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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2023	.	
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The Committee on Agriculture (Burton) recommended the following:

Senate Amendment

Delete lines 60 - 165
and insert:
to, cannabidiol, are not controlled substances or adulterants if
they are in compliance with this section.

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

(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-



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12 9-tetrahydrocannabinol concentration that does not exceed 0.3
13 percent on a dry-weight basis, with the exception of hemp
14 extract, which may not exceed 0.5 milligrams total cannabinoids
15 per container, and 0.3 percent total delta-9
16 tetrahydrocannabinol on a wet-weight basis. The term does not
17 include synthetically derived cannabinoids.

18 (e) "Hemp extract" means a substance or compound intended
19 for ingestion, containing more than trace amounts of a
20 cannabinoid, or for inhalation which is derived from or contains
21 hemp and which does not contain ~~other~~ controlled substances. The
22 term includes snuff, chewing gum, and smokeless products derived
23 from or containing hemp, but does not include cannabinoids that
24 are synthetically derived ~~synthetic CBD~~ or seeds or seed-derived
25 ingredients ~~that are~~ generally recognized as safe by the United
26 States Food and Drug Administration.

27 (g) "Synthetically derived cannabinoid" means any
28 cannabinoid created by any process other than direct extraction
29 from hemp and without further reacting with other chemicals to
30 increase the concentration of a present cannabinoid or to create
31 a new or different cannabinoid not originally found in the
32 extract.

33 (h) "Total tetrahydrocannabinol" means the sum of all
34 cannabinoids as defined by the department in milligrams.

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

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

38 1. Has a certificate of analysis prepared by an independent
39 testing laboratory that states:

40 a. The hemp extract is the product of a batch tested by the



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41 independent testing laboratory;

42 b. The batch contained 0.5 milligrams total cannabinoids
43 per serving ~~a total delta-9-tetrahydrocannabinol concentration~~
44 ~~that did not exceed 0.3 percent~~ pursuant to the testing of a
45 random sample of the batch; ~~and~~

46 c. The batch does not contain contaminants unsafe for human
47 consumption; and

48 d. The batch was processed in a facility that holds a
49 current and valid permit issued by a human health or food safety
50 regulatory entity with authority over the facility, and that
51 facility meets the human health or food safety sanitization
52 requirements of the regulatory entity. Such compliance must be
53 documented by a report from the regulatory entity confirming
54 that the facility meets such requirements.

55 2. Is distributed or sold in a container that includes:

56 a. A scannable barcode or quick response code linked to the
57 certificate of analysis of the hemp extract batch by an
58 independent testing laboratory;

59 b. The batch number;

60 c. The Internet address of a website where batch
61 information may be obtained;

62 d. The expiration date; and

63 e. The number of milligrams of each marketed cannabinoid
64 per serving.

65 3. Is distributed or sold in a container that:

66 a. Is suitable to contain products for human consumption;

67 b. Is composed of materials designed to minimize exposure
68 to light;

69 c. Mitigates exposure to high temperatures;



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70 d. Is not attractive to children; and

71 e. Is compliant with the United States Poison Prevention
72 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq, without regard
73 to provided exemptions.

74 (b) Hemp extract may only be sold to a business in this
75 state if that business is properly permitted as required by this
76 section.

77 (c) Hemp extract distributed or sold in this state is
78 subject to the applicable requirements of ~~violation of this~~
79 ~~section shall be considered adulterated or misbranded pursuant~~
80 ~~to~~ chapter 500, chapter 502, or chapter 580.

81 (d) ~~(e)~~ Products that are intended for human ingestion or
82 inhalation and contain hemp extract may not:

83 1. Be sold in this state to a person who is under 21 years
84 of age; or-

85 2. Exceed 0.5 milligrams total tetrahydrocannabinol per
86 serving or 2 milligrams total tetrahydrocannabinol per package.

87 (12) RULES.-

88 (a) By August 1, 2019, ~~The department shall adopt rules, in~~
89 ~~consultation with the Department of Health and the Department of~~
90 ~~Business and Professional Regulation, shall initiate rulemaking~~
91 ~~to administer the state hemp program. The rules must provide~~
92 ~~for:~~

93 1. ~~(a)~~ A procedure that uses post-decarboxylation or other
94 similarly reliable methods for testing the delta-9-
95 tetrahydrocannabinol concentration of cultivated hemp.

96 2. ~~(b)~~ A procedure for the effective disposal of plants,
97 whether growing or not, that are cultivated in violation of this
98 section or department rules, and products derived from those



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99 plants.

100 3. Packaging and labeling requirements that ensure that
101 hemp extract intended for human ingestion or inhalation is not
102 attractive to children.

103 4. Advertising regulations that ensure hemp extract
104 intended for human ingestion or inhalation is not marketed or
105 advertised in a manner that