

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 7027](#) [PCB HAT 25-01](#)

**TITLE:** Hemp Consumable THC Products

**SPONSOR(S):** Salzman, Trabulsy

**COMPANION BILL:** None

**LINKED BILLS:** [HB 7029](#) Salzman

**RELATED BILLS:** None

### Committee References

[Orig. Comm.: Housing, Agriculture  
& Tourism](#)  
15 Y, 0 N



[Budget](#)  
28 Y, 0 N



[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill:

- Amends and creates definitions for certain terms under the state hemp program;
- Creates new regulations and limitations for the sale of hemp consumable THC products in the state;
- Creates new regulations for delivery sales of hemp consumable THC products to consumers in the state;
- Makes all hemp consumable THC products sold, offered for sale, delivered, or distributed in violation of the state hemp program and the delivery sales requirements for hemp consumable THC products, contraband;
- Prohibits the ingestion of hemp consumable THC products near schools;
- Authorizes the Division of Alcoholic Beverages, housed within the Department of Business and Professional Regulation, to take certain actions against tobacco retailers' and nicotine product dealers' permits for violating the state hemp program or the delivery sales requirements for hemp consumable THC products.

### Fiscal or Economic Impact:

To implement the requirements of the bill, the Department of Agriculture and Consumer Services indicates they will require \$17,199,671 from the General Revenue Fund, which includes funding for 102 full-time equivalent (FTE) positions, 28 vehicles, equipment, office and laboratory space. Any costs will be handled within the General Appropriations Act.

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## ANALYSIS

### EFFECT OF THE BILL:

#### [State Hemp Program](#)

#### *Definitions*

The bill amends the definition of “attractive to children” under the state hemp program to mean:

- Manufactured in the shape of or packaged in containers or packages displaying humans, cartoons, animals, toys, or other features that target children;
- Manufactured in a form or packaged in a container or package that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public;
- Manufactured in a form or packaged in a container or package that bears any reasonable resemblance to a branded food product such that the product could be mistaken for the branded food product, especially by children; or
- Containing any color additives. (Section [2](#))

The bill defines “cigarette” as any roll for smoking. (Section [2](#))

**STORAGE NAME:** h7027a.BUC

**DATE:** 4/16/2025

The bill removes the definition for the term “hemp extract” and replaces it with a definition for “hemp consumable THC product,” which means a substance or compound intended for ingestion, containing more than trace amounts of tetrahydrocannabinol derived from hemp or any other source, or for inhalation which is derived from or contains tetrahydrocannabinol derived from hemp or any other source, and which does not contain controlled substances. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the U.S. Food and Drug Administration or marijuana used for medical purposes under [s. 381.986, F.S.](#) (Section [2](#))

The bill amends the definition of “independent testing laboratory” to mean a laboratory that:

- Does not have a direct or indirect interest in the entity whose product is being tested;
- Does not have a direct or indirect interest in a facility that cultivates, processes, distributes, dispenses, or sells hemp or hemp consumable THC products hemp extract in the state or in another jurisdiction or cultivates, processes, distributes, dispenses, or sells marijuana, as defined in [s. 381.986, F.S.](#); and
- Is certified by the Department of Health as a medical marijuana testing laboratory pursuant to [s. 381.988, F.S.](#), or is certified by the Department of Agriculture and Consumer Services (DACS) as being substantially equivalent to a medical marijuana testing laboratory. (Section [2](#))

The bill creates definitions for the following terms:

- "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging hemp consumable THC products.
- "Retailer" means any person or entity who sells hemp consumable THC products to consumers.
- "Vapor-generating electronic device" means any device or product that employs an electronic, chemical, or mechanical means of producing vapor or aerosol from a hemp consumable THC product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product; any replacement cartridge for such device or product; and any other container of a solution or other substance intended to be used with or within such device or product.
- "Wholesaler" means any person or entity located within or outside this state which delivers or sells hemp consumable THC products to retailers or other persons for purposes of resale. (Section [2](#))

