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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

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26 school or day care facility; requiring that a retail
27 sale or transaction for THC-infused beverages occur in
28 a specified manner; prohibiting the direct delivery of
29 THC-infused beverages to consumers; prohibiting a
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.

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

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

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

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

75 2. Consume an alcoholic beverage or a THC-infused beverage

76 ~~while operating a vehicle in the state or while a passenger in~~
77 ~~or on a vehicle being operated in the state.~~

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

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

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

87 (c) Notwithstanding the prohibition contained in this
88 section, passengers in vehicles designed, maintained, and used
89 primarily for the transportation of persons for compensation and
90 in motor homes are exempt.

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

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

99 (5) This section shall not apply to:

100 (a) A passenger of a vehicle in which the driver is

101 operating the vehicle pursuant to a contract to provide
102 transportation for passengers and such driver holds a valid
103 commercial driver license with a passenger endorsement issued in
104 accordance with the requirements of chapter 322;

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

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

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

115 (7) A county or municipality may adopt an ordinance which
116 imposes more stringent restrictions on the possession of
117 alcoholic beverages or THC-infused beverages in vehicles than
118 those imposed by this section.

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

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

125 **Section 2. Paragraph (n) of subsection (1) of section**

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126 **500.03, Florida Statutes, is amended to read:**

127 500.03 Definitions; construction; applicability.—

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

129 (n) "Food" includes:

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

131 2. Chewing gum;

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

133 4. Articles for which health claims are made, which claims
134 are approved by the Secretary of the United States Department of
135 Health and Human Services and which claims are made in
136 accordance with s. 343(r) of the federal act, and which are not
137 considered drugs solely because their labels or labeling contain
138 health claims;

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

140 321(ff)(1) and (2); and

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

143
144 The term includes any raw, cooked, or processed edible
145 substance; ice; any beverage; or any ingredient used, intended
146 for use, or sold for human consumption.

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

149 581.218 Restrictions on the sale of THC-infused
150 beverages.—

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

155 (2) PROHIBITIONS.—

156 (a) It is unlawful for any person to:

157 1. Sell, give, serve, or permit to be served THC-infused
158 beverages to a person under 21 years of age, or permit a person
159 under 21 years of age to consume such beverages. A person who
160 violates this subparagraph commits a misdemeanor of the second
161 degree, punishable as provided in s. 775.082 or s. 775.083. A
162 person who violates this subparagraph a second or subsequent
163 time within 1 year after a prior conviction commits a
164 misdemeanor of the first degree, punishable as provided in s.
165 775.082 or s. 775.083.

166 2. Possess THC-infused beverages if such person is under
167 21 years of age. Any person who violates this subparagraph
168 commits a misdemeanor of the second degree, punishable as
169 provided in s. 775.082 or s. 775.083. A second or subsequent
170 violation of this subparagraph less than 1 year after the first
171 violation is a misdemeanor of the first degree, punishable as
172 provided in s. 775.082 or s. 775.083.

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

176 festival sales are prohibited.

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

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

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

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

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

191 1. A license to distribute such beverages under s.
192 581.217(7)(b) .

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

195 (4) THC-INFUSED BEVERAGE DISTRIBUTOR.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

243 (a) One thousand dollars for a first offense.
244 (b) Five thousand dollars for a second offense.
245 (c) Ten thousand dollars for a third or subsequent
246 offense.

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

251 316.2069 Commercial megacycles.—The governing body of a
252 municipality, or the governing board of a county with respect to
253 an unincorporated portion of the county, may authorize the
254 operation of a commercial megacycle on roads or streets within
255 the respective jurisdictions if the requirements of subsections
256 (1)-(3) are met:

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

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