

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;
11 authorizing the department to take certain actions
12 against licensees and permittees; creating s. 581.218,
13 F.S.; providing definitions; providing for mail order,
14 Internet, and remote sales of hemp consumable THC
15 products; providing penalties; authorizing certain
16 legal actions; creating s. 581.219, F.S.; providing
17 for the seizure and destruction of contraband hemp
18 consumable THC products; creating s. 581.220, F.S.;
19 prohibiting the ingestion of hemp consumable THC
20 products near school properties; providing exceptions;
21 providing penalties; amending ss. 565.04 and 565.045,
22 F.S.; authorizing specified businesses to sell hemp
23 consumable THC products; amending ss. 569.006 and
24 569.35, F.S.; conforming provisions to changes made by
25 the act; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

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

(n) "Food" includes:

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

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

51 **Section 2. Subsections (10) through (13) of section**
52 **581.217, Florida Statutes, are renumbered as subsections (11)**
53 **through (14), respectively, subsections (3) and (7) and present**
54 **subsections (10), (12), and (13) are amended, and a new**
55 **subsection (10) is added to that section, to read:**

56 581.217 State hemp program.—

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

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

69 (b) "Certifying agency" has the same meaning as in s.
70 578.011(8).

71 (c) "Cigarette" means any roll for smoking that contains
72 any hemp consumable THC products.

73 (d) "Consumer" means the end user of a hemp consumable THC
74 product who is a person in this state who comes into possession
75 of any hemp consumable THC products and who, at the time of

76 possession, does not intend to sell or distribute the hemp
77 consumable THC products or is not a retailer.

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

86 (f)~~(d)~~ "Cultivate" means planting, watering, growing, or
87 harvesting hemp.

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

97 (h) "Hemp consumable THC product" means a substance or
98 compound intended for ingestion or inhalation, containing more
99 than trace amounts of a cannabinoid which is derived from,
100 consists of, or contains hemp or psychotropic cannabinoids. A

101 hemp consumable THC product may not contain controlled
102 substances listed in s. 893.03. The term does not include
103 synthetic cannabidiol or seeds or seed-derived ingredients that
104 are generally recognized as safe by the United States Food and
105 Drug Administration or marijuana used for medical purposes under
106 s. 381.986.

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

114 (i) ~~(g)~~ "Independent testing laboratory" means a laboratory
115 that:

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

118 2. Does not have a direct or indirect interest in a
119 facility that cultivates, processes, distributes, dispenses, or
120 sells hemp or hemp consumable THC products ~~extract~~ in the state
121 or in another jurisdiction or cultivates, processes,
122 distributes, dispenses, or sells marijuana, as defined in s.
123 381.986; and

124 3. Is certified by the Department of Health as a medical
125 marijuana testing laboratory pursuant to s. 381.988 or is

126 certified by the department pursuant to subsection (10) as being
127 substantially equivalent to a medical marijuana testing
128 laboratory ~~accredited by a third-party accrediting body as a~~
129 ~~competent testing laboratory pursuant to ISO/IEC 17025 of the~~
130 ~~International Organization for Standardization.~~

131 (j) "Inhalable" means any hemp consumable THC product
132 consumed through the mouth or nasal passages into the
133 respiratory system, including cigarettes, vapor or aerosol
134 produced from vapor-generated electronic devices, and hemp
135 flower.

136 (k) "Logo" means a design, image, phrase, symbol, or
137 trademark used by an entity to identify or advertise its
138 products.

139 (l) "Manufacturer" means any person or entity that engages
140 in the process of manufacturing, preparing, or packaging hemp
141 consumable THC products. The term also includes any person or
142 entity involved in hemp extraction.

143 (m) "Nonpsychotropic cannabinoid" means any cannabinoid,
144 including synthetic cannabinoids, that does not cause a
145 psychotropic effect when ingested or inhaled. The term includes
146 cannabidiol and any other cannabinoid defined as nonpsychotropic
147 by department rule.

