

By the Committee on Criminal Justice and Senator Laurent

307-1779-01

1                                   A bill to be entitled  
2           An act relating to controlled substances;  
3           authorizing the creation of a pilot program in  
4           Orange County to intercept illegal drug  
5           shipments through package delivery services;  
6           amending ss. 823.10, 823.01, F.S.; providing  
7           that a person who willfully maintains a place  
8           where controlled substances are unlawfully  
9           kept, sold, or delivered commits the offense of  
10          keeping or maintaining a public nuisance;  
11          providing a penalty; amending s. 877.111, F.S.,  
12          relating to inhalation, ingestion, sale,  
13          purchase, or transfer of certain harmful  
14          chemical substances; providing exceptions to  
15          applications of offenses relating to unlawful  
16          distribution, sale, purchase, transfer, or  
17          possession of nitrous oxide; amending s.  
18          893.03, F.S., relating to controlled substance  
19          standards and schedules; adding  
20          4-methoxymethamphetamine, 1, 4-Butanediol,  
21          Gamma-butyrolactone (GBL), Gamma-hydroxybutyric  
22          acid (GBH), methaqualone, and mecloqualone to  
23          Schedule I; deleting 1, 4-Butanediol and  
24          Gamma-hydroxybutyric acid from Schedule II;  
25          adding drug products containing  
26          Gamma-hydroxybutyric acid which are approved  
27          under the Federal Food, Drug, and Cosmetic Act  
28          to Schedule III; amending s. 893.033, F.S.,  
29          relating to listed chemicals; adding  
30          chloroephedrine and chloropseudoephedrine to  
31          the list of precursor chemicals; amending s.

1           893.135, F.S., relating to drug trafficking;  
2           creating offenses for trafficking in  
3           Gamma-butyrolactone (GBL) and lysergic acid  
4           diethylamide (LSD); providing penalties;  
5           amending scheduling references for trafficking  
6           in Gamma-hydroxybutyric acid (GHB) and 1,  
7           4-Butanediol; providing effective dates.  
8

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

10  
11           Section 1. The Legislature finds that drug traffickers  
12 are increasingly employing package-delivery services to  
13 illegally transport narcotics into the state. In accordance  
14 with this finding, the Legislature authorizes the creation of  
15 a 3-year pilot program in Orange County, Florida to target and  
16 intercept the illegal shipment of narcotics via  
17 package-delivery services. This pilot program shall be created  
18 and supervised by the Orange County Sheriff's Office. The  
19 Orange County Sheriff's Office shall make a formal report of  
20 its findings to the Legislature by May 1, 2004.

21           Section 2. Subsection (1) of section 823.10, Florida  
22 Statutes, is amended to read:

23           823.10 Place where controlled substances are illegally  
24 kept, sold, or used declared a public nuisance.--

25           (1) Any store, shop, warehouse, dwelling house,  
26 building, vehicle, ship, boat, vessel, or aircraft, or any  
27 place whatever, which is visited by persons for the purpose of  
28 unlawfully using any substance controlled under chapter 893 or  
29 any drugs as described in chapter 499, or which is used for  
30 the illegal keeping, selling, or delivering of the same, shall  
31 be deemed a public nuisance. No person shall keep or maintain

1 such public nuisance or aid and abet another in keeping or  
2 maintaining such public nuisance. Any person who willfully  
3 violates this subsection commits the offense of keeping or  
4 maintaining a public nuisance, which is a felony of the third  
5 degree, punishable as provided in s. 775.082, s. 775.083, or  
6 s. 775.084.

7 Section 3. Section 823.01, Florida Statutes, is  
8 amended to read:

9 823.01 Nuisances; penalty.--All nuisances that ~~which~~  
10 tend to annoy the community, ~~or~~ injure the health of the  
11 citizens in general, or ~~to~~ corrupt the public morals, ~~are~~  
12 misdemeanors of the second degree, punishable as provided in  
13 s. 775.083, except that a violation of s. 823.10 is a felony  
14 of the third degree.

