

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on January 19, 2010, in Room 144-S of the Capitol.

All members were present except:
Representative Bob Bethell- excused

Committee staff present:
Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:
State Representative Rob Olson,
Master Deputy Chris Farkes, Johnson County Sheriff's Office
Jeremiah Morris, Senior Forensic Scientist, Johnson County Sheriff's Office
Tom Stoltz, Deputy Police Chief, Wichita, Kansas
Kyle Smith, Topeka Police Department & Kansas Peace Officers' Association
Janie Grace, Director, The Regional Prevention Center
Tom Stanton, Kansas Counties & District Attorneys
Kenneth McGovern, Douglas County
John Knox, Attorney, for Secret Journey, Lawrence, Kansas
Hudson Luce, Private Citizen
John Sloan, Private Citizen
Rob Bussinger, Private Citizen

Others attending:
See attached list.

State Representative Rob Olson,
Master Deputy Chris Farkes, Johnson County Sheriff's Office
Jeremiah Morris, Senior Forensic Scientist, Johnson County Sheriff's Office
Tom Stoltz, Deputy Police Chief, Wichita, Kansas
Kyle Smith, Topeka Police Department & Kansas Police Officers Association
Janie Grace, Director, The Regional Prevention Center
Tom Stanton, Kansas Counties & District Attorneys
Kenneth McGovern, Douglas County
John Knox, Attorney, for Secret Journey, Lawrence, Kansas
Hudson Luce, Private Citizen
John Sloan, Private Citizen
Rob Bussinger, Private Citizen

HB 2411 - Criminalizing certain synthetic cannabinoids, adding to schedule I controlled substances list.

Chairperson Colloton called the meeting to order and announced the report and recommendations of the Parole Board Oversight Interim scheduled for today will be moved to tomorrow due to the number of conferees signed up to testify today on **HB 2411**.

Chairperson Colloton opened the hearing on **HB 2411** and called on Jason Thompson, Office of the Revisor of Statutes, to explain the bill. Mr. Thompson stated the bill would make JWH-018 and JWH-073 illegal substances to possess, use, sale or possess with the intention to sell them.

Chairperson Colloton introduced State Representative Rob Olsen, to give his testimony as a proponent of **HB 2411**. State Representative Olsen presented written copy of his testimony. (Attachment 1) He stated he requested this bill out of concern for public safety. It is very troubling to him, as a parent, that our children are smoking K2, when not very much is scientifically know about these and other synthetic cannabinoids and

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Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on January 19, 2010, in Room 144-S of the Capitol.

that JWH-018 and JWH-073 are found in K2. In closing, he stated this bill would save lives and make synthetic cannabinoids less attractive and less accessible to our youth and those on probation. He asked the Committee to pass the legislation out favorably with one change; making it effective upon publication.

Chairperson Colloton introduced Master Deputy Chris Farkes, Johnson County Sheriff's Office, to give his testimony as a proponent of the bill. Dupty Farkes presented written copy of his testimony. (Attachment 2) He stated he became aware of the growing usage of unregulated synthetic cannabinoids in September, 2009, through interviews with high school age juveniles and probation officers. He learned that admitted marijuana smokers had switched to smoking K2 while they were under court supervision. He also learned that K2 does not show as a positive reading in a urinalysis test and yet it does provide the same "high" as smoking marijuana. He stated that adding the synthetic cannabinoids to the Kansas Controlled Substance list will allow for their proper regulation and oversight while benefitting public safety and the welfare of all Kansans.

A lengthy discussion followed with many questions being asked by the Committee.

Chairperson Colloton introduced Jeremiah Morris, Senior Forensic Scientists, Johnson County Sheriff's Office, to give his testimony as a proponent of **HB 2411**. Mr. Morris presented written copy of his testimony. (Attachment 3) Mr. Morris stated these substances are addictive and there have been overdoses and hospitalization related as a result of these substances. Because these compounds are legal, adolescents and other members of the public may assume these herbal smoking blends are both safe and non-addictive. In closing, he stated the bill will prohibit illicit possession and abuse of these synthetic cannabinoids but not restrict legitimate research.

A discussion followed.

Chairperson Colloton introduced Deputy Police Chief Tom Stolz, Wichita, Kansas, to give his testimony as a proponent of the bill. Chief Stolz presented written copy of his testimony. (Attachment 4) He stated K2 is the newest designer drug of choice in Kansas. The proposed legislation will give Kansas law enforcement a chance to get ahead of the curve and stop this problem before it starts in this jurisdiction. In closing, he stated the main user of K2 in society is our nation's youth and urged the Committee to pass this legislation out of Committee.

Chairperson Colloton introduced Kyle Smith, Topeka Police Department and Kansas Peace Officers' Association, to give his testimony as a proponent of **HB 2411**. Kyle Smith presented written copy of his testimony. (Attachment 5) He explained there have been numerous reports of abuse by juveniles and others, of these products, sold as "incense", being ingested by smoking the product. He noted there has been some question of the current legality of these drugs under current Kansas law. Kansas statutes do provide for prosecution of possession of analogs of controlled substances. He explained an analog is defined as having a similar chemical structure and pharmacological effect as a controlled substance. In closing he stated it would be better, clearer and provide retailers and users more notice, if these drugs are included in the schedules.

Questions and answers followed.

Chairperson Colloton introduced Janie Grace, Director, The Regional Prevention Center, to give her testimony as a proponent of the bill. Ms. Grace presented written copy of her testimony. (Attachment 6) She stated that K2 offers the same kind of "high" as marijuana. Anyone who has an altered sense of reality poses a threat to the safety of our communities and schools. There have been instances in Johnson County where students have come to school high on K2 and posed a threat to other students and teachers. By placing synthetic cannabinoids on the Schedule 1 list, Kansas citizens will be protected from the harm this drug can cause, whether it is driving, or coming to work and/or school under its influence.

Questions and answers followed.

Chairperson Colloton introduced Richard Samaniego, Kansas Counties and District attorneys, to give testimony as a proponent of **HB 2411**. Mr. Samaniego called the Committee's attention to the "written only" testimony of Tom Stanaton, Deputy Reno County District Attorney. (Attachment 7) Mr. Samaniego added a few remarks stating that the Kansas County Attorneys (KCA) strongly support this legislation. The KCA

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Minutes of the House Corrections and Juvenile Justice Committee at 1:30 p.m. on January 19, 2010, in Room 144-S of the Capitol.

would like for the Committee to add the BZP to this legislation adding it to the list of Schedule drugs. Chairperson Colloton announced to Mr. Samaniego there is another bill coming before our Committee this session that addressed the issue of BZP.

A short question and answer session followed.

Chairperson Colloton called the Committee's attention to the "written only" proponent testimony of Sheriff Ken McGovern, Douglas County. (Attachment 8)

Chairperson Colloton stated that was all the proponents to testify and the Committee would move to the opponents. She announced the Committee requires written comments from each person testifying.

She introduced Mr. John Knox, Attorney for Secret Journey, a small shop in Lawrence, Kansas to give his testimony as an opponent. Mr. Knox presented written testimony. (Attachment 9) He stated the store he represents has sold products containing the substances this bill proposes to criminalize, as incense. He stated that KWH-018 and KWH-073 are not on Schedule I at this time and are not illegal substances. He went on to say no other states in the United States have made these substances illegal. There are no studies that indicate that KWH-018 and KWH-073 have a deleterious effect. In closing, he stated instead of banning the possession, sale or use of these substances, the state should regulate and tax the products like it does tobacco.

