

1 A bill to be entitled
 2 An act relating to hemp; amending s. 581.217, F.S.;
 3 revising legislative findings; revising definitions;
 4 defining the term "total delta-9-tetrahydrocannabinol
 5 concentration"; providing conditions for the
 6 manufacture, delivery, hold, offer for sale,
 7 distribution, or sale of hemp extract; prohibiting
 8 businesses and food establishments from possessing
 9 hemp extract products that are attractive to children;
 10 prohibiting the Department of Agriculture and Consumer
 11 Services from granting permission to remove or use
 12 certain hemp extract products until it determines that
 13 such hemp extract products comply with state law;
 14 prohibiting event organizers from promoting,
 15 advertising, or facilitating certain events; requiring
 16 organizers of certain events to provide a list of
 17 certain vendors to the department, verify that vendors
 18 are only selling hemp products from approved sources,
 19 and ensure that such vendors are properly permitted;
 20 providing for administrative fines; providing an
 21 effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:
 24

25 Section 1. Paragraph (b) of subsection (2), paragraphs

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 (a), (e), and (f) of subsection (3), and subsection (7) of
 27 section 581.217, Florida Statutes, are amended, and paragraph
 28 (h) is added to subsection (3) of that section, to read:

29 581.217 State hemp program.—

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

31 (b) Hemp and hemp extract as defined in this section ~~Hemp-~~
 32 ~~derived cannabinoids, including, but not limited to,~~
 33 ~~cannabidiol,~~ are not controlled substances ~~or adulterants if~~
 34 ~~they are in compliance with this section.~~

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

36 (a) "Attractive to children" means manufactured in the
 37 shape of or packaged in containers displaying humans, cartoons,
 38 ~~or~~ animals, toys, novel shapes, animations, promotional
 39 characters, licensed characters, or other features that
 40 specifically target children; manufactured in a form or packaged
 41 in a container that bears any reasonable resemblance to an
 42 existing candy or snack product that is familiar to the public;
 43 manufactured in a form or packaged in a container that bears any
 44 reasonable resemblance to a ~~as a widely distributed,~~ branded
 45 food product such that the ~~a~~ product could be mistaken for the
 46 branded food product, especially by children; ~~or~~ containing any
 47 color additives; or, for hemp extract intended for inhalation,
 48 the addition of any flavoring.

49 (e) "Hemp" means the plant *Cannabis sativa* L. and any part
 50 of that plant, including the seeds thereof, and all derivatives,

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51 extracts, cannabinoids, isomers, acids, salts, and salts of
52 isomers thereof, whether growing or not, that has a total delta-
53 9-tetrahydrocannabinol concentration that does not exceed 0.3
54 percent on a dry-weight basis, with the exception of hemp
55 extract, which may not exceed 0.3 percent total delta-9-
56 tetrahydrocannabinol concentration on a wet-weight basis or that
57 does not exceed 2 milligrams per serving and 10 milligrams per
58 container on a wet-weight basis, whichever is less.

59 (f) "Hemp extract" means a substance or compound intended
60 for ingestion, containing more than trace amounts of a
61 cannabinoid, or for inhalation which is derived from or contains
62 hemp but and which does not contain synthetic or naturally
63 occurring versions of controlled substances listed in s. 893.03,
64 such as delta-8-tetrahydrocannabinol, delta-10-
65 tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol
66 acetate, tetrahydrocannabiphorol, and tetrahydrocannabivarin.
67 The term does not include synthetic cannabidiol or seeds or
68 seed-derived ingredients that are generally recognized as safe
69 by the United States Food and Drug Administration.

70 (h) "Total delta-9-tetrahydrocannabinol concentration"
71 means a concentration calculated as follows: [delta-9-
72 tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic
73 acid]).

74 (7) MANUFACTURE, DELIVERY, HOLD, OFFER FOR SALE,
75 DISTRIBUTION, AND ~~RETAIL~~ SALE OF HEMP EXTRACT.-

76 (a) Hemp extract may only be manufactured, delivered,
 77 held, offered for sale, distributed, ~~or and~~ sold in this ~~the~~
 78 state if the product:

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

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

83 b. The batch contained a total delta-9-
 84 tetrahydrocannabinol concentration that did not exceed 0.3
 85 percent pursuant to the testing of a random sample of the batch.
 86 However, if the batch is sold at retail, the batch must meet the
 87 total delta-9-tetrahydrocannabinol concentration limits set
 88 forth in paragraph (3) (e) for hemp extract;

89 c. The batch does not contain contaminants unsafe for
 90 human consumption; and

91 d. The batch was processed in a facility that holds a
 92 current and valid permit issued by a human health or food safety
 93 regulatory entity with authority over the facility, and that
 94 facility meets the human health or food safety sanitization
 95 requirements of the regulatory entity. Such compliance must be
 96 documented by a report from the regulatory entity confirming
 97 that the facility meets such requirements.

98 2. Is manufactured, delivered, held, offered for sale,
 99 distributed, or sold in a container that includes:

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

101 the certificate of analysis of the hemp extract batch by an
 102 independent testing laboratory;

103 b. The batch number;

104 c. The Internet address of a website where batch
 105 information may be obtained;

106 d. The expiration date; and

107 e. The number of milligrams of each marketed cannabinoid
 108 per serving.

109 3. Is manufactured, delivered, held, offered for sale,
 110 distributed, or sold in a container that:

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

112 b. Is composed of materials designed to minimize exposure
 113 to light;

114 c. Mitigates exposure to high temperatures;

115 d. Is not attractive to children; and

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

119 (b) Hemp extract may only be sold to or procured by a
 120 business in this state if that business is properly permitted as
 121 required by this section. A business or food establishment may
 122 not possess hemp extract products that are attractive to
 123 children.

124 (c) Hemp extract manufactured, delivered, held, offered
 125 for sale, distributed, or sold in this state is subject to the

126 applicable requirements of chapter 500, chapter 502, or chapter
127 580.

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

138 (e) Hemp extract possessed, manufactured, delivered, held,
139 offered for sale, distributed, or sold in violation of this
140 subsection by an entity regulated under chapter 500 is subject
141 to s. 500.172 and penalties as provided in s. 500.121. Hemp
142 extract products found to be mislabeled or attractive to
143 children are subject to an immediate stop-sale order. The
144 department may not grant permission to remove or use, except for
145 disposal, hemp extract products subject to a stop-sale order
146 which are attractive to children until the department determines
147 that the hemp extract products comply with state law.

148 (f)1. An event organizer may not promote, advertise, or
149 facilitate an event where:

150 a. Hemp extract products that do not comply with general

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151 law, including hemp extract products that are not from an
152 approved source as provided in sub-subparagraph (a)1.d, are sold
153 or marketed; or

154 b. Hemp extract products are sold or marketed by
155 businesses that are not properly permitted as required by this
156 section and chapter 500.

157 2. Before an event where hemp extract products are sold or
158 marketed, an event organizer must provide to the department a
159 list of the businesses selling or marketing hemp extract
160 products at the event and verify that each business is only
161 selling hemp products from an approved source. The event
162 organizer must ensure that each participating business is
163 properly permitted as required by this section and chapter 500.

164 3. A person who violates this paragraph is subject to an
165 administrative fine in the Class III category under s. 570.971
166 for each violation.

167 Section 2. This act shall take effect July 1, 2024.