

1 THE DANGERS OF SYNTHETIC CANNABINOIDS AND STIMULANTS

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3 WEDNESDAY, APRIL 6, 2011

4 United States Senate,
5 Caucus on International Narcotics Control,
6 Washington, D.C.

7 The Caucus met, pursuant to notice, at 2:33 p.m., in
8 room SD-138, Dirksen Senate Office Building, Hon. Dianne
9 Feinstein, Chairman of the Caucus, presiding.

10 Present: Senators Feinstein and Grassley.

11 OPENING STATEMENT OF HON. DIANNE FEINSTEIN, A U.S.

12 SENATOR FROM THE STATE OF CALIFORNIA

13 Chairman Feinstein. I am going to call this hearing
14 to order. We are here today because there is an
15 alarming, growing trend of abuse of synthetic marijuana
16 and other dangerous stimulants. This is the Senate
17 Caucus of International Narcotics Control, fondly called
18 "the Drug Caucus," and Senator Grassley and I are the
19 bipartisan Chairs of this Drug Caucus.

20 Across the country, poison control centers are
21 receiving more and more reports of abuse of synthetic
22 marijuana and certain stimulants that are chemically
23 produced to mimic the active ingredients in drugs such as
24 marijuana and methamphetamine.

25 The American Association of Poison Control Centers

1 has noted that the centers nationally received 2,882
2 calls about synthetic marijuana in 2010, up from a
3 reported 14 calls in 2009. So in one year, it has
4 boomed.

5 Disturbingly, the primary users of these dangerous
6 synthetic substances are youth who purchase the
7 substances online or, believe it or not, in gas stations,
8 convenience stores, and smoke shops. The substances are
9 often sold as herbal incense and marketed as "Spice" and
10 "K2." They come in flavors such as watermelon, lemon-
11 lime, blueberry, and mango.

12 While synthetic cannabinoids, which is the formal
13 name for synthetic marijuana, may be used with the
14 intention of getting a marijuana-like high, the true
15 effects are not yet known. Some reported effects include
16 nausea, increased agitation, elevated blood pressure, and
17 racing heart rates. Tragically, synthetic marijuana has
18 been blamed for the fatality of at least one young man we
19 know, and his father is here today to join us. He is
20 Senator Grassley's witness, so I just want to welcome him
21 and his family, and Senator Grassley will introduce you,
22 I am sure, more fully during his remarks.

23 I am pleased that over 20 States have banned
24 chemical substances contained in synthetic cannabinoids.

25 The United States military has also banned personnel

1 from possessing or using these substances.

2 On March 1st of this year, the DEA used its
3 temporary scheduling authority to place five synthetic
4 cannabinoids as Schedule I--which is the top--substances
5 under the Controlled Substances Act. This means that K2
6 and Spice products currently cannot legally be sold in
7 the United States.

8 However, this scheduling is only temporary. A bill
9 Senator Grassley and I introduced, the Dangerous
10 Synthetic Drug Control Act of 2011, would permanently
11 schedule 15 of these source chemicals that DEA has
12 identified within K2 and similar products and place them
13 permanently as Schedule I narcotics under the Controlled
14 Substances Act with other dangerous drugs.

15 Unfortunately, synthetic marijuana is not the only
16 new, dangerous substance on the market. Reports of
17 people ingesting, believe it or not, certain bath salts
18 as drugs also have increased dramatically. In 2010,
19 poison control centers across the land received 301 calls
20 about bath salts. As you can see in the chart I have
21 here, from January 1st to March 30th--that is just a
22 quarter of this year--they have seen an incredible
23 increase in the number of cases, reportedly receiving
24 1,381 calls--that is just in the first quarter--as
25 opposed to the whole first year, which covers three

1 quarters of the year.

2 Although there is not sufficient data to understand
3 exactly how prevalent the use of these stimulants is, we
4 know that in some cases they have been very dangerous.
5 One man, Neil Brown, of Mississippi, got high on bath
6 salts and used a skinning knife to slit his face and
7 stomach repeatedly.

8 Doctors and clinicians at poison centers have
9 indicated that ingesting "bath salts" containing
10 synthetic stimulants can cause side effects such as chest
11 pains, elevated blood pressure, increased heart rate,
12 agitation, hallucinations, panic attacks, extreme
13 paranoia, delusions, and even sleep deprivation-induced
14 psychosis.

15 Synthetic cannabinoids and stimulants are especially
16 problematic because, as we know from the University of
17 Michigan's annual Monitoring the Future Survey,
18 perceptions of harm and danger tend to drive down the use
19 of specific substances among youth, and we hope this
20 hearing will do just that--drive down the use. In other
21 words, if a youth believes a drug is dangerous, he or she
22 is less likely to use it. With so little known about new
23 synthetic substances, drug use is likely to increase. So
24 this hearing serves as a warning.

25 I look forward to hearing from the witnesses today

1 and would be very interested in any guidance they can
2 provide.

3 I would like now to turn to my Co-Chairman, Senator
4 Grassley, for his opening statement.

5 OPENING STATEMENT OF HON. CHUCK GRASSLEY, A U.S.
6 SENATOR FROM THE STATE OF IOWA

7 Senator Grassley. Thank you, Madam Chairman, for
8 your leadership on this Caucus, and particularly for this
9 very important hearing on a new and dangerous drug abuse
10 trend. Drugs disguised and marketed as harmless products
11 such as incense, bath salts, and even plant food are
12 rapidly gaining in popularity among America's young.
13 These drugs have been sold in mainstream convenience
14 stores, shopping malls, gas stations, and on several
15 Internet websites.

16 Popular brand names are "K2," "Spice," "Ivory Wave,"
17 "Red Dove," and "Vanilla Sky," among others. The ease
18 with which these products are available and the fact that
19 they are not completely banned in this country may lead
20 users to believe that using these products is nothing
21 more than harmless fun. It is now clear that using these
22 products is anything but harmless.

23 According to a statement from Dr. Anthony Scalzo,
24 who is the medical director of the Missouri Poison Center
25 and director of toxicology at Saint Louis University,

1 these products cause serious health effects including
2 symptoms such as racing heart beat, elevated blood
3 pressure, hallucinations, anxiety, agitation and
4 significant delusions and paranoia. Dr. Scalzo also
5 describes cases where patients have become dependent on
6 these drugs and where users have seriously harmed
7 themselves, committed crimes, and harmed others while
8 high on these substances.

9 Dr. Scalzo also adds that U.S. poison control
10 centers are reporting skyrocketing calls regarding these
11 drugs. According to Dr. Scalzo's statement, poison
12 centers reported over 2,800 calls concerning synthetic
13 marijuana known as "K2" or "Spice." As of March 22nd,
14 there have already been over 1,200 calls to poison
15 control centers concerning synthetic marijuana products
16 this year alone. That means that we are on a pace to
17 have over 4,800 calls for 2011, a 60-percent increase.
18 Further, poison control centers have taken over 1,200
19 calls so far this year concerning bath salts. This is
20 more than a 400-percent increase from all calls received
21 about bath salts last year. These numbers do not paint
22 the whole picture of the extent of the use of these
23 products, but they do illustrate that more people are
24 using these products and experiencing serious effects. I
25 ask unanimous consent that Dr. Scalzo's full would be put

1 in the record.

2 Chairman Feinstein. So ordered.

3 [The prepared statement of Dr. Scalzo follows:]

4 / COMMITTEE INSERT

1 Senator Grassley. And I also would like to have a
2 full statement of mine put in the record at the end of my
3 remarks.

