



## **Arkansas Department of Health**

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4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000  
Governor Mike Beebe

Paul K. Halverson, DrPH, FACHE, Director and State Health Officer

**SPECIAL MEETING**  
**OF THE**  
**ARKANSAS STATE BOARD OF HEALTH**

**JULY 2, 2010**

**9:00 A.M.**

**SPECIAL MEETING  
STATE BOARD OF HEALTH**

**July 2, 2010 - 9:00 a.m.**

- I. Call to Order**
- II. New Business**
  - 1. Proposed emergency rule pertaining to synthetic marijuana products marketed under names, such as K2, Spice, Genie, Blaze, Red X Dawn and Zohia, commonly containing the substances JWH-018 and JWH-073.---Paul Halverson, Director, State Health Officer
- III. Other Business**
- IV. President's Report**
- V. Director's Report**

**MOTION OF THE ARKANSAS STATE BOARD OF HEALTH**

I move that the Board find that imminent peril will result to the public health, safety, or welfare without the immediate adoption of the rule pertaining to the sale and distribution of synthetic marijuana products in Arkansas.

Specifically, the Board finds that synthetic marijuana products are currently being sold as "not being for human consumption", but all indications are that they are being consumed by children and others despite the fact that these products have not been approved by the FDA.

Furthermore, these products contain extreme potency variations and contain mixtures of various chemical compounds in variable doses; the specific biological effects and interactions are largely unknown.

The Board should regulate these products as a proper control of chemical exposures that may result in adverse health effects to the public as authorized by Ark. Code Ann. § 20-7-109(a)(1).

I further move that the Department invite public comment and initiate the rule-making process to adopt the rule on a non-emergency basis.

**RULES PERTAINING TO  
SYNTHETIC MARIJUANA PRODUCTS**

SECTION I.	AUTHORITY .....	1
SECTION II.	PURPOSE.....	1
SECTION III.	DEFINITIONS .....	1
SECTION IV.	GENERAL REQUIREMENTS.....	2
SECTION V.	VIOLATIONS AND PENALTIES .....	2
SECTION VI.	EFFECTIVE DATE.....	2
SECTION VII.	SEVERABILITY.....	2
SECTION VIII.	REPEAL.....	2
SECTION IX.	EMERGENCY CLAUSE.....	2

**SECTION I. AUTHORITY**

The following Rules Pertaining to Synthetic Marijuana Products are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas, specifically Ark. Code Ann. § 20-7-109.

**SECTION II. PURPOSE**

Synthetic marijuana products marketed under names such as K2, Spice, Genie, Blaze, Red X Dawn and Zohia commonly contain the substances JWH-018 and JWH-073. These substances are believed to be manufactured in China and were invented to study the effects of cannabinoids on the brains of mice. They have not been tested or approved for use by humans in the United States, and the Drug Enforcement Administration has listed these substances as "drugs and chemicals of concern." The purpose of this rule is to prohibit the sale and distribution of synthetic marijuana products in Arkansas.

**SECTION III. DEFINITIONS**

A. "Synthetic marijuana products" means a synthetic equivalent of the substance contained in the Cannabis plant, or in the resinous extractives of the genus Cannabis, or a synthetic substance, derivative, or its isomers with similar chemical structure or pharmacological activity such as the following:

1. 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names: JWH-018;
2. 1-Butyl-3-(1-naphthoyl) indole; some trade or other names: JWH-073.

B. "Distributor" means any person offering for sale, exchange, or barter any synthetic marijuana products destined for sale in Arkansas;

C. "Participate in the synthetic marijuana products market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of any synthetic marijuana product.

- D. "Person" means an individual, partnership, corporation, or association;  
E. "Retailer" means any person offering for sale synthetic marijuana products to individual consumers.

#### **SECTION IV. GENERAL REQUIREMENTS**

- A. It shall be unlawful for any person, retailer or distributor to participate in the synthetic marijuana products market.  
B. Any product found to contain a synthetic marijuana product shall not be distributed, sold, or moved until the Department allows such activity.