Questions and answers followed. Chairperson Colloton asked if he had the patent numbers for these drugs and he stated he did and would get those to her. Questions continued from the Committee members.

Chairperson Colloton introduced Mr. Hudson Luce, a private citizen, to testify as an opponent of **HB 2411**. Mr. Luce presented written copy of his testimony. (Attachment 10) He stated K2 is an herbal smoking mixture which contains numerous herbs which may or may not have psychoactive properties. These cannabinoids and their receptors play an active role in controlling immune response and inflammation, as well as analgesia and the treatment of alcoholism. Cannabinoids have also been recently patented by a group at the Department of Health and Human Service for their neuroprotective and antioxidant capabilities. He believes these compounds should be available for research and if they are put on Schedule I, he stated that would not be possible.

Several questions and answers followed.

Chairperson Colloton introduced John Sloan, a private citizen, to testify as an opponent of the bill. Mr. Sloan did not present written testimony and the Chair asked him submit a couple of paragraphs summing up his testimony after the meeting. He stated he would. Mr. Sloan stated he was a distributor of these substances and he believed it should be regulated and not be sold to anyone 18 years and younger. The state receives at least \$20,000 a month in sales taxes on K2. He also stated that at least 100 jobs in Kansas would be lost if these substances were made illegal.

A question and answer session followed. It was noted that he receives his product from Maryland.

Chairperson Colloton introduced Rob, Bussinger, a private citizen, to testify as an opponent of **HB 2411**. Mr. Bussinger presented written copy of his testimony. (Attachment 11). Mr. Bussinger stated there is a lot of sensationalism about kids smoking K2. However, there is not a single retailer or online site that will sell K2, or any similar product, to anyone who is not at least 18 years of age. The average K2 customer is just that, average. They have jobs. They pay taxes. They are often professionals. Sometimes they are our most vulnerable citizens, the sick and dying, who are looking for relief. He stated he felt that the body is the boundary of freedom, and when that boundary is violated, freedom suffocates. He went on to say that boundaries could be set by the parole board if they have a problem with K2. In closing, he stated "if you want to know what someone who is high on K2 acts like...take a look at me".

With no further questions or persons to testify, Chairperson Colloton adjourned the meeting at 3:15 p.m. with the next meeting scheduled for January 20th at 1:30 p.m. in room 144-S.

CORRECTIONS & JUVENILE JUSTICE GUEST LIST

DATE: 1-19-10

NAME	REPRESENTING
Steve Lewis	Sgt. Douglas County Sheriff
John M. Knox	The Sacred Journey
Nataf Arulla	The Sacred Journey
Jon Sloan	Common sense
TRISH BLANCHAT	"
SCOTT NORRIS	" "
Ryan Vanchieri	" "
Ryan Tiffany Vanchieri	" "
Thomas Thorp	people against violating adults right to pursue happiness
Debra Billingsley	KBOP
Christine	KBOP
Spencer Duncan	capital connection
Helen Pedigo	Ks Sentencing Commission
DAVID HITCHCOCKS	KBI
Ken Beane	VgOM-
E. Kump	KACP/KPOA/KSA
Bruce Kinn	Common Sense
Shermene Jones-Sontag	Ad Astra Media Solutions

State of Kansas
Kansas House of Representatives



Representative Rob Olson
26th District

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**Testimony Presented To
House Committee on Corrections and Juvenile Justice
January 18, 2010
HB 2411**

Chairperson Colloton and Distinguished Members of the Committee,

Thank you for the opportunity to provide testimony in support of HB 2411. This legislation adds three synthetic cannabinoids to the state's Schedule 1 and makes it illegal to possess, use, sale or possess with the intention to sell them and similar drugs in Kansas. The chemical compounds are HU-210; JWH-018; and JWH-073. The last two are found in K2, a herbal mixture sold in several stores in Kansas and on the internet.

More than a dozen countries including Brazil, Britain, Canada, France and Germany have moved to either ban the sale of synthetic cannabis or products that contain them within the past year. Kansas is the first state to have similar legislation introduced and debated. Two other states are considering similar legislation.

You will hear from other conferees for HB 2411 about the make-up of these compounds, what research shows regarding their effects and the growing use of K2 in Kansas.

I became concerned about the availability and use of K2 after reading and seeing news reports about it. I contact the Johnson County Sheriff's Office to learn more. I also spoke to my children and their friends about what they knew about K2.

This is a public safety issue. Some see products like K2 as a safe alternative to marijuana because it is made of mainly organic materials. But that is simply not the case. Not enough is known about the short-term or long-term effects of these synthetic cannabinoids. No scientific testing on humans has been conducted.

It is troubling to me as a parent that our children smoking K2 when not very much is scientifically known about these and other synthetic cannabinoids. We have the opportunity as a Legislature to help our law enforcement agencies and drug counseling centers to get ahead of these new drugs. I believe this legislation will save lives. It will make synthetic cannabinoids less attractive and less accessible to our youth and those on probation.

Thank you for your consideration of HB 2411 and ask that you pass it out of committee favorably. As always, I stand for questions.

Date: 1-19-10
Attachment # 1

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DUTY HONOR SERVICE

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DAVID A. BURGER
UNDERSHERIFF

KEVIN D. CAVANAUGH
UNDERSHERIFF

To: Chairperson Colloton, Vice-Chairperson Patton, and distinguished members of the House Corrections and Juvenile Justice Committee.

From: Master Deputy Chris Farkes

Date: January 19th, 2010

Chairperson Barnett and Committee Members,

My name is Deputy Chris Farkes and I'm a fourteen year veteran of the Johnson County Sheriff's Office. I appear before the committee today in support of House Bill 2411.

I first became aware of the growing usage of unregulated synthetic cannabinoids in September, 2009. Through my interviews with high school age juveniles and probation officers, I learned that admitted marijuana smokers had switched to smoking K2 while they were under court supervision. I further learned the reason for this switch was the fact that the use of K2 would not show as a positive reading in a urinalysis test and yet would provide the same "high" as smoking marijuana.

I purchased packages of the four known versions of the product and submitted samples to the Johnson County Criminalistics Laboratory for analysis. The results of the analysis showed K2 was a composition of various organic plant materials which contained no identified controlled substances but it did contain two manmade compounds, JWH-018 and JWH-073. Both of these compounds were identified as unregulated synthetic cannabinoids.

I was surprised to learn that these newly created synthetic cannabinoids did not appear in the Kansas Controlled Substances Schedule, nor was the compound HU-210, also a synthetic cannabinoid. HU-210 was recently listed by the Federal Government as a Schedule I Controlled Substance but had yet to be added to the Kansas Controlled Substances.

Adding the synthetic cannabinoids to the Kansas Controlled Substances list will allow for their proper regulation and oversight while benefiting the public safety and welfare of all Kansans. I ask the Committee to vote favorably on House Bill 2411 which seeks to add JWH-018, JWH-073 and HU-210 to the list of Kansas Controlled Substances.

