

By Senator Clemens

27-01100-15

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1 A bill to be entitled
2 An act relating to hemp production; providing a short
3 title; creating s. 581.301, F.S.; providing a
4 definition; providing that hemp is an agricultural
5 crop; providing legislative intent; requiring
6 registration of hemp producers; providing registration
7 requirements; providing exemptions; requiring
8 rulemaking; providing for an affirmative defense to
9 certain charges relating to cannabis; providing
10 exceptions to other laws; providing an effective date.

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

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14 Section 1. This act may be cited as the "Hemp Industry
15 Development Act."

16 Section 2. Section 581.301, Florida Statutes, is created to
17 read:

18 581.301 Hemp.—

19 (1) DEFINITION.—As used in this section, the term "hemp"
20 means all parts of any plant of the genus *Cannabis* containing no
21 more than 0.3 percent delta-9 tetrahydrocannabinol.

22 (2) AGRICULTURAL CROP.—Hemp is considered an agricultural
23 crop in this state which produces a viable, environmentally
24 sound crop that requires less irrigation, fewer pesticides, and
25 fewer toxic refinery processes than alternative materials and
26 has multiple applications that include a wide variety of
27 manufactured and fabricated products. The Legislature intends to
28 promote economic development and job growth through the
29 cultivation, processing, distribution, manufacturing, and sale

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30 of hemp. Upon meeting the requirements of subsection (3), an
31 individual in this state may plant, grow, or harvest hemp.

32 (3) REGISTRATION.—

33 (a) Except as provided in this section, an individual
34 intending to grow hemp shall register with the department
35 through submission of a form provided by the department
36 containing:

37 1. The name and address of the individual.

38 2. A statement that the seeds obtained for planting are of
39 a type and variety containing no more than 0.3 percent delta-9
40 tetrahydrocannabinol.

41 3. The location and acreage of all parcels sown with hemp
42 and other field identification as may be required by the
43 department.

44 (b) An individual registered with the department pursuant
45 to this section must allow hemp crops to be inspected and tested
46 by and at the discretion of the department throughout sowing,
47 growing season, harvest, storage, processing, manufacturing, and
48 distribution.

49 (c) The department may assess an annual registration fee on
50 growers of up to \$100 for the performance of its duties under
51 this section.

52 (d) The registration requirements of this section do not
53 apply to employees of the Experiment Station of the University
54 of Florida, Extension Service of the University of Florida, or
55 the State University System involved in research or extension-
56 related activities.

57 (4) RULEMAKING.—The department shall adopt rules that
58 include, but are not limited to:

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59 (a) Testing of the hemp during growth to determine delta-9
60 tetrahydrocannabinol levels.

61 (b) Inspection of the hemp during sowing, growing season,
62 harvest, storage, processing, manufacturing, and distribution.

63 (c) Assessment of a fee that is commensurate with the costs
64 of the department's activities in testing and inspection of hemp
65 production.

66 (d) The department may not adopt under this chapter, or any
67 other provision of law, a rule that prohibits an individual from
68 growing, processing, distributing, manufacturing, or selling
69 hemp based on its legal status under federal law.

70 (e) Any other rules and procedures necessary to carry out
71 this section.

72 (5) AFFIRMATIVE DEFENSE FOR CANNABIS OFFENSES.—It is an
73 affirmative defense to a charge or prosecution for the
74 possession, cultivation, manufacturing, delivery, distribution,
75 or sale of cannabis under chapter 893 that:

76 (a) The defendant was growing, processing, distributing,
77 manufacturing, or selling hemp pursuant to this section; or

78 (b) The defendant had valid applicable controlled
79 substances registrations from the United States Drug Enforcement
80 Administration.

81 (6) EXCEPTIONS TO OTHER LAWS.—It is not a violation of
82 state or local law for an individual to grow, process,
83 distribute, move, manufacture, dispose of, sell, purchase, or
84 possess hemp.

85 Section 3. This act shall take effect July 1, 2015.