OATH OF OFFICE

Tyler Kotter, having been appointed as member of the Controlled Substance Advisory Committee, do solemnly swear that I will Support, Obey and Defend the Constitution of the United States and the Constitution of this State and that I will discharge my duties with fidelity.

_____ _____

Signature Date

August 13, 2026

Health and Human Services Interim Committee
Office of Legislative Research and General Counsel
W210 State Capitol Complex
Salt Lake City, Utah 84114

SUBJECT: Controlled Substances Advisory Committee—2026 Legislative Recommendations

Dear Members of the Health and Human Services Interim Committee:

Utah Code Title 58, Chapter 38a, created the Controlled Substances Advisory Committee (CSAC). The CSAC is a consultative and advisory body to the Legislature. The CSAC advises the Legislature on the following matters: (a) the movement of a controlled substance from one schedule to another; (b) the removal of a controlled substance from any schedule; and (c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule.

The Committee is required to submit a written report to the Health and Human Services Interim Committee. The report must enumerate any substances that the Committee recommends the Legislature schedule, reschedule, or delete from the schedules. During the CSAC meetings this year, the committee evaluated and discussed issues related to the use and misuse of recreational drugs and legend drugs. Recreational drugs are substances not currently regulated by the Controlled Substances Act but are potentially dangerous to the health and well-being of the public. Legend drugs are approved prescription-only drugs that potentially merit inclusion in a designated schedule in the CSA due to new evidence of health risks to the people of the State of Utah.

In accordance with Utah Code Annotated (UCA) 58-38a-203(3), the CSAC is charged by the Legislature to evaluate substances and make recommendations based on the following criteria:

- Actual or probable abuse of the substance, including:
  - History and current pattern of abuse in Utah and other states
  - Scope, duration, and significance of abuse
  - Degree of actual or probable detriment to public health, which may result from abuse of the substance
  - Probable physical and social impact of widespread abuse of the substance
- Biomedical hazard of the substance, including:
  - Pharmacology, including the effects and modifiers of the effects
  - Toxicology – acute and chronic toxicity
  - Risk to public health
- Whether the substance is an immediate precursor to a substance that is currently controlled
- Current state of scientific knowledge regarding the substance, including whether any acceptable means to safely use the substance under medical supervision

- Relationship between use of the substance and criminal activity
- Whether the substance has been scheduled by any other states
- Whether the substance has any accepted medical use in the United States

During its 2026 meetings, the Committee carefully applied these statutory evaluation criteria to several compounds of interest. These inquiries arose from new legislative requests, evolving epidemiological data, and changes in federal drug schedules. Based on this thorough review, the Committee has formulated the following scheduling recommendations and public health alerts for the upcoming legislative session.

1. Recommendation to Deschedule Fenfluramine

The Committee recommends that the Legislature deschedule fenfluramine and remove it from Utah Schedule IV (specifically deleting its listing at Utah Code § 58-37-4(2)(d)(iii)). The federal Drug Enforcement Administration removed fenfluramine, including its salts and isomers, from all schedules of the federal Controlled Substances Act effective December 23, 2022, following a binding recommendation from the Department of Health and Human Services. This federal decontrol was based on a comprehensive FDA eight-factor review concluding that the substance does not meet the criteria for control in any schedule. While fenfluramine remains scheduled in Utah—creating a state-only control discrepancy and reporting duty—data from the Utah Controlled Substances Database shows zero dispensing records reported in the state. Consequently, removing fenfluramine from the state schedule will not reduce useful surveillance data available to practitioners or the state.

Furthermore, patient safety is protected by independent regulatory frameworks. The only marketed fenfluramine product is Fintepla, which is FDA-approved solely for seizures associated with Dravet syndrome in patients two years and older. Fintepla is distributed through a restricted network under an FDA-required Risk Evaluation and Mitigation Strategy with mandatory cardiac monitoring, which operates completely independently of drug scheduling and is unaffected by decontrol. By descheduling, Utah will align its drug schedules with federal standards and other states that have already conformed, such as California (by statute in 2024) and South Carolina (by Board order in 2023). Additionally, this action will clean up a drafting defect in Utah Code § 58-37-4(2)(d)(iii), which currently refers to 'the following substances' but lists none.