15 Section 4. Subsection (4) of section 877.111, Florida  
16 Statutes, is amended to read:

17 877.111 Inhalation, ingestion, possession, sale,  
18 purchase, or transfer of harmful chemical substances;  
19 penalties.--

20 (4) Any person who knowingly distributes, sells,  
21 purchases, transfers, or possesses more than 16 grams of  
22 nitrous oxide ~~for any use other than:~~

23 ~~(a) As part of the care or treatment of a disease or~~  
24 ~~injury by a practitioner licensed under chapter 458, chapter~~  
25 ~~459, chapter 464, chapter 466, or chapter 474;~~

26 ~~(b) As a food processing propellant;~~

27 ~~(c) As a semiconductor oxidizer;~~

28 ~~(d) As an analytical chemistry oxidizer in atomic~~  
29 ~~absorption spectrometry;~~

30 ~~(e) In the production of chemicals used to inflate~~  
31 ~~airbags;~~

1           ~~(f) As an oxidizer for chemical production,~~  
2 ~~combustion, or jet propulsion; or~~

3           ~~(g) When mixed with not less than 100 parts per~~  
4 ~~million of sulfur dioxide~~

5  
6 commits a felony of the third degree which shall be known as  
7 unlawful distribution of nitrous oxide, punishable as provided  
8 in s. 775.082, s. 775.083, or s. 775.084. For purposes of this  
9 subsection, in addition to proving by any other means that  
10 nitrous oxide was knowingly possessed, distributed, sold,  
11 purchased, or transferred ~~for any purpose not specified in~~  
12 ~~paragraphs (a)-(g)~~, proof that any person discharged, or aided  
13 another in discharging, nitrous oxide to inflate a balloon or  
14 any other object suitable for subsequent inhalation creates an  
15 inference of the person's knowledge that the nitrous oxide's  
16 use was for an unlawful a purpose other than those provided in  
17 paragraphs (a)-(g). This subsection does not apply to the  
18 possession and use of nitrous oxide as part of the care and  
19 treatment of a disease or injury by a practitioner licensed  
20 under chapter 458, chapter 459, chapter 464, chapter 466, or  
21 chapter 474; as a food-processing propellant; as a  
22 semiconductor oxidizer; as an analytical chemistry oxidizer in  
23 atomic absorption spectrometry; in the production of chemicals  
24 used to inflate airbags; as an oxidizer for chemical  
25 production, combustion, or jet propulsion; or as a motor  
26 vehicle induction additive when mixed with sulphur dioxide.

27           Section 5. Paragraphs (c) and (d) of subsection (1)  
28 and paragraph (b) of subsection (2) of section 893.03, Florida  
29 Statutes, are amended and paragraph (g) is added to subsection  
30 (3) of that section, to read:

31

1           893.03 Standards and schedules.--The substances  
2 enumerated in this section are controlled by this chapter.  
3 The controlled substances listed or to be listed in Schedules  
4 I, II, III, IV, and V are included by whatever official,  
5 common, usual, chemical, or trade name designated. The  
6 provisions of this section shall not be construed to include  
7 within any of the schedules contained in this section any  
8 excluded drugs listed within the purview of 21 C.F.R. s.  
9 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,  
10 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,  
11 styled "Exempted Prescription Products"; or 21 C.F.R. s.  
12 1308.34, styled "Exempt Anabolic Steroid Products."

13           (1) SCHEDULE I.--A substance in Schedule I has a high  
14 potential for abuse and has no currently accepted medical use  
15 in treatment in the United States and in its use under medical  
16 supervision does not meet accepted safety standards. The  
17 following substances are controlled in Schedule I:

18           (c) Unless specifically excepted or unless listed in  
19 another schedule, any material, compound, mixture, or  
20 preparation which contains any quantity of the following  
21 hallucinogenic substances or which contains any of their  
22 salts, isomers, and salts of isomers, whenever the existence  
23 of such salts, isomers, and salts of isomers is possible  
24 within the specific chemical designation:

- 25           1. Alpha-ethyltryptamine.
- 26           2. 2-Amino-4-methyl-5-phenyl-2-oxazoline  
27 (4-methylaminorex).
- 28           3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 29           4. 4-Bromo-2,5-dimethoxyamphetamine.
- 30           5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 31           6. Bufotenine.

