

FOR CONSIDERATION By the Committee on Innovation, Industry, and Technology

580-03561C-19

20197102pb

A bill to be entitled
 An act relating to hemp; creating s. 581.218, F.S.;
 providing legislative findings; defining terms;
 providing requirements for the distribution and retail
 sale of hemp extract; amending s. 893.02, F.S.;
 revising the term "cannabis" to exclude hemp for
 purposes of ch. 893, F.S.; providing a contingent
 effective date.

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

Section 1. Section 581.218, Florida Statutes, is created to read:

581.218 Hemp extract.-

(1) LEGISLATIVE FINDINGS.-The Legislature finds that:

(a) Hemp is an agricultural commodity.

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

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

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

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

(a) "Cannabidiol" means the compound by the same name, which is derived from the hemp variety of the plant *Cannabis*

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30 sativa L.

31 (b) "Contaminants unsafe for human consumption" includes,
32 but is not limited to, any microbe, fungus, yeast, mildew,
33 herbicide, pesticide, fungicide, residual solvent, metal, or
34 other contaminant found in any amount that exceeds any of the
35 Department of Health's accepted limitations as determined by
36 rules promulgated in accordance with s. 381.986, or other
37 limitation pursuant to Florida law, whichever is lowest.

38 (c) "Hemp" means the plant Cannabis sativa L. and any part
39 of that plant, including seeds, derivatives, extracts,
40 cannabinoids, isomers, acids, salts, and salts of isomers
41 thereof, whether growing or not, which does not exceed the
42 concentration of THC authorized under subparagraph (d)2. and in
43 7 U.S.C. s. 5940. The term includes industrial hemp as defined
44 in s. 1004.4473.

45 (d) "Hemp extract" means a no-THC or low-THC substance or
46 compound that:

47 1. Is derived from or contains any part of the plant
48 Cannabis sativa L. which meets the definition of industrial hemp
49 under s. 1004.4473;

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

53 3. Does not contain other controlled substances.

54 (e) "Independent testing laboratory" means a laboratory
55 that:

56 1. Does not have a direct or indirect interest in the
57 entity whose product is being tested;

58 2. Does not have a direct or indirect interest in a

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59 facility that cultivates, processes, distributes, dispenses, or
60 sells no-THC or low-THC hemp extract or a substantially similar
61 substance in another jurisdiction; cultivates, processes,
62 distributes, dispenses, or sells marijuana as defined in s.
63 381.986; or cultivates, processes, distributes, dispenses, or
64 sells industrial hemp; and

65 3. Is accredited by a third-party accrediting body, such as
66 the American Association for Laboratory Accreditation or Assured
67 Calibration and Laboratory Accreditation Select Services, as a
68 competent testing laboratory pursuant to standard ISO/IEC 17025
69 of the International Organization for Standardization.

70 (3) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp
71 extract may be distributed and sold in this state only if the
72 product:

73 (a) Has a certificate of analysis that is prepared by an
74 independent testing laboratory which states:

75 1. The hemp extract is the product of a batch tested by the
76 independent testing laboratory;

77 2. The batch contained a total delta-9-tetrahydrocannabinol
78 concentration, including immediate precursors, which does not
79 exceed 0.3 percent on a dry-weight basis pursuant to the testing
80 of a random sample of the batch; and

81 3. The batch does not contain contaminants unsafe for human
82 consumption.

83 (b) Is distributed or sold in packaging that includes:

84 1. A scannable barcode or quick response code linked to the
85 certificate of analysis of the hemp strain extract by an
86 independent testing laboratory;

87 2. The batch number;

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- 88 3. The Internet address of a website where batch
89 information may be obtained;
90 4. The expiration date;
91 5. The number of milligrams of no-THC or low-THC hemp
92 extract; and
93 6. A statement that the product contains a total delta-9-
94 tetrahydrocannabinol concentration, including immediate
95 precursors, which does not exceed 0.3 percent on a dry-weight
96 basis.

97 Section 2. Subsection (3) of section 893.02, Florida
98 Statutes, is amended to read:

99 893.02 Definitions.—The following words and phrases as used
100 in this chapter shall have the following meanings, unless the
101 context otherwise requires:

102 (3) "Cannabis" means all parts of any plant of the genus
103 *Cannabis*, whether growing or not; the seeds thereof; the resin
104 extracted from any part of the plant; and every compound,
105 manufacture, salt, derivative, mixture, or preparation of the
106 plant or its seeds or resin. The term does not include
107 "marijuana," as defined in s. 381.986, if manufactured,
108 possessed, sold, purchased, delivered, distributed, or
109 dispensed, in conformance with s. 381.986. The term does not
110 include hemp as defined in s. 581.218 or industrial hemp as
111 defined in s. 1004.4473.

112 Section 3. This act shall take effect on the same date that
113 SB 1020 or similar legislation takes effect, if such legislation
114 is adopted in the same legislation session or an extension
115 thereof and becomes a law.