td>Up to 15 Yrs extra</td>
</tr>
</tbody>
</table>
State and Federal Data

Huge Disparity Between Penalties

- **Federal Penalties**
  - Strict penalties for sales: **felonies**
  - **Schedule 1** controlled substances
  - Analog prosecutions
  - **Sellers** can be sentenced up to **30 years in prison**!
  - Up to **10 million in fines** and asset seizures

- **California Penalties**
  - **Misdemeanor**, Up to **6 months in jail** and/or up to a **$1,000 fine**
  - Spice and bath salts are **NOT** scheduled as controlled substances in **CA**.
National and State Data

- **National Monitoring the Future Study**
  - Only 1 in 4 (25%) of 8th, 10th and 12th Grade Students perceived “Great Risk” in using spice or bath salts once or twice.

- **State and National Poison Control Centers Data**
  - Underreported. Not Their Fault! No requirements for mandatory reporting

- **California Healthy Kids Survey (State Survey)**
  - No Questions on Survey for Synthetic Drugs
Local Data

- **San Diego City Emergency Medical Services**
  - Number of Spice poisonings in database was much higher than number reported to State Poison Control System!

- **County Custom Module Created for Student Surveys**
  - Created to gather data on perception of harm by youth regarding synthetic drugs
  - Revealed low perception of harm by youth
State & National Poison Control Data May Not Tell The Entire Story!

SD EMS DATA COMPARED TO STATE AND NATIONAL POISON CONTROL DATA

SD City EMS = 537
State of CA = 52
National = 2,306
Local Data

• SANDAG SAMY Survey Data
  – Between 48% - 52% of juvenile arrestees have used Spice (2011-2015)
  – 83% using Spice as an alternative to marijuana
  – 43% using Spice to avoid a positive drug test!

• SANDAG SAM Survey Data
  – 62% of adult arrestees using Spice as an alternative to marijuana
  – 38% using Spice to avoid a positive drug test!
Local Conditions -
Spice Overdoses in San Diego (Nov. 2015)

Problem Analysis

Problem
Spice Poisonings

Easy Access
Retailers in area selling Spice
Street sales $1-$2 per hand rolled Spice cigarette

Lack of Effective Laws
Police unable to enforce outdated state laws
Tip of the Iceberg…More New Psychoactive Substance (NPS) Drugs are Coming

- Requires a paradigm shift in how government legislates
- We need more effective ways to ban synthetic drugs
Why Have a Local Ordinance In Addition to State and Federal Laws?

Local Government

State Government

Federal Government
Why Have a Local Ordinance In Addition to State and Federal Laws?

• Lengthy process to schedule new psychoactive substances at State and Federal level

• Hundreds of chemical formulas NOT covered by existing laws
Why Have a Local Ordinance In Addition to State and Federal Laws?

• Local ordinances can be expedited and are easier to enact (Often only 5 City Council Members) versus State Legislature or Federal Congress

• Local ordinances can be much more comprehensive than State and Federal laws

• State & Federal legislators abstaining from voting can kill bills in committee
Why Engage Others?

• Critical need for community, local leaders and elected representatives to understand synthetic drug dangers and limitations under existing laws
• Education, awareness, outreach is key to prevention efforts
Why Engage Others?

• Local ordinances and best practices for local level solutions

• Understanding, Engagement and Empowerment is Critical to Protecting Youth, Young Adults and Communities!
Oceanside Local Ordinance
Oceanside Spice Poisonings

- Between Jan. 1, 2013 and Nov. 30, 2015 there were 169 calls for service related to Spice
- In November of 2015 the business community started complaining to the city.
- Camp Pendleton had problem with use.
- We started to work with City Attorney and Police Department.
- We were able to bring resources to City Attorney.
Cross Sector Collaboration for City of Oceanside

- SD County Marijuana Prevention Initiative
- Oceanside City Attorney’s Office
- Oceanside Police Department
- Elected Representatives
- Main St. Oceanside (Business Assoc.)
- Oceanside Chamber of Commerce
Elements of Oceanside Ordinance

- First to create an **Effective** local ordinance in San Diego County
- More comprehensive than existing State laws
- Banned hundreds of chemical formulas and chemical classes
- Civil fines of $500 PER PACKAGE for mislabeled drugs. Includes labels (i.e. ‘not for human consumption’)

#CADCAForum
Cross Sector Collaboration for City of Oceanside

- Oceanside Unified School District
- Boys & Girls Club of Oceanside
- Two health clinics
- Two AOD treatment organizations
- Three prevention coalitions
- DEA
Cross Sector Collaboration for City of Oceanside

We were able to galvanize the business, non-profits and community members to support passage of the ordinance (Feb 2016).
Since the City of Oceanside Passed the Ordinance

- Police department has delivered ordinance information to retailers
- Camp Pendleton – Ongoing Substance Abuse Control Officer training for Marines
- Print and TV news stories have been done
- Only twelve Spice poisoning calls since passage of the ordinance
Cross Sector Collaboration for City of San Diego

- SD County Marijuana Prevention Initiative
- SD City Attorney’s Office
- SD Police Department
- Elected Representatives
- SD Downtown Partnership (Business)
- Father Joes Village & St. Vincent De Paul
Cross Sector Collaboration for City of San Diego

- Central Region Prevention Coalition
- Scripps Mercy Hospital
- San Diego Emergency Medical Services
- News Media Outlets
- e3 Charter School Teachers & Youth
- Advocates for Change Today (ACT) Youth
Community Collaboration!
Planning For City of San Diego

- Task force created with key sectors and stakeholders (March, 2016)
- Action oriented
- Media awareness (part of our prevention)
- Youth groups engaged
- Developed partnerships with organizations serving homeless populations
Planning For City of San Diego Action Teams

