

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 432

INTRODUCER: Fiscal Policy Committee and Senator Yarborough

SUBJECT: Controlled Substances

DATE: February 24, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Vaughan</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 432 amends s. 893.03, F.S., to exempt from the list of Schedule I controlled substances, xylazine animal drug products approved by the United States Food and Drug Administration (FDA) for veterinary purposes. The term “xylazine” means the nonopioid tranquilizer methyl benzene compound frequently used in veterinary medicine as an emetic and sedative with analgesic and muscle relaxant properties.¹

The bill amends s. 893.13, F.S., to provide it is a first degree felony,² with a mandatory minimum prison term of 3 years for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver certain forms of xylazine.

Additionally, the bill amends s. 893.135, F.S., to create a first degree felony for “trafficking in xylazine.” A person may not knowingly sell, purchase, manufacture, deliver, or bring into this state, or knowingly be in actual or constructive possession of, 28 grams or more of xylazine or any salt thereof, or 28 grams or more of any mixture containing any such substance. An offender convicted of such an offense must be sentenced to a mandatory minimum term of imprisonment and fine, the length and amount of which varies depending upon the amount of xylazine involved in the offense.

¹ 15 U.S.C. s. 278u.

² Sections 775.082, 775.083, or 775.084, F.S

The bill creates s. 569.216, F.S., to prohibit licensed dealers and their employees from possessing, selling, delivering, or giving nitrous oxide from their licensed premises. A violation is a third degree felony.³ The bill provides exceptions for grocery stores and supermarkets, and for finished food products using nitrous oxide solely as a propellant. The Department of Business and Professional Regulation (DBPR) is directed to adopt rules to prevent nitrous oxide misuse for intoxication.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections. See Section V., Fiscal Impact Statement.

Section 3 of this bill takes effect July 1, 2026. Except as otherwise expressly provided in this act, this bill takes effect October 1, 2026.

II. Present Situation:

Xylazine

Currently, s. 893.03(1)(c)37., F.S., lists xylazine as a Schedule I drug. A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards.⁴ Xylazine is also known as “tranq”⁵ and is a central nervous system depressant that can cause drowsiness, amnesia, slow breathing, low heart rate and blood pressure.

Xylazine is FDA approved for use in animals as a sedative and pain reliever, it is not safe for use in humans and it is not known if the exposure can be reversed by naloxone.⁶ Naloxone is an FDA approved medicine used to quickly reverse an opioid overdose.⁷ Research has shown xylazine is often added to illicit opioids, including fentanyl, and people report using xylazine-containing fentanyl to lengthen its euphoric effects.⁸

Nitrous Oxide

Nitrous oxide, commonly known as “laughing gas,” is a colorless, non-flammable gas, with a sweetish odor. It is commonly used in medical, and dental procedures as a sedative.⁹ The U.S. FDA advises consumers not to inhale nitrous oxide products from any size canisters, tanks, or chargers. These products are marketed as both unflavored and flavored nitrous oxide

³ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

⁴ Section 893.03(1), F.S.

⁵ National Library of Medicine, *Increasing presence of xylazine in heroin and/or fentanyl deaths, Philadelphia, Pennsylvania, 2010–2019*, Johnson J, Pizzicato L, Johnson C, Viner K., August 2021, available at <https://pubmed.ncbi.nlm.nih.gov/33536231/> (last visited January 5, 2026).

⁶ U.S. Food and Drug Administration, *FDA alerts health care professionals of risks to patients exposed to xylazine in illicit drugs, November 8, 2022*, available at <https://www.fda.gov/drugs/drug-safety-and-availability/fda-alerts-health-care-professionals-risks-patients-exposed-xylazine-illicit-drugs> (last visited January 5, 2026).

⁷ Drugs.com, *Naloxone*, <https://www.drugs.com/naloxone.html> (last visited January 5, 2026).

⁸ National Institute on Drug Abuse, *Xylazine Research Topics*, available at <https://nida.nih.gov/research-topics/xylazine> (last visited on December 11, 2025).

