

By Senator Burton

12-01289C-23

20231676__

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; providing a requirement for products
17 intended for human ingestion or inhalation; requiring
18 the Department of Agriculture and Consumer Services to
19 adopt rules; removing obsolete provisions; reenacting
20 s. 893.02(3), F.S., relating to the definition of the
21 term "cannabis," to incorporate the amendment made to
22 s. 581.217, F.S., in a reference thereto; providing an
23 effective date.

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

26
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:

12-01289C-23

20231676__

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:

12-01289C-23

20231676__

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

12-01289C-23

20231676__

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 independent
94 testing laboratory that states:

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

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

100 c. The batch does not contain contaminants unsafe for human
101 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 the
111 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

12-01289C-23

20231676__

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.

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

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

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

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

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

140 (12) RULES.—

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

12-01289C-23

20231676__

146 1.~~(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 2.~~(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 3. Packaging and labeling requirements that ensure that
154 hemp extract intended for human ingestion or inhalation is not
155 attractive to children.

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

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

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

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

12-01289C-23

20231676__

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

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