148 (n) "Psychotropic cannabinoid" means any cannabinoid,
149 including synthetic cannabinoids, that causes or may cause a
150 psychotropic effect when ingested or inhaled. The term includes

151 delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol,
152 hexahydrocannabinol, tetrahydrocannabinol acetate,
153 tetrahydrocannabiphorol, tetrahydrocannabivarin, and any other
154 cannabinoid defined as psychotropic by department rule.

155 (o) "Retailer" means any person or entity that sells hemp
156 consumable THC products to consumers.

157 (p) "Synthetic cannabinoid" means any cannabinoid created
158 by any process, other than a direct derivative from hemp and
159 without further reacting with other chemicals to increase the
160 concentration of a present cannabinoid or to create a new or
161 different cannabinoid not originally found in the extract or
162 hemp plant.

163 (q) "Vapor-generating electronic device" means any device
164 or product that employs an electronic, chemical, or mechanical
165 means of producing vapor or aerosol from a hemp consumable THC
166 product or any other substance, including, but not limited to,
167 an electronic cigarette, electronic cigar, electronic cigarillo,
168 electronic pipe, or other similar device or product; any
169 replacement cartridge for such device or product; and any other
170 container of a solution or other substance intended to be used
171 with or within such device or product.

172 (r) "Wholesaler" means any person or entity located within
173 or outside this state which delivers or sells hemp consumable
174 THC products to retailers or other persons for purposes of
175 resale.

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

178 (a) Hemp consumable THC products ~~extract~~ may only be
179 distributed and sold in the state if the product in its final
180 form for sale at retail:

181 1. Has a certificate of analysis prepared by an
182 independent testing laboratory that states all of the following:

183 a. The hemp consumable THC product in its final form for
184 sale at retail was ~~extract is the product of a batch~~ tested by
185 the independent testing laboratory. ~~+~~

186 b. The product in its final form for sale at retail ~~batch~~
187 contained a total delta-9-tetrahydrocannabinol concentration
188 that did not exceed 0.3 percent pursuant to the testing of a
189 random sample of the product in its final form for sale at
190 retail. ~~batch.~~

191 c. The product in its final form for sale at retail
192 contained hemp and psychotropic cannabinoids that did not exceed
193 the limitations in paragraph (b).

194 ~~d.e.~~ The product in its final form for sale at retail
195 ~~batch~~ does not contain contaminants unsafe for human
196 consumption. ~~+~~ ~~and~~

197 e. The product in its final form for sale at retail was
198 tested for and shows the results for each of the following as
199 provided by department rule:

200 (I) Cannabinoids.

201 (II) Heavy metals.

202 (III) Mycotoxins.

203 (IV) Pesticides.

204 (V) Residual solvents.

205 (VI) Any other controlled substance listed in s. 893.03.

206 f.d. The product in its final form for sale at retail
207 ~~batch~~ was processed in a facility that holds a current and valid
208 permit issued by a human health or food safety regulatory entity
209 with authority over the facility, and that facility meets the
210 human health or food safety sanitization requirements of the
211 regulatory entity. Such compliance must be documented by a
212 report from the regulatory entity confirming that the facility
213 meets such requirements.

214 g. The entity that hired the independent testing agency to
215 test the hemp consumable THC product in its final form for sale
216 at retail. Manufacturers, wholesalers, and retailers are
217 required to have their hemp consumable THC products tested by an
218 independent testing laboratory in compliance with this
219 paragraph. A wholesaler or retailer is not required to have its
220 hemp consumable THC products tested if the product:

221 (I) Is packaged in a manner that may be sold to the
222 consumer when the wholesaler or retailer receives the product
223 from the manufacturer or wholesaler;

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

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

227 2. Is distributed or sold in a container and package that
228 includes:

229 a. A scannable barcode or quick response code linked to
230 the certificate of analysis of the hemp consumable THC product
231 ~~extract batch~~ by an independent testing laboratory;

232 b. The hemp consumable THC product ~~batch~~ number;

233 c. The Internet address of a website where hemp consumable
234 THC product ~~batch~~ information may be obtained;

235 d. The expiration date of the hemp consumable THC product;
236 and

237 e. The total number of milligrams of cannabinoids in the
238 container and package and the number of milligrams of
239 cannabinoids ~~each marketed cannabinoid~~ per serving in a clear
240 and conspicuous manner.

