

SB 646 – Drug Paraphernalia (Identical HB 477)

This bill amends s. 893.145, F.S., adding new language to the definition of what constitutes drug paraphernalia as follows (new language in bold): “Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances. **The term does not include test strips, reagent kits, or any other** narcotic-drug-testing products that are used solely to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9, F.S. **or dangerous fentanyl or fentanyl analogues as** specified in s. 893.135(1)(c)4.a., F.S., **xylazine, cocaine, amphetamines, cathinones, or any other controlled substance or adulterant.** This exclusion does not apply to a narcotic-drug-testing product that can measure or determine the quantity, weight, or potency of a controlled substance.” There are multiple felonies under s. 893.147, F.S. which could be impacted when it comes to the use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia, and materials.

Per DOC, in FY 24-25, there were two new commitments to prison for violations under s. 893.147, F.S.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Requested by: Senate