

By the Committee on Agriculture; and Senators Burton and Davis

575-02504-25

2025438c1

1 A bill to be entitled
2 An act relating to food and hemp products; amending s.
3 381.988, F.S.; providing that a marijuana testing
4 laboratory may acquire hemp and hemp extract only from
5 certain businesses; prohibiting a marijuana testing
6 laboratory from selling, distributing, or transferring
7 hemp or hemp extract from certain businesses;
8 requiring a marijuana testing laboratory to separate
9 marijuana received from certain entities from hemp or
10 hemp extract received from certain entities; amending
11 s. 581.217, F.S.; revising legislative findings;
12 revising definitions; defining terms; revising
13 requirements for the sale and distribution of hemp
14 extract; deleting provisions related to the
15 distribution and sale of hemp extract; providing an
16 exception; prohibiting businesses or food
17 establishments from possessing hemp or hemp extract
18 products that are attractive to children; prohibiting
19 unpermitted business sales, street sales, or festival
20 sales of hemp extract; prohibiting a business
21 permitted to sell hemp or hemp extract from being
22 located in certain areas; providing requirements for
23 businesses permitted to sell hemp or hemp extract;
24 including THC-infused beverages in the list of
25 products prohibited for sale to a person under 21
26 years of age; providing a penalty for hemp extract
27 possessed, manufactured, delivered, held, offered for
28 sale, distributed, or sold by certain entities in
29 violation of specified provisions; prohibiting the

575-02504-25

2025438c1

30 Department of Agriculture and Consumer Services from
31 granting permission to remove or use certain hemp
32 extract products until it has determined that such
33 hemp extract products comply with state law;
34 prohibiting event organizers from promoting,
35 advertising, or facilitating certain events; requiring
36 organizers of certain events to provide a list of
37 certain vendors to the department, verify that such
38 vendors are selling hemp products only from approved
39 sources, and ensure that such vendors are properly
40 permitted; providing for administrative fines;
41 requiring that each final batch of hemp extract be
42 tested in a certified marijuana testing laboratory
43 before it may be sold in this state; providing
44 construction; requiring the department to create
45 procedures for the testing of hemp extract that fails
46 to meet specified requirements; authorizing the
47 department to select and test samples of hemp extract
48 from a retail store, hemp distributor, or hemp
49 cultivator for certain purposes; requiring retail
50 stores to recall hemp extract that fails to meet
51 specified requirements; requiring that a certified
52 marijuana testing laboratory retain records of each
53 final batch of tested and sampled hemp extract for a
54 specified timeframe; prohibiting the retail sale of
55 THC-infused beverages at certain locations;
56 prohibiting THC-infused beverages from containing
57 alcoholic or intoxicating beverages; providing that
58 THC-infused beverages may be distributed only by

575-02504-25

2025438c1

59 certain distributors; prohibiting distributors of THC-
60 infused beverages from taking certain actions;
61 prohibiting a retail vendor of THC-infused beverages
62 from purchasing or obtaining such beverages from a
63 person not licensed as a distributor; prohibiting a
64 retail vendor of THC-infused beverages from attempting
65 to return or exchange a THC-infused beverage under
66 certain circumstances; providing for administrative
67 fines; providing an appropriation; reenacting s.
68 500.03(1)(n), F.S., relating to definitions, to
69 incorporate the amendment made to s. 581.217, F.S., in
70 references thereto; providing an effective date.

71

72 Be It Enacted by the Legislature of the State of Florida:

73

74 Section 1. Subsection (4) of section 381.988, Florida
75 Statutes, is amended to read:

76 381.988 Medical marijuana testing laboratories; marijuana
77 tests conducted by a certified laboratory.-

78 (4) A marijuana testing laboratory may acquire marijuana
79 only from a medical marijuana treatment center and may acquire
80 hemp and hemp extract only from a business that is licensed or
81 permitted under s. 581.217. A marijuana testing laboratory is
82 prohibited from selling, distributing, or transferring marijuana
83 received from a marijuana treatment center, or hemp or hemp
84 extract received from a business licensed or permitted under s.
85 581.217, except that a marijuana testing laboratory may transfer
86 a sample to another marijuana testing laboratory in this state.
87 A marijuana test laboratory must keep marijuana received from a

575-02504-25

2025438c1

88 medical marijuana treatment center separated from hemp or hemp
89 extract received from a business that is licensed or permitted
90 under s. 581.217.