241 f. The toll-free telephone number for the national Poison
242 Help line.

243 3. Is distributed or sold in a container and package that:

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

245 b. Is composed of materials designed to minimize exposure
246 to light;

247 c. Mitigates exposure to high temperatures;

248 d. Is a single color and not transparent. However, the
249 universal symbol, scannable barcode, quick response code, and
250 any text must be a different color than the container and

251 package, and any text must be in black or white. This sub-
252 subparagraph does not apply to beverage containers and packages;

253 e. Does not contain any pictures or images other than a
254 single logo. The logo may not be attractive to children and may
255 not cover more than 20 percent of the container or package. This
256 sub-subparagraph does not apply to beverage containers and
257 packages. However, beverage containers and packages may not
258 contain a logo that is attractive to children;

259 f. Does not contain any text, pictures, or images that
260 directly or indirectly markets the product as causing or may
261 cause an intoxicating or psychotropic effect. This sub-
262 subparagraph does not apply to the warning and symbol
263 requirements provided in sub-subparagraphs g. and h.;

264 g. Contains a clear and conspicuous warning on the front
265 of the package and container which is developed by the
266 department and states the product contains cannabinoids. The
267 warning is not required for hemp consumable THC products that
268 only contain nonpsychotropic cannabinoids;

269 h. Contains a hemp consumable THC product universal symbol
270 as provided in ASTM D8441/D8441M-22;

271 i.~~d.~~ Is not attractive to children; and

272 j.~~e.~~ Is compliant with the United States Poison Prevention
273 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
274 regard to provided exemptions. However, for purposes of this
275 sub-subparagraph, a beverage in a sealed container is considered

276 compliant.

277 (b) Hemp consumable THC products may only be sold at
278 retail in the following consumable forms and subject to the
279 following limitations:

280 1. Beverages, which may not:

281 a. Contain a ratio of more than 5 milligrams of hemp and
282 psychotropic cannabinoids per 6 fluid ounces.

283 b. Be in a container that holds more than 10 milligrams of
284 hemp and psychotropic cannabinoids.

285 c. Be in a package that contains more than 100 milligrams
286 of hemp and psychotropic cannabinoids.

287 2. Inhalables, which may not:

288 a. Contain a ratio of more than 2.5 milligrams of hemp and
289 psychotropic cannabinoids per gram.

290 b. Contain more than 5 milligrams of hemp and psychotropic
291 cannabinoids per inhalable.

292 c. Be in a package that contains more than 100 milligrams
293 of hemp and psychotropic cannabinoids.

294 3. Edibles, which may not:

295 a. Contain a ratio of more than 2.5 milligrams of hemp and
296 psychotropic cannabinoids per gram.

297 b. Contain more than 5 milligrams of hemp and psychotropic
298 cannabinoids per edible.

299 c. Be in a package that contains more than one 100
300 milligrams of hemp and psychotropic cannabinoids.

301
302 This paragraph does not apply to nonpsychotropic cannabinoids.

303 (c) The retail sale and delivery of hemp consumable THC
304 products for off premises consumption is prohibited, except:

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

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

318 3. At establishments that have a food permit from the
319 department, allow the presence of persons under 21 years of age
320 on the premises, and have a permit or license issued by the
321 Division of Alcoholic Beverages and Tobacco of the Department of
322 Business and Professional Regulation but do not have a quota
323 license issued under s. 565.02(1)(a)-(f). Such establishments
324 may only sell hemp consumable THC beverages, which must be in an
325 area inaccessible to customers. Such establishments may place

326 hemp consumable THC beverages in an open display unit as long as
327 the unit is located in an area that is inaccessible to
328 customers; or

329 4. In accordance with the mail order, Internet, and remote
330 sales of hemp consumable THC products requirements in s.
331 581.218.

