

By Senator Rouson

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A bill to be entitled  
An act relating to THC; amending s. 316.1936, F.S.;  
defining the term "THC-infused beverage"; prohibiting  
a person from possessing an open container of a THC-  
infused beverage or consuming such beverage while  
operating a vehicle in this state, being a passenger  
in or on a vehicle being operated in this state, or  
while seated in or on a parked or stopped motor  
vehicle within a road in this state; authorizing a  
county or municipality to adopt certain restrictions  
on the possession of THC-infused beverages in  
vehicles; amending s. 500.03, F.S.; revising the  
definition of the term "food"; creating s. 581.218,  
F.S.; defining the term "THC-infused beverage";  
prohibiting a person from selling, giving, serving, or  
permitting the service of THC-infused beverages to  
persons under 21 years of age; providing criminal  
penalties; prohibiting the possession of THC-infused  
beverages by persons under 21 years of age; providing  
criminal penalties; prohibiting the retail sale of  
THC-infused beverages at certain locations;  
prohibiting THC-infused beverages from containing  
alcoholic or intoxicating beverages; prohibiting the  
location of an establishment permitted to sell THC-  
infused beverages within a certain distance of a  
school or day care facility; requiring that a retail  
sale or transaction for THC-infused beverages occur in  
a specified manner; prohibiting the direct delivery of  
THC-infused beverages to consumers; prohibiting a

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30 retail licensee from applying for or holding certain  
31 licenses and permits; requiring that THC-infused  
32 beverages be distributed by a licensed distributor;  
33 prohibiting a THC-infused beverage distributor from  
34 taking certain actions; requiring such distributors to  
35 pay a certain tax to the Division of Alcoholic  
36 Beverages and Tobacco within the Department of  
37 Business and Professional Regulation; authorizing THC-  
38 infused beverage distributors to credit sales to a  
39 vendor; prohibiting a retail vendor of THC-infused  
40 beverages from taking certain actions; requiring  
41 certain THC-infused beverages to comply with certain  
42 requirements; providing civil penalties; reenacting s.  
43 316.2069(5), F.S., relating to commercial megacycles,  
44 to incorporate the amendment made to s. 316.1936,  
45 F.S., in a reference thereto; providing an effective  
46 date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Section 316.1936, Florida Statutes, is amended  
51 to read:

52 316.1936 Possession of open containers of alcoholic  
53 beverages or THC-infused beverages in vehicles prohibited;  
54 penalties.—

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

56 (a) "Open container" means any container of an alcoholic  
57 beverage or a THC-infused beverage which is immediately capable  
58 of being consumed from, or the seal of which has been broken.

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(b) "Road" means a way open to travel by the public, including, but not limited to, a street, a highway, or an alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel, and all ferries used in connection therewith.

(c) "THC-infused beverage" means a soft drink, soda, juice, tea, or other beverage intended for ingestion which contains low-THC cannabis as defined in s. 381.986.

(2)(a) It is unlawful and punishable as provided in this section for any person to do either of the following while operating a vehicle in this state or while being a passenger in or on a vehicle being operated in this state:

1. Possess an open container of an alcoholic beverage or a THC-infused beverage.

2. Consume an alcoholic beverage or a THC-infused beverage  
~~while operating a vehicle in the state or while a passenger in or on a vehicle being operated in the state.~~

(b) It is unlawful and punishable as provided in this section for any person to do either of the following while seated in or on a motor vehicle that is parked or stopped within a road:

1. Possess an open container of an alcoholic beverage or a THC-infused beverage.

2. Consume an alcoholic beverage or a THC-infused beverage  
~~while seated in or on a motor vehicle that is parked or stopped within a road as defined in this section.~~

(c) Notwithstanding the prohibition contained in this

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section, passengers in vehicles designed, maintained, and used primarily for the transportation of persons for compensation and in motor homes are exempt.

(3) An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked nonpassenger area of the vehicle.

(4) An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.

(5) This section shall not apply to:

(a) A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver license with a passenger endorsement issued in accordance with the requirements of chapter 322;

(b) A passenger of a bus in which the driver holds a valid commercial driver license with a passenger endorsement issued in accordance with the requirements of chapter 322; or

(c) A passenger of a self-contained motor home which is in excess of 21 feet in length.

(6) Any operator of a vehicle who violates this section is guilty of a noncriminal moving traffic violation, punishable as provided in chapter 318. A passenger of a vehicle who violates this section is guilty of a nonmoving traffic violation, punishable as provided in chapter 318.

(7) A county or municipality may adopt an ordinance which imposes more stringent restrictions on the possession of

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alcoholic beverages or THC-infused beverages in vehicles than those imposed by this section.

(8) Nothing in this section prohibits the enforcement of s. 316.302.

(9) An alcoholic beverage that has been sealed by a licensee or the employee of a licensee and is transported pursuant to s. 564.09, s. 561.20(2)(a)4., or s. 565.045(1) is not an open container under this section.

Section 2. 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. Consumable THC products, excluding THC-infused beverages ~~Hemp extract~~ as defined in s. 581.218(1) ~~s. 581.217~~.