91 Section 2. Present subsections (8) through (13) of section
92 581.217, Florida Statutes, are redesignated as subsections (10)
93 through (15), respectively, present paragraphs (b) through (f)
94 of subsection (3) are redesignated as paragraphs (c) through
95 (g), respectively, new subsections (8) and (9) are added to that
96 section, new paragraphs (b) and (i) are added to subsection (3)
97 of that section, and paragraph (b) of subsection (2), present
98 paragraphs (a), (e), (f), and (g) of subsection (3), subsection
99 (7), and paragraph (c) of present subsection (13) of that
100 section are amended to read:

101 581.217 State hemp program.—

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

103 (b) Hemp and hemp extract ~~Hemp-derived cannabinoids,~~
104 ~~including, but not limited to, cannabidiol,~~ are not controlled
105 substances ~~or adulterants if they are in compliance with this~~
106 ~~section.~~

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

108 (a) "Attractive to children" means manufactured in the
109 shape of or packaged in containers displaying humans, cartoons,
110 ~~or animals,~~ toys, or other features that target children;
111 manufactured in a form or packaged in a container that bears any
112 reasonable resemblance to an existing candy or snack product
113 that is familiar to the public; manufactured in a form or
114 packaged in a container that bears any reasonable resemblance to
115 a as a widely distributed, branded food product such that the a
116 product could be mistaken for the branded food product,

575-02504-25

2025438c1

117 especially by children; or containing any color additives.

118 (b) "Certified marijuana testing laboratory" means a
119 laboratory that is certified by the Department of Health
120 pursuant to s. 381.988.

121 (f)(e) "Hemp" means the plant *Cannabis sativa* L. and any
122 part of that plant, including the seeds thereof, and all
123 derivatives, extracts, cannabinoids, isomers, acids, salts, and
124 salts of isomers thereof, whether growing or not, that has a
125 total delta-9-tetrahydrocannabinol concentration that does not
126 exceed 0.3 percent on a dry-weight basis, with the exception of
127 hemp extract, which may not exceed 0.3 percent total delta-9-
128 tetrahydrocannabinol concentration on a wet-weight basis or
129 which does not exceed 5 milligrams per serving and 50 milligrams
130 per container on a wet-weight basis, whichever is less, except
131 that a THC-infused beverage may not contain more than 5
132 milligrams per unopened can or bottle or in any other sealed
133 container.

134 (g)(f) "Hemp extract" means hemp that is a substance or
135 ~~compound~~ intended for ingestion or inhalation and that contains,
136 ~~containing~~ more than trace amounts of a cannabinoid but, or for
137 ~~inhalation~~ which is derived from or contains hemp and which does
138 not contain controlled substances listed in s. 893.03; any
139 quantity of synthetic cannabinoids; or delta-8-
140 tetrahydrocannabinol, delta-10-tetrahydrocannabinol,
141 hexahydrocannabinol, tetrahydrocannabinol acetate,
142 tetrahydrocannabiphorol, or tetrahydrocannabivarin. The term
143 does not include synthetic cannabidiol or seeds or seed-derived
144 ingredients that are generally recognized as safe by the United
145 States Food and Drug Administration.

575-02504-25

2025438c1

146 ~~(h)(g)~~ "THC-infused beverage" means a soft drink, soda,
 147 juice, tea, or other beverage intended for ingestion which
 148 contains hemp extract in an amount not to exceed 5 milligrams
 149 per unopened can or bottle or in any other sealed container

150 ~~"Independent testing laboratory" means a laboratory that:~~

151 ~~1. Does not have a direct or indirect interest in the~~
 152 ~~entity whose product is being tested;~~

153 ~~2. Does not have a direct or indirect interest in a~~
 154 ~~facility that cultivates, processes, distributes, dispenses, or~~
 155 ~~sells hemp or hemp extract in the state or in another~~
 156 ~~jurisdiction or cultivates, processes, distributes, dispenses,~~
 157 ~~or sells marijuana, as defined in s. 381.986; and~~

158 ~~3. Is accredited by a third-party accrediting body as a~~
 159 ~~competent testing laboratory pursuant to ISO/IEC 17025 of the~~
 160 ~~International Organization for Standardization.~~

161 (i) "Total delta-9-tetrahydrocannabinol concentration"
 162 means a concentration calculated as follows: [delta-9-
 163 tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic
 164 acid]).

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

166 (a) Hemp extract may only be distributed and sold in this
 167 ~~the~~ state if the product meets all of the following
 168 requirements:

169 1. Is in compliance with the testing requirements set forth
 170 in subsection (8). Has a certificate of analysis prepared by an
 171 ~~independent testing laboratory that states:~~

172 ~~a. The hemp extract is the product of a batch tested by the~~
 173 ~~independent testing laboratory;~~

174 ~~b. The batch contained a total delta-9-tetrahydrocannabinol~~

575-02504-25

2025438c1

175 ~~concentration that did not exceed 0.3 percent pursuant to the~~
176 ~~testing of a random sample of the batch;~~

177 ~~e. The batch does not contain contaminants unsafe for human~~
178 ~~consumption; and~~

179 2.d. ~~The batch~~ Was processed in a facility that holds a
180 current and valid permit issued by a human health or food safety
181 regulatory entity with authority over the facility, and that
182 facility meets the human health or food safety sanitization
183 requirements of the regulatory entity. Such compliance must be
184 documented by a report from the regulatory entity confirming
185 that the facility meets such requirements.