332 (d) Hemp consumable THC products may not be sold, given,
333 bartered, furnished, or delivered to consumers at wholesale.
334 Hemp consumable THC products may not be sold, given, bartered,
335 furnished, or delivered to consumers at festivals, fairs, trade
336 shows, farmers' markets, expositions, or pop-up retail
337 establishments unless the festival, fair, trade show, farmers'
338 market, exposition, or pop-up retail establishment prohibits
339 persons under 21 years of age from attending and every retailer
340 selling hemp consumable THC products at the festival, fair,
341 trade show, farmers' market, exposition, or pop-up retail
342 establishment has a food permit from the department.

343 (e) The sale or delivery of hemp consumable THC products
344 for consumption on a retailer's premises is prohibited. If a
345 retailer discovers a consumer is consuming hemp consumable THC
346 products on the retailer's premises, the retailer must
347 immediately notify the consumer to immediately leave the
348 retailer's premises.

349 (f) ~~(b)~~ Hemp consumable THC products ~~extract~~ may only be
350 sold to a business in this state if that business is properly

permitted as required by this section.

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

(h) A person or entity may not sell, deliver, barter, give, or furnish hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids 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. There is a rebuttable presumption that a person or entity complied with this paragraph if the person receiving the hemp consumable THC products affirms in writing or electronically that by receiving such products he or she will not have received hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids within a 24-hour period or he or she is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. This paragraph does not apply to nonpsychotropic cannabinoids.

(i)~~(d)~~ 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.

376 (j) For a first violation of this subsection, a person who
377 ~~violates this paragraph~~ commits a misdemeanor of the second
378 degree, punishable as provided in s. 775.082 or s. 775.083. A
379 person who commits a second ~~or subsequent~~ violation of this
380 ~~subsection paragraph~~ within 12 months ~~1 year~~ after the first
381 ~~initial~~ violation commits a misdemeanor of the first degree,
382 punishable as provided in s. 775.082 or s. 775.083. A person who
383 commits a third or subsequent violation within 12 months after
384 the second violation commits a felony of the third degree,
385 punishable as provided in s. 775.082 or s. 775.083.

386 (k) ~~(e)~~ In addition to paragraph (j), hemp consumable THC
387 products ~~extract~~ distributed or sold in violation of this
388 subsection are ~~is~~ subject to s. 500.172 and penalties as
389 provided in s. 500.121. Hemp consumable THC ~~extract~~ products
390 found to be mislabeled or in violation of subsection (7)
391 ~~attractive to children~~ are subject to an immediate stop-sale
392 order.

393 (1) Subparagraph (a)3. and paragraph (b) do not apply to
394 hemp consumable THC products produced in this state that are
395 shipped or transported outside of this state for sale or use
396 outside this state.

397 1. Hemp consumable THC products produced in this state
398 that are shipped or transported outside of this state for sale
399 or use outside of this state:

400 a. May not be sold, shipped, or transported to a consumer

401 in this state, a retailer's establishment located in this state,
402 or to a person who sells or intends to sell such products to a
403 consumer in this state;

404 b. Must be in a package marked "NOT FOR USE OR RETAIL SALE
405 IN FLORIDA" in a bold font size of at least 36 points; and

406 c. Must be physically separated from hemp consumable THC
407 products that are, or intended to be, sold or used in this
408 state.

409 2. The department may adopt rules to implement this
410 paragraph.

411 (10) CERTIFICATION OF INDEPENDENT LABORATORIES BY THE
412 DEPARTMENT.—

413 (a) The department shall certify any laboratory located in
414 this state or another state which meets the qualifications of an
415 independent testing laboratory. However, a medical marijuana
416 testing laboratory certified pursuant to s. 381.988 is not
417 required to receive certification by the department.

