

By Senator Davis

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

52
53 Be It Enacted by the Legislature of the State of Florida:

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

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59 subsection (12) of that section, to read:

60 581.217 State hemp program.—

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

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

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

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

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

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

104 (g) "Independent testing laboratory" means a laboratory
105 that:

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

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117 (h) "Total delta-9-tetrahydrocannabinol concentration"
118 means a concentration calculated as follows: [delta-9-
119 tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic
120 acid]).

121 (7) MANUFACTURE, DELIVERY, HOLD, OFFER FOR SALE,
122 DISTRIBUTION, AND RETAIL SALE OF HEMP OR HEMP EXTRACT.—

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

126 1. Has a certificate of analysis prepared by an independent
127 testing laboratory which that states:

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

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

136 c. The batch does not contain contaminants unsafe for human
137 consumption; and

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

145 2. Is manufactured, delivered, held, offered for sale,

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146 distributed, or sold in a container that includes:

147 a. A scannable barcode or quick response code linked to the
148 certificate of analysis of the hemp extract batch by an
149 independent testing laboratory;

150 b. The batch number;

151 c. The Internet address of a website where batch
152 information may be obtained;

153 d. The expiration date; and

154 e. The number of milligrams of each marketed cannabinoid
155 per serving; and

156 f. The toll-free telephone number for the national Poison
157 Help line.

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

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

161 b. Is composed of materials designed to minimize exposure
162 to light;

163 c. Mitigates exposure to high temperatures;

164 d. Is not attractive to children; and

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

168 (b) Hemp extract may only be sold to a business or procured
169 by a business in this state if that business is properly
170 permitted as required by this section. Unpermitted business
171 sales, street sales, or festival sales are prohibited. A
172 business or food establishment may not possess hemp or hemp
173 extract products that are attractive to children. A business or
174 food establishment permitted to sell hemp or hemp extract may

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175 not be located within 500 feet of a school or daycare facility,
176 a retail outlet engaged in the business of selling motor fuel,
177 or a retail facility in possession of a valid permit to sell
178 hemp or hemp extract. Businesses and food establishments
179 permitted to sell hemp or hemp extract:

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

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

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

200 4. Are subject to random, unannounced inspections by law
201 enforcement and the department.

202 (c) Hemp extract manufactured, delivered, held, offered for
203 sale, distributed, or sold in this state is subject to the

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204 applicable requirements of chapter 500, chapter 502, or chapter
205 580.

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

217 Additionally, upon a third violation, the department shall
218 revoke the violator's license, permit, authorization,
219 certificate, or registration.

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

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

232 a. Hemp extract products that do not comply with general

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233 law, including hemp extract products that are not from an
234 approved source as provided in sub-subparagraph (a)1.d., are
235 sold or marketed; or
236 b. Hemp extract products are sold or marketed by businesses
237 that are not properly permitted as required by this section and
238 chapter 500.

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

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

244 (e) The certification of independent testing laboratories.
245 Section 2. For the purpose of incorporating the amendment
246 made by this act to section 581.217, Florida Statutes, in a
247 reference thereto, paragraph (n) of subsection (1) of section
248 500.03, Florida Statutes, is reenacted to read:

249 500.03 Definitions; construction; applicability.—

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

251 (n) "Food" includes:

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

253 2. Chewing gum;

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

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

261 5. Dietary supplements as defined in 21 U.S.C. s.

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262 321(ff) (1) and (2); and

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

264

265 The term includes any raw, cooked, or processed edible
266 substance; ice; any beverage; or any ingredient used, intended
267 for use, or sold for human consumption.268 Section 3. For the purpose of incorporating the amendment
269 made by this act to section 581.217, Florida Statutes, in a
270 reference thereto, subsection (3) of section 893.02, Florida
271 Statutes, is reenacted to read:272 893.02 Definitions.—The following words and phrases as used
273 in this chapter shall have the following meanings, unless the
274 context otherwise requires:275 (3) "Cannabis" means all parts of any plant of the genus
276 *Cannabis*, whether growing or not; the seeds thereof; the resin
277 extracted from any part of the plant; and every compound,
278 manufacture, salt, derivative, mixture, or preparation of the
279 plant or its seeds or resin. The term does not include
280 "marijuana," as defined in s. 381.986, if manufactured,
281 possessed, sold, purchased, delivered, distributed, or
282 dispensed, in conformance with s. 381.986. The term does not
283 include hemp as defined in s. 581.217 or industrial hemp as
284 defined in s. 1004.4473.285 Section 4. For the purpose of incorporating the amendment
286 made by this act to section 581.217, Florida Statutes, in a
287 reference thereto, paragraph (a) of subsection (1) of section
288 916.1085, Florida Statutes, is reenacted to read:289 916.1085 Introduction or removal of certain articles
290 unlawful; penalty.—

