

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 612

SPONSOR: Senator Peaden

SUBJECT: Controlled Substances/Carisoprodol

DATE: January 29, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 612 places carisoprodol, a prescription muscle relaxant, in Schedule IV of Florida’s controlled substance schedules. The effect of the scheduling will be to restrict the number of allowable refills within specified periods, make various drug offenses in s. 893.13, F.S., applicable to this new controlled substance, and make it a third degree felony to possess carisoprodol without a prescription.

This bill substantially amends s. 893.03, F.S., and reenacts the following sections of the Florida Statutes, or provisions thereof, to incorporate the amendment to s. 893.03, F.S., in reference thereto: 316.93(5); 322.2616(2); 327.35(5); 440.102(11)(b); 458.326(3); 817.563; 831.13(1)(a) and (c)-(f), (2)(a), (4)(b), and (5)(b)(c); and 921.0022(3) (b), (c), and (e).

II. Present Situation:

Carisoprodol (Soma) is a prescription muscle relaxant, sold under such registered trademark names as Miltown and Equanil, which is used for relief of pain, muscle spasms and limited mobility associated with painful skeletomuscular conditions. The drug is not a controlled substance under either Florida or federal law; it is a legend drug, which means that it is a drug subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8), F.S., s. 499.007(12), or s. 499.0122(1)(b) or (c), and is obtained by prescription. s. 499.003(19), F.S.

Carisoprodol was “first introduced in the 1950’s for the relief of back pain and muscle spasm.” *Clinical Toxicology Review*, v. 17, n. 12 (September 1995). According to Shands Hospital at the University of Florida, the drug “was approved in 1959, before safety and efficacy had to be proven when a drug was marketed.” *Drugs and Therapy Bulletin*, v. 14, n. 7 (July August 2000).

Shands Hospital, University of Florida. The drug is “related structurally to meprobamate” and is its precursor. *Clinic Toxicology Review, supra*. Meprobamate, a schedule IV controlled substance under Florida law, is a “strong and addictive agent which itself was used as a sedative/hypnotic in the 1950’s before being supplanted by the safer benzodiazepine class of anxiolytic drugs.” *Id.* When ingested, carisoprodol metabolizes into meprobamate.

According to the Los Angeles Police Department, carisoprodol is being diverted, trafficked and abused nationwide, and is the pharmaceutical drug most frequently encountered at the U.S.-Mexico border crossing. The drug is commonly abused in combination with narcotic analgesics such as codeine, hydrocodone (Vicodin, Lorcet), oxycodone (Percodan, Percocet, OxyContin), and propoxyphene (Darvon and Darvocet). *Id.* According to the College of Pharmacy at Oregon State University, “[c]arisoprodol is frequently used by poly-drug abusers.” *DUR Newsletter* (Fall 2000). College of Pharmacy, Oregon State University. “Carisoprodol alone is rarely fatal in overdose, but when taken with other CNS depressants, respiratory depression and death can result. Ethanol is reported to be a frequent co-intoxicant with carisoprodol, as are diazepam [Valium], propoxyphene, hydrocodone and alprazolam [Xanax].” *Id.* (Italicized remarks provided by analyst.)

According to Broward General Medical Center, in the last six months of 2000, there were 34 oxycodone overdose cases treated at the center. In 6 percent of those cases, carisoprodol was found as a co-ingestant. There were 9 emergency visits to the center for carisoprodol. The drug was mentioned in the medical examiner’s description of deaths in 9 cases. Many of these were in combination with oxycodone or heroin. Hall, Spillane, and Camejo. *Drug Abuse in Miami and South Florida* (June 2001) and *Epidemiologic Trends in Drug Abuse*, v. 1 (June 2001). Community Epidemiology Work Group, National Institute for Drug Abuse.

Carisoprodol is a scheduled controlled substance in Alabama, Georgia, Hawaii, Kentucky, Massachusetts, Minnesota, New Mexico, Oklahoma, and Oregon. A number of other states are considering legislation to place carisoprodol in their Schedule IV.

A Schedule IV substance under Florida law has a low potential for abuse relative to the substances in Schedule III, and the abuse of the substance may lead to limited physical and psychological dependence relative to the substances in Schedule III.

A prescription for a Schedule IV controlled substance may not be filled or refilled more than 5 times within a period of 6 months after the date on which the prescription was written unless the practitioner renews the prescription. s. 893.04(1)(g), F.S. However, notwithstanding this limitation, a pharmacist may dispense a one-time emergency refill of up to a 72-hour supply of the prescribed medication for any medicinal drug other than a medicinal drug in Schedule II, in compliance with the provisions of s. 465.0275, F.S. s. 893.04(2), F.S.

A person may not possess, or possess with intent to sell, dispense or deliver, any habit-forming, toxic, harmful, or new drug or legend drug unless the possession of the drug has been obtained by a valid prescription of a practitioner licensed by law to prescribe the drug. s. 499.03(1), F.S. A violation is a second degree misdemeanor, except that possession with intent to sell, dispense or deliver is a third degree felony.

Under s. 893.13, F.S., possession, purchase, sale, manufacture, or delivery, or possession with the intent to purchase, sell, manufacture, or deliver, a Schedule IV substance is a third degree felony. In terms of sentencing and punishment, the distinction between the third degree felony involving legend drugs and the third degree felony regarding Schedule IV drugs is that the latter is ranked higher in the Criminal Punishment Code, which means the range between the lowest permissible sentence scored and the maximum penalty for the third degree felony (5 years) will be narrower. Further, greater felony degree offenses apply to certain unlawful acts involving scheduled substances, such as sales occurring in public housing facilities, parks, places of worship, child care facilities, convenience businesses, and schools, and various unlawful acts involving the dispensing or distribution of controlled substances.

III. Effect of Proposed Changes:

Senate Bill 612 places carisoprodol, a prescription muscle relaxant, in Schedule IV of Florida's controlled substance schedules. The effect of the scheduling will be to restrict the number of allowable refills within specified periods, make various drug offenses in s. 893.13, F.S., applicable to this new controlled substance, and make it a third degree felony to possess carisoprodol without a prescription.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Impact on pharmacists, if any, should be very minimal. The Florida Pharmacy Association has previously indicated support for legislation that designates carisoprodol in Schedule IV of ch. 893, F.S. See Florida Pharmacy Association House of Delegates Resolution Manual 2000. Senate Bill 612 would place carisoprodol in Schedule IV.

C. Government Sector Impact:

The Criminal Justice Impact Conference estimates that SB 612 will have an insignificant prison bed impact. The Department of Juvenile Justice estimates the bill will have no impact on the juvenile system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