Master Deputy Christopher Farkes
Johnson County Sheriff's Office

Corrections and Juvenile Justice

Date: 1-19-10

Attachment # 2

FRANK P. DENNING
SHERIFF

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UNDERSHERIFF

KEVIN D. CAVANAUGH
UNDERSHERIFF

Date: January 19, 2010

To: Chairperson Colloton, Vice-Chairperson Patton, and distinguished members of the Corrections and Juvenile Justice Committee

My name is Jeremiah Morris and I am a Senior Forensic Scientist with the Johnson County Sheriff's Office Criminalistics Laboratory. I offer testimony today in support of House Bill 2411, which seeks to amend K.S.A 65-4105 to add HU-210, JWH-018, and JWH-073 to the list of Schedule I controlled substances.

Marijuana and its active component tetrahydrocannabinol (THC) are both listed as schedule I controlled substances federally and in the State of Kansas. Recently, a number of herbal incense mixtures marketed in Kansas, the United States, and worldwide, have been found to contain a number of synthetic cannabinoids, particularly HU-210, JWH-018, and JWH-073. In October 2009, our laboratory detected the presence of JWH-018 and JWH-073 in a product called K2, an herbal smoking blend with rising popularity among Johnson County teenagers. Although our laboratory has not detected the presence of HU-210 in any submitted samples, we received reports that area teenagers were talking about an herbal smoking blend known to contain this compound.

HU-210, JWH-018, and JWH-073, are laboratory produced compounds and are structurally different from THC and other components in marijuana; however, laboratory research by Clemson University and the Hebrew University has determined that these compounds have more potent psychoactive effects than THC. They have a greater affinity to receptor sites in the brain which are thought to be responsible for most of the overt pharmacological effects of THC and other natural cannabinoids. Preliminary studies indicate that the three synthetic cannabinoids under consideration are anywhere from three to over 100 times more potent than THC.

The presence of HU-210, JWH-018, and JWH-073 in herbal smoking blends is extremely troubling for a number of reasons. First, detailed and exhaustive health and safety studies have yet to be performed on these compounds. Nothing is known about long term health or psychological effects for these synthetic cannabinoids. Published literature has expressed concern about the lack of information regarding metabolism of these compounds and whether or not metabolites are toxic or pharmacologically active. No studies have been done reporting the safety of combustion products from smoking these cannabinoids. Second, because these synthetic cannabinoids are being added to the herbal products, there is concern about dosing consistency and the risk of accidental overdoses. Overdoses and hospitalizations related to products containing synthetic cannabinoids have been reported in Missouri and Germany. Finally, preliminary research has found examples of addiction and withdrawal symptoms linked to chronic abuse of products containing JWH-018 and other synthetic cannabinoids. Adolescents and other members of the public may assume that these herbal smoking blends are

Corrections and Juvenile Justice

Date: 1-19-10

Attachment # 3

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both safe and non-addictive because they are “legal.” In reality, the presence of HU-210, JWH-018, and JWH-073 in these blends present serious risks to users because the chemicals are very potent psychoactively and may present serious health risks to users.

In summary, the Johnson County Sheriff’s Office Criminalistics Laboratory supports House Bill 2411 and the amendment to K.S.A 65-4105 to include HU-210, JWH-018, and JWH-073, as Schedule I controlled substances. This bill will prohibit illicit possession and abuse of these synthetic cannabinoids but not restrict legitimate research, either.

Respectfully,
Jeremiah Morris
Senior Forensic Scientist, Johnson County, KS Sheriff’s Office



Dale Goter
Government Relations Manager

TESTIMONY

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Kansas House Committee on Corrections and Juvenile Justice

House Bill 2411 (Banning of "K2")

Testimony by Wichita Deputy Police Chief Tom Stolz

Jan. 19, 2010

The Wichita Police Department and the City of Wichita support HB2411 banning the synthetic drug known as "K2". "K2" is a synthetic derivative of tetrahydrocannabinol (THC) which is the active drug found in marijuana.

Because of its derivative nature, there is no current law against possession or sale of this substance in the State of Kansas. Other states in the country are having substantial problems with this product and are creating laws to combat it. In Kansas, we are just beginning to see the sale and distribution of this drug in the larger cities, mostly through adult bookstores. This proposed legislation gives Kansas law enforcement a chance to get ahead of the curve and stop this problem before it starts in this jurisdiction.

Though adult bookstores and paraphernalia shops are touting "K2" as "incense", research indicates that "K2" is being priced in line with higher-end marijuana. The price breakdown is as follows:

- Average cost for one gram of marijuana - \$1.43
- Average cost for one gram of "hydro" marijuana - \$20.00
- Average cost for one gram of incense - \$0.12 per gram
- Average cost for one gram of "K2" - \$10.00

In addition, some reviews from actual users posted on YouTube indicate that "K2" will "bake" the user or "really screw you up".

A post from a website known as "Twisted Herbs" states the following disclaimer:

"The K2 incense products sold on Twisted Herbs are not for human consumption.... It may be dangerous to your health if ingested. Twisted Herbs takes no responsibility for damage or bodily harm that might occur from human consumption."

Without doubt the mind altering effects associated with this drug would only add to issues of overdose, public disturbance/crime, and Drive Under Influence (DUI) problems that we already see with marijuana, methamphetamine, and other illegal substances. In addition, there are some disturbing reports indicating that K2 is a strong carcinogen and may hold other public health potential that we are not yet aware of.

And finally, there are two other frightening trends that bear mentioning in regards to this drug:

- The advent of this "designer" drug is reminiscent of the lab cooked methamphetamine scourge that took over the State in the 1990's.
- The main "user" of K2 in society is our nation's youth

If for no other purpose, these should be reason enough to support the legislation banning K2 in the State of Kansas.

Corrections and Juvenile Justice

Date: 1-19-10

Attachment # 4

House Corrections and Juvenile Justice

January 19, 2010

Testimony in Support of HB 2411

Kyle G. Smith

Topeka Police Department

Kansas Peace Officers' Association

Chairman Colloton and Members of the Committee,

I appear today on behalf of the City of Topeka Police Department and Kansas Peace Officers' Association in support of HB 2411.

This legislation would add three synthetic cannabinoids to schedule I of the controlled substances act. These three drugs, commonly referred to on the street as K2 or Spice but by the trade names HU-210, JWH-018 and JWH-073 have been developed and are being abused as synthetic versions of marijuana.

Approximately 14 countries, including Canada, England, France and Germany, have placed one or more of these analogs on their controlled substance schedules and abuse of the drugs is increasing here in Kansas. HU-210 has already been scheduled federally by the United States.

There have been numerous reports of abuse by juveniles and others, of these products, sold as 'incense', being ingested by smoking the product. While we have limited scientific research, from media and internet accounts it would appear that the pharmacological effect is similar to fairly strong marijuana. Coupled with other health concern dangers from ingesting untested materials, it would seem prudent to place these drugs on the Schedules here in Kansas as well.

I would note that there has been some question of the current legality of these drugs under current Kansas law. Kansas statutes do provide for prosecution of possession of analogs of controlled substances. An analog is defined as a having a similar chemical structure and pharmacological effect as a controlled substance. I believe that possession of these drugs could be prosecuted under K.S.A. 65-4162/21-36a06, but it would require substantial expert testimony by forensic scientists. I believe it would be better, clearer and provide retailers and users more notice, if we explicitly included these drugs in the schedules.

Thank you for your time and consideration. I would be happy to answer any questions.

Corrections and Juvenile Justice

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Attachment # 5



January 15, 2010

Chairperson Colloton and Distinguished Committee Members of the Corrections and Juvenile Justice Committee:

My name is Janine Gracy and I am the Director of the Regional Prevention Center serving Johnson, Leavenworth & Miami Counties. I appear before the committee today in support of House Bill 2411 which seeks to place synthetic cannabinoids on the Schedule I list for controlled substance.

