

Committee on Criminal Justice

CS/HB 477 — Controlled Substances

by Criminal Justice Subcommittee and Rep. Boyd and others (CS/CS/CS/SB 150 by Appropriations Committee; Judiciary Committee; Criminal Justice Committee; and Senators Steube, Baxley, Passidomo, Artiles, and Mayfield)

The bill addresses scheduling for controlled substances and punishment for controlled substance offenses. Specifically, the bill:

- Provides that a person 18 years of age or older commits felony murder if he or she unlawfully distributes any specified controlled substance, including a specified fentanyl-related substance, and the distribution is proven to be the proximate cause of death of the user;
- Includes in Schedule I of the controlled substance schedules a class of fentanyl derivatives and five substances that were originally developed for legitimate research but that have now emerged in the illicit drug market;
- Provides that it is a first degree felony to unlawfully possess 10 grams or more of certain Schedule II substances, including certain fentanyl-related substances;
- Adds codeine, an isomer of hydrocodone, to a current provision punishing trafficking in hydrocodone, and adds additional phenethylamines and phencyclidines to current provisions punishing trafficking in phencyclidine and phenethylamine;
- Punishes trafficking in fentanyl, synthetic cannabinoids, and n-benzyl phenethylamines, including mandatory minimum terms of imprisonment and mandatory fines;
- Ranks new trafficking offenses (first degree felonies) in the offense severity ranking chart of the Criminal Punishment Code;
- Authorizes certain crime laboratory personnel to possess, store, and administer emergency opioid antagonists used to treat opioid overdoses; and
- Provides that cross-references throughout the Florida Statutes to the Florida Comprehensive Drug Abuse Prevention and Control Act (ch. 893, F.S.), or any portion thereof, include all subsequent amendments to the act.

If approved by the Governor, these provisions take effect October 1, 2017.

Vote: Senate 31-7; House 118-0