

By Senator Clemens

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1                   A bill to be entitled  
2           An act relating to hemp production; providing a short  
3           title; creating s. 581.301, F.S.; providing a  
4           definition; specifying that hemp is an agricultural  
5           crop; providing legislative intent; requiring the  
6           registration of hemp growers; providing registration  
7           requirements; allowing the department to assess  
8           registration fees; providing exemptions; requiring  
9           rulemaking; providing for an affirmative defense to  
10          certain charges relating to cannabis; providing  
11          exceptions to other laws; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. This act may be cited as the "Hemp Industry  
16 Development Act."

17           Section 2. Section 581.301, Florida Statutes, is created to  
18 read:

19           581.301 Hemp production; registration of growers.—

20           (1) DEFINITION.—As used in this section, the term "hemp"  
21 means all parts of any plant of the genus Cannabis containing no  
22 more than 0.3 percent delta-9-tetrahydrocannabinol.

23           (2) AGRICULTURAL CROP.—Hemp is considered an agricultural  
24 crop in this state that produces a viable, environmentally sound  
25 crop requiring less irrigation and fewer pesticides to  
26 cultivate, and fewer toxic processes to refine, than alternative  
27 materials. Furthermore, hemp has multiple applications and can  
28 be utilized in a wide variety of manufactured and fabricated  
29 products. The intent of the Legislature is to promote economic

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30 development and job growth through the cultivation, processing,  
31 distribution, manufacturing, and sale of hemp. Upon meeting the  
32 requirements of subsection (3), an individual may plant, grow,  
33 or harvest hemp in this state. This hemp can be distributed, in  
34 consideration of s. 505 of the Food, Drug, and Cosmetic Act, 21  
35 U.S.C. s. 355, to all states and numerous countries.

36 (3) REGISTRATION OF GROWERS.—

37 (a) Except as provided in this section, an individual  
38 intending to grow hemp shall register with the department by  
39 submitting a form provided by the department containing:

40 1. The individual's name and address.

41 2. A statement that the seeds obtained for planting are of  
42 a type and variety containing no more than 0.3 percent delta-9-  
43 tetrahydrocannabinol.

44 3. The location and acreage of all parcels sown with hemp  
45 and other field identification as may be required by the  
46 department.

47 (b) An individual registered with the department as a  
48 grower pursuant to this section must allow hemp crops to be  
49 inspected and tested by and at the discretion of the department  
50 throughout sowing, growing, harvest, storage, processing,  
51 manufacturing, and distribution operations conducted by that  
52 grower.

53 (c) The department may assess an annual registration fee on  
54 each grower of up to \$100 for the performance of its duties  
55 under this section.

56 (d) The registration requirements of this section do not  
57 apply to employees of the Experiment Station of the University  
58 of Florida, Extension Service of the University of Florida, or

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59 the state university system involved in research or extension-  
60 related activities when acting within the scope of their duties.

61 (4) RULEMAKING.—

62 (a) The department shall adopt rules that include, but are  
63 not limited to:

64 1. Testing of the hemp during growth to determine delta-9-  
65 tetrahydrocannabinol levels.

66 2. Inspection of the hemp during sowing, growing, harvest,  
67 storage, processing, manufacturing, and distribution operations  
68 conducted by a registered grower.

69 3. Assessment of a fee that is commensurate with the costs  
70 of the department's activities in testing and inspection of hemp  
71 production.

72 4. Any other rules and procedures necessary to carry out  
73 this section.

74 (b) The department may not adopt under this chapter, or any  
75 other provision of law, a rule that prohibits an individual from  
76 growing, processing, distributing, manufacturing, or selling  
77 hemp based on its legal status under federal law.

78 (5) AFFIRMATIVE DEFENSE FOR CANNABIS OFFENSES.—It is an  
79 affirmative defense to a charge or prosecution for the  
80 possession, cultivation, manufacturing, delivery, distribution,  
81 or sale of cannabis under chapter 893 that:

82 (a) The defendant was growing, processing, distributing,  
83 manufacturing, or selling hemp pursuant to this section; or

84 (b) The defendant had valid applicable controlled  
85 substances registrations from the United States Drug Enforcement  
86 Administration.

87 (6) EXCEPTIONS TO OTHER LAWS.—It is not a violation of

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88 state or local law for an individual to grow, process,  
89 distribute, move, manufacture, dispose of, sell, purchase, or  
90 possess hemp.

91 Section 3. This act shall take effect July 1, 2016.