

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mooney offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 46-168 and insert:

5 especially by children; or containing any artificial color
6 additives.

7 (e) "Hemp" means the plant *Cannabis sativa* L. and any part
8 of that plant, including the seeds thereof, and all derivatives,
9 extracts, cannabinoids, isomers, acids, salts, and salts of
10 isomers thereof, whether growing or not, that has a total delta-
11 9-tetrahydrocannabinol concentration that does not exceed 0.3
12 percent on a dry-weight basis, with the exception of hemp
13 extract, which may not exceed 0.3 percent total delta-9-

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14 tetrahydrocannabinol concentration on a wet-weight basis or that
15 does not exceed 5 milligrams per serving and 50 milligrams per
16 container on a wet-weight basis, whichever is less.

17 (f) "Hemp extract" means a substance or compound intended
18 for ingestion, containing more than trace amounts of a
19 cannabinoid, or for inhalation which is derived from or contains
20 hemp but and which does not contain controlled substances listed
21 in s. 893.03 or any material, compound, mixture, or preparation
22 that contains any quantity of synthetic cannabinoids unless such
23 material, compound, mixture, or preparation is excluded under s.
24 893.02(3). The term does not include synthetic cannabidiol or
25 seeds or seed-derived ingredients that are generally recognized
26 as safe by the United States Food and Drug Administration.

27 (h) "Total delta-9-tetrahydrocannabinol concentration"
28 means a concentration calculated within 30 days before harvest
29 of a hemp plant as follows: [delta-9-tetrahydrocannabinol] +
30 (0.877 x [delta-9-tetrahydrocannabinolacid]).

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

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

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

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

38 b. The batch contained a total delta-9-

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39 tetrahydrocannabinol concentration that did not exceed 0.3
40 percent pursuant to the testing of a random sample of the batch.
41 However, if the batch is sold at retail, the batch must meet the
42 total delta-9-tetrahydrocannabinol concentration limits set
43 forth in paragraph (3) (e) for hemp extract;

44 c. The batch does not contain contaminants unsafe for
45 human consumption; and

46 d. The batch was processed in a facility that holds a
47 current and valid permit issued by a human health or food safety
48 regulatory entity with authority over the facility, and that
49 facility meets the human health or food safety sanitization
50 requirements of the regulatory entity. Such compliance must be
51 documented by a report from the regulatory entity confirming
52 that the facility meets such requirements.

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

54 a. A scannable barcode or quick response code linked to
55 the certificate of analysis of the hemp extract batch by an
56 independent testing laboratory;

57 b. The batch number;

58 c. The Internet address of a website where batch
59 information may be obtained;

60 d. The expiration date; ~~and~~

61 e. The number of milligrams of each marketed cannabinoid
62 per serving; and

63 f. The toll-free telephone number for the national Poison

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64 Control Help line, (800) 222-1222.

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

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

67 b. Is composed of materials designed to minimize exposure
68 to light;

69 c. Mitigates exposure to high temperatures;

70 d. Is not attractive to children; ~~and~~

71 e. Does not use labeling or packaging that constitutes
72 infringement as described in s. 495.131 or resembles trade
73 dress, trademarks, branding or other related materials, or any
74 imagery or scenery that depicts or signifies characters or
75 symbols known to appeal primarily to persons under 21 years of
76 age, including, but not limited to, superheroes, comic book
77 characters, video game characters, or mythical creatures;

78 f. Is child-resistant and satisfies the child-resistant
79 effectiveness standards under 16 C.F.R. s. 1700.15(b) (1) when
80 tested in accordance with the requirements of 16 C.F.R. 1700.20;
81 and

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

85 (b) Hemp extract may only be sold to or procured by a
86 business in this state if that business is properly permitted as
87 required by this section. A business or food establishment may
88 not possess hemp extract products that are attractive to

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89 children.

90 (c) Hemp extract distributed or sold in this state is
91 subject to the applicable requirements of chapter 500, chapter
92 502, or chapter 580.

93 (d) Products that are intended for human ingestion or
94 inhalation and that contain hemp extract, including, but not
95 limited to, snuff, chewing gum, and other smokeless products,
96 may not be sold in this state to a person who is under 21 years
97 of age. A person who violates this paragraph commits a
98 misdemeanor of the second degree, punishable as provided in s.
99 775.082 or s. 775.083. A person who commits a second or
100 subsequent violation of this paragraph within 1 year after the
101 initial violation commits a misdemeanor of the first degree,
102 punishable as provided in s. 775.082 or s. 775.083.

103 (e) Hemp extract distributed or sold in violation of this
104 subsection by an entity regulated under chapter 500 is subject
105 to s. 500.172 and penalties as provided in s. 500.121. Hemp
106 extract products found to be mislabeled or attractive to
107 children are subject to an immediate stop-sale order. The
108 department may not grant permission to remove or use, except for
109 disposal, hemp extract products subject to a stop-sale order
110 which are attractive to children until the department determines
111 that the hemp extract products comply with state law.

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

Remove lines 2-21 and insert:
An act relating to hemp; amending s. 581.217, F.S.;
revising legislative findings; revising definitions;
defining the term "total delta-9-tetrahydrocannabinol
concentration"; revising conditions for the
distribution and retail sale of hemp extract;
prohibiting businesses and food establishments from
possessing hemp extract products that are attractive
to children; prohibiting the Department of Agriculture
and Consumer Services from granting permission to
remove or use certain hemp extract products until it
determines that such hemp extract products comply with
state law; providing an appropriation; providing an

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