

1                                   A bill to be entitled  
 2           An act relating to drug paraphernalia; providing  
 3           legislative findings and intent; amending s. 893.145,  
 4           F.S.; revising the definition of "drug paraphernalia"  
 5           to exclude certain narcotic-drug-testing products;  
 6           providing an effective date.

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

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 10       **Section 1.** (1) The Legislature finds and declares that  
 11 this state continues to experience unprecedented deaths caused  
 12 by synthetic opioids, stimulants, and other adulterated or  
 13 misrepresented substances in the illicit drug supply.

14       (2) In the 2024 Annual Report of the Florida Medical  
 15 Examiners, Florida Department of Law Enforcement, the most  
 16 frequently occurring drugs found in decedents were fentanyl and  
 17 fentanyl analogs, benzodiazepines, cannabinoids, morphine,  
 18 xylazine, cocaine, methamphetamine, amphetamine, gabapentin,  
 19 cathinones, and oxycodone.

20       (3) The Legislature recognizes that drug-testing products,  
 21 including test strips, reagent kits, and related products, are  
 22 evidence-based harm reduction strategies that do not encourage  
 23 drug use, but, instead, prevent overdose and death by allowing  
 24 individuals and communities to identify the presence of  
 25 dangerous controlled substances and adulterants.

26           (4) It is the intent of the Legislature to decriminalize  
27 the possession, distribution, and use of drug-testing products  
28 so that residents of this state can access life-saving  
29 information about controlled substances and adulterants before  
30 tragedy occurs.

31           **Section 2. Section 893.145, Florida Statutes, is amended**  
32 **to read:**

33           893.145 "Drug paraphernalia" defined.—The term "drug  
34 paraphernalia" means all equipment, products, and materials of  
35 any kind which are used, intended for use, or designed for use  
36 in planting, propagating, cultivating, growing, harvesting,  
37 manufacturing, compounding, converting, producing, processing,  
38 preparing, ~~testing,~~ analyzing, packaging, repackaging, storing,  
39 containing, concealing, transporting, injecting, ingesting,  
40 inhaling, or otherwise introducing into the human body a  
41 controlled substance in violation of this chapter or s. 877.111.  
42 Drug paraphernalia is deemed to be contraband which shall be  
43 subject to civil forfeiture. The term includes, but is not  
44 limited to:

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

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

51 or preparing controlled substances.

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

55 (4) Testing equipment used, intended for use, or designed  
56 for use in identifying, or in analyzing the strength,  
57 effectiveness, or purity of, controlled substances. The term  
58 does not include test strips, reagent kits, or any other,  
59 ~~excluding~~ narcotic-drug-testing products that are used solely to  
60 determine whether a controlled substance contains fentanyl as  
61 described in s. 893.03(2)(b)9. or dangerous fentanyl or fentanyl  
62 analogues as any other controlled substance specified in s.  
63 893.135(1)(c)4.a., xylazine, cocaine, amphetamines, cathinones,  
64 or any other controlled substance or adulterant. This exclusion  
65 does not apply to a narcotic-drug-testing product that can  
66 measure or determine the quantity, weight, or potency of a  
67 controlled substance.

68 (5) Scales and balances used, intended for use, or  
69 designed for use in weighing or measuring controlled substances.

70 (6) Diluents and adulterants, such as quinine  
71 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,  
72 dextrose, and lactose, used, intended for use, or designed for  
73 use in diluting controlled substances; or substances such as  
74 damiana leaf, marshmallow leaf, and mullein leaf, used, intended  
75 for use, or designed for use as carrier mediums of controlled

76 substances.

77 (7) Separation gins and sifters used, intended for use, or  
 78 designed for use in removing twigs and seeds from, or in  
 79 otherwise cleaning or refining, cannabis.

80 (8) Blenders, bowls, containers, spoons, and mixing  
 81 devices used, intended for use, or designed for use in  
 82 compounding controlled substances.

83 (9) Capsules, balloons, envelopes, and other containers  
 84 used, intended for use, or designed for use in packaging small  
 85 quantities of controlled substances.

86 (10) Containers and other objects used, intended for use,  
 87 or designed for use in storing, concealing, or transporting  
 88 controlled substances.

89 (11) Hypodermic syringes, needles, and other objects used,  
 90 intended for use, or designed for use in parenterally injecting  
 91 controlled substances into the human body.

92 (12) Objects used, intended for use, or designed for use  
 93 in ingesting, inhaling, or otherwise introducing controlled  
 94 substances, as described in s. 893.03, or substances described  
 95 in s. 877.111(1) into the human body, such as:

96 (a) Metal, wooden, acrylic, glass, stone, plastic, or  
 97 ceramic pipes, with or without screens, permanent screens,  
 98 hashish heads, or punctured metal bowls.

99 (b) Water pipes.

100 (c) Carburetion tubes and devices.

- 101 (d) Smoking and carburetion masks.
- 102 (e) Roach clips: meaning objects used to hold burning
- 103 material, such as a cannabis cigarette, that has become too
- 104 small or too short to be held in the hand.
- 105 (f) Miniature cocaine spoons, and cocaine vials.
- 106 (g) Chamber pipes.
- 107 (h) Carburetor pipes.
- 108 (i) Electric pipes.
- 109 (j) Air-driven pipes.
- 110 (k) Chillums.
- 111 (l) Bongs.
- 112 (m) Ice pipes or chillers.
- 113 (n) A cartridge or canister, which means a small metal
- 114 device used to contain nitrous oxide.
- 115 (o) A charger, sometimes referred to as a "cracker," which
- 116 means a small metal or plastic device that contains an interior
- 117 pin that may be used to expel nitrous oxide from a cartridge or
- 118 container.
- 119 (p) A charging bottle, which means a device that may be
- 120 used to expel nitrous oxide from a cartridge or canister.
- 121 (q) A whip-it, which means a device that may be used to
- 122 expel nitrous oxide.
- 123 (r) A tank.
- 124 (s) A balloon.
- 125 (t) A hose or tube.

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126 |           (u) A 2-liter-type soda bottle.

127 |           (v) Duct tape.

128 |       **Section 3.** This act shall take effect July 1, 2026.