- 1           7. Cannabis.
- 2           8. Cathinone.
- 3           9. Diethyltryptamine.
- 4           10. 2,5-Dimethoxyamphetamine.
- 5           11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 6           12. Dimethyltryptamine.
- 7           13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 8 analog of phencyclidine).
- 9           14. N-Ethyl-3-piperidyl benzilate.
- 10          15. N-ethylamphetamine.
- 11          16. Fenethylamine.
- 12          17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 13          18. Ibogaine.
- 14          19. Lysergic acid diethylamide (LSD).
- 15          20. Mescaline.
- 16          21. Methcathinone.
- 17          22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 18          23. 4-methoxyamphetamine.
- 19          24. 4-methoxymethamphetamine.
- 20          25.24. 4-Methyl-2,5-dimethoxyamphetamine.
- 21          26.25. 3,4-Methylenedioxy-N-ethylamphetamine.
- 22          27.26. 3,4-Methylenedioxyamphetamine.
- 23          28.27. N-Methyl-3-piperidyl benzilate.
- 24          29.28. N,N-dimethylamphetamine.
- 25          30.29. Parahexyl.
- 26          31.30. Peyote.
- 27          32.31. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY)
- 28 (Pyrrolidine analog of phencyclidine).
- 29          33.32. Psilocybin.
- 30          34.33. Psilocyn.
- 31          35.34. Tetrahydrocannabinols.

1           ~~36.35.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
2 (Thiophene analog of phencyclidine).

3           ~~37.36.~~ 3,4,5-Trimethoxyamphetamine.

4           (d) Unless specifically excepted or unless listed in  
5 another schedule, any material, compound, mixture, or  
6 preparation which contains any quantity of the following  
7 substances ~~methaqualone or mecloqualone~~, including any of its  
8 salts, isomers, optical isomers, salts of their isomers, and  
9 salts of these optical isomers whenever the existence of such  
10 isomers and salts is possible within the specific chemical  
11 designation:-

- 12           1. 1,4-Butanediol.
- 13           2. Gamma-butyrolactone (GBL).
- 14           3. Gamma-hydroxybutyric acid (GHB).
- 15           4. Methaqualone.
- 16           5. Mecloqualone.

17           (2) SCHEDULE II.--A substance in Schedule II has a  
18 high potential for abuse and has a currently accepted but  
19 severely restricted medical use in treatment in the United  
20 States, and abuse of the substance may lead to severe  
21 psychological or physical dependence. The following substances  
22 are controlled in Schedule II:

23           (b) Unless specifically excepted or unless listed in  
24 another schedule, any of the following substances, including  
25 their isomers, esters, ethers, salts, and salts of isomers,  
26 esters, and ethers, whenever the existence of such isomers,  
27 esters, ethers, and salts is possible within the specific  
28 chemical designation:

- 29           1. Alfentanil.
- 30           2. Alphaprodine.
- 31           3. Anileridine.

- 1           4.   Bezitramide.
- 2           5.   Bulk propoxyphene (nondosage forms).
- 3           ~~6. 1,4-Butanediol.~~
- 4           6.7. Carfentanil.
- 5           7.8. Dihydrocodeine.
- 6           8.9. Diphenoxylate.
- 7           9.10. Fentanyl.
- 8           ~~11. Gamma-hydroxybutyric acid (GHB).~~
- 9           10.12. Isomethadone.
- 10          11.13. Levomethorphan.
- 11          12.14. Levorphanol.
- 12          13.15. Metazocine.
- 13          14.16. Methadone.
- 14          15.17. Methadone-Intermediate, 4-cyano-2-
- 15 dimethylamino-4,4-diphenylbutane.
- 16          16.18. Moramide-Intermediate, 2-methyl-
- 17 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 18          17.19. Nabilone.
- 19          18.20. Pethidine (meperidine).
- 20          19.21. Pethidine-Intermediate-A, 4-cyano-1-
- 21 methyl-4-phenylpiperidine.
- 22          20.22. Pethidine-Intermediate-B, ethyl-4-
- 23 phenylpiperidine-4-carboxylate.
- 24          21.23. Pethidine-Intermediate-C, 1-methyl-4-
- 25 phenylpiperidine-4-carboxylic acid.
- 26          22.24. Phenazocine.
- 27          23.25. Phencyclidine.
- 28          24.26. 1-Phenylcyclohexylamine.
- 29          25.27. Piminodine.
- 30          26.28. 1-Piperidinocyclohexanecarbonitrile.
- 31          27.29. Racemethorphan.



