

1 A bill to be entitled

2 An act relating to hemp; amending s. 500.03, F.S.;

3 revising the definition of the term "food"; providing

4 that hemp extract is considered a food subject to

5 certain requirements; amending s. 581.217, F.S.;

6 revising legislative findings for the state hemp

7 program; revising and defining terms; revising the

8 requirements that hemp extract must meet before being

9 distributed and sold in this state; providing that

10 hemp extract may only be sold to businesses in this

11 state which meet certain permitting requirements;

12 providing that hemp extract distributed or sold in

13 this state must meet certain requirements; prohibiting

14 products intended for human ingestion which contain

15 hemp extract from being sold to persons under a

16 specified age and from exceeding specified

17 tetrahydrocannabinol limits; requiring the Department

18 of Agriculture and Consumer Services to adopt

19 specified rules; removing obsolete provisions;

20 reenacting s. 893.02(3), F.S., relating to the

21 definition of the term "cannabis," to incorporate the

22 amendment made to s. 581.217, F.S., in a reference

23 thereto; providing an effective date.

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

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

500.03 Definitions; construction; applicability.—

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

(n) "Food" includes:

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

2. Chewing gum;

3. Articles used for components of any such article;

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

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

6. Hemp extract as defined in s. 581.217.

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

(4) For the purposes of this chapter, hemp extract is 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, cannabidiol, are not controlled substances or adulterants if
61 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 any process other than direct extraction
 83 | from hemp and without further reacting with other chemicals to
 84 | increase the concentration of a present cannabinoid or to create
 85 | a new or different cannabinoid not originally found in the
 86 | extract.

87 | (h) "Total tetrahydrocannabinol" means the sum of all
 88 | cannabinoids as defined by the department in milligrams.

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

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

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

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

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

100 | c. The batch does not contain contaminants unsafe for

101 human consumption; and

102 d. The batch was processed in a facility that holds a

103 current and valid permit issued by a human health or food safety

104 regulatory entity with authority over the facility, and that

105 facility meets the human health or food safety sanitization

106 requirements of the regulatory entity. Such compliance must be

107 documented by a report from the regulatory entity confirming

108 that the facility meets such requirements.

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

110 a. A scannable barcode or quick response code linked to

111 the certificate of analysis of the hemp extract batch by an

112 independent testing laboratory;

113 b. The batch number;

114 c. The Internet address of a website where batch

115 information may be obtained;

116 d. The expiration date; and

117 e. The number of milligrams of each marketed cannabinoid

118 per serving.

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

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

121 b. Is composed of materials designed to minimize exposure

122 to light;

123 c. Mitigates exposure to high temperatures;

124 d. Is not attractive to children; and

125 e. Is compliant with the United States Poison Prevention

126 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq, without regard
 127 to provided exemptions.

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 5 milligrams total tetrahydrocannabinol per
 140 serving or 50 milligrams total tetrahydrocannabinol per package.

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 that 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 ss.
 162 120.54 and 120.56 establishing the cannabinoids to include in
 163 calculating total cannabinoids, which must include, at a
 164 minimum, delta-8 tetrahydrocannabinol, delta-9
 165 tetrahydrocannabinol, delta-9 tetrahydrocannalibonic acid,
 166 delta-10 tetrahydrocannabinol, delta-9,11 tetrahydrocannabinol,
 167 exo-tetrahydrocannabinol, and hexahydrocannabinol.

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

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

175 (3) "Cannabis" means all parts of any plant of the genus

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

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