4 Chairman Feinstein. So ordered.

5 Senator Grassley. The armed forces are also
6 experiencing increasing cases of synthetic drug use.
7 According to a recent article in the Navy Times, 16
8 sailors serving on the U.S.S. Bataan were recently
9 discharged for using Spice. The U.S.S. Bataan has since
10 been deployed to Libya. The article further states that
11 151 sailors navy-wide had been accused of using or caught
12 with Spice over the last 4 months.

13 The U.S. Naval Academy also recently expelled at
14 least seven midshipmen for using or selling Spice. The
15 use of these drugs among our men and women serving in the
16 armed forces is concerning from an operational and
17 readiness standpoint, especially while our armed services
18 are still engaged in Afghanistan, Iraq, and now
19 operations near Libya.

20 Synthetic drug use also has deadly consequences.
21 You will hear the story of David Rozga. Last June, this
22 young constituent of mine, who is pictured here behind
23 me, was a recent graduate of Indianola High School in
24 Indianola, Iowa. David committed suicide shortly after
25 smoking a packet of K2. David and his friends purchased

1 K2 at an area shopping mall thinking it could not have
2 been dangerous if you could get it at the mall. David's
3 family is here today, as the Chairman has said, and we
4 will soon be hearing from his father, Michael Rozga,
5 about David's life and his tragic death. David Rozga may
6 have been the first person in the United States to have
7 died from using these drugs, but tragically he has not
8 been the last.

9 All of us on this panel are deeply concerned about
10 the continued availability of these drugs. Chairman
11 Feinstein and I recently introduced legislation, named
12 after David Rozga, that will ban the chemical compounds
13 the DEA has identified within K2/Spice products. The
14 legislation will also amend the Controlled Substances
15 Act, doubling the time frame the DEA and the Department
16 of Health and Human Services have to emergency schedule
17 substances from 18 months to 36 months. This will allow
18 for dangerous substances to be quickly removed from the
19 market while being studied for permanent scheduling.
20 Senator Schumer and Representative Dent of Pennsylvania
21 have also introduced legislation to schedule synthetic
22 drugs like bath salts and other products.

23 Madam Chairman, you and I have worked closely
24 together on many issues, especially when it comes to
25 illegal drugs. I really appreciate your efforts in

1 joining me to ensure these dangerous drugs are removed
2 from our society. That said, I look forward to hearing
3 the testimony today.

4 Thank you very much.

5 [The prepared statement of Senator Grassley
6 follows:]

7 / COMMITTEE INSERT

1 Chairman Feinstein. Thank you very much.

2 I would now like to welcome our distinguished
3 witnesses formally. Joseph Rannazzisi is Deputy
4 Assistant Administrator of the Office of Diversion
5 Control for the United States Drug Enforcement
6 Administration, called DEA. Mr. Rannazzisi began his
7 service with the DEA as a career special agent 25 years
8 ago. In 1986, he was appointed as Deputy Assistant
9 Administrator. As Deputy Assistant Administrator, he is
10 responsible for overseeing and coordinating the
11 investigation of major pharmaceuticals, forerunner
12 chemicals, clandestine laboratories and synthetic drugs,
13 the drafting and publicizing of drug policies, and
14 establishing drug production quotas. Mr. Rannazzisi also
15 serves as a liaison to the pharmaceutical industry,
16 international governments, State governments, Federal
17 agencies, and law enforcement agencies.

18 I will proceed and introduce all the witnesses, and
19 then we will go to you, Mr. Rannazzisi.

20 Erica Leary is a program manager for the North
21 Coastal Prevention Coalition. This is a Vista-based drug
22 and alcohol abuse prevention group. Ms. Leary works with
23 the coalition to reduce the harm of alcohol, tobacco,
24 marijuana, and other drugs in the cities of Carlsbad,
25 Oceanside, and Vista through community action, education,

1 support, and collaboration. Ms. Leary was on hand at
2 Community Anti-Drug Coalitions of America's 19th National
3 Leadership Forum to accept the Coalition of the Year for
4 2008 on behalf of the North Coastal Prevention Coalition.

5 And if you would introduce Mike Rozga?

6 Senator Grassley. Yes, thank you. I am prepared to
7 do that. Thank you very much for this privilege.

8 Mike Rozga has been employed at Symantec Inc. for
9 the past 13 years as regional manager. He has been
10 married to his wife, Jan, for 22 years, and they have
11 been blessed with two boys, David and Daniel. Mr. Rozga
12 is very active in his community and serves on several
13 local boards. He is an active Lion and in 2009 was
14 awarded the Melvin Jones Fellowship by Lions Club
15 International for his dedication to humanitarian
16 services. Last June, I believe it was--last fall, Mr.
17 Rozga has become an advocate since the death of his son
18 for a nationwide ban of the substance, speaking on the
19 dangers of synthetic drugs at local high schools, fire
20 and EMS departments, and community groups. Last fall,
21 Mr. Rozga helped found the Special Traffic Operations
22 Program for Driving While Intoxicated, and that would be
23 the acronym STOP-DWI, a county-wide drug, alcohol, and
24 tobacco prevention organization in Warren County, Iowa.
25 So he and his family have been working to pass

1 comprehensive legislation in the State of Iowa
2 Legislature to make K2, Spice, Salvia divinorum, and bath
3 salts Schedule I drugs.

4 By the way, Mr. Rozga is an avid Green Bay Packer
5 fan, so he must have been very happy with what happened a
6 few weeks ago.

7 Thank you for being with us.

8 Chairman Feinstein. Thank you very much, Mr. Vice
9 Chairman.

10 If we might begin with you, Mr. Rannazzisi, please.

1 STATEMENT OF JOSEPH T. RANNAZZISI, DEPUTY ASSISTANT
2 ADMINISTRATOR, OFFICE OF DIVERSION CONTROL, DRUG
3 ENFORCEMENT ADMINISTRATION

4 Mr. Rannazzisi. Thank you, and good afternoon,
5 Chairman Feinstein, Co-Chairman Grassley. On behalf of
6 Administrator Michele Leonhart and the men and women of
7 the Drug Enforcement Administration, I am honored to
8 appear today to discuss synthetic cannabinoids,
9 stimulants, and designer drugs.

10 Over the past few years, the use of nontraditional
11 drugs of abuse has expanded and evolved. Drugs such as
12 methamphetamine and marijuana are giving way to
13 substances that are marketed and sold as "herbal incense"
14 bath salts and plant food. Although seemingly harmless,
15 these products actually contain synthetic cannabinoids or
16 synthetic stimulants that can be more potent than the
17 controlled substances that they substitute for. These
18 designer drugs are wreaking havoc on society.

19 Designer drugs are substances that are not federally
20 scheduled and are synthesized by chemists for the sole
21 purpose of achieving the pharmacologic effects of a
22 controlled substance. This is not a new phenomenon.
23 History is replete with examples of substances that were
24 synthesized to mirror the effects of a specific
25 controlled substance in order to circumvent the

1 Controlled Substances Act.

2 Historically, the introduction of designer drugs
3 into the marketplace was generally similar to that of an
4 illicit controlled substance: covert meetings and sales
5 on street corners, back alleys, and in dark clubs. In
6 many instances, the ingestion of these drugs led to
7 tragedy. Today the marketing of designer drugs has
8 ushered in a new era of drug distribution. No longer are
9 these substances sold covertly to avoid detection.
10 Instead, the substances that are just as dangerous as
11 their controlled substance counterparts are sold at
12 retail outlets in plain view in products such as herbal
13 incense, bath salts, and plant food in an attempt to
14 introduce illicit psychoactive substances to the consumer
15 while protecting manufacturers, distributors, and retail
16 sellers from criminal prosecution and civil penalties.
17 Certain herbal incense products popular among teens and
18 young adults consist of plant material that has been
19 coated with chemicals, the synthetic cannabinoids, that
20 claim to mimic tetrahydrocannabinol, the active
21 ingredient in marijuana. Brands such as Spice, K2, and
22 Blaze are labeled as "herbal incense, not for human
23 consumption," to mask their intended purpose--a
24 substitute for marijuana.