As it has been explained, K2 offers the same kind of "high" as smoking marijuana. Anyone who has an altered sense of reality poses a threat to the safety of our communities and schools. You have the opportunity during this session to practice true prevention by tackling this issue before it explodes into an unmanageable problem. The introduction of K2 has allowed drug users to justify a legal high which has the ability to compromise their health, the safety of students and staff in schools and the safety of our general community.

School climate surveys show self-reported substance use and frequency of substance use on school property is significantly associated with school violence. Research examining possible links between violence and drug use has consistently found a strong relationship among adolescents and young adults. In addition, students who sell drugs or use them at school are much more likely to engage in violent behavior than others. (Ellickson & McGuigan, 2000; Elliott, Huizinga, & Menard, 1989; Kingery, Mirzaee, Pruitt, & Hurley, 1991; Valois, McKeown, Garrison, & Vincent, 1995).

This underground substance has grown in popularity in the last few months within the drug using culture as a legal alternative. The favorable attitude of this dangerous substance lacks a perception of harm due to its legal availability to purchase and consume. Unfortunately, there have been instances in Johnson County where students have come to school high on K2 and posed a threat to other students and teachers. This Fall a group of students at a Johnson County high school created an elaborate float with the theme of K2 to enter into the Homecoming Parade contest. If it were not for an informed Court Services Officer who alerted staff to the fact that K2 was a new type of drug - not the 'K2 Summit' - this float would have ended up in front of hundreds of community members and impressionable young school children who are invited to come out to witness the parade creating a perception of acceptance.

Our Johnson County Treatment professionals report that clients who are using this drug end up acting just like they do when they are using marijuana – behavior problems, stealing money to pay for it, and the "I don't care" attitude. Although it may be legal no one is allowed to come to therapy under the influence of any drug, including K2, and if they do then the incident is reported to parents and the parole officer if appropriate.

This fall, The Regional Prevention Center quickly assisted area school districts to rework drug policy to deal with the use of legal mood altering substances on school property. It was discovered that unless the school's policy directly addressed **manufactured non-medical or non-prescribed mood altering substances** . . . on district property or at any school activity, then the school's policy could not address issues of discipline. We have been able to address policy change at the school level, but that is just the tip of the iceberg. By placing synthetic cannabinoids on the Schedule I list, Kansas citizens will be protected from the harm this drug can cause, whether it is driving, or coming to work and/or school under its influence.

Respectfully Submitted,

Janine L. Gracy

Janine L. Gracy, Director
Regional Prevention Center
A Program of Johnson County Mental Health

Corrections and Juvenile Justice

Date: 1-19-10

Attachment # 6



Kansas County & District Attorneys Association

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TO: Pat Colloton, Chair
House Corrections and Juvenile Justice Committee

FROM: Thomas R. Stanton
Deputy Reno County District Attorney
Past President, Kansas County and District Attorneys Association

DATE: January 19, 2010

RE: Written testimony in support of House Bill 2411

Chairman Colloton and Members of the Committee:

House Bill 2411 seeks to add synthetic cannabinoids to Schedule I of the Uniform Controlled Substances Act. The KCDAA strongly supports favorable consideration of this legislation by this committee.

According to material posted on the Drug Enforcement Agency website, HU 210 is a synthetic cannabinoid which is "hundreds of times more potent than THC," the active ingredient in marijuana. Because of this, an extremely small amount of the drug is psychologically active. It is, therefore, referred to as a "stealth" drug. The drug is already listed as a Schedule I drug under federal law. It is, thus, a drug which must be controlled in Kansas.

As you may be aware, similar legislation was introduced in the Senate to add synthetic cannabinoids to Schedule I. The hearing was held on January 13th and the legislation was amended with a proposal by the KCDAA to add BZP (benzylpiperazine) to the list of schedule I drugs. The KCDAA respectfully requests a similar amendment to HB 2411 to include BZP. BZP is a synthetic drug similar to MDMA (Ecstasy) which has become an increasingly abused drug in Kansas, especially in urban areas. The DEA website states the drug is ten to twenty times more potent than amphetamine. This drug has also been listed as a schedule I drug on the federal level.

These drugs have no recognized therapeutic value, and are quite addictive. The purpose of controlling such substances is to protect the health and welfare of the citizens of Kansas, and to

Corrections and Juvenile Justice

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Attachment # 7

1	(24) Tetrahydrocannabinols	7370
2	Synthetic equivalents of the substances contained in the plant, or in the	
3	resinous extractives of Cannabis, sp. and/or synthetic substances, deriv-	
4	atives, and their isomers with similar chemical structure and pharma-	
5	cological activity such as the following: Delta 1 cis or trans tetrahydro-	
6	cannabinol, and their optical isomers Delta 6 cis or trans	
7	tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans	
8	tetrahydrocannabinol, and its optical isomers (Since nomenclature of	
9	these substances is not internationally standardized, compounds of these	
10	structures, regardless of numerical designation of atomic positions cover-	
11	ed.)	
12	(25) Ethylamine analog of phencyclidine	7455
13	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine;	
14	(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	
15	cyclohexamine; PCE.	
16	(26) Pyrrolidine analog of phencyclidine	7458
17	Some trade or other names: 1-(1-phenylcyclo-hexyl)-pyrrolidine; PCPy;	
18	PHP.	
19	(27) Thiophene analog of phencyclidine	7470
20	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-	
21	thienylanalog of phencyclidine; TPCP; TCP.	
22	(28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine	7473
23	Some other names: TCPy.	
24	(29) 2,5-dimethoxy-4-ethylamphetamine	7399
25	Some trade or other names: DOET.	
26	(30) Salvia divinorum or salvinorum A; all parts of the plant presently clas-	
27	sified botanically as salvia divinorum, whether growing or not, the seeds	
28	thereof, any extract from any part of such plant, and every compound,	
29	manufacture, salts, derivative, mixture or preparation of such plant, its	
30	seeds or extracts.	
31	(31) Datura stramonium, commonly known as gypsum weed or jimson weed;	
32	all parts of the plant presently classified botanically as datura stramo-	
33	onium, whether growing or not, the seeds thereof, any extract from any	
34	part of such plant, and every compound, manufacture, salts, derivative,	
35	mixture or preparation of such plant, its seeds or extracts.	
36	(32) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-	
37	6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol	7370
38	Some trade or other names: HU-210.	
39	(33) 1-Pentyl-3-(1-naphthoyl)indole	
40	Some trade or other names: JWH-018.	
41	(34) 1-Butyl-3-(1-naphthoyl)indole	
42	Some trade or other names: JWH-073.	
43	(35) N-benzylpiperazine	7493

OFFICE OF



THE SHERIFF

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KENNETH M. MCGOVERN
Sheriff

January 19, 2010

To: Chairperson Colloton, and distinguished members of the House Corrections and Juvenile Justice Committee.

Chairperson Colloton and Committee Members,

I am Ken McGovern, Sheriff of Douglas County, and I present this letter in support of House Bill 2411.

Our department's mission is to provide effective and efficient public safety services to the citizens of Douglas County. As Sheriff I am obliged to take a stand when I see a problem on the horizon that likely threatens that public safety. I believe the product K-2, and any like it, is just such a problem.