#### **SECTION V. VIOLATIONS AND PENALTIES**

- A. Every firm, person, or corporation violating any of the provisions of this rule shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both. Each day of violation shall constitute a separate offense.  
B. Every firm, person, or corporation who violates this rule may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

#### **SECTION VI. EFFECTIVE DATE**

The effective date of these Rules shall be \_\_\_\_\_, 2010.

#### **SECTION VII. SEVERABILITY**

If any provision of these Rules, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

#### **SECTION VIII. REPEAL**

All Rules and parts of the Rules in conflict herewith are hereby repealed.

#### **SECTION IX. EMERGENCY CLAUSE**

In accordance with Ark. Code Ann. § 25-15-204(b), the Arkansas State Board of Health finds that imminent peril to public health, safety, or welfare requires adoption of the following rule upon fewer than twenty (20) days' notice. It is found and determined by the State Board of Health; that these synthetic marijuana products are "marketed" as not being for human consumption, but all indications are that they are being used despite the fact that the FDA has not approved their use; that Arkansas's Poison Control Center has received twenty-six reports from hospitals and/or physicians of patients presenting with symptoms consistent with the use of these synthetic marijuana products and nineteen admitted using them; that these synthetic marijuana products contain extreme potency variations due to no quality or quantitative controls; that these synthetic marijuana products contain mixtures of various chemical compounds in variable doses, the specific biological effects and interactions among these chemical compounds are largely unknown; that it is undeniable that persons using these synthetic marijuana products are

operating vehicles, recreational vehicles, and heavy equipment; that, according to media reports, Poison Centers nationwide have reported 352 cases in 35 states where patients often have a rapid heart rate, dangerously high blood pressure and sometimes hallucinations or paranoia; that Kansas, Kentucky and Alabama have banned these substances; and that Legislatures in Georgia, Missouri and Tennessee have passed bans that will take effect unless vetoed by their governors. Therefore, an emergency is hereby declared to exist and this Rule being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July \_\_, 2010.

**CERTIFICATION**

This is to certify that the foregoing Rules Pertaining to Synthetic Marijuana Products were adopted by the Arkansas State Board of Health at a special session of said Board held in Little Rock, Arkansas on the 2<sup>nd</sup> day of July, 2010.

\_\_\_\_\_  
Paul Halverson, DrPH  
Secretary  
Arkansas State Board of Health

The foregoing Rules, copy having been filed in my office, are hereby approved on this \_\_\_\_ day of \_\_\_\_, 2010.

\_\_\_\_\_  
Mike Beebe  
Governor

**Nancy Cox**

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**From:** Rick Hogan  
**Sent:** Thursday, July 01, 2010 10:49 AM  
**To:** Rick Hogan; Paul Halverson, DrPH; 'Alan Fortenberry'; 'George Harper (harper4188@comcast.net)'; Commissioner Susan Ward-Jones; 'mbringgold@cajunswarf.com'; 'mbr@cajunswarf.com'; 'mchilds@iocc.com'; 'LFBraden@practice-puls.com'; 'ljmeyersdsc@comcast.net'; 'SCCFFF@GMAIL.com'; 'drlarryf@swbell.net'; 'anh@nawpath.com'; Thomas Jones (ADH); 'woundcare@healthpark.com'; 'jlambert@conwayregional.org'; Lynda Lehing; 'mleibovich@uams.edu'; 'johnrpat@aol.com'; 'ThompsonJosephW@uams.edu'; 'lbclongley@sbcglobal.net'; 'pjwalker1@suddenlink.net'; 'drweye@swbell.net'; 'drweye@swbell.net'; 'podd00@sbcglobal.net'; 'Yamauchiterry@uams.edu'; 'lagalyhbdo@yahoo.com'; 'fweye@fweye.com'; 'gebso9@hotmail.com'; 'LFBraden@practice-plus.com'; 'anh@nwapath.com'; 'alexrejistre@att.net'  
**Cc:** Robert Brech; Reginald Rogers; Nate Smith, M.D.; Joe Bates, MD; Jeffery Moran, PhD; Jerry Jones (ADH); Glen Baker, MD; Nancy Cox; Mary Leath; Billie Staley; Ann Wright; Tim Gauger; 'mvaden@marcusvaden.com'; 'mhayes@arml.org'; Ed Barham; 'djohnson@arcsf.org'; 'johnsond@arkleg.state.ar.us'; 'housej@arkleg.state.ar.us'  
**Subject:** RE: Revised Proposed Rule and documents concerning Special Meeting of the Arkansas State Board of Health  
**Attachments:** synthetic\_marijuana\_draft\_sans emergency clause 2010.rtf; synthetic\_marijuana\_draft\_2010.rtf; Health Advisory 3 12 10 (2).doc; Talking Points for K-2.doc; K-2 News Release FINAL.DOC