25 On March 1, 2011, DEA published a final order

1 placing five synthetic cannabinoids into Schedule I in
2 order to prevent an imminent hazard to the public health
3 and safety. Since, March 1st, new unscheduled
4 cannabinoid products have appeared in the marketplace to
5 take the place of the recently scheduled products.

6 There is also a growing abuse of a variety of
7 synthetic compounds that produce stimulant effects when
8 ingested. These synthetic stimulants, most commonly
9 identified as MDPV, methyldone, or mephedrone, are sold as
10 bath salts or plant food in retail and on the Internet
11 and are labeled as "not for human consumption." They are
12 marketed under names such as "Ivory Wave," "Vanilla Sky,"
13 and "Bliss." None of these products are controlled under
14 any schedule of the Controlled Substances Act.

15 The challenge to controlling any synthetic substance
16 individually through administrative action is that the
17 manufacturers can circumvent the law by manipulating the
18 chemical structure of the compound in endless variations,
19 creating an unscheduled product while maintaining the
20 pharmacologic activity of the substance. As a result, it
21 is almost impossible outside of a controlled laboratory
22 environment to determine the synthetic ingredients and
23 potency of these substances. Such a circular pursuit
24 continually leave Government scientists, regulators, and
25 investigators one step behind the traffickers.

1 For example, in Kansas, a manufacturer of synthetic
2 cannabinoid products told a law enforcement officer that
3 if the compound he is using, JWH-250, is banned, he will
4 just switch to another compound to treat his dried plant
5 material.

6 There may be in excess of 100 cannabinoid products
7 that have yet to be introduced into the marketplace.
8 Manufacturers and distributors will continue to stay one
9 step ahead of any State or Federal drug-specific banning
10 or control action by synthesizing new products that are
11 not controlled.

12 The income generated from distributing these
13 products is a driving factor for retailers to find
14 substitute products that are not yet controlled or banned
15 by Federal or State action. The large profits provide
16 incentive to continue retail distribution of synthetic
17 drugs. Although many good corporate citizen retailers
18 will discontinue the sale of these products in support of
19 public health and safety, many will not, instead opting
20 for the profits realized to help their financial bottom
21 line.

22 In closing, DEA will continue to work with its
23 local, State, and Federal counterparts to protect the
24 public health and safety against the dangers of these
25 ever-changing synthetic cannabinoids, stimulant compounds

1 and designer drugs.

2 To the family of David Rozga, I am deeply sorry for
3 your loss. I hope we call can work together to prevent
4 an tragedy like this from occurring.

5 I thank you for the opportunity to appear today and
6 look forward to any questions you may have.

7 [The prepared statement of Mr. Rannazzisi follows:]

1 Chairman Feinstein. Thank you very much, Mr.
2 Rannazzisi, and thank you for your very comprehensive
3 written statement. It is a big help. Thank you.

4 Ms. Leary, please proceed.

1 STATEMENT OF ERICA LEARY, PROGRAM MANAGER, NORTH
2 COASTAL PREVENTION COALITION, VISTA, CALIFORNIA

3 Ms. Leary. Thank you. Good afternoon, Chairwoman
4 Feinstein--

5 Chairman Feinstein. See that your mic is on, and if
6 you could pull it close to you and speak directly into
7 it, because it is unidirectional.

8 Ms. Leary. Thank you. Sorry about that. Is that
9 better?

10 Chairman Feinstein. That is much better.

11 Ms. Leary. Good afternoon, Chairwoman Feinstein,
12 Co-Chairman Grassley, and others. I am honored to have
13 the opportunity to speak with you this afternoon
14 regarding the impact of synthetic drugs in our
15 communities. I am here today on behalf of the North
16 Coastal Prevention Coalition, a CADCA member, which
17 serves the cities of Carlsbad, Oceanside, and Vista in
18 north San Diego County. But I will also be sharing
19 findings and experiences from several colleagues
20 throughout San Diego County who also share our concerns
21 regarding synthetic drugs and support efforts to address
22 this problem.

23 I have worked with the coalition since 1995. We
24 know that access and availability of drugs are key
25 factors in rates of use and have led numerous successful

1 efforts to reduce the availability of alcohol and other
2 drugs to youth. However, synthetic drugs have presented
3 us with a new challenge as they have spread to various
4 retail outlets under the false pretense of being
5 "incense" and are viewed as a "legal" alternative to
6 marijuana use by teens and others.

7 Today I will be sharing with you a few examples of
8 how synthetic marijuana products have impacted various
9 sectors in San Diego County, where we are finding these
10 products and how they are marketed, some recent efforts
11 undertaken to address the problem, and how this proposed
12 legislation may be utilized at the local level to help
13 eliminate these dangerous products in our communities.

14 Our coalition first became aware of Spice
15 approximately a year and a half ago when a colleague of
16 ours who coordinates an after-school program asked us
17 what we knew about this new "legal" marijuana-like
18 product that many teens in his program were talking
19 about. Several had tried it, and since it was being sold
20 in local stores, they assumed it was legal and safe and
21 that they could not get in trouble for using it.

22 In speaking with colleagues throughout the county,
23 products like Spice appeared on the radar in 2009 and
24 increased substantially in 2010, impacting many sectors,
25 including high school campuses, adolescent treatment

1 centers, probation, and the military.

2 Alcohol and marijuana remain the primary drugs of
3 choice for adolescents in our area, but Spice is viewed
4 as a convenient alternative, especially for those who are
5 likely to be subjected to random drug tests since it does
6 not show up on standard tests.

7 In addition to health concerns, these products have
8 impacted public safety. In November 2010, two masked men
9 robbed the Spice Shack in Fallbrook of \$1,400 worth of
10 herbal incense, less than a week after the DEA announced
11 the emergency scheduling of these products as Schedule I
12 Controlled Substance.

13 Like in many parts of the country, we have found
14 Spice and similar products in liquor stores, cigarette
15 stores, convenience stores, head shops, and newer
16 specialty stores like Incense World in Oceanside. Unlike
17 some products with legitimate uses that are abused by
18 some people to get high--like Dust Off or solvents--these
19 products are made to get people high and marketed in
20 illegitimate ways. They come in multiple fruity flavors
21 labeled as "incense."

22 The liquor store in Vista where I recently purchased
23 a sample of watermelon GrandDaddySpice displayed this
24 "incense" in a locked case by the counter selling for \$12
25 for 1.5 gram, while traditional incense sticks were on an

1 open table selling 10 sticks for \$1. The product is
2 labeled "not for human consumption" and sometimes
3 includes a statement to "use only as directed," though no
4 directions are provided.

5 We trained two of our high school youth coalition
6 members to conduct purchase attempts at four stores, and
7 the teens were only successful in purchasing the product
8 at one store. The others required I.D. to determine if
9 they were over 18. While checking I.D. and refusing
10 sales to minors is something we actively promote, in this
11 case it further demonstrates that everyone knows these
12 products are not incense and that they are used for human
13 consumption.

14 Outreach, education, and training regarding
15 synthetic marijuana products have occurred throughout San
16 Diego County, including in the military, juvenile
17 probation, and substance abuse treatment programs.

18 Community education efforts have also been done at
19 many levels, including informing parents and educators,
20 law enforcement, teens, and political leaders at the
21 local, State, and Federal levels. Our coalition has
22 written news articles, met with local city officials and
23 law enforcement representatives, met with local retail
24 outlets, and presented at numerous community groups to
25 increase awareness and understanding of the risks of

1 these substances.