1           ~~28.30.~~ Racemorphan.

2           ~~29.31.~~ Sufentanil.

3           (3) SCHEDULE III.--A substance in Schedule III has a  
4 potential for abuse less than the substances contained in  
5 Schedules I and II and has a currently accepted medical use in  
6 treatment in the United States, and abuse of the substance may  
7 lead to moderate or low physical dependence or high  
8 psychological dependence or, in the case of anabolic steroids,  
9 may lead to physical damage. The following substances are  
10 controlled in Schedule III:

11           (g) Any drug product containing gamma-hydroxybutyric  
12 acid, including its salts, isomers, and salts of isomers, for  
13 which an application is approved under s. 505 of the Federal  
14 Food, Drug, and Cosmetic Act.

15           Section 6. Subsection (1) of section 893.033, Florida  
16 Statutes, is amended to read:

17           893.033 Listed chemicals.--The chemicals listed in  
18 this section are included by whatever official, common, usual,  
19 chemical, or trade name designated.

20           (1) PRECURSOR CHEMICALS.--The term "listed precursor  
21 chemical" means a chemical that may be used in manufacturing a  
22 controlled substance in violation of this chapter and is  
23 critical to the creation of the controlled substance, and such  
24 term includes any salt, optical isomer, or salt of an optical  
25 isomer, whenever the existence of such salt, optical isomer,  
26 or salt of optical isomer is possible within the specific  
27 chemical designation. The following are "listed precursor  
28 chemicals":

29           (a) Anthranilic acid.

30           (b) Benzyl chloride.

31           (c) Benzyl cyanide.

- 1           (d) Chloroephedrine.  
2           (e) Chloropseudoephedrine.  
3           (f)~~(d)~~ Ephedrine.  
4           (g)~~(e)~~ Ergonovine.  
5           (h)~~(f)~~ Ergotamine.  
6           (i)~~(g)~~ Ethylamine.  
7           (j)~~(h)~~ Isosafrole.  
8           (k)~~(i)~~ Methylamine.  
9           (l)~~(j)~~ 3, 4-Methylenedioxyphenyl-2-propanone.  
10          (m)~~(k)~~ N-acetylanthranilic acid.  
11          (n)~~(l)~~ N-ethylephedrine.  
12          (o)~~(m)~~ N-ethylpseudoephedrine.  
13          (p)~~(n)~~ N-methylephedrine.  
14          (q)~~(o)~~ N-methylpseudoephedrine.  
15          (r)~~(p)~~ Norpseudoephedrine.  
16          (s)~~(q)~~ Phenylacetic acid.  
17          (t)~~(r)~~ Phenylpropanolamine.  
18          (u)~~(s)~~ Piperidine.  
19          (v)~~(t)~~ Piperonal.  
20          (w)~~(u)~~ Propionic anhydride.  
21          (x)~~(v)~~ Pseudoephedrine.  
22          (y)~~(w)~~ Safrole.

23           Section 7. Paragraph (h) of subsection (1) of section  
24 893.135, Florida Statutes, is amended, present paragraphs (i)  
25 and (j) of that subsection are redesignated as paragraphs (j)  
26 and (k), respectively, and amended, and new paragraphs (i) and  
27 (l) are added to that subsection, to read:

28           893.135 Trafficking; mandatory sentences; suspension  
29 or reduction of sentences; conspiracy to engage in  
30 trafficking.--  
31

1           (1) Except as authorized in this chapter or in chapter  
2 499 and notwithstanding the provisions of s. 893.13:

3           (h)1. Any person who knowingly sells, purchases,  
4 manufactures, delivers, or brings into this state, or who is  
5 knowingly in actual or constructive possession of, 1 kilogram  
6 or more of gamma-hydroxybutyric acid (GHB), as described in s.  
7 893.03(1)(d)~~s. 893.03(2)(b)~~, or any mixture containing  
8 gamma-hydroxybutyric acid (GHB), commits a felony of the first  
9 degree, which felony shall be known as "trafficking in  
10 gamma-hydroxybutyric acid (GHB)," punishable as provided in s.  
11 775.082, s. 775.083, or s. 775.084. If the quantity involved:

12           a. Is 1 kilogram or more but less than 5 kilograms,  
13 such person shall be sentenced to a mandatory minimum term of  
14 imprisonment of 3 years, and the defendant shall be ordered to  
15 pay a fine of \$50,000.

