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FISCAL IMPACT REPORT

ORIGINAL DATE 03/02/11

SPONSOR Lujan, B. LAST UPDATED _____ HB 606

SHORT TITLE Synthetic Drugs as Controlled Substances SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$100.0+	\$100.0+	\$200.0+	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of District Attorneys (AODA)
 Department Of Health (DOH)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 606 amends Section 30-31-6 NMSA 1978 to add the following synthetic compounds to the list of Schedule I controlled substances:

- 3,4-methylenedioxymethcathinone (Methylone)
- 3,4-methylenedioxypyrovalerone (MDPV)
- 4-methylmethcathinone (Mephedrone)
- 3-methoxymethcathinone
- 3,4-fluoromethcathinone (Flephedrone)

HB 606 includes an emergency clause and becomes law upon being signed by the Governor.

FISCAL IMPLICATIONS

The addition of five synthetic drugs to Schedule 1 of the controlled substances act will increase the number of cases investigated by the police, prosecuted by district attorney offices, defended by public defenders, number of cases handled by district courts, increase populations in jails and prisons and the number of people on probation or parole.

SIGNIFICANT ISSUES

According to the Administrative Office of the Courts (AOC), the synthetic compounds listed in HB 606 are all psychoactive substances that have been found in commercially available “bath salts,” under such names as Ivory Wave, Vanilla Sky, White Rush, and Pure Ivory. Such bath salts are used as power stimulants as alternatives to the illegal compounds of cocaine, ecstasy, and amphetamines. Ingestion of the bath salts can have serious side effects, and have been linked to several drug induced deaths.

There have been sporadic reports of participants in New Mexico drug court programs using such legal bath salts as a way to get high yet avoid sanctions from dirty drug tests.

ADMINISTRATIVE IMPLICATIONS

According to the Administrative Office of District Attorneys (AODA), HB 606 may increase the need for staff to handle additional cases at all levels of the criminal justice system.

TECHNICAL ISSUES

The Department of Health suggests correcting the following chemical formula names:

- On page 5, line 22, change “3-methoxymethcathinone” to “4-methoxymethcathinone”;
- on page 5, line 23, change “3, 4-fluoromethcathinone” to “3-fluoromethcathinone ” and
- after line 23 and before line 24 insert a line and add the words “4-fluoromathcathinone”.

OTHER SUBSTANTIVE ISSUES

Synthetic cathinones are derivatives of cathinone, which is a psychoactive substance with stimulant properties. Cathinone occurs naturally in the plant khat (*Catha edulis*) which is used as a recreational drug in parts of Africa. Synthetic cathinones are now being sold as “designer drugs”. These synthetic drugs exert effects similar to amphetamines, such as ecstasy and cocaine.

The compound methylone (3, 4- methylenedioxymethcathinone) appeared in Europe as a “street drug” in 2005 (Bossong M et. Al. Methylone and mCPP, two new drugs of abuse, *Addict Biol* 2005; 10(4):321-323). It is often named “Explosion” and produces effects similar to MDMA (the street drug Ecstasy).

Mephedrone, also known as 4-methylmethcathinone (4-MMC) or 4-methylephedrone, is a synthetic stimulant of the amphetamine and cathinone classes. Slang names include meph, drone, and MCAT. It comes in the form of tablets or a powder, which users can swallow, snort or inject, producing similar effects to MDMA, amphetamines and cocaine. A recent review of mephedrone toxicity in persons attending emergency rooms highlighted the drug's capacity to produce psychoactive and cardiovascular toxicity with symptoms including anxiety, chest pain, seizures, elevated blood pressure and heart rate, collapse, and even death. (Regan L et. al, Mephedrone toxicity in a Scottish Emergency Department, *Emerg Med J* 2010, e-published ahead of print).

Methylenedioxypropylvalerone (MDPV) is a psychoactive drug with stimulant properties in the cathinone class. Reportedly, it has been sold since around 2004 as a research chemical. It is also known as MDPK, Magic, Super Coke and PV. It has been sold as a legal drug alternative and marketed in the United States as "bath salts" under such names as Cloud 9, Ivory Wave, Ocean, Charge Plus, White Lightning, Scarface, Hurricane Charlie, Red Dove and White Dove. The U.S. Poison Control Centers recently published an alert regarding these substances highlighting a rise in calls to U.S. poison centers. Reported symptoms included increased blood pressure, increased heart rate, agitation, hallucinations, and extreme paranoia and delusions. ("U.S. Poison Centers Raise Alarm About Toxic Substance Marketed as Bath Salts" Dec 2010, <http://www.aapcc.org/dnn/Portals/0/prrel/bathsalts-final.pdf>).

Methedrone (4-methoxymethcathinone) is an additional synthetic stimulant drug in the amphetamine and cathinone classes which also produces effects similar to Ecstasy. Reports suggest that it has been associated with hyperthermia, and two fatal intoxications were reported in 2010 (Wikstrom M et al., Two fatal intoxications with the new designer drug methedrone (4-methoxymethcathinone) *J Anal Toxicol* 2010; 34(9):594-598.).

Flephedrone, also known as 4-fluoromethcathinone (4-FMC), is a stimulant drug of the amphetamine and cathinone chemical classes. Flephedrone started to be sold as a designer drug in 2008, along with its structural isomer 3-fluoromethcathinone (3-FMC) (Archer RP, Fluoromethcathinone, a new substance of abuse, *Forensic Sci Int* 2009; 185:10-20). Little clinical data on the effects of fluorocathinones are available, but its chemical similarity to other compounds in the substituted cathinone class would predict that it has similar clinical effects.

On Jan. 6, 2011, Louisiana Gov. Bobby Jindal announced he was classifying the substances as Schedule I drugs in Louisiana, meaning selling, buying, or possessing the substances would incur the same legal penalties as someone selling, buying, or possessing heroin. Since then, the state of Florida has followed suit, issuing an emergency order criminalizing possession of the substances. ("U.S. Poison Centers Raise Alarm About Toxic Substance Marketed as Bath Salts: States begin taking Action" <http://www.aapcc.org/dnn/Portals/0/prrel/FEB14BATHSALTSUSE.pdf>).

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/svb