

HEALTH RISKS AND EFFECTS OF DRUG USAGE AND PENALTIES UNDER FEDERAL AND STATE LAW

A. Health Risks Associated With Drug Use

Using drugs carries risks. A variety of literature and resources are available to help educate you on the dangers of drug use, and the risks and consequences associated with this activity. These include:

- The National U.S. Department of Health and Human Services and SAMHSA's National Clearinghouse for Alcohol and Drug Information (located at <http://ncadi.samhsa.gov/>)
- *Drugs of Abuse*, published by the US Department of Justice Drug Enforcement Administration (view or download at <http://www.usdoj.gov/dea/pubs/abuse/>)
- DEA Drug Information Page (located at <http://www.usdoj.gov/dea/concern/concern.htm>)(contains helpful information on a variety of commonly abused drugs)

Information for students regarding area drug and alcohol counseling and rehabilitation programs is available through the Office of Student Life. Employees may receive counseling through the University's EAP program and/or information provided by the Office of Human Resources at the College of Law by dialing (727) 562-7807.

In addition, the information below, adapted from the U.S. Department of Education publication *What Work Schools Without Drugs* (Revised, 1989 at pp. 62-78) summarizes some of these health risks:

Alcohol

Low doses significantly impair the judgment and coordination needed to operate vehicles. Low to moderate doses also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses cause marked impairments in higher mental functions, including loss of memory and the ability to learn and remember information. Very high doses cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use can lead to dependence. Sudden cessation is likely to produce withdrawal symptoms, and can be life-threatening. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation.

Cannabis

(Marijuana, Tetrahydrocannabinol, Hashish, Hashish oil)

Regularly observed physical effects of cannabis include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, reduce ability to perform tasks requiring concentration and coordination, and impair driving ability. Motivation and

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cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. Long-term use may result in possible lung damage and can be psychologically addictive.

Inhalants

(Nitrous Oxide, Amyl Nitrite, Butyl Nitrite, Chlorohydrocarbons, Hydrocarbons)

Immediate effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing oxygen in lungs. Long-term use can cause weight loss, fatigue, electrolyte imbalance, muscle fatigue, and permanent damage to the nervous system.

Cocaine (Crack)

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause nasal irritation; chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine can with contaminated equipment can cause AIDS, hepatitis, and other diseases. Crack or freebase rock is extremely addictive. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure. Cocaine can produce physical and psychological dependency, and tolerance develops rapidly

Stimulants

(Amphetamines, Methamphetamines, Other)

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. Users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. Amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, feelings of restlessness, anxiety, and moodiness can result. Use of large amounts over a long period of time can cause amphetamine psychosis that includes hallucinations, delusions, and paranoia.

Depressants

(Barbituates, Methaqualone, Tranquilizers)

Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. Combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying risks. Regular use over time may result in the development of tolerance, leading to increased consumption. Regular users who suddenly stop may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after birth. Birth defects and behavioral problems may also result. The use of depressants can cause both physical and psychological dependence.

Hallucinogens

(PCP, LSD, Mescaline, Peyote, Psilocybin)

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls intellect and instinct. PCP blocks pain receptors, and users can have violent PCP episodes resulting in self-inflicted injuries. While effects vary, chronic users report persistent memory problems and speech difficulties. Mood disorders—depression, anxiety and violent behavior—also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Lysergic acid diethylamide (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors.

Narcotics

(Heroin, Methadone, Codeine, Morphine, Meperidine, Opium, Other)

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users may experience constricted pupils, watery eyes and itching. Overdoses may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. The use of contaminated syringes may result in disease, such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms. Tolerance develops rapidly and use of narcotics can cause dependence.

Designer Drugs

(Analog of Fenetyl, Analog of Meperidine, Analog of Amphetamines and Methamphetamines, Analog of PCP)

Many "designer drugs" are related to amphetamines and have mild stimulant properties. Use can produce severe neurochemical damage to the brain. Narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analog of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. Analog of PCP cause illusions, hallucinations, and impaired perception.

Anabolic Steroids

Steroid users subject themselves to more than 70 side effects, ranging in severity from acne to liver cancer, including psychological as well as physical reactions. The liver and cardiovascular and reproductive systems are most seriously affected by use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior, known as "roid rage", and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

B. Federal Drug Penalties

The Controlled Substances Act (CSA) placed all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. These schedules descriptions, taken from the DOJ publication *Drugs of Abuse* referenced above are described below.

Schedule I

- The drug or other substance has a high potential for abuse.
- The drug or other substance has no currently accepted medical use in treatment in the United States.
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.
- Examples of Schedule I substances include heroin, lysergic acid diethylamide (LSD), marijuana, and methaqualone.

Schedule II

- The drug or other substance has a high potential for abuse.
- The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- Abuse of the drug or other substance may lead to severe psychological or physical dependence.
- Examples of Schedule II substances include morphine, phencyclidine (PCP), cocaine, methadone, and methamphetamine.

Schedule III

- The drug or other substance has less potential for abuse than the drugs or other substances in Schedules I and II.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
- Anabolic steroids, codeine and hydrocodone with aspirin or Tylenol®, and some barbiturates are examples of Schedule III substances.

Schedule IV

- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- Examples of drugs included in schedule IV are Darvon®, Talwin®, Equanil®, Valium® and Xanax®.

Schedule V

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- The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
- The drug or other substance has a currently accepted medical use in treatment in the United States.
- Abuse of the drug or other substances may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- Cough medicines with codeine are examples of Schedule V drugs.