⁹ WebMD, *What to Know About Laughing Gas (Nitrous Oxide)*, available at <https://www.webmd.com/a-to-z-guides/what-to-know-about-laughing-gas> (last visited February 24, 2026).

canisters and are sold as a food processing propellant for whipped cream and culinary food use. Intentional misuse or inhalation of contents can lead to serious adverse health events, including death.¹⁰

Meg Caldwell was a young woman whose death has drawn attention to the risks associated with nitrous oxide use. According to reports, she regularly inhaled nitrous oxide, a substance often sold in small canisters for recreational purposes, which can lead to serious health complications when misused. Following her passing, her family filed a lawsuit seeking to restrict the sale of nitrous oxide products.¹¹

Current Florida law does not specifically prohibit retail dealers from selling nitrous oxide for non-medical purposes.

Any person who knowingly distributes, sells, purchases, transfers, or possesses more than 16 grams of nitrous oxide commits a third degree felony.^{12,13}

Florida Controlled Substance Schedules

Section 893.03, F.S., classifies controlled substances into five categories or classifications, known as schedules. The schedules regulate the manufacture, distribution, preparation, and dispensing of substances listed in the schedules. The most important factors in determining which schedule may apply to a substance are the “potential for abuse”¹⁴ of the substance and whether there is a currently accepted medical use for the substance. The controlled substance schedules are described as follows:

- Schedule I substances (s. 893.03(1), F.S.) have a high potential for abuse and no currently accepted medical use in treatment in the United States. Use of these substances under medical supervision does not meet accepted safety standards.
- Schedule II substances (s. 893.03(2), F.S.) have a high potential for abuse and a currently accepted but severely restricted medical use in treatment in the United States. Abuse of these substances may lead to severe psychological or physical dependence.
- Schedule III substances (s. 893.03(3), F.S.) have a potential for abuse less than the Schedule I and Schedule II substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to moderate or low physical dependence or high psychological dependence.

¹⁰ U.S. Food and Drug Administration, *FDA Advises Consumers Not to Inhale Nitrous Oxide Products*, available at <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-inhale-nitrous-oxide-products> (last visited February 24, 2026).

¹¹ NBC News, *Florida woman’s family files lawsuit seeking to halt sales of Galaxy Gas and other nitrous oxide after her death*, <https://www.nbcnews.com/news/us-news/womans-family-files-lawsuit-seeking-halt-sales-galaxy-gas-death-rcna191059> (last visited February 24, 2026).

¹² Section 877.111, F.S.

¹³ Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

¹⁴ Section 893.035(3)(a), F.S., defines “potential for abuse” as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of the substance being: used in amounts that create a hazard to the user’s health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user’s own initiative rather than on the basis of professional medical advice.

- Schedule IV substances (s. 893.03(4), F.S.) have a low potential for abuse relative to Schedule III substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule III substances.
- Schedule V substances (s. 893.03(5), F.S.) have a low potential for abuse relative to Schedule IV substances and a currently accepted medical use in treatment in the United States. Abuse of these substances may lead to limited physical or psychological dependence relative to Schedule IV substances.

Controlled Substance Analog

A “controlled substance analog” is defined in s. 893.0356(2)(a), F.S., as a substance which, due to its chemical structure and potential for abuse, meets the following criteria:

- The substance is substantially similar to that of a controlled substance listed in Schedule I; or
- Schedule II of s. 893.03, F.S.; and
- The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system or is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than that of a controlled substance listed in Schedule I or Schedule II of s. 893.03, F.S.

Controlled Substance Offenses Under ss. 893.13 and 893.135, F.S.

Section 893.13, F.S., in part, punishes unlawful possession, sale, purchase, manufacture, and delivery of a controlled substance.¹⁵ The penalty for violating s. 893.13, F.S., generally depends on the act committed, the substance and quantity of the substance involved, and the location in which the violation occurred.

Section 893.13(1), F.S., prohibits a person from selling, manufacturing,¹⁶ or delivering,¹⁷ or possessing with the intent to sell, manufacture, or deliver a controlled substance. The penalty for selling a controlled substance varies depending on several factors, including the type and amount of the substance sold, and the location where the sale takes place. Generally, sale of a controlled substance is punishable as either a second degree felony¹⁸ or third degree felony.¹⁹

¹⁵ See e.g., s. 893.13(1)(a) and (b) and (6), F.S.

¹⁶ “Manufacture” means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

- A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.
- A practitioner, or his or her authorized agent under the practitioner’s supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale. Section 893.02(15)(a), F.S.

¹⁷ “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship. Section 893.02(6), F.S.