186 3.2. Is distributed or sold in a container that includes:

187 a. A scannable barcode or quick response code linked to the
188 certificate of analysis of the final hemp extract batch by a
189 certified marijuana ~~an independent~~ testing laboratory;

190 b. The batch number;

191 c. The Internet address of a website where batch
192 information may be obtained;

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

194 e. The number of milligrams of each marketed cannabinoid
195 per serving; and

196 f. The toll-free telephone number for the national Poison
197 Help line.

198 4.3. Is distributed or sold in a container that:

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

200 b. Is composed of materials designed to minimize exposure
201 to light;

202 c. Mitigates exposure to high temperatures;

203 d. Is not attractive to children; and

575-02504-25

2025438c1

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

207 (b) Except as required under this section for the retail
208 sale of THC-infused beverages, hemp extract may only be sold to
209 or procured by a business in this state if that business is
210 properly permitted as required by chapter 500 this section. A
211 business or food establishment may not possess hemp or hemp
212 extract products that are attractive to children. Unpermitted
213 business sales, street sales, or festival sales are not allowed.
214 A business or food establishment permitted to sell hemp or hemp
215 extract may not be located within 500 feet of a school or day
216 care facility, a retail outlet engaged in the business of
217 selling motor fuel, or a retail facility in possession of a
218 valid permit to sell hemp or hemp extract. Businesses and food
219 establishments permitted to sell hemp or hemp extract:

220 1. May not advertise the availability of such products in a
221 manner that is visible to members of the public from any street,
222 sidewalk, park, or other public place. A business or food
223 establishment permitted to sell hemp extract may not use a trade
224 name, a logo, or advertising that contains wording or images
225 that are attractive to children; that implies that such products
226 confer health or medical benefits that are unsubstantiated; or
227 that suggests that the business or food establishment is
228 affiliated with a medical office or other health care facility.
229 Advertising may not use the terms "THC" or "medical card" or
230 similar terms.

231 2. Shall keep records pertaining to lab testing results and
232 the suppliers of hemp extract products for a minimum of 3 years

575-02504-25

2025438c1

233 and shall have procedures in place to effect a recall of any
234 hemp extract later determined to be unsafe for human
235 consumption.

236 3. Shall store all such products out of reach of customers,
237 either in a controlled area accessible only to employees or in a
238 locked display case, excluding hemp-infused beverages.

239 (c) Hemp extract distributed or sold in this state is
240 subject to the applicable requirements of chapter 500, chapter
241 502, or chapter 580.

242 (d) Products that are intended for human ingestion or
243 inhalation and that contain hemp extract, including, but not
244 limited to, THC-infused beverages, snuff, chewing gum, and other
245 smokeless products, may not be sold in this state to a person
246 who is under 21 years of age. A person who violates this
247 paragraph commits a misdemeanor of the second degree, punishable
248 as provided in s. 775.082 or s. 775.083. A person who commits a
249 second or subsequent violation of this paragraph within 1 year
250 after the initial violation commits a misdemeanor of the first
251 degree, punishable as provided in s. 775.082 or s. 775.083.

252 (e) Hemp extract possessed, manufactured, delivered, held,
253 offered for sale, distributed, or sold in violation of this
254 subsection by an entity regulated under chapter 500 is subject
255 to s. 500.172 and penalties as provided in s. 500.121. Hemp
256 extract products found to be mislabeled or attractive to
257 children are subject to an immediate stop-sale order. The
258 department may not grant permission to remove or use, except for
259 disposal, hemp extract products subject to a stop-sale order
260 which are attractive to children until the department has
261 determined that the hemp extract products comply with state law.

575-02504-25

2025438c1

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

264 a. Hemp extract products that do not comply with general
265 law, including hemp extract products that are not from an
266 approved source as provided in sub-subparagraph (a)2., are sold
267 or marketed; or

268 b. Hemp extract products are sold or marketed by businesses
269 that are not properly permitted as required by this section and
270 chapter 500.

271 2. Before an event where hemp extract products are sold or
272 marketed, an event organizer must provide to the department a
273 list of the businesses selling or marketing hemp extract
274 products at the event and verify that each business is selling
275 hemp products only from an approved source. The event organizer
276 must ensure that each participating business is properly
277 permitted as required by this section and chapter 500.

