

By Senator Davis

5-01419-26

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A bill to be entitled

An act relating to food and hemp products; amending s. 581.217, F.S.; revising legislative findings; revising definitions; defining the term "total delta-9-tetrahydrocannabinol concentration"; providing conditions for the manufacture, delivery, hold, offer for sale, distribution, or sale of hemp extract; prohibiting the unpermitted business, street, or festival sale of hemp extract; prohibiting businesses and food establishments from possessing hemp or hemp extract products that are attractive to children; prohibiting businesses and food establishments permitted to sell hemp or hemp extract from being located in specified areas; prohibiting such businesses and food establishments from advertising in a specified manner; requiring the Department of Agriculture and Consumer Services to preapprove advertisements; requiring such businesses and food establishments to keep certain records pertaining to lab results of hemp extract products and the suppliers of such products for a specified amount of time; requiring such businesses and food establishments to establish procedures for the recall of unsafe hemp extract; requiring such businesses and food establishments to store hemp products in a specified manner; providing that such businesses and food establishments are subject to random and unannounced inspections by law enforcement and the department; prohibiting the sale of hemp and hemp extract in a

5-01419-26

20261270__

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

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

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

5-01419-26

20261270__

subsection (12) of that section, to read:

581.217 State hemp program.—

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

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

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

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

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

5-01419-26

20261270__

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

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

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

5-01419-26

20261270__

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,

5-01419-26

20261270__

distributed, or sold in a container that includes:

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

b. The batch number;

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

d. The expiration date; and

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

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

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

a. Is suitable to contain products for human consumption;

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

c. Mitigates exposure to high temperatures;

d. Is not attractive to children; and

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

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

5-01419-26

20261270__

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

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

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

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

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

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

5-01419-26

20261270__

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

(d) 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 in this state to a person who is under 21 years of age. Hemp or hemp extract may not be sold in a form for smoking. A person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation of this paragraph within 1 year after the initial violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Additionally, upon a third violation, the department shall revoke the violator's license, permit, authorization, certificate, or registration.

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

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

a. Hemp extract products that do not comply with general

5-01419-26

20261270__

law, including hemp extract products that are not from an approved source as provided in sub-subparagraph (a)1.d., are sold or marketed; or

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

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

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

(e) The certification of independent testing laboratories.

Section 2. For the purpose of incorporating the amendment made by this act to section 581.217, Florida Statutes, in a reference thereto, paragraph (n) of subsection (1) of section 500.03, Florida Statutes, is reenacted 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.

5-01419-26

20261270__

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

6. Hemp extract as defined in 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.

Section 3. For the purpose of incorporating the amendment made by this act to section 581.217, Florida Statutes, in a reference thereto, subsection (3) of section 893.02, Florida Statutes, is reenacted to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "marijuana," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986. The term does not include hemp as defined in s. 581.217 or industrial hemp as defined in s. 1004.4473.

Section 4. For the purpose of incorporating the amendment made by this act to section 581.217, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 916.1085, Florida Statutes, is reenacted to read:

916.1085 Introduction or removal of certain articles unlawful; penalty.—

5-01419-26

20261270__

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

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

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

3. Any firearm or deadly weapon;

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

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

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

5-01419-26

20261270__

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

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

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

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

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

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

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

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

5-01419-26

20261270__

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

5-01419-26

20261270__

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

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

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

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

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

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

2. Any intoxicating beverage or any beverage that causes or

5-01419-26

20261270__

may cause an intoxicating effect.

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

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

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

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

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

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

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

5-01419-26

20261270__

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.