

PS COMMITTEE #2
December 7, 2015

MEMORANDUM

December 3, 2015

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: Discussion: Vaping and E-Cigarettes

Today, the Public Safety (PS) Committee will discuss the use of e-cigarettes and vaporizers to ingest illegal drugs. Those expected to attend include:

Chief Thomas Manger, Montgomery County Police Department (MCPD)
Assistant Chief Darryl McSwain, MCPD
Captain Tom Didone, MCPD

OVERVIEW

An e-cigarette is a battery-powered vaporizer that allows users to inhale vapor. Originally developed as a safer alternative to smoking, e-cigarettes delivered nicotine without many of the other harmful ingredients found in tobacco smoke. This delivery method quickly became a popular way to inhale different types of illegal drugs, including marijuana.

This year, the County Council passed Bill 14-56, which expands certain smoking prohibitions to include vaping. The law went into effect in June. It also prohibits the possession of vaping products by minors, and restricts store displays so that only sellers can access the products. Vaping products must be sold in child-resistant packaging.

Vape pens, a type of e-cigarette, are often used to ingest illegal drugs. The vape pens have very limited odor, and can be stored quickly in a pocket. This makes detection of illegal use more difficult for law enforcement (see © 1).

One concern about the use of vape pens and illegal drugs is their use while driving. Users can be both cognitively and physically impaired. MCPD advises that the national drugged driving rate is about 17% of drivers (see © 2). In 2015, MCPD has conducted about 80 evaluations on drug-impaired drivers. Twenty-five percent were found to be impaired by cannabis or another drug combined with cannabis.

DISCUSSION ISSUES

1. The Committee may wish to ask how a police officer can make a determination that an individual is impaired by drugs used in a vape pen. Is the investigation limited to behavior/erratic driving only, since there is no smell? What impact does the legality of vape pens and related paraphernalia have on making a determination that someone is impaired?
2. What types of illegal drugs are being used in vape pens in this area?
3. Is there any concern about distracted driving, regardless of what substance is being ingested, with the use of vape pens while driving?

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VAPING & E-CIGS

- Now being used to ingest drugs, primarily marijuana concentrates and synthetic cannabinoids.
- Vape pens emit limited odors, making it more discrete, easy to do in public. Difficult for law enforcement to detect.
 - *Laws are beginning to prohibit these pens in certain public places.*
- Still used considerably when driving. Currently no restrictions.
- Persons smoking concentrates (dabs) tend to get very high, very quickly. Users are cognitively and physically impaired.



ENFORCEMENT

- National drugged driving rate average = 17% of drivers.
 - YTD 2015, MCP has conducted approximately 80 evaluations on drug impaired drivers. 25% were found to be impaired by Cannabis or another drug combined with Cannabis.
- MCP has begun enforcement checks of vape pen sales to minors. Current compliance rate for NOT selling is 20%.

Vaping: The latest scourge in drug abuse

THE LEAD
WITH JAKE TAPPER

By Sara Ganim and Scott Zamost, CNN

🕒 Updated 11:22 AM ET, Sat September 5, 2015 | Video Source:

CNN

Story highlights

People are using vaporizer pens to discreetly get high

One town put a 6-month moratorium on new vape stores

popping up more frequently in drug busts, and the steady rise of abuse is alarming communities across the country.

E-cigarettes, or vape pens, have been around for more than a decade but have boomed in popularity recently because of marketing to nicotine users looking for a safer alternative to smoking cigarettes. Also fueling the trend is the accessibility of oil concentrates. A vape pen creates an inhalable vapor with a small inner coil that slowly heats, creating a vapor that is inhaled.

Water-soluble synthetics are easily converted into liquid concentrate that can go into the device cartridges and be vaped just like nicotine and other legal substances. It makes it nearly impossible to tell what is inside someone's vape. It could be nicotine, marijuana concentrate, or fruit-flavored, nicotine-free "e-liquid," popular among kids. Or worst of all, it could be a deadly concoction of chemicals, often a product of China, known as synthetic drugs.

"It's the concealment method; we don't know what is in a vape pen until we actually have it tested by a forensic laboratory," said Supervisory Special Agent John Scherbenske of the U.S. Drug Enforcement Administration.

