

By Senator Rouson

19-00685-22

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1 A bill to be entitled
2 An act relating to hemp extract products; creating s.
3 500.421, F.S.; defining terms; requiring certain hemp
4 extract products to be registered with the Department
5 of Agriculture and Consumer Services before being
6 distributed or sold in this state; requiring
7 registrants to renew registrations annually; providing
8 that registrants assume full responsibility for their
9 products; providing application requirements;
10 authorizing the department to analyze whether product
11 samples meet specified requirements; requiring the
12 department to deny applications that fail to meet the
13 requirements; authorizing the department to issue and
14 enforce stop-sale orders and revoke or suspend
15 registrations for violations; requiring the department
16 to order a manufacturer or distributor to cease
17 operations or distribution under certain
18 circumstances; authorizing an administrative fine for
19 violations after notice and hearing; authorizing the
20 department to adopt rules; amending s. 581.217, F.S.;
21 prohibiting hemp extract products intended for
22 ingestion from being sold to persons under a specified
23 age; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 500.421, Florida Statutes, is created to
28 read:

29 500.421 Hemp extract product registration.-

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

31 (a) "Brand" means the product name appearing on the label
32 of a hemp extract product.

33 (b) "Distribute" means to sell or hold with the intent to
34 sell, offer for sale, barter, or otherwise supply to a consumer.

35 (c) "Hemp extract" has the same meaning as in s. 581.217.

36 (d) "Label" means any display of written, printed, or
37 graphic matter on, or attached to, a package or to the outside
38 individual container or wrapper of a package containing a hemp
39 extract product.

40 (e) "Labeling" means the label and any other written,
41 printed, or graphic matter accompanying a package.

42 (f) "Package" means a sealed, tamperproof retail package or
43 other container designed to sell hemp extract directly to a
44 consumer. However, the term does not include shipping containers
45 containing properly labeled inner containers.

46 (g) "Product" means the specific hemp extract offering
47 intended to be distributed with labeling that includes the brand
48 and all additional descriptors, including, but not limited to,
49 flavor, size, or volume and the specific cannabinoid content.

50 (2) Each hemp extract product manufactured, distributed, or
51 offered for sale in this state must be registered with the
52 department before being distributed or sold. The person whose
53 name appears on the label shall submit a completed application
54 on a form adopted by department rule. A hemp extract product
55 registration certificate is valid for 1 year after the date of
56 issuance, and the registrant must annually renew the product on
57 or before its expiration date. The registrant assumes, by
58 application to register the product, full responsibility for the

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59 registration, quality, and quantity of the product sold,
60 offered, or exposed for sale in this state.

61 (3) The registrant must include all of the following items
62 with a completed application:

63 (a) A sample of the registrant's hemp extract product and a
64 copy of the proposed labeling as it will be distributed.

65 (b) A certified report from an independent testing
66 laboratory as defined in s. 581.217 which provides an analysis
67 showing that the proposed hemp extract product is not
68 adulterated and conforms to the standards of this section and
69 any department rule adopted pursuant to this section. The
70 product testing must have been conducted no more than 30 days
71 before the registration application.

72 (4) The department may analyze the product sample and
73 inspect the proposed labeling to ensure that the product:

74 (a) Meets all labeling claims;

75 (b) Meets all labeling requirements as provided in s.
76 581.217, this section, and any department rule;

77 (c) Does not exceed a total delta-9-tetrahydrocannabinol
78 concentration of 0.3 percent;

79 (d) Is not adulterated as provided by this chapter and the
80 rules adopted thereunder; and

81 (e) Conforms to the standards of this section and any
82 department rule adopted pursuant to this section.

83 (5) The department shall deny a registration application
84 that fails to meet the requirements of this section or any
85 department rule adopted pursuant to this section.

86 (6) The department may issue and enforce a stop-sale order,
87 as provided in s. 500.172, and may revoke or suspend the product

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88 registration for any hemp extract product that the department
89 finds or has probable cause to believe violates this section or
90 any department rule adopted pursuant to this section.

91 (7) If the department determines that an unregistered hemp
92 extract product presents an imminent threat to the public
93 health, safety, and welfare, the department, upon such a
94 determination, must issue an immediate final order to the
95 manufacturer and distributor of the unregistered product to
96 cease operations or distribution until the product is registered
97 in accordance with this section.

98 (8) In addition to any other provision of law, the
99 department may, after notice and hearing, impose an
100 administrative fine in the Class III category pursuant to s.
101 570.971 for each violation of this section.

102 (9) The department may adopt rules to administer this
103 section.

104 Section 2. Subsection (7) of section 581.217, Florida
105 Statutes, is amended to read:

106 581.217 State hemp program.—

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

108 (a) Hemp extract may only be distributed and sold in this
109 ~~the~~ state if the product:

110 1. Has a certificate of analysis prepared by an independent
111 testing laboratory that states:

112 a. The hemp extract is the product of a batch tested by the
113 independent testing laboratory;

114 b. The batch contained a total delta-9-tetrahydrocannabinol
115 concentration that did not exceed 0.3 percent pursuant to the
116 testing of a random sample of the batch; and

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117 c. The batch does not contain contaminants unsafe for human
118 consumption.

119 2. Is distributed or sold in a container that includes:

120 a. A scannable barcode or quick response code linked to the
121 certificate of analysis of the hemp extract batch by an
122 independent testing laboratory;

123 b. The batch number;

124 c. The Internet address of a website where batch
125 information may be obtained;

126 d. The expiration date; and

127 e. The number of milligrams of each marketed cannabinoid
128 per serving.

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

132 (c) Hemp extract products ~~that are~~ intended for ingestion
133 or inhalation ~~and contain hemp extract~~ may not be sold in this
134 state to a person who is under 21 years of age.

135 Section 3. This act shall take effect July 1, 2022.