

HB 1595

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; adding tianeptine to the list of
4 Schedule I controlled substances; amending ss. 893.13,
5 893.131, and 893.135, F.S.; conforming cross-
6 references; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (a) of subsection (1) of section
11 893.03, Florida Statutes, is amended to read:

12 893.03 Standards and schedules.—The substances enumerated
13 in this section are controlled by this chapter. The controlled
14 substances listed or to be listed in Schedules I, II, III, IV,
15 and V are included by whatever official, common, usual,
16 chemical, trade name, or class designated. The provisions of
17 this section shall not be construed to include within any of the
18 schedules contained in this section any excluded drugs listed
19 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
20 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
21 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
22 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
23 Anabolic Steroid Products."

24 (1) SCHEDULE I.—A substance in Schedule I has a high
25 potential for abuse and has no currently accepted medical use in

26 | treatment in the United States and in its use under medical
 27 | supervision does not meet accepted safety standards. The
 28 | following substances are controlled in Schedule I:

29 | (a) Unless specifically excepted or unless listed in
 30 | another schedule, any of the following substances, including
 31 | their isomers, esters, ethers, salts, and salts of isomers,
 32 | esters, and ethers, whenever the existence of such isomers,
 33 | esters, ethers, and salts is possible within the specific
 34 | chemical designation:

- 35 | 1. Acetyl-alpha-methylfentanyl.
- 36 | 2. Acetylmethadol.
- 37 | 3. Allylprodine.
- 38 | 4. Alphacetylmethadol (except levo-alphacetylmethadol,
 39 | also known as levo-alpha-acetylmethadol, levomethadyl acetate,
 40 | or LAAM).
- 41 | 5. Alphamethadol.
- 42 | 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
 43 | ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
 44 | (N-propanilido) piperidine).
- 45 | 7. Alpha-methylthiofentanyl.
- 46 | 8. Alphameprodine.
- 47 | 9. Benzethidine.
- 48 | 10. Benzylfentanyl.
- 49 | 11. Betacetylmethadol.
- 50 | 12. Beta-hydroxyfentanyl.

- 51 | 13. Beta-hydroxy-3-methylfentanyl.
- 52 | 14. Betameprodine.
- 53 | 15. Betamethadol.
- 54 | 16. Betaprodine.
- 55 | 17. Clonitazene.
- 56 | 18. Dextromoramide.
- 57 | 19. Diampromide.
- 58 | 20. Diethylthiambutene.
- 59 | 21. Difenoquin.
- 60 | 22. Dimenoxadol.
- 61 | 23. Dimepheptanol.
- 62 | 24. Dimethylthiambutene.
- 63 | 25. Dioxaphetyl butyrate.
- 64 | 26. Dipipanone.
- 65 | 27. Ethylmethylthiambutene.
- 66 | 28. Etonitazene.
- 67 | 29. Etoxadine.
- 68 | 30. Flunitrazepam.
- 69 | 31. Furethidine.
- 70 | 32. Hydroxypethidine.
- 71 | 33. Ketobemidone.
- 72 | 34. Levomoramide.
- 73 | 35. Levophenacymorphan.
- 74 | 36. Desmethylprodine (1-Methyl-4-Phenyl-4-
- 75 | Propionoxypiperidine).

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- 76 | 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 77 | piperidyl]-N-phenylpropanamide).
- 78 | 38. 3-Methylthiofentanyl.
- 79 | 39. Morpheridine.
- 80 | 40. Noracymethadol.
- 81 | 41. Norlevorphanol.
- 82 | 42. Normethadone.
- 83 | 43. Norpipanone.
- 84 | 44. Para-Fluorofentanyl.
- 85 | 45. Phenadoxone.
- 86 | 46. Phenampromide.
- 87 | 47. Phenomorphan.
- 88 | 48. Phenoperidine.
- 89 | 49. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-
- 90 | Acetyloxypiperidine).
- 91 | 50. Piritramide.
- 92 | 51. Proheptazine.
- 93 | 52. Properidine.
- 94 | 53. Propiram.
- 95 | 54. Racemoramide.
- 96 | 55. Thenylfentanyl.
- 97 | 56. Thiofentanyl.
- 98 | 57. Tianeptine.
- 99 | 58. Tilidine.
- 100 | 59.~~58.~~ Trimeperidine.

101 ~~60.59.~~ Acetylfentanyl.