Summer surge of synthetic marijuana causes overdoses, crime

Vaping in the ER

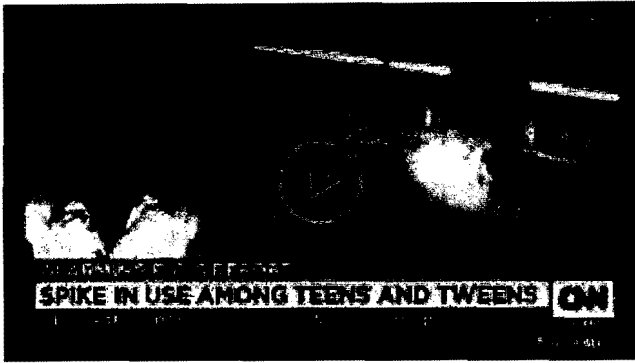
Just a few weeks ago in Deerfield Beach, Florida, Lt. Ozzy Tianga of the Broward Sheriff's Office arrested a man high getting on "flakka" with a vaporizer pen. Flakka is a deadly and cheap synthetic drug also known as "\$5 insanity," and it's causing huge problems for law enforcement.

Days later, a man who'd been high on flakka was discharged from Fort Lauderdale's Holy Cross Hospital, only to go into the bathroom, vape more drugs and overdose again, said Dr. John Cunha, an emergency room physician there.

"I have had patients in my practice in the emergency room that I have walked in on that are actually vaping at the bedside," Cunha said. "...Someone could be sitting in their room in the emergency room and they could be vaping in between being seen by medical professionals, and we would have no idea what they are taking."

The scariest part is the rate at which it's trending.

③



Related Video: E-cigarette, hookah use triples among teens in one year 02:59

Spending an afternoon in Deerfield Beach with Tianga, driving down a few miles of the main drag, Federal Highway, we passed at least a half-dozen vape shops and most of them still had temporary signs -- an indication they were brand new.

"Every time I drive, I see another store," Tianga said.

There are currently no federal minimum age or youth restrictions for e-cigarettes, according to the DEA, although most states and cities have passed laws banning the sale to minors.

One small town in upstate New York, Victor, even put a six-month moratorium on any new vaporizer stores after community outcry over the difference in federal laws regulating vape pens in comparison to cigarettes.

But the discretion of the device is the most common complaint among law enforcement, city officials, parents, teachers, and medical personnel.

Tianga said he often encounters people with vape pens, and he's left to wonder what's inside them, or what the user might be high on.

"These individuals can smoke it right in front of you. And many of times these vapes have no scent, or because they are a chemical substance the scent can be changed. It could be a fruit smell. It could be no smell at all," Tianga said. "An e-cigarette is not your traditional drug paraphernalia. So it's much more difficult for a law enforcement officer to establish probable cause to determine this is actually a device intended for the consumption of narcotics."

Deadly high: How synthetic drugs are killing kids

Hard to know who's vaping drugs

It only takes a quick search to find examples on social media of students bragging about getting high in class, in their bedrooms, discreetly with the help of vapes.

"Look on Instagram," said Barbara Carreno, spokeswoman for the DEA national headquarters in Washington. "You'll see many thousands of posts by young people, snickering about smoking it in class."

Gone are the days of getting caught smoking pot in school because you smelled like a skunk.

Among the most popular vaped synthetics, Scherbenske said, are the so-called "legal weeds" -- K2 and Spice, synthetic drugs that mimic other drugs in many ways, but can have severe side-effects, too.

"They sit in the back of the room, and they think it's funny," Tianga said. "They are vaping, and what they are vaping -- again -- I cannot determine. From the smell I cannot determine. I actually have to get the pen out of their hand and there is very few field test kits that will tell you exactly what they are vaping."

Tianga now travels around Broward County educating teachers, parents, residents, doctors and emergency response personnel about the dangers.

At a Deerfield Beach community forum, Tianga gave a chilling presentation that got audible reactions. Thirty-three people have died so far this year in Broward County from synthetic drug overdoses, with two more suspected deaths under investigation.

The mayor of Victor, the upstate New York town that temporarily banned them, said many of the concerns were about the number of teens using the devices.

"It's kind of like the Wild West of vaping," Mayor Jason Ashton said. "There was no zoning or code laws in place to prevent or to say where that kind of store could go," "When the outcry started and I was getting phone calls daily, one idea floated out was the put a hold on it. Find out what we can and can't do. What this product really is. Does the outcry really demand this attention? It gives us time to mitigate the problem and do research. We've found that science hasn't kept up with the trend."

