

1 A bill to be entitled
2 An act relating to hemp consumable THC products;
3 amending s. 500.03, F.S.; revising the definition of
4 the term "food"; amending s. 581.217, F.S.; revising
5 and providing definitions; providing for the
6 distribution and retail sale of hemp consumable THC
7 products; authorizing the Department of Agriculture
8 and Consumer Services to adopt rules; providing
9 penalties; providing for the certification of
10 independent laboratories by the department; requiring
11 the Department of Health to assist the Department of
12 Agriculture and Consumer Services in developing
13 specified rules; authorizing the department to take
14 certain actions against licensees and permittees;
15 creating s. 581.218, F.S.; providing definitions;
16 providing for mail order, Internet, and remote sales
17 of hemp consumable THC products; providing penalties;
18 creating s. 581.219, F.S.; providing for the seizure
19 and destruction of contraband hemp consumable THC
20 products; creating s. 581.220, F.S.; prohibiting the
21 ingestion of hemp consumable THC products near school
22 properties; providing exceptions; providing penalties;
23 amending ss. 565.04 and 565.045, F.S.; authorizing
24 specified businesses to sell hemp consumable THC
25 products; amending ss. 569.006 and 569.35, F.S.;

26 conforming provisions to changes made by the act;
 27 providing effective dates.

28

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

30

31 **Section 1. Effective January 1, 2026, paragraph (n) of**
 32 **subsection (1) of section 500.03, Florida Statutes, is amended**
 33 **to read:**

34 500.03 Definitions; construction; applicability.—

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

36 (n) "Food" includes:

- 37 1. Articles used for food or drink for human consumption;
- 38 2. Chewing gum;
- 39 3. Articles used for components of any such article;
- 40 4. Articles for which health claims are made, which claims
- 41 are approved by the Secretary of the United States Department of
- 42 Health and Human Services and which claims are made in
- 43 accordance with s. 343(r) of the federal act, and which are not
- 44 considered drugs solely because their labels or labeling contain
- 45 health claims;
- 46 5. Dietary supplements as defined in 21 U.S.C. s.
- 47 321(ff)(1) and (2); and
- 48 6. Hemp consumable THC products ~~extract~~ as defined in s.
- 49 581.217(3) ~~s. 581.217~~.

50

51 The term includes any raw, cooked, or processed edible
52 substance; ice; any beverage; or any ingredient used, intended
53 for use, or sold for human consumption.

54 **Section 2. Effective January 1, 2026, subsections (10)**
55 **through (13) of section 581.217, Florida Statutes, are**
56 **renumbered as subsections (11) through (14), respectively,**
57 **subsections (3) and (7) and present subsections (10), (12), and**
58 **(13) are amended, and a new subsection (10) is added to that**
59 **section, to read:**

60 581.217 State hemp program.—

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

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

73 (b) "Certifying agency" has the same meaning as in s.
74 578.011(8).

75 (c) "Cigarette" means any roll for smoking.

76 (d)~~(e)~~ "Contaminants unsafe for human consumption"
 77 includes, but is not limited to, any microbe, fungus, yeast,
 78 mildew, herbicide, pesticide, fungicide, residual solvent,
 79 metal, or other contaminant found in any amount that exceeds any
 80 of the accepted limitations as determined by rules adopted by
 81 the Department of Health in accordance with s. 381.986, or other
 82 limitation pursuant to the laws of this state, whichever amount
 83 is less.

84 (e)~~(d)~~ "Cultivate" means planting, watering, growing, or
 85 harvesting hemp.

86 (f)~~(e)~~ "Hemp" means the plant Cannabis sativa L. and any
 87 part of that plant, including the seeds thereof, and all
 88 derivatives, extracts, cannabinoids, isomers, acids, salts, and
 89 salts of isomers thereof, whether growing or not, that has a
 90 total delta-9-tetrahydrocannabinol concentration that does not
 91 exceed 0.3 percent on a dry-weight basis, with the exception of
 92 hemp consumable THC products ~~extract~~, which may not exceed 0.3
 93 percent total delta-9-tetrahydrocannabinol on a wet-weight
 94 basis.

95 (g) "Hemp consumable THC product" means a substance or
 96 compound intended for ingestion, containing more than trace
 97 amounts of tetrahydrocannabinol derived from hemp or any other
 98 source, or for inhalation which is derived from or contains
 99 tetrahydrocannabinol derived from hemp or any other source, and
 100 which does not contain controlled substances. The term does not

101 include synthetic cannabidiol or seeds or seed-derived
102 ingredients that are generally recognized as safe by the United
103 States Food and Drug Administration or marijuana used for
104 medical purposes under s. 381.986.