Our concerns began in early November 2009 with media inquiries about any problems we were seeing with the herbal mixture K-2, which was being sold in Lawrence. Since its sale was legal, our joint drug enforcement unit had not had any dealings with it, other than hearing it produced a high similar to marijuana. We have since taken a closer look at K-2, and the concerns law enforcement has with its spreading use. Other experts will testify about its chemical composition, but it is generally known to contain synthetic cannabinoids, compounds designed to create a marijuana-like high. A quick search of the internet produced quite a volume of information.

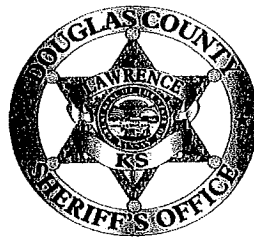
Besides being available in at least one store in Lawrence, K-2 is also marketed on-line through "Twisted Herbs", a company with a Topeka address. Costs range from 3 grams for \$15 to 9 grams for \$75. They do have a disclaimer that K-2 is "not for human consumption", unlikely to be heeded by those purchasing it to smoke. On the web site www.drugs-forum.com, there are numerous reviews of K-2 by users, describing and rating the high they experience. Some of the reviews are dated as early as June 2009. Use by any of our school age youth is a real concern. It is difficult enough battling the negative effects of alcohol and other illegal drugs, without having to worry about a "legal" drug.

Our Sheriff's Office has had several encounters involving K-2 within our facilities. We confiscated two 3 gram packages of K-2 and a pipe from an inmate who had his work release revoked. He was likely smoking it to get high and trying to technically not violate his work release orders. The compounds in K-2 are not detected by our drug tests. Our Court Security Officers informed me they had a belligerent subject show up for his court first appearance, apparently under the influence of some intoxicant. He was loudly saying he was legal because it was K-2, and offered to sell it to others around him.

We have been in contact with others in the Criminal Justice and Addiction Treatment fields that have also had dealings with K-2. Lawrence Police Department's School Resource Officer, Ryan Halstead, has dealt with the issue twice within the last ten days. One juvenile on probation, who is an admitted marijuana user, informed Halstead he smokes K-2 now in order to pass his drug tests. Another incident involved three high school students who smoked K-2 before school. One of the youth, a 16 year old male, had a severe physical reaction and his friends took him to Lawrence Memorial Hospital. He had an elevated heart rate and high blood pressure. Officer Halstead mentioned the school administration and teachers are considering how to address the K-2 issue, and exactly where it fits within the school's no smoking or tobacco products policy.

Corrections and Juvenile Justice
Date: 1-19-10 - Attachment #2

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KENNETH M. MCGOVERN
Sheriff

Ron Stegall, Chief Executive Probation Officer of our District Court's Community Corrections Division, said his Probation Officers are also dealing with K-2. They have had probationers ask if they can use it instead of pot. Several probationers expressed the opinion that it is no big deal, since it is legal. Leigh Housman, Assistant Director of Douglas County Youth Services, informs us at least three youth have admitted to the probation staff they use K-2. Kendall Heiman, the director of the Adolescent Intensive Outpatient Treatment Program at Professional Treatment Services in Lawrence, has much to say about K-2. She related an instance when a friend of one of her clients was hospitalized with seizures after smoking K-2. I have attached her letter of support for HB 2411 to mine.

In conclusion, I see this new "legal" drug as an epidemic that threatens the youth of the State of Kansas. It worries me that Lawrence and my county seems to be at the center of this debate, being a primary source of K-2 in the region. It is time for this committee, and the Kansas Legislature, to take decisive action against this new threat to the health and safety of our communities. I urge the passing of House Bill 2411.

Sincerely,

A handwritten signature in black ink that reads 'Kenneth M. McGovern'. The signature is written in a cursive style with a long horizontal line extending to the right.

Kenneth M. McGovern
Douglas County Sheriff

Relevant Comparisons

Though the K2 sold in Lawrence is marketed as a potpourri mix of a variety of fragrant herbs, K2 is also a term used to describe a specific "reliable Dutch commercial strain" of marijuana sold on the internet with the following picture, description and instructions to grow:



"A relatively compact plant with compact buds, related to White Widow. Flowers are white with THC and produce a large yield. K2 is a white strain Indica Sativa with a smashing soft fruity sweet taste with a touch of spice and it has wonderful aroma. Great choice for indoor growing in limited space employing hydro or other indoor systems. K2 produces a spacey high which comes on quick."

Flowering: ~50-55 days

Height: ~ 100cm indoor / 150cm outdoor

Yield: ~200g indoor to 370g or more outdoor

Indica/Sativa: 70/30

Harvest: Primarily indoor, late Oct if outdoor

Sow: Sow when soil warms to 15C/59F or more or transplant after last frost.

Interestingly, the description given of this Dutch strain of marijuana is remarkably similar to the description provided by several of my adolescent clients. Though I am not a chemist, I am concerned that the K2 sold legally and without restriction in our community bares a similarity to the marijuana plant cited above. In addition to the alarming comparison described above, the following information regarding "Spice" is also undeniably similar to K2.

"Spice" is a product line sold as a legal herb-based alternative to cannabis. Even though the manufacturer officially warns against human ingestion, it is usually smoked for its cannabis-like effects which are believed to be caused by a mixture of synthetic cannabinoid drugs. Numerous organizations have now tested the material and three chemicals have been identified in various Spice products including JWH-018, HU-210, and a homologue of CP-47,497. Several different "flavors" have been



January 17, 2010

To: The Representatives of the State of Kansas
Re: HB 2411

My name is Kendall Heiman and I am a Licensed Masters Level Social Worker in the State of Kansas and a Certified Alcohol and Drug Counselor. Currently, I am the Program Director at Professional Treatment Services, LLC, a private mental health practice specializing in the treatment of substance use disorders and behavioral addictions. For the past 7 years I have worked exclusively in the substance abuse field where I have focused on treating adolescents and families struggling with addiction. Most recently, in the last two years, I have developed and directed an Adolescent Intensive Outpatient Treatment Program at Professional Treatment Services in Lawrence, Kansas.

Background Information

In August of 2009, my staff and I began to hear about a substance called "K2" from our adolescent clients. Interestingly, at the same time that we began to hear about K2, our chronic marijuana using clients began submitting negative urinalysis drug screens. Because we utilize urinalysis drug screens as an assessment tool in tracking our adolescent clients' progress, I was very interested in trying to understand what factors were contributing to those negative urinalysis results. It became clear one day when I was congratulating one of my clients on his first ever negative urinalysis test. Another client who overheard those accolades shared that the client's urinalysis test was negative because he had been smoking K2 instead of marijuana. That allegation was confirmed by the first client who also added "but it's [K2] legal."

In the months since August 2009, I have been trying to gather empirical research from my clients who use K2 in an effort to better understand the substance and its impact on the youth in my treatment program and in the Lawrence community. Preliminarily, I learned that my clients were purchasing K2 at a store in downtown Lawrence, Kansas where K2 is sold in small baggies with no product information other than a bold label that reads K2. In the store, K2 is marketed in a remarkably vague manner as a potpourri or incense. My clients have shared that there are several varieties of K2 which vary in potency, the most potent of which is called "Summit" and is sold for around \$30.00 for a small 3 gram quantity. My clients who have smoked the Summit variety they report that it gets them "higher than marijuana...smells great...and tastes like Oregano."

