

By Senator Davis

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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 the unpermitted, street, or festival sale
9 of hemp extract; prohibiting businesses and food
10 establishments from possessing hemp or hemp extract
11 products that are attractive to children; prohibiting
12 businesses and food establishments permitted to sell
13 hemp or hemp extract from being located in specified
14 areas; prohibiting such businesses and food
15 establishments from advertising in a specified manner;
16 requiring such businesses and food establishments to
17 keep certain records pertaining to lab results of hemp
18 extract products and the suppliers of such products
19 for a specified amount of time; requiring such
20 businesses and food establishments to establish
21 procedures for the recall of unsafe hemp extract;
22 requiring such businesses and food establishments to
23 store hemp products in a specified manner; providing
24 that such businesses and food establishments are
25 subject to random and unannounced inspections by the
26 Department of Agriculture and Consumer Services;
27 prohibiting the sale of hemp and hemp extract in a
28 form for smoking; authorizing the department to revoke
29 a business's or food establishment's license to sell

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30 hemp products under specified circumstances;
31 prohibiting the department from granting permission to
32 remove or use certain hemp extract products until it
33 determines that such hemp extract products comply with
34 state law; prohibiting event organizers from
35 promoting, advertising, or facilitating certain
36 events; providing for administrative fines; requiring
37 the department to adopt specified rules; reenacting
38 ss. 500.03(1)(n), 893.02(3), 916.1085(1)(a),
39 944.47(1)(a), 951.22(1)(h), and 985.711(1)(a), F.S.,
40 relating to definitions, construction, and
41 applicability; definitions; the unlawful introduction
42 or removal of certain articles; the introduction,
43 removal, or possession of contraband; county detention
44 facilities and contraband articles; and the unlawful
45 introduction, removal, or possession of certain
46 articles, respectively, to incorporate the amendment
47 made to s. 581.217, F.S., in references thereto;
48 providing an appropriation; providing an effective
49 date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Paragraph (b) of subsection (2), paragraphs (a),
54 (e), (f), and (g) of subsection (3), and subsection (7) of
55 section 581.217, Florida Statutes, are amended, and paragraph
56 (h) is added to subsection (3) and paragraph (e) is added to
57 subsection (12) of that section, to read:

58 581.217 State hemp program.—

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

60 (b) Hemp and hemp extract ~~Hemp-derived cannabinoids,~~
61 ~~including, but not limited to, cannabidiol,~~ are not controlled
62 substances ~~or adulterants if they are in compliance with this~~
63 ~~section.~~

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

65 (a) "Attractive to children" means manufactured in the
66 shape of or packaged in containers displaying humans, cartoons,
67 ~~or animals, toys, or other features that appeal to children;~~
68 manufactured in a form or packaged in a container that bears any
69 reasonable resemblance to an existing candy or snack product
70 that is familiar to children; manufactured in a form or packaged
71 in a container that bears any reasonable resemblance to a the
72 ~~public as a widely distributed,~~ branded food product marketed to
73 children such that the a product could be mistaken for the
74 branded food product, especially by children; or containing any
75 color additives.

76 (e) "Hemp" means the plant *Cannabis sativa* L. and any part
77 of that plant, including the seeds thereof, and all derivatives,
78 extracts, cannabinoids, isomers, acids, salts, and salts of
79 isomers thereof, whether growing or not, that has a total delta-
80 9-tetrahydrocannabinol concentration that does not exceed 0.3
81 percent on a dry-weight basis, with the exception of hemp
82 extract, which may not exceed 0.3 percent total delta-9-
83 tetrahydrocannabinol concentration on a wet-weight basis or
84 which may not exceed 2 milligrams per serving or 20 milligrams
85 per container on a wet-weight basis, whichever is less.