102 ~~61.60.~~ Butyrylfentanyl.

103 ~~62.61.~~ Beta-Hydroxythiofentanyl.

104 ~~63.62.~~ Fentanyl derivatives. Unless specifically excepted,
 105 listed in another schedule, or contained within a pharmaceutical
 106 product approved by the United States Food and Drug
 107 Administration, any material, compound, mixture, or preparation,
 108 including its salts, isomers, esters, or ethers, and salts of
 109 isomers, esters, or ethers, whenever the existence of such salts
 110 is possible within any of the following specific chemical
 111 designations containing a 4-anilidopiperidine structure:

112 a. With or without substitution at the carbonyl of the
 113 aniline moiety with alkyl, alkenyl, carboalkoxy, cycloalkyl,
 114 methoxyalkyl, cyanoalkyl, or aryl groups, or furanyl,
 115 dihydrofuranyl, benzyl moiety, or rings containing heteroatoms
 116 sulfur, oxygen, or nitrogen;

117 b. With or without substitution at the piperidine amino
 118 moiety with a phenethyl, benzyl, alkylaryl (including
 119 heteroaromatics), alkyltetrazolyl ring, or an alkyl or
 120 carbomethoxy group, whether or not further substituted in the
 121 ring or group;

122 c. With or without substitution or addition to the
 123 piperdine ring to any extent with one or more methyl,
 124 carbomethoxy, methoxy, methoxymethyl, aryl, allyl, or ester
 125 groups;

- 126 d. With or without substitution of one or more hydrogen
 127 atoms for halogens, or methyl, alkyl, or methoxy groups, in the
 128 aromatic ring of the anilide moiety;
- 129 e. With or without substitution at the alpha or beta
 130 position of the piperidine ring with alkyl, hydroxyl, or methoxy
 131 groups;
- 132 f. With or without substitution of the benzene ring of the
 133 anilide moiety for an aromatic heterocycle; and
- 134 g. With or without substitution of the piperidine ring for
 135 a pyrrolidine ring, perhydroazepine ring, or azepine ring;
 136
- 137 excluding, Alfentanil, Carfentanil, Fentanyl, and Sufentanil;
 138 including, but not limited to:
- 139 (I) Acetyl-alpha-methylfentanyl.
- 140 (II) Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
 141 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
 142 (N-propanilido) piperidine).
- 143 (III) Alpha-methylthiofentanyl.
- 144 (IV) Benzylfentanyl.
- 145 (V) Beta-hydroxyfentanyl.
- 146 (VI) Beta-hydroxy-3-methylfentanyl.
- 147 (VII) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
 148 piperidyl]-N-phenylpropanamide).
- 149 (VIII) 3-Methylthiofentanyl.
- 150 (IX) Para-Fluorofentanyl.

- 151 (X) Thenylfentanyl or Thienyl fentanyl.
- 152 (XI) Thiofentanyl.
- 153 (XII) Acetylfentanyl.
- 154 (XIII) Butyrylfentanyl.
- 155 (XIV) Beta-Hydroxythiofentanyl.
- 156 (XV) Lofentanil.
- 157 (XVI) Ocfentanil.
- 158 (XVII) Ohmfentanyl.
- 159 (XVIII) Benzodioxolefentanyl.
- 160 (XIX) Furanyl fentanyl.
- 161 (XX) Pentanoyl fentanyl.
- 162 (XXI) Cyclopentyl fentanyl.
- 163 (XXII) Isobutyryl fentanyl.
- 164 (XXIII) Remifentanil.

165 ~~64.63.~~ Nitazene derivatives. Unless specifically excepted,
 166 listed in another schedule, or contained within a pharmaceutical
 167 product approved by the United States Food and Drug
 168 Administration, any material, compound, mixture, or preparation,
 169 including its salts, isomers, esters, or ethers, and salts of
 170 isomers, esters, or ethers, whenever the existence of such salts
 171 is possible within any of the following specific chemical
 172 designations containing a benzimidazole ring with an ethylamine
 173 substitution at the 1-position and a benzyl ring substitution at
 174 the 2-position structure:

- 175 a. With or without substitution on the benzimidazole ring

176 | with alkyl, alkoxy, carboalkoxy, amino, nitro, or aryl groups,
 177 | or halogens;

178 | b. With or without substitution at the ethylamine amino
 179 | moiety with alkyl, dialkyl, acetyl, or benzyl groups, whether or
 180 | not further substituted in the ring system;