'The future of pot'

It's a frightening combination -- both synthetics and vaporizers' gaining popularity -- each presenting new challenges to law enforcement used to dealing with the set rules of traditional drugs.

Rising usage of synthetics are being blamed for major spikes in murders in Washington, D.C.

But vape shop owners, several who tell us they never sell to anyone under 18, say the devices are helping people, not hurting them.

Carly Cromer, who manages Save on Vape in Deerfield Beach, said the goal isn't to attract people to *start* using nicotine.

"As an industry, it's to get people to quit smoking," Cromer said, noting that it's unfair to label the industry based on people who are abusing a product.

In Denver, where marijuana is legal, vape pen manufacturers say the ability to regulate intake with a concentrate inside a vape pen is essential for users who want to have more control over what they smoke.

Steve Berg, chief financial officer of O.Pen Vape, calls it "the future of pot."

The trend is too new for there to be data to crunch, to back up what police officers and emergency room doctors are seeing.

CNN Investigations

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Jim Hall, a drug abuse epidemiologist at Nova Southeastern University, said there are methods of tracking almost every other type of ingestion, from smoking to shooting, to oral consumption.

"But not vaping," he said.

That's going to start changing, because it's trending upward, Hall said.

"We know that synthetics are being vaped. We know that kids are using synthetics," he said.

Some findings from studies touching on the subject are disturbing.

The Centers for Disease Control and Prevention said in April that e-cigarette usage among middle- and high-schoolers tripled between 2013 and 2014. Usage among high-schoolers was 13.4% last year.

Most telling, Hall said, is that some kids had never smoked before. They are new users.

Cunha predicts that by the time the research catches up, the problem will be too big to control.

12/3/2015

Vaping: The latest scourge in drug abuse - CNN.com

"I think that these devices do have a role in helping people get off of actual cigarettes and that they may be proven safer in that case, but in the hands of teenagers and drug abusers, they are definitely a very dangerous thing to have," he said.

CNN's Patricia DiCarlo and Glen Dacy contributed to this report.

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Health

New designer drugs hit S. Florida streets



By Nicole Brochu · Contact Reporter
Sun Sentinel

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Beware local marijuana grow houses. They may be cooking up something explosive, area drug experts say.

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OCTOBER 13, 2014, 5:00 PM

Two new designer drugs have popped up on South Florida streets this year. Both have dangerous side effects.

ADVERTISING



Both have something else in common: They're being used in e-cigarettes, once peddled as a safer



alternative to tobacco smoking.

The drugs — known by the street names "Budder" and "Flakka" — show that supply-and-demand of new products is very much alive, despite a concentrated government crackdown on fake marijuana, bath salts and lab-concocted drugs of all stripes, area law enforcement officials and drug experts say.

Article continues below ↓

They are examples of a creative approach to e-cigarette smoking, or "vaping," the latest craze in recreational inebriation.

"Our real concern is that this is going to be the main method of using new, emerging synthetic drugs, whether in liquid form or solid form," said Jim Hall, a Nova Southeastern University epidemiologist who authors an annual report on drug trends sweeping Palm Beach, Broward and Miami-Dade counties. "More and more individuals are already, and will be in the future, continuing to use vaporizers" to get high.

The e-cigarette and other vaping devices are not only in vogue, they come in all shapes and sizes, from pens to bulky contraptions "that are as big as hair dryers," Hall said.

"You can't buy gas anymore without someone trying to sell you an e-cigarette," he said of the ubiquitous paraphernalia.

Now, it's becoming hip to vape Budder and Flakka in them, Hall and others say.

Also called "butane hash oil" or "marijuana wax," Budder is a gooey substance made in local grow houses via a highly unstable process that requires soaking the leaves and stems of marijuana plants in a chemical solvent like butane, to extract the most concentrated high-inducing ingredients, Hall said.

Article continues below ↓

Crime labs in Broward, Palm Beach and Miami-Dade counties have reported seeing multiple cases of Budder come in for testing in recent months, Hall and crime lab technicians say. Because the drug is still new — and because it ultimately tests as a marijuana product — the numbers are not being tracked. Officials, though, said they are concerned.

