



26 Cannabis, whether growing or not; the seeds thereof; the resin  
27 extracted from any part of the plant; and every compound,  
28 manufacture, salt, derivative, mixture, or preparation of the  
29 plant or its seeds or resin. The term does not include  
30 "marijuana," as defined in s. 381.986, if manufactured,  
31 possessed, sold, purchased, delivered, distributed, or  
32 dispensed, in conformance with s. 381.986. The term does not  
33 include a drug product described in s. 893.03(5)(d).

34 Section 2. Paragraph (d) is added to subsection (5) of  
35 section 893.03, Florida Statutes, to read:

36 893.03 Standards and schedules.—The substances enumerated  
37 in this section are controlled by this chapter. The controlled  
38 substances listed or to be listed in Schedules I, II, III, IV,  
39 and V are included by whatever official, common, usual,  
40 chemical, trade name, or class designated. The provisions of  
41 this section shall not be construed to include within any of the  
42 schedules contained in this section any excluded drugs listed  
43 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
44 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
45 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
46 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
47 Anabolic Steroid Products."

48 (5) SCHEDULE V.—A substance, compound, mixture, or  
49 preparation of a substance in Schedule V has a low potential for  
50 abuse relative to the substances in Schedule IV and has a

51 currently accepted medical use in treatment in the United  
52 States, and abuse of such compound, mixture, or preparation may  
53 lead to limited physical or psychological dependence relative to  
54 the substances in Schedule IV.

55 (d) A drug product in finished dosage formulation that has  
56 been approved by the United States Food and Drug Administration  
57 that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-  
58 2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from  
59 cannabis and no more than 0.1 percent (w/w) residual  
60 tetrahydrocannabinols.

61 Section 3. For the purpose of incorporating the amendment  
62 made by this act to section 893.03, Florida Statutes, in a  
63 reference thereto, subsection (2) of section 817.563, Florida  
64 Statutes, is reenacted to read:

65 817.563 Controlled substance named or described in s.  
66 893.03; sale of substance in lieu thereof.—It is unlawful for  
67 any person to agree, consent, or in any manner offer to  
68 unlawfully sell to any person a controlled substance named or  
69 described in s. 893.03 and then sell to such person any other  
70 substance in lieu of such controlled substance. Any person who  
71 violates this section with respect to:

72 (2) A controlled substance named or described in s.  
73 893.03(5) is guilty of a misdemeanor of the second degree,  
74 punishable as provided in s. 775.082 or s. 775.083.

75 Section 4. For the purpose of incorporating the amendment

76 made by this act to section 893.03, Florida Statutes, in  
77 references thereto, section 831.31, Florida Statutes, is  
78 reenacted to read:

79 831.31 Counterfeit controlled substance; sale,  
80 manufacture, delivery, or possession with intent to sell,  
81 manufacture, or deliver.—

82 (1) It is unlawful for any person to sell, manufacture, or  
83 deliver, or to possess with intent to sell, manufacture, or  
84 deliver, a counterfeit controlled substance. Any person who  
85 violates this subsection with respect to:

86 (a) A controlled substance named or described in s.  
87 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
88 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
89 775.084.

90 (b) A controlled substance named or described in s.  
91 893.03(5) is guilty of a misdemeanor of the second degree,  
92 punishable as provided in s. 775.082 or s. 775.083.

93 (2) For purposes of this section, "counterfeit controlled  
94 substance" means:

95 (a) A controlled substance named or described in s. 893.03  
96 which, or the container or labeling of which, without  
97 authorization bears the trademark, trade name, or other  
98 identifying mark, imprint, or number, or any likeness thereof,  
99 of a manufacturer other than the person who in fact manufactured  
100 the controlled substance; or

101 (b) Any substance which is falsely identified as a  
102 controlled substance named or described in s. 893.03.

103 Section 5. For the purpose of incorporating the amendment  
104 made by this act to section 893.03, Florida Statutes, in a  
105 reference thereto, paragraph (b) of subsection (5) of section  
106 893.07, Florida Statutes, is reenacted to read:

107 893.07 Records.—

108 (5) Each person described in subsection (1) shall:

109 (b) In the event of the discovery of the theft or  
110 significant loss of controlled substances, report such theft or  
111 significant loss to the sheriff of that county within 24 hours  
112 after discovery. A person who fails to report a theft or  
113 significant loss of a substance listed in s. 893.03(3), (4), or  
114 (5) within 24 hours after discovery as required in this  
115 paragraph commits a misdemeanor of the second degree, punishable  
116 as provided in s. 775.082 or s. 775.083. A person who fails to  
117 report a theft or significant loss of a substance listed in s.  
118 893.03(2) within 24 hours after discovery as required in this  
119 paragraph commits a misdemeanor of the first degree, punishable  
120 as provided in s. 775.082 or s. 775.083.

121 Section 6. For the purpose of incorporating the amendment  
122 made by this act to section 893.03, Florida Statutes, in  
123 references thereto, paragraph (a) of subsection (1), paragraph  
124 (a) of subsection (2), paragraph (c) of subsection (5), and  
125 paragraph (d) of subsection (6) of section 893.13, Florida

126 Statutes, are reenacted to read:

127 893.13 Prohibited acts; penalties.—

128 (1) (a) Except as authorized by this chapter and chapter  
 129 499, a person may not sell, manufacture, or deliver, or possess  
 130 with intent to sell, manufacture, or deliver, a controlled  
 131 substance. A person who violates this provision with respect to:

132 1. A controlled substance named or described in s.  
 133 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.  
 134 commits a felony of the second degree, punishable as provided in  
 135 s. 775.082, s. 775.083, or s. 775.084.

136 2. A controlled substance named or described in s.  
 137 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7.,  
 138 (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a felony of  
 139 the third degree, punishable as provided in s. 775.082, s.  
 140 775.083, or s. 775.084.

141 3. A controlled substance named or described in s.  
 142 893.03(5) commits a misdemeanor of the first degree, punishable  
 143 as provided in s. 775.082 or s. 775.083.

144 (2) (a) Except as authorized by this chapter and chapter  
 145 499, a person may not purchase, or possess with intent to  
 146 purchase, a controlled substance. A person who violates this  
 147 provision with respect to:

148 1. A controlled substance named or described in s.  
 149 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.  
 150 commits a felony of the second degree, punishable as provided in

151 s. 775.082, s. 775.083, or s. 775.084.

152 2. A controlled substance named or described in s.  
153 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
154 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
155 the third degree, punishable as provided in s. 775.082, s.  
156 775.083, or s. 775.084.

157 3. A controlled substance named or described in s.  
158 893.03(5) commits a misdemeanor of the first degree, punishable  
159 as provided in s. 775.082 or s. 775.083.

160 (5) A person may not bring into this state any controlled  
161 substance unless the possession of such controlled substance is  
162 authorized by this chapter or unless such person is licensed to  
163 do so by the appropriate federal agency. A person who violates  
164 this provision with respect to:

165 (c) A controlled substance named or described in s.  
166 893.03(5) commits a misdemeanor of the first degree, punishable  
167 as provided in s. 775.082 or s. 775.083.

168 (6)

169 (d) If the offense is possession of a controlled substance  
170 named or described in s. 893.03(5), the person commits a  
171 misdemeanor of the second degree, punishable as provided in s.  
172 775.082 or s. 775.083.

173 Section 7. This act shall take effect upon becoming a law.