

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Infrastructure Strategies  
2 Committee

3 Representative Robinson, W. offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (n) of subsection (1) of section  
8 500.03, Florida Statutes, is amended, and subsection (4) is  
9 added to that section, to read:

10 500.03 Definitions; construction; applicability.—

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

12 (n) "Food" includes:

- 13 1. Articles used for food or drink for human consumption;  
14 2. Chewing gum;  
15 3. Articles used for components of any such article;

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16 4. Articles for which health claims are made, which claims  
17 are approved by the Secretary of the United States Department of  
18 Health and Human Services and which claims are made in  
19 accordance with s. 343(r) of the federal act, and which are not  
20 considered drugs solely because their labels or labeling contain  
21 health claims; ~~and~~

22 5. Dietary supplements as defined in 21 U.S.C. s.  
23 321(ff) (1) and (2); and

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

25  
26 The term includes any raw, cooked, or processed edible  
27 substance; ice; any beverage; or any ingredient used, intended  
28 for use, or sold for human consumption.

29 (4) For the purposes of this chapter, hemp extract is  
30 considered a food that requires time and temperature control for  
31 safety and integrity of product.

32 Section 2. Subsections (3), (7), and (12) and paragraph (b)  
33 of subsection (2) of section 581.217, Florida Statutes, are  
34 amended to read:

35 581.217 State hemp program.—

36 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

37 (b) Hemp-derived cannabinoids, including, but not limited  
38 to, cannabidiol, are not controlled substances or adulterants if  
39 they are in compliance with this section.

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

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41           (a) "Attractive to children" means manufactured in the  
42 shape of humans, cartoons, or animals; manufactured in a form  
43 that bears any reasonable resemblance to an existing candy  
44 product that is familiar to the public as a widely distributed,  
45 branded food product such that a product could be mistaken for  
46 the branded product, especially by children; or containing any  
47 color additives.

48           (b)-(a) "Certifying agency" has the same meaning as in s.  
49 578.011(8).

50           (c)-(b) "Contaminants unsafe for human consumption"  
51 includes, but is not limited to, any microbe, fungus, yeast,  
52 mildew, herbicide, pesticide, fungicide, residual solvent,  
53 metal, or other contaminant found in any amount that exceeds any  
54 of the accepted limitations as determined by rules adopted by  
55 the Department of Health in accordance with s. 381.986, or other  
56 limitation pursuant to the laws of this state, whichever amount  
57 is less.

58           (d)-(e) "Cultivate" means planting, watering, growing, or  
59 harvesting hemp.

60           (e)-(d) "Hemp" means the plant *Cannabis sativa* L. and any  
61 part of that plant, including the seeds thereof, and all  
62 derivatives, extracts, cannabinoids, isomers, acids, salts, and  
63 salts of isomers thereof, whether growing or not, that has a  
64 total delta-9-tetrahydrocannabinol concentration that does not  
65 exceed 0.3 percent on a dry-weight basis, with the exception of

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66 hemp extract, which may not exceed 0.3 percent total delta-9-  
67 tetrahydrocannabinol on a wet-weight basis.

68 (f)-(e) "Hemp extract" means a substance or compound  
69 intended for ingestion, containing more than trace amounts of a  
70 cannabinoid, or for inhalation which is derived from or contains  
71 hemp and which does not contain ~~other~~ controlled substances. The  
72 term does not include synthetic cannabidiol ~~CBD~~ or seeds or  
73 seed-derived ingredients that are generally recognized as safe  
74 by the United States Food and Drug Administration.

75 (g)-(f) "Independent testing laboratory" means a laboratory  
76 that:

77 1. Does not have a direct or indirect interest in the  
78 entity whose product is being tested;

79 2. Does not have a direct or indirect interest in a  
80 facility that cultivates, processes, distributes, dispenses, or  
81 sells hemp or hemp extract in the state or in another  
82 jurisdiction or cultivates, processes, distributes, dispenses,  
83 or sells marijuana, as defined in s. 381.986; and

84 3. Is accredited by a third-party accrediting body as a  
85 competent testing laboratory pursuant to ISO/IEC 17025 of the  
86 International Organization for Standardization.

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

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

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

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

94 b. The batch contained a total delta-9-  
95 tetrahydrocannabinol concentration that did not exceed 0.3  
96 percent pursuant to the testing of a random sample of the batch;  
97 ~~and~~

98 c. The batch does not contain contaminants unsafe for  
99 human consumption; and

100 d. The batch was processed in a facility that holds a  
101 current and valid permit issued by a human health or food safety  
102 regulatory entity with authority over the facility, and that  
103 facility meets the human health or food safety sanitization  
104 requirements of the regulatory entity. Such compliance must be  
105 documented by a report from the regulatory entity confirming  
106 that the facility meets such requirements.

