

## **SB 92 – Controlled Substances**

This bill amends s. 893.13(4), F.S. Where once 18 years of age was the threshold, it now states that “a person 21 years of age or older may not deliver any controlled substance to a person younger than 21 years of age, use or hire a person younger than 21 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter.” It also creates s. 893.1355, F.S., adding that “whenever a person is charged with committing a violation described in s. 893.13(1)(a), F.S. which involves selling, or possessing with intent to sell, a controlled substance to a person younger than 21 years of age, the offense for which the person is charged shall be reclassified” as follows:

1<sup>st</sup> degree misdemeanor reclassified to Level 2, 3<sup>rd</sup> degree felony  
3<sup>rd</sup> degree felony reclassified to 2<sup>nd</sup> degree felony  
2<sup>nd</sup> degree felony reclassified to 1<sup>st</sup> degree felony

Additionally, “a felony offense that is reclassified under this section is ranked one level above the ranking specified.”

Finally, it amends s. 893.145, F.S., adding “vapor-generating electronic devices” to drug paraphernalia as an object “used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing controlled substances.”

With the movement of the age threshold to 21 years old, the pool of potential offenders gets pulled in two directions, with those between 18 and 21 years old no longer getting charged under s. 893.13(4), F.S., while those 21 years and older who commit these offenses with those under 21 years old now getting charged for these offenses. Per DOC, in FY 18-19, there were 3 new commitments to prison for offenses listed under s. 893.13(4), F.S. Additionally, 95.2% of those admitted to prison with sale/manufacturing/delivering offenses were 21 years old or older, though it is not known how many of the 2,581 admitted committed the offense while involving someone between 18 and 21 years old. Therefore, it is likely that the pull is more upward, especially with the reclassification of felonies, thus leading to an increase in both prison admissions and prison sentences. However, without knowing how many committed these offenses involving someone in the 18 to 21 age group, the impact cannot be quantified.

Also, the addition of vape devices to drug paraphernalia could lead to an increase in prison admissions. Though there is no data available for determining the extent of this impact, there were 3 new commitments for drug paraphernalia offenses in FY 18-19.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**