2. Assessment of Salvia Divinorum

This legislative interim, a legislator presented a request on behalf of a constituent seeking to ban *Salvia divinorum* and classify its active ingredient, salvinorin A, as a Schedule I controlled substance under Utah Code § 58-37-4. Historically endemic to the cloud forests of Oaxaca, Mexico, where it was traditionally utilized in Mazatec healing rituals, *Salvia divinorum* is a psychoactive herb belonging to the mint family (Lamiaceae). The constituent's request seeks to close Utah's current regulatory gap, which leaves the herb unscheduled and legal for over-the-counter and online retail sales, thereby protecting adolescents from unregulated access to highly concentrated extracts during critical phases of brain development.

Applying the statutory criteria under UCA 58-38a-203(3), the Committee notes that *Salvia divinorum* possesses a highly unique pharmacology and atypical risk profile. Its active principal, salvinorin A, is one of the most potent naturally occurring hallucinogens known by weight, active in microgram quantities. Unlike classical serotonergic psychedelics such as psilocybin or LSD, salvinorin A does not interact with serotonin receptors; instead, it is a highly selective kappa-opioid receptor (KOR) agonist. When smoked or inhaled, its onset is nearly instantaneous, producing an intense but brief (15 to 30 minutes) state of profound dissociative hallucination and environmental detachment. This rapid loss of reality presents acute behavioral dangers; spatial disorientation and loss of motor coordination during episodes increase the risk of physical trauma, including accidental falls and self-injury. Many users also report acute psychological distress, characterizing the experience as a state of intense terror, severe confusion, paranoia, and a frightening "sense of dying."

Conversely, scientific evidence indicates that *Salvia divinorum* has an atypical reward profile, lacking classic dopaminergic reinforcement pathways, which translates to a low apparent potential for physical dependence or abuse. Human clinical safety data remain limited, though controlled trials show negligible physical toxicity or cardiovascular strain. This complex profile has led to a highly fragmented national regulatory landscape. Federally, the DEA monitors the substance as a "Drug of Concern" but has not scheduled it under the federal Controlled Substances Act. Nationally, approximately 30 states have enacted strict Schedule I designation. However, select states, such as California and Maine, have chosen alternative, non-prohibitionist regulatory pathways—imposing strict age restrictions (e.g., legal for adults 18+ or 21+, but criminalizing sales to minors) and product quality standards, while other states like Oregon and Washington leave it unscheduled and unregulated.

Utah has its own distinct legislative history on this issue. First gaining public attention in 2006, bills to ban *Salvia divinorum* stalled in the Legislature between 2007 and 2009. During a formal review in 2010, the CSAC recommended a Schedule I designation on synthetic cannabinoids ("Spice") but voted to oppose a full prohibition on *Salvia divinorum*. Under Utah Code § 58-38a-203(1), the Committee is tasked with providing balanced, data-driven advice. At this juncture, the Committee does not make a recommendation either in favor of or against scheduling or banning *Salvia divinorum*. Instead, to fulfill its statutory mandate, the Committee will utilize the upcoming legislative interim to gather and analyze Utah-specific prevalence data, tracking poison control center exposures, emergency department admissions, and forensic crime lab samples, while carefully evaluating alternative regulatory options—such as age restrictions, labeling standards, and concentration limits—alongside a total ban to determine the most effective public safety strategy for the state.

3. Urgency Regarding Psilocin Analogs and Packaging

The Committee recognizes the critical urgency of investigating the marketing, packaging, and distribution of psilocin and its chemical analogs within the state. To ensure legal clarity, precise statutory enforcement, and public safety, the Committee strongly advises that future legislative and regulatory actions explicitly list out each specific analog of psilocin individually within the Utah Controlled Substances Act, rather than relying solely on broad, generic reference terms like 'analogs.' This approach

will provide law enforcement, public health officials, and retailers with unambiguous guidance on prohibited substances.