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

281 (8) TESTING.—

282 (a) Each final batch of hemp extract must be tested using a
283 certified marijuana testing laboratory before it may be sold in
284 this state. Test results must be verified and signed by two
285 laboratory employees. The certified marijuana testing laboratory
286 must determine whether the test results indicate that the
287 product meets the definition of hemp and hemp extract, the
288 labeling of the concentration of tetrahydrocannabinol and
289 cannabidiol is accurate, and the product is free from
290 contaminants that are unsafe for human consumption.

575-02504-25

2025438c1

291 (b) The department shall create procedures for the
292 treatment of hemp extract that fails to meet the testing
293 requirements of this section or department rule.

294 (c) The department may select and test samples of hemp
295 extract from a retail store, hemp distributor, or hemp
296 cultivator to determine whether the product meets the
297 requirements of this section, is safe for human consumption, and
298 is accurately labeled.

299 (d) A retail store must recall hemp extract that fails to
300 meet the requirements of this section, is unsafe for human
301 consumption, or is mislabeled.

302 (e) The certified marijuana testing laboratory must retain
303 records of all testing and samples of each final batch of hemp
304 extract for 9 months.

305 (9) SALE OF THC-INFUSED BEVERAGES.—

306 (a) It is unlawful to sell, at retail, THC-infused
307 beverages at a location other than premises licensed to sell
308 alcoholic beverages under s. 565.02(1)(a)-(g). THC-infused
309 beverages may not contain alcoholic beverages or intoxicating
310 beverages as defined in s. 561.01(4) and (5), respectively.

311 (b) THC-infused beverages may only be distributed in this
312 state by a distributor licensed under the Beverage law, as
313 described in s. 561.14(2). A distributor of THC-infused
314 beverages may not:

315 1. Assist any retail vendor by any gift or loan of money or
316 property of any description, including equipment, fixtures, or
317 furnishings.

318 2. Sell or provide THC-infused beverages to a retail vendor
319 who does not hold an active permit required under paragraph

575-02504-25

2025438c1

320 (7) (b) .

321 3. Make consignment sales to retail vendors of THC-infused
322 beverages, including any right of return or exchange because the
323 product is over-stocked or slow-moving.

324 4. Give a retailer of THC-infused beverages anything of
325 value to promote THC-infused beverages, or to provide shelf
326 space or floor space to stock or promote THC-infused beverages.

327 (c) A retail vendor of THC-infused beverages may not
328 purchase or otherwise obtain such beverages from a person not
329 licensed as a distributor licensed under the Beverage Law as
330 described in s. 561.14(2) .

331 (d) A retail vendor of THC-infused beverages may not
332 attempt to return or exchange to a distributor any THC-infused
333 beverage because the product is over-stocked or slow-moving.

334 (e) A person regulated under the Beverage Law who
335 possesses, delivers, holds, offers for sale, or distributes THC-
336 infused beverages is subject to discipline under s. 561.29, and
337 such beverages are subject to s. 500.172. A person who violates
338 this subsection is subject to an administrative fine in the
339 Class III category under s. 570.971 for each violation.

340 (15)-(13) APPLICABILITY.—Notwithstanding any other law:

341 (c) A licensee who negligently violates this section or
342 department rules is not subject to any criminal or civil
343 enforcement action by the state or a local government other than
344 the enforcement of violations of this section as authorized
345 under subsection (12) -(10).

346 Section 3. For the 2025-2026 fiscal year, the sum of \$2
347 million in nonrecurring funds is appropriated from the General
348 Revenue Fund to the Department of Law Enforcement for the

575-02504-25

2025438c1

349 purchase of testing equipment necessary to implement this act.

350 Section 4. For the purpose of incorporating the amendment
351 made by this act to section 581.217, Florida Statutes, in a
352 reference thereto, paragraph (n) of subsection (1) of section
353 500.03, Florida Statutes, is reenacted to read:

354 500.03 Definitions; construction; applicability.—

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

356 (n) "Food" includes:

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

358 2. Chewing gum;

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

360 4. Articles for which health claims are made, which claims
361 are approved by the Secretary of the United States Department of
362 Health and Human Services and which claims are made in
363 accordance with s. 343(r) of the federal act, and which are not
364 considered drugs solely because their labels or labeling contain
365 health claims;

366 5. Dietary supplements as defined in 21 U.S.C. s.
367 321(ff)(1) and (2); and

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

369

370 The term includes any raw, cooked, or processed edible
371 substance; ice; any beverage; or any ingredient used, intended
372 for use, or sold for human consumption.

373 Section 5. This act shall take effect October 1, 2025.