

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Drake offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 82-235 and insert:

5 Section 3. Subsections (3), (4), (6), (7), (9), (11),  
6 (12), and (14) of section 581.217, Florida Statutes, are  
7 amended, and subsection (15) is added to that section, to read:

8 581.217 State hemp program.—

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

10 ~~(a) "Certifying agency" has the same meaning as in s.~~

11 ~~578.011(8).~~

12 (a) ~~(b)~~ "Contaminants unsafe for human consumption"

13 includes, but is not limited to, any microbe, fungus, yeast,

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14 mildew, herbicide, pesticide, fungicide, residual solvent,  
15 metal, or other contaminant found in any amount that exceeds any  
16 of the accepted limitations as determined by rules adopted by  
17 the Department of Health in accordance with s. 381.986, or other  
18 limitation pursuant to the laws of this state, whichever amount  
19 is less.

20 (b)~~(e)~~ "Cultivate" means planting, watering, growing, or  
21 harvesting hemp.

22 (c)~~(d)~~ "Hemp" means the plant *Cannabis sativa* L. and any  
23 part of that plant, including the seeds thereof, and all  
24 derivatives, extracts, cannabinoids, isomers, acids, salts, and  
25 salts of isomers thereof, whether growing or not, that has a  
26 total delta-9-tetrahydrocannabinol concentration that does not  
27 exceed 0.3 percent on a dry-weight basis.

28 (d)~~(e)~~ "Hemp extract" means a substance or compound  
29 intended for ingestion, containing more than trace amounts of  
30 cannabinoid, or for inhalation which ~~that~~ is derived from or  
31 contains hemp and which ~~that~~ does not contain other controlled  
32 substances. The term does not include synthetic cannabidiol or  
33 seeds or seed-derived ingredients that are generally recognized  
34 as safe by the United States Food and Drug Administration.

35 (e)~~(f)~~ "Independent testing laboratory" means a laboratory  
36 that:

37 1. Does not have a direct or indirect interest in the  
38 entity whose product is being tested;

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39           2. Does not have a direct or indirect interest in a  
40 facility that cultivates, processes, distributes, dispenses, or  
41 sells hemp or hemp extract in the state or in another  
42 jurisdiction or cultivates, processes, distributes, dispenses,  
43 or sells marijuana, as defined in s. 381.986; and

44           3. Is accredited by a third-party accrediting body as a  
45 competent testing laboratory pursuant to ISO/IEC 17025 of the  
46 International Organization for Standardization.

47           (4) FEDERAL APPROVAL.—The department shall seek approval  
48 of the state plan for the regulation of the cultivation of hemp  
49 with the United States Secretary of Agriculture in accordance  
50 with 7 U.S.C. s. 1639p within 30 days after adopting rules. If  
51 the state plan is not approved by the United States Secretary of  
52 Agriculture, the Commissioner of Agriculture, in consultation  
53 with and with final approval from the Administration Commission,  
54 shall develop a recommendation to amend the state plan and  
55 submit the recommendation to the Legislature. If revisions to  
56 the state plan can be made without statutory changes, the  
57 department, in consultation with and with final approval from  
58 the Administration Commission, shall submit an amended plan to  
59 the United States Secretary of Agriculture.

60           (6) HEMP SEED.—A licensee may ~~only~~ use hemp seeds and  
61 cultivars, including hemp seeds and cultivars approved by  
62 ~~certified by a certifying agency or~~ a university conducting an  
63 industrial hemp pilot project pursuant to s. 1004.4473. All hemp

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64 seeds and cultivars distributed, offered for sale, or sold for  
65 cultivation must comply with rules adopted by the department.

66 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

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

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

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

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

77 c.3. The batch does not contain contaminants unsafe for  
78 human consumption.

