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LEGISLATIVE ACTION

Senate

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House

The Committee on Agriculture (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. 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;



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- 11 2. Chewing gum;
12 3. Articles used for components of any such article;
13 4. Articles for which health claims are made, which claims
14 are approved by the Secretary of the United States Department of
15 Health and Human Services and which claims are made in
16 accordance with s. 343(r) of the federal act, and which are not
17 considered drugs solely because their labels or labeling contain
18 health claims; ~~and~~
19 5. Dietary supplements as defined in 21 U.S.C. s.
20 321(ff)(1) and (2); ~~and~~—
21 6. Hemp extract as defined in s. 581.217.

22
23 The term includes any raw, cooked, or processed edible
24 substance; ice; any beverage; or any ingredient used, intended
25 for use, or sold for human consumption.

26 Section 2. Paragraph (a) of subsection (1) of section
27 500.12, Florida Statutes, is amended to read:

28 500.12 Food permits; building permits.—

29 (1) (a) A food permit from the department is required of any
30 person who operates a food establishment or retail food store,
31 except:

32 1. Persons operating minor food outlets that sell food,
33 except hemp extract, that is commercially prepackaged, not
34 potentially hazardous, and not time or temperature controlled
35 for safety, if the shelf space for those items does not exceed
36 12 total linear feet and no other food is sold by the minor food
37 outlet.

38 2. Persons subject to continuous, onsite federal or state
39 inspection.



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40 3. Persons selling only legumes in the shell, either
41 parched, roasted, or boiled.

42 4. Persons selling sugar cane or sorghum syrup that has
43 been boiled and bottled on a premise located within the state.
44 Such bottles must contain a label listing the producer's name
45 and street address, all added ingredients, the net weight or
46 volume of the product, and a statement that reads, "This product
47 has not been produced in a facility permitted by the Florida
48 Department of Agriculture and Consumer Services."

49 Section 3. Paragraphs (a), (b), and (e) of subsection (3),
50 subsections (6), (7), and (11), and paragraph (c) of subsection
51 (13) of section 581.217, Florida Statutes, are amended to read:

52 581.217 State hemp program.—

53 (3) DEFINITIONS.—As used in this section, the term:

54 ~~(a) "Certifying agency" has the same meaning as in s.~~
55 ~~578.011(8).~~

56 (a) ~~(b)~~ "Contaminants unsafe for human consumption"
57 includes, but is not limited to, any microbe, fungus, yeast,
58 mildew, herbicide, pesticide, fungicide, residual solvent,
59 metal, or other contaminant found in any amount that exceeds any
60 of the accepted limitations as determined by rules adopted by
61 the department ~~of Health in accordance with s. 381.986, or other~~
62 ~~limitation pursuant to the laws of this state, whichever amount~~
63 ~~is less.~~

64 (d) ~~(e)~~ "Hemp extract" means a substance or compound
65 intended for ingestion or inhalation which ~~that~~ is derived from
66 or contains hemp and which ~~that~~ does not contain other
67 controlled substances. The term does not include synthetic CBD
68 or seeds or seed-derived ingredients that are generally



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69 recognized as safe by the United States Food and Drug
70 Administration.

71 ~~(6) HEMP SEED. A licensee may only use hemp seeds and~~
72 ~~cultivars certified by a certifying agency or a university~~
73 ~~conducting an industrial hemp pilot project pursuant to s.~~
74 ~~1004.4473.~~

75 ~~(6)(7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.-~~

76 (a) Hemp extract may only be distributed and sold in the
77 state if the product:

78 1.(a) Has a certificate of analysis prepared by an
79 independent testing laboratory that states:

80 a.1. The hemp extract is the product of a batch tested by
81 the independent testing laboratory;

82 b.2. The batch contained a total delta-9-
83 tetrahydrocannabinol concentration that did not exceed 0.3
84 percent ~~on a dry weight basis~~ pursuant to the testing of a
85 random sample of the batch; and

86 c.3. The batch does not contain contaminants unsafe for
87 human consumption.

88 2.(b) Is distributed or sold in a container ~~packaging~~ that
89 includes:

90 a.1. A scannable barcode or quick response code linked to
91 the certificate of analysis of the hemp extract by an
92 independent testing laboratory;

93 b.2. The batch number;

94 c.3. The Internet address of a website where batch
95 information may be obtained;

96 d.4. The expiration date;

97 e.5. The number of milligrams of each cannabinoid per



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98 serving hemp extract; and

99 f.6. A statement that the product contains a total delta-9-
100 tetrahydrocannabinol concentration that does not exceed 0.3
101 percent ~~on a dry weight basis.~~

102 (b) Hemp extract distributed or sold in violation of this
103 section shall be considered adulterated or misbranded pursuant
104 to chapter 500, chapter 502, or chapter 580.

105 (10)-(11) ENFORCEMENT.-

106 (a) The department shall enforce this section.

107 (b) Every state attorney, sheriff, police officer, and
108 other appropriate county or municipal officer shall enforce, or
109 assist any agent of the department in enforcing, this section
110 and rules adopted by the department.

111 (c) The department, or its agent, is authorized to enter
112 any public or private premises during regular business hours in
113 the performance of its duties relating to hemp cultivation.

114 (d) The department may contract with entities to provide
115 sample collection, laboratory testing, and disposal services to
116 implement this section. The contracts are exempt from chapter
117 287 ~~The department shall conduct random inspections, at least~~
118 ~~annually, of each licensee to ensure that only certified hemp~~
119 ~~seeds are being used and that hemp is being cultivated in~~
120 ~~compliance with this section.~~

121 (e) If the department finds that *Cannabis sativa L.* was
122 produced with a total delta-9-tetrahydrocannabinol concentration
123 that exceeds 0.3 percent, the director shall notify the licensee
124 of such result. The licensee shall, within 10 days after
125 receiving the notice, cause the removal and destruction of the
126 plants in accordance with methods adopted by the department. If



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127 the licensee refuses or neglects to comply with the terms of the
128 notice within 10 days after receiving it, the director or her or
129 his authorized representative may, under authority of the
130 department, proceed to destroy the plants. The expense of the
131 removal or destruction shall be assessed, collected, and
132 enforced against the licensee by the department. Damages may not
133 be awarded to the licensee for the destruction of the plants
134 under this paragraph.

135 (12)~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

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

141 Section 4. This act shall take effect July 1, 2020.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete everything before the enacting clause
146 and insert:

147 A bill to be entitled
148 An act relating to the state hemp program; amending s.
149 500.03, F.S.; revising the definition of the term
150 "food" to include hemp extract for purposes of the
151 Florida Food Safety Act; amending s. 500.12, F.S.;
152 providing that a person operating a minor food outlet
153 that sells hemp extract is not exempt from certain
154 food permit requirements; amending s. 581.217, F.S.;
155 deleting and redefining terms; removing requirements



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156 regarding the types of seeds that a licensee may use
157 in the state hemp program; providing that hemp extract
158 that does not meet certain requirements will be
159 considered adulterated or misbranded; authorizing the
160 department to contract with entities to provide
161 certain collection, testing, and disposal services;
162 providing that such contracts are exempt from
163 specified provisions; deleting a requirement that the
164 department conduct random inspections at specified
165 intervals for certified hemp seeds; requiring the
166 Director of the Division of Plant Industry to notify a
167 licensee of certain testing results; requiring such
168 licensee, or the director if the licensee fails to
169 act, to remove and destroy certain plants within a
170 specified timeframe; providing an effective date.