To review the federal drug abuse and prevention statute, go to <http://www.usdoj.gov/dea/pubs/csa.html>

C. State of Florida Drug Penalties

Statute	Compare to Federal Schedule	Category	Best Known Members	Notes	Penalty to Possess (See Note 5)	Penalty to Sell or Intend to Sell	Sell or Intend to sell w/in 1000 feet of private college
893.03 (1)(a)	I	Synthetics, mainly analgesics, plus 3,4 MDMA	Ecstasy		F3 893.13 (6)(a) > 10 grams F1 893.13 (6)(c)	F2 893.13 (1)(a)(1) > 10 grams, F1 893.13 (3) (b)	F1 893.13 (1)(d)(1)
893.03 (1)(b)	I	Analgesics structurally similar to morphine	Heroin, Etorphine		F3 893.13 (6)(a) > 10 grams F1 893.13 (6)(c)	F2 893.13 (1)(a)(1) > 10 grams, F1 893.13 (3) (b)	F1 893.13 (1)(d)(1)
893.03 (1)(c)	I	Hallucinogens	LSD, Peyote	Marijuana is in this category, but it has its own lower penalties (1)	M1 893.13 (6)(a) >20 grams F3 893.13 (6)(a)	F3 893.13 (1)(a)(2) See Note 1	F2 893.13 (1)(d)(2)
893.03 (1)(d)	I	Powerful sedatives, dissociative anesthetics, "Date Rape Drugs"	GHB, Qualude®		F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)
893.03 (2)(a)(1)	II	Opiates	Codeine, Oxycodone, Morphine		F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)
893.03 (2)(a)(2)	II	(Compounds similar to Opiates, above)			F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)
893.03 (2)(a)(3)	II	Any portion of opium poppy plant			F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)

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893.03 (2)(a)(4)	II	Cocaine and related compounds	Cocaine		F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)
893.03 (2)(b)	II	Opioid Analgesics	Fentanyl, Methadone		F3 893.13 (6)(a)	F2 893.13 (1)(a)(1)	F1 893.13 (1)(d)(1)
893.03 (2)(c)	II	Amphetamines and fast acting barbiturates	Methamphetamine Nembutal®,		F3 893.13 (6)(a)	Methamphetamine F2 893.13 (1)(a)(1) Others F3 893.13 (1)(a)(2)	Methamphetamine F1 893.13 (1)(d)(1) Others F2 893.13 (1)(d)(2)
893.03 (3)(a)	III	Certain stimulants, depressants, medium acting barbiturates			F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(b)	III	Nalorphine			F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(c)	III	Certain dilute concentrations of codeine and similar drugs			F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(d)	III	Anabolic Steroids			F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(e)	III	Ketamine	“Special K”		F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(f)	III	Dronabinol		THC in capsule	F3 893.13 (6)(a)	F3 893.13(1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (3)(g)	III	Any FDA approved drug that contains GHB			F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (4)	IV	Long list; mainly of mild sedatives, analgesics, benzodiazepines	Valium®		F3 893.13 (6)(a)	F3 893.13 (1)(a)(2)	F2 893.13 (1)(d)(2)
893.03 (5)	V	Certain very dilute concentrations of codeine or other opioids	Rx Cough Syrup			M1 893.13 (1)(a)(3)	Minimum \$500 fine and 100 hours community service 893.13 (1)(d)(3)
499.003 (25).	Unscheduled Rx drugs	Prescription drugs with no real potential for abuse	e.g. antibiotics		M2 499.03 (1) and 499.03 (3)	F3 499.03 (1) and 499.03 (3)	

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Notes

1) Marijuana – “Any person who delivers, without consideration, not more than 20 grams of cannabis... commits a misdemeanor of the first degree.”

2) 893.13(10) and (11) allow a judge to sentence certain offenders to drug offender probation as described in 948.034; see also 893.15

3) If someone possesses more than
25 pounds of marijuana (or 300 plants)
28 grams of cocaine
4 grams of certain opiates
28 grams of phencyclidine (“PCP”)
200 grams of methaqualone (“Qualude”)
14 grams of amphetamine
4 grams of Flunitrazepam (“Rohypnol”)
1 kilogram of GHB
10 grams of 3,4 MDMA (“Ecstasy”)
1 gram of LSD, or
Various weights of other exotica,

then they are subject to enhanced penalties laid out in 893.135. It is worth pointing out that when weighing drugs, commingled inert substances can increase the total weight; for example, if I have 200 micrograms of LSD on a 1.1 gram sugar cube, I can be charged with trafficking 1.1 grams of LSD. See 893.135 (6) and (7).

4) Analogs – several portions of the statute make it an offense to possess, manufacture or sell substances that are *similar* to banned substances in their structure or action. See, for example, 893.0356

5) As used in the “penalty” portion of the above table,

F1 stands for Felony, 1st Degree, currently punishable by not more than 30 years in jail and a fine of not more than \$10,000.

F2 stands for Felony, 2nd Degree, currently punishable by not more than 15 years in jail and a fine of not more than \$10,000.

F3 stands for Felony, 3rd Degree, currently punishable by not more than 5 years in jail and a fine of not more than \$5,000.

M1 stands for Misdemeanor, 1st Degree, currently punishable by not more than 1 year in jail and a fine of not more than \$1,000.

M2 stands for Misdemeanor, 2nd Degree, currently punishable by not more than 60 days in jail and a fine of not more than \$500.

Some offenses (especially the Trafficking statute, 893.135) provide for stiffer punishments.

6) Possession of a prescription drug without a label on the container showing the details of the prescription creates a presumption that the possession is unlawful. {499.03 (2)}. Counterfeiting, adulterating, mis-branding drugs and removing the label from a legitimately dispensed drug are all offences (ranging from **M2** to **F2**) under 499.0691; also, engaging in the unlicensed practice of pharmacy, operating an unlicensed pharmacy, and masquerading as a licensed pharmacist are covered in 465.015