105 ~~(f) "Hemp extract" means a substance or compound intended~~
106 ~~for ingestion, containing more than trace amounts of a~~
107 ~~cannabinoid, or for inhalation which is derived from or contains~~
108 ~~hemp and which does not contain controlled substances. The term~~
109 ~~does not include synthetic cannabidiol or seeds or seed-derived~~
110 ~~ingredients that are generally recognized as safe by the United~~
111 ~~States Food and Drug Administration.~~

112 (h)(g) "Independent testing laboratory" means a laboratory
113 that:

114 1. Does not have a direct or indirect interest in the
115 entity whose product is being tested;

116 2. Does not have a direct or indirect interest in a
117 facility that cultivates, processes, distributes, dispenses, or
118 sells hemp or hemp consumable THC products ~~extract~~ in the state
119 or in another jurisdiction or cultivates, processes,
120 distributes, dispenses, or sells marijuana, as defined in s.
121 381.986; and

122 3. Is certified by the Department of Health as a medical
123 marijuana testing laboratory pursuant to s. 381.988 or is
124 certified by the department pursuant to subsection (10) as being
125 substantially equivalent to a medical marijuana testing

126 ~~laboratory accredited by a third party accrediting body as a~~
127 ~~competent testing laboratory pursuant to ISO/IEC 17025 of the~~
128 ~~International Organization for Standardization.~~

129 (i) "Manufacturer" means any person or entity that engages
130 in the process of manufacturing, preparing, or packaging hemp
131 consumable THC products.

132 (j) "Retailer" means any person or entity that sells hemp
133 consumable THC products to consumers.

134 (k) "Vapor-generating electronic device" means any device
135 or product that employs an electronic, chemical, or mechanical
136 means of producing vapor or aerosol from a hemp consumable THC
137 product or any other substance, including, but not limited to,
138 an electronic cigarette, electronic cigar, electronic cigarillo,
139 electronic pipe, or other similar device or product; any
140 replacement cartridge for such device or product; and any other
141 container of a solution or other substance intended to be used
142 with or within such device or product.

143 (l) "Wholesaler" means any person or entity located within
144 or outside this state which delivers or sells hemp consumable
145 THC products to retailers or other persons for purposes of
146 resale.

147 (7) DISTRIBUTION AND RETAIL SALE OF HEMP CONSUMABLE THC
148 PRODUCTS ~~EXTRACT.~~—

149 (a) Hemp consumable THC products ~~extract~~ may only be
150 distributed and sold in the state if the product:

- 151 1. Has a certificate of analysis prepared by an
152 independent testing laboratory that states:
- 153 a. The hemp consumable THC product ~~extract~~ is the product
154 of a batch tested by the independent testing laboratory;
- 155 b. The batch contained a total delta-9-
156 tetrahydrocannabinol concentration that did not exceed 0.3
157 percent pursuant to the testing of a random sample of the batch;
- 158 c. The batch does not contain contaminants unsafe for
159 human consumption; and
- 160 d. The batch was processed in a facility that holds a
161 current and valid permit issued by a human health or food safety
162 regulatory entity with authority over the facility, and that
163 facility meets the human health or food safety sanitization
164 requirements of the regulatory entity. Such compliance must be
165 documented by a report from the regulatory entity confirming
166 that the facility meets such requirements.
- 167 2. Was tested by an independent testing laboratory and the
168 laboratory's certificate of analysis states:
- 169 a. The hemp consumable THC product was tested for:
- 170 (I) Cannabinoids.
- 171 (II) Heavy metals.
- 172 (III) Mycotoxins.
- 173 (IV) Pesticides.
- 174 (V) Residual solvents.
- 175 (VI) Any other controlled substance.

176 (VII) Any other substance the department deems necessary.

177 b. The hemp consumable THC product contained a total
178 delta-9-tetrahydrocannabinol concentration that did not exceed
179 0.3 percent pursuant to the testing of a sample of the hemp
180 consumable THC product.

181 c. The hemp consumable THC product contained
182 tetrahydrocannabinol that did not exceed the limitations in this
183 subsection.

184 d. The product does not contain contaminants unsafe for
185 human consumption.