Dear Board Members:

In addition to the Emergency Rule which you will be asked to consider tomorrow, I am also attaching the Proposed Rule to consider the initiation of the rulemaking process sans emergency provision and effective date. The Emergency Rule would otherwise expire on or about October 29 or 120 days after adoption. Thank you for your consideration.

Rick D. Hogan, J.D., MPH  
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Arkansas Department of Health  
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**From:** Rick Hogan  
**Sent:** Monday, June 28, 2010 7:07 PM  
**To:** Rick Hogan; Paul Halverson, DrPH; 'Alan Fortenberry'; 'George Harper (harper4188@comcast.net)'; Commissioner Susan Ward-Jones; 'mbringgold@cajunswarf.com'; 'mbr@cajunswarf.com'; 'mchilds@iocc.com'; 'LFBraden@practice-puls.com'; 'ljmeyersdsc@comcast.net'; 'SCCFFF@GMAIL.com'; 'drlarryf@swbell.net'; 'anh@nawpath.com'; Thomas Jones (ADH); 'woundcare@healthpark.com'; 'jlambert@conwayregional.org'; Lynda Lehing; 'mleibovich@uams.edu'; 'johnrpat@aol.com'; 'ThompsonJosephW@uams.edu'; 'lbclongley@sbcglobal.net'; 'pjwalker1@suddenlink.net'; 'drweye@swbell.net'; 'drweye@swbell.net'; 'podd00@sbcglobal.net'; 'Yamauchiterry@uams.edu'; 'lagalyhbdo@yahoo.com'  
**Cc:** Robert Brech; Reginald Rogers; Nate Smith, M.D.; Joe Bates, MD; Jeffery Moran, PhD; Jerry Jones (ADH); Glen

**RULES AND REGULATIONS PERTAINING TO  
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SECTION V. VIOLATIONS AND PENALTIES ..... 2  
SECTION VI. EFFECTIVE DATE ..... 2  
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**SECTION VI. EFFECTIVE DATE**

The effective date of these Rules and Regulations shall be \_\_\_\_\_, 2010.

**SECTION VII. SEVERABILITY**

If any provision of these Rules, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

**SECTION VIII. REPEAL**

All Rules and parts of the Rules in conflict herewith are hereby repealed.

**CERTIFICATION**

This is to certify that the foregoing Rules Pertaining to Synthetic Marijuana Products were adopted by the Arkansas State Board of Health at a regular session of said Board held in Little Rock, Arkansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Paul Halverson, DrPH  
Secretary  
Arkansas State Board of Health

The foregoing Rules, copy having been filed in my office, are hereby approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mike Beebe  
Governor

DRAFT

**This is an Official**

**ARKANSAS DEPARTMENT OF HEALTH ADVISORY**

March \_\_\_\_, 2010

**SUBJECT: K2 Synthetic Marijuana Use in Arkansas**

**Health care providers should be aware of serious signs and symptoms reported among some users of “K2” synthetic marijuana product, which is legal and readily obtainable in Arkansas. Providers should note that use of this substance, alone or in combination with other substances, may cause symptoms including anxiety coupled with agitation, tachycardia, elevated blood pressure, pallor, vomiting, tremors, hallucinations, and possibly seizures.**

“K2” – also known as “K2 Spice”, “Spice”, “K2 Summit”, “Genie”, “Zohai” and various other names – is an unregulated mixture of dried herbs that are sprayed with a synthetic cannabinoid-like substance (likely a compound designated “JWH018”) and is sold as incense. The product is typically burned and the smoke is inhaled for effect.

