

By the Committee on Health Policy

588-02998-24

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1 A bill to be entitled
2 An act relating to marijuana; creating s. 381.9861,
3 F.S.; defining terms; prohibiting medical marijuana
4 treatment centers from selling, delivering, or
5 distributing marijuana with greater than a specified
6 potency; providing an exception for edibles;
7 prohibiting edibles for personal use from containing
8 more than a specified amount of tetrahydrocannabinol
9 or from having a potency variance greater than a
10 specified percentage; amending chapter 2017-232, Laws
11 of Florida; abrogating the contingent future repeal of
12 specified provisions; providing a contingent effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 381.9861, Florida Statutes, is created
18 to read:

19 381.9861 Limitations on the personal use of marijuana.—

20 (1) As used in this section, the term:

21 (a) "Edibles" means commercially produced food items made
22 with marijuana oil, but no other form of marijuana.

23 (b) "Marijuana" means all parts of any plant of the genus
24 Cannabis, whether growing or not; the seeds thereof; the resin
25 extracted from any part of the plant; and every compound,
26 manufacture, salt, derivative, mixture, or preparation of the
27 plant or its seeds or resin, including low-THC cannabis.

28 (c) "Marijuana delivery device" means an object used,
29 intended for use, or designed for use in preparing, storing,

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30 ingesting, inhaling, or otherwise introducing marijuana into the
31 human body.

32 (d) "Personal use" means possession, purchase, or use of
33 marijuana or a marijuana delivery device by an adult 21 years of
34 age or older for nonmedical consumption.

35 (e) "Potency" means the relative strength of cannabinoids,
36 and the total amount, in milligrams, of tetrahydrocannabinol as
37 the sum of delta-9-tetrahydrocannabinol, plus 0.877 multiplied
38 by tetrahydrocannabinolic acid, plus delta-8-
39 tetrahydrocannabinol and cannabidiol as the sum of cannabidiol,
40 plus 0.877 multiplied by cannabidiolic acid in the final
41 product.

42 (2) A medical marijuana treatment center may not sell,
43 deliver, or distribute marijuana for personal use which has a
44 potency, by weight or volume, of greater than 30 percent
45 tetrahydrocannabinol for marijuana in a form for smoking or
46 greater than 60 percent tetrahydrocannabinol in the final
47 product for all other forms of marijuana, excluding edibles.
48 Edibles for personal use may not contain more than 200
49 milligrams of tetrahydrocannabinol, and a single serving portion
50 of an edible may not exceed 10 milligrams of
51 tetrahydrocannabinol. Edibles may have a potency variance of no
52 greater than 15 percent.

53 Section 2. Section 1 of chapter 2017-232, Laws of Florida,
54 is amended to read:

55 Section 1. Legislative intent.—It is the intent of the
56 Legislature to implement s. 29, Article X of the State
57 Constitution by creating a unified regulatory structure. ~~If s.~~
58 ~~29, Article X of the State Constitution is amended or a~~

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59 ~~constitutional amendment related to cannabis or marijuana is~~
60 ~~adopted, this act shall expire 6 months after the effective date~~
61 ~~of such amendment.~~

62 Section 3. This act shall take effect 30 days after passage
63 of an amendment to the State Constitution authorizing adult
64 personal use of marijuana.