

By Senator Collins

14-00284A-24

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1 A bill to be entitled
2 An act relating to exposures of first responders to
3 fentanyl; creating s. 893.132, F.S.; defining terms;
4 providing criminal penalties for persons who
5 recklessly expose first responders to fentanyl,
6 fentanyl derivatives, analogs of fentanyl, or mixtures
7 containing such substances and an overdose or serious
8 bodily injury of a first responder results, if the
9 substance or mixture is proven to have caused or been
10 a substantial factor in causing the overdose or
11 serious bodily injury of the first responder;
12 specifying prima facie evidence that a person
13 experienced an overdose or a serious bodily injury;
14 providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 893.132, Florida Statutes, is created to
19 read:

20 893.132 Fentanyl exposure of first responder resulting in
21 overdose or serious bodily injury.-

22 (1) As used in this section, the term:

23 (a) "Emergency opioid antagonist" has the same meaning as
24 in s. 381.887(1).

25 (b) "Expose" means to cause any of the following,
26 including, but not limited to, skin contact, inhalation,
27 ingestion, contact with a needlestick that pricks the skin, or
28 contact with a mucus membrane, including without limitation the
29 mouth, eyes, or nose.

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30 (c) "First responder" means an emergency medical technician
31 as defined in s. 401.23, a paramedic as defined in s. 401.23, a
32 firefighter as defined in s. 633.102, or a state or local law
33 enforcement officer as defined in s. 943.10.

34 (d) "Medical care" means the administration of treatment
35 for the purposes of preserving or sustaining life, including the
36 administration of an emergency opioid antagonist.

37 (e) "Overdose or serious bodily injury" means drug toxicity
38 or a physical condition that creates a substantial risk of death
39 or a substantial loss or impairment of the function of any
40 bodily member or organ.

41 (f) "Recklessly" means in a manner that shows a willful or
42 wanton disregard for the safety of other persons, such as when
43 possessing a controlled substance as described in paragraphs
44 (2) (a) - (d).

45 (g) "Substantial factor" means that the use of a substance
46 or mixture alone is sufficient to cause an overdose or serious
47 bodily injury, regardless of whether any other substance or
48 mixture used is also sufficient to cause an overdose or serious
49 bodily injury.

50 (2) A person who recklessly exposes a first responder to
51 any of the following:

52 (a) Fentanyl, as described in s. 893.03(2)(b)9.;

53 (b) Fentanyl derivatives, as described in s.
54 893.03(1)(a)62.;

55 (c) A controlled substance analog, as described in s.
56 893.0356, of any substance specified in paragraph (a) or
57 paragraph (b); or

58 (d) A mixture containing any substance specified in

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59 paragraph (a), paragraph (b), or paragraph (c),
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61 and an overdose or serious bodily injury of the first responder
62 results commits a felony of the first degree, punishable as
63 provided in s. 775.082, s. 775.083, or s. 775.084, if such
64 substance or mixture is proven to have caused or been a
65 substantial factor in causing the overdose or serious bodily
66 injury of the first responder.

67 (3) The administration of medical care by a first responder
68 is prima facie evidence that the person receiving medical care
69 experienced an overdose or serious bodily injury.

70 Section 2. This act shall take effect October 1, 2024.