

By the Committee on Agriculture; and Senators Bradley, Albritton, Hutson, and Bracy

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1 A bill to be entitled
2 An act relating to the state hemp program; creating s.
3 581.217, F.S.; creating the state hemp program within
4 the Department of Agriculture and Consumer Services;
5 providing the purpose of the program; providing
6 legislative findings; defining terms; providing
7 requirements for program registration and for the
8 distribution and retail sale of hemp and hemp
9 products; requiring the department to administer a
10 certified hemp seed program; providing the purpose and
11 requirements of the program; requiring the department,
12 in consultation with the Department of Health and the
13 Department of Business and Professional Regulation, to
14 adopt specified rules within a specified timeframe;
15 directing the Commissioner of Agriculture, in
16 consultation with the Governor and Attorney General,
17 to submit a specified plan within a specified
18 timeframe to the United States Secretary of
19 Agriculture; creating an Industrial Hemp Advisory
20 Board for a specified purpose; providing that the
21 board is adjunct to the department for administrative
22 purposes; providing the membership and meetings of the
23 board; prohibiting the board from receiving
24 compensation; amending s. 1004.4473, F.S.; revising
25 the schools at which the department is required to
26 authorize and oversee the development of industrial
27 hemp pilot projects; authorizing universities to
28 implement industrial hemp pilot projects pursuant to
29 the state hemp program; providing a directive to the

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30 Division of Law Revision; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Section 581.217, Florida Statutes, is created to
35 read:

36 581.217 State hemp program.-

37 (1) CREATION AND PURPOSE.-The state hemp program is created
38 within the department to promote the cultivation, handling,
39 processing, and sale of hemp, hemp products, and hemp extract in
40 the state.

41 (2) LEGISLATIVE FINDINGS.-The Legislature finds that:

42 (a) Hemp is an agricultural commodity.

43 (b) Hemp-derived cannabinoids, including, but not limited
44 to, cannabidiol, are not controlled substances or adulterants.

45 (c) Products containing one or more hemp-derived
46 cannabinoids, including, but not limited to, cannabidiol,
47 intended for ingestion are foods and not controlled substances
48 or adulterated products.

49 (d) The addition of hemp derivatives, including, but not
50 limited to, hemp-derived cannabidiol, to cosmetics, personal
51 care products, and products intended for human or animal
52 consumption is not an adulteration of such products.

53 (3) DEFINITIONS.-As used in this section, the term:

54 (a) "Cannabidiol" means the compound by the same name
55 derived from the hemp variety of the *Cannabis sativa L.* plant.

56 (b) "Cultivate" means planting, watering, growing, and
57 harvesting a hemp plant or a hemp crop. The term does not
58 include the transport of a hemp plant or a hemp crop.

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59 (c) "Federally defined THC level for hemp" means a total
60 delta-9-tetrahydrocannabinol concentration, including immediate
61 precursors, that does not exceed 0.3 percent on a dry-weight
62 basis, or the tetrahydrocannabinol concentration for hemp
63 defined in 7 U.S.C. s. 5940, whichever is greater.

64 (d) "Handle" means possessing or storing hemp plants for
65 any period of time on premises owned, operated, or controlled by
66 a person or an entity registered to cultivate or process hemp,
67 including the possession or storage of hemp plants in a vehicle
68 for any period of time other than during the actual transport
69 from the premises of a person registered to cultivate or process
70 hemp or industrial hemp to the premises of another registered
71 person. The term does not include the possession or storage of
72 finished hemp products.

73 (e) "Hemp" means the plant *Cannabis sativa L.* and any part
74 of that plant, including seeds, derivatives, extracts,
75 cannabinoids, isomers, acids, salts, and salts of isomers
76 thereof, whether growing or not, that has the federally defined
77 THC level for hemp. The term includes industrial hemp as defined
78 in s. 1004.4473.