186 e. Manufacturers, wholesalers, and retailers are required
187 to have their hemp consumable THC products tested by an
188 independent testing laboratory. A wholesaler or retailer is not
189 required to test its hemp consumable THC products if the
190 product:

191 (I) Is packaged in a manner that may be sold to the
192 ultimate consumer when the wholesaler or retailer receives the
193 product from the manufacturer or wholesaler;

194 (II) Was tested in accordance with this paragraph by the
195 manufacturer or wholesaler; and

196 (III) Has not been opened by the wholesaler or retailer.

197 3.2- Is distributed or sold in a container and package
198 that includes:

199 a. A scannable barcode or quick response code linked to
200 the certificate of analysis of the hemp consumable THC product

- 201 ~~extract batch~~ by an independent testing laboratory;
- 202 b. The hemp consumable THC product ~~batch~~ number;
- 203 c. The Internet address of a website where batch
- 204 information may be obtained;
- 205 d. The expiration date of the hemp consumable THC product;
- 206 and
- 207 e. The number of milligrams of each marketed cannabinoid
- 208 per serving.
- 209 4.3. Is distributed or sold in a container and package
- 210 that:
- 211 a. Is suitable to contain products for human consumption;
- 212 b. Is composed of materials designed to minimize exposure
- 213 to light;
- 214 c. Mitigates exposure to high temperatures;
- 215 d. Is a single color and not transparent. However, the
- 216 universal symbol, scannable barcode, quick response code, and
- 217 any text must be a different color than the container and
- 218 package;
- 219 e. Does not contain any pictures or images other than a
- 220 single logo, which may not be attractive to children and may not
- 221 cover more than 20 percent of the container or package;
- 222 f. Does not contain any text, pictures, or images that
- 223 directly or indirectly state the product causes or may cause an
- 224 intoxicating or psychoactive effect;
- 225 g. Contains a clear and conspicuous warning on the front

226 of the package and container which is developed by the
227 department and states the product contains tetrahydrocannabinol;
228 h. Contains a hemp consumable THC product universal symbol
229 developed by the department;
230 i. Contains the number of milligrams of
231 tetrahydrocannabinol in the container and package and the amount
232 in each individual serving in a clear and conspicuous manner;
233 j.d. Is not attractive to children; and
234 k.e. Is compliant with the United States Poison Prevention
235 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
236 regard to provided exemptions. For purposes of this sub-
237 subparagraph, a beverage in a sealed container is considered
238 compliant with the United States Poison Prevention Packaging Act
239 of 1970, 15 U.S.C. ss. 1471 et seq.
240 (b) Hemp consumable THC products may only be sold at
241 retail subject to the following limitations:
242 1. Beverages may not:
243 a. Contain more than 5 milligrams of tetrahydrocannabinol
244 per 6 ounces.
245 b. Be in a container that holds more than 12 ounces.
246 c. Be in a package with more than 10 containers per
247 package.
248 2. Cigarettes and vapor-generating electronic devices may
249 not:
250 a. Contain more than 1 gram.

- 251 b. Contain more than 2.5 milligrams of
252 tetrahydrocannabinol per gram.
- 253 c. Be in a container that holds more than 20 cigarettes or
254 vapor-generating electronic devices.
- 255 d. Be in a package that contains more than one container.
- 256 3. Edibles may not:
- 257 a. Contain more than 2.5 milligrams of
258 tetrahydrocannabinol per gram.
- 259 b. Contain more than 2 grams and must be individually
260 wrapped.
- 261 c. Be in a container with more than 20 edibles.
- 262 d. Be in a package that contains more than one container.
- 263 4. Tinctures may not:
- 264 a. Contain more than 100 milligrams of
265 tetrahydrocannabinol per 35 grams.
- 266 b. Be in a container that holds more than 35 grams.
- 267 c. Be in a package that holds more than one container.
- 268
- 269 This paragraph is repealed December 31, 2028.
- 270 (c) Effective January 1, 2029, hemp consumable THC
271 products may only be sold at retail subject to the following
272 limitations:
- 273 1. Beverages may not:
- 274 a. Contain more than 2.5 milligrams of
275 tetrahydrocannabinol per 6 ounces.