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marketed which have been shown to contain different proportions of the synthetic cannabinoid active ingredients, and reportedly produce subtly different effects. A large number of competing products made by other manufacturers have also subsequently appeared around the world.



The synthetic cannabinoids contained in Spice are research or experimental chemicals that are not approved for human consumption because the data that currently exists is inadequate to accurately determine the potential side effects, adverse reactions, long term damage, addiction potential, etc. Although some people are willing to ingest research chemicals, it is not reasonable to assume that they are in any way safe to use recreationally. Interestingly, the U.S. Department of Defense's Drug Enforcement Administration's Office of Diversion Control lists all of the above mentioned cannabinoids under a category titled "Drugs and Chemicals of Concern."

Synthetic cannabinoids are currently undetectable using standard urinalysis drug tests. Fundamentally, drug tests work by detecting the metabolites produced by an individual's body subsequent to using an intoxicating substance. Currently, there is no available test that screens for the metabolites produced subsequent to the use of synthetic cannabinoids.

Conclusions

Addiction is chronic and progressive and if not interrupted can be fatal. Individuals who are experiencing addiction are often experiencing three to five of the following symptoms: Tolerance, Withdrawal, Preoccupation, Compulsion and Loss of Control. Tolerance is defined as needing more of the same substance to achieve the desired effect. Withdrawal is the physiological and psychological discomfort that an individual experiences when the substance is not present in their system. Preoccupation is the psychological phenomenon whereby an individual experiences intrusive, rigid and repetitive thoughts of using. Compulsion is the obsessive behavior associated with that thought process and often involves an individual's participation in risky and potentially dangerous activities. Loss of Control refers to an individual's continued use despite experiencing negative consequences. Of paramount importance in

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treating addiction is interrupting an individual's active use of intoxicating substances and teaching them to manage the sobriety based symptoms of their addiction with the ultimate goal of achieving full sustained symptom remission. Without successfully interrupting the active use process addicted individuals will experience increasingly severe symptoms and ultimately increasingly severe consequences of their active use. Substituting one substance (K2) for another (marijuana) accomplishes nothing in regards to arresting the active symptoms of addiction and in fact contributes to the active progression of the addictive process and the deterioration of an individual's biological, psychological and social health.

The potential biological health consequences of using K2 are very similar to the biological consequences that marijuana and nicotine users are at risk of experiencing. The preferred method of consuming K2 is by smoking it, in a non-filtered manner, putting the user at risk of a variety of respiratory problems. Additionally, K2 users are at risk of developing tolerance to the synthetic cannabinoids reportedly found in K2 thereby motivating them to use larger quantities and/or to use the substance more frequently. Typically when an individual experiences tolerance they also feel the discomfort of withdrawal when the substance is no longer in their system in adequate quantities. The discomfort of withdrawal often motivates an individual to use again and so the cycle of addiction progresses.

With the continued use of any intoxicating substance the psychological symptoms of addiction (Preoccupation, Compulsion and Loss of Control) cannot be stabilized. Individuals who have developed a tolerance to a substance experience increased preoccupation and are at a high risk of acting compulsively. Amongst our adolescent treatment population compulsive behavior is synonymous with doing whatever it takes to procure and use their substance of choice despite experiencing significant consequences related to their use (loss of control). Compulsive behavior increases the risk of an individual experiencing social consequences. Additionally, individuals who use K2, like those who use marijuana, also demonstrate symptoms of amotivational syndrome including a diminished ability to carry out long-term plans, a sense of apathy, decreased attention to appearance and behavior, and decreased ability to concentrate for long periods of time. Lastly, the amygdala, which is the portion of the brain responsible for impulse control, is located in the frontal lobe of the brain and develops significantly during childhood and adolescence. The developing amygdala is particularly susceptible to the use of intoxicating substances and research indicates that the younger an individual is when they first use intoxicating substances the more dramatically their impulse control can be impacted for the rest of their lives.

Socially, K2 users are at the same risk of participating in illegal behavior as those who use marijuana. Though K2 is legal, it is expensive. A small quantity sells for approximately \$30.00. Most of our adolescent clientele does not have the disposable income to buy K2 at that price. Because the psychological symptom of Compulsion, described previously, crime and the acquisition of intoxicating substances have long been linked. Conceivably, clients who use K2 in order to submit a negative urinalysis screen are at risk of committing other crimes in order to afford that substance. Additionally,

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the time spent acquiring, using and coming down from K2 contributes to amotivational syndrome which typically results in poor attendance at school, truancy and poor academic performance.

Treating adolescents experiencing active substance abuse is inherently challenging. At Professional Treatment Services it is not uncommon for us to encounter clients as young as twelve and thirteen years old who are experiencing problems with substance abuse. To have an easily accessible and highly intoxicating substance available without restriction, regardless of how it is marketed, complicates the treatment of an already challenging population and contributes to serious and potentially long-lasting consequences of the biological, psychological and social health of the youth in our community.

In conclusion, it is my intent, through this written testimony, to advocate for the youth that I see in treatment everyday. Regardless of whether the substances found in K2 are synthetic or organic, the fact remains that it produces an intoxicating effect making the likelihood of addiction highly probable. Making K2, or the substances in K2, illegal will provide another layer of resistance for kids to be able to access this highly intoxicating substance. As a professional in the substance abuse field I intimately understand the importance of remaining realistic and not idealistic. Realistically, making K2 illegal will not solve the enormous problem of substance abuse amongst our youth, but I also know that we have a social responsibility to make addictive substances as difficult to acquire as possible. I implore you to make K2 a more difficult substance to access in our community.

Thank you for this opportunity.

Sincerely,

Kendall Heiman, LMSW, BSW, AAPS
Program Director
Professional Treatment Services, LLC

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Written Testimony Before The Committee on Corrections and Juvenile Justice
On House Bill 2411
January 19, 2010
John M. Knox, On Behalf of The Sacred Journey

May it please the committee, Madam Chairperson, esteemed members of the Committee, thank you for the opportunity to appear before you today in opposition to this bill. I am John Knox, an attorney from Lawrence, and I represent The Sacred Journey, a store which has sold products containing the substances this bill proposes to criminalize, as incense.

As an attorney, I would like to focus on the legal issues raised by the bill, and leave the other issues for others better qualified to speak to them.

I would like to point out that the two substances The Sacred Journey is concerned with not criminalizing are KWH-018 and KWH-073. You will notice that in the list of substances which HB 2411 amends at KSA 2009 Supp. 65-4105, there are Drug Enforcement Administration controlled substances codes assigned to each substance, but not to KWH-018 and KWH-073. This is because these two chemicals are not on Schedule I, and have not been assigned a DEA number. Neither substance is illegal in the United States under Federal law. Further, neither substance is illegal, as of today, in any state under state law. Kansas will be the only state in the U.S. to criminalize their use. No state in the U.S. has yet adopted any law making these chemicals illegal.

It seems to me to be one thing to follow suit if the United States finds a product to be dangerous, to maintain our Schedule I list in accordance with United States standards. It is quite another thing to take the initiative, without evidence, adding substances to the Kansas list willy-nilly, regardless of conformity with the Uniform Controlled Substances Act.