2 Another coalition that we work with in the mid-city
3 area of San Diego, managed by Social Advocates for Youth,
4 has launched a "Think Twice Before Selling Spice"
5 campaign in an effort to pressure retailers to be
6 positive community partners.

7 As we learn the challenges and limitations in
8 current regulations, we are prepared to advocate for
9 additional tools to prevent the sale and distribution of
10 these products in our communities.

11 It is critical that we curtail the expanding
12 marketing, availability, and use of synthetic marijuana.

13 We know the primary reasons people use these products is
14 for the legal "cover" it provides, as well as the
15 likelihood of avoiding detection in drug tests. By
16 classifying these products as Schedule I narcotics,
17 communities can work with their local officials and law
18 enforcement agencies to inform business owners and hold
19 them accountable for following the law.

20 Community coalitions are an essential component in
21 reducing emerging drug use trends because they are
22 already connected with the key sectors needed to take
23 action and understand that multiple strategies are
24 necessary to reduce the availability and use of these
25 products.

1 I would like to quickly share an example of how
2 community coalitions can utilize policies and regulations
3 to partner with community sectors and address problems at
4 a local level.

5 Back in 2002, the California Legislature amended
6 language in the Business and Professions Code to more
7 clearly define drug paraphernalia, in response to
8 community complaints of products in glass tubes, like air
9 fresheners and plastic roses, proliferating in liquor and
10 convenience stores. Just as everyone knows that Spice is
11 smoked and not used as incense, everyone knew that these
12 were crack and meth pipes and not decorative roses or air
13 fresheners.

14 Our coalition was able to partner with our local ABC
15 office to send a letter to all the retailers and follow
16 up with personal visits to make sure they were in
17 compliance. This reduced the availability of these glass
18 vial products from over 50 percent to less than 5 percent
19 in retail outlets in our communities.

20 In a similar manner, local coalitions like ours can
21 utilize Federal legislation such as this in our
22 communities to dramatically reduce, if not eliminate, the
23 availability of Spice and similar products. Synthetic
24 drug use is a multi-dimensional problem that demands
25 comprehensive, coordinated solutions involving the

1 collaboration of multiple community sectors.

2 I am very thankful for your leadership tackling this
3 problem, and I appreciate your time this afternoon. I am
4 happy to answer any questions you may have, and, again, I
5 extend my sincere condolences for those that suffer from
6 this problem.

7 [The prepared statement of Ms. Leary follows:]

1 Chairman Feinstein. Thank you very much, Ms. Leary.

2 I would say a job well done. Thank you for your

3 service.

4 Mr. Rozga, welcome.

1 STATEMENT OF MIKE ROZGA, FATHER OF DAVID ROZGA,
2 VICTIM OF K2 USE

3 Mr. Rozga. Thank you. Chairman Feinstein, Co-
4 Chairman Grassley, members of the Caucus, I am very
5 humbled to be asked to testify today on behalf of my
6 family and the many families whose lives have been
7 affected by--

8 Chairman Feinstein. Could you turn on your
9 microphone, please? Press the button.

10 Mr. Rozga. I did.

11 Chairman Feinstein. Okay. Try once again.

12 Mr. Rozga. Can you hear me now?

13 Chairman Feinstein. Go ahead. Let us see.

14 Mr. Rozga. I am very humbled to be asked to testify
15 today on behalf of my family and the many families whose
16 lives have been affected by these very dangerous drugs.
17 I am also very honored--and David would have been as
18 well-- that you have asked--

19 Chairman Feinstein. The mic is not working. We
20 have to go down and substitute mics, somebody.

21 Senator Grassley. Can you wait?

22 Chairman Feinstein. We will change your mic.

23 Senator Grassley. Take this microphone over here.

24 Thank you.

25 Chairman Feinstein. Now put the mic--that is right.

1 Mr. Rozga. Chairman Feinstein--

2 Chairman Feinstein. Do you see the difference?

3 [Laughter.]

4 Mr. Rozga. --Co-Chairman Grassley, and members of
5 the Senate Caucus, I am very humbled to be asked to
6 testify today on behalf of my family and the many
7 families whose lives have been affected by these very
8 dangerous drugs. I am also very honored--and David would
9 have been as well-- that you have asked to name this
10 legislation after him.

11 My testimony today is one of a family who was living
12 the American Dream. David had just graduated from high
13 school on May 29th and would be attending the University
14 of Northern Iowa that fall, the alma mater of Co-Chairman
15 Grassley. We were so proud of him and all he had
16 accomplished. Yet suddenly out of nowhere our lives were
17 tragically changed forever.

18 Chairman Feinstein. Take your time. We certainly
19 understand how hard it is, so do not worry about letting
20 a little emotion out.

21 Mr. Rozga. On Sunday June 6, 2010, a week to the
22 day after his graduation, and 10 months ago today, David
23 took his own life. I will never forget the frantic call
24 from my wife, Jan, as my younger son, Daniel, and I
25 fished at a friend's farm pond. The 30-minute trip home

1 was the longest, most frightening drive of our lives,
2 praying that God would somehow work a miracle in our
3 lives. But it was not meant to be.

4 None of this made any sense to us at the time. As
5 we looked at David, we saw no signs of depression much
6 less suicide. What terrible parents we were to be so out
7 of touch with our own son to not see this. There was no
8 note, no texts, no e-mails, nothing we saw that gave any
9 indication that David planned to take his own life.

10 The following morning we spent 4 to 5 hours with his
11 girlfriend's family. David had just spent most of the
12 weekend with Carrie and her family at her graduation
13 party. They were just as dumbfounded as we were and knew
14 this was totally out of David's character.

15 The following afternoon Carrie got together with a
16 few of David's friends to get some answers. She knew
17 something was not right, and the boys eventually
18 confessed they had smoked something called K2. After
19 learning this, she talked to her mother and then came to
20 talk to us. At about 4 p.m. Tuesday, Carrie explained
21 to us that according to the boys this was "fake"
22 marijuana. She had never heard of it before and neither
23 had we. That evening we met with the families involved
24 and started the process of learning what this really was
25 and how it affected our son.

1 By Wednesday morning we started to see the severe
2 consequences to some that had used K2, and we learned
3 that some of our neighboring States were already talking
4 of outlawing K2 and that several countries had already
5 seen the grave consequences and had outlawed K2 or the
6 more popular compounds in K2. We were in shock and
7 grieving, but also we knew we needed to do something. We
8 were told that this was an issue that needed a voice, and
9 we agreed to help be that voice, not really understanding
10 what that meant, and certainly never thinking it would
11 bring us here today.

12 We made our first public statement of what had
13 happened to David and the dangers of K2 at his funeral.
14 We had a church filled to capacity--we had a church
15 filled to capacity with upwards of 1,000 people, some
16 sitting on the floor in the aisles. Even though we and
17 our family and friends needed to mourn our great loss, we
18 felt burdened to talk to the young people about David's
19 mistake. We also needed to inform the parents of what K2
20 was.

21 Since that day we have done seemingly countless
22 local and national interviews, radio, print, television,
23 newsmagazines, the Internet, as well as public service
24 announcements all in the hopes of increasing awareness of
25 these drugs. We have helped start a new local drug

1 prevention organization called Standing Together On
2 Prevention, or STOP. Recently we began giving talks to
3 local schools, churches, and clubs as well as fire
4 fighters and EMS providers.

