A bill to be entitled
An act relating to the state hemp program; amending s. 581.217, F.S.; revising definitions; removing a requirement that licensees only use certain hemp seeds and cultivars; revising requirements for the distribution and retail sale of hemp extract; requiring a licensee who distributes or sells certain hemp extract to complete a corrective action plan; providing that certain hemp extract is considered adulterated or misbranded; removing a requirement that the department conduct certain inspections; conforming a cross-reference; providing an effective date.

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

Section 1. Subsections (7) through (14) of section 581.217, Florida Statutes, are renumbered as subsections (6) through (13), respectively, and present subsections (3), (6), (7), (10), (11), and (13) of that section are amended to read:

581.217 State hemp program.—
(3) DEFINITIONS.—As used in this section, the term:
(a) "Certifying agency" has the same meaning as in s. 578.011(3).
(b) "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast,
mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the accepted limitations as determined by rules adopted by the department of Health in accordance with s. 381.986, or other limitation pursuant to the laws of this state, whichever amount is less. 

(b)(c) "Cultivate" means planting, watering, growing, or harvesting hemp.

(c)(d) "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.

(d)(e) "Hemp extract" means a substance or compound intended for ingestion or inhalation that is derived from or contains hemp and that does not contain other controlled substances. The term does not include seeds that are generally recognized as safe by the United States Food and Drug Administration.

(e)(f) "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.

(6) HEMP SEED. A licensee may only use hemp seeds and
cultivars certified by a certifying agency or a university
conducting an industrial hemp pilot project pursuant to s.
1004.4473.

(6)(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp
extract may only be distributed and sold in the state if the
product:
(a) Has a certificate of analysis prepared by an
independent testing laboratory that states:
1. The hemp extract is the product of a batch tested by
the independent testing laboratory;
2. The batch contained a total delta-9-
tetrahydrocannabinol concentration that did not exceed 0.3
percent on a dry weight basis pursuant to the testing of a
random sample of the batch; and
3. The batch does not contain contaminants unsafe for
human consumption.
(b) Is distributed or sold in packaging that includes:
1. A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract by an independent testing laboratory;
2. The batch number;
3. The Internet address of a website where batch information may be obtained;
4. The expiration date;
5. The number of milligrams of each cannabinoid per serving hemp extract; and
6. A statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(9)(10) VIOLATIONS.—
(a) A licensee must complete a corrective action plan if the department determines that the licensee has negligently violated this section or department rules, including negligently:
1. Failing to provide the legal land description and global positioning coordinates pursuant to subsection (5);
2. Failing to obtain a proper license or other required authorization from the department; or
3. Producing Cannabis sativa L. that has a total delta-9-tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry-weight basis; or
4. Distributing or selling hemp extract that does not meet
the requirements of subsection (6). Such hemp extract is considered adulterated or misbranded pursuant to chapters 500, 502, and 580.

(b) The corrective action plan must include:
   1. A reasonable date by which the licensee must correct the negligent violation; and
   2. A requirement that the licensee periodically report to the department on compliance with this section and department rules for a period of at least 2 calendar years after the date of the violation.

(c) A licensee who negligently violates the corrective action plan under this subsection three times within 5 years is ineligible to cultivate hemp for 5 years following the date of the third violation.

(d) If the department determines that a licensee has violated this section or department rules with a culpable mental state greater than negligence, the department shall immediately report the licensee to the Attorney General and the United States Attorney General.

10. ENFORCEMENT.—

(a) The department shall enforce this section.

(b) Every state attorney, sheriff, police officer, and other appropriate county or municipal officer shall enforce, or assist any agent of the department in enforcing, this section and rules adopted by the department.
(c) The department, or its agent, is authorized to enter any public or private premises during regular business hours in the performance of its duties relating to hemp cultivation.

(d) The department shall conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with this section.

(12) (13) APPLICABILITY.—Notwithstanding any other law:

(a) This section does not authorize a licensee to violate any federal or state law or regulation.

(b) This section does not apply to a pilot project developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

(c) A licensee who negligently violates this section or department rules is not subject to any criminal or civil enforcement action by the state or a local government other than the enforcement of violations of this section as authorized under subsection (9)(10).

Section 2. This act shall take effect July 1, 2020.