Where is the evidence that these substances are harmful? If KWH-018 and KWH-073 are bad, where is the Food and Drug Administration? Where is the DEA? Why aren't these substances listed by the United States? We don't know from the evidence whether these substances are harmful or not. If the legislature were to act on evidence that there is harm, that would be one thing, but today you are being asked to act out of fear, not on evidence. We could find no study that indicates that KWH-018 and KWH-073 have a deleterious effect. Has the committee seen studies that indicate that KWH-018 and KWH-073 are addictive? Are there reports of illnesses, accidents, injuries, showing up in doctor's offices, hospitals, or emergency rooms? Law enforcement representatives say there may be problems, but is there any evidence of negative health effects, impaired driving, impaired judgment, or chemical dependency? Is there any evidence of toxicity, interaction with other drugs, interference with heart function, lung or liver damage? These would all be concerns which would justify banning the substances, if evidence existed. But evidence does not exist. If the government has a fear that this might be the case, then let research be funded. But if you have no evidence before you that these are harmful, it would be wrong to criminalize them. How can you ban something, when you have no idea what it is or does?

Corrections and Juvenile Justice

Date: 1-19-10

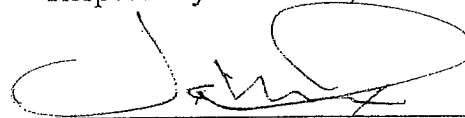
Attachment # 9

What about the anecdotal evidence that these chemicals can make you high? Lots of substances have this effect, if they are misused. Common medicinal herbs, such as Kava Kava, Valerian Root, spices such as nutmeg, and foods like Stilton cheese are all commonly noted for their psychotropic effects, if taken in sufficient quantity, and misused for that purpose. But we ought not to ban them, and no one, at this point, seems to be trying to criminalize them.

Next, I would ask the committee to consider the enforceability of this law. Currently, there is no field test for the presence of KWH-018 or KWH-073. To confirm the presence of these chemicals, any substance which the police suspect might contain them would have to undergo mass spectrometry, which requires trained technicians and expensive equipment. The substances do not show up in blood or urine tests for THC. They are undetectable, and their presence is invisible to the naked eye. So please do a cost-benefit analysis. Would the high cost of enforcement, in manpower, time, expertise, and equipment, be worth any potential benefit of restricting use? And as to the benefit of prohibiting use, I would ask, does any member of the committee personally know of any harm caused, to date, by these chemicals? This suggests that the harm may be non-existent, and the expense of enforcement great. What we have here is a solution in search of a problem.

There is also a cost in lost revenue to the state. Presently, products containing these chemicals generate sales tax revenue. That revenue is probably substantial, but it will be lost if the substances are banned, because only legitimate retailers will stop selling them, and the underground trade which may replace the legitimate market will generate no sales tax revenue. And beyond the sales tax revenue, the state has an opportunity to impose an additional tax to generate revenue. If instead of banning the possession, sale or use of these products, the state should regulate and tax the products like it does tobacco.

Respectfully Submitted,



John M. Knox

Members of the Committee, my name is Hudson Luce, and I rise in opposition as a private citizen in opposition to House Bill 2411 which would act to outlaw a new class of synthetic and naturally-occurring cannabinoids and their analogs. My background is currently as an attorney specializing in Criminal Defense and Patent Law. I am currently admitted to practice in Kansas and before the US Patent and Trademark Office. In addition, I hold the PhD in Physical/Organic Chemistry (U.Florida 1987, A.R.Katritzky, PhD, FRS - advisor). My dissertation research topic concerned the characterization of structure and reactivity of certain heteroaromatic and heterocyclic compounds by the use of ab initio and semi-empirical molecular orbital theory. The cannabinoids to be regulated are N- and O-containing heterocycles, a class of compounds which I have studied in the past.

K2 is an herbal smoking mixture which contains numerous herbs which may or may not have psychoactive properties. In K2, their primary use appears to be as a carrier for a compound called JWH-018, which is a synthetic cannabinoid analog synthesized and characterized by Prof. John W Huffman at Clemson University. Other analogs produced by the Huffman group are widely known: JWH-081, JWH-398, JWH-250, JWH-133, and so on. The Huffman group is only one of the many groups worldwide which are conducting active research into the properties and functions of synthetic cannabinoids, the endogenous cannabinoid receptor system in the brain, and anandamide, one of the cannabinoids naturally present in brain tissue. These cannabinoids and their receptors play an active role in controlling immune response and inflammation, as well as analgesia and the treatment of alcoholism.

Cannabinoids have also been recently patented by a group at the Department of Health and Human Services for their neuroprotective and antioxidant capabilities. Other cannabinoids and analogs show great promise in treatment of neuroinflammatory disorders, such as Multiple Sclerosis, Huntingtons disease, Parkinsons disease, Amylotropic Lateral Sclerosis, amyloid formation in Alzheimers disease, and many others. Also, cannabinoids show promise as treatments for atherosclerosis and breast cancer. JWH-018, the active ingredient in K2, is itself the subject of two US patents owned by Roche Biotechnologies, for its use as a

for the cannabinoid receptor CB2 ... It has analgesic effects in animal studies, particularly against "atypical" pain such as hyperalgesia and allodynia. **It has also shown efficacy in the treatment of amyotrophic lateral sclerosis** in animal models. (<http://en.wikipedia.org/wiki/AM-1241>)

[S]pasticity and tremor. ...occur during multiple sclerosis and are difficult to control. This has prompted some patients to find alternative medicines and to perceive benefit from cannabis use. Although this benefit has been backed up by small clinical studies, mainly with non-quantifiable outcomes the value of **cannabis use in multiple sclerosis** remains anecdotal. Here we show that cannabinoid (CB) receptor agonism using **R(+)-WIN 55,212, tetrahydrocannabinol, methanandamide and JWH-133 quantitatively ameliorated both tremor and spasticity** in diseased mice. (Nature 404, 84-87 (2 March 2000))

There is a **growing amount of evidence suggesting that cannabinoids may be neuroprotective in central nervous system inflammatory conditions**. Advances in the understanding of the physiology and pharmacology of the cannabinoid system have potentiated the interest in cannabinoids as potential therapeutic targets. Here our aim was to update the actions of cannabinoids on immune system and glial cells and their implications on **multiple sclerosis**. (Neuroimmunomodulation. 2007;14(3-4):182-7. Epub 2007 Dec 5.)[Cannabinoid system and neuroinflammation: implications for multiple sclerosis. Correa F, Docagne F, Mestre L, Loria F, Hernangómez M, Borrell J, Guaza C. Neuroimmunology Group, Functional and Systems Neurobiology Department, Instituto Cajal, Consejo Superior de Investigaciones Científicas, Madrid, Spain.]

Anandamide was the first brain metabolite shown to act as a ligand of "central" CB1 cannabinoid receptors. Here we report that the **endogenous cannabinoid potently and selectively inhibits the proliferation of human breast cancer cells in vitro**. ... We found that a **synthetic cannabinoid, HU-210** (34), as well as another endogenous ligand of cannabinoid receptors, 2-arachidonoyl-glycerol (8, 9), ... **also exhibited a potent anti-proliferative action on EFM-19 cells** (Fig. 2a), thus suggesting that this effect is

The immunomodulatory capacity of cannabinoids is now well established and suggests a **broad therapeutic potential of cannabinoids for a variety of conditions, including atherosclerosis.** New strategies based on nonpsychotropic cannabinoid receptor ligands or compounds modulating endocannabinoid synthesis or stability might solve the problem of the unwanted side effects associated with cannabinoid administration. (Curr Opin Lipidol. 2006 Oct;17(5):519-26.) [Cannabinoid receptors in atherosclerosis. Steffens S, Mach F. Div of Cardiology, Dept of Medicine, University Hospital, Foundation for Medical Research, Geneva, Switzerland.]