### ***Hemp Consumable THC Products***

The bill prohibits hemp consumable THC products from being distributed and sold in the state unless the product:

- Has a certificate of analysis prepared by an independent testing laboratory that includes certain statements.
- Was tested by an independent testing laboratory, and the laboratory's certificate of analysis states:
  - The hemp consumable THC product was tested for cannabinoids, heavy metals, mycotoxins, pesticides, residual solvents, any other controlled substance, any other substance DACS deems necessary.
  - The hemp consumable THC product contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a sample of the hemp consumable THC product.
  - The hemp consumable THC product contained tetrahydrocannabinol that did not exceed the limitations.
  - The product does not contain contaminants unsafe for human consumption.
- Is distributed or sold in a container and package that includes:
  - A scannable barcode or quick response code linked to the certificate of analysis of the hemp consumable THC product by an independent testing laboratory;
  - The hemp consumable THC product number;
  - The Internet address of a website where batch information may be obtained;
  - The expiration date of the hemp consumable THC product; and
  - The number of milligrams of each marketed cannabinoid per serving.

Manufacturers, wholesalers, and retailers are required to have their hemp consumable THC products tested by an independent testing laboratory. A wholesaler or retailer is not required to test its hemp consumable THC products

if the product is packaged in a manner that may be sold to the ultimate consumer when the wholesaler or retailer receives the product from the manufacturer or wholesaler; was tested by the manufacturer or wholesaler; and has not been opened by the wholesaler or retailer.

The bill specifies that hemp consumable THC products may only be distributed and sold in the state if the product is distributed or sold in a container and package that:

- Is suitable to contain products for human consumption;
- Is composed of materials designed to minimize exposure to light;
- Mitigates exposure to high temperatures;
- Is a single color and not transparent. However, the universal symbol, scannable barcode, quick response code, and any text must be a different color than the container and package;
- Does not contain any pictures or images other than a single logo, which may not be attractive to children and may not cover more than 20 percent of the container or package;
- Does not contain any text, pictures, or images that directly or indirectly say the product causes or may cause an intoxicating or psychoactive effect;
- Contains a clear and conspicuous warning on the front of the package and container that is developed by the department and states the product contains tetrahydrocannabinol;
- Contains a hemp consumable THC product universal symbol developed by DACS;
- Contains the number of milligrams of tetrahydrocannabinol in the container and package and the amount in each individual serving in a clear and conspicuous manner;
- Is not attractive to children; and
- Is compliant with the U.S. Poison Prevention Packaging Act of 1970,<sup>1</sup> without regard to provided exemptions. The bill specifies a beverage is compliant with that Act if the beverage is in a sealed container. (Section [2](#))

The bill provides that hemp consumable THC products may only be sold at retail subject to the following limitations, which are repealed December 31, 2028:

- Beverages must contain no more than 5 milligrams of tetrahydrocannabinol per 6 ounces; be in a container that holds no more than 12 ounces; and be in a package with no more than 10 containers per package.
- Cigarettes and vapor-generating electronic devices must contain no more than 2.5 milligrams of tetrahydrocannabinol per gram; be in a cigarette or vapor-generating electronic device that contains no more than 1 gram; be in a container that holds no more than 20 cigarettes or vapor-generating electronic devices; and be in a package that contains no more than one container.
- Edibles must contain no more than 2.5 milligrams of tetrahydrocannabinol per gram; be in an edible that contains no more than 2 grams and is individually wrapped; be in a container with no more than 20 edibles; and be in a package that contains no more than one container.
- Tinctures must contain no more than 100 milligrams of tetrahydrocannabinol per 35 grams; be in a container that holds no more than 35 grams; be in a package that holds no more than one container. (Section [2](#))

Effective January 1, 2029, the bill provides that hemp consumable THC products may only be sold at retail subject to the following limitations:

- Beverages must contain no more than 2.5 milligrams of tetrahydrocannabinol per 6 ounces; be in a container that holds no more than 12 ounces; and be in a package with no more than 10 containers per package.
- Cigarettes and vapor-generating electronic devices must contain no more than 1.25 milligrams of tetrahydrocannabinol per gram; be in a cigarette or vapor-generating electronic device that contains no more than 1 gram; be in a container that holds no more than 20 cigarettes or vapor-generating electronic devices; and be in a package that contains no more than one container.
- Edibles must contain no more than 1.25 milligrams of tetrahydrocannabinol per gram; be in an edible that contains no more than 2 grams and is individually wrapped; be in a container with no more than 20 edibles; and be in a package that contains no more than one container.

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<sup>1</sup> 15 U.S.C. ss. 1471 et seq.

- Tinctures must contain no more than 50 milligrams of tetrahydrocannabinol per 35 grams; be in a container that holds no more than 35 grams; and be in a package that holds no more than one container. (Section [2](#))

The bill specifies that the above provisions do not limit the amount of cannabidiol allowed in hemp consumable THC products. (Section [2](#))

Under the bill, the retail sale and delivery of hemp consumable THC products is prohibited, except:

- At establishments that have a food permit from DACS and prohibit the presence of persons under 21 years of age on the establishment's premises;
- At establishments that have a food permit from DACS and have a quota license issued under s. 565.02(1)(a)-(f), F.S.;<sup>2</sup> or
- In accordance with the mail order, Internet, and remote sales of hemp consumable THC products requirements in [s. 581.218, F.S.](#) (Section [2](#))

The bill prohibits hemp consumable THC products from being sold, given, bartered, furnished, or delivered to consumers at wholesale or at festivals, fairs, trade shows, farmers markets, expositions, or pop-up retail establishments. (Section [2](#))

The bill also prohibits a person or entity from selling, delivering, bartering, giving, or furnishing hemp consumable THC products that total more than 100 milligrams of tetrahydrocannabinol to a person in a 24-hour period unless the person receiving the hemp consumable THC products is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. (Section [2](#))

Under current law, hemp consumable THC products that are intended for human ingestion or inhalation and that contain hemp extract, including, but not limited to, snuff, chewing gum, and other smokeless products, may not be sold, delivered, bartered, given, or furnished in this state to a person who is under 21 years of age. For purposes of this prohibition, the bill provides that:

- A first violation of the prohibition constitutes a misdemeanor of the second degree, punishable as provided in [s. 775.082, F.S.](#), or [s. 775.083, F.S.](#)
- A second violation within 12 months after the first violation constitutes a misdemeanor of the first degree, punishable as provided in [s. 775.082, F.S.](#), or [s. 775.083, F.S.](#)
- A third or subsequent violation within 12 months after the second violation constitutes a felony of the third degree, punishable as provided in [s. 775.082, F.S.](#), or [s. 775.083, F.S.](#) (Section [2](#))

### **Delivery Sales of Hemp Consumable THC Products**

The bill creates requirements for the delivery of mail order, Internet, and other remote sales of hemp consumable THC products to consumers, referred to as “delivery sales” that mirror the [delivery sales requirements for nicotine products](#). (Section [3](#))

### **Seizure and Destruction of Contraband Nicotine Dispensing Devices**

The bill declares all hemp consumable THC products sold, offered for sale, delivered, or distributed in violation of the state hemp program and the delivery sales requirements for hemp consumable THC products to be contraband. The contraband may be seized and confiscated per the [Florida Contraband Forfeiture Act](#). (Section [4](#))

The bill requires:

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<sup>2</sup> For purposes of these provisions, the bill specifies that establishments with a quota licensed issued under s. 565.02(1)(a)-(f), F.S., which allow the presence of persons under 21 years of age on the establishment's premises must place hemp consumable THC products, not including beverages, in an area inaccessible to customers. Such establishments may place hemp consumable THC products, not including beverages, in an open display unit as long as the unit is located in an area that is inaccessible to customers. (Section [2](#))

