

By Senator Powell

30-00477-21

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1                   A bill to be entitled  
2       An act relating to the sale of hemp-derived delta-8-  
3       tetrahydrocannabinol; creating s. 581.218, F.S.;  
4       defining terms; prohibiting retailers from selling  
5       hemp-derived delta-8-tetrahydrocannabinol products to  
6       individuals who are under 21 years of age; providing  
7       requirements for the delivery of such products;  
8       providing civil and criminal penalties; providing an  
9       effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13       Section 1. Section 581.218, Florida Statutes, is created to  
14 read:

15       581.218 Delivery sale of hemp-derived delta-8-  
16 tetrahydrocannabinol products; penalty.-

17       (1) As used in this section, the term:

18       (a) "Consumer" means a person in this state who possesses a  
19 hemp-derived delta-8-tetrahydrocannabinol product and who is not  
20 a retailer, a wholesaler, or a distributor intending to sell or  
21 distribute the product.

22       (b) "Delivery sale" means any sale of hemp-derived delta-8-  
23 tetrahydrocannabinol products to a consumer for which:

24       1. The consumer submits an order for the sale by telephone  
25 or other voice transmission device, mail, delivery service, or  
26 the Internet service; or

27       2. The products are delivered by mail or delivery service.

28       (c) "Delivery service" means any person engaged in the  
29 commercial delivery of letters, packages, or other containers.

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30 (d) "Hemp" has the same meaning as in s. 581.217.

31 (e) "Hemp-derived delta-8-tetrahydrocannabinol" means the  
32 cannabinoid delta-8-tetrahydrocannabinol as a derivative,  
33 extract, isomer, acid, salt, or salt of isomers of hemp, whether  
34 growing or not, which has a total delta-9-tetrahydrocannabinol  
35 concentration that does not exceed 0.3 percent on a dry weight  
36 basis pursuant to a certification analysis that confirms such  
37 concentration.

38 (f) "Mail" means the shipment of hemp-derived delta-8-  
39 tetrahydrocannabinol products through the United States Postal  
40 Service or other letter carrier.

41 (g) "Retailer" means a person who is not a licensed  
42 distributor but is in possession of hemp-derived delta-8-  
43 tetrahydrocannabinol products for the purpose of selling the  
44 products to a consumer.

45 (h) "Shipping document" means a bill of lading, air-bill,  
46 United States Postal Service form, or any other document used to  
47 verify the delivery service's delivery of letters, packages, or  
48 other containers.

49 (2) A sale of hemp-derived delta-8-tetrahydrocannabinol  
50 products constitutes a delivery sale regardless of whether the  
51 person accepting the order for the delivery sale is located  
52 inside or outside of this state. A retailer may not sell hemp-  
53 derived delta-8-tetrahydrocannabinol products to a consumer who  
54 is under 21 years of age. The retailer must provide notice to  
55 their customers, in a prominent and clearly legible statement,  
56 specifying that customers must be 21 years of age or older to  
57 buy such products.

58 (3) A retailer who mails or ships any hemp-derived delta-8-

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59 tetrahydrocannabinol products to fulfill an order for a delivery  
60 sale must:

61 (a) Obtain a certification from the consumer who is  
62 purchasing the product that he or she is 21 years of age or  
63 older;

64 (b) Include as part of the order's shipping documents, in a  
65 clear and conspicuous manner, the following statement: "Hemp-  
66 derived Delta-8-Tetrahydrocannabinol Products: Florida law  
67 prohibits shipping to individuals under 21 years of age and  
68 requires the payment of all applicable taxes"; and

69 (c) Be in compliance with any labeling requirements,  
70 pursuant to department rule for the state hemp program.

71 (4) (a) A person who violates this section who is 21 years  
72 of age or older commits a misdemeanor of the first degree,  
73 punishable as provided in s. 775.082 or s. 775.083, and:

74 1. For a first violation of this section, the person shall  
75 be fined \$1,000 or 5 times the retail value of the product  
76 involved in the violation, whichever is greater.

77 2. For a second or subsequent violation, the person shall  
78 be fined \$5,000 or 5 times the retail value of the product  
79 involved in the violation, whichever is greater.

80 (b) A person who is 21 years of age or older and knowingly  
81 submits a false certification of a consumer's age commits a  
82 misdemeanor of the first degree, punishable as provided in s.  
83 775.082 or s. 775.083. For each offense, the individual shall be  
84 fined \$5,000 or 5 times the retail value of the product involved  
85 in the violation, whichever is greater.

86 (c) A person who, in connection with a delivery sale,  
87 delivers a hemp-derived delta-8-tetrahydrocannabinol product on

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88 behalf of a delivery service to an individual who is not 21  
89 years of age or older commits a misdemeanor of the first degree,  
90 punishable as provided in s. 775.082 or s. 775.083.

91 (d) A person who is under 21 years of age and who knowingly  
92 violates this section commits a misdemeanor of the first degree,  
93 punishable as provided in s. 775.082 or s. 775.083.

94 Section 2. This act shall take effect July 1, 2021.