



663902

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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:



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- 11 1. Articles used for food or drink for human consumption;
12 2. Chewing gum;
13 3. Articles used for components of any such article;
14 4. Articles for which health claims are made, which claims
15 are approved by the Secretary of the United States Department of
16 Health and Human Services and which claims are made in
17 accordance with s. 343(r) of the federal act, and which are not
18 considered drugs solely because their labels or labeling contain
19 health claims; ~~and~~
20 5. Dietary supplements as defined in 21 U.S.C. s.
21 321(ff)(1) and (2); and
22 6. Hemp extract as defined in s. 581.217.
23

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

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

30 Section 2. Paragraph (b) of subsection (2) and subsections
31 (3), (7), and (12) of section 581.217, Florida Statutes, are
32 amended to read:

33 581.217 State hemp program.—

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

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

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

39 (a) "Attractive to children" means manufactured in the



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

46 (b)-(a) "Certifying agency" has the same meaning as in s.
47 578.011(8).

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

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

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

66 (f)-(e) "Hemp extract" means a substance or compound
67 intended for ingestion, containing more than trace amounts of a
68 cannabinoid, or for inhalation which is derived from or contains



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69 hemp and which does not contain ~~other~~ controlled substances. The
70 term does not include synthetic cannabidiol ~~CBD~~ or seeds or
71 seed-derived ingredients that are generally recognized as safe
72 by the United States Food and Drug Administration.

73 (g) ~~(f)~~ "Independent testing laboratory" means a laboratory
74 that:

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

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

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

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

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

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

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

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

95 c. The batch does not contain contaminants unsafe for human
96 consumption; and

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



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98 current and valid permit issued by a human health or food safety
99 regulatory entity with authority over the facility, and that
100 facility meets the human health or food safety sanitization
101 requirements of the regulatory entity. Such compliance must be
102 documented by a report from the regulatory entity confirming
103 that the facility meets such requirements.

104 2. Is distributed or sold in a container that includes:
105 a. A scannable barcode or quick response code linked to the
106 certificate of analysis of the hemp extract batch by an
107 independent testing laboratory;
108 b. The batch number;
109 c. The Internet address of a website where batch
110 information may be obtained;
111 d. The expiration date; and
112 e. The number of milligrams of each marketed cannabinoid
113 per serving.

114 3. Is distributed or sold in a container that:
115 a. Is suitable to contain products for human consumption;
116 b. Is composed of materials designed to minimize exposure
117 to light;
118 c. Mitigates exposure to high temperatures;
119 d. Is not attractive to children; and
120 e. Is compliant with the United States Poison Prevention
121 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
122 regard to provided exemptions.

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

126 (c) Hemp extract distributed or sold in this state is



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127 subject to the applicable requirements of ~~violation of this~~
128 ~~section shall be considered adulterated or misbranded pursuant~~
129 ~~to~~ chapter 500, chapter 502, or chapter 580.

130 (d) ~~(e)~~ Products that are intended for human ingestion or
131 inhalation and that contain hemp extract, including, but not
132 limited to, snuff, chewing gum, and other smokeless products,
133 may not be sold in this state to a person who is under 21 years
134 of age. A person who violates this paragraph commits a
135 misdemeanor of the second degree, punishable as provided in s.
136 775.082 or s. 775.083. A person who commits a second or
137 subsequent violation of this paragraph within 1 year after the
138 initial violation commits a misdemeanor of the first degree,
139 punishable as provided in s. 775.082 or s. 775.083.

140 (e) Hemp extract distributed or sold in violation of this
141 subsection is subject to s. 500.172 and penalties as provided in
142 s. 500.121. Hemp extract products found to be mislabeled or
143 attractive to children are subject to an immediate stop-sale
144 order.

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

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

153 (b) A procedure for the effective disposal of plants,
154 whether growing or not, that are cultivated in violation of this
155 section or department rules, and products derived from those



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156 plants.

157 (c) Packaging and labeling requirements that ensure that
158 hemp extract intended for human ingestion or inhalation is not
159 attractive to children.

160 (d) Advertising regulations that ensure that hemp extract
161 intended for human ingestion or inhalation is not marketed or
162 advertised in a manner that specifically targets or is
163 attractive to children.

164 Section 3. For the purpose of incorporating the amendments
165 made by this act to section 581.217, Florida Statutes, in a
166 reference thereto, subsection (3) of section 893.02, Florida
167 Statutes, is reenacted to read:

168 893.02 Definitions.—The following words and phrases as used
169 in this chapter shall have the following meanings, unless the
170 context otherwise requires:

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

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

182

183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:



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185 Delete everything before the enacting clause
186 and insert:

187 A bill to be entitled
188 An act relating to hemp; amending s. 500.03, F.S.;
189 revising the definition of the term "food"; providing
190 that hemp extract is considered a food subject to
191 certain requirements; amending s. 581.217, F.S.;
192 revising legislative findings regarding the state hemp
193 program; defining the term "attractive to children";
194 revising definitions; revising the requirements that
195 hemp extract must meet before being distributed and
196 sold in this state; providing that hemp extract may
197 only be sold to businesses in this state which meet
198 certain permitting requirements; providing that hemp
199 extract distributed or sold in this state must meet
200 certain requirements; prohibiting products intended
201 for human ingestion which contain hemp extract from
202 being sold to persons under a specified age; providing
203 civil and criminal penalties; providing enhanced
204 criminal penalties for second or subsequent violations
205 within a specified timeframe; providing that certain
206 products are subject to an immediate stop-sale order;
207 requiring the Department of Agriculture and Consumer
208 Services to adopt specified rules; removing obsolete
209 provisions; reenacting s. 893.02(3), F.S., relating to
210 the definition of the term "cannabis," to incorporate
211 the amendments made to s. 581.217, F.S., in a
212 reference thereto; providing an effective date.