

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Rehwinkel Vasilinda offered the following:

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

5 Between lines 365 and 366, insert:

6 Section 18. Section 581.301, Florida Statutes, is created
7 to read:

8 581.301 Hemp.—

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

12 (2) AGRICULTURAL CROP.—Hemp is considered an agricultural
13 crop in this state which produces a viable, environmentally
14 sound crop that requires less irrigation, fewer pesticides, and
15 fewer toxic refinery processes than alternative materials and
16 has multiple applications that include a wide variety of
17 manufactured and fabricated products. The Legislature intends to

Amendment No. 2

18 promote economic development, and job growth through the
19 cultivation, processing, distribution, manufacturing, and sale
20 of hemp. Upon meeting the requirements of subsection (3), an
21 individual in this state may plant, grow, or harvest hemp, which
22 can be distributed, in consideration of s. 505 of the Food,
23 Drug, and Cosmetic Act, 21 U.S.C. 355, to all 50 states and 40
24 countries.

25 (3) REGISTRATION.—

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

30 1. The name and address of the individual.

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

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

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

Amendment No. 2

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

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

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

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

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

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

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

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

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

Amendment No. 2

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

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

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

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

78
79 -----

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

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