



Idaho State Police

Service since 1939



Colonel G. Jerry Russell
Director

C.L. "Butch" Otter
Governor

March 10, 2011

Idaho Chief, Sheriff, or Prosecuting Attorney

RE: Idaho "Spice" and "Bath Salts" Legislation

Today Governor Otter signed Idaho HB119 and HB139 to control "Spice" and "Bath Salts." Classifying these substances in Schedule 1 allows for immediate enforcement and prosecution. Idaho State Police Forensic Services helped draft the legislation in a way that would cover classes of chemicals, rather than just named products or chemicals. ISP Forensic Services worked with representatives of the Idaho Office of Drug Policy, the Idaho Board of Pharmacy, the Idaho Prosecuting Attorney's Association, and the Idaho Sheriff's Association in order to obtain essential language for enforcement, analysis, and prosecution action.

ISP Forensic Services realizes there are additional difficulties in this area of drug enforcement. First, there are no presumptive field tests for these substances or drugs. Even in the laboratory, there are no presumptive laboratory tests for these substances; instead their presence must be confirmed by using complex scientific instrumentation. Another difficulty these products present is they may not be visually distinguishable from legal products. In several cases a retailer has produced a "certificate of analysis" from a private laboratory to verify that there is nothing illegal in these types of products. On the contrary, the ISP Forensic Services laboratory has confirmed controlled substances in many of these products. Furthermore, the ISP Forensic Services laboratory does not issue any such certificates of analysis to any manufacturers, distributors, or retailers.

ISP Forensic Services has been testing for emergency scheduled "Spice" products since September, 2010. Analytical methods are now in place and laboratory standards have been purchased to allow for the testing of the new chemicals added by the Governor today. ISP Forensic Services is equipped to test for these new chemicals in all three regional laboratories. Cases involving the testing of the new substances will be processed the same as any other controlled substance case. ISP Forensic Services turnaround time for testing controlled substances is less than 30 days in all three regional laboratories. While ISP Forensic Services expects an initial spike in the number of analyses sought for these new substances, the goal of the agency is to maintain a quick turnaround time on all controlled substance cases.

ISP Forensic Services is available to answer questions from prosecutors and law enforcement regarding these chemicals and their analysis. A newsletter is planned for release this month regarding frequently asked questions about these substances and the testing process. ISP Forensic Services also plans to initiate an educational program on the new approach in controlling these chemicals. ISP Forensic Services has prepared graphics to explain this approach and the chemical analysis to law enforcement officers and officers of the court.

ISP Forensic Services endeavors to be a valuable partner in getting these products off the streets and store shelves. The primary contact for questions on the chemistry or chemical analysis of these substances is Controlled Substance Discipline Leader Mr. David Sincerbeaux. Mr. Sincerbeaux can be reached at dave.sincerbeaux@isp.idaho.gov or at 208-209-8703.

Questions regarding this communication may be addressed kedrick.wills@isp.idaho.gov, or by calling me directly at 208-884-7207.

Sincerely,

Kedrick R. Wills, Major
Police Services Commander

P.O. Box 700, Meridian, Idaho 83680-0700 • (208)884-7000 • Fax (208)884-7090

EQUAL OPPORTUNITY EMPLOYER