- Synthetic drug work group
- Emerging drug trends group with law enforcement and prevention providers
- County-wide prevention initiatives
- Regional prevention initiatives
Building Local Capacity – San Diego

- Promoted the passage of a new city ordinance with updated chemical formulas and penalties for enforcement
- Strategic meetings with elected representative and their aides to educate and inform on New Psychoactive Substances (NPS) harms.
- Training and expertise to City Attorney Office & Crime Lab
  - Prosecutions & substance detection
  - Including potential liability to cities and counties (use of force, in custody deaths, etc.)
Building Local Capacity – San Diego

- Ongoing training to build capacity throughout the region to learn more about new psychoactive substances and their harm
- Teach how to advocate for local control if no regulations in a city and how to strengthen existing regulations
- Engaged news media to create awareness about these drugs and the local ordinances prohibiting their sale and possession
Building Local Capacity – San Diego

- Training Provided to:
  - School staff, parents, students, at-risk youth,
  - Law enforcement, local elected representatives,
  - Prevention and treatment providers, EMS, fire, hospitals, businesses,
  - Military presentations - embedded into Marine Corps Substance Abuse Control Officer training course. Providing ongoing synthetic drug prevention training to SACO’s
Media Advocacy Strategy To:

- Frame the issues
- Organize the community – They Can Advocate for Change!
- Identify and build support for solutions
- Increase perception of harm
- Change social norms
- Improve quality of life in the community
San Diego City Ordinance for New Psychoactive Substances

San Diego City Ordinance for New Psychoactive Substances (5-24-16)

San Diego Ordinance

• More comprehensive than existing State laws
• Banned hundreds of chemical formulas and chemical classes
• Updates automatically when new substances are scheduled at Federal level
• Emergency ordinance – effective immediately, June 14, 2016
San Diego Ordinance

- Written and passed in 6 months – extremely fast for a city ordinance
- 1,000 letters sent by City to all retailers with a tobacco retailer permit to advise them of new ordinance
- Extensive news media and print coverage
- SDPD social media campaign
Implementation – San Diego

- Developed public service announcements (Youth led and in local shopping mall)
- Created NPS rack cards
- Created PSA’s for specific populations being served
PSA Examples “KNOW Spice”

KNOW Spice?

Using **Spice as a Drug** is a **Recipe for Disaster**

Don’t Let **Spice** Destroy your **Life**

**SPICE:** Toxic Drug
- Mind-altering, Unpredictable Dangerous Drug
- Synthetic, Toxic Chemicals
- Not for Human Consumption

**SPICE:** Non-toxic
- Cooking Ingredient Enhances Food Flavors: Cinnamon, Nutmeg, Rosemary, Thyme

Get the Facts—KNOW the Difference

Printing funded by County of San Diego Health & Human Services Agency
KNOW Spice?

Spice used as a Drug is a mixture of vegetation sprayed with toxic synthetic chemicals.

TO BE or NOT TO BE . . .

. . . BE ABOVE THE INFLUENCE

SPICE CAN DESTROY YOUR LIFE

Get the Facts—KNOW the Difference

#be above the influence
Youth Peer-to-Peer PSA Messaging for Spice
Engaging Parents and Community Members

• Become involved as an individual and/or as an organization
• Retail assessments to help identify businesses that are selling these drugs and notify law enforcement
• Eyes and ears for law enforcement agencies
• A well informed, educated community group can be very effective advocates!
Impacts - San Diego City Ordinance

• More than 50% reduction in EMS responses to Spice poisonings in San Diego
• Police department investigations and raids
• Military 100% testing for synthetic drugs in urine samples in random drug tests
Impacts San Diego EMS Calls for Service

SD EMS DATA SPICE POISONINGS

1st Task Force Meeting March 23, 2016

New City Ordinance Synthetic Drugs Effective June 14, 2016
Impacts - San Diego City Ordinance

• Almost all businesses stopped selling synthetic drugs
• Only 1 store kept selling – long history of Spice sales
• Ignored repeated warnings from Police and City Attorney’s office
Impacts - San Diego City Ordinance

- Search warrant on one business
- Two pounds of Spice for sale!
- Employee arrested and booked into jail for sales and violations of previous court orders
- Only 7 citations by Patrol for people in possession of Spice
- Believe decrease is directly linked to the education, awareness, enforcement, and prosecution efforts under the new ordinance.
Impacts - Enforcement of San Diego City Ordinance

2 Pounds of 'Spice' Drug Seized at Hillcrest Smoke Shop

POSTED BY HOA QUACH ON AUGUST 25, 2016 IN CRIME | 167 VIEWS | 0 COMMENTS | LEAVE A COMMENT

Share This Article:

![Image of seized spice drug](Courtesy: DEA)

![Image of seized spice drug](Courtesy of Drug Enforcement Administration)
Next Steps

• Searching for agencies with an updated list of synthetic drugs
• Ongoing education of retailers, students, at-risk populations, etc.
• Creating resource handouts: “10 Things to Know About Synthetic Drugs”
• Researching best practices for local control
• Advocating for more accurate reporting of poisonings to State and National Poison Control Centers
Inspirational Quotes

• "Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." - Margaret Mead

• "It's hard to fail, but it's worse never to have tried to succeed." - Theodore Roosevelt
Resources on Agency Websites

- Social Advocates for Youth “SAY” San Diego (City of San Diego)
  - https://www.saysandiego.org/get-involved/resources/syntheticdrugresources/
- North Coastal Prevention Coalition (City of Oceanside)
  - http://northcoastalpreventioncoalition.org/resources/ncpc-publications/
- Local Ordinances – San Diego and Oceanside
- Letters for Voluntary Compliance
- 10 Things to Know about Synthetic Drugs
- SAMHSA and DEA Documents
Questions and Answers
Contact Information

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