"[Budder] is gaining in popularity and is very potent with a high THC level," Palm Beach County Sheriff's Office spokeswoman Teri Barbera said. "It is very dangerous and explosive to produce."

Area law enforcement officials found out just how explosive on May 6, when a 5 a.m. blast rocked a west Boca Raton grow house, blowing out windows and waking up nearby neighbors. Barbera could not comment on the case because the investigation is still active, but Hall said his law enforcement

sources confirmed that the explosion has been linked to the grow house's Budder operation.

"The Boca explosion caused a lot of attention from [local] law enforcement, and that's when we started hearing about other cases," Hall said, adding that because of the dangers, area police officers are now approaching grow-house raids with the same precautions they once used to storm meth labs.

They're also a public safety concern. In May, Hall distributed a "Budder Beware" bulletin to South Florida law enforcement agencies and drug-abuse specialists, warning that the new product "poses risks to diverse groups."

Not only should area residents be concerned about potentially explosive grow-house operations popping up in their neighborhoods, Hall said, but Budder is also dangerous to users because the waxy material is more potent and more toxic than marijuana. It can cause severe hallucinations, anxiety, paranoia, psychosis and heart problems, his bulletin noted.

And, of course, in the illicit, fly-by-night world of black-market drugs, users never know exactly what they may be getting.

"They extract the THC in pretty concentrated forms, plus all the cannabinoids and chemicals in the plant, so it's a grab bag that can vary from one product to another," Hall said. "One of the things that popularizes its use is that when it's vaped, it doesn't have that telltale smell, so it's easier to disguise."

Flakka, on the other hand, is the latest street version of bath salts, a form of crystal meth often concocted in labs overseas and sold over the Internet.

Though not grown locally, Flakka worries law enforcement officers and drug experts because it tends to cause not just paranoia and psychosis, but extreme combativeness.

The chemical compound, identified through laboratory testing as alpha-PVP, looks and induces behavior similar to crystal meth, said Yanet Gattorno, a forensic chemist with the Broward Sheriff's Office.

The BSO crime lab has seen more than 100 cases where submitted material tested positive for alpha-PVP since February, she said.

On the street, "they're selling Flakka as the best thing ever," said Fort Lauderdale Police Sgt. Nicholas Coffin.

"And it's definitely more affordable than crystal meth," at about \$150 for an eighth of an ounce, compared with \$450 for an eight-ball of crystal meth, he said.

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The Palm Beach County Sheriff's Office has seen more than 20 cases of alpha-PVP in the past year, coming in as "either powder or crystal that was loose in bags or in capsules," said Barbera, the agency's spokeswoman.

Flakka is the hip new incarnation in an ever-evolving trade that has drug dealers cooking up "legal" concoctions made of newly created chemical compounds that have not yet been banned. In keeping up with the ever-growing list, the Florida Legislature has outlawed 131 substances, including those that Gattorno said are showing up in alpha-PVP.

As the cat-and-mouse game continues, Hall said, "we're going to see more and more of the synthetics disguised as other things."

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Budder

Also known as: Butane hash oil, marijuana wax, ear wax hash

What it is: A secondary product composed largely of THC and other chemicals from the leaves and stems, or "shake," of marijuana plants.

What it looks like: A gooey, wax-like substance, almost like a paste.

How it's made: Often in local grow houses, by soaking the plant material in a solvent, like butane, to extract the most potent forms of THC and other chemicals.

How it's used: Most often in e-cigarettes. Also smeared onto cigarettes or joints. Its fumes can also be inhaled directly after heating the wax on a knife over a stove.

Side effects: Severe hallucinations, anxiety, paranoia, psychosis and heart problems.

Flakka

Also known as: "Gravel" may be another street term.

What it is: The latest incarnation of bath salts, or crystal meth, tested in the lab as alpha-PVP.

What it looks like: A crystalline substance resembling rock candy.

How it's made: In labs overseas, sold to dealers in South Florida and elsewhere over the Internet.

How it's used: It can be snorted, injected, smoked in an e-cigarette or a joint, or poured into

(10)

capsules and ingested.

Side effects: Severe hallucinations, psychosis, anxiety, paranoia, combativeness and rapid heartbeat.

SOURCE: Compiled from multiple law enforcement officials, drug experts and websites.

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This article is related to: Drug Trafficking, Crime, Florida Legislature

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