

United States Senate

SENATE CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL
HART SENATE OFFICE BUILDING, ROOM 818-C
WASHINGTON, DC 20510

March 29, 2011

The Honorable Robert M. Gates
Secretary
United States Department of Defense
1400 Defense Pentagon
Washington, DC 20301

Dear Secretary Gates:

As Co-Chairs of the Senate Caucus on International Narcotics Control, we have a distinct interest in ensuring that dangerous drug abuse does not flourish in our country. Today, we are confronted with new and very dangerous substances packaged as innocent products. These products come in small packages marketed as incense and sprayed with chemical compounds that supposedly mimic the effects of marijuana. These products are commonly known to as "K2" or "Spice" among other names. More and more people, including men and women serving in the armed forces, are turning to these substances in order to get high, based upon their perceived belief that these products are safe simply because they have not been scheduled as controlled substances.

Although people have the belief that these drugs are safe because they are sold online and available in novelty stores at shopping malls, that does not mean they are harmless. The use of K2 is growing at a rapid rate and more people are being harmed by its use. Poison control centers reported only 13 calls concerning these products in 2009, but over 1,000 in 2010. According to doctors, the chemical compounds found in these products can produce intense highs which may lead to life threatening symptoms including high blood pressure, rapid heart rate, and nausea.¹ These products are also known to cause erratic behavior and may lead to the injury or death of the user. As a result, we recently introduced legislation to ban the chemical compounds found in K2 or Spice.

¹ Jessica Wehman, *Fake Marijuana Spurs More than 3,000 Calls to U.S. Poison Centers*, AMERICAN ASSOCIATION OF POISON CONTROL CENTERS, Feb. 24, 2011, available at <http://www.aapcc.org/dnn/Portals/0/prrel/syntheticmarijuanarelease-feb24.pdf>.

While we applaud recent efforts by the Department of Defense (Department) to address the growing use of K2 and Spice by members of the armed forces, including educational outreach via traditional and social media, we are afraid that K2 and Spice pose a risk to the operational readiness of our armed forces.² For example, it was with sadness and concern that we recently read about K2 being used by members in the armed services and at the academies. According to a recent article in the *Navy Times* 16 sailors serving on the U.S.S. Bataan were recently discharged for using “Spice.”³ The U.S.S. Bataan deployed to Libya last week. The article further states that 151 sailors Navy-wide had been accused of using or caught with “Spice” over the last four months.⁴ The U.S. Naval Academy also recently expelled at least 7 midshipmen for using or selling “Spice.”⁵

We share the concern of Fleet Forces Chief Admiral John Harvey when he called the number of K2/spice incidents “alarming.”⁶ Despite the arguments that these substances are legal, the U.S. Marine Corps and U.S. Air Force have clearly indicated that smoking K2 or Spice can lead to charges under the Uniform Code of Military Justice.⁷ However, the use of these drugs among our men and women serving in the armed forces is especially concerning from an operational and readiness standpoint while our armed services are still engaged in Afghanistan, Iraq, and participating in operations in Libya.

² Andrew Tilghman, *Pentagon launches anti-spice campaign*, NAVY TIMES, Oct. 14, 2010, available at <http://www.navytimes.com/news/2010/10/military-spice-pentago-risks-101410w/>.

³ William H. McMichael, *16 Bataan sailors discharged for spice use*, NAVY TIMES, Feb. 3, 2011, available at <http://www.navytimes.com/news/2011/02/navy-16-bataan-sailors-discharged-for-use-of-spice-020311/>.

⁴ *Id.*

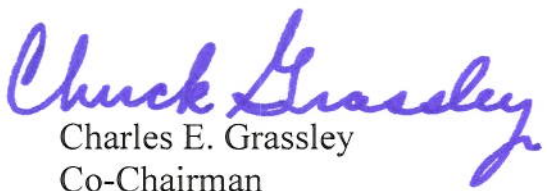
⁵ *Naval Academy expels seven cadets over banned “spice”*, REUTERS, Jan. 25, 2011, available at <http://www.reuters.com/article/2011/01/25/us-navy-spice-idUSTRE70O61220110125>.

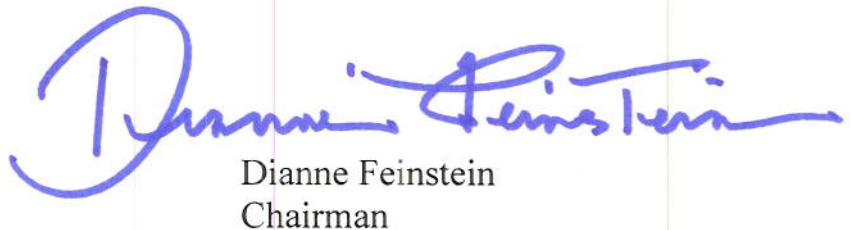
⁶ McMichael, *supra* note 2.

⁷ See Benjamin Newell, *Smoking ‘Spice’ while serving in uniform leads to UCMJ action*, AIR FORCE DISTRICT OF WASHINGTON, April 1, 2010, available at <http://www.afdw.af.mil/news/story.asp?id=123197893>. See also Lance Corporal. Chris Kutlesa, MARINE CORPS AIR STATION IWAKIUNI, Dec. 10, 2009, available at <http://www.usmc.mil/unit/mcasiwakuni/Pages/2009/12/Punishmentforspicegetshigh.aspx>.

To address concerns surrounding the use of K2 and Spice, the Senate Caucus on International Narcotics Control will be conducting a hearing on April 6, 2011, titled, "The Dangers of Synthetic Cannabinoids and Stimulants." We hereby request the Department to provide written testimony about the incidents described above, the dangers K2/Spice use poses for the armed services in general, and about actions the Department has taken to address use and abuse of K2 and Spice by members of the armed forces. Any statements should be received by April 6, 2011.

Sincerely,


Charles E. Grassley
Co-Chairman


Dianne Feinstein
Chairman