- The cost of seizure and destruction of the contraband is to be borne by the person from whom such hemp consumable THC products are seized.
- Courts having jurisdiction must order the destruction and forfeiture of contraband hemp consumable THC products:
  - Upon a showing that more likely than not such products were sold, offered for sale, delivered, or distributed contrary to any provision of the state hemp program and the delivery sales requirements for hemp consumable THC products.
  - Once any administrative proceedings under Ch. 120, F.S. related to such devices have been completed.
- The officer who destroys the contraband must report and return under oath to the court the following information:
  - The place where the contraband was seized,
  - The kind and quantity of such contraband seized, and
  - The time, place, and manner of the destruction of such contraband. (Section [4](#))

The bill requires DACS or the seizing law enforcement agency to maintain a full and complete record of all seized hemp consumable THC products showing:

- The exact types, kinds, and quantities, and forms of such products.
- The persons from whom such products were seized and to whom they were delivered.
- By whose authority such the products were received, delivered, or destroyed.
- The dates of the receipt, disposal, or destruction of the products.
  - The bill requires such record to be available for inspection by all persons charged with the enforcement of the state hemp program and the delivery sales requirements of hemp consumable THC products. (Section [4](#))

### **Prohibition of Ingesting Hemp Consumable THC Products Near Schools**

The bill creates a prohibition on ingesting hemp consumable THC products near schools that is similar to the [Florida Clean Air Act](#). (Section [5](#))

Specifically, the bill prohibits any person from ingesting hemp consumable THC products within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. Persons in a moving vehicle or within a private residence are exempt from such prohibition. (Section [5](#))

A person who violates the prohibition is subject to a noncriminal civil penalty not to exceed \$25, 50 hours of community service or, where available, successful completion of a school approved anti-drug “alternative to suspension” program. (Section [5](#))

### **Division of Alcoholic Beverages**

The bill authorizes the Department of Business and Professional Regulation’s [Division](#) of Alcoholic Beverages and Tobacco to discipline tobacco retailers’ and nicotine product dealers’ permits for violating the state hemp program or the delivery sales requirements for hemp consumable THC products. (Section [8](#) and [9](#))

The bill clarifies that alcoholic beverage quota licensees may sell hemp consumable THC products. (Section [6](#) and [7](#))

### **RULEMAKING:**

The bill requires DACS to adopt rules establishing:

- The standards for certification and the testing and reporting of hemp consumable THC products.
- The procedure for initial certification and biennial renewal.
- Packaging and labeling requirements that ensure that hemp consumable THC products do not violate the bill’s provisions. (Section [2](#))

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill creates a new regulatory framework for the Department of Agriculture and Consumer Services. To implement the requirements of the bill, the Department of Agriculture and Consumer Services indicates they will require \$17,199,671 from the General Revenue Fund, which includes funding for 102 FTE, 28 vehicles, equipment, office and laboratory space.<sup>3</sup> Any cost will be handled within the General Appropriations Act.

### **LOCAL GOVERNMENT:**

The bill does not impose direct cost on local governments. However, it may result in indirect fiscal impacts due to:

- Local law enforcement's role in issuing citations and seizing contraband products.
- Additional workload for enforcement of retail sales restrictions.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **Hemp**

In the Agricultural Improvement Act of 2014 (2014 Farm Bill), the U.S. Congress defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institutions of higher education or state department of agriculture is located, and such research occurs.<sup>4</sup>

The 2014 Farm Bill defined "industrial hemp" to mean:

[T]he plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.<sup>5</sup>

Section 1004.4473, F.S., authorized the Department of Agriculture and Consumer Services (DACS) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program.<sup>6</sup> The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.<sup>7</sup>

<sup>3</sup> Email from Thomas Poucher, Deputy Commissioner, Department of Agriculture and Consumer Services (April 3, 2025).

<sup>4</sup> Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s. 7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).