276 b. Be in a container that holds more than 12 ounces.
 277 c. Be in a package with more than 10 containers per
 278 package.
 279 2. Cigarettes and vapor-generating electronic devices may
 280 not:
 281 a. Contain more than 1 gram.
 282 b. Contain more than 1.25 milligrams of
 283 tetrahydrocannabinol per gram.
 284 c. Be in a container that holds more than 20 cigarettes or
 285 vapor-generating electronic devices.
 286 d. Be in a package that contains more than one container.
 287 3. Edibles may not:
 288 a. Contain more than 1.25 milligrams of
 289 tetrahydrocannabinol per gram.
 290 b. Contain more than 2 grams and must be individually
 291 wrapped.
 292 c. Be in a container with more than 20 edibles.
 293 d. Be in a package that contains more than one container.
 294 4. Tinctures may not:
 295 a. Contain more than 50 milligrams of tetrahydrocannabinol
 296 per 35 grams.
 297 b. Be in a container that holds more than 35 grams.
 298 c. Be in a package that holds more than one container.
 299 (d) Paragraph (c) does not limit the amount of cannabidiol
 300 allowed in hemp consumable THC products.

301 (e) The retail sale and delivery of hemp consumable THC
302 products is prohibited, except:

303 1. At establishments that have a food permit from the
304 department and prohibit the presence of persons under 21 years
305 of age on the establishment's premises;

306 2. At establishments that have a food permit from the
307 department and have a quota license issued under s.
308 565.02(1)(a)-(f). Establishments with a quota license issued
309 under s. 565.02(1)(a)-(f) which allow the presence of persons
310 under 21 years of age on the establishment's premises must place
311 hemp consumable THC products, not including beverages, in an
312 area inaccessible to customers. Such establishments may place
313 hemp consumable THC products, not including beverages, in an
314 open display unit as long as the unit is located in an area that
315 is inaccessible to customers; or

316 3. In accordance with the mail order, Internet, and remote
317 sales of hemp consumable THC products requirements in s.
318 581.218.

319 (f) Hemp consumable THC products may not be sold, given,
320 bartered, furnished, or delivered to consumers at wholesale or
321 at festivals, fairs, trade shows, farmers markets, expositions,
322 or pop-up retail establishments.

323 (g) ~~(b)~~ Hemp consumable THC products ~~extract~~ may only be
324 sold to a business in this state if that business is properly
325 permitted as required by this section.

326 (h)~~(e)~~ Hemp consumable THC products ~~extract~~ distributed or
327 sold in this state are ~~is~~ subject to the applicable requirements
328 of chapter 500, chapter 502, or chapter 580.

329 (i) A person or entity may not sell, deliver, barter,
330 give, or furnish hemp consumable THC products that total more
331 than 100 milligrams of tetrahydrocannabinol to a person in a 24-
332 hour period unless the person receiving the hemp consumable THC
333 products is receiving the products on behalf of a cultivator,
334 manufacturer, wholesaler, or retailer for resale.

335 (j)~~(d)~~ Hemp consumable THC products that are intended for
336 human ingestion or inhalation ~~and that contain hemp extract,~~
337 including, but not limited to, snuff, chewing gum, and other
338 smokeless products, may not be sold, delivered, bartered, given,
339 or furnished ~~in this state~~ to a person who is under 21 years of
340 age.

341 (k) For a first violation of this subsection, a person ~~who~~
342 ~~violates this paragraph~~ commits a misdemeanor of the second
343 degree, punishable as provided in s. 775.082 or s. 775.083. A
344 person who commits a second ~~or subsequent~~ violation of this
345 subsection ~~paragraph~~ within 12 months ~~1 year~~ after the first
346 ~~initial~~ violation commits a misdemeanor of the first degree,
347 punishable as provided in s. 775.082 or s. 775.083. A person who
348 commits a third or subsequent violation within 12 months after
349 the second violation commits a felony of the third degree,
350 punishable as provided in s. 775.082 or s. 775.083.

351 (1)(e) In addition to paragraph (k), hemp consumable THC
352 products ~~extract~~ distributed or sold in violation of this
353 subsection are ~~is~~ subject to s. 500.172 and penalties as
354 provided in s. 500.121. Hemp consumable THC ~~extract~~ products
355 found to be mislabeled or in violation of subsection (7)
356 ~~attractive to children~~ are subject to an immediate stop-sale
357 order.

358 (10) CERTIFICATION OF INDEPENDENT LABORATORIES BY THE
359 DEPARTMENT.—

360 (a) The department must certify any laboratory located in
361 this state or another state which meets the qualifications of an
362 independent testing laboratory. However, a medical marijuana
363 testing laboratory certified pursuant to s. 381.988 is not
364 required to receive certification by the department.

365 (b) The department must adopt rules establishing the
366 standards for certification and must adopt rules for the testing
367 and reporting of hemp consumable THC products under this
368 section. The Department of Health must assist the department in
369 developing the rules for the certification of independent
370 testing laboratories, which must include, but are not limited
371 to:

- 372 1. Security standards.
- 373 2. Minimum standards for personnel.
- 374 3. Sample collection method and process standards.
- 375 4. Proficiency testing for tetrahydrocannabinol potency,

376 concentration of cannabidiol, and contaminants unsafe for human
377 consumption, as determined by department rule.

