

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 1502

INTRODUCER: Criminal Justice Committee and Senator Evers

SUBJECT: Controlled Substances

DATE: February 15, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	Fav/CS
2.	<u>Steele</u>	<u>Stovall</u>	<u>HR</u>	Pre-meeting
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill lists a number of synthetic cannabinoids and synthetic stimulants as Schedule I controlled substances. According to the Florida Department of Law Enforcement (FDLE), none of these substances has “an accepted medical use or a legitimate industrial or commercial purpose.”¹

This bill substantially amends section 893.03, Florida Statutes, and reenacts sections 893.12(1) - (6) and 921.0022(3)(b) – (e), Florida Statutes.

II. Present Situation:

Synthetic Cannabinoids

The FDLE has provided the following information on synthetic cannabinoids:

¹ Analysis of SB 1502, Florida Department of Law Enforcement, dated January 12, 2012 (on file with the Committee on Criminal Justice). Further cited as “FDLE Analysis.”

K2 or Spice, marketed as “synthetic marijuana,” is an herbal substance being sold in the United States as incense labeled “not for human consumption.” The products contain one or more synthetic compounds which interact with the body similarly to the primary psychoactive constituent of marijuana, delta-tetrahydrocannabinol, or THC. Therefore, the corrupt term of “synthetic marijuana” has been attached to these substances when in fact the correct term should be “synthetic cannabinoids.” Synthetic cannabinoids are distinctly different from marijuana and create unknown long-term medical risks and immediate dangerous side effects when consumed. The synthetic cannabinoids do not mimic the chemical compound of THC, but cause pharmacological activity at the same receptors as THC in the brain, with the accompanying high potential for abuse.

The JWH series of compounds found in synthetic cannabinoids was created for research purposes to determine the relationship of these compounds in the body and document physiological responses with the CB1 and CB2 receptors in the brain and spleen. These substances, in the hundreds, were never intended to be used on humans; however, the publishing of research studies resulted in the creation of synthetic cannabinoids that are marketed for commercial distribution. Once the white powder is created, it can be taken alone or applied to any type of material such as a plant or paper and ingested in a manner similar to marijuana use. Some of the negative side effects include hallucinations, increased heart rate, increased anxiety, convulsions, unresponsiveness and suicidal thoughts.²

Synthetic Stimulants

The Florida Department of Law Enforcement (FDLE) has provided the following information on synthetic stimulants:

Psychoactive substances being marketed as “bath salts” are being produced as legal substitutes for ecstasy, cocaine, and amphetamines. The term ‘bath salts’ refer to commercially available products that have as part of their composition a legal stimulant called 3, 4-Methylenedioxypropylamphetamine, or MDPV. These synthetic stimulants are in a class of drugs known as synthetic cathinones.³ “Bath salts” can be comprised of different unregulated chemical substances and are being sold under a variety of names or brands. Both the law enforcement community and medical professionals indicate that “bath salts” are becoming increasingly popular due to the perception that they pose a seemingly safer alternative to illegal methods of getting “high.” Synthetic cathinones produce a euphoric effect on the user comparable to more common illicit drugs, and therefore have the same potential for abuse.

“Bath salt” products are known to produce certain side effects, some of which are quite severe. The following is the list of milder, short-term side effects associated with

² *Id.*

³ Cathinone is a Schedule I controlled substance under s. 893.03(1)(c)8., F.S. It is an alkaloid found in the shrub *Catha edulis* (khat) and is chemically similar to amphetamines and other substances. “Consideration of the cathinones” (March 2010), Advisory Council on the Misuse of Drugs, United Kingdom, <http://www.homeoffice.gov.uk/publications/drugs/acmd1/acmd-cathinodes-report-2010?view=Binary>. The “molecular architecture” of cathinone “can be altered to produces a series of different compounds which are closely structurally related to cathinone.” *Id.* (This footnote is not part of the quoted text.)

consumption of this drug as documented by medical personnel during treatment of abusers:

