

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rehwinkel Vasilinda offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 365 and 366, insert:

5 Section 17. Section 581.301, Florida Statutes, is created
6 to read:

7 581.301 Hemp.—

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

11 (2) AGRICULTURAL CROP.—Hemp is considered an agricultural
12 crop in this state which produces a viable, environmentally
13 sound crop that requires less irrigation, fewer pesticides, and
14 fewer toxic refinery processes than alternative materials and

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15 has multiple applications that include a wide variety of
16 manufactured and fabricated products. The Legislature intends to
17 promote economic development, and job growth through the
18 cultivation, processing, distribution, manufacturing, and sale
19 of hemp. Upon meeting the requirements of subsection (3), an
20 individual in this state may plant, grow, or harvest hemp, which
21 can be distributed, in consideration of s. 505 of the Food,
22 Drug, and Cosmetic Act, 21 U.S.C. 355, to all 50 states and 40
23 countries.

24 (3) REGISTRATION.—

25 (a) Except as provided in this section, an individual
26 intending to grow hemp shall register with the department
27 through submission of a form provided by the department
28 containing:

29 1. The name and address of the individual.

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

33 3. The location and acreage of all parcels sown with hemp
34 and other field identification as may be required by the
35 department.

36 (b) An individual registered with the department pursuant
37 to this section must allow hemp crops to be inspected and tested
38 by and at the discretion of the department throughout sowing,
39 growing season, harvest, storage, processing, manufacturing, and
40 distribution.

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

44 (d) The registration requirements of this section do not
45 apply to employees of the Experiment Station of the University
46 of Florida, Extension Service of the University of Florida, or
47 the state university system involved in research or extension-
48 related activities.

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

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

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

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

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

62 (e) Any other rules and procedures necessary to carry out
63 this section.

64 (5) AFFIRMATIVE DEFENSE FOR CANNABIS OFFENSES.—It is an
65 affirmative defense to a charge or prosecution for the

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66 possession, cultivation, manufacturing, delivery, distribution,
67 or sale of cannabis under chapter 893 that:

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

70 (b) The defendant had valid applicable controlled
71 substances registrations from the United States Drug Enforcement
72 Administration.

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

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T I T L E A M E N D M E N T

80 Remove line 61 and insert:
81 products; creating s. 581.301, F.S.; providing a
82 definition; providing that hemp is an agricultural
83 crop; providing legislative intent; requiring
84 registration of hemp producers; providing registration
85 requirements; providing exemptions; requiring
86 rulemaking; providing for an affirmative defense to
87 certain charges relating to cannabis; providing
88 exceptions to other laws; repealing s. 589.26, F.S.,
89 relating to the

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