

By Senator Montford

3-01045B-20

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1 A bill to be entitled
2 An act relating to the state hemp program; amending s.
3 581.217, F.S.; deleting and redefining terms; removing
4 requirements regarding the types of seeds that a
5 licensee may use in the state hemp program; providing
6 that hemp extract that does not meet certain
7 requirements will be considered adulterated or
8 misbranded; prohibiting the selling of products made
9 from hemp extract in this state to persons under a
10 specified age; deleting a requirement that the
11 department conduct random inspections at specified
12 intervals for certified hemp seeds; providing an
13 effective date.

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

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17 Section 1. Paragraphs (a), (b), and (e) of subsection (3),
18 subsections (6), (7), and (11), and paragraph (c) of subsection
19 (13) of section 581.217, Florida Statutes, 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~~

3-01045B-20

20201876__

30 ~~limitation pursuant to the laws of this state, whichever amount~~
31 ~~is less.~~

32 (d)~~(e)~~ "Hemp extract" means a substance or compound
33 intended for ingestion which ~~that~~ is derived from or contains
34 hemp and which ~~that~~ does not contain other controlled
35 substances. The term does not include seeds that are generally
36 recognized as safe by the United States Food and Drug
37 Administration.

38 ~~(6) HEMP SEED. A licensee may only use hemp seeds and~~
39 ~~cultivars certified by a certifying agency or a university~~
40 ~~conducting an industrial hemp pilot project pursuant to s.~~
41 ~~1004.4473.~~

42 (6)~~(7)~~ DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-

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

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

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

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

53 c.3. The batch does not contain contaminants unsafe for
54 human consumption.

55 2.~~(b)~~ Is distributed or sold in packaging that includes:

56 a.1. A scannable barcode or quick response code linked to
57 the certificate of analysis of the hemp extract by an
58 independent testing laboratory;

3-01045B-20

20201876__

- 59 ~~b.2.~~ The batch number;
- 60 ~~c.3.~~ The Internet address of a website where batch
- 61 information may be obtained;
- 62 ~~d.4.~~ The expiration date;
- 63 ~~e.5.~~ The number of milligrams of each cannabinoid per
- 64 serving hemp extract; and
- 65 ~~f.6.~~ A statement that the product contains a total delta-9-
- 66 tetrahydrocannabinol concentration that does not exceed 0.3
- 67 percent ~~on a dry weight basis~~.
- 68 (b) Hemp extract distributed or sold in violation of
- 69 paragraph (a) shall be considered adulterated or misbranded
- 70 pursuant to chapter 500, chapter 502, or chapter 580.
- 71 (c) Products made from hemp extract may not be sold in this
- 72 state to a person who is under 18 years of age.
- 73 ~~(10)-(11)~~ ENFORCEMENT.—
- 74 (a) The department shall enforce this section.
- 75 (b) Every state attorney, sheriff, police officer, and
- 76 other appropriate county or municipal officer shall enforce, or
- 77 assist any agent of the department in enforcing, this section
- 78 and rules adopted by the department.
- 79 (c) The department, or its agent, is authorized to enter
- 80 any public or private premises during regular business hours in
- 81 the performance of its duties relating to hemp cultivation.
- 82 ~~(d) The department shall conduct random inspections, at~~
- 83 ~~least annually, of each licensee to ensure that only certified~~
- 84 ~~hemp seeds are being used and that hemp is being cultivated in~~
- 85 ~~compliance with this section.~~
- 86 ~~(12)-(13)~~ APPLICABILITY.—Notwithstanding any other law:
- 87 (c) A licensee who negligently violates this section or

3-01045B-20

20201876__

88 department rules is not subject to any criminal or civil
89 enforcement action by the state or a local government other than
90 the enforcement of violations of this section as authorized
91 under subsection (9) ~~(10)~~.

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