378 5. Reporting content, format, and frequency.

379 6. Audits and onsite inspections.

380 7. Quality assurance.

381 8. Equipment and methodology.

382 9. Chain of custody.

383 10. Any other standard the department deems necessary.

384 (c) The department shall adopt rules establishing a
385 procedure for initial certification and biennial renewal. The
386 department shall renew the certification biennially if the
387 laboratory meets the requirements of this section or any rules
388 adopted under this subsection.

389 (d) The department shall publish on its website a list of
390 all laboratories that have received certification.

391 (e) The department may refuse to issue or renew, or may
392 suspend or revoke, the certification of a laboratory that is
393 found to be in violation of this section or any rules adopted
394 under this subsection.

395 (f) Any laboratory that receives certification under this
396 subsection from the department agrees to random unannounced
397 audits and onsite inspections by the department or agents
398 thereof.

399 (11)-(10) VIOLATIONS.-

400 (a) A licensee must complete a corrective action plan if

401 the department determines that the licensee has negligently
402 violated this section or department rules, including
403 negligently:

404 1. Failing to provide the legal land description and
405 global positioning coordinates pursuant to subsection (5);

406 2. Failing to obtain a proper license or other required
407 authorization from the department; or

408 3. Producing Cannabis sativa L. that has a total delta-9-
409 tetrahydrocannabinol concentration that exceeds 0.3 percent on a
410 dry-weight basis.

411 (b) The corrective action plan must include:

412 1. A reasonable date by which the licensee must correct
413 the negligent violation; and

414 2. A requirement that the licensee periodically report to
415 the department on compliance with this section and department
416 rules for a period of at least 2 calendar years after the date
417 of the violation.

418 (c) A licensee who negligently violates the corrective
419 action plan under this subsection three times within 5 years is
420 ineligible to cultivate hemp for 5 years following the date of
421 the third violation.

422 (d) If the department determines that a licensee has
423 violated this section or department rules with a culpable mental
424 state greater than negligence, the department shall immediately
425 report the licensee to the Attorney General and the United

426 States Attorney General.

427 (e) In addition to any other penalties provided by law,
428 the department may take any of the following actions against any
429 person licensed or permitted by the department for a violation
430 of this section:

431 1. Place on probation or reprimand the licensee or
432 permittee.

433 2. Revoke, suspend, or deny the issuance or renewal of the
434 license or permit.

435 3. Impose an administrative fine not to exceed \$5,000 per
436 violation or assess costs associated with investigation and
437 prosecution.

438 (13)-(12) RULES.—The department shall adopt rules to
439 administer the state hemp program. The rules must provide for:

440 (a) A procedure that uses post-decarboxylation or other
441 similarly reliable methods for testing the delta-9-
442 tetrahydrocannabinol concentration of cultivated hemp.

443 (b) A procedure for the effective disposal of plants,
444 whether growing or not, that are cultivated in violation of this
445 section or department rules, and products derived from those
446 plants.

447 (c) Packaging and labeling requirements that ensure that
448 hemp consumable THC products are not in violation of subsection
449 (7) extract intended for human ingestion or inhalation is not
450 attractive to children.

451 (d) Advertising regulations that ensure that hemp
 452 consumable THC products ~~extract~~ intended for human ingestion or
 453 inhalation are ~~is~~ not marketed or advertised in a manner that
 454 specifically targets or is attractive to children.

455 ~~(14)-(13)~~ APPLICABILITY.—Notwithstanding any other law:

456 (a) This section does not authorize a licensee to violate
 457 any federal or state law or regulation.

458 (b) This section does not apply to a pilot project
 459 developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

460 (c) A licensee who negligently violates this section or
 461 department rules is not subject to any criminal or civil
 462 enforcement action by the state or a local government other than
 463 the enforcement of violations of this section as authorized
 464 under subsection (11) ~~(10)~~.

465 **Section 3. Effective January 1, 2026, section 581.218,**
 466 **Florida Statutes, is created to read:**

467 581.218 Mail order, Internet, and remote sales of hemp
 468 consumable THC products.—

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

470 (a) "Consumer" means a person in this state who comes into
 471 possession of any hemp consumable THC products and who, at the
 472 time of possession, does not intend to sell or distribute the
 473 hemp consumable THC products or is not a retailer.