There is evidence that **cannabinoid-based medicines** that are selective for different targets in the cannabinoid signalling system (e.g. receptors, inactivation mechanism, enzymes) **might be beneficial in basal ganglia disorders, namely Parkinson's disease (PD) and Huntington's disease (HD).** These benefits not only include the alleviation of specific motor symptoms [e.g. choreic movements with cannabinoid receptor type 1 (CB(1))/transient receptor potential vanilloid type 1 agonists in HD; bradykinesia with CB(1) antagonists and tremor with CB(1) agonists in PD], but also the delay of disease progression due to the neuroprotective properties demonstrated for cannabinoids (e.g. CB(1) agonists reduce excitotoxicity; CB(2) agonists limit the toxicity of reactive microglia; and antioxidant cannabinoids attenuate oxidative damage) (Br J Pharmacol. 2009 Apr;156(7):1029-40. Epub 2009 Feb 13.) [Fernández-Ruiz J. Departamento de Bioquímica y Biología Molecular and Centro de Investigación Biomédica en Red sobre Enfermedades Neurodegenerativas (CIBERNED), Facultad de Medicina, Universidad Complutense, Madrid, Spain.]

[M]odulating the activity of the endocannabinoid system turned out to hold therapeutic promise in a wide range of disparate diseases and pathological conditions, ranging from mood and anxiety disorders, movement disorders such as Parkinson's and Huntington's disease, neuropathic pain, multiple sclerosis and spinal cord injury, to cancer, atherosclerosis, myocardial infarction, stroke, hypertension, glaucoma, obesity/metabolic syndrome, and osteoporosis, to name just

for the cannabinoid receptor CB2 ... It has analgesic effects in animal studies, particularly against "atypical" pain such as hyperalgesia and allodynia. **It has also shown efficacy in the treatment of amyotrophic lateral sclerosis** in animal models. (<http://en.wikipedia.org/wiki/AM-1241>)

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Testimony of Robert Bussinger for HB2411

Thank you Representative Olson and members of the committee,

There is a lot of sensationalism about kids smoking K2. However, there is not a single retailer or online site that will sell K2, or any similar product, to anyone who is not at least 18 years of age. I find this very satisfying that even in the absence of a law prohibiting the sale to minors, that retailers and internet businesses would show the social responsibility to monitor themselves. Furthermore, for a time I worked in a retail store that sold K2. The average age of our K2 customers was somewhere between 30 and 35, and there were many customer who were in their golden years. I believe that if you surveyed the opponents of HB2411, you would find few of us who would oppose legislation keeping it out of the hands of children, as is the case with tobacco and alcohol.

Law enforcement has testified that K2 is a real problem in schools. I would just like to remind everyone that many 18 year olds still attend high school. If K2 is a problem in schools, there is no reason schools cannot make policy to deal with it, just as they have policies on other legal items such as over the counter medications. Criminalizing the behavior of citizens of legal age who have graduated high school is not the solution to problems in the schools.

Law enforcement, in particular Johnson County Sheriff's Master Deputy Chris Farkes, has testified that K2 consumers "think it's harmless, but someone who uses K2 then drives a car or operates heavy machinery could put themselves and others in serious danger"
http://www.hutchinsonscountrystation.com/site/newsdisplay2.asp?sec_id=1048&news_id=17860
However, there are already laws to prosecute people who operate vehicles in an impaired state, or who cause harm while intoxicated. Criminalizing the behavior of citizens who enjoy K2 responsibly is at best an over-reaction to a situation that, to my knowledge, has yet to be documented.

Then there is the safety argument: "we must protect people from K2 because we don't know it is safe, i.e., there could be long term health effects we don't yet know about." While the sentiment seems noble on the surface, this is the most specious and hypocritical argument offered by proponents of HB2411. Kansas currently sanctions and reaps the profits from sales of many substances that are known for certain to be harmful. If the goal is to protect the health of citizens, then banning fast food, tobacco, and alcohol would seem to be the more valid targets. Yet instead, law makers are focusing on something that is potentially harmful, and potentially harmless. If the motive of protecting us from harm were sincere, the law makers would focus on the low-hanging fruit: the things that have been researched and proven harmful. Tens of thousands of packages of K2 have been sold in Kansas, if it is truly the bane of society that some law makers and some law enforcement officials posit it to be, then we should be seeing skyrocketing health problems, crime, and social chaos. But we haven't seen that.

There is, however, a potential danger of smoking K2, but that danger has yet to manifest, and will only manifest if legislation against K2 succeeds. And I believe we must protect our citizens from that harm. If K2 is made illegal, then we invite the full force of the legal system to be brought upon thousands of Kansas citizens. We sanction battering rams to be used on their

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homes. We sanction them to be bound and locked in jails where they face the risk of being beaten, raped, or murdered, or at best, influenced and tutored by the worst elements of our society. We harm their ability to pursue a lucrative career, and we embarrass their families. We deny them student loans, and in the long run harm our economy as a result. We see that the so-called "noble" sentiment of protecting our citizens is really a great evil when put into practice.

There is also detriment that befalls the State if legislation passes. The current tax revenue reaped from K2 sales will be forfeit for an obligation to underwrite the enforcement of the law. How much money is spent prosecuting someone for this victimless "crime"? How much money is spent incarcerating them or sending them to court-ordered "rehabilitation"? Perhaps most importantly, the state risks the resentment of thousands more citizens who have been drug into the war on drugs. When thousands of citizens who have caused no harm to others suddenly find themselves classified as a criminal, it undermines the respect they have for the State and law enforcement.

The average K2 customer is just that, average. They are not the dregs of society as some fanatics would have you believe. They have jobs. They pay taxes. They are often professionals. Sometimes, they are our most vulnerable citizens, the sick and dying, who are looking for relief where the paradigm of Western medicine has failed. Please explain to me why they deserve the wrath of the State.

The truth is, there is no reason why. The truth is that this legislation has nothing to do with protecting children or anyone else. The truth is that many people don't like the fact that you can get high by smoking K2. I wish the proponents of HB 2411 would just admit this. But they cannot because once you admit this, all the speciousness and hypocrisy is made transparent, and the battle then has to be fought on these grounds: Does the government have the right to mandate what adults can do with their own body in the privacy of their own homes, and, does the government have the right to mandate what mental states are allowable? As a libertarian, for me the answer is clear: as long as you do no harm to others, what you do with your own body and your own mind is your own concern. I believe the body is the boundary of freedom, and when that boundary is violated, freedom suffocates.

As there are few libertarians in office, I don't expect these moral quandaries to cause the committee much concern. But in closing, I would like to ask the committee to ponder these questions: Why would we authorize the police to use force against citizens who visit no harm upon others? Why would we put them into a cage where they are likely to be beaten, raped, or murdered? Why would we destroy their careers and harm their families? What kind of country declares a war on its own citizens? What kind of law maker supports spending billions over 30+ years with failed results? Even more important, which law makers will intensify this folly by expanding the war front to include something that has minimal demonstrable harm?

I thank the committee once again for the opportunity to voice my opinion as a citizen. May the architect of all creation bless you and guide you in your decision.