5 In our search for information on these drugs, most
6 of what we found were people trying to sell us K2 and
7 other drugs like salvia divinorum. Most of the drug
8 prevention and information websites we visited did not
9 even mention K2. We knew we could not be the only family
10 looking for answers, and we decided to start our own
11 website, k2drugfacts.com. Since starting this site
12 almost 8 months ago, we have had over 73,000 hits and
13 have received hundreds of e-mails from families and
14 individuals sharing their terrible experiences with this
15 drug. One day after a story on Yahoo Sports, we received
16 104 e-mails.

17 The newest threat to add to the list of K2 and
18 salvia is a new designer drug referred to as bath salts.

19 These bath salts are not what you might put in your bath
20 water but purposely marketed as such to get around the
21 law and confuse. It was largely through contacts we made
22 through our website that we started to really see and
23 understand what this drug had done to our son. The young
24 men who smoked this drug with David reported that within
25 a few minutes of smoking the drug, David began to get

1 extremely agitated. They thought he needed some fresh
2 air and took him outside and went across the street to a
3 park where they walked around hoping he would calm down.

4 David started talking about feeling like he was in hell
5 and generally not making a lot of sense. After 30
6 minutes or so, he seemed to start calming down and said
7 he was tired. The other boys were hungry and wanted to
8 get something to eat, but David said he was going to go
9 home and take a nap. They were going to meet up again
10 that night and attend a few graduation parties.

11 Unfortunately, after coming home David continued to be
12 terrorized by the drug and shot himself.

13 As we have learned more about K2, we have found a
14 consistent theme of people feeling like they are being
15 chased by the devil or feeling like they are in hell,
16 even one report of a young man saying he was God and held
17 his family captive for 36 hours. There are also many
18 reports of suicidal or homicidal thoughts and fears that
19 they would have taken their own life or hurt others had
20 it not been for their friends and family. Some do not go
21 into that great of detail and simply call it the worst
22 experience of their lives.

23 We have also learned more about how these drugs
24 affect you physically. Elevated heart rates in excess of
25 180 beats per minute while resting, extreme blood

1 pressure, vomiting followed by dry heaves that can last
2 for hours, blackouts and seizures are also very common.
3 We know now that David was tortured both mentally and
4 physically before he died. These drugs put you in a
5 place where you will do anything to escape it and reality
6 means nothing.

7 We are also hearing increasing accounts of people
8 who are feeling the effects of these drugs several days
9 and even weeks or months later. There seems to be
10 growing evidence that some of these affects may be
11 permanent. We are also hearing more cases of people
12 having what I would call flashbacks after having no
13 contact with these drugs--people afraid of the dark,
14 afraid to leave their home, not able to go back to
15 school, and not able to maintain jobs.

16 These drugs are marketed under false pretenses to
17 skirt our laws and confuse the public. When we think of
18 something as being "fake," we think of something being
19 inferior. When we think of something as legal, we think
20 it must be safe. I submit to you that "fake" marijuana
21 and "fake" cocaine are anything but inferior in strength
22 and anything but safe.

23 I have attached several firsthand accounts we have
24 received through our website. We use these testimonials
25 to inform those seeking information of the reality of

1 these drugs and hopefully make those thinking of possibly
2 using them to reconsider.

3 In closing, I want to thank you again for inviting
4 me here and listening. I also want to personally thank
5 Senator Grassley for taking the time to listen to us last
6 summer and for sharing David's story on the floor of the
7 U.S. Senate. But as much as I appreciate your asking me
8 here today, the message I want to leave you with here is
9 we are not doing enough, and we are not moving quickly
10 enough. The people knowingly and deceptively poisoning
11 our youth will seemingly stop at nothing for their own
12 financial gain. They are ahead of us, and it is
13 imperative we enact comprehensive legislation to ban not
14 only K2, but also bath salts and salvia, and other
15 synthetic compounds.

16 Statically speaking, this was not supposed to happen
17 to us. We talked to our sons numerous times about not
18 using drugs, no texting and driving, no drinking until
19 you are 21, and certainly no drinking and driving. It
20 never occurred to us to talk to our sons of something we
21 had never heard. Our message now as we speak to young
22 people is simple. Do not inhale, do not inject, and do
23 not ingest anything. I hope you will join us in getting
24 this message out and hope that you will move quickly to
25 get these poisons out of our communities.

1 Thank you.

2 [The prepared statement of Mr. Rozga follows:]

1 Chairman Feinstein. Thank you very much, Mr. Rozga.
2 Your testimony makes it very human and very real, so I
3 thank you for that.

4 Mr. Rozga. Thank you.

5 Chairman Feinstein. I will begin the questions with
6 Mr. Rannazzisi.

7 Mr. Rannazzisi, assuming that Senator Grassley and I
8 have this bill that would make what you are doing
9 temporarily permanent, it still seems to me that there is
10 a gap. And would it make sense to essentially prohibit
11 the sale of products that have a mix of Schedule I-
12 prohibited substances with non-regulated substances?

13 Mr. Rannazzisi. I understand--

14 Chairman Feinstein. You understand where I am going
15 with this, because you do not want people to say, oh,
16 they do not want anybody to buy regular bath salts.

17 Mr. Rannazzisi. Yes, ma'am, I understand. I
18 understand you are trying to strike a balance here
19 between an overbroad piece of legislation and something
20 that is going to control the problem.

21 Chairman Feinstein. That is right.

22 Mr. Rannazzisi. Protect the public health and
23 safety.

24 Chairman Feinstein. And stop the sale.

25 Mr. Rannazzisi. Yes. I believe, yes, that would be

1 very helpful. The problem with this is, as Mr. Rozga
2 said, we are one step behind because every time we take
3 action against one particular product, the chemists are
4 in the background, and they are going to create a new one
5 that is going to circumvent the law. So any help that
6 you could give us to stop that problem would be much
7 appreciated.

8 Chairman Feinstein. Well, I think we have to be
9 fast, and we have to respond fast. Would you be willing
10 to work with both our offices, and perhaps we can take a
11 look at our bill and see if we can add that to it? Would
12 you be willing to do that?

13 Senator Grassley. Oh, yes.

14 Chairman Feinstein. Okay. Would you work with us?

15 Mr. Rannazzisi. The Drug Enforcement Administration
16 would welcome working with you on any--

17 Chairman Feinstein. And if you have any other
18 legislative solution, we would like to hear it. And I
19 understand the problem of chemists--you know, it is hard
20 before the fact to say you cannot conjure up this kind of
21 a drug. You cannot really do that. But you can say it
22 is illegal to sell a product with this component drug in
23 it.

24 Mr. Rannazzisi. Yes, ma'am.

25 Chairman Feinstein. And put a fine and a criminal

1 jail sentence on it. If youngsters are dying, it is a
2 problem.

3 My next question is: How long--and anyone that
4 knows the answer, please answer. How long do the effects
5 of using this drug last? Let me begin with you, Mr.
6 Rozga. Do you have any sense of that now?

7 Mr. Rozga. Senator, I have personally spoken to
8 families--I received an e-mail from a mother whose son is
9 currently in a mental health facility in the State of
10 Texas, 21 years old, and she says he now has the mental
11 capacity of a 10-year-old. He has been in there for
12 several weeks.

13 I am also hearing more stories of--

14 Chairman Feinstein. Do you know what he used or how
15 long he used it?

16 Mr. Rozga. I do not, no. I do not know. This
17 drug, understanding different drugs affect different
18 people differently.

19 Chairman Feinstein. Right.

20 Mr. Rozga. And in our son's instance, we know based
21 on police interviews and so forth and our own discussions
22 with the people involved that this was the first time
23 this has been used in this group. We believe it was the
24 first time it was actually used in our community. Our
25 police knew nothing of it. So here is the situation

1 where you have a singular instance and you have a bad
2 situation.

