By Senator Montford

A bill to be entitled
An act relating to the state hemp program; amending s. 581.217, F.S.; deleting and redefining terms; removing requirements regarding the types of seeds that a licensee may use in the state hemp program; providing that hemp extract that does not meet certain requirements will be considered adulterated or misbranded; prohibiting the selling of products made from hemp extract in this state to persons under a specified age; deleting a requirement that the department conduct random inspections at specified intervals for certified hemp seeds; providing an effective date.

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

Section 1. Paragraphs (a), (b), and (e) of subsection (3), subsections (6), (7), and (11), and paragraph (c) of subsection (13) of section 581.217, Florida Statutes, 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(8).
(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.

(d) "Hemp extract" means a substance or compound intended for ingestion which is derived from or contains hemp and which 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.

(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) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

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

1. Has a certificate of analysis prepared by an independent testing laboratory that states:
   a. The hemp extract is the product of a batch tested by the independent testing laboratory;
   b. 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
   c. The batch does not contain contaminants unsafe for human consumption.

2. Is distributed or sold in packaging that includes:
   a. A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract by an independent testing laboratory;
b. The batch number;
c. The Internet address of a website where batch information may be obtained;
d. The expiration date;
e. The number of milligrams of each cannabinoid per serving hemp extract; and
f. A statement that the product contains a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(b) Hemp extract distributed or sold in violation of paragraph (a) shall be considered adulterated or misbranded pursuant to chapter 500, chapter 502, or chapter 580.

(c) Products made from hemp extract may not be sold in this state to a person who is under 18 years of age.

(10)(11) 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:
(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.