418 (b) The department shall adopt rules establishing the
419 standards for certification and for the testing and reporting on
420 the certificate of analysis of hemp consumable THC products
421 under this section. The rules for the certification of
422 independent testing laboratories must include, but are not
423 limited to:

424 1. Security standards.

425 2. Minimum standards for personnel.

426 3. Sample collection method and process standards.

427 4. Proficiency testing for cannabinoid concentration and
428 contaminants unsafe for human consumption, as determined by
429 department rule.

430 5. Reporting content, format, and frequency.

431 6. Audits and onsite inspections.

432 7. Quality assurance.

433 8. Equipment and methodology.

434 9. Chain of custody.

435 10. Any other standard the department deems necessary.

436 (c) The department shall adopt rules establishing a
437 procedure for initial certification and biennial renewal. The
438 department shall renew the certification biennially if the
439 laboratory meets the requirements of this section or any rules
440 adopted under this subsection.

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

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

447 (f) Any laboratory that receives certification under this
448 subsection from the department agrees to random unannounced
449 audits and onsite inspections by the department or agents
450 thereof.

451 (11) ~~(10)~~ VIOLATIONS.—

452 (a) A licensee must complete a corrective action plan if
453 the department determines that the licensee has negligently
454 violated this section or department rules, including
455 negligently:

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

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

460 3. Producing Cannabis sativa L. that has a total delta-9-
461 tetrahydrocannabinol concentration that exceeds 0.3 percent on a
462 dry-weight basis.

463 (b) The corrective action plan must include:

464 1. A reasonable date by which the licensee must correct
465 the negligent violation; and

466 2. A requirement that the licensee periodically report to
467 the department on compliance with this section and department
468 rules for a period of at least 2 calendar years after the date
469 of the violation.

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

474 (d) If the department determines that a licensee has
475 violated this section or department rules with a culpable mental

476 state greater than negligence, the department shall immediately
477 report the licensee to the Attorney General and the United
478 States Attorney General.

479 (e) In addition to any other penalties provided by law,
480 the department may take any of the following actions against any
481 person licensed or permitted by the department for a violation
482 of this section:

483 1. Place on probation or reprimand the licensee or
484 permittee.

485 2. Revoke, suspend, or deny the issuance or renewal of the
486 license or permit.

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

490 (13)-(12) RULES.—The department shall adopt rules to
491 administer the state hemp program. The rules must provide for:

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

495 (b) A procedure for the effective disposal of plants,
496 whether growing or not, that are cultivated in violation of this
497 section or department rules, and products derived from those
498 plants.

499 (c) Packaging and labeling requirements that ensure that
500 hemp consumable THC products are not in violation of subsection

(7) ~~extract intended for human ingestion or inhalation is not attractive to children.~~

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

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

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

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

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

Section 3. Section 581.218, Florida Statutes, is created to read:

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

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

(a) "Consumer" has the same meaning as in s. 581.217(3).

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

1. The consumer submits the order for the sale by

526 telephonic or other voice transmission, mail, delivery service,
527 or the Internet or other online service; or

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

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

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

534 (e) "Retailer" has the same meaning as in s. 581.217(3).

535 (f) "Shipping container" means a container in which hemp
536 consumable THC products are shipped in connection with a
537 delivery sale.

538 (g) "Shipping document" means a bill of lading, airbill,
539 United States Postal Service form, or any other document used to
540 verify the undertaking by a delivery service to deliver letters,
541 packages, or other containers.

542 (h) "Wholesaler" has the same meaning as in s. 581.217(3).

543 (2)(a) The sale of hemp consumable THC products
544 constituting a delivery sale under paragraph (1)(b) is a
545 delivery sale regardless of whether the person accepting the
546 order for the delivery sale is located within or outside this
547 state.

548 (b) A person must obtain a food permit from the department
549 under chapter 500 before accepting an order for a delivery sale
550 of hemp consumable THC products. A person outside this state who

engages in delivery sales to consumers in this state may apply for a food permit from the department under chapter 500, be granted such a permit by the department, and thereafter be subject to all the provisions of this chapter and chapters 500 and 502 and be entitled to act as a permitted retailer.