79 (f) "Hemp extract" means a no-THC or low-THC substance or
80 compound that:

81 1. Is derived from or contains any part of the plant
82 *Cannabis sativa L.* that meets the definition of industrial hemp
83 under s. 1004.4473;

84 2. Contains a total delta-9-tetrahydrocannabinol
85 concentration, including immediate precursors, that does not
86 exceed 0.3 percent on a dry-weight basis; and

87 3. Does not contain other controlled substances.

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88 (g) "Hemp products" means all products with the federally
89 defined THC level for hemp derived from or made by processing
90 hemp plants or plant parts that are prepared in a form available
91 for retail sale, including, but not limited to cosmetics,
92 personal care products, food intended for animal or human
93 consumption, cloth, cordage, fiber, fuel, paint, paper,
94 particleboard, plastics, and any product containing one or more
95 hemp-derived cannabinoids, such as cannabidiol.

96 (h) "Process" means the conversion of hemp into a
97 marketable form.

98 (4) REGISTRATION.—A person or entity:

99 (a) Seeking to cultivate, handle, process, or sell hemp,
100 hemp products, or hemp extract must register with the department
101 and complete a background check every 2 years. The department
102 may deny an application.

103 (b) May not cultivate, handle, process, or sell hemp, hemp
104 products, or hemp extract in the state without being registered
105 with the department.

106 (c) Seeking to cultivate hemp must provide to the
107 department the legal land description and global positioning
108 coordinates of the area where hemp will be cultivated.

109 (d) Seeking to cultivate, handle, process, or sell hemp
110 must provide to the department prior written consent allowing
111 representatives of the department, the state police, and other
112 state and local law enforcement agencies to enter onto all
113 premises where hemp is cultivated, handled, or processed for the
114 purpose of conducting physical inspections and ensuring
115 compliance with the requirements of this section and department
116 rules.

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117 (5) INDUSTRIAL HEMP PILOT PROJECTS.—Notwithstanding s.
118 1004.4473, an existing industrial hemp project approved by a
119 university under s. 1004.4473 is eligible to cultivate, handle,
120 and process hemp and may register with the department to
121 participate in the state hemp program.

122 (6) DISTRIBUTION AND RETAIL SALE OF HEMP AND HEMP
123 PRODUCTS.—

124 (a) The distribution and retail sale of hemp and hemp
125 products may be conducted when the hemp or the hemp used in
126 products are legally cultivated in another state or jurisdiction
127 and meet the same or substantially the same requirements for
128 cultivating, handling, and processing hemp and hemp products
129 under this section.

130 (b) Hemp and hemp products may be legally transported
131 across state lines and exported to foreign nations consistent
132 with federal laws and the laws of respective foreign nations.

133 (7) HEMP SEED PROGRAM.—The department shall administer a
134 certified hemp seed program that identifies seeds and cultivars
135 that are suitable for hemp production. The seeds or cultivars
136 must be certified as industrial hemp by one of the following:

137 (a) The department.

138 (b) A university conducting an industrial hemp pilot
139 project pursuant to s. 1004.4473.

140 (c) A member of the Association of Official Seed Certifying
141 Agencies.

142 (8) RULES.—Within 90 days after the effective date of this
143 act, the department shall, in consultation with the Department
144 of Health and the Department of Business and Professional
145 Regulation, adopt rules to administer the state hemp program.

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146 The rules must ensure that the application process and
147 registration requirements are reasonable and attainable for
148 small farmers, small businesses, and private individuals. The
149 rules must provide for:

150 (a) Sampling and testing measures to ensure that hemp, hemp
151 products, and hemp extract cultivated, handled, and processed
152 under this section do not exceed the federally defined THC level
153 for hemp;

154 (b) Due process and an appeals process;

155 (c) Enforcement of this section and department rules;

156 (d) A civil penalty schedule for violations;

157 (e) A schedule of nonrefundable fees for administering the
158 program; and

159 (f) Inclusion of the state hemp program in the Florida
160 Agricultural Promotional Campaign and for promotion and labeling
161 of hemp, hemp products, and hemp extract as "Fresh From
162 Florida."

