

HB 827

2015

1                   A bill to be entitled  
2           An act relating to nicotine-dispensing devices;  
3           amending s. 893.145, F.S.; including nicotine-  
4           dispensing devices intended for specified uses in the  
5           definition of the term "drug paraphernalia" that is  
6           deemed contraband; amending s. 893.147, F.S.;  
7           conforming provisions to changes made by the act;  
8           reenacting s. 893.12(2)(a), F.S., relating to  
9           contraband seizure, forfeiture, and sale, for the  
10          purpose of incorporating the amendment made by this  
11          act to s. 893.145, F.S., in a reference thereto;  
12          providing an effective date.

13  
14   Be It Enacted by the Legislature of the State of Florida:

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16          Section 1. Subsection (12) of section 893.145, Florida  
17          Statutes, is renumbered as subsection (13) and amended, and a  
18          new subsection (12) is added to that section, to read:

19          893.145 "Drug paraphernalia" defined.—The term "drug  
20          paraphernalia" means all equipment, products, and materials of  
21          any kind which are used, intended for use, or designed for use  
22          in planting, propagating, cultivating, growing, harvesting,  
23          manufacturing, compounding, converting, producing, processing,  
24          preparing, testing, analyzing, packaging, repackaging, storing,  
25          containing, concealing, transporting, injecting, ingesting,  
26          inhaling, or otherwise introducing into the human body a

27 | controlled substance in violation of this chapter or s. 877.111.  
 28 | Drug paraphernalia is deemed to be contraband which shall be  
 29 | subject to civil forfeiture. The term includes, but is not  
 30 | limited to:

31 |       (12) Nicotine-dispensing devices, as defined in s.  
 32 | 877.112, used, intended for use, or designed for use in  
 33 | ingesting, inhaling, or otherwise introducing controlled  
 34 | substances into the human body.

35 |       ~~(13)~~-(12) Objects used, intended for use, or designed for  
 36 | use in ingesting, inhaling, or otherwise introducing cannabis,  
 37 | cannabinoids, cocaine, hashish, hashish oil, or nitrous oxide  
 38 | into the human body, such as:

39 |           (a) Metal, wooden, acrylic, glass, stone, plastic, or  
 40 | ceramic pipes, with or without screens, permanent screens,  
 41 | hashish heads, or punctured metal bowls.

42 |           (b) Water pipes.

43 |           (c) Carburetion tubes and devices.

44 |           (d) Smoking and carburetion masks.

45 |           (e) Roach clips: meaning objects used to hold burning  
 46 | material, such as a cannabis cigarette, that has become too  
 47 | small or too short to be held in the hand.

48 |           (f) Miniature cocaine spoons, and cocaine vials.

49 |           (g) Chamber pipes.

50 |           (h) Carburetor pipes.

51 |           (i) Electric pipes.

52 |           (j) Air-driven pipes.

- 53 (k) Chillums.
- 54 (l) Bongs.
- 55 (m) Ice pipes or chillers.
- 56 (n) A cartridge or canister, which means a small metal
- 57 device used to contain nitrous oxide.
- 58 (o) A charger, sometimes referred to as a "cracker," which
- 59 means a small metal or plastic device that contains an interior
- 60 pin that may be used to expel nitrous oxide from a cartridge or
- 61 container.
- 62 (p) A charging bottle, which means a device that may be
- 63 used to expel nitrous oxide from a cartridge or canister.
- 64 (q) A whip-it, which means a device that may be used to
- 65 expel nitrous oxide.
- 66 (r) A tank.
- 67 (s) A balloon.
- 68 (t) A hose or tube.
- 69 (u) A 2-liter-type soda bottle.
- 70 (v) Duct tape.
- 71 (w) Nicotine-dispensing devices, as defined in s. 877.112.
- 72 Section 2. Paragraph (a) of subsection (6) of section
- 73 893.147, Florida Statutes, is amended to read:
- 74 893.147 Use, possession, manufacture, delivery,
- 75 transportation, advertisement, or retail sale of drug
- 76 paraphernalia.—
- 77 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—
- 78 (a) It is unlawful for a person to knowingly and willfully

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79 | sell or offer for sale at retail any drug paraphernalia  
80 | described in s. 893.145(13)(a)-(c) or (g)-(m) ~~893.145(12)(a)-(e)~~  
81 | ~~or (g)-(m)~~, other than a pipe that is primarily made of briar,  
82 | meerschaum, clay, or corn cob.

83 | Section 3. For the purpose of incorporating the amendment  
84 | made by this act to section 893.145, Florida Statutes, in a  
85 | reference thereto, paragraph (a) of subsection (2) of section  
86 | 893.12, Florida Statutes, is reenacted to read:

87 | 893.12 Contraband; seizure, forfeiture, sale.—

88 | (2) (a) Any vessel, vehicle, aircraft, or drug  
89 | paraphernalia as defined in s. 893.145 which has been or is  
90 | being used in violation of any provision of this chapter or in,  
91 | upon, or by means of which any violation of this chapter has  
92 | taken or is taking place may be seized and forfeited as provided  
93 | by the Florida Contraband Forfeiture Act.

94 | Section 4. This act shall take effect October 1, 2015.