3 We also hear of numerous stories in e-mails that
4 were received from people saying, "I use to think you
5 were nuts. I smoked this 12 times." Or, "I smoked it 20
6 times." And it is that 21st time, and all of a sudden
7 they have the worst experience of their lives.

8 That is probably a question that maybe somebody like
9 Dr. Scalzo and others might be better to answer than I.
10 I can only tell you that it appears that some of this
11 might be permanent. We also in Iowa submitted to the
12 Iowa House and Senate testimony from a Dr. David Ryan
13 from Louisiana, and Dr. Ryan indicates in his testimony
14 that the typical drugs that they would use for cocaine
15 and methamphetamine abuse and addiction do not work in
16 K2, and that they are having to sedate these people for
17 sometimes several weeks and afterwards transfer them to
18 mental health facilities because they are not getting
19 better.

20 Chairman Feinstein. Thank you.

21 Ms. Leary, do you have anything you would like to
22 add to this?

23 Ms. Leary. Just to concur that it is likely
24 different for different people. Some of the stories I
25 have heard, the colleague I mentioned with the after-

1 school program, he says he is hearing less and less talk
2 about using, that those that are interested in drugs are
3 going back to the typical illegal drugs like marijuana
4 and even Ecstasy, that the high from Spice was not as
5 pleasurable, though I have also heard stories of mothers
6 whose sons are now hooked on Spice because they turned to
7 it knowing that they were being drug-tested and Spice
8 gets them out of that and they continue to use it. The
9 same with a coalition member whose cousin smokes Spice
10 daily. So I think it is different for different people.

11 Chairman Feinstein. Thank you.

12 Mr. Rannazzisi, do you have any comments you would
13 like to make on that?

14 Mr. Rannazzisi. Yes, ma'am, just briefly. My
15 colleagues are both absolutely correct, and I think also
16 because the drugs, while they are similar, they are
17 structurally somewhat different, and because of that each
18 individual drug also has a difference on how long the
19 effect lasts, plus the rate of clearance of the drug out
20 of the body varies from all different people. So there
21 is a highly different rate of effect on clearance when
22 taking these drugs.

23 Chairman Feinstein. Thank you.

24 Senator Grassley?

25 Senator Grassley. Yes, I have a couple questions of

1 Mr. Rozga and then Mr. Rannazzisi.

2 Once again, thank you for being here under very
3 difficult circumstances for you and the tragedy that you
4 had. In your testimony, you discussed your efforts to
5 raise public awareness about the synthetic drug abuse
6 through your website, k2drugfacts.com, and through
7 Standing Together on Prevention, the STOP organization.
8 I applaud these efforts. The best way to raise awareness
9 is through grassroots efforts, and that is why I am
10 strong supporter of legislation we call Community Anti-
11 Drug Coalitions, but do it through the Drug-Free
12 Communities Program.

13 So here is a question for you, Mr. Rozga. What sort
14 of reaction has the website and STOP generated with the
15 public at large? Are more people visiting the website
16 since it has received media exposure?

17 Mr. Rozga. It has, specifically as far as our
18 website is concerned, and some of that is just the nature
19 of the Internet where sometimes it takes a while for a
20 particular website to catch on, as far as hits and being
21 recognized in search engines. And I am certainly not the
22 right person to talk about that, but, yes, as the media
23 has focused on these issues stronger and there are more
24 stories out there, people are definitely looking for more
25 information.

1 And as far as what I am seeing as I am talking to
2 different people, I continue to be surprised because, you
3 know, talking to emergency medical providers, for
4 instance, I spoke at the Central Iowa EMS Conference,
5 which is a continuing education class for these EMS
6 providers, and here I am standing there talking about
7 what I know of these drugs, and these people are taking
8 notes.

9 The effects of these compounds on people is just so
10 unknown, but I also continue to be disappointed, in
11 particular in my own local market, where with the
12 attention that has been drawn to it as a result of our
13 son and our efforts, and when I go talk to an
14 organization, it would not be uncommon to have 25 to 30
15 percent of the people in that room admit that they have
16 never heard of K2. And those are only the ones that will
17 admit to not knowing it. So the numbers are probably
18 even a little higher than that.

19
20 So we need to continue to get the awareness out as
21 far as the drugs are concerned because the other reality
22 is once these drugs are illegal, that does not mean they
23 are going to be off the streets. So there is still going
24 to be illegal drug use, and so we need to continue to
25 work together to educate the public.

1 Senator Grassley. Your website is alerting the
2 public about Spice. Do you intend to expand the website
3 in any other ways to incorporate information about other
4 synthetic drugs like bath salts?

5 Mr. Rozga. That is a good question, Senator. I
6 will tell you that we have thought of that. Obviously,
7 our focus had been on the K2 and Spice because that is
8 what directly affected our family. And I am not sure if
9 we are going to extend into that. There is a part of me
10 that thinks we need to have a tab on there specifically
11 as far as the bath salts and some of these other
12 substances are concerned. And there is a distinct
13 possibility that we could do that. I do not see anybody
14 else, quite frankly, really doing that, and maybe that is
15 the next thing we will need to do.

16 Senator Grassley. Has there been an interest from
17 other anti-drug coalitions or communities to start
18 similar organizations to raise awareness like your
19 organization has that you know of?

20 Mr. Rozga. I am sure there has been. I am not
21 personally aware of any, Senator.

22 Senator Grassley. Okay. Mr. Rannazzisi, Senator
23 Feinstein and I introduced this bill that we have already
24 talked about. That means that K2 products would be in
25 the same class as other highly dangerous drugs like

1 methamphetamine and cocaine. Does the DEA support this
2 legislation?

3 Mr. Rannazzisi. DEA--

4 Chairman Feinstein. Say yes.

5 [Laughter.]

6 Mr. Rannazzisi. I have to be very careful here.

7 The administration has not taken a position on the bill.

8 DEA does support the removal of any drug into a schedule
9 that is harming the public, and there are quite a few
10 drugs on that list.

11 Senator Grassley. Well, then, let us explore
12 whether you believe our bill will enable the DEA to
13 effectively go after individuals who are constantly
14 trying to circumvent the law by altering or selling new
15 compounds?

16 Mr. Rannazzisi. Yes, I believe it would.

17 Senator Grassley. Our bill also expands the time
18 frame for DEA and HHS that they have to administratively
19 schedule dangerous substances from 18 months to 36
20 months. How beneficial will this change be for the DEA
21 to ensure it has sufficient time to get new and dangerous
22 drugs off the shelves?

23 Mr. Rannazzisi. That would be extremely beneficial.

24 Our scientists are already--they have to go through
25 reams of information regarding these drugs prior to

1 getting ready for formal final scheduling action, and it
2 just buys them more time to make sure that they are doing
3 the right thing.

4 Senator Grassley. It appears to us that DEA is
5 identifying new and emerging synthetic drugs quite
6 regularly. Representative Dent's companion legislation
7 to Senator Feinstein and my legislation adds an
8 additional 15 substances that DEA has further identified
9 as emerging synthetics.

10 I have also heard from Senator Klobuchar about
11 recent reports about a youth in Minnesota who passed away
12 shortly after overdosing on a substance called 2C-E,
13 which is apparently a powerful hallucinogen. It appears
14 that this substance is another synthetic substance
15 hitting the market and being sold to kids.

16 How many of these new drugs that the DEA identified
17 as emerging substances are analogs of the current illegal
18 drugs?