163 (9) DEPARTMENT PLAN.—

164 (a) Within 90 days after the effective date of this act,
165 the Commissioner of Agriculture, in consultation with the
166 Governor and Attorney General, shall submit to the United States
167 Secretary of Agriculture the department plan for regulating hemp
168 production. The plan must include:

169 1. A procedure for maintaining relevant information
170 regarding the locations in the state where hemp is cultivated,
171 handled, and processed for not less than 3 calendar years;

172 2. A procedure that uses post-decarboxylation or other
173 similarly reliable methods for testing delta-9-
174 tetrahydrocannabinol concentration levels of hemp cultivated,

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175 handled, and processed in the state;

176 3. A procedure for the effective disposal of hemp, hemp
177 products, and hemp extract cultivated, handled, and processed in
178 violation of this section and department rules; and

179 4. Guidance for compliance with enforcement procedures.

180 (b) If the department plan for regulating hemp production
181 is not approved by the United States Secretary of Agriculture,
182 the Commissioner of Agriculture, in consultation with the
183 Governor and Attorney General, shall submit an amended plan.

184 (10) INDUSTRIAL HEMP ADVISORY BOARD.—An Industrial Hemp
185 Advisory Board is created to provide advice and expertise as
186 needed by a university or the department with respect to plans,
187 policies, and procedures applicable to the administration of
188 their respective industrial hemp pilot programs.

189 (a) The Industrial Hemp Advisory Board shall be adjunct to
190 the department for administrative purposes.

191 (b) The Industrial Hemp Advisory Board shall be composed of
192 all of the following members:

193 1. Two members appointed by the commissioner.

194 2. Two members appointed by the Governor.

195 3. Two members appointed by the President of the Senate.

196 4. Two members appointed by the Speaker of the House of
197 Representatives.

198 5. The dean for extension of the Institute of Food and
199 Agricultural Sciences of the University of Florida or his or her
200 designee.

201 6. The executive director of the Department of Law
202 Enforcement or his or her designee.

203 7. The president of the Florida Sheriffs Association or his

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204 or her designee.

205 8. The president of the Florida Police Chiefs Association
206 or his or her designee.

207 9. The president of the Florida Farm Bureau Federation or
208 his or her designee.

209 10. The president of the Florida Fruit and Vegetable
210 Association or his or her designee.

211 (c) The board shall elect by a two-thirds vote of the
212 members one member to serve as chair of the board.

213 (d) A majority of the members of the board shall constitute
214 a quorum.

215 (e) The board shall meet at least once annually at the call
216 of the chair.

217 (f) Board members shall receive no compensation but shall
218 be reimbursed for any actual travel expense incurred while
219 attending meetings of the board.

220 Section 2. Paragraph (a) of subsection (2) of section
221 1004.4473, Florida Statutes, is amended, and subsection (8) is
222 added to that section, to read:

223 1004.4473 Industrial hemp pilot projects.—

224 (2) (a) The department shall authorize and oversee the
225 development of industrial hemp pilot projects for the Institute
226 of Food and Agricultural Sciences at the University of Florida,
227 Florida Agricultural and Mechanical University, ~~and~~ any land
228 grant university in the state that has a college of agriculture,
229 and any Florida College System institution or state university
230 that has an established agriculture or pharmacy program. The
231 department shall adopt rules as required under the Agricultural
232 Act of 2014, 7 U.S.C. s. 5940, to implement this section,

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233 including rules for the certification and registration of sites
234 used for growth or cultivation. The purpose of the pilot
235 projects is to cultivate, process, test, research, create, and
236 market safe and effective commercial applications for industrial
237 hemp in the agricultural sector in this state.

238 (8) Notwithstanding this section, a university may choose
239 to implement an industrial hemp pilot project pursuant to s.
240 581.217.

241 Section 3. The Division of Law Revision is directed to
242 replace the phrase "the effective date of this act" wherever it
243 occurs in this act with the date this act becomes a law.

244 Section 4. This act shall take effect upon becoming a law.