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

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88 ~~containing~~ more than trace amounts of a cannabinoid ~~but, or for~~
89 ~~inhalation which is derived from or contains hemp and which does~~
90 not contain controlled substances listed in s. 893.03; any
91 quantity of synthetic cannabinoids; or delta-8-
92 tetrahydrocannabinol, delta-10-tetrahydrocannabinol,
93 hexahydrocannabinol, tetrahydrocannabinol acetate,
94 tetrahydrocannabiphorol, or tetrahydrocannabivarin. The term
95 does not include hemp extract cannabidiol converted into delta-
96 9-tetrahydrocannabinol, delta-8-tetrahydrocannabinol, delta-10-
97 tetrahydrocannabinol, or any other tetrahydrocannabinol isomers,
98 analogs, or derivatives. The term does not include synthetic
99 cannabidiol or seeds or seed-derived ingredients that are
100 generally recognized as safe by the United States Food and Drug
101 Administration.

102 (g) "Independent testing laboratory" means a laboratory
103 that:

- 104 1. Does not have a direct or indirect interest in the
105 entity whose product is being tested;
- 106 2. Does not have a direct or indirect interest in a
107 facility that cultivates, processes, distributes, dispenses, or
108 sells hemp or hemp extract in the state or in another
109 jurisdiction or cultivates, processes, distributes, dispenses,
110 or sells marijuana, as defined in s. 381.986; and
- 111 3. Is accredited by a third-party accrediting body as a
112 competent testing laboratory pursuant to ISO/IEC 17025 of the
113 International Organization for Standardization and has been
114 certified by the department.

115 (h) "Total delta-9-tetrahydrocannabinol concentration"
116 means a concentration calculated as follows: [delta-9-

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117 tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic
118 acid])).

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

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

124 1. Has a certificate of analysis prepared by an independent
125 testing laboratory which ~~that~~ states:

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

128 b. The batch contained a total delta-9-tetrahydrocannabinol
129 concentration that did not exceed 0.3 percent pursuant to the
130 testing of a random sample of the batch. However, if the batch
131 is sold at retail, the batch must meet the total delta-9-
132 tetrahydrocannabinol concentration limits set forth in paragraph
133 (3)(e) for hemp extract;

134 c. The batch does not contain contaminants unsafe for human
135 consumption; and

136 d. The batch was processed in a facility that holds a
137 current and valid permit issued by a human health or food safety
138 regulatory entity with authority over the facility, and that
139 facility meets the human health or food safety sanitization
140 requirements of the regulatory entity. Such compliance must be
141 documented by a report from the regulatory entity confirming
142 that the facility meets such requirements.

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

145 a. A scannable barcode or quick response code linked to the

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146 certificate of analysis of the hemp extract batch by an
147 independent testing laboratory;

148 b. The batch number;

149 c. The Internet address of a website where batch
150 information may be obtained;

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

152 e. The number of milligrams of each marketed cannabinoid
153 per serving; and

154 f. The toll-free telephone number for the national Poison
155 Help line.

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

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

159 b. Is composed of materials designed to minimize exposure
160 to light;

161 c. Mitigates exposure to high temperatures;

162 d. Is not attractive to children; and

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

166 (b) Hemp extract may only be sold to a business or procured
167 by a business in this state if that business is properly
168 permitted as required by this section. Unpermitted business
169 sales, street sales, or festival sales are not allowed. A
170 business or food establishment may not possess hemp or hemp
171 extract products that are attractive to children. A business or
172 food establishment permitted to sell hemp or hemp extract may
173 not be located within 500 feet of a school or daycare facility,
174 a retail outlet engaged in the business of selling motor fuel,

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175 or a retail facility in possession of a valid permit to sell
176 hemp or hemp extract. Businesses and food establishments
177 permitted to sell hemp or hemp extract:

178 1. May not advertise the availability of such products in a
179 manner that is visible to members of the public from any street,
180 sidewalk, park, or other public place. A business or food
181 establishment permitted to sell hemp extract may not use a trade
182 name, a logo, or advertising that contains wording or images
183 that are attractive to children; that implies that such products
184 confer health or medical benefits that are unsubstantiated; or
185 that suggests that the business or food establishment is
186 affiliated with a medical office or other health care facility.
187 Advertising may not use the terms "THC" or "medical card" or
188 similar terms. All advertisements must be preapproved by the
189 department.