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

81 a.1. A scannable barcode or quick response code linked to  
82 the certificate of analysis of the hemp extract batch by an  
83 independent testing laboratory;

84 b.2. The batch number;

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

87 d.4. The expiration date; and

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88 ~~e.5.~~ The number of milligrams of each marketed cannabinoid  
89 per serving hemp extract; and

90 ~~6.~~ ~~A statement that the product contains a total delta-9-~~  
91 ~~tetrahydrocannabinol concentration that does not exceed 0.3~~  
92 ~~percent on a dry weight basis.~~

93 (b) Hemp extract distributed or sold in violation of this  
94 section is considered adulterated or misbranded pursuant to  
95 chapter 500, chapter 502, or chapter 580.

96 (c) Products that are intended for inhalation and contain  
97 hemp extract may not be sold in this state to a person who is  
98 under 21 years of age.

99 (9) DEPARTMENT REPORTING.—The department shall submit  
100 monthly to the United States Secretary of Agriculture a report  
101 of the locations in the state where hemp is cultivated or has  
102 been cultivated within the past 3 calendar years. The report  
103 must include the contact information for each licensee and the  
104 total acreage of hemp planted, harvested, and, if applicable,  
105 disposed of by each licensee.

106 (11) ENFORCEMENT.—

107 (a) The department shall enforce this section.

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

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

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

121 (12) RULES. ~~By August 1, 2019,~~ The department, in  
122 consultation with the Department of Health and the Department of  
123 Business and Professional Regulation, shall initiate rulemaking  
124 to administer the state hemp program. The rules must provide  
125 for:

126 (a) A procedure that uses post-decarboxylation or other  
127 similarly reliable methods and a measure of uncertainty for  
128 testing the delta-9-tetrahydrocannabinol concentration of  
129 cultivated hemp. The sample must be taken no more than 15 days  
130 before the anticipated harvest by a federal, state, local, or  
131 tribal law enforcement agency.

132 (b) A procedure for the effective disposal of plants,  
133 whether growing or not, that are cultivated in violation of this  
134 section or department rules, and products derived from those  
135 plants.

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136 (14) INDUSTRIAL HEMP ADVISORY COUNCIL.—An Industrial Hemp  
137 Advisory Council, an advisory council as defined in s. 20.03, is  
138 established to provide information, advice, and expertise to the  
139 department with respect to plans, policies, and procedures  
140 applicable to the administration of the state hemp program.  
141 Notwithstanding ss. 377.6015 and 570.232, the Industrial Hemp  
142 Advisory Council is the sole advisory body to provide  
143 information, advice, and expertise related to the state hemp  
144 program to the department, and no other advisory body may be  
145 created for such purpose.

146 (a) The advisory council is adjunct to the department for  
147 administrative purposes.

148 (b) The advisory council shall be composed of all of the  
149 following members:

150 1. Two members appointed by the Commissioner of  
151 Agriculture.

152 2. Two members appointed by the Governor.

153 3. Two members appointed by the President of the Senate.

154 4. Two members appointed by the Speaker of the House of  
155 Representatives.

156 5. The dean for research of the Institute of Food and  
157 Agricultural Sciences of the University of Florida or his or her  
158 designee.

159 6. The president of Florida Agricultural and Mechanical  
160 University or his or her designee.

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161 7. The executive director of the Department of Law  
162 Enforcement or his or her designee.

163 8. The president of the Florida Sheriffs Association or  
164 his or her designee.

165 9. The president of the Florida Police Chiefs Association  
166 or his or her designee.

167 10. The president of the Florida Farm Bureau Federation or  
168 his or her designee.

169 11. The president of the Florida Fruit and Vegetable  
170 Association or his or her designee.

171 (c) Each advisory council member shall be appointed to a  
172 4-year term, and any vacancy in the membership of the council  
173 must be filled in the same manner as the original appointment  
174 for the remainder of the unexpired term. For the purpose of  
175 achieving staggered terms, the initial members appointed to the  
176 council shall serve the following terms:

177 1. Four years for members appointed by the Governor.

178 2. Three years for members appointed by the President of  
179 the Senate or the Speaker of the House of Representatives.

180 3. Three years for members appointed by the Commissioner  
181 of Agriculture.

182 4. Two years for all other appointed members.

183 (d)-(e) The advisory council shall elect by a two-thirds  
184 vote of the members one member to serve as chair of the council.  
185 The chair shall serve for a term of 1 year.

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