

1 A bill to be entitled
 2 An act relating to the state hemp program; amending s.
 3 581.217, F.S.; revising definitions; removing a
 4 requirement that licensees only use certain hemp seeds
 5 and cultivars; revising requirements for the
 6 distribution and retail sale of hemp extract;
 7 requiring a licensee who distributes or sells certain
 8 hemp extract to complete a corrective action plan;
 9 providing that certain hemp extract is considered
 10 adulterated or misbranded; removing a requirement that
 11 the department conduct certain inspections; conforming
 12 a cross-reference; providing an effective date.

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

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 16 Section 1. Subsections (7) through (14) of section
 17 581.217, Florida Statutes, are renumbered as subsections (6)
 18 through (13), respectively, and present subsections (3), (6),
 19 (7), (10), (11), and (13) of that section are amended to read:

20 581.217 State hemp program.—

21 (3) DEFINITIONS.—As used in this section, the term:

22 ~~(a) "Certifying agency" has the same meaning as in s.~~
 23 ~~578.011(8).~~

24 (a) ~~(b)~~ "Contaminants unsafe for human consumption"
 25 includes, but is not limited to, any microbe, fungus, yeast,

26 mildew, herbicide, pesticide, fungicide, residual solvent,
27 metal, or other contaminant found in any amount that exceeds any
28 of the accepted limitations as determined by rules adopted by
29 the department of Health in accordance with s. 381.986, or other
30 limitation pursuant to the laws of this state, whichever amount
31 is less.

32 (b)~~(e)~~ "Cultivate" means planting, watering, growing, or
33 harvesting hemp.

34 (c)~~(d)~~ "Hemp" means the plant Cannabis sativa L. and any
35 part of that plant, including the seeds thereof, and all
36 derivatives, extracts, cannabinoids, isomers, acids, salts, and
37 salts of isomers thereof, whether growing or not, that has a
38 total delta-9-tetrahydrocannabinol concentration that does not
39 exceed 0.3 percent on a dry-weight basis.

40 (d)~~(e)~~ "Hemp extract" means a substance or compound
41 intended for ingestion or inhalation that is derived from or
42 contains hemp and that does not contain other controlled
43 substances. The term does not include seeds that are generally
44 recognized as safe by the United States Food and Drug
45 Administration.

46 (e)~~(f)~~ "Independent testing laboratory" means a laboratory
47 that:

- 48 1. Does not have a direct or indirect interest in the
49 entity whose product is being tested;
50 2. Does not have a direct or indirect interest in a

51 facility that cultivates, processes, distributes, dispenses, or
 52 sells hemp or hemp extract in the state or in another
 53 jurisdiction or cultivates, processes, distributes, dispenses,
 54 or sells marijuana, as defined in s. 381.986; and

55 3. Is accredited by a third-party accrediting body as a
 56 competent testing laboratory pursuant to ISO/IEC 17025 of the
 57 International Organization for Standardization.

58 ~~(6) HEMP SEED. A licensee may only use hemp seeds and~~
 59 ~~cultivars certified by a certifying agency or a university~~
 60 ~~conducting an industrial hemp pilot project pursuant to s.~~
 61 ~~1004.4473.~~

62 (6) ~~(7)~~ DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp
 63 extract may only be distributed and sold in the state if the
 64 product:

65 (a) Has a certificate of analysis prepared by an
 66 independent testing laboratory that states:

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

69 2. The batch contained a total delta-9-
 70 tetrahydrocannabinol concentration that did not exceed 0.3
 71 percent ~~on a dry weight basis~~ pursuant to the testing of a
 72 random sample of the batch; and

73 3. The batch does not contain contaminants unsafe for
 74 human consumption.

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

76 1. A scannable barcode or quick response code linked to
 77 the certificate of analysis of the hemp extract by an
 78 independent testing laboratory;

79 2. The batch number;

80 3. The Internet address of a website where batch
 81 information may be obtained;

82 4. The expiration date;

83 5. The number of milligrams of each cannabinoid per
 84 serving hemp extract; and

85 6. A statement that the product contains a total delta-9-
 86 tetrahydrocannabinol concentration that does not exceed 0.3
 87 percent ~~on a dry-weight basis~~.

88 (9)-(10) VIOLATIONS.—

89 (a) A licensee must complete a corrective action plan if
 90 the department determines that the licensee has negligently
 91 violated this section or department rules, including
 92 negligently:

93 1. Failing to provide the legal land description and
 94 global positioning coordinates pursuant to subsection (5);

95 2. Failing to obtain a proper license or other required
 96 authorization from the department; ~~or~~

97 3. Producing Cannabis sativa L. that has a total delta-9-
 98 tetrahydrocannabinol concentration that exceeds 0.3 percent on a
 99 dry-weight basis; or

100 4. Distributing or selling hemp extract that does not meet

101 the requirements of subsection (6). Such hemp extract is
 102 considered adulterated or misbranded pursuant to chapters 500,
 103 502, and 580.

104 (b) The corrective action plan must include:

105 1. A reasonable date by which the licensee must correct
 106 the negligent violation; and

107 2. A requirement that the licensee periodically report to
 108 the department on compliance with this section and department
 109 rules for a period of at least 2 calendar years after the date
 110 of the violation.

111 (c) A licensee who negligently violates the corrective
 112 action plan under this subsection three times within 5 years is
 113 ineligible to cultivate hemp for 5 years following the date of
 114 the third violation.

115 (d) If the department determines that a licensee has
 116 violated this section or department rules with a culpable mental
 117 state greater than negligence, the department shall immediately
 118 report the licensee to the Attorney General and the United
 119 States Attorney General.

120 (10)~~(11)~~ ENFORCEMENT.—

121 (a) The department shall enforce this section.

122 (b) Every state attorney, sheriff, police officer, and
 123 other appropriate county or municipal officer shall enforce, or
 124 assist any agent of the department in enforcing, this section
 125 and rules adopted by the department.

126 (c) The department, or its agent, is authorized to enter
127 any public or private premises during regular business hours in
128 the performance of its duties relating to hemp cultivation.

129 ~~(d) The department shall conduct random inspections, at~~
130 ~~least annually, of each licensee to ensure that only certified~~
131 ~~hemp seeds are being used and that hemp is being cultivated in~~
132 ~~compliance with this section.~~

133 (12) ~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

134 (a) This section does not authorize a licensee to violate
135 any federal or state law or regulation.

136 (b) This section does not apply to a pilot project
137 developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

138 (c) A licensee who negligently violates this section or
139 department rules is not subject to any criminal or civil
140 enforcement action by the state or a local government other than
141 the enforcement of violations of this section as authorized
142 under subsection (9) ~~(10)~~.

143 Section 2. This act shall take effect July 1, 2020.