

POLICY PRIMER



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UF College of Medicine Division of Addiction Medicine Drug Policy Institute

The Challenge of “Designer Drug Abuse” in Florida

University of Florida
Drug Policy Institute
(Division of Addiction Medicine)

The UF Drug Policy Institute (DPI) serves the state of Florida, the Nation, and the global community in delivering evidence-based, policy-relevant, information to policymakers, practitioners, scholars, and the community to make educated decisions about issues of policy significance in the field of substance use, abuse, and addiction.

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INTRODUCTION

Designer (sometimes called “synthetic”) drug abuse is a growing phenomenon in Florida. These drugs are being sold openly in a commercial setting, and are not labeled. They do not list their key ingredients or identify what they should be used for. Some are not even distributed under a product name. A recent south Florida study found that the great majority (82%) of designer drug users purchased their substance of choice in retail stores¹; they are also easily found on the internet. The widespread availability of these drugs has spurred state and local law enforcement and health regulators to identify new ways to address the problem of designer drug sales.

WHAT ARE DESIGNER DRUGS?

Based on their chemical make-up, these drugs are typically divided into two categories:

1. *Cannabinoids* (popularly known as K2 or Spice)
The effects of cannabinoids include agitation, extreme nervousness, nausea, vomiting, elevated blood pressure, tremors and seizures, and hallucinations.
2. *Cathinones* and *designer phenethylamines* (often known as bath salts).
Cathinone and designer phenethylamine use is associated with increased heart rate and blood pressure, extreme paranoia, hallucinations, and violent behavior, causing users to harm themselves or others.

Due to the fact that the chemical compositions of many designer drug products are unknown, it is likely that some varieties also contain substances that could cause dramatically different effects than the user might otherwise expect. This poor level of quality control was highlighted recently by the Centers for Disease Control and Prevention (CDC) in a document that reported that designer cannabinoid use can cause kidney damage.²

Many purveyors of designer drugs expressly market their products as a way to experience a “legal” – and therefore somehow “safe” - high. These highs can produce hallucinations, chest pains, increased blood pressure and heart rate, agitation, extreme paranoia, and delusions.³ According to the most recent data from the Drug Abuse Warning Network, designer drugs were linked to more than 11,000 emergency room visits in 2010; three quarters of those visits were by patients aged 12-29.⁴

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WHAT IS FLORIDA DOING TO COMBAT DESIGNER DRUG SALES?

- Florida has been at the forefront of addressing the rise of designer drugs sales. Within weeks of taking office, Florida Attorney General Pam Bondi signed an emergency rule temporarily outlawing three substances found in so-called “bath salts.”
- Following this January 2011 emergency rule, the Florida Legislature passed a bill to permanently ban these dangerous drugs.
- In 2012, the Florida Legislature added 92 designer cannabinoids and designer stimulants (cathinones) to the schedule of controlled substances.
- And most recently, in December 2012, General Bondi filed another emergency rule outlawing an additional 22 newly identified designer drugs - 9 cannabinoids, 8 cathinones, and 5 phenethylamines.

LEGISLATIVE ACTION

In 2013, the Legislature will consider SB 294 and HB 619. These bills would permanently prohibit the use of the 22 additional drugs outlawed under General Bondi’s latest emergency rule.

THE WAY FORWARD

While bans on specific designer drug formulas have been successful in removing inventory from retail settings, manufacturers continue to elude these new scheduling bans by simply modifying the now banned designer substance with a newer chemical version not prohibited. They often attempt to circumvent Federal and state laws banning analogs of listed substances by affixing labels on designer drug products stating that they are “not for human consumption.” However, the manufacturers and distributors know all too well that people are consuming their products to obtain a high, as reflected by the small packaging consistent with individual use and high cost of their products (these drugs typically are sold at \$15-\$30 per pack).

In Italy, for example, they treat these drugs with their Consumer Code, meaning that labels not only have to display ingredients, but they must also report the possible negative effects of the product. If their National Early Warning System notifies a product, i.e. named “Flower” sold as fertilizer, which contains designer cathinones, law enforcement agencies have the authority to immediately withdraw every product named “Flower” sold as fertilizer for further analysis. Moreover, the product must have a specific authorization to be commercialized.

Florida’s “controlled substance analog” law (F.S. 893.0356)¹ defines a “*controlled substance analog*” as a *substance which is substantially similar to a controlled substance listed in Schedule I or Schedule II.*”

- **However, state officials cannot keep up with designer drug chemists. Accordingly, a paradigm shift must occur that forces manufacturers to play by a new set of rules.** This can be as simple and straightforward as developing rules addressing product availability and labeling.
- **A sustained effort must be created that cuts off the kind of cash flow manufacturers and store owners currently enjoy.** Selling designer drugs is big business. For example, one store in Minnesota reported making \$16,000 per day in designer drug sales.⁵ If retailers stop selling these drugs, the manufacturers will make less money and will be unable to fund the development of new products. Furthermore, if drug sales were confined largely to the Internet, Florida could take advantage of other state and federal regulatory tools to attack, and eventually eliminate these harmful products.
- **The Florida Legislature should consider imposing mandatory product labels for these dangerous products.** Almost every product consumers come into contact with has a list of key ingredients as well as the location where the product was manufactured. The same standard should be applied to designer drugs.

¹ Castellanos, D. et al., (2011). Designer cannabinoid use: A case series of adolescents. *Journal of Adolescent Health*, 49, 347-349.

² Centers for Disease Control and Prevention. (2013). Acute kidney injury associated with designer cannabinoid use – Multiple states, 2012. *Morbidity and Mortality Weekly Report*, 62(6), 93-98. Retrieved from: http://www.cdc.gov/MMWR/preview/mmwrhtml/mm6206a1.htm?s_cid=mm6206a1_w.

³ National Institutes of Health, Bath Salts. <http://www.drugabuse.gov/publications/drugfacts/synthetic-cathinones-bath-salts>

⁴ Drug Abuse Warning Network. (2012). Drug-Related Emergency Department Visits Involving Designer Cannabinoids. *The DAWN Report*, December 4, 2012. Retrieved from: <http://www.samhsa.gov/data.2k12/DAWN105/SR105-designer-marijuana.pdf>.

⁵ CNBC. (2012). Crime Inc. - A Deadly High. Retrieved from: <http://www.cnbc.com/id/100008716>.