

By Senator Burton

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

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

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25 Section 1. Paragraph (b) of subsection (2), paragraphs (a),
26 (e), and (f) of subsection (3), and subsection (7) of section
27 581.217, Florida Statutes, are amended, and paragraph (h) is
28 added to subsection (3) of that section, to read:

29 581.217 State hemp program.—

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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,
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.

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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, held,
77 offered for sale, distributed, or ~~and~~ sold in this ~~the~~ state if
78 the product:

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

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

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

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88 (3) (e) for hemp extract;

89 c. The batch does not contain contaminants unsafe for human
90 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 the
101 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

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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 for
125 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

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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
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 businesses
155 that are not properly permitted as required by this section and
156 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.