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	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201	MEMO	
	Subject	City Council Bill 10-0616- Prohibited Distribution of K2 or "Spice."		

November 4, 2010

To: President and Members  
409 City Hall

The Baltimore City Health Department (BCHD) has reviewed Council Bill 10-0616- Prohibited Distribution of K2 or "Spice." This bill prohibits the possession and distribution of certain synthetic products or compounds, variously known as K2, "Spice" and defines the terms, exceptions and penalties generally relating to the regulation of these products or compounds. This ordinance would impose penalties for the possession of the synthetic cannabinoid compound known as K2 or "Spice." The amended version of this bill would allow judges to sentence any person convicted of possession to mandated drug-abuse education and/or treatment in lieu of fines and jail time. These amendments appropriately incorporate critical public health approaches to the issue of synthetic cannabinoid use.

The Drug Enforcement Administration (DEA) reports that "smokable herbal blends marketed as 'legal marijuana' have become increasingly popular. In the United States, these products can be purchased over the internet from domestic or overseas-based businesses. The products purportedly consist of blends of exotic herbs and other plant material that when smoked allegedly produce euphoria. One particular brand of 'herbal incense' that has become increasingly popular is manufactured under the brand-name Spice. Chemical analyses of Spice demonstrate that the alleged euphoric effects are related to synthetic cannabinoids that are mixed in with the herbal material. These synthetic cannabinoids are similar to THC –the active ingredient in marijuana– that, when smoked or ingested, can produce a similar high. Initially developed for research related to treatment of pain and the effects of cannabis on the brain, these substances have become a popular alternative to marijuana. Once sprayed on dried herbs, the mixtures are marketed under names such as "Spice", "k2", or "Genie" and are sold legally in local convenience stores or on the internet.

As of September 2010, the DEA identified five cannabinoids, known as Spice, as drugs of concern, but it is important to note that over 500 synthetic cannabinoids currently exist. Across the country, state lawmakers are acting quickly to curb the growing availability and use of these substances by passing laws to designate certain synthetic cannabinoids as *schedule I controlled substances* and to outlaw their possession and distribution. In October 2010, the Baltimore County Council voted unanimously to ban certain synthetic drugs after it was found that such

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drugs were being sold in Catonsville. Similar legislation is being considered at the state level. Currently, there are eight other states that have either passed similar legislation, or have bills pending to categorize these compounds as Class I Controlled Substances and impose criminal penalties for possession and distribution. Products containing synthetic cannabinoids are controlled in six European Countries and banned in seven others.

In Baltimore City, Anecdotal reports from mostly adolescent treatment providers reveal a handful of youth who have used K2 or Spice. However, contrary to the language in the recently passed City Council resolution (Baltimore City Council Resolution File No. 10-0228R), Baltimore Substance Abuse Systems (BSAS) does not have any systematic data on the prevalence of synthetic cannabinoid use in the city.

There currently exists a rich body of research and data to support approaching the problem of abuse of any mood or mind-altering substance solely as a public health issue. For individuals with substance abuse problems, incarceration does not treat the underlying issue that likely led to the initial arrest in the first place and a vicious cycle continues. When left untreated, drug-abusing offenders often relapse to drug use and return to criminal behavior that is driven by their addiction. According to the National Treatment Improvement Study conducted by the federal Center for Substance Abuse Treatment, arrests for drug possession decreased by 51% in the year after treatment, selling drugs declined by 78%, and arrests for any crime decreased by 64%. As such the Health Department supports amendment language recommending either substance abuse education or treatment, or a combination of both as an option available to the judiciary in determining an appropriate level of sanctioning for offenders.

In summary, the Health Department would support an amendment to City Council Bill 10-0616- Prohibited Distribution of K2 or “Spice” that offers the judiciary the discretion to require drug abuse education and/or treatment for individuals charged with possession. In regards to the matter of distribution of K2 or Spice, the Health Department defers to the expertise of the Baltimore City Police Department for the discussion on appropriate penalties. The Health Department, along with BSAS, welcomes the opportunity to participate in the November 16<sup>th</sup> hearing and contribute to the discussion about the public health aspects of this issue.

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