

1                                   A bill to be entitled  
 2           An act relating to exposures of first responders to  
 3           fentanyl and fentanyl analogs; creating s. 893.132,  
 4           F.S.; providing definitions; providing criminal  
 5           penalties for adults who unlawfully possess specified  
 6           controlled substances and who expose a first responder  
 7           to such substances, if the exposure results in an  
 8           overdose or serious bodily injury; providing an  
 9           affirmative defense; providing an effective date.

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

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 13           Section 1. Section 893.132, Florida Statutes, is created  
 14 to read:

15           893.132 Dangerous fentanyl exposure of first responder  
 16 resulting in overdose or serious bodily injury.-

17           (1) For purposes of this section, the term:

18           (a) "Dangerous fentanyl or fentanyl analogues" means any  
 19 controlled substance described in s. 893.135(1) (c) 4.a. (I) - (VII).

20           (b) "Expose or exposure" means to cause, either  
 21 intentionally or unintentionally, any of the following,  
 22 including, but not limited to, ingestion, inhalation,  
 23 needlestick injury, or absorption through skin or mucous  
 24 membranes.

25           (c) "First responder" means a law enforcement officer as

26 defined in s. 943.10(1), a correctional officer as defined in s.  
27 943.10(2), a correctional probation officer as defined in s.  
28 943.10(3), a firefighter as defined in s. 633.102, an emergency  
29 medical technician as defined in s. 401.23, or a paramedic as  
30 defined in s. 401.23, who is acting in his or her official  
31 capacity.

32 (d) "Overdose or serious bodily injury" means drug  
33 toxicity or a physical condition that creates a substantial risk  
34 of death or substantial loss or impairment of the function of  
35 any bodily member or organ.

36 (2) A person 18 years of age or older who, in the course  
37 of unlawfully possessing dangerous fentanyl or fentanyl  
38 analogues, exposes a first responder to dangerous fentanyl or  
39 fentanyl analogues and an overdose or serious bodily injury of  
40 the first responder results, commits a felony of the second  
41 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
42 775.084.

43 (3) It is a defense to a violation of this section that a  
44 first responder acted outside the scope of ordinary care  
45 generally exercised by a member of his or her profession and, in  
46 doing so, caused or substantially contributed to his or her  
47 exposure.

48 Section 2. This act shall take effect October 1, 2024.