<sup>5</sup> *Id.*

<sup>6</sup> Section 1004.4473(2)(a), F.S.

<sup>7</sup> Fla. Admin. Code R. 5B-57.013 (2018).



In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.<sup>8</sup> The 2018 Farm Bill defined "**hemp**" to mean:

[T]he plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.<sup>9</sup>

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.<sup>10</sup>

The [state hemp program](#) was created within DACS to regulate the cultivation of hemp in Florida.<sup>11</sup>

Section [581.217\(3\)\(e\), F.S.](#), defines "hemp" to mean:

[T]he plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exemption of **hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.**

A license is required to cultivate hemp<sup>12</sup> and to obtain a license, a person must apply to DACS and submit a full set of fingerprints.<sup>13</sup> A person seeking to cultivate hemp must provide DACS with a legal land description and GPS coordinates of where the hemp will be cultivated.<sup>14</sup> DACS must deny an application under certain circumstances.<sup>15</sup>

DACS was required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture in accordance with the 2018 Farm Bill within 30 days of adopting rules.<sup>16</sup>

Section [581.217\(3\)\(f\), F.S.](#), defines "**hemp extract**" to mean:

[A] substance or compound intended for **ingestion**, containing more than trace amounts of cannabinoid, or for **inhalation** which is derived from or contains hemp, and which does not contain other controlled substances." The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug

<sup>8</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).

<sup>9</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).

<sup>10</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).

<sup>11</sup> See s. 581.217, F.S.

<sup>12</sup> S. 581.217(5)(a), F.S.

<sup>13</sup> S. 581.217(5)(b), F.S.

<sup>14</sup> S. [581.217\(5\)\(d\), F.S.](#)

<sup>15</sup> S. [581.217\(5\)\(e\), F.S.](#)

<sup>16</sup> S. [581.217\(4\), F.S.](#)

Administration.<sup>17</sup> Products that are intended for inhalation and contain hemp extract may not be sold to a person who is under 21 years of age.<sup>18</sup>

Section [500.03\(1\)\(n\), F.S.](#), provides that “**hemp extract**” is a food product.

### **Food Safety**

DACS is the agency responsible for the enforcement of the production, manufacture, transportation, and sale of food. DACS’s Division of Food Safety (Division) is directly responsible for assuring the public of a safe, wholesome, and properly represented food supply.<sup>19</sup>

The Division accomplishes this through the permitting and inspection of food establishments, the inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold or produced in Florida. The Division also proactively monitors food from manufacturing and distribution to retail.

DACS, as part of its responsibilities, may impose a variety of disciplinary actions against food establishments for specified violations.<sup>20</sup> This includes, but is not limited to, revoking or suspending the permit of a food establishment<sup>21</sup> or imposing Class III<sup>22</sup> administrative fines.<sup>23</sup> DACS, or its duly authorized agent, may also issue and enforce a stop-sale, stop-use, removal, or hold order if DACS or its agent finds that any food, food processing equipment, food processing area, or food storage area is in violation of the Florida Food Safety Act.<sup>24</sup>

### **Distribution and Retail Sale**

Hemp extract may be distributed and sold if the product has a certificate of analysis prepared by an independent testing laboratory that states:

- The hemp extract is the product of a batch tested by the independent testing laboratory;
- The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the batch;
- The batch does not contain contaminants unsafe for human consumption; and
- The batch was processed in a facility that meets certain human health or food safety requirements.<sup>25</sup>

Additionally, hemp extract may only be distributed or sold in a container that includes:

- A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date; and
- The number of milligrams of each marketed cannabinoid per serving.<sup>26</sup>

Such a container must:

- Be suitable to contain products for human consumption;
- Be composed of materials designed to minimize exposure to light;
- Mitigate exposure to high temperatures;

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<sup>17</sup> S. [581.219\(3\)\(f\), F.S.](#)

<sup>18</sup> S. [581.217\(7\)\(d\), F.S.](#) (emphasis supplied)

<sup>19</sup> Department of Agriculture and Consumer Services, *Division of Food Safety*, <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (last visited Mar. 29, 2025).