“K2” is currently legal in Arkansas, and it is available for purchase from retailers in many parts of the state. The product is also widely available on the Internet.

Since early February 2010, other states’ Poison Control Centers have received questions from numerous emergency department (ED) physicians regarding management of patients who had adverse reactions after smoking “K2.”

Signs and symptoms that have been reported in other states include:

- tachycardia (in the range of 110 to 150 beats per minute),
- elevated blood pressure (in the 140-160/100-110 range),
- anxiety,
- pallor,
- numbness and tingling,
- vomiting,
- agitation (which can be severe and require sedation),
- hallucinations (which can be intense),
- and, in some cases, tremors and seizures

Currently, the Arkansas Department of Health is recommending the following:

- Ask about “K2” use in patients presenting for care with compatible symptoms (anxiety coupled with agitation, tachycardia, elevated blood pressure, pallor, vomiting, tremors, hallucinations, and possibly seizures).

- Be aware that JWH018 does NOT cross-react with delta-9-tetrahydrocannabinol (THC) on the standard urine immunoassay (UDS) tests that EDs or reference laboratories use for comprehensive drug screens.

- Please report to the Poison Control Center at **1-800-376-4766** any patients with compatible signs or symptoms and suspected K2 use.

### **Possible Strategies to Deal with K2**

1. The substances could be banned utilizing Ark. Code Ann. § 20-7-109(a)(1)(E). This section of the code confers power upon the Board to make all necessary and reasonable rules of a general nature for the proper control of chemical exposures that may result in adverse health effects to the public. This would take at least 90 days after the Board approves implementing the administrative rule-making process.
2. The substances could be banned Ark. Code Ann. § 20-7-109(a)(1)(E) utilizing the emergency rule-making process. If approved by the Board, the rule would go into effect upon passing and would be good for up to 120 days. During the 120 day period, the ordinary rule-making process could be implemented.
3. Following the expected changes to the Schedule VI criteria in the upcoming session, the Board could schedule the substances as Schedule VI substances.

### **Emergency Meeting Rationale**

- Although the product it is "marketed" as not being for human consumption, all indications are that it is being used despite the fact that the FDA has not approved it.
- Arkansas's Poison Control Center has received 26 reports from hospitals and/or physicians of patients presenting with symptoms and 19 admitted using K2.
- It is unknown how many Arkansans have used the substance; however, several cities and counties have passed local ordinances regulating the product.
- Since there has been no available drug screening, this substance has been used by probationers, paroles and those under the jurisdiction of the drug courts to avoid drug use detection. It has also been used by those persons subject to drug screenings for a variety of reasons, such as for employment purposes.
- The products contain extreme potency variations due to no quality or quantitative controls.
- The products contain mixtures of various chemical compounds in variable doses. The specific biological effects and interactions among these chemical compounds are largely unknown.
- The synthetic chemicals in K2 may vary widely in content and in some instances the potency may be four to five times stronger than THC.
- It is undeniable that persons using K2 are operating vehicles, recreational vehicles, and heavy equipment.
- There is a reported suicide in Iowa linked to the use of K2.
- According to media reports, Poison Centers nationwide have reported 352 cases in 35 states. Patients often have a rapid heart rate, dangerously high blood pressure and sometimes hallucinations or paranoia.
- Kansas banned the drug March 10. Kentucky followed April 13. Alabama's ban takes effect July 1. Legislatures in Georgia, Missouri and Tennessee have passed bans that will take effect unless vetoed by their governors. Illinois, Louisiana, Michigan, New Jersey and New York are considering bills to outlaw the drug.