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

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

111 b. The batch number;

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

114 d. The expiration date; and

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115 e. The number of milligrams of each marketed cannabinoid  
116 per serving.

117 3. Is distributed or sold in a container that:

118 a. Is suitable to contain products for human consumption;

119 b. Is composed of materials designed to minimize exposure  
120 to light;

121 c. Mitigates exposure to high temperatures;

122 d. Is not attractive to children; and

123 e. Is compliant with the United States Poison Prevention  
124 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq, without regard  
125 to provided exemptions.

126 (b) Hemp extract may only be sold to a business in this  
127 state if that business is properly permitted as required by this  
128 section.

129 (c) Hemp extract distributed or sold in this state is  
130 subject to the applicable requirements of ~~violation of this~~  
131 ~~section shall be considered adulterated or misbranded pursuant~~  
132 ~~to~~ chapter 500, chapter 502, or chapter 580.

133 (d)~~(e)~~ Products that are intended for human ingestion or  
134 inhalation and contain hemp extract, including, but not limited  
135 to, snuff, chewing gum, and other smokeless products, may not  
136 be sold in this state to a person who is under 21 years of age.

137 (e) Hemp extract distributed or sold in violation of this  
138 section shall be subject to s. 500.172. Hemp extract products

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139 found to be mislabeled or attractive to children are subject to  
140 immediate stop sale.

141 (12) RULES. ~~By August 1, 2019,~~ The department shall adopt  
142 rules, ~~in consultation with the Department of Health and the~~  
143 ~~Department of Business and Professional Regulation,~~ shall  
144 ~~initiate rulemaking~~ to administer the state hemp program. The  
145 rules must provide for:

146 (a) A procedure that uses post-decarboxylation or other  
147 similarly reliable methods for testing the delta-9-  
148 tetrahydrocannabinol concentration of cultivated hemp.

149 (b) A procedure for the effective disposal of plants,  
150 whether growing or not, that are cultivated in violation of this  
151 section or department rules, and products derived from those  
152 plants.

153 (c) Packaging and labeling requirements that ensure that  
154 hemp extract intended for human ingestion or inhalation is not  
155 attractive to children.

156 (d) Advertising regulations that ensure that hemp extract  
157 intended for human ingestion or inhalation is not marketed or  
158 advertised in a manner that specifically targets or is  
159 attractive to children.

160 Section 3. For the purpose of incorporating the amendment  
161 made by this act to section 581.217, Florida Statutes, in a  
162 reference thereto, subsection (3) of section 893.02, Florida  
163 Statutes, is reenacted to read:

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164 893.02 Definitions.—The following words and phrases as  
165 used in this chapter shall have the following meanings, unless  
166 the context otherwise requires:

167 (3) "Cannabis" means all parts of any plant of the genus  
168 *Cannabis*, whether growing or not; the seeds thereof; the resin  
169 extracted from any part of the plant; and every compound,  
170 manufacture, salt, derivative, mixture, or preparation of the  
171 plant or its seeds or resin. The term does not include  
172 "marijuana," as defined in s. 381.986, if manufactured,  
173 possessed, sold, purchased, delivered, distributed, or  
174 dispensed, in conformance with s. 381.986. The term does not  
175 include hemp as defined in s. 581.217 or industrial hemp as  
176 defined in s. 1004.4473.

177 Section 4. This act shall take effect July 1, 2023.

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**T I T L E A M E N D M E N T**

181 Remove everything before the enacting clause and insert:  
182 An act relating to hemp; amending s. 500.03, F.S.; revising  
183 the definition of the term "food"; providing that hemp  
184 extract is considered a food subject to certain  
185 requirements; amending s. 581.217, F.S.; revising  
186 legislative findings for the state hemp program; revising  
187 and defining terms; revising the requirements that hemp  
188 extract must meet before being distributed and sold in this



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189 state; providing that hemp extract may only be sold to  
190 businesses in this state which meet certain permitting  
191 requirements; providing that hemp extract distributed or  
192 sold in this state must meet certain requirements;  
193 prohibiting products intended for human ingestion which  
194 contain hemp extract from being sold to persons under a  
195 specified age; requiring the Department of Agriculture and  
196 Consumer Services to adopt specified rules; removing  
197 obsolete provisions; reenacting s. 893.02(3), F.S.,  
198 relating to the definition of the term "cannabis," to  
199 incorporate the amendment made to s. 581.217, F.S., in a  
200 reference thereto; providing an effective date.

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