19 Mr. Rannazzisi. Many are. However, there are drugs
20 like the cannabinoids that are not. Those cannabinoids,
21 a lot of that list are not current controlled--analogs of
22 a controlled substance because they do not have
23 structural similarity. And if you look at 802.32, it
24 tells you that for a drug to be an analog, it has to be
25 substantially structurally similar and substantially

1 pharmacologically similar. A lot of drugs are not
2 structurally similar but do have the same pharmacologic
3 effects. That list is going to take care of a lot of
4 those drugs.

5 Senator Grassley. Okay. Are the increasing number
6 of these synthetic drugs a sign that drug pushers are
7 starting to embrace these products as an alternate source
8 of revenue compared to other illegal drugs?

9 Mr. Rannazzisi. Yes. This is a whole new method of
10 trafficking. When we dealt with analog drugs in the
11 1980s and 1990s, it was a typical drug dealer doing it
12 covertly. Today these drugs are being sold openly. We
13 have never experienced this before where they are just on
14 the shelves.

15 Senator Grassley. Is the current analog statute in
16 the Controlled Substances Act sufficient to meet the
17 challenges that fast-emerging synthetic drugs will place
18 on the DEA?

19 Mr. Rannazzisi. If I could give you a brief
20 background on the analog statute, the analog statute is a
21 very good statute, and it helps us address an immediate
22 concern, such as the Fentanyl deaths in the 1980s and
23 1990s where we went after people under the analog
24 statute. However, the analog statute has its
25 limitations.

1 If I bring a case under the analog statute into
2 court, I have to prove to a jury that the drug is
3 structurally substantially similar to a controlled
4 substance. It is very difficult to explain to a jury. A
5 medicinal chemist has to get up and explain what
6 structural similarity is, and it is very easy to confuse
7 a jury. The analog statute is a difficult charge to get
8 a conviction on.

9 Also, it is only good for that one charge, so that
10 one person that is in court for that one particular drug,
11 I would have to do the same thing for the next person we
12 arrest. So it does not extend beyond the person we are
13 arresting. While it helps us out, it also can be very
14 difficult.

15 Senator Grassley. May I ask two more questions?

16 Chairman Feinstein. Sure. Go ahead.

17 Senator Grassley. If not--and I think you have
18 indicated that it is not entirely satisfactory--what
19 would be an effective solution to fixing the provision to
20 take care of what you described?

21 Mr. Rannazzisi. That is something I would have to
22 take back to the Department, sir, and discuss.

23 Senator Grassley. Okay. Could you respond in
24 writing then to my question?

25 Mr. Rannazzisi. Yes, sir.

1 Senator Grassley. Okay.
2 [The information follows:]
3 / COMMITTEE INSERT

1 Senator Grassley. Is your organization confident
2 that they have the tools to stop these emerging drugs?

3 Mr. Rannazzisi. Yes, sir. We can go after these
4 people under both the analog statute and the temporary
5 scheduling provision that you provided under the Act, and
6 we are very happy with that authority.

7 Senator Grassley. Thank you. Thanks.

8 Chairman Feinstein. Thank you very much. Good
9 questions.

10 I am very new to this--not to drugs, because both of
11 us have done a lot with methamphetamine in a number of
12 others areas, on the Judiciary Committee. K2, what is
13 it? How is it sold? Is it in a can? What exactly is
14 it, Mr. Rozga?

15 Mr. Rozga. Well, it typically comes in a small
16 cellophane-type envelope, but I have seen situations--in
17 fact, if you go to our website, there is a link there
18 where a correspondent from Fox News Chicago actually had
19 ordered some through the Internet, and it came in an
20 envelope, a FedEx/UPS type of an envelope, and inside it
21 was a little baggie, almost like you would find for
22 marijuana or some other drugs that was sold on the
23 street. There was nothing on it saying "Not for human
24 consumption." There was nothing on it that told you how
25 to use it or how not to use it.

1 That is another one of the problems with these
2 drugs, as has already been indicated, that there is such
3 a wide variety of chemicals that are used that affect
4 people differently, and to keep it simple, what I am--

5 Chairman Feinstein. Let us, just for one second,
6 who would sell that, just a bag with no directions, not
7 knowing what it is? What kind of store would sell it?

8 Mr. Rozga. Oh, you will buy those over the
9 Internet, you will be them in convenience stores--you
10 mean with nothing on the outside?

11 Chairman Feinstein. Yes.

12 Mr. Rozga. I do not know that I know the answer to
13 that, and the stuff that they used on that Fox story was
14 purchased through the Internet. They could probably tell
15 you specifically where they bought that item. I am not
16 privileged to that information.

17

18 Chairman Feinstein. And the same thing with bath
19 salts. I guess it is the name that gets around that
20 becomes known to people that are looking for something.
21 But back to K2 for a moment, how do they use it?

22 Mr. Rozga. How is it used? It is smoked.

23 Chairman Feinstein. It is smoked.

24 Mr. Rozga. It is put in--

25 Chairman Feinstein. They roll their own cigarettes?

1 Mr. Rozga. Yes, it is put in a pipe, it is put in a
2 joint, it is put in a bong, a hookah, whatever the case
3 might be, and it is smoked. I have heard some stories of
4 some people that have tried to turn this into a liquid-
5 type state, but as a rule, the stuff that you are going
6 to find, to my knowledge, is exclusively a material that
7 is an incense-type stuff. Exactly what is in that
8 package, we do not know.

9 Chairman Feinstein. Thank you.

10 Now, it is my understanding that businesses are
11 making quite a bit of money from this. I believe there
12 is a December 30, 2010, article in the St. Paul Pioneer
13 Press that says that fake marijuana accounted for 1.1
14 million in sales, or about 40 percent of the annual sales
15 of a single store in Moorhead, Minnesota.

16 Do you know about that, Mr. Rannazzisi? We are
17 trying to get the article.

18 Mr. Rannazzisi. Well, there were four businesses
19 that tried to enjoin us from exercising our authority to
20 temporarily schedule these drugs out of Minnesota, and if
21 I am not mistaken, in the documents that I received from
22 those businesses, they claimed in total between \$3.5 and
23 \$4.5 million in loss of sales in the previous year from
24 four businesses. And I could--

25 Chairman Feinstein. Tell us what kind of businesses

1 they were.

2 Mr. Rannazzisi. One was a disc and record store.
3 One was a convenience store. One was, I believe, a
4 tobacco shop.

5 Chairman Feinstein. So this means it could be
6 fairly widely spread? I mean, it is not just one kind of
7 place.

8 We just got the article.

9 Senator Grassley. Since you are getting
10 information, can I ask a question?

11 Chairman Feinstein. Sure. Go ahead.

12 Senator Grassley. Are these sold for a legitimate
13 purpose and are used for illegitimate purposes? Or are
14 they sold for illegitimate purposes only?

15 Mr. Rozga. They are sold under the disguise of
16 being incense, as far as K2 specifically is concerned,
17 but everybody who uses them or is purchasing them really
18 knows what they are for. I am told that these products
19 sell for \$35 to \$45 for a 3-gram pack. I understand bath
20 salts is maybe even more expensive than that. I cannot
21 see a whole lot of people taking \$40 to put in their bath
22 water so it feels nice and soft for them. They use these
23 terms to purposely confuse the public. I learned that
24 directly when we were trying to talk to our Iowa Senate,
25 and I spoke to several Senators when we were trying to

1 get them to support the legislation we were trying to get
2 in place who did not have any clue what bath salts really
3 was on the streets.

4 As we have educated the Senators more, the vast
5 majority of them are understanding and are agreeing that
6 these compounds need to come off the street.

7 Chairman Feinstein. You know, this is an
8 interesting article. It says, "Some cities, including
9 Duluth, had moved individually to outlaw the substances.
10 When Duluth enacted its ordinance, it said it was doing
11 it on public health grounds, claiming preliminary studies
12 had shown that three synthetic cannabinoids are between
13 3 and 100 times more potent than THC, the active
14 ingredient in marijuana."

