

CS/HB 165 – Controlled Substance Testing (Identical CS/SB 164)

This bill amends s. 893.145, F.S., providing exclusions to what testing equipment constitutes drug paraphernalia. The language would now read 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, **excluding narcotic-drug-testing products that are used to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9, F.S. or any other substance described in s. 893.135(1)(c)4.a, F.S.**”

Per DOC, in FY 18-19, there were 4 new commitments for drug paraphernalia violations under s. 893.147, F.S., and there was 1 new commitment in FY 19-20. In FY 20-21, there was 1 new commitment, and in FY 21-22, there were 2 new commitments. While it is not known how prison admissions will be impacted by this new language, the low number of commitments for the last four fiscal years indicate that there will not be a significant impact on the prison population.

CONFERENCE ADOPTED ESTIMATE: Negative Insignificant

Requested by: House & Senate