- Increased heart rate
- Increased alertness and awareness
- Agitation
- Anxiety
- Diminished requirement for sleep
- Fits and delusions
- Lack of appetite
- Nosebleeds

More serious side effects associated with these drugs reportedly include:

- Muscle spasms
- Hallucinations
- Blood circulation problems, including increased blood pressure
- Aggression
- Kidney failure
- Severe paranoia
- Seizures
- Panic attacks
- Risk of renal failure
- Sharp increase in body temperature

In most extreme cases, powdered “bath salt” products have been linked to self-mutilation and drug induced deaths to include an increased risk of suicide.⁴

Schedule I Controlled Substances

A substance is a “controlled substance” if it is listed in any of five schedules in s. 893.03, F.S. The particular scheduling determines penalties that may be imposed for unlawful possession, sale, etc., and the conditions under which the substance can be legally possessed, prescribed, sold, etc. Relevant to the bill, a substance in Schedule I is considered to have a high potential for abuse and no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.

Recent Legislation

In 2011, the Legislature listed a number of synthetic cannabinoids and synthetic stimulants in Schedule I.⁵ The following synthetic cannabinoids were listed in Schedule I:

⁴ FDLE Analysis.

⁵ Chapters 2001-73 and 2011-90, L.O.F.

- 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, also known as CP 47,497 and its dimethyloctyl (C8) homologue⁶
- (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, also known as HU-210
- 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018
- 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073
- 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, also known as JWH-200⁷

As a result of the 2011 legislation, penalties for unlawful acts involving synthetic cannabinoids are generally the same as penalties for unlawful acts involving other controlled substances listed in s. 893.03(1)(c), F.S. The exception is that simple possession of 3 grams or less of these 5 synthetic cannabinoids in a non-powdered form is a first degree misdemeanor.⁸

The 2011 legislation also listed the following synthetic stimulants in Schedule I:

- 3,4-methylenedioxy methcathinone
- 3,4-methylenedioxy pyrovalerone (MDPV)
- Methy methcathinone
- Methoxy methcathinone
- Methoxy methcathinone
- Fluoromethcathinone⁹

III. Effect of Proposed Changes:

Section 1 amends s. 893.03, F.S., to list the following synthetic cannabinoids and synthetic stimulants (none of which currently appear in any schedule) in Schedule I:

- BZP (Benzylpiperazine).
- Fluorophenylpiperazine.
- Methylphenylpiperazine.
- Chlorophenylpiperazine.
- Methoxyphenylpiperazine.
- DBZP (1,4-dibenzylpiperazine).
- TFMPP (3-Trifluoromethylphenylpiperazine).
- MBDB (Methylbenzodioxolylbutanamine).
- 5-Hydroxy-alpha-methyltryptamine.
- 5-Hydroxy-N-methyltryptamine.
- 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 5-Methoxy-alpha-methyltryptamine.
- Methyltryptamine.

⁶ A “homologue” is “a chemical compound in a series in which each compound differs by one or more alkyl functional groups on an alkyl side chain. s. 893.02(11), F.S.

⁷ Section 893.03(1)(c)46.-50., F.S.

⁸ Section 893.13(6)(b), F.S.

⁹ Section 893.03(1)(c)40.-45., F.S.