<sup>20</sup> S. [500.121\(1\), F.S.](#)

<sup>21</sup> *Id.*

<sup>22</sup> The fine for each Class III violation cannot exceed \$10,000. S. [570.971\(1\)\(c\), F.S.](#)

<sup>23</sup> S. [500.121\(1\), F.S.](#)

<sup>24</sup> S. [500.172\(1\), F.S.](#)

<sup>25</sup> S. [581.217\(7\)\(a\), F.S.](#)

<sup>26</sup> *Id.*



- Not be attractive to children; and
- Be compliant with the United States Poison Prevention Packaging Act of 1970.<sup>27</sup>

“Attractive to children” means manufactured in the shape of humans, cartoons or animals; manufactured in a form that bears any reasonable resemblance to an existing candy product that is familiar to the public as a widely distributed, branded food product such that a product could be mistaken for the branded product, especially by children, or containing color additives.<sup>28</sup>

### [Delivery Sales of Nicotine Products](#)

Each person who mails, ships, or otherwise delivers nicotine products or nicotine dispensing devices in connection with an order for a delivery sale to a consumer must:<sup>29</sup>

- Include, as part of the shipping documents, in a clear and conspicuous manner, the following statement: “Nicotine Products: Florida law prohibits shipping to individuals under 21 years of age.”
- Use a method of mailing, shipping, or delivery which obligates the delivery service to:
  - Require the signature of a person 21 years of age or older who resides at the delivery address and obtain proof of the legal minimum purchase age of the individual accepting delivery.
  - Require proof that the individual accepting delivery is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

Before the first delivery to a consumer, the person mailing, shipping, or delivering the nicotine products must:<sup>30</sup>

- Obtain a certification from the person accepting delivery that includes reliable confirmation that the person accepting the delivery is 21 years of age or older, and a written statement under penalty of perjury providing the person’s date of birth, address, and confirmation that the person wants to accept the delivery;
- Make a good faith effort to verify the information in the certification by checking the information against a commercially available database or obtaining a photocopy of the person’s ID;
- Provide the person accepting the delivery a notice stating nicotine products are illegal for underage persons and sales of such products are restricted to individuals who provide verifiable proof of legal age to purchase;
- Receive payment by a credit card or debit card in the name of the person accepting the delivery or a personal or company check of the person accepting the delivery, if the order is made in accordance with an advertisement on the Internet;
- Submit to the credit card company necessary information so that the words “nicotine product” appear on the person’s credit card statement when a purchase is made using a credit card; and
- Make a phone call to the person accepting the delivery to confirm the order before shipping the order.

A person who accepts an order for a delivery sale of nicotine products or nicotine dispensing devices and delivers such products without using a delivery service must comply with all of the delivery service requirements listed above.<sup>31</sup>

Any person, who is 21 years or older, who knowingly violates the delivery sale’ requirements is guilty of a misdemeanor of the second degree.<sup>32</sup>

### [Florida Contraband Forfeiture Act](#)

<sup>27</sup> S. [581.217\(7\)\(a\), F.S.](#)

<sup>28</sup> S. [581.217\(3\)\(a\), F.S.](#)

<sup>29</sup> S. [569.45, F.S.](#)

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

The Florida Contraband Forfeiture Act<sup>33</sup> prescribes procedures for law enforcement agencies to follow when seizing, forfeiting, and disposing of property under the act. Property may only be seized if the owner of the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article, or if one of the following circumstances apply:<sup>34</sup>

- The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified by means that are available to the employee or agent of the seizing agency at the time of the seizure;
- The owner of the property is a fugitive from justice or is deceased;
- An individual who does not own the property is arrested for a criminal offense that forms the basis for determining that the property is a contraband article and the owner of the property had actual knowledge of the criminal activity;
- The owner of the property agrees to be a confidential informant; or
- The property is a monetary instrument.

