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 27 Section 1. Paragraph (n) of subsection (1) of section
 28 500.03, Florida Statutes, is amended, and subsection (4) is
 29 added to that section, to read:
 30 500.03 Definitions; construction; applicability.—
 31 (1) For the purpose of this chapter, the term:
 32 (n) "Food" includes:
 33 1. Articles used for food or drink for human consumption;
 34 2. Chewing gum;
 35 3. Articles used for components of any such article;
 36 4. Articles for which health claims are made, which claims
 37 are approved by the Secretary of the United States Department of
 38 Health and Human Services and which claims are made in
 39 accordance with s. 343(r) of the federal act, and which are not
 40 considered drugs solely because their labels or labeling contain
 41 health claims; ~~and~~
 42 5. Dietary supplements as defined in 21 U.S.C. s.
 43 321(ff) (1) and (2); and
 44 6. Hemp extract as defined in s. 581.217.
 45
 46 The term includes any raw, cooked, or processed edible
 47 substance; ice; any beverage; or any ingredient used, intended
 48 for use, or sold for human consumption.
 49 (4) For the purposes of this chapter, hemp extract is
 50 considered a food that requires time and temperature control for

51 safety and integrity of product.

52 Section 2. Paragraph (b) of subsection (2), paragraphs (d)
53 and (e) of subsection (3), and subsections (7) and (12) of
54 section 581.217, Florida Statutes, are amended, and paragraphs
55 (g) and (h) are added to subsection (3) of that section, to
56 read:

57 581.217 State hemp program.—

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

59 (b) Hemp-derived cannabinoids, including, but not limited
60 to, cannabinol ~~cannabidiol~~, are not controlled substances or
61 adulterants if they are in compliance with this section.

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

63 (d) "Hemp" means the plant *Cannabis sativa* L. and any part
64 of that plant, including the seeds thereof, and all derivatives,
65 extracts, cannabinoids, isomers, acids, salts, and salts of
66 isomers thereof, whether growing or not, that has a total delta-
67 9-tetrahydrocannabinol concentration that does not exceed 0.3
68 percent on a dry-weight basis, with the exception of hemp
69 extract, which may not exceed 0.3 percent total delta-9-
70 tetrahydrocannabinol on a wet-weight basis. The term does not
71 include synthetically derived cannabinoids.

72 (e) "Hemp extract" means a substance or compound intended
73 for ingestion, containing more than trace amounts of a
74 cannabinoid, or for inhalation which is derived from or contains
75 hemp and which does not contain ~~other~~ controlled substances. The

76 | term includes snuff, chewing gum, and smokeless products derived
 77 | from or containing hemp, but does not include cannabinoids that
 78 | are synthetically derived ~~synthetic CBD~~ or seeds or seed-derived
 79 | ingredients ~~that are~~ generally recognized as safe by the United
 80 | States Food and Drug Administration.

81 | (g) "Synthetically derived cannabinoid" means any
 82 | cannabinoid created by reacting a cannabis- or noncannabis-
 83 | derived extract with solvent or acid to increase the
 84 | concentration of a present cannabinoid or to create a new
 85 | cannabinoid not originally found in the extract.

86 | (h) "Total tetrahydrocannabinol" means the sum of all
 87 | tetrahydrocannabinol isomers, with a concentration of more
 88 | tetrahydrocannabinol-A multiplied by 0.877, in milligrams per
 89 | gram multiplied by the labeled weight of the product.

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

91 | (a) Hemp extract may only be distributed and sold in the
 92 | state if the product:

93 | 1. Has a certificate of analysis prepared by an
 94 | independent testing laboratory that states:

95 | a. The hemp extract is the product of a batch tested by
 96 | the independent testing laboratory;

97 | b. The batch contained a total delta-9-
 98 | tetrahydrocannabinol concentration that did not exceed 0.3
 99 | percent pursuant to the testing of a random sample of the batch;

100 | and

- 101 c. The batch does not contain contaminants unsafe for
 102 human consumption; and
- 103 d. The batch was processed in a facility that holds a
 104 current and valid permit issued by a human health or food safety
 105 regulatory entity with authority over the facility, and that
 106 facility meets the human health or food safety sanitization
 107 requirements of the regulatory entity. Such compliance must be
 108 documented by a report from the regulatory entity confirming
 109 that the facility meets such requirements.
- 110 2. Is distributed or sold in a container that includes:
- 111 a. A scannable barcode or quick response code linked to
 112 the certificate of analysis of the hemp extract batch by an
 113 independent testing laboratory;
- 114 b. The batch number;
- 115 c. The Internet address of a website where batch
 116 information may be obtained;
- 117 d. The expiration date; and
- 118 e. The number of milligrams of each marketed cannabinoid
 119 per serving.
- 120 3. Is distributed or sold in a container that:
- 121 a. Is suitable to contain products for human consumption;
 122 b. Is composed of materials designed to minimize exposure
 123 to light;
- 124 c. Mitigates exposure to high temperatures;
 125 d. Is not attractive to children; and

126 e. Is compliant with the United States Poison Prevention
 127 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

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

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

135 (d)~~(e)~~ Products that are intended for human ingestion or
 136 inhalation and contain hemp extract may not:

137 1. Be sold in this state to a person who is under 21 years
 138 of age; or-

139 2. Exceed 0.5 milligrams total tetrahydrocannabinol per
 140 dose or 2 milligrams total tetrahydrocannabinol per container.

141 (12) RULES.-

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

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

150 2.~~(b)~~ A procedure for the effective disposal of plants,

151 whether growing or not, that are cultivated in violation of this
 152 section or department rules, and products derived from those
 153 plants.

154 3. Packaging and labeling requirements that ensure that
 155 hemp extract intended for human ingestion or inhalation is not
 156 attractive to children.

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

161 (b) The department shall adopt rules pursuant to s. 120.54
 162 and s. 120.536 to establish tetrahydrocannabinol isomers to
 163 include in calculating total tetrahydrocannabinol, which must
 164 include, at a minimum, delta-8 tetrahydrocannabinol, delta-9
 165 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, exo
 166 tetrahydrocannabinol, and hexahydrocannabinol.

167 Section 3. For the purpose of incorporating the amendment
 168 made by this act to section 581.217, Florida Statutes, in a
 169 reference thereto, subsection (3) of section 893.02, Florida
 170 Statutes, is reenacted to read:

171 893.02 Definitions.—The following words and phrases as
 172 used in this chapter shall have the following meanings, unless
 173 the context otherwise requires:

174 (3) "Cannabis" means all parts of any plant of the genus
 175 *Cannabis*, whether growing or not; the seeds thereof; the resin

HB 1475

2023

176 | extracted from any part of the plant; and every compound,
177 | manufacture, salt, derivative, mixture, or preparation of the
178 | plant or its seeds or resin. The term does not include
179 | "marijuana," as defined in s. 381.986, if manufactured,
180 | possessed, sold, purchased, delivered, distributed, or
181 | dispensed, in conformance with s. 381.986. The term does not
182 | include hemp as defined in s. 581.217 or industrial hemp as
183 | defined in s. 1004.4473.

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