

Statement of Senator Dianne Feinstein

“Dangerous Synthetic Drugs”

September 25, 2013

In my view, synthetic drugs are diabolical. Synthetic drugs are often unregulated substances designed by scientists to mimic the effects of controlled substances. They are similar in chemical structure to Schedule 1 controlled substances. They are sold at gas stations, convenience stores, head shops and over the Internet.

The individuals who manufacture these products market them as harmless items such as potpourri, bath salts and believe it or not plant food. The packages state that they are “not intended for human consumption,” and as you can see in the pictures to my left, they are packaged in a manner intended to appeal to our nation’s youth. Scooby Snax Potpourri and Joker Herbal Sachet, for example. These package labels are intended to deceive users into thinking the products are harmless.

As you can see in the pictures of a synthetic drug lab to my right, these products are not manufactured in clean and sterile facilities. Instead, they are clandestinely produced in storage facilities and warehouses using construction equipment like cement mixers and handheld pump-style pesticide sprayers.

Make no mistake about it: these products are not safe and the consequences of people using these drugs is sobering. In 2010, poison centers nationwide responded to approximately 3,200 calls related to synthetic marijuana and bath salts. In 2011, the number jumped to 12,834. That is a quadrupling in 1 year and the majority, 60 percent, involved patients 25 and younger.

As the Vice Chairman indicated, I don’t think we have to look further than close by to see the ultimate consequence of synthetic drug abuse. Earlier this month, in a

string of separate incidents, four individuals attending concerts in New York City, Boston and Washington, D.C. died after taking a party drug referred to as “molly.” This drug is generally recognized as the name given to party drugs containing ecstasy, a Schedule 1 controlled substance. However, some now believe that the synthetic drug “methyldone” and perhaps some other synthetic drug may have been involved in these deaths. Other party drugs like 2C-P and “crazy clown” are also bringing havoc on our communities.

When Congress outlawed several of these synthetic drugs last year, traffickers did not stop producing them. Instead, they slightly altered the chemical structure of illegal drugs to skirt the law. By making these alterations, the drug traffickers produced what we call “controlled substance analogues” which mimic the effects of drugs like ecstasy, cocaine, PCP and LSD.

As I know we will hear today, determining whether a substance meets the vague legal criteria of a “controlled substance analogue” really results in a “battle of experts” inside the courtroom and prosecutors putting up experts in the fields of chemistry and pharmacology to prove a substance meets the legal criteria while the defense puts up experts to prove the exact opposite. The jury decides the issue meaning that prosecutors and defense attorneys alike depend on whose experts were better at best expressing their opinion to the jury. Additionally, there is no precedent meaning that a decision in one case that a substance is an analogue does not mean that it is automatically an analogue in a second case.

I introduced the *Protecting Our Youth from Dangerous Synthetic Drugs Act* in July to give law enforcement the tools they need to prosecute individuals who produce and distribute controlled substance analogues. Specifically, this bill will establish an inter-agency committee of scientists which will be responsible for establishing and maintaining an administrative list of controlled substance analogues. The Committee is structured so that it can respond quickly and robustly to the threat.

Law enforcement officials have informed my staff that virtually all of these controlled substance analogues arrive in bulk from outside our borders. Therefore, this bill will also make it illegal to import a controlled substance analogue on the list unless the importation is intended for non-human use.

This bill sends a strong message to drug traffickers who continually circumvent our nation's laws. Congress recognizes that no matter how you alter the chemical structure of synthetic drugs to get around the law, they remain dangerous and should not be available for human consumption.