### **Florida Clean Indoor Air ACT (FCIAA)**

The FCIAA prohibits any person under the age of 21 from smoking tobacco or vaping within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. A violation of this prohibition is punishable by a maximum noncriminal civil penalty not to exceed \$25, 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco “alternative to suspension.”<sup>35</sup>

### **Division of Alcoholic Beverages**

The Division of Alcoholic Beverages and Tobacco (Division) within the Department of Business and Professional Regulation (DBPR) is the state agency responsible for the regulation and enforcement of alcoholic beverages, tobacco products, and nicotine products.

### **Tobacco and Nicotine Product Retailers**

In order to sell tobacco products or nicotine products at retail in Florida, a person must obtain a retail tobacco products dealer permit or retail nicotine products dealer permit from the Division. A person must obtain a permit for each place of business or premises where tobacco or nicotine products are sold.<sup>36</sup>

The Division may discipline a tobacco retailer or nicotine product retailer’s permit for violating any of the provisions relating to the retail sale of such products. Such discipline includes administrative fines up to \$1,000 and suspension or revocation of a permit.<sup>37</sup>

However, the Division may not discipline a tobacco retailer or nicotine product retailer’s permit for other violations of the law, including violating the state hemp program.

### **Quota Licensees**

Under current law, there is not a limit on the number of licenses the Division may issue to businesses selling malt beverages or wine. However, the law limits the number of licenses for selling distilled spirits to one license per 7,500 residents within the county with a minimum of three licenses per county for counties that have approved the sale of intoxicating liquors. These licenses are known as quota licenses and are the only type of alcoholic beverage license that is limited in number.<sup>38</sup>

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<sup>33</sup> Ss. [932.701-932.7062, F.S.](#)

<sup>34</sup> S. [932.703\(1\), F.S.](#)

<sup>35</sup> S. [386.212, F.S.](#)

<sup>36</sup> Ss. [569.003](#) and [569.32, F.S.](#)

<sup>37</sup> Ss. [569.006](#) and [569.35, F.S.](#)

<sup>38</sup> S. [561.20, F.S.](#)

Current law limits the types of items quota licensees may sell. Currently, quota licensees may only sell alcoholic beverages, bitters, grenadine, nonalcoholic mixer-type beverages, fruit juices, party supplies, party-type foods, miniatures of no alcoholic content, nicotine products, and tobacco products. If the quota licensee allows for the consumption of alcohol on the licensee’s establishment then they may also sell items customarily sold in a restaurant.<sup>39</sup>

Current law does not prohibit quota licensees from selling products containing hemp; however, it also does not specifically allow it.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	<a href="#">HB 1215</a>	Skidmore	Harrell	Revised requirements for packaging and labeling of edibles. Died in both Chambers before making it to any committee.
2024	<a href="#">CS/CS/HB 1613</a>	Gregory	Burton	Provided conditions for the possession, manufacture, and delivery of hemp extract; prohibited businesses from possessing hemp extract products that are attractive to children; prohibited DACS from granting permission to remove or use certain hemp extract products until it determines such products comply with state law; prohibited event organizers from promoting, advertising, or facilitating certain events where hemp extract products are sold or marketed. The House bill was laid on the table, and the Senate bill was vetoed by the Governor.
2023	<a href="#">CS/CS/HB 1475</a>	Robinson, W., Cassel	Burton	Provided that hemp extract is considered a food subject to certain requirements, among other things. The House bill was laid on the table, and the Senate bill was approved by the Governor.

BILL HISTORY				
COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Orig. Comm.: Housing, Agriculture &amp; Tourism Subcommittee</a>	15 Y, 0 N	4/1/2025	Hamon	Curtin
<a href="#">Budget Committee</a>	28 Y, 0 N	4/16/2025	Pridgeon	Byrd
<a href="#">Commerce Committee</a>				

<sup>39</sup> S. 565.045, F.S.