A bill to be entitled

An act relating to exposures of first responders to fentanyl; creating s. 893.132, F.S.; defining terms; providing criminal penalties for persons who recklessly expose first responders to fentanyl, fentanyl derivatives, analogs of fentanyl, or mixtures containing such substances and an overdose or serious bodily injury of a first responder results, if the substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the first responder; specifying prima facie evidence that a person experienced an overdose or a serious bodily injury; providing an effective date.

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

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

893.132 Fentanyl exposure of first responder resulting in overdose or serious bodily injury.—

(1) As used in this section, the term:

(a) “Emergency opioid antagonist” has the same meaning as in s. 381.887(1).

(b) “Expose” means to cause any of the following, including, but not limited to, skin contact, inhalation, ingestion, contact with a needlestick that pricks the skin, or contact with a mucus membrane, including without limitation the mouth, eyes, or nose.
"First responder" means an emergency medical technician as defined in s. 401.23, a paramedic as defined in s. 401.23, a firefighter as defined in s. 633.102, or a state or local law enforcement officer as defined in s. 943.10.

"Medical care" means the administration of treatment for the purposes of preserving or sustaining life, including the administration of an emergency opioid antagonist.

"Overdose or serious bodily injury" means drug toxicity or a physical condition that creates a substantial risk of death or a substantial loss or impairment of the function of any bodily member or organ.

"Recklessly" means in a manner that shows a willful or wanton disregard for the safety of other persons, such as when possessing a controlled substance as described in paragraphs (2)(a)-(d).

"Substantial factor" means that the use of a substance or mixture alone is sufficient to cause an overdose or serious bodily injury, regardless of whether any other substance or mixture used is also sufficient to cause an overdose or serious bodily injury.

(2) A person who recklessly exposes a first responder to any of the following:

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

(b) Fentanyl derivatives, as described in s. 893.03(1)(a)62.;

(c) A controlled substance analog, as described in s. 893.0356, of any substance specified in paragraph (a) or paragraph (b); or

(d) A mixture containing any substance specified in
paragraph (a), paragraph (b), or paragraph (c),

and an overdose or serious bodily injury of the first responder results commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if such substance or mixture is proven to have caused or been a substantial factor in causing the overdose or serious bodily injury of the first responder.

(3) The administration of medical care by a first responder is prima facie evidence that the person receiving medical care experienced an overdose or serious bodily injury.

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