- 5-Methoxy-N,N-dimethyltryptamine.
- 5-Methyl-N,N-dimethyltryptamine.
- Tyramine (4-Hydroxyphenethylamine).
- 5-Methoxy-N,N-Diisopropyltryptamine.
- DiPT (N,N-Diisopropyltryptamine).
- DPT (N,N-Dipropyltryptamine).
- 4-Hydroxy-N,N-diisopropyltryptamine.
- Methoxytryptamine.
- DOI (4-Iodo-2,5-dimethoxyamphetamine).
- DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 2C-T-7 (2,5-Dimethoxy-4-propylthiophenethylamine).
- 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- Ethcathinone.
- Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- Naphyrone (naphthylpyrovalerone).
- N-N-Dimethyl-3,4-methylenedioxycathinone.
- N-N-Diethyl-3,4-methylenedioxycathinone.
- 3,4-methylenedioxy-propiofenone.
- 2-Bromo-3,4-Methylenedioxypropiofenone.
- 3,4-methylenedioxy-propiofenone-2-oxime.
- N-Acetyl-3,4-methylenedioxycathinone.
- N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.
- N-Acetyl-N-Ethyl-3,4-Methylenedioxycathinone.
- Bromomethcathinone.
- Buphedrone (alpha-methylamino-butyrophenone).
- Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- Dimethylcathinone.
- Dimethylmethcathinone.
- Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- (MDPPP) 3,4-Methylenedioxy-alpha-pyrrolidinopropiofenone.
- (MDPBP) 3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
- Methoxypyrrolidinopropiofenone (MOPPP).
- Methylpyrrolidinohexiophenone (MPHP).
- Benzocyclidine (BCP) or benzothiophenylcyclohexylpiperidine (BTCP).
- Fluoromethylaminobutyrophenone (F-MABP).
- Methoxypyrrolidinobutyrophenone (MeO-PBP).
- Ethylpyrrolidinobutyrophenone (Et-PBP).
- 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).

- Methylethylaminobutyrophenone (Me-EABP).
- Methylaminobutyrophenone (MABP).
- Pyrrolidinopropiophenone.
- Pyrrolidinobutiophenone (PBP).
- Pyrrolidinovalerophenone (PVP).
- Methylpyrrolidinopropiophenone (MPPP).
- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
- JWH-019 (Naphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-indole).
- JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).
- JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).
- JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)).
- HU-308 ([9R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol).
- HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
- CB-13 (Naphthalen-1-yl-(4-pentylloxynaphthalen-1-yl)methanone).
- CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).
- CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).
- CP55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone).
- AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone).
- RCS-4 (((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone)).
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenylethanone)).
- WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).
- WIN55,212-3 ([3S]-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

The FDLE states that the scheduling of these substances “would give state and local law enforcement the ability to affect a lawful arrest and seek criminal prosecution against an

individual engaged in the possession, distribution, and unlawful use of these chemical substances.”

Sections 2 and 3 reenact, respectively, s. 893.12(1) - (6), F.S., and s. 921.0022(3)(b) – (e), F.S., to incorporate the amendments made to s. 893.03, F.S., in Section 1 of the bill. Section 893.13(6)(b), F.S. is also amended to add reference to the new synthetic cannabinoids scheduled by the bill.

Section 4 provides that the act take effect October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The FDLE states that the bill “should have little impact on the private sector and would only affect those retailers who are currently profiting on the sale of chemical substances known to be abused by those seeking an altered mental state or ‘high.’ Although synthetic stimulants have been sold to abusers labeled as ‘bath salts’ or ‘plant food,’ these labels were a subterfuge on the part of sellers to attempt to conceal their true nature as drugs of abuse. [The bill] ... will have no impact on manufacturers, distributors or retailers of actual bath products or fertilizers. None of the new substances listed in [the bill] ... have an accepted medical use or a legitimate industrial or commercial purpose.”¹⁰

¹⁰ FDLE Analysis.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any of legislation has reviewed SB 1502 and estimates the bill will have an insignificant prison bed impact.

The FDLE states that the bill “could potentially increase the number of evidence submissions into FDLE’s Crime Laboratory System. The lab system will need to acquire all of the required standards necessary to test the proposed chemical substances.”¹¹ The department also notes that “[l]ocal agencies which fund and maintain their own crime lab with a chemistry section would potentially be facing a similar rise in submissions associated with the additions of the proposed chemical substances.”¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal Justice on January 31, 2012:**

The CS:

- Corrects misspellings of chemical nomenclature.
- References in s. 893.13(6)(b), F.S., the new synthetic cannabinoids scheduled by the bill.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹¹ FDLE Analysis.

¹² *Id.*