190 2. Shall keep records pertaining to lab testing results and
191 the suppliers of hemp extract products for a minimum of 3 years
192 and shall have procedures in place to effect a recall of any
193 hemp extract later determined to be unsafe for human
194 consumption.

195 3. Shall store all such products out of reach of customers,
196 either in a controlled area accessible only to employees or in a
197 locked display case.

198 4. Are subject to random, unannounced inspections by law
199 enforcement and the department.

200 (c) Hemp extract manufactured, delivered, held, offered for
201 sale, distributed, or sold in this state is subject to the
202 applicable requirements of chapter 500, chapter 502, or chapter
203 580.

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204 (d) Products that are intended for human ingestion or
205 inhalation and that contain hemp extract, including, but not
206 limited to, snuff, chewing gum, and other smokeless products,
207 may not be sold in this state to a person who is under 21 years
208 of age. Hemp and hemp extract may not be sold in a form for
209 smoking. A person who violates this paragraph commits a
210 misdemeanor of the second degree, punishable as provided in s.
211 775.082 or s. 775.083. A person who commits a second or
212 subsequent violation of this paragraph within 1 year after the
213 initial violation commits a misdemeanor of the first degree,
214 punishable as provided in s. 775.082 or s. 775.083.
215 Additionally, upon a third violation, the department shall
216 revoke the violator's license, permit, authorization,
217 certificate, or registration.

218 (e) Hemp extract possessed, manufactured, delivered, held,
219 offered for sale, distributed, or sold in violation of this
220 subsection by an entity regulated under chapter 500 is subject
221 to s. 500.172 and penalties as provided in s. 500.121. Hemp
222 extract products found to be mislabeled or attractive to
223 children are subject to an immediate stop-sale order. The
224 department may not grant permission to remove or use, except for
225 disposal, hemp extract products subject to a stop-sale order
226 which are attractive to children until the department determines
227 that the hemp extract products comply with state law.

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

230 a. Hemp extract products that do not comply with general
231 law, including hemp extract products that are not from an
232 approved source as provided in sub-subparagraph (a)1.d., are

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233 sold or marketed; or

234 b. Hemp extract products are sold or marketed by businesses
235 that are not properly permitted as required by this section and
236 chapter 500.

237 2. A person who violates this paragraph is subject to an
238 administrative fine in the Class IV category under s. 570.971
239 for each violation.

240 (12) RULES.—The department shall adopt rules to administer
241 the state hemp program. The rules must provide for:

242 (e) The certification of independent testing laboratories.

243 Section 2. For the purpose of incorporating the amendment
244 made by this act to section 581.217, Florida Statutes, in a
245 reference thereto, paragraph (n) of subsection (1) of section
246 500.03, Florida Statutes, is reenacted to read:

247 500.03 Definitions; construction; applicability.—

248 (1) For the purpose of this chapter, the term:

249 (n) "Food" includes:

250 1. Articles used for food or drink for human consumption;

251 2. Chewing gum;

252 3. Articles used for components of any such article;

253 4. Articles for which health claims are made, which claims
254 are approved by the Secretary of the United States Department of
255 Health and Human Services and which claims are made in
256 accordance with s. 343(r) of the federal act, and which are not
257 considered drugs solely because their labels or labeling contain
258 health claims;

259 5. Dietary supplements as defined in 21 U.S.C. s.
260 321(ff)(1) and (2); and

261 6. Hemp extract as defined in s. 581.217.

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263 The term includes any raw, cooked, or processed edible
264 substance; ice; any beverage; or any ingredient used, intended
265 for use, or sold for human consumption.

266 Section 3. For the purpose of incorporating the amendment
267 made by this act to section 581.217, Florida Statutes, in a
268 reference thereto, subsection (3) of section 893.02, Florida
269 Statutes, is reenacted to read:

270 893.02 Definitions.—The following words and phrases as used
271 in this chapter shall have the following meanings, unless the
272 context otherwise requires:

273 (3) "Cannabis" means all parts of any plant of the genus
274 *Cannabis*, whether growing or not; the seeds thereof; the resin
275 extracted from any part of the plant; and every compound,
276 manufacture, salt, derivative, mixture, or preparation of the
277 plant or its seeds or resin. The term does not include
278 "marijuana," as defined in s. 381.986, if manufactured,
279 possessed, sold, purchased, delivered, distributed, or
280 dispensed, in conformance with s. 381.986. The term does not
281 include hemp as defined in s. 581.217 or industrial hemp as
282 defined in s. 1004.4473.

