

From the Desk of Attorney General Bob Cooper



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NEW STATE LAW GIVES LAW ENFORCEMENT AUTHORITY TO REMOVE SYNTHETIC DRUGS

A new Tennessee law is strengthening state and local law enforcement's efforts to combat dangerous new synthetic drugs marketed under harmless-sounding names such as "bath salts" and "plant food." My Office has joined forces with the District Attorneys of Tennessee to spread the word that these substances sold as a legal way to get high are both illegal and extremely harmful. Legitimate businesses should remove them from their shelves. Individuals need to stop using them.

In the ever-changing war on drugs across the country and in Tennessee, authorities have discovered that these synthetic drugs are growing in popularity and are being sold broadly from music festivals to local convenience stores. The products are labeled "not for human consumption" but have been widely promoted on the Internet and in chat rooms as alternatives to ecstasy, cocaine, or other controlled substances. The Internet-based ads target young people with flashy symbols in bright colors on their tie-dyed packages. These recreational drugs have caused severe physical and psychological side effects in a number of cases.

In March, my office's Law Enforcement and Special Prosecutions Division working with the Department of Agriculture, Tennessee Bureau of Investigation and other law enforcement agencies across the state obtained a restraining order and authorization for a state-wide seizure of "Molly's Plant Food" and other phony plant food products. Because possession or sale of these synthetic drugs was not illegal at that time, we filed a civil suit successfully arguing that the stores in which the products were sold had not registered them, as requested by the state Department of Agriculture, as fertilizer.

Police departments seized roughly ten thousand packets of Molly's and other fake plant food packages from stores across the state to stop the growing public health hazard while my Office worked with other authorities to sort out the legal loopholes.

In the absence of criminal legislation, there was confusion among law enforcement agencies throughout the state about whether to seize the products. The Legislature, Governor Haslam's support, has now plugged this gap enacting House Bill 457/Senate Bill 396 (2011 Tennessee Public Acts, Chapter 169). The Act makes it illegal to "knowingly produce, manufacture,

distribute, sell, offer for sale or possess with intent to produce, manufacture, distribute, sell or offer for sale” any capsule, pill, or other product containing certain synthetic derivatives of methcathinone, which is the key ingredient of “plant food, bath salts” and, possibly, other harmful substances. The Act became effective May 5, 2011.

Emergency room physicians have reported seeing far too many potentially life-threatening situations in Tennessee’s hospitals to ignore the threat posed by this hazardous product. Thanks to the quick, cooperative action of many local and state officials, it was removed from many stores shelves before even more people were injured. Now, with the prompt action of the General Assembly, authorities have enhanced ability to prosecute as criminals those pedaling these dangerous drugs.

If you see these products on sale at your local stores, you may want to notify your local law enforcement so they can confiscate the products and prosecute sellers under the new law. We all need to spread the news that these drugs are illegal and cannot be legally sold again without criminal consequences.