181 | c. With or without inclusion of the ethylamine amino
 182 | moiety in a cyclic structure;

183 | d. With or without substitution of the benzyl ring; or

184 | e. With or without replacement of the benzyl ring with an
 185 | aromatic ring, including, but not limited to:

- 186 | (I) Butonitazene.
- 187 | (II) Clonitazene.
- 188 | (III) Etodesnitazene.
- 189 | (IV) Etonitazene.
- 190 | (V) Flunitazene.
- 191 | (VI) Isotodesnitazene.
- 192 | (VII) Isotonitazene.
- 193 | (VIII) Metodesnitazene.
- 194 | (IX) Metonitazene.
- 195 | (X) Nitazene.
- 196 | (XI) N-Desethyl Etonitazene.
- 197 | (XII) N-Desethyl Isotonitazene.
- 198 | (XIII) N-Piperidino Etonitazene.
- 199 | (XIV) N-Pyrrolidino Etonitazene.
- 200 | (XV) Protonitazene.

201 Section 2. Paragraph (i) of subsection (1) of section
 202 893.13, Florida Statutes, is amended to read:
 203 893.13 Prohibited acts; penalties.—
 204 (1)
 205 (i) Except as authorized by this chapter, a person commits
 206 a felony of the first degree, punishable as provided in s.
 207 775.082, s. 775.083, or s. 775.084, and must be sentenced to a
 208 mandatory minimum term of imprisonment of 3 years, if:
 209 1. The person sells, manufactures, or delivers, or
 210 possesses with intent to sell, manufacture, or deliver, any of
 211 the following:
 212 a. Alfentanil, as described in s. 893.03(2)(b)1.;
 213 b. Carfentanil, as described in s. 893.03(2)(b)6.;
 214 c. Fentanyl, as described in s. 893.03(2)(b)9.;
 215 d. Sufentanil, as described in s. 893.03(2)(b)30.;
 216 e. A fentanyl derivative, as described in s.
 217 893.03(1)(a)63. ~~s. 893.03(1)(a)62.~~;
 218 f. A controlled substance analog, as described in s.
 219 893.0356, of any substance described in sub-subparagraphs a.-e.;
 220 or
 221 g. A mixture containing any substance described in sub-
 222 subparagraphs a.-f.; and
 223 2. The substance or mixture listed in subparagraph 1. is
 224 in a form that resembles, or is mixed, granulated, absorbed,
 225 spray-dried, or aerosolized as or onto, coated on, in whole or

226 in part, or solubilized with or into, a product, when such
 227 product or its packaging further has at least one of the
 228 following attributes:

229 a. Resembles the trade dress of a branded food product,
 230 consumer food product, or logo food product;

231 b. Incorporates an actual or fake registered copyright,
 232 service mark, or trademark;

233 c. Resembles candy, cereal, a gummy, a vitamin, or a
 234 chewable product, such as a gum or gelatin-based product; or

235 d. Contains a cartoon character imprint.

236 Section 3. Paragraph (a) of subsection (2) of section
 237 893.131, Florida Statutes, is amended to read:

238 893.131 Distribution of controlled substances resulting in
 239 overdose or serious bodily injury.—

240 (2)(a) Except as provided in paragraph (b), a person 18
 241 years of age or older who unlawfully distributes:

242 1. Heroin, as described in s. 893.03(1)(b)11.;

243 2. Alfentanil, as described in s. 893.03(2)(b)1.;

244 3. Carfentanil, as described in s. 893.03(2)(b)6.;

245 4. Fentanyl, as described in s. 893.03(2)(b)9.;

246 5. Sufentanil, as described in s. 893.03(2)(b)30.;

247 6. Fentanyl derivatives, as described in s.

248 893.03(1)(a)63. ~~s. 893.03(1)(a)62.~~;

249 7. A controlled substance analog, as described in s.
 250 893.0356, of any substance specified in subparagraphs 1.-6.; or

251 8. A mixture containing any substance specified in
 252 subparagraphs 1.-7.,
 253
 254 and an overdose or serious bodily injury of the user results,
 255 commits a felony of the second degree, punishable as provided in
 256 s. 775.082, s. 775.083, or s. 775.084, when such substance or
 257 mixture is proven to have caused or been a substantial factor in
 258 causing the overdose or serious bodily injury of the user.