283 Section 4. For the purpose of incorporating the amendment
284 made by this act to section 581.217, Florida Statutes, in a
285 reference thereto, paragraph (a) of subsection (1) of section
286 916.1085, Florida Statutes, is reenacted to read:

287 916.1085 Introduction or removal of certain articles
288 unlawful; penalty.—

289 (1) (a) Except as authorized by law or as specifically
290 authorized by the person in charge of a facility, it is unlawful

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291 to introduce into or upon the grounds of any facility under the
292 supervision or control of the department or agency, or to take
293 or attempt to take or send therefrom, any of the following
294 articles, which are declared to be contraband for the purposes
295 of this section:

296 1. Any intoxicating beverage or beverage which causes or
297 may cause an intoxicating effect;

298 2. Any controlled substance as defined in chapter 893,
299 marijuana as defined in s. 381.986, hemp as defined in s.
300 581.217, or industrial hemp as defined in s. 1004.4473;

301 3. Any firearm or deadly weapon;

302 4. Any cellular telephone or other portable communication
303 device as described in s. 944.47(1)(a)6., intentionally and
304 unlawfully introduced inside the secure perimeter of any
305 forensic facility under the operation and control of the
306 department or agency. As used in this subparagraph, the term
307 "portable communication device" does not include any device that
308 has communication capabilities which has been approved or issued
309 by the person in charge of the forensic facility;

310 5. Any vapor-generating electronic device as defined in s.
311 386.203, intentionally and unlawfully introduced inside the
312 secure perimeter of any forensic facility under the operation
313 and control of the department or agency; or

314 6. Any other item as determined by the department or the
315 agency, and as designated by rule or by written institutional
316 policies, to be hazardous to the welfare of clients or the
317 operation of the facility.

318 Section 5. For the purpose of incorporating the amendment
319 made by this act to section 581.217, Florida Statutes, in a

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320 reference thereto, paragraph (a) of subsection (1) of section
321 944.47, Florida Statutes, is reenacted to read:

322 944.47 Introduction, removal, or possession of contraband;
323 penalty.—

324 (1)(a) Except through regular channels as authorized by the
325 officer in charge of the correctional institution, it is
326 unlawful to introduce into or upon the grounds of any state
327 correctional institution, or to take or attempt to take or send
328 or attempt to send therefrom, any of the following articles
329 which are hereby declared to be contraband for the purposes of
330 this section, to wit:

331 1. Any written or recorded communication or any currency or
332 coin given or transmitted, or intended to be given or
333 transmitted, to any inmate of any state correctional
334 institution.

335 2. Any article of food or clothing given or transmitted, or
336 intended to be given or transmitted, to any inmate of any state
337 correctional institution.

338 3. Any intoxicating beverage or beverage which causes or
339 may cause an intoxicating effect.

340 4. Any controlled substance as defined in s. 893.02(4),
341 marijuana as defined in s. 381.986, hemp as defined in s.
342 581.217, industrial hemp as defined in s. 1004.4473, or any
343 prescription or nonprescription drug having a hypnotic,
344 stimulating, or depressing effect.

345 5. Any firearm or weapon of any kind or any explosive
346 substance.

347 6. Any cellular telephone or other portable communication
348 device intentionally and unlawfully introduced inside the secure

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349 perimeter of any state correctional institution without prior
350 authorization or consent from the officer in charge of such
351 correctional institution. As used in this subparagraph, the term
352 "portable communication device" means any device carried, worn,
353 or stored which is designed or intended to receive or transmit
354 verbal or written messages, access or store data, or connect
355 electronically to the Internet or any other electronic device
356 and which allows communications in any form. Such devices
357 include, but are not limited to, portable two-way pagers, hand-
358 held radios, cellular telephones, Blackberry-type devices,
359 personal digital assistants or PDA's, laptop computers, or any
360 components of these devices which are intended to be used to
361 assemble such devices. The term also includes any new technology
362 that is developed for similar purposes. Excluded from this
363 definition is any device having communication capabilities which
364 has been approved or issued by the department for investigative
365 or institutional security purposes or for conducting other state
366 business.

