

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, March 17, 2014

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood(27), Vice Chairman Perry, Representatives Hancey, Henderson, Hixon, Malek, Morse, Romrell, Vander Woude, Rusche, Chew

**ABSENT/
EXCUSED:** Representative Vander Woude

GUESTS: Mark Johnston, BOP; Elisha Figueroa, ODP; Corinna Owsley and Matthew Garnette, ISP

Chairman Wood(27) called the meeting to order at 9:02 a.m.

MOTION: **Rep. Rusche** made a motion to approve the minutes of the March 4 and March 6, 2014, meetings. **Motion carried by voice vote.**

MOTION: **Vice Chairman Perry** made a motion to approve the minutes of the March 5, March 10, and March 11, 2014, meetings. **Motion carried by voice vote.**

MOTION: **Vice Chairman Perry** made a motion to approve the amended minutes of the February 20, 2014, meeting. **Motion carried by voice vote.**

S 1379: **Mark Johnston**, Executive Director, Board of Pharmacy, presented **S 1379**. The Board of Pharmacy is given controlled substance authority, but drugs listed in Idaho Code Schedule I rely on the Idaho State Police Laboratory for determination. Another class of synthetic designer drug marketed to mimic LSD is more dangerous than Spice and is killing Idahoans.

Corinna Owsley, Idaho State Police (ISP) Forensic Services, appeared before the Committee to further present **S 1379**. She said the group of compounds modified in this legislation are Dimethoxyphenethylamine, commonly called "Smiles," Methoxyamphetamine, and Amphetamine or Methamphetamine, sold as LSD and Ecstasy. These hallucinogens are causing the overdoses. By modifying this Schedule, Idaho can stay progressive and ahead of slight compound changes to maintain the drugs as illegal. She described the change to the street drug called "Molly" that added a single substance and bypassed Idaho Code.

Responding to questions, **Ms. Owsley** said the federal control of a substance is temporary and only up to three years. Once they are federally listed, the Board of Pharmacy has thirty days to object, or it becomes federally controlled. Some judges are not comfortable with the temporary federal control. Analog law controls any changes to a drug and covers the federal government, not Idaho. The background structure approach contains a larger group of drugs. Limitations to the federal analog language requires proof of a similar effect, which, without research studies on the new drugs, make it impossible to legally prove. This legislation limits where substitutions to the backbone structure could occur, so there are no prescription medication problems.

Answering additional questions, **Ms. Owsley** said the drugs are being made overseas with U.S. redistribution. This legislation covers three separate classes and is written similar to what is in place for Spice, which has stood up in a court of appeals. The ISP Laboratory identifies a drug in their possession and then ties it back to Idaho Code.

For the record, no one indicated their desire to testify.

MOTION: Vice Chairman Perry made a motion to send **S 1379** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Chew will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the Committee, the meeting was adjourned at 9:20 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary