



192872

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/04/2020	.	
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The Committee on Agriculture (Montford) recommended the following:

1           **Senate Substitute for Amendment (697874) (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Paragraph (n) of subsection (1) of section  
7 500.03, Florida Statutes, is amended to read:

8           500.03 Definitions; construction; applicability.—

9           (1) For the purpose of this chapter, the term:

10          (n) "Food" includes:



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- 11           1. Articles used for food or drink for human consumption;  
12           2. Chewing gum;  
13           3. Articles used for components of any such article;  
14           4. Articles for which health claims are made, which claims  
15 are approved by the Secretary of the United States Department of  
16 Health and Human Services and which claims are made in  
17 accordance with s. 343(r) of the federal act, and which are not  
18 considered drugs solely because their labels or labeling contain  
19 health claims; ~~and~~  
20           5. Dietary supplements as defined in 21 U.S.C. s.  
21 321(ff)(1) and (2); and-  
22           6. Hemp extract as defined in s. 581.217.  
23

24 The term includes any raw, cooked, or processed edible  
25 substance; ice; any beverage; or any ingredient used, intended  
26 for use, or sold for human consumption.

27           Section 2. Paragraph (a) of subsection (1) of section  
28 500.12, Florida Statutes, is amended to read:

29           500.12 Food permits; building permits.-

30           (1)(a) A food permit from the department is required of any  
31 person who operates a food establishment or retail food store,  
32 except:

33           1. Persons operating minor food outlets that sell food,  
34 except hemp extract, that is commercially prepackaged, not  
35 potentially hazardous, and not time or temperature controlled  
36 for safety, if the shelf space for those items does not exceed  
37 12 total linear feet and no other food is sold by the minor food  
38 outlet.

39           2. Persons subject to continuous, onsite federal or state



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40 inspection.

41 3. Persons selling only legumes in the shell, either  
42 parched, roasted, or boiled.

43 4. Persons selling sugar cane or sorghum syrup that has  
44 been boiled and bottled on a premise located within the state.  
45 Such bottles must contain a label listing the producer's name  
46 and street address, all added ingredients, the net weight or  
47 volume of the product, and a statement that reads, "This product  
48 has not been produced in a facility permitted by the Florida  
49 Department of Agriculture and Consumer Services."

50 Section 3. Paragraphs (b) and (e) of subsection (3) and  
51 subsections (7) and (11) of section 581.217, Florida Statutes,  
52 are amended to read:

53 581.217 State hemp program.—

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

55 (b) "Contaminants unsafe for human consumption" includes,  
56 but is not limited to, any microbe, fungus, yeast, mildew,  
57 herbicide, pesticide, fungicide, residual solvent, metal, or  
58 other contaminant found in any amount that exceeds any of the  
59 accepted limitations as determined by rules adopted by the  
60 department of Health in accordance with s. 381.986, or other  
61 limitation pursuant to the laws of this state, whichever amount  
62 is less.

63 (e) "Hemp extract" means a substance or compound intended  
64 for ingestion or inhalation which ~~that~~ is derived from or  
65 contains hemp and which ~~that~~ does not contain other controlled  
66 substances. The term does not include synthetic CBD or seeds or  
67 seed-derived ingredients that are generally recognized as safe  
68 by the United States Food and Drug Administration.



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69 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—  
70 (a) Hemp extract may only be distributed and sold in the  
71 state if the product:  
72 ~~1.(a)~~ Has a certificate of analysis prepared by an  
73 independent testing laboratory that states:  
74 ~~a.1.~~ The hemp extract is the product of a batch tested by  
75 the independent testing laboratory;  
76 ~~b.2.~~ The batch contained a total delta-9-  
77 tetrahydrocannabinol concentration that did not exceed 0.3  
78 percent ~~on a dry-weight basis~~ pursuant to the testing of a  
79 random sample of the batch; and  
80 ~~c.3.~~ The batch does not contain contaminants unsafe for  
81 human consumption.  
82 ~~2.(b)~~ Is distributed or sold in a container ~~packaging~~ that  
83 includes:  
84 ~~a.1.~~ A scannable barcode or quick response code linked to  
85 the certificate of analysis of the hemp extract by an  
86 independent testing laboratory;  
87 ~~b.2.~~ The batch number;  
88 ~~c.3.~~ The Internet address of a website where batch  
89 information may be obtained;  
90 ~~d.4.~~ The expiration date;  
91 ~~e.5.~~ The number of milligrams of each cannabinoid per  
92 serving ~~hemp extract~~; and  
93 ~~f.6.~~ A statement that the product contains a total delta-9-  
94 tetrahydrocannabinol concentration that does not exceed 0.3  
95 percent ~~on a dry-weight basis~~.  
96 (b) Hemp extract distributed or sold in violation of this  
97 section shall be considered adulterated or misbranded pursuant



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98 to chapter 500, chapter 502, or chapter 580.

99 (c) Products that are intended for inhalation and contain  
100 hemp extract may not be sold in this state to a person who is  
101 under 21 years of age.

102 (11) ENFORCEMENT.—

103 (a) The department shall enforce this section.

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

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

111 (d) The department shall conduct random inspections, at  
112 least annually, of each licensee to ensure that only certified  
113 hemp seeds are being used and that hemp is being cultivated in  
114 compliance with this section. The department may contract with  
115 entities to provide sample collection, laboratory testing, and  
116 disposal services to implement this section. The contracts are  
117 exempt from chapter 287.

118 (e) If the department finds that *Cannabis sativa L.* was  
119 produced with a total delta-9-tetrahydrocannabinol concentration  
120 that exceeds 0.3 percent, the director shall notify the licensee  
121 of such result. The licensee shall, within 10 days after  
122 receiving the notice, cause the removal and destruction of the  
123 plants in accordance with methods adopted by the department. If  
124 the licensee refuses or neglects to comply with the terms of the  
125 notice within 10 days after receiving it, the director or her or  
126 his authorized representative may, under authority of the



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127 department, proceed to destroy the plants. The expense of the  
128 removal or destruction shall be assessed, collected, and  
129 enforced against the licensee by the department. Damages may not  
130 be awarded to the licensee for the destruction of the plants  
131 under this paragraph.

132 Section 4. This act shall take effect July 1, 2020.

133  
134 ===== T I T L E A M E N D M E N T =====

135 And the title is amended as follows:

136 Delete everything before the enacting clause  
137 and insert:

138 A bill to be entitled  
139 An act relating to the state hemp program; amending s.  
140 500.03, F.S.; revising the definition of the term  
141 "food" to include hemp extract for purposes of the  
142 Florida Food Safety Act; amending s. 500.12, F.S.;  
143 providing that a person operating a minor food outlet  
144 that sells hemp extract is not exempt from certain  
145 food permit requirements; amending s. 581.217, F.S.;  
146 redefining terms; providing that hemp extract that  
147 does not meet certain requirements will be considered  
148 adulterated or misbranded; prohibiting the sale of  
149 certain hemp extract products to individuals under a  
150 specified age; authorizing the Department of  
151 Agriculture and Consumer Services to contract with  
152 entities to provide certain collection, testing, and  
153 disposal services; providing that such contracts are  
154 exempt from specified provisions; requiring the  
155 director of the Division of Plant Industry to notify a



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156 licensee of certain findings; requiring such licensee  
157 or, if the licensee fails to act within a specified  
158 timeframe, the director, to remove and destroy certain  
159 plants; requiring that expenses associated with such  
160 removal or destruction be assessed, collected, and  
161 enforced against the licensee; prohibiting the award  
162 of certain damages; providing an effective date.