367 7. Any vapor-generating electronic device as defined in s.
368 386.203, intentionally and unlawfully introduced inside the
369 secure perimeter of any state correctional institution.

370 Section 6. For the purpose of incorporating the amendment
371 made by this act to section 581.217, Florida Statutes, in a
372 reference thereto, paragraph (h) of subsection (1) of section
373 951.22, Florida Statutes, is reenacted to read:

374 951.22 County detention facilities; contraband articles.—

375 (1) It is unlawful, except through regular channels as duly
376 authorized by the sheriff or officer in charge, to introduce
377 into or possess upon the grounds of any county detention

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378 facility as defined in s. 951.23 or to give to or receive from
379 any inmate of any such facility wherever said inmate is located
380 at the time or to take or to attempt to take or send therefrom
381 any of the following articles, which are contraband:

382 (h) Any narcotic, hypnotic, or excitative drug or drug of
383 any kind or nature, including nasal inhalators, sleeping pills,
384 barbiturates, marijuana as defined in s. 381.986, hemp as
385 defined in s. 581.217, industrial hemp as defined in s.
386 1004.4473, or controlled substances as defined in s. 893.02(4).

387 Section 7. For the purpose of incorporating the amendment
388 made by this act to section 581.217, Florida Statutes, in a
389 reference thereto, paragraph (a) of subsection (1) of section
390 985.711, Florida Statutes, is reenacted to read:

391 985.711 Introduction, removal, or possession of certain
392 articles unlawful; penalty.-

393 (1)(a) Except as authorized through program policy or
394 operating procedure or as authorized by the facility
395 superintendent, program director, or manager, a person may not
396 introduce into or upon the grounds of a juvenile detention
397 facility or commitment program, or take or send, or attempt to
398 take or send, from a juvenile detention facility or commitment
399 program, any of the following articles, which are declared to be
400 contraband under this section:

401 1. Any unauthorized article of food or clothing given or
402 transmitted, or intended to be given or transmitted, to any
403 youth in a juvenile detention facility or commitment program.

404 2. Any intoxicating beverage or any beverage that causes or
405 may cause an intoxicating effect.

406 3. Any controlled substance as defined in s. 893.02(4),

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407 marijuana as defined in s. 381.986, hemp as defined in s.
408 581.217, industrial hemp as defined in s. 1004.4473, or any
409 prescription or nonprescription drug that has a hypnotic,
410 stimulating, or depressing effect.

411 4. Any firearm or weapon of any kind or any explosive
412 substance.

413 5. Any cellular telephone or other portable communication
414 device as described in s. 944.47(1)(a)6., intentionally and
415 unlawfully introduced inside the secure perimeter of any
416 juvenile detention facility or commitment program. As used in
417 this subparagraph, the term "portable communication device" does
418 not include any device that has communication capabilities which
419 has been approved or issued by the facility superintendent,
420 program director, or manager.

421 6. Any vapor-generating electronic device as defined in s.
422 386.203, intentionally and unlawfully introduced inside the
423 secure perimeter of any juvenile detention facility or
424 commitment program.

425 7. Any currency or coin given or transmitted, or intended
426 to be given or transmitted, to any youth in any juvenile
427 detention facility or commitment program.

428 8. Any cigarettes, as defined in s. 210.01(1), or tobacco
429 products, as defined in s. 210.25, given, or intended to be
430 given, to any youth in a juvenile detention facility or
431 commitment program.

432 Section 8. For the 2025-2026 fiscal year, the sum of \$2
433 million in nonrecurring funds is appropriated from the General
434 Revenue Fund to the Department of Law Enforcement for the
435 purchase of testing equipment necessary to implement this act.

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Section 9. This act shall take effect July 1, 2025.