16           b. Is 5 kilograms or more but less than 10 kilograms,  
17 such person shall be sentenced to a mandatory minimum term of  
18 imprisonment of 7 years, and the defendant shall be ordered to  
19 pay a fine of \$100,000.

20           c. Is 10 kilograms or more, such person shall be  
21 sentenced to a mandatory minimum term of imprisonment of 15  
22 calendar years and pay a fine of \$250,000.

23           2. Any person who knowingly manufactures or brings  
24 into this state 150 kilograms or more of gamma-hydroxybutyric  
25 acid (GHB), as described in s. 893.03(1)(d)~~s. 893.03(2)(b)~~,  
26 or any mixture containing gamma-hydroxybutyric acid (GHB), and  
27 who knows that the probable result of such manufacture or  
28 importation would be the death of any person commits capital  
29 manufacture or importation of gamma-hydroxybutyric acid (GHB),  
30 a capital felony punishable as provided in ss. 775.082 and  
31 921.142. Any person sentenced for a capital felony under this

1 paragraph shall also be sentenced to pay the maximum fine  
2 provided under subparagraph 1.

3 (i)1. Any person who knowingly sells, purchases,  
4 manufactures, delivers, or brings into this state, or who is  
5 knowingly in actual or constructive possession of, 1 kilogram  
6 or more of gamma-butyrolactone (GBL), as described in s.  
7 893.03(1)(d), or any mixture containing gamma-butyrolactone  
8 (GBL), commits a felony of the first degree, which felony  
9 shall be known as "trafficking in gamma-butyrolactone (GBL),"  
10 punishable as provided in s. 775.082, s. 775.083, or s.  
11 775.084. If the quantity involved:

12 a. Is 1 kilogram or more but less than 5 kilograms,  
13 such person shall be sentenced to a mandatory minimum term of  
14 imprisonment of 3 years, and the defendant shall be ordered to  
15 pay a fine of \$50,000.

16 b. Is 5 kilograms or more but less than 10 kilograms,  
17 such person shall be sentenced to a mandatory minimum term of  
18 imprisonment of 7 years, and the defendant shall be ordered to  
19 pay a fine of \$100,000.

20 c. Is 10 kilograms or more, such person shall be  
21 sentenced to a mandatory minimum term of imprisonment of 15  
22 calendar years and pay a fine of \$250,000.

23 2. Any person who knowingly manufactures or brings  
24 into the state 150 kilograms or more of gamma-butyrolactone  
25 (GBL), as described in s. 893.03(1)(d), or any mixture  
26 containing gamma-butyrolactone (GBL), and who knows that the  
27 probably result of such manufacture or importation would be  
28 the death of any person commits capital manufacture or  
29 importation of gamma-butyrolactone (GBL), a capital felony  
30 punishable as provided in ss. 775.082 and 921.142. Any person  
31 sentenced for a capital felony under this paragraph shall also

1 be sentenced to pay the maximum fine provided under  
2 subparagraph 1.

3 (j)(i)1. Any person who knowingly sells, purchases,  
4 manufactures, delivers, or brings into this state, or who is  
5 knowingly in actual or constructive possession of, 1 kilogram  
6 or more of 1,4-Butanediol as described in s. 893.03(1)(d)~~s.~~  
7 ~~893.03(2)(b)~~, or of any mixture containing 1,4-Butanediol,  
8 commits a felony of the first degree, which felony shall be  
9 known as "trafficking in 1,4-Butanediol," punishable as  
10 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
11 quantity involved:

12 a. Is 1 kilogram or more, but less than 5 kilograms,  
13 such person shall be sentenced to a mandatory minimum term of  
14 imprisonment of 3 years, and the defendant shall be ordered to  
15 pay a fine of \$50,000.