474 (b) "Delivery sale" means any sale of a hemp consumable
 475 THC product to a consumer in the state for which:

476 1. The consumer submits the order for the sale by
477 telephonic or other voice transmission, mail, delivery service,
478 or the Internet or other online service; or

479 2. The hemp consumable THC products are delivered by use
480 of mail or a delivery service.

481 (c) "Delivery service" means any person engaged in the
482 commercial delivery of letters, packages, or other containers.

483 (d) "Hemp consumable THC product" has the same meaning as
484 in s. 581.217(3).

485 (e) "Legal minimum purchase age" means the minimum age at
486 which an individual may legally purchase hemp consumable THC
487 products in this state.

488 (f) "Retailer" has the same meaning as in s. 581.217(3).

489 (g) "Shipping container" means a container in which hemp
490 consumable THC products are shipped in connection with a
491 delivery sale.

492 (h) "Shipping document" means a bill of lading, airbill,
493 United States Postal Service form, or any other document used to
494 verify the undertaking by a delivery service to deliver letters,
495 packages, or other containers.

496 (i) "Wholesaler" has the same meaning as in s. 581.217(3).

497 (2) (a) The sale of hemp consumable THC products
498 constituting a delivery sale under paragraph (1) (b) is a
499 delivery sale regardless of whether the person accepting the
500 order for the delivery sale is located within or outside this

501 state.

502 (b) A retailer must obtain a food permit from the
503 department under chapter 500 before accepting an order for a
504 delivery sale of hemp consumable THC products.

505 (c) A person may not make a delivery sale of hemp
506 consumable THC products to any individual who is not 21 years of
507 age or older.

508 (d) Each person accepting an order for a delivery sale of
509 hemp consumable THC products must comply with all of the
510 following:

511 1. The age verification requirements of subsection (3).

512 2. The disclosure requirements of subsection (4).

513 3. The shipping requirements of subsection (5).

514 (3) A person may not mail, ship, or otherwise deliver hemp
515 consumable THC products in connection with an order for a
516 delivery sale unless, before the first delivery to the consumer,
517 the person accepting the order for the delivery sale does all of
518 the following:

519 (a) Obtains from the person submitting the order a
520 certification that includes:

521 1. Reliable confirmation that the person is 21 years of
522 age or older; and

523 2. A statement signed by the person in writing and under
524 penalty of perjury which:

525 a. Certifies the address and date of birth of the person;

526 and

527 b. Confirms that the person wants to receive delivery
528 sales from a hemp consumable THC product retailer and
529 understands that, under the laws of the state, the following
530 actions are illegal:

531 (I) Signing another person's name to the certification.

532 (II) Selling hemp consumable THC products to individuals
533 who are not 21 years of age or older.

534 (III) Purchasing hemp consumable THC products if the
535 person making the purchase is not 21 years of age or older.

536 (b) Makes a good faith effort to verify the information
537 contained in the certification provided by the individual
538 pursuant to paragraph (a) against a commercially available
539 database that may be reasonably relied upon for accurate age
540 information or obtains a photocopy or other image of a valid
541 government-issued identification card stating the date of birth
542 or age of the individual.

543 (c) Provides to the individual, by electronic mail or
544 other means, a notice meeting the requirements of subsection
545 (4).

546 (d) If an order for hemp consumable THC products is made
547 pursuant to an advertisement on the Internet, receives payment
548 for the delivery sale from the consumer by a credit or debit
549 card issued in the name of the consumer, or by personal or
550 company check of the consumer.

551 (e) Submits, to each credit card acquiring company with
552 which the person has credit card sales, identification
553 information in an appropriate form and format so that the words
554 "Hemp consumable THC product" may be printed in the purchaser's
555 credit card statement when a purchase of hemp consumable THC
556 products is made by credit card payment.

557 (f) Makes a telephone call after 5 p.m. to the purchaser
558 confirming the order before shipping the hemp consumable THC
559 products. The telephone call may be a person-to-person call or a
560 recorded message. The person accepting the order for delivery
561 sale is not required to speak directly with a person and may
562 leave a message on an answering machine or through voicemail.

563
564 In addition to the requirements of this subsection, a person
565 accepting an order for a delivery sale of hemp consumable THC
566 products may request that a consumer provide an e-mail address.

567 (4) The notice under paragraph (3)(c) must include
568 prominent and clearly legible statements that sales of hemp
569 consumable THC products are:

570 (a) Illegal if made to individuals who are not 21 years of
571 age or older.