259 Section 4. Paragraph (c) of subsection (1) of section
 260 893.135, Florida Statutes, is amended to read:

261 893.135 Trafficking; mandatory sentences; suspension or
 262 reduction of sentences; conspiracy to engage in trafficking.—

263 (1) Except as authorized in this chapter or in chapter 499
 264 and notwithstanding the provisions of s. 893.13:

265 (c)1. A person who knowingly sells, purchases,
 266 manufactures, delivers, or brings into this state, or who is
 267 knowingly in actual or constructive possession of, 4 grams or
 268 more of any morphine, opium, hydromorphone, or any salt,
 269 derivative, isomer, or salt of an isomer thereof, including
 270 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
 271 (3)(c)4., or 4 grams or more of any mixture containing any such
 272 substance, but less than 30 kilograms of such substance or
 273 mixture, commits a felony of the first degree, which felony
 274 shall be known as "trafficking in illegal drugs," punishable as
 275 provided in s. 775.082, s. 775.083, or s. 775.084. If the

276 quantity involved:

277 a. Is 4 grams or more, but less than 14 grams, such person
278 shall be sentenced to a mandatory minimum term of imprisonment
279 of 3 years and shall be ordered to pay a fine of \$50,000.

280 b. Is 14 grams or more, but less than 28 grams, such
281 person shall be sentenced to a mandatory minimum term of
282 imprisonment of 15 years and shall be ordered to pay a fine of
283 \$100,000.

284 c. Is 28 grams or more, but less than 30 kilograms, such
285 person shall be sentenced to a mandatory minimum term of
286 imprisonment of 25 years and shall be ordered to pay a fine of
287 \$500,000.

288 2. A person who knowingly sells, purchases, manufactures,
289 delivers, or brings into this state, or who is knowingly in
290 actual or constructive possession of, 28 grams or more of
291 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
292 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
293 grams or more of any mixture containing any such substance,
294 commits a felony of the first degree, which felony shall be
295 known as "trafficking in hydrocodone," punishable as provided in
296 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

297 a. Is 28 grams or more, but less than 50 grams, such
298 person shall be sentenced to a mandatory minimum term of
299 imprisonment of 3 years and shall be ordered to pay a fine of
300 \$50,000.

301 b. Is 50 grams or more, but less than 100 grams, such
 302 person shall be sentenced to a mandatory minimum term of
 303 imprisonment of 7 years and shall be ordered to pay a fine of
 304 \$100,000.

305 c. Is 100 grams or more, but less than 300 grams, such
 306 person shall be sentenced to a mandatory minimum term of
 307 imprisonment of 15 years and shall be ordered to pay a fine of
 308 \$500,000.

309 d. Is 300 grams or more, but less than 30 kilograms, such
 310 person shall be sentenced to a mandatory minimum term of
 311 imprisonment of 25 years and shall be ordered to pay a fine of
 312 \$750,000.

313 3. A person who knowingly sells, purchases, manufactures,
 314 delivers, or brings into this state, or who is knowingly in
 315 actual or constructive possession of, 7 grams or more of
 316 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 317 thereof, or 7 grams or more of any mixture containing any such
 318 substance, commits a felony of the first degree, which felony
 319 shall be known as "trafficking in oxycodone," punishable as
 320 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 321 quantity involved:

322 a. Is 7 grams or more, but less than 14 grams, such person
 323 shall be sentenced to a mandatory minimum term of imprisonment
 324 of 3 years and shall be ordered to pay a fine of \$50,000.

325 b. Is 14 grams or more, but less than 25 grams, such

326 person shall be sentenced to a mandatory minimum term of
 327 imprisonment of 7 years and shall be ordered to pay a fine of
 328 \$100,000.

329 c. Is 25 grams or more, but less than 100 grams, such
 330 person shall be sentenced to a mandatory minimum term of
 331 imprisonment of 15 years and shall be ordered to pay a fine of
 332 \$500,000.

333 d. Is 100 grams or more, but less than 30 kilograms, such
 334 person shall be sentenced to a mandatory minimum term of
 335 imprisonment of 25 years and shall be ordered to pay a fine of
 336 \$750,000.

337 4.a. A person who knowingly sells, purchases,
 338 manufactures, delivers, or brings into this state, or who is
 339 knowingly in actual or constructive possession of, 4 grams or
 340 more of:

341 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

342 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

343 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

344 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

345 (V) A fentanyl derivative, as described in s.

