

By Senator Jones

35-01651-22

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1 A bill to be entitled
2 An act relating to drug paraphernalia; amending s.
3 893.145, F.S.; removing testing equipment from the
4 definition of "drug paraphernalia"; amending s.
5 893.147, F.S.; conforming a cross-reference; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Section 893.145, Florida Statutes, is amended to
11 read:

12 893.145 "Drug paraphernalia" defined.—The term "drug
13 paraphernalia" means all equipment, products, and materials of
14 any kind which are used, intended for use, or designed for use
15 in planting, propagating, cultivating, growing, harvesting,
16 manufacturing, compounding, converting, producing, processing,
17 preparing, ~~testing~~, analyzing, packaging, repackaging, storing,
18 containing, concealing, transporting, injecting, ingesting,
19 inhaling, or otherwise introducing into the human body a
20 controlled substance in violation of this chapter or s. 877.111.
21 Drug paraphernalia is deemed to be contraband which shall be
22 subject to civil forfeiture. The term includes, but is not
23 limited to:

24 (1) Kits used, intended for use, or designed for use in the
25 planting, propagating, cultivating, growing, or harvesting of
26 any species of plant which is a controlled substance or from
27 which a controlled substance can be derived.

28 (2) Kits used, intended for use, or designed for use in
29 manufacturing, compounding, converting, producing, processing,

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30 or preparing controlled substances.

31 (3) Isomerization devices used, intended for use, or
32 designed for use in increasing the potency of any species of
33 plant which is a controlled substance.

34 ~~(4) Testing equipment used, intended for use, or designed~~
35 ~~for use in identifying, or in analyzing the strength,~~
36 ~~effectiveness, or purity of, controlled substances.~~

37 (4)~~(5)~~ Scales and balances used, intended for use, or
38 designed for use in weighing or measuring controlled substances.

39 (5)~~(6)~~ Diluents and adulterants, such as quinine
40 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,
41 dextrose, and lactose, used, intended for use, or designed for
42 use in diluting controlled substances; or substances such as
43 damiana leaf, marshmallow leaf, and mullein leaf, used, intended
44 for use, or designed for use as carrier mediums of controlled
45 substances.

46 (6)~~(7)~~ Separation gins and sifters used, intended for use,
47 or designed for use in removing twigs and seeds from, or in
48 otherwise cleaning or refining, cannabis.

49 (7)~~(8)~~ Blenders, bowls, containers, spoons, and mixing
50 devices used, intended for use, or designed for use in
51 compounding controlled substances.

52 (8)~~(9)~~ Capsules, balloons, envelopes, and other containers
53 used, intended for use, or designed for use in packaging small
54 quantities of controlled substances.

55 (9)~~(10)~~ Containers and other objects used, intended for
56 use, or designed for use in storing, concealing, or transporting
57 controlled substances.

58 (10)~~(11)~~ Hypodermic syringes, needles, and other objects

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59 used, intended for use, or designed for use in parenterally
60 injecting controlled substances into the human body.

61 (11)~~(12)~~ Objects used, intended for use, or designed for
62 use in ingesting, inhaling, or otherwise introducing controlled
63 substances, as described in s. 893.03, or substances described
64 in s. 877.111(1) into the human body, such as:

65 (a) Metal, wooden, acrylic, glass, stone, plastic, or
66 ceramic pipes, with or without screens, permanent screens,
67 hashish heads, or punctured metal bowls.

68 (b) Water pipes.

69 (c) Carburetion tubes and devices.

70 (d) Smoking and carburetion masks.

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

74 (f) Miniature cocaine spoons, and cocaine vials.

75 (g) Chamber pipes.

76 (h) Carburetor pipes.

77 (i) Electric pipes.

78 (j) Air-driven pipes.

79 (k) Chillums.

80 (l) Bongs.

81 (m) Ice pipes or chillers.

82 (n) A cartridge or canister, which means a small metal
83 device used to contain nitrous oxide.

84 (o) A charger, sometimes referred to as a "cracker," which
85 means a small metal or plastic device that contains an interior
86 pin that may be used to expel nitrous oxide from a cartridge or
87 container.

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88 (p) A charging bottle, which means a device that may be
89 used to expel nitrous oxide from a cartridge or canister.

90 (q) A whip-it, which means a device that may be used to
91 expel nitrous oxide.

92 (r) A tank.

93 (s) A balloon.

94 (t) A hose or tube.

95 (u) A 2-liter-type soda bottle.

96 (v) Duct tape.

97 Section 2. Paragraph (a) of subsection (6) of section
98 893.147, Florida Statutes, is amended to read:

99 893.147 Use, possession, manufacture, delivery,
100 transportation, advertisement, or retail sale of drug
101 paraphernalia, specified machines, and materials.—

102 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

103 (a) It is unlawful for a person to knowingly and willfully
104 sell or offer for sale at retail any drug paraphernalia
105 described in s. 893.145(11)(a)-(c) or (g)-(m) ~~s. 893.145(12)(a)-~~
106 ~~(c) or (g)-(m)~~, other than a pipe that is primarily made of
107 briar, meerschaum, clay, or corn cob.

108 Section 3. This act shall take effect July 1, 2022.