572 (b) Restricted to those individuals who provide verifiable
573 proof of age pursuant to subsection (3).

574 (5) Each person who mails, ships, or otherwise delivers
575 hemp consumable THC products in connection with an order for a

576 delivery sale must:

577 (a) Ship hemp consumable THC products that comply with the
578 limitations on the retail sale of such products in s. 581.217.

579 (b) Ship hemp consumable THC products in a container that
580 complies with the container requirements of s. 518.217.

581 (c) Include as part of the shipping documents, in a clear
582 and conspicuous manner, the following statement: "Hemp
583 consumable THC product: Florida law prohibits shipping to
584 individuals under 21 years of age."

585 (d) Use a method of mailing, shipping, or delivery that
586 obligates the delivery service to require:

587 1. The individual submitting the order for the delivery
588 sale or another person 21 years of age or older who resides at
589 the individual's address to sign his or her name to accept
590 delivery of the shipping container.

591 2. Proof that the individual is the addressee, or an
592 individual who is 21 years of age or older designated by the
593 addressee, in the form of a valid, government-issued
594 identification card bearing a photograph of the individual who
595 signs to accept delivery of the shipping container.

596
597 If the person accepting a purchase order for a delivery sale
598 delivers the hemp consumable THC products without using a
599 delivery service, the person must comply with all of the
600 requirements of this section which apply to a delivery service.

601 Any failure to comply with a requirement of this section
602 constitutes a violation thereof.

603 (6) This section does not apply to delivery sales of hemp
604 consumable THC products to a retailer or wholesaler.

605 (7) An individual who is 21 years of age or older who
606 knowingly violates any provision of this section commits a
607 misdemeanor of the second degree, punishable as provided in s.
608 775.082 or s. 775.083.

609 (8) The Attorney General, the Attorney General's designee,
610 or a state attorney may bring an action in the appropriate court
611 in the state to prevent or restrain violations of this section
612 by any person.

613 **Section 4. Effective January 1, 2026, section 581.219,**
614 **Florida Statutes, is created to read:**

615 581.219 Seizure and destruction of contraband hemp
616 consumable THC products.—All hemp consumable THC products, as
617 defined in s. 581.217(3), sold, offered for sale, delivered, or
618 distributed contrary to any provision of ss. 581.217 and 581.218
619 are declared to be contraband, are subject to seizure and
620 confiscation under the Florida Contraband Forfeiture Act by any
621 person whose duty it is to enforce those sections, and must be
622 disposed of as follows:

623 (1) A court having jurisdiction shall order the hemp
624 consumable THC products forfeited upon a showing that, by a
625 preponderance of the evidence, the products were sold, offered

626 for sale, delivered, or distributed contrary to any provision of
627 ss. 581.217 and 581.218. Upon completion of any chapter 120
628 proceedings related to the seized hemp consumable THC products,
629 the court shall order the products destroyed except as provided
630 by applicable court orders. The officer who destroys the
631 products shall keep a record of the location where the products
632 were seized, the kinds and quantities of the products destroyed,
633 and the time, place, and manner of the destruction of the
634 products and shall make a return under oath reporting such
635 destruction.

636 (2) The department or seizing law enforcement agency shall
637 keep a full and complete record of all products seized under
638 this section showing:

639 (a) The exact kinds, quantities, and forms of the
640 products.

641 (b) The persons from whom the products were seized and to
642 whom they were delivered.

643 (c) By whose authority the products were seized,
644 delivered, and destroyed.

645 (d) The dates of the seizure, disposal, and destruction of
646 the products.

647
648 Records under this subsection must be open to inspection by all
649 persons charged with the enforcement of ss. 581.217 and 581.218.

650 (3) The cost of seizure, confiscation, and destruction of

651 contraband hemp consumable THC products is borne by the person
652 from whom the products are seized.

653 (4) Except as otherwise provided in this section, the
654 procedures of the Florida Contraband Forfeiture Act apply to
655 this section.

656 **Section 5. Effective January 1, 2026, section 581.220,**
657 **Florida Statutes, is created to read:**

658 581.220 Ingesting hemp consumable THC products prohibited
659 near school property.-

660 (1) A person may not ingest hemp consumable THC products,
661 as defined in s. 581.217(3), in, on, or within 1,000 feet of the
662 real property comprising a public or private elementary, middle,
663 or secondary school between the hours of 6 a.m. and midnight.
664 This section does not apply to a person who is in a moving
665 vehicle or within a private residence.