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

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

1. The age verification requirements of subsection (3).
2. The disclosure requirements of subsection (4).
3. The shipping requirements of subsection (5).

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

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

1. Reliable confirmation that the person is 21 years of age or older; and
2. A statement signed by the person in writing and under penalty of perjury which:

576 a. Certifies the address and date of birth of the person;
577 and

578 b. Confirms that the person wants to receive delivery
579 sales from a hemp consumable THC product retailer and
580 understands that, under the laws of the state, the following
581 actions are illegal:

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

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

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

587 (b) Makes a good faith effort to verify the information
588 contained in the certification provided by the individual
589 pursuant to paragraph (a) against a commercially available
590 database that may be reasonably relied upon for accurate age
591 information or obtains a photocopy or other image of a valid
592 government-issued identification card stating the date of birth
593 or age of the individual.

594 (c) Provides to the individual, by electronic mail or
595 other means, a notice meeting the requirements of subsection
596 (4).

597 (d) If an order for hemp consumable THC products is made
598 pursuant to an advertisement on the Internet, receives payment
599 for the delivery sale from the consumer by a credit or debit
600 card issued in the name of the consumer, or by personal or

601 company check of the consumer.

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

608
609 In addition to the requirements of this subsection, a person
610 accepting an order for a delivery sale of hemp consumable THC
611 products may request that a consumer provide an e-mail address.

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

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

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

619 (5) Each person who mails, ships, or otherwise delivers
620 hemp consumable THC products in connection with an order for a
621 delivery sale must:

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

624 (b) Ship hemp consumable THC products in a container and
625 package that complies with the container and package

626 requirements of s. 518.217.

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

631 (d) Use a method of mailing, shipping, or delivery that
632 obligates the delivery service to require proof that the person
633 accepting the order for the delivery sale is 21 years of age or
634 older and resides at the address listed on the order label, by
635 reviewing a valid government-issued identification card bearing
636 a photograph of the person who signs to accept delivery of the
637 shipping container.

638
639 If the person accepting a purchase order for a delivery sale
640 delivers the hemp consumable THC products without using a
641 delivery service, the person must comply with all of the
642 requirements of this section which apply to a delivery service.
643 Any failure to comply with a requirement of this section
644 constitutes a violation thereof.

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

647 (7) An individual who is 21 years of age or older who
648 knowingly violates any provision of this section commits a
649 misdemeanor of the second degree, punishable as provided in s.
650 775.082 or s. 775.083.

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

655 **Section 4. Section 581.219, Florida Statutes, is created**
656 **to read:**

657 581.219 Seizure and destruction of contraband hemp
658 consumable THC products.—All hemp consumable THC products, as
659 defined in s. 581.217(3), sold, offered for sale, delivered, or
660 distributed contrary to any provision of ss. 581.217 and 581.218
661 are declared to be contraband, are subject to seizure and
662 confiscation under the Florida Contraband Forfeiture Act by any
663 person whose duty it is to enforce those sections, and must be
664 disposed of as follows:

665 (1) A court having jurisdiction shall order the hemp
666 consumable THC products forfeited upon a showing that, by a
667 preponderance of the evidence, the products were sold, offered
668 for sale, delivered, or distributed contrary to any provision of
669 ss. 581.217 and 581.218. Upon completion of any chapter 120
670 proceedings related to the seized hemp consumable THC products,
671 the court shall order the products destroyed except as provided
672 by applicable court orders. The officer who destroys the
673 products shall keep a record of the location where the products
674 were seized, the kinds and quantities of the products destroyed,
675 and the time, place, and manner of the destruction of the

676 products and shall make a return under oath reporting such
677 destruction.

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

681 (a) The exact kinds, quantities, and forms of the
682 products.

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

685 (c) By whose authority the products were seized,
686 delivered, and destroyed.