16 b. Is 5 kilograms or more, but less than 10 kilograms,  
17 such person shall be sentenced to a mandatory minimum term of  
18 imprisonment of 7 years, and the defendant shall be ordered to  
19 pay a fine of \$100,000.

20 c. Is 10 kilograms or more, such person shall be  
21 sentenced to a mandatory minimum term of imprisonment of 15  
22 calendar years and pay a fine of \$500,000.

23 2. Any person who knowingly manufactures or brings  
24 into this state 150 kilograms or more of 1,4-Butanediol as  
25 described in s. 893.03(1)(d)~~s. 893.03(2)(b)~~, or any mixture  
26 containing 1,4-Butanediol, and who knows that the probable  
27 result of such manufacture or importation would be the death  
28 of any person commits capital manufacture or importation of  
29 1,4-Butanediol, a capital felony punishable as provided in ss.  
30 775.082 and 921.142. Any person sentenced for a capital felony  
31

1 under this paragraph shall also be sentenced to pay the  
2 maximum fine provided under subparagraph 1.

3 (k)~~(j)~~1. Any person who knowingly sells, purchases,  
4 manufactures, delivers, or brings into this state, or who is  
5 knowingly in actual or constructive possession of, 10 grams or  
6 more of any of the following substances described in s.  
7 893.03(1)(a) or (c):

- 8 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 9 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 10 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 11 d. 2,5-Dimethoxyamphetamine;
- 12 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 13 f. N-ethylamphetamine;
- 14 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 15 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 16 i. 4-methoxyamphetamine;
- 17 j. 4-methoxymethamphetamine;
- 18 k.~~j.~~ 4-Methyl-2,5-dimethoxyamphetamine;
- 19 l.~~k.~~ 3,4-Methylenedioxy-N-ethylamphetamine;
- 20 m.~~l.~~ 3,4-Methylenedioxyamphetamine;
- 21 n.~~m.~~ N,N-dimethylamphetamine; or
- 22 o.~~n.~~ 3,4,5-Trimethoxyamphetamine,

23  
24 individually or in any combination of or any mixture  
25 containing any substance listed in sub-subparagraphs a.-o.  
26 ~~a.-n.~~, commits a felony of the first degree, which felony  
27 shall be known as "trafficking in Phenethylamines," punishable  
28 as provided in s. 775.082, s. 775.083, or s. 775.084.

29 2. If the quantity involved:

30 a. Is 10 grams or more but less than 200 grams, such  
31 person shall be sentenced to a mandatory minimum term of

1 imprisonment of 3 years, and the defendant shall be ordered to  
2 pay a fine of \$50,000.

3           b. Is 200 grams or more, but less than 400 grams, such  
4 person shall be sentenced to a mandatory minimum term of  
5 imprisonment of 7 years, and the defendant shall be ordered to  
6 pay a fine of \$100,000.

7           c. Is 400 grams or more, such person shall be  
8 sentenced to a mandatory minimum term of imprisonment of 15  
9 calendar years and pay a fine of \$250,000.

10           3. Any person who knowingly manufactures or brings  
11 into this state 30 kilograms or more of any of the following  
12 substances described in s. 893.03(1)(a) or (c):

- 13           a. 3,4-Methylenedioxymethamphetamine (MDMA);  
14           b. 4-Bromo-2,5-dimethoxyamphetamine;  
15           c. 4-Bromo-2,5-dimethoxyphenethylamine;  
16           d. 2,5-Dimethoxyamphetamine;  
17           e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
18           f. N-ethylamphetamine;  
19           g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
20           h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
21           i. 4-methoxyamphetamine;  
22           j. 4-methoxymethamphetamine;  
23           ~~k.j.~~ 4-Methyl-2,5-dimethoxyamphetamine;  
24           ~~l.k.~~ 3,4-Methylenedioxy-N-ethylamphetamine;  
25           ~~m.l.~~ 3,4-Methylenedioxyamphetamine;  
26           ~~n.m.~~ N,N-dimethylamphetamine; or  
27           ~~o.n.~~ 3,4,5-Trimethoxyamphetamine,

28  
29 individually or in any combination of or any mixture  
30 containing any substance listed in sub-subparagraphs a.-o.  
31 ~~a.-n.~~, and who knows that the probable result of such

1 manufacture or importation would be the death of any person  
2 commits capital manufacture or importation of Phenethylamines,  
3 a capital felony punishable as provided in ss. 775.082 and  
4 921.142. Any person sentenced for a capital felony under this  
5 paragraph shall also be sentenced to pay the maximum fine  
6 provided under subparagraph 1.