15 If that is true, that is a big deal. Don't you
16 agree, Mr. Rannazzisi?

17 Mr. Rannazzisi. Yes, ma'am. There are scientific
18 studies out there that report that the JWH-18 compound is
19 much more potent than marijuana, and there are so many of
20 these compounds and so many studies done. Yes, I believe
21 that is a very, very big deal.

22 To answer Senator Grassley's question, the other
23 problem is these products--these products are just a
24 vehicle to get the drug to the marketplace and the
25 ultimate consumer. It has nothing to do with the incense

1 or the bath salts or the plant food. Mr. Rozga is
2 absolutely right. You get such a small amount of bath
3 salt that you would have to be bathing in a thimble to
4 actually use that. It is a very, very small--a gram, a
5 half-gram, 250 milligrams. That is what they are
6 selling. The same thing with the K2/Spice.

7 Senator Grassley. Are these businesses that
8 produce, are they kind of a start-up business, a fly-by-
9 night operation, or are they legitimate businesses that
10 are trying to get into this to make more money?

11 Ms. Leary. I was just going to share my experience
12 in going into a liquor store in Vista, what it looked
13 like, in addition to those packs. They had it in little
14 canisters, kind of like how you would see a little jar of
15 lip gloss. I almost brought it with me, but I was a
16 little worried about going through airport security, so I
17 left it at home.

18 [Laughter.]

19 Ms. Leary. So it was a little jar, which, again, is
20 very easily disguised by young people. It looks like
21 many other products.

22 Another colleague of mine, her teens were in a local
23 market, liquor store, and a kid went to buy a pouch. He
24 thought it was candy pop rocks and was going to take it
25 up to the counter and realized at the last minute that it

1 was not pop rocks or candy. It was this fake pot.

2 And in the same case in Vista where I saw the Spice-
3 type products, there was a pouch more similar to that
4 called "8-Ballz Bath Salts," and 8-Ballz is a drug term
5 for an eighth of a gram--an ounce?--an eighth of an ounce
6 of meth or coke. So it is obviously targeted to the drug
7 market, and that was \$25 for a small little pouch. So I
8 did not buy that.

9 Sorry, I was going to also share that I talked to
10 the clerk and said, "Where are you getting this stuff?"
11 He said he has been carrying the bath salts for a couple
12 months, and he is ordering it all through the main
13 distributor that they use for all their convenience
14 suppliers. I am forgetting the name, but it is a big
15 warehouse. There are a couple in San Diego, El Cajon,
16 and L.A. where they order all their cigarettes and sodas
17 and beer and liquor, and they are stocking these products
18 as well.

19 Chairman Feinstein. Well, this same article points
20 out--and I suspect these are your four businesses that
21 opposed you, one of them being Hideaway in Minneapolis.
22 They said that this accounts for more than 70 percent of
23 their sales and that the products accounted for almost
24 \$609,000 in gross profits.

25 The second one said that fake pot accounted for \$1.1

1 million, or 40 percent of the business. That is the
2 second.

3 The third, "...the sale of incense is 57 percent of
4 my sales...I would lose over \$6,000 a day...if I had to
5 stop selling the product....If my business were to suffer
6 an immediate 40 percent loss in sales, it could not
7 survive; I would be forced to let 16 employees go..."

8 So this is becoming--I mean, that is huge if it--I
9 do not know what these are, little smoke shops or
10 something like that, but that is enormous amounts of
11 money.

12 And here is another one. In downtown Duluth, called
13 the Last Place on Earth, he--well, I said this.
14 Synthetic pot accounted for 50 percent of his store's
15 sales. He made \$96,000 profit off of herbal incense.
16 And, "This year his store in downtown Duluth has made
17 \$932,000 profit from the substances the DEA is
18 outlawing."

19 That is amazing to me.

20 Mr. Rannazzisi. And that was the main thrust of
21 their argument why we should not go after those--

22 Chairman Feinstein. You mean because they were
23 making money off of it.

24 Mr. Rannazzisi. Yes, basically.

25 Chairman Feinstein. That is not a very good reason.

1 Mr. Rannazzisi. No, not when you have public health
2 and safety at risk.

3 In response to Senator Grassley's question, the labs
4 that we have seen, these are fly-by-night operations.
5 There are no good manufacturing standards. There is no
6 FDA. There is no regulatory unit that is overseeing
7 these people.

8 We saw one particular manufacturing operation where
9 they had all of the grassy--the material, leafy material
10 laid out, and they were spraying. That is how they were
11 doing it. You do not really know what the dose is
12 because if they are just spraying, it could be any dose.

13 And then they are just packaging it and selling it.
14 Some are coming from overseas sources. If you go on
15 places like AliBaba.com or any of these other broker
16 sites that are hosted overseas, they are selling the
17 Spice products and the bath salt products in bulk rate,
18 bulk prices.

19 The only other thing I want to share with you is--I
20 know you had a question on the websites. There are four
21 different websites that have all of these drugs. Besides
22 the DEA website, we have the Getsmartaboutdrugs.com
23 website, Justthinktwice.com website, and, of course, the
24 DEA websites all have information on all of these
25 different bath--not only the K2 products but the bath

1 salts and the plant food.

2 Senator Grassley. If you could link to that--

3 Mr. Rozga. We have several links off of our website
4 to a number of different places, and I believe we do have
5 links to some of the DEA information that is out there as
6 well. But I am also aware of what was going on in
7 Minnesota. In fact, we actually wrote letters of support
8 to help get legislation done and were aware of what was
9 going on there.

10 But as was alluded to, as I talked to people in
11 simple terms, you go into a McDonald's and you order a
12 Big Mac, and you know that is two all-beef patties,
13 special sauce, lettuce, cheese, pickles, and onions a
14 sesame seed bun. You walk into one of these stores, and
15 you buy one of these substances, and you have no idea
16 what it is. I can be in Washington, D.C., or in Des
17 Moines, Iowa, and order a Big Mac, and it is going to
18 look the same, taste the same, come in the same wrapper
19 and the whole 9 yards.

20 These drugs are being marketed in packaging that
21 looks similar, but the materials in them could be and
22 likely are totally different. So you have an individual
23 who smoked something one day, and it does not affect him
24 terribly. He goes to the same shop or a different shop
25 and purchases something in the same or similar envelope,

1 and it is a totally different substance, and they may be
2 in the hospital or they may be dead.

3 Chairman Feinstein. Well, this is a lot of food for
4 thought for us. Let me say thank you very, very much.

5 Mr. Rannazzisi, we take you up on your commitment to
6 work with us. We are going to ask both our staffs to sit
7 down with you as soon as possible and go over what the
8 next best step might be to add to the legislation that
9 would make permanent what you have already done on a
10 temporary basis. I think this is really very important.

11 I do not know how deeply it has spread in California,
12 but this stuff usually--California usually takes over
13 Abandonza, which we certainly do not need with all the
14 other problems. So I look forward to working with you,
15 Senator, and we will try and see if we can shut this
16 stuff down.

17 Senator Grassley. Yes.

18 Chairman Feinstein. Thank you all very, very much,
19 and thank you particularly, Mr. Rozga. It is really
20 appreciated.

21 Mr. Rozga. Thank you.

22 Chairman Feinstein. I know it is so hard, but, you
23 know, it is now very human for us, and that drives us
24 even further. So thank you very much.

25 Mr. Rozga. Thank you, Senator.

1 Chairman Feinstein. The hearing is adjourned.

2 [Whereupon, at 3:43 p.m., the Caucus was adjourned.]

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