The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended

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for use, or sold for human consumption.

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

581.218 Restrictions on the sale of THC-infused beverages.

(1) DEFINITIONS.—As used in this section, the term “THC-infused beverage” means a soft drink, soda, juice, tea, or other beverage intended for ingestion which contains low-THC cannabis as defined in s. 381.986.

(2) PROHIBITIONS.—

(a) It is unlawful for any person to:

1. Sell, give, serve, or permit to be served THC-infused beverages to a person under 21 years of age, or permit a person under 21 years of age to consume such beverages. A person who violates this subparagraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this subparagraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Possess THC-infused beverages if such person is under 21 years of age. Any person who violates this subparagraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent violation of this subparagraph less than 1 year after the first violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. Sell, at retail, THC-infused beverages at a location other than premises licensed to sell alcoholic beverages under s. 565.02(1). Unpermitted business sales, street sales, or

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175 festival sales are prohibited.

176 (b) THC-infused beverages may not contain alcoholic  
177 beverages or intoxicating beverages as defined in s. 561.01(4)  
178 and (5), respectively.

179 (3) RETAIL SALE OF THC-INFUSED BEVERAGES.—

180 (a) An establishment permitted to sell THC-infused  
181 beverages may not be located within 500 feet of a school or day  
182 care facility.

183 (b) Retail sales of THC-infused beverages or transfers of  
184 THC-infused beverages from retailer to consumer must take place  
185 at a licensed retail location in a face-to-face transaction. The  
186 delivery of THC-infused beverages to consumers, directly or  
187 indirectly, is prohibited.

188 (c) A retail licensee permitted to sell THC-infused  
189 beverages may not apply for or hold either of the following:

190 1. A license to distribute such beverages under s.  
191 581.217(7) (b).

192 2. A food permit to manufacture such beverages under  
193 chapter 500 and rule 5K-4, Florida Administrative Code.

194 (4) THC-INFUSED BEVERAGE DISTRIBUTOR.—

195 (a) THC-infused beverages may be distributed in this state  
196 only by a distributor licensed under the Beverage Law as  
197 described in s. 561.14(2). A distributor permitted to distribute  
198 THC-infused beverages must own or lease a licensed premises in  
199 this state.

200 (b) A distributor of THC-infused beverages may not:

201 1. Assist any retail vendor by any gift or loan of money or  
202 property of any description, including equipment, fixtures, or  
203 furnishings.

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204       2. Sell or provide THC-infused beverages to a retail vendor  
205 who does not hold an active hemp permit.

206       3. Make consignment sales to retail vendors of THC-infused  
207 beverages, including any right of return or exchange because the  
208 product is overstocked or slow moving.

209       4. Give a retailer of THC-infused beverages anything of  
210 value to promote THC-infused beverages or provide shelf space or  
211 floor space to stock or promote THC-infused beverages.

212       5. Apply for or hold a food permit to manufacture THC-  
213 infused beverages under chapter 500 and rule 5K-4, Florida  
214 Administrative Code.

215       (c) Distributors shall pay a tax at the rate of 5 cents per  
216 milligram of hemp-derived cannabinoid in each THC-infused  
217 beverage sold at wholesale in this state. The tax shall be paid  
218 to the Division of Alcoholic Beverages and Tobacco within the  
219 Department of Business and Professional Regulation monthly on or  
220 before the 10th day of the following month.

221       (d) Credit for the sale of THC-infused beverages may be  
222 extended by distributors to any vendor up to, but not including,  
223 the 10th day after the calendar week within which such sale was  
224 made.

225       (5) THC-INFUSED BEVERAGE RETAIL VENDOR.—A retail vendor of  
226 THC-infused beverages may not:

227       (a) Purchase or otherwise obtain such beverages from a  
228 person not licensed as a distributor licensed under the Beverage  
229 Law as described in s. 561.14(2).

230       (b) Attempt to return to a distributor or exchange a THC-  
231 infused beverage because the product is overstocked or slow  
232 moving.



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(6) TESTING AND PURITY.—THC-infused beverages manufactured, marketed, distributed, or sold at retail in this state must comply with all testing, purity, THC limit, packaging, and labeling requirements in s. 581.217.

(7) CIVIL PENALTIES.—A person or entity that violates this section is subject to a civil penalty levied by the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation according to the following schedule:

(a) One thousand dollars for a first offense.

(b) Five thousand dollars for a second offense.

(c) Ten thousand dollars for a third or subsequent offense.

Section 4. For the purpose of incorporating the amendment made by this act to section 316.1936, Florida Statutes, in a reference thereto, subsection (5) of section 316.2069, Florida Statutes, is reenacted to read:

316.2069 Commercial megacycles.—The governing body of a municipality, or the governing board of a county with respect to an unincorporated portion of the county, may authorize the operation of a commercial megacycle on roads or streets within the respective jurisdictions if the requirements of subsections (1)–(3) are met:

(5) Section 316.1936 does not apply to the passengers being transported in a commercial megacycle while operating in accordance with this section.

Section 5. This act shall take effect July 1, 2026.