

STORAGE NAME: h0351a.cja.doc
DATE: January 24, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
ANALYSIS**

BILL #: HB 351
RELATING TO: Controlled Substances
SPONSOR(S): Representative(s) Benson

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 8 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS YEAS 9 NAYS 0
- (3) COUNCIL FOR HEALTHY COMMUNITIES
- (4)
- (5)

I. SUMMARY:

HB 351 adds the drug carisoprodol to Schedule IV of Florida's controlled substances drug schedule. Carisoprodol is a muscle relaxant that can only be obtained through a doctor's prescription. There is evidence that carisoprodol is being abused, and when combined with alcohol or other drugs, can significantly impair a person. Placing carisoprodol under Schedule IV will make the drug a controlled substance and will place restrictions on the number of allowable refills within specific time frames. In addition to other criminal penalties, the Schedule IV placement will make it a third degree felony for someone to be in possession of the drug without a doctor's prescription.

The bill has an effective date of July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Drug Schedules

Florida and federal drug statutes list controlled substances in "schedules" ranging from Schedule I to Schedule V. A Schedule I drug is considered to be very addictive and to have no medicinal purposes, while a Schedule V drug has relatively low potential for abuse (compared to the other Schedule levels) and is recognized for its accepted medicinal purposes.

Carisoprodol

Carisoprodol is a muscle relaxant that is sold under the brand name Soma. It is often prescribed in conjunction with a routine of rest and physical therapy to relieve pain and discomfort caused by strains, sprains, and other painful muscle conditions or injuries. Carisoprodol works by blocking electrical communication among nerves in the reticular formation of the brain and in the spinal cord.¹ After carisoprodol is ingested, the body metabolizes it into meprobamate. Meprobamate is considered an addictive substance and is currently on Schedule IV of the drug schedule.² However, although carisoprodol can only be obtained with a doctor's prescription, it is not listed in the drug schedules and therefore there are no limits on the number of times the prescription can be refilled. There are at least five other states that classify carisoprodol as a controlled substance.³

Research provided by the Florida Pharmacy Association indicates that carisoprodol has been shown to produce barbiturate or alcohol-type effects in humans and animals, as well as physical and psychic dependence. The abuse of carisoprodol can result in serious injury (seizures, coma), and even death. The drug is often abused in combination with other products containing codeine or hydrocodone to accentuate and accelerate the affects of the other drugs. Carisoprodol is also used to help ease the pain of withdrawal when coming down off of a cocaine or heroine high. Staff from the Broward County Sheriff's office has indicated that carisoprodol is one of the most abused, non-controlled substances on the market in Florida.⁴ The street price of the drug is relatively low, making it very affordable.

¹ <http://www.focusonmedications.com/Script/Main/Art.asp?li=MNI&ArticleKey=6181>

² Meprobamate, which was originally introduced in the 1950s, was sold as a sleeping aid under the brand name Miltown and was heavily abused.

³ Hawaii, Kentucky, New Mexico, Oklahoma, Indiana

⁴ Information provided by Detective Lisa McElhaney with the Major Narcotics Unit of the Broward County Sheriff's office (telephone conversation on 1/2/02)

C. EFFECT OF PROPOSED CHANGES:

HB 351 would place the drug carisoprodol, currently a non-controlled, non-scheduled drug, under Schedule IV of the drug schedules, therefore making the drug a "controlled" substance. Placement under Schedule IV will place restrictions on the number of allowable refills within specific time frames (no more than 5 refills within 6 months).⁵ Schedule IV placement will also make it a third degree felony to do any of the following: purchase, sell, manufacture, or deliver (or have intent to do any of the aforementioned activities) or to be in possession of the drug without a doctor's prescription.^{6 7} Enhanced penalties can also be assessed if the any of the above activities occur in specific locations, including public housing sites, religious buildings, and school grounds.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill makes carisoprodol a Schedule IV drug. In most cases, it is a third degree felony to purchase or sell a Schedule IV drug.

The Criminal Justice Impact Conference considered HB 351 on January 18, 2002 and determined the impact was insignificant on the state prison system. Additionally, the Department of Juvenile Justice determined there would be no impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

⁵ s. 893.04(1)(g), F.S.

⁶ s. 893.13, F.S.

⁷ The maximum penalty for a third degree felony is 5 years. s. 775.082, F.S.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

Prepared by:

Staff Director:

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AS REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

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