



Idaho State Police

Service Since 1939



Colonel G. Jerry Russell
Director

C.L. "Butch" Otter
Governor

September 18, 2012

Prosecuting and Defense Attorneys, Sheriffs and other Law Enforcement

RE: New Controlled Substances Legislation in Idaho

There have been several changes to controlled substance legislation in Idaho that may or may not be reflected in written Idaho code. There have been changes from three different sources in recent months, and there is one proposed change pending. Idaho State Police Forensic Services (ISPFS), the Idaho Board of Pharmacy, and the Idaho Office of Drug Policy want to update you on these changes.

First, a change to Idaho code was made when the United States Congress passed [Senate Bill 3187: Food and Drug Administration Safety and Innovation Act](#). President Obama signed the Federal legislation on July 9, 2012. By Idaho law, and because the Idaho Board of Pharmacy had no objection, these changes became effective in Idaho on August 9, 2012. These changes will not show in written Idaho code until after the next legislative session when the Board of Pharmacy formalizes the code wording during their annual update. This Federal legislation is mostly playing catch up to Idaho code for emerging synthetic drugs. There is one notable addition to Idaho code from this Federal legislation. The law specifically controls eleven new compounds, nine of which are from the so called "2C family." These compounds include 2C-E, 2C-D, 2C-C, 2C-I, 2C-T-2, 2C-T-4, 2C-H, 2C-N, and 2C-P. In the past few years ISPFS has only seen one of these compounds, 2C-E, twice. The two other compounds controlled by this legislation, mephedrone and MDPV, were already controlled in Idaho. ISPFS is able to get standards for all of the new compounds to confirm their presence. ISPFS is ready to perform the controlled substance analysis in support of this new legislation.

Second, the Idaho Board of Pharmacy, in conjunction with ISPFS, continues to adapt Idaho law to cover emerging synthetic drugs. On September 4, 2012, Governor Otter signed revisions approved by the Idaho Board of Pharmacy on August 22, 2012. The changes are part of a temporary administrative rule change that the Board of Pharmacy will incorporate into proposed Idaho code changes for the 2013 legislative session. The IDAPA rule has an effective date of August 22, 2012. The rule will be published in the Idaho Administrative Rule Bulletin on October 3, 2012. This rule scheduled several emerging compound classes, including UR-144 and XLR-11. ISPFS has seen a number of these drugs recently and is working diligently to get standards for these substances as we see them come into the laboratory. ISPFS is ready to perform the controlled substance analysis in support of this new administrative rule. The following paragraph details the IDAPA rule approved by the Idaho Board of Pharmacy:

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EQUAL OPPORTUNITY EMPLOYER

IDAPA 27
TITLE 01
CHAPTER 01

27.01.01. - RULES OF THE IDAHO STATE BOARD OF PHARMACY

210. CONTROLLED SUBSTANCES – SCHEDULE I.

Unless specifically excepted or unless listed in another schedule, the following substances, their derivatives, salts, isomers, and salts of isomers with similar chemical structure shall be listed in Schedule I, under Article II, Title 37, Chapter 27, Idaho Code. (8-22-12)T

01. Tetrahydrocannabinols. Tetrahydrocannabinols or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structures; and (8-22-12)T

02. Structural Compounds. Any compound structurally derived from 3-(1-cycloalkyl, cycloalkenyl, aryl-oyl)indole or 1H-indol-3-yl-(1-cycloalkyl, cycloalkenyl, aryl)methane by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted to any extent in or on the cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the ring may include, but are not limited to heteroatoms such as nitrogen, sulfur, and oxygen). (8-22-12)T

2101. -- 219. (RESERVED)

The changes will effectively make the Idaho statute look like (strike and underline text for emphasis):

37-2705-(d) 31.ii.

- a. Any compound structurally derived from 3-(1-~~naphth~~cycloalkyl, cycloalkenyl, aryl-oyl)indole or 1H-indol-3-yl-(1-~~naphthyl~~cycloalkyl, cycloalkenyl, aryl)methane by substitution at the nitrogen atom of the indole ring to any extent, whether or not further substituted in the indole ring to any extent, whether or not substituted to any extent in or on the naphthyl cycloalkyl, cycloalkenyl, aryl ring(s) to any extent (substitution in the ring may include, but are not limited to heteroatoms such as nitrogen, sulfur, and oxygen).

Third, the 2012 Idaho legislature approved several changes to Idaho code. These code changes have been updated on the Idaho code website, and the changed language may be viewed in the [HB 502 \(engrossment 1\) bill language](#). Changes to the 2012 Idaho code broaden the chemical definitions to include several classes of new and emerging synthetic drugs. ISPFS is working diligently to get standards for these substances as we see them come into the laboratory. ISPFS is also ready to perform the controlled substance analysis in support of this new law.

Finally, the Federal Drug Administration (FDA) is set to review the scheduling of hydrocodone, possibly removing the schedule (CIII) allowed dosages and listing hydrocodone only under schedule (CII). If the FDA makes this change, illicit possession of hydrocodone in any form would become a felony. ISPFS will update law enforcement and prosecutors as more information is provided by the FDA. .



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