

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Agriculture

CS/SB 1698 — Food and Hemp Products

by Agriculture Committee and Senator Burton

The bill makes a number of changes to s. 581.217, F.S., the State Hemp Program. It modifies the definition of “attractive to children” to include containers displaying toys or other features that target children, as well as provides additional packaging requirements. It revises the definition of “hemp” to outline that hemp extract may not exceed 0.3 percent total delta-9-tetrahydrocannabinol concentration on a wet-weight basis or exceed 5 milligrams per serving and 50 milligrams per container on a wet-weight basis, whichever is less.

The bill revises the definition of “hemp extract” to include hemp intended for inhalation and to prohibit it from containing controlled substances listed in s. 893.03, F.S.; any quantity of synthetic cannabinoids; or delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, or tetrahydrocannabivarin. It also creates a definition for “total delta-9-tetrahydrocannabinol concentration” to mean a concentration calculated as: $[\text{delta-9-tetrahydrocannabinol}] + (0.877 \times [\text{delta-9-tetrahydrocannabinolic acid}])$.

The bill adds requirements for the manufacture, delivery, hold, and offer for sale to the regulation of the distribution and sale of hemp extract. It specifies that if a batch is sold at retail that it must meet the new requirements for total delta-9-tetrahydrocannabinol concentration limits. It also requires such products to be sold in a container that includes the toll-free telephone number for the national Poison Help line.

The bill clarifies that hemp extract may only be sold to *or procured by* a business in this state if that business is properly permitted. A business or food establishment may not possess hemp extract products that are attractive to children.

The bill prohibits the Department of Agriculture and Consumer Services (department) from granting 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.

The bill prohibits an event organizer from promoting, advertising, or facilitating an event where hemp extract products sold that do not comply with general law or are sold by a business that is not properly permitted. Before an event where hemp extract products are sold or marketed, an event organizer must provide the department with a list of the businesses selling or marketing hemp extract products at the event and verify that each business is only selling hemp products from an approved source. The event organizer must ensure that each participating business is properly permitted.

The bill appropriates \$2 million in nonrecurring funds from the General Revenue Fund to the Department of Law Enforcement for the purchase of testing equipment necessary to implement the changes made by the bill.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2024.

Vote: Senate 39-0; House 64-48