666 (2) A law enforcement officer may issue a citation in such
667 form as prescribed by a county or municipality to any person who
668 violates this section. The citation must contain all of the
669 following:

- 670 (a) The date and time of issuance.
671 (b) The name and address of the person cited.
672 (c) The date and time the civil infraction was committed.
673 (d) The statute violated.
674 (e) The facts constituting the violation.
675 (f) The name and authority of the law enforcement officer.

676 (g) The procedure for the person to follow to pay the
677 civil penalty, to contest the citation, or to appear in court.

678 (h) The applicable civil penalty if the person elects not
679 to contest the citation.

680 (3) Any person issued a citation pursuant to this section
681 is charged with a civil infraction, punishable by a civil
682 penalty of up to \$25, 50 hours of community service, or, where
683 available, successful completion of a school-approved, anti-
684 drug, alternative-to-suspension program.

685 (4) Any person who fails to comply with the directions on
686 the citation waives his or her right to contest the citation,
687 and an order to show cause may be issued by the court.

688 **Section 6. Effective January 1, 2026, subsection (1) of**
689 **section 565.04, Florida Statutes, is amended to read:**

690 565.04 Package store restrictions.—

691 (1) Vendors licensed under s. 565.02(1)(a) shall not in
692 said place of business sell, offer, or expose for sale any
693 merchandise other than such beverages, and such places of
694 business shall be devoted exclusively to such sales; provided,
695 however, that such vendors shall be permitted to sell bitters;
696 grenadine; nonalcoholic mixer-type beverages, not to include
697 fruit juices produced outside this state; fruit juices produced
698 in this state; home bar and party supplies and equipment,
699 including but not limited to glassware and party-type foods;
700 miniatures of no alcoholic content; nicotine products; and

701 tobacco products. Such places of business shall have no openings
 702 permitting direct access to any other building or room, except
 703 to a private office or storage room of the place of business
 704 from which patrons are excluded. Vendors licensed under s.
 705 565.02(1)(a) may sell hemp consumable THC products in accordance
 706 with ss. 581.217 and 581.218.

707 **Section 7. Effective January 1, 2026, paragraph (a) of**
 708 **subsection (2) of section 565.045, Florida Statutes, is amended**
 709 **to read:**

710 565.045 Regulations for consumption on premises; penalty;
 711 exemptions.—

712 (2) (a) There shall not be sold at such places of business
 713 anything other than the beverages permitted, home bar and party
 714 supplies and equipment (including, but not limited to, glassware
 715 and party-type foods), cigarettes, hemp consumable THC products
 716 in accordance with ss. 581.217 and 581.218, and what is
 717 customarily sold in a restaurant.

718 **Section 8. Section 569.006, Florida Statutes, is amended**
 719 **to read:**

720 569.006 Retail tobacco products dealers; administrative
 721 penalties.—The division may suspend or revoke the permit of the
 722 dealer upon sufficient cause appearing of the violation of any
 723 of the provisions of s. 581.217, s. 581.218, or this chapter,
 724 including part II of this chapter if the dealer deals, at
 725 retail, in nicotine products within the state or allows a

726 nicotine products vending machine to be located on its premises
727 within the state, by a dealer or by a dealer's agent or
728 employee. The division may also assess and accept administrative
729 fines of up to \$1,000 against a dealer for each violation. The
730 division shall deposit all fines collected into the General
731 Revenue Fund as collected. An order imposing an administrative
732 fine becomes effective 15 days after the date of the order. The
733 division may suspend the imposition of a penalty against a
734 dealer, conditioned upon the dealer's compliance with terms the
735 division considers appropriate.

736 **Section 9. Section 569.35, Florida Statutes, is amended to**
737 **read:**

738 569.35 Retail nicotine product dealers; administrative
739 penalties.—The division may suspend or revoke the permit of a
740 dealer, including the retail tobacco products dealer permit of a
741 retail tobacco products dealer as defined in s. 569.002(4), upon
742 sufficient cause appearing of the violation of any of the
743 provisions of s. 581.217, s. 581.218, or this part, by a dealer,
744 or by a dealer's agent or employee. The division may also assess
745 and accept an administrative fine of up to \$1,000 against a
746 dealer for each violation. The division shall deposit all fines
747 collected into the General Revenue Fund as collected. An order
748 imposing an administrative fine becomes effective 15 days after
749 the date of the order. The division may suspend the imposition
750 of a penalty against a dealer, conditioned upon the dealer's

751 | compliance with terms the division considers appropriate.

752 | **Section 10.** Except as otherwise expressly provided in this

753 | act, this act shall take effect July 1, 2025.