

By Senator Gaetz

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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.
7

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

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

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30 tragedy occurs.

31 Section 2. Section 893.145, Florida Statutes, is amended to
32 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 the
46 planting, propagating, cultivating, growing, or harvesting of
47 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~~7~~

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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 designed
69 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 devices
81 used, intended for use, or designed for use in compounding
82 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

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controlled substances.

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

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

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

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

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

(f) Miniature cocaine spoons, and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

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

(o) A charger, sometimes referred to as a "cracker," which means a small metal or plastic device that contains an interior

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pin that may be used to expel nitrous oxide from a cartridge or container.

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

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

(r) A tank.

(s) A balloon.

(t) A hose or tube.

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

(v) Duct tape.

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