¹⁸ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

¹⁹ Section 893.13(1), F.S. A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

Drug trafficking, which is punished in s. 893.135, F.S., consists of knowingly selling, purchasing, manufacturing, delivering, or bringing into this state (importation), or knowingly being in actual or constructive possession of, certain Schedule I or Schedule II controlled substances in a statutorily-specified quantity. The statute only applies to a limited number of such controlled substances, and the controlled substances involved in the trafficking must meet a specified weight or quantity threshold.

Generally, a drug trafficking offense is punishable as a first degree felony.^{20,21} Section 893.135, F.S., outlines threshold amounts of the applicable controlled substance for each trafficking offense. All drug trafficking offenses are subject to mandatory minimum sentences and heightened fines, which are determined by the threshold amounts.

III. Effect of Proposed Changes:

The bill amends s. 893.03, F.S., to provide an exception for xylazine animal drug product approved by the United States FDA for veterinary purposes on the list of Schedule I controlled substances. The bill clarifies that this exception does not apply to the manufacture, importation, distribution, prescribing, or sale of xylazine for human use.

The bill amends s. 893.13, F.S., to provide it is a first degree felony,²² with a mandatory minimum prison term of 3 years for selling, manufacturing, delivering, or possessing with the intent to sell, manufacture, or deliver xylazine products that resemble candy or other food products or contains cartoon character imprints or trade or logos.

The bill amends s. 893.135, F.S., to create a first degree felony for “trafficking in xylazine.” A person may not knowingly sell, purchase, manufacture, deliver, or bring into this state, or knowingly be in actual or constructive possession of, 28 grams or more of xylazine or any salt thereof, or 28 grams or more of any mixture containing any such substance. An offender convicted of such an offense must be sentenced to a mandatory minimum term of imprisonment and fine, the length and amount of which varies depending upon the amount of xylazine involved in the offense. If the quantity involved is:

- Twenty-eight grams or more, but less than 100 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$100,000.
- One-hundred grams or more, but less than 200 grams, such person must be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.
- Two-hundred grams or more, such person must be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

²⁰A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²¹ Trafficking in certain controlled substances can be a capital offense under specified circumstances. See, e.g., s. 893.135(1)(h)2., F.S. (Any person who knowingly manufactures or brings into this state 400 grams or more of amphetamine . . . who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, a capital felony).

²² Sections 775.082, 775.083, or 775.084, F.S.

The bill creates s. 569.216, F.S., to prohibit licensed dealers and their employees from possessing, selling, delivering, or giving nitrous oxide from their licensed premises. A violation is a third degree felony.²³ The bill provides exceptions for grocery stores and supermarkets, and for finished food products using nitrous oxide solely as a propellant. The DBPR is directed to adopt rules to prevent nitrous oxide misuse for intoxication.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the

²³ A third degree felony is punishable by a term of imprisonment not to exceed five years and a \$5,000 fine, as provided in ss. 775.082, 775.083, or 775.084, F.S.

Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

- Per the DOC, in FY 24-25, there were 1,159 new commitments to prison for the possession, sale, manufacture, or delivery, or trafficking of various drugs.
- Xylazine is currently included with various other drugs under the sale, manufacturing, delivery, and trafficking statutes. The new language for Xylazine presents language that could both increase the prison population, by adding it to the Level 7, 1st degree 3 year mandatory felony with fentanyl and its derivatives but also reduce it by not applying a mandatory minimum sentence for trafficking until it reaches 28 grams. Even though it is not known how many new commitments Xylazine represents, there were 70 new commitments for trafficking below the new threshold, and 362 new commitments for sale, manufacture, and delivery. The higher number of new commitments make it likely that more offenders involved with Xylazine will be incarcerated, the prison population is expected to be pushed in a positive direction, though the number of new inmates cannot be quantified.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 893.03, 893.13, 893.135

The bill creates section of the Florida Statutes: 569.216

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on February 24, 2026:

The committee substitute enacts “Meg’s Law,” establishing new restrictions on the sale and distribution of nitrous oxide and making violations by tobacco and nicotine dealers a third degree felony. Additionally, the committee substitute removes the proposed addition of 7-Hydroxymitragynine to the Schedule I controlled substances list.

²⁴ Office of Economic and Demographic Research, *SB 432- Controlled Substances*, (on file with the Senate Committee on Criminal Justice).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