687 (d) The dates of the seizure, disposal, and destruction of
688 the products.

689
690 Records under this subsection must be open to inspection by all
691 persons charged with the enforcement of ss. 581.217 and 581.218.

692 (3) The cost of seizure, confiscation, and destruction of
693 contraband hemp consumable THC products is borne by the person
694 from whom the products are seized.

695 (4) Except as otherwise provided in this section, the
696 procedures of the Florida Contraband Forfeiture Act apply to
697 this section.

698 **Section 5. Section 581.220, Florida Statutes, is created**
699 **to read:**

700 581.220 Ingesting hemp consumable THC products prohibited

701 near school property.—

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

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

- 712 (a) The date and time of issuance.
713 (b) The name and address of the person cited.
714 (c) The date and time the civil infraction was committed.
715 (d) The statute violated.
716 (e) The facts constituting the violation.
717 (f) The name and authority of the law enforcement officer.
718 (g) The procedure for the person to follow to pay the
719 civil penalty, to contest the citation, or to appear in court.
720 (h) The applicable civil penalty if the person elects not
721 to contest the citation.

722 (3) Any person issued a citation pursuant to this section
723 is charged with a civil infraction, punishable by a civil
724 penalty of up to \$25, 50 hours of community service, or, where
725 available, successful completion of a school-approved, anti-

726 drug, alternative-to-suspension program.

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

730 **Section 6. Subsection (1) of section 565.04, Florida**
731 **Statutes, is amended to read:**

732 565.04 Package store restrictions.—

733 (1) Vendors licensed under s. 565.02(1)(a) shall not in
734 said place of business sell, offer, or expose for sale any
735 merchandise other than such beverages, and such places of
736 business shall be devoted exclusively to such sales; provided,
737 however, that such vendors shall be permitted to sell bitters;
738 grenadine; nonalcoholic mixer-type beverages, not to include
739 fruit juices produced outside this state; fruit juices produced
740 in this state; home bar and party supplies and equipment,
741 including but not limited to glassware and party-type foods;
742 miniatures of no alcoholic content; nicotine products; and
743 tobacco products. Such places of business may not ~~shall~~ have ~~no~~
744 openings permitting direct access to any other building or room,
745 except to a private office or storage room of the place of
746 business from which patrons are excluded. Vendors licensed under
747 s. 565.02(1)(a) may sell hemp consumable THC products for off-
748 premises consumption in accordance with ss. 581.217 and 581.218.

749 **Section 7. Paragraph (a) of subsection (2) of section**
750 **565.045, Florida Statutes, is amended to read:**

751 565.045 Regulations for consumption on premises; penalty;
752 exemptions.—

753 (2)(a) There may ~~shall~~ not be sold at such places of
754 business anything other than the beverages permitted, home bar
755 and party supplies and equipment (including, but not limited to,
756 glassware and party-type foods), cigarettes, hemp consumable THC
757 products for off-premises consumption in accordance with ss.
758 581.217 and 581.218, and what is customarily sold in a
759 restaurant.

760 **Section 8. Section 569.006, Florida Statutes, is amended**
761 **to read:**

762 569.006 Retail tobacco products dealers; administrative
763 penalties.—The division may suspend or revoke the permit of the
764 dealer upon sufficient cause appearing of the violation of any
765 of the provisions of s. 581.217, s. 581.218, or this chapter,
766 including part II of this chapter if the dealer deals, at
767 retail, in nicotine products within the state or allows a
768 nicotine products vending machine to be located on its premises
769 within the state, by a dealer or by a dealer's agent or
770 employee. The division may also assess and accept administrative
771 fines of up to \$1,000 against a dealer for each violation. The
772 division shall deposit all fines collected into the General
773 Revenue Fund as collected. An order imposing an administrative
774 fine becomes effective 15 days after the date of the order. The
775 division may suspend the imposition of a penalty against a

dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

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

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

Section 10. This act shall take effect January 1, 2026.