

By the Committee on Agriculture; and Senator Montford

575-03095-20

20201876c1

1 A bill to be entitled
2 An act relating to the state hemp program; amending s.
3 500.03, F.S.; revising the definition of the term
4 "food" to include hemp extract for purposes of the
5 Florida Food Safety Act; amending s. 500.12, F.S.;
6 providing that a person operating a minor food outlet
7 that sells hemp extract is not exempt from certain
8 food permit requirements; amending s. 581.217, F.S.;
9 redefining terms; providing that hemp extract that
10 does not meet certain requirements will be considered
11 adulterated or misbranded; prohibiting the sale of
12 certain hemp extract products to individuals under a
13 specified age; authorizing the Department of
14 Agriculture and Consumer Services to contract with
15 entities to provide certain collection, testing, and
16 disposal services; providing that such contracts are
17 exempt from specified provisions; requiring the
18 director of the Division of Plant Industry to notify a
19 licensee of certain findings; requiring such licensee
20 or, if the licensee fails to act within a specified
21 timeframe, the director, to remove and destroy certain
22 plants; requiring that expenses associated with such
23 removal or destruction be assessed, collected, and
24 enforced against the licensee; prohibiting the award
25 of certain damages; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (n) of subsection (1) of section

575-03095-20

20201876c1

30 500.03, Florida Statutes, is amended to read:

31 500.03 Definitions; construction; applicability.—

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

33 (n) "Food" includes:

34 1. Articles used for food or drink for human consumption;

35 2. Chewing gum;

36 3. Articles used for components of any such article;

37 4. Articles for which health claims are made, which claims
38 are approved by the Secretary of the United States Department of
39 Health and Human Services and which claims are made in
40 accordance with s. 343(r) of the federal act, and which are not
41 considered drugs solely because their labels or labeling contain
42 health claims; ~~and~~

43 5. Dietary supplements as defined in 21 U.S.C. s.
44 321(ff) (1) and (2); and

45 6. Hemp extract as defined in s. 581.217.

46

47 The term includes any raw, cooked, or processed edible
48 substance; ice; any beverage; or any ingredient used, intended
49 for use, or sold for human consumption.

50 Section 2. Paragraph (a) of subsection (1) of section
51 500.12, Florida Statutes, is amended to read:

52 500.12 Food permits; building permits.—

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

56 1. Persons operating minor food outlets that sell food,
57 except hemp extract, that is commercially prepackaged, not
58 potentially hazardous, and not time or temperature controlled

575-03095-20

20201876c1

59 for safety, if the shelf space for those items does not exceed
60 12 total linear feet and no other food is sold by the minor food
61 outlet.

62 2. Persons subject to continuous, onsite federal or state
63 inspection.

64 3. Persons selling only legumes in the shell, either
65 parched, roasted, or boiled.

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

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

76 581.217 State hemp program.—

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

78 (b) "Contaminants unsafe for human consumption" includes,
79 but is not limited to, any microbe, fungus, yeast, mildew,
80 herbicide, pesticide, fungicide, residual solvent, metal, or
81 other contaminant found in any amount that exceeds any of the
82 accepted limitations as determined by rules adopted by the
83 department of Health in accordance with s. 381.986, or other
84 limitation pursuant to the laws of this state, whichever amount
85 is less.

86 (e) "Hemp extract" means a substance or compound intended
87 for ingestion or inhalation which ~~that~~ is derived from or

575-03095-20

20201876c1

88 contains hemp and which ~~that~~ does not contain other controlled
89 substances. The term does not include synthetic CBD or seeds or
90 seed-derived ingredients that are generally recognized as safe
91 by the United States Food and Drug Administration.

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

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

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

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

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

103 c.3. ~~The batch does not contain contaminants unsafe for~~
104 ~~human consumption.~~

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

107 a.1. ~~A scannable barcode or quick response code linked to~~
108 ~~the certificate of analysis of the hemp extract by an~~
109 ~~independent testing laboratory;~~

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

111 c.3. ~~The Internet address of a website where batch~~
112 ~~information may be obtained;~~

113 d.4. ~~The expiration date;~~

114 e.5. ~~The number of milligrams of~~ each cannabinoid per
115 serving ~~hemp extract; and~~

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

575-03095-20

20201876c1

117 tetrahydrocannabinol concentration that does not exceed 0.3
118 percent ~~on a dry-weight basis.~~

119 (b) Hemp extract distributed or sold in violation of this
120 section shall be considered adulterated or misbranded pursuant
121 to chapter 500, chapter 502, or chapter 580.

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

125 (11) ENFORCEMENT.—

126 (a) The department shall enforce this section.

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

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

134 (d) The department shall conduct random inspections, at
135 least annually, of each licensee to ensure that only certified
136 hemp seeds are being used and that hemp is being cultivated in
137 compliance with this section. The department may contract with
138 entities to provide sample collection, laboratory testing, and
139 disposal services to implement this section. The contracts are
140 exempt from chapter 287.

141 (e) If the department finds that *Cannabis sativa L.* was
142 produced with a total delta-9-tetrahydrocannabinol concentration
143 that exceeds 0.3 percent, the director shall notify the licensee
144 of such result. The licensee shall, within 10 days after
145 receiving the notice, cause the removal and destruction of the

575-03095-20

20201876c1

146 plants in accordance with methods adopted by the department. If
147 the licensee refuses or neglects to comply with the terms of the
148 notice within 10 days after receiving it, the director or her or
149 his authorized representative may, under authority of the
150 department, proceed to destroy the plants. The expense of the
151 removal or destruction shall be assessed, collected, and
152 enforced against the licensee by the department. Damages may not
153 be awarded to the licensee for the destruction of the plants
154 under this paragraph.

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