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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 appropriation; providing an
22 effective date.

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

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

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30 581.217 State hemp program.—

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

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

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

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

47 (e) "Hemp" means the plant *Cannabis sativa* L. and any part
48 of that plant, including the seeds thereof, and all derivatives,
49 extracts, cannabinoids, isomers, acids, salts, and salts of
50 isomers thereof, whether growing or not, that has a total delta-
51 9-tetrahydrocannabinol concentration that does not exceed 0.3
52 percent on a dry-weight basis, with the exception of hemp
53 extract, which may not exceed 0.3 percent total delta-9-
54 tetrahydrocannabinol concentration on a wet-weight basis or that
55 does not exceed 5 milligrams per serving and 50 milligrams per
56 container on a wet-weight basis, whichever is less.

57 (f) "Hemp extract" means hemp that is ~~a substance or~~
58 ~~compound~~ intended for ingestion or inhalation and that contains,

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59 ~~containing~~ more than trace amounts of a cannabinoid ~~but, or for~~
60 ~~inhalation which is derived from or contains hemp and which does~~
61 ~~not contain controlled substances~~ listed in s. 893.03; any
62 quantity of synthetic cannabinoids; or delta-8-
63 tetrahydrocannabinol, delta-10-tetrahydrocannabinol,
64 hexahydrocannabinol, tetrahydrocannabinol acetate,
65 tetrahydrocannabiphorol, or tetrahydrocannabivarin. The term
66 does not include synthetic cannabidiol or seeds or seed-derived
67 ingredients that are generally recognized as safe by the United
68 States Food and Drug Administration.

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

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

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

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

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

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

87 (3) (e) for hemp extract;

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

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

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

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

102 b. The batch number;

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

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

106 e. The number of milligrams of each marketed cannabinoid
107 per serving; and

108 f. The toll-free telephone number for the national Poison
109 Help line, (800)222-1222.

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

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

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

115 c. Mitigates exposure to high temperatures;

116 d. Is not attractive to children; and

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

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

125 (c) Hemp extract manufactured, delivered, held, offered for
126 sale, distributed, or sold in this state is subject to the
127 applicable requirements of chapter 500, chapter 502, or chapter
128 580.

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

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

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146 disposal, hemp extract products subject to a stop-sale order
147 which are attractive to children until the department determines
148 that the hemp extract products comply with state law.

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

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

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

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

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

168 Section 2. For the 2024-2025 fiscal year, the sum of \$2
169 million in nonrecurring funds is appropriated from the General
170 Revenue Fund to the Department of Law Enforcement for the
171 purchase of testing equipment necessary to implement this act.

172 Section 3. This act shall take effect October 1, 2024.