To provide necessary context for legislators and the public, psilocin is the actual active, psychoactive compound that produces the mind-altering effects of hallucinogenic 'magic mushrooms.' While psilocybin is the better-known substance, it acts as a chemically inactive 'prodrug.' When swallowed, the body's digestive enzymes rapidly strip away a phosphate group to convert the psilocybin into psilocin. Only then can the active psilocin cross the blood-brain barrier, stimulate serotonin 5-HT2A receptors, and prompt the intense changes in perception, sense of time, and mood associated with psychedelics. Recent clinical research indicates that psilocin also acts as a powerful 'psychoplastogen,' fostering rapid neuroplasticity by physically increasing the complexity, density, and connections of neurons in the cerebral cortex. While this represents a significant medical research frontier for treating major depression and anxiety, the unregulated retail distribution of these compounds poses immediate public health risks.

This public risk is heavily compounded by chemical analogs—structural 'lookalikes' that mimic psilocin's effects in the body but frequently escape standard legal controls. Hallucinogenic mushrooms naturally contain several of these chemical cousins alongside psilocin, including baeocystin, norbaeocystin, norpsilocin, and aeruginascin. In addition, synthetic lookalikes (such as 4-AcO-DMT, also known as psilacetin) are frequently manufactured in clandestine laboratories to bypass the Controlled Substances Act. These compounds are increasingly infused into commercial retail products like gummies, chocolates, and colorful 'mushroom' packages sold in smoke shops and online, completely bypass safety testing, and are marketed without clear dosing guidelines. By explicitly enumerating these specific compounds in Utah law (for example, individually listing baeocystin, norpsilocin, and known synthetic variants) rather than relying on a vague, catch-all 'analog' definition, the Legislature will close legal loopholes and provide absolute clarity for state forensic labs, retail inspectors, and public health officials.

4. Public Health Alert: Medetomidine Contamination in the Illicit Supply

The Committee wishes to alert the Legislature and the public to a severe, emerging health threat: the detection of medetomidine in Utah's illicit drug supply, particularly mixed with fentanyl and other opioids. Medetomidine is a highly potent veterinary sedative, substantially more potent than xylazine. Crucially, medetomidine is not an opioid, which means its sedative effects cannot be reversed by naloxone (Narcan). In Utah, this compound has been detected in the illicit fentanyl supply and is linked to at least two confirmed overdose deaths where victims did not respond to standard administration of naloxone. While naloxone remains absolutely essential to administer in every suspected overdose response to reverse co-occurring opioids like fentanyl, the presence of medetomidine represents an escalating hazard that requires urgent community education, clinical awareness, and enhanced forensic surveillance.

5. Public Health Alert: Adulterated 'Cat's Claw' and Kava Products

The Committee is closely monitoring public health warnings regarding commercial products marketed as 'Cat's Claw' or 'Kava' purchased at smoke shops. State health authorities and the Utah Poison Control Center suspect that these products are being intentionally adulterated with highly potent, synthetic derivatives of kratom. Specifically, testing and investigation have revealed the presence of unlisted compounds such as 7-hydroxymitragynine (7-OH), mitragynine pseudoindoxyl, MGM-15, and MGM-16. These synthetic derivatives act as powerful, illegal opioid drugs and are significantly more potent than morphine. Because these products are mislabeled and falsely claim to contain no kratom or 7-OH, they pose an extreme risk of unintentional opioid overdose and rapid dependence to unsuspecting consumers. The Committee supports ongoing consumer warnings, aggressive poison control monitoring, and regulatory investigations into smoke shop distribution channels.

CSAC Monitoring and Ongoing Surveillance

Aside from the recommended descheduling of fenfluramine, the CSAC recommends no other immediate structural changes to the Utah Controlled Substance Act schedules at this time. However, to fulfill our statutory advisory role and protect the citizens of Utah, the CSAC will continue to actively monitor the issues included in this letter, as well as any other issues that are brought to our attention.

Respectfully Submitted,
The Controlled Substances Advisory Committee