7 (1)1. Any person who knowingly sells, purchases,  
8 manufactures, delivers, or brings into this state, or who is  
9 knowingly in actual or constructive possession of, 1 gram or  
10 more of lysergic acid diethylamide (LSD) as described in s.  
11 893.03(1)(c), or of any mixture containing lysergic acid  
12 diethylamide (LSD), commits a felony of the first degree,  
13 which felony shall be known as "trafficking in lysergic acid  
14 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084. If the quantity involved:

16 a. Is 1 gram or more, but less than 5 grams, such  
17 person shall be sentenced to a mandatory minimum term of  
18 imprisonment of 3 years, and the defendant shall be ordered to  
19 pay a fine of \$50,000.

20 b. Is 5 grams or more, but less than 7 grams, such  
21 person shall be sentenced to a mandatory minimum term of  
22 imprisonment of 7 years, and the defendant shall be ordered to  
23 pay a fine of \$100,000.

24 c. Is 7 grams or more, such person shall be sentenced  
25 to a mandatory minimum term of imprisonment of 15 calendar  
26 years and pay a fine of \$500,000.

27 2. Any person who knowingly manufactures or brings  
28 into this state 7 grams or more of lysergic acid diethylamide  
29 (LSD) as described in s. 893.03(1)(c), or any mixture  
30 containing lysergic acid diethylamide (LSD), and who knows  
31 that the probable result of such manufacture or importation



1 would be the death of any person commits capital manufacture  
2 or importation of lysergic acid diethylamide (LSD), a capital  
3 felony punishable as provided in ss. 775.082 and 921.142. Any  
4 person sentenced for a capital felony under this paragraph  
5 shall also be sentenced to pay the maximum fine provided under  
6 subparagraph 1.

7           Section 8. This act shall take effect July 1, 2001,  
8 except that this section and section 1 of this act shall take  
9 effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 1932

- 4 - Provides that a person commits a third degree felony by  
5 willfully keeping or maintaining or willfully aiding or  
6 abetting another to keep or maintain a public nuisance  
7 consisting of a store, warehouse, dwelling, building,  
8 vehicle, ship, boat, vessel, or any other place, which  
9 is visited for the purpose of obtaining illegal drugs or  
10 which is used to keep, sell, or deliver illegal drugs.
- 11 - Clarifies current exceptions to unlawful possession and  
12 use of nitrous oxide, such as in the treatment of a  
13 disease or injury by a licensed practitioner.
- 14 - Adds to Schedule I of the controlled substance schedules  
15 several sedative-type or depressant drugs: 1,4  
16 butanediol, gamma-butyrolactone (GBL), and  
17 gamma-hydroxybutyric acid (GHB); groups methaqualone  
18 (Quaaludes) and mecloqualone, which are currently listed  
19 in Schedule II, with the other drugs; deletes current  
20 Schedule II references for 1,4 butanediol and GHB, and  
21 adds to Schedule III any drug product containing GHB for  
22 which an application is approved under s. 505 of the  
23 Federal Food, Drug, and Cosmetic Act.
- 24 - Adds to Schedule I the drug 4-methoxymethamphetamine, a  
25 phenethylamine, and deletes its current Schedule II  
26 reference.
- 27 - Lists as precursors chemicals two chemicals used in the  
28 synthesis of methamphetamines: chloroephedrine and  
29 chloropseudoephedrine.
- 30 - Creates offenses for trafficking in GBL and LSD.  
31 Provides the following applicable GBL and LSD  
trafficking penalties: 1st degree felony with 3, 7, or  
15-year mandatory term (depending on the amount  
trafficked), or a capital felony, if 150 kilos or more  
of GBL or 7 grams or more of LSD are manufactured or  
imported and such manufacture or importation results in  
the death of a person.