



The Washington Report

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Synthetic Abuse and Labeling of Toxic Substances Act

On August 30, 2013, NAPO pledged its support for the Synthetic Abuse and Labeling Toxic Substances (SALTS) Act.

The SALTS Act was introduced by Senators Klobuchar (D-MN), Graham (R-SC), and Feinstein (D-CA) to address the growing problems associated with synthetic drugs. There have been reports from states around the country of people acting violently while under the influence of these drugs, leading to deaths or injuries to themselves and others. While taking these drugs, people can experience elevated heart rates and blood pressure, hallucinations, seizures, and extreme agitation.

Last year, legislation was enacted to schedule synthetic marijuana, bath salts, and other synthetic drugs as controlled substances, but expert chemists are able to slightly alter the chemical make-up of those synthetic drugs to skirt the law. To address this, current law provides the DEA with a mechanism to prosecute sale and distribution of drugs that are “analogues”—substantially similar—to controlled substances. However, the law specifically says that an analogue drug does not include any substance “not intended for human consumption.” This poses a problem for prosecuting offenders because synthetic drugs are not marketed for human consumption and often explicitly state on them “not intended for human consumption.” Yet, manufacturers, distributors, sellers and abusers of these substances all know exactly what to do with them – ingest them or snort them to get a dangerous and unpredictable high.

The SALTS Act amends the Controlled Substances Act to require consideration of a number of factors when determining whether a controlled substance analogue was intended for human consumption:

1. The marketing, advertising, and labeling of the substance;
2. The known efficacy or usefulness of the substance for the marketed, advertised, or labeled purchase;
3. The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold;
4. The diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance;
5. Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

The bill also provides that evidence that a substance was not marketed, advertised, or labeled for human consumption, by itself, shall not be sufficient to establish that the substance was not intended for human consumption.

If you have any questions about this legislation, please contact Melissa Nee at: mnee@napo.org.

Source:

United States. Cong. Senate. Subcommittee on Antitrust, Competition Policy and Consumers Rights. *SALTS Act Summary*. 113th Cong. S. Bill. Print.

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