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291 (1) (a) Except as authorized by law or as specifically
292 authorized by the person in charge of a facility, it is unlawful
293 to introduce into or upon the grounds of any facility under the
294 supervision or control of the department or agency, or to take
295 or attempt to take or send therefrom, any of the following
296 articles, which are declared to be contraband for the purposes
297 of this section:

298 1. Any intoxicating beverage or beverage which causes or
299 may cause an intoxicating effect;

300 2. Any controlled substance as defined in chapter 893,
301 marijuana as defined in s. 381.986, hemp as defined in s.
302 581.217, or industrial hemp as defined in s. 1004.4473;

303 3. Any firearm or deadly weapon;

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

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

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

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320 Section 5. For the purpose of incorporating the amendment
321 made by this act to section 581.217, Florida Statutes, in a
322 reference thereto, paragraph (a) of subsection (1) of section
323 944.47, Florida Statutes, is reenacted to read:

324 944.47 Introduction, removal, or possession of contraband;
325 penalty.—

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

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

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

340 3. Any intoxicating beverage or beverage which causes or
341 may cause an intoxicating effect.

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

347 5. Any firearm or weapon of any kind or any explosive
348 substance.

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

369 7. Any vapor-generating electronic device as defined in s.
370 386.203, intentionally and unlawfully introduced inside the
371 secure perimeter of any state correctional institution.

372 Section 6. For the purpose of incorporating the amendment
373 made by this act to section 581.217, Florida Statutes, in a
374 reference thereto, paragraph (h) of subsection (1) of section
375 951.22, Florida Statutes, is reenacted to read:

376 951.22 County detention facilities; contraband articles.—

377 (1) It is unlawful, except through regular channels as duly

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378 authorized by the sheriff or officer in charge, to introduce
379 into or possess upon the grounds of any county detention
380 facility as defined in s. 951.23 or to give to or receive from
381 any inmate of any such facility wherever said inmate is located
382 at the time or to take or to attempt to take or send therefrom
383 any of the following articles, which are contraband:

384 (h) Any narcotic, hypnotic, or excitative drug or drug of
385 any kind or nature, including nasal inhalators, sleeping pills,
386 barbiturates, marijuana as defined in s. 381.986, hemp as
387 defined in s. 581.217, industrial hemp as defined in s.
388 1004.4473, or controlled substances as defined in s. 893.02(4).

389 Section 7. For the purpose of incorporating the amendment
390 made by this act to section 581.217, Florida Statutes, in a
391 reference thereto, paragraph (a) of subsection (1) of section
392 985.711, Florida Statutes, is reenacted to read:

393 985.711 Introduction, removal, or possession of certain
394 articles unlawful; penalty.—

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

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

406 2. Any intoxicating beverage or any beverage that causes or

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407 may cause an intoxicating effect.

408 3. Any controlled substance as defined in s. 893.02(4),
409 marijuana as defined in s. 381.986, hemp as defined in s.
410 581.217, industrial hemp as defined in s. 1004.4473, or any
411 prescription or nonprescription drug that has a hypnotic,
412 stimulating, or depressing effect.

413 4. Any firearm or weapon of any kind or any explosive
414 substance.

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

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

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

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

434 Section 8. For the 2026-2027 fiscal year, the sum of \$2
435 million in nonrecurring funds is appropriated from the General

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436 Revenue Fund to the Department of Law Enforcement for the
437 purchase of testing equipment necessary to implement this act.

438 Section 9. This act shall take effect July 1, 2026.