346 893.03(1)(a)63. ~~s. 893.03(1)(a)62.~~;

347 (VI) A controlled substance analog, as described in s.

348 893.0356, of any substance described in sub-sub-subparagraphs

349 (I)-(V); or

350 (VII) A mixture containing any substance described in sub-

351 sub-subparagraphs (I)-(VI),
352
353 commits a felony of the first degree, which felony shall be
354 known as "trafficking in dangerous fentanyl or fentanyl
355 analogues," punishable as provided in s. 775.082, s. 775.083, or
356 s. 775.084.

357 b. If the quantity involved under sub-subparagraph a.:

358 (I) Is 4 grams or more, but less than 14 grams, such
359 person shall be sentenced to a mandatory minimum term of
360 imprisonment of 7 years, and shall be ordered to pay a fine of
361 \$50,000.

362 (II) Is 14 grams or more, but less than 28 grams, such
363 person shall be sentenced to a mandatory minimum term of
364 imprisonment of 20 years, and shall be ordered to pay a fine of
365 \$100,000.

366 (III) Is 28 grams or more, such person shall be sentenced
367 to a mandatory minimum term of imprisonment of 25 years, and
368 shall be ordered to pay a fine of \$500,000.

369 c. A person 18 years of age or older who violates sub-
370 subparagraph a. by knowingly selling or delivering to a minor at
371 least 4 grams of a substance or mixture listed in sub-
372 subparagraph a. shall be sentenced to a mandatory minimum term
373 of not less than 25 years and not exceeding life imprisonment,
374 and shall be ordered to pay a fine of \$1 million if the
375 substance or mixture listed in sub-subparagraph a. is in a form

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376 that resembles, or is mixed, granulated, absorbed, spray-dried,
377 or aerosolized as or onto, coated on, in whole or in part, or
378 solubilized with or into, a product, when such product or its
379 packaging further has at least one of the following attributes:

380 (I) Resembles the trade dress of a branded food product,
381 consumer food product, or logo food product;

382 (II) Incorporates an actual or fake registered copyright,
383 service mark, or trademark;

384 (III) Resembles candy, cereal, a gummy, a vitamin, or a
385 chewable product, such as a gum or gelatin-based product; or

386 (IV) Contains a cartoon character imprint.

387 5. A person who knowingly sells, purchases, manufactures,
388 delivers, or brings into this state, or who is knowingly in
389 actual or constructive possession of, 30 kilograms or more of
390 any morphine, opium, oxycodone, hydrocodone, codeine,
391 hydromorphone, or any salt, derivative, isomer, or salt of an
392 isomer thereof, including heroin, as described in s.
393 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
394 more of any mixture containing any such substance, commits the
395 first degree felony of trafficking in illegal drugs. A person
396 who has been convicted of the first degree felony of trafficking
397 in illegal drugs under this subparagraph shall be punished by
398 life imprisonment and is ineligible for any form of
399 discretionary early release except pardon or executive clemency
400 or conditional medical release under s. 947.149. However, if the

401 court determines that, in addition to committing any act
402 specified in this paragraph:

403 a. The person intentionally killed an individual or
404 counseled, commanded, induced, procured, or caused the
405 intentional killing of an individual and such killing was the
406 result; or

407 b. The person's conduct in committing that act led to a
408 natural, though not inevitable, lethal result,

409
410 such person commits the capital felony of trafficking in illegal
411 drugs, punishable as provided in ss. 775.082 and 921.142. A
412 person sentenced for a capital felony under this paragraph shall
413 also be sentenced to pay the maximum fine provided under
414 subparagraph 1.

415 6. A person who knowingly brings into this state 60
416 kilograms or more of any morphine, opium, oxycodone,
417 hydrocodone, codeine, hydromorphone, or any salt, derivative,
418 isomer, or salt of an isomer thereof, including heroin, as
419 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
420 60 kilograms or more of any mixture containing any such
421 substance, and who knows that the probable result of such
422 importation would be the death of a person, commits capital
423 importation of illegal drugs, a capital felony punishable as
424 provided in ss. 775.082 and 921.142. A person sentenced for a
425 capital felony under this paragraph shall also be sentenced to

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426 | pay the maximum fine provided under subparagraph 1.

427 | Section 5. This act shall take effect July 1, 2024.