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LEGISLATIVE ACTION

Senate

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House

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03/06/2020 03:41 PM

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Senator Montford moved the following:

**Senate Amendment (with title amendment)**

Delete lines 96 - 205

and insert:

cannabinoid, or for inhalation which ~~that~~ is derived from or contains hemp and which ~~that~~ does not contain other controlled substances. The term does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.

(4) FEDERAL APPROVAL.—The department shall seek approval of the state plan for the regulation of the cultivation of hemp



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12 with the United States Secretary of Agriculture in accordance  
13 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If  
14 the state plan is not approved by the United States Secretary of  
15 Agriculture, the Commissioner of Agriculture, in consultation  
16 with and with final approval from the Administration Commission,  
17 shall develop a recommendation to amend the state plan and  
18 submit the recommendation to the Legislature. If revisions to  
19 the state plan may be made without statutory changes, the  
20 department, in consultation with and with final approval from  
21 the Administration Commission, must submit an amended plan to  
22 the United States Secretary of Agriculture.

23 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

24 (a) Hemp extract may only be distributed and sold in the  
25 state if the product:

26 1.~~(a)~~ Has a certificate of analysis prepared by an  
27 independent testing laboratory that states:

28 ~~a.1.~~ The hemp extract is the product of a batch tested by  
29 the independent testing laboratory;

30 ~~b.2.~~ The batch contained a total delta-9-  
31 tetrahydrocannabinol concentration that did not exceed 0.3  
32 percent ~~on a dry-weight basis~~ pursuant to the testing of a  
33 random sample of the batch; and

34 ~~c.3.~~ The batch does not contain contaminants unsafe for  
35 human consumption.

36 2.~~(b)~~ Is distributed or sold in a container ~~packaging~~ that  
37 includes:

38 ~~a.1.~~ A scannable barcode or quick response code linked to  
39 the certificate of analysis of the hemp extract batch by an  
40 independent testing laboratory;



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41           ~~b.2.~~ The batch number;

42           ~~c.3.~~ The Internet address of a website where batch

43 information may be obtained;

44           ~~d.4.~~ The expiration date; and

45           ~~e.5.~~ The number of milligrams of each marketed cannabinoid

46 per serving hemp extract; and

47           ~~6.~~ A statement that the product contains a total delta-9-

48 tetrahydrocannabinol concentration that does not exceed 0.3

49 percent on a dry-weight basis.

50           (b) Hemp extract distributed or sold in violation of this

51 section shall be considered adulterated or misbranded pursuant

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

53           (c) Products that are intended for inhalation and contain

54 hemp extract may not be sold in this state to a person who is

55 under 21 years of age.

56           (9) DEPARTMENT REPORTING.—The department shall submit

57 monthly to the United States Secretary of Agriculture a report

58 of the locations in the state where hemp is cultivated or has

59 been cultivated within the past 3 calendar years. The report

60 must include the contact information for each licensee and the

61 total acreage of hemp planted, harvested, and, if applicable,

62 disposed of by each licensee.

63           (11) ENFORCEMENT.—

64           (a) The department shall enforce this section.

65           (b) Every state attorney, sheriff, police officer, and

66 other appropriate county or municipal officer shall enforce, or

67 assist any agent of the department in enforcing, this section

68 and rules adopted by the department.

69           (c) The department, or its agent, is authorized to enter



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70 any public or private premises during regular business hours in  
71 the performance of its duties relating to hemp cultivation.

72 (d) The department shall conduct random inspections, at  
73 least annually, of each licensee to ensure that only certified  
74 hemp seeds are being used and that hemp is being cultivated in  
75 compliance with this section. The department may contract with  
76 entities to provide sample collection, laboratory testing, and  
77 disposal services to implement this section.

78 (12) RULES. ~~By August 1, 2019,~~ The department, in  
79 consultation with the Department of Health and the Department of  
80 Business and Professional Regulation, shall initiate rulemaking  
81 to administer the state hemp program. The rules must provide  
82 for:

83 (a) A procedure that uses post-decarboxylation or other  
84 similarly reliable methods for testing the delta-9-  
85 tetrahydrocannabinol concentration of cultivated hemp. The  
86 sample must be taken no more than 15 days before the anticipated  
87 harvest by a federal, state, local, or tribal law enforcement  
88 agency.

89 (b) A procedure for the effective disposal of plants,  
90 whether growing or not, that are cultivated in violation of this  
91 section or department rules, and products derived from those  
92 plants.

93 (14) INDUSTRIAL HEMP ADVISORY COUNCIL.—An Industrial Hemp  
94 Advisory Council, an advisory council as defined in s. 20.03, is  
95 established to provide information, advice, and expertise to the  
96 department with respect to plans, policies, and procedures  
97 applicable to the administration of the state hemp program.  
98 Notwithstanding ss. 377.6015 and 570.232, the Industrial Hemp



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99 Advisory Council is the sole advisory body to provide  
100 information, advice, and expertise related to the state hemp  
101 program to the department, and no other advisory body may be  
102 created for such purpose.  
103

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

105 And the title is amended as follows:

106       Delete lines 23 - 34

107 and insert:

108       requiring samples to be taken within a specified  
109       timeframe before the anticipated harvest; providing  
110       that the Industrial Hemp Advisory Council is the sole  
111       advisory body to provide information, advice, and  
112       expertise regarding the program to the department;  
113       prohibiting the creation of other advisory bodies for  
114       such purpose; providing terms for advisory