



234352

LEGISLATIVE ACTION

Senate

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House

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Senator Clemens moved the following:

**Senate Amendment (with title amendment)**

Between lines 844 and 845

insert:

Section 3. Section 581.301, Florida Statutes, is created to read:

581.301 Hemp.—

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

(2) AGRICULTURAL CROP.—Hemp is considered an agricultural



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12 commodity 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  
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.

21 (3) REGISTRATION.-

22 (a) Except as provided in this section, an individual  
23 intending to grow hemp must register with the department through  
24 submission of a form provided by the department containing:

25 1. The name and address of the individual.

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

29 3. The location and acreage of all parcels sown with hemp  
30 and other field identification as may be required by the  
31 department.

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

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

40 (d) The registration requirements of this section do not



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41 apply to employees of the Florida Agricultural Experiment  
42 Station of the University of Florida, Florida Cooperative  
43 Extension Service of the University of Florida, or the State  
44 University System involved in research or extension-related  
45 activities.

46 (4) RULEMAKING.—

47 (a) The department shall adopt rules that include, but are  
48 not limited to:

49 1. Testing of the hemp during growth to determine delta-9  
50 tetrahydrocannabinol levels.

51 2. Inspection of the hemp during sowing, growing season,  
52 harvest, storage, processing, manufacturing, and distribution.

53 3. Assessment of a fee that is commensurate with the costs  
54 of the department's activities in testing and inspection of hemp  
55 production.

56 4. Any other rules and procedures necessary to carry out  
57 this section.

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

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

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

68 (b) The defendant had valid applicable controlled  
69 substances registrations from the United States Drug Enforcement



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70 Administration.

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

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

77 And the title is amended as follows:

78 Delete line 128

79 and insert:

80 the compassionate use registry; creating s. 581.301,  
81 F.S.; defining a term; providing that hemp is an  
82 agricultural crop; providing legislative intent;  
83 requiring registration of hemp producers; providing  
84 registration requirements; requiring an individual  
85 registered with the Department of Agriculture and  
86 Consumer Services to allow hemp crops to be inspected  
87 and tested by the department; authorizing the  
88 department to assess an annual registration fee;  
89 providing exemptions to the registration requirement;  
90 requiring the department to adopt rules; providing for  
91 an affirmative defense to certain charges relating to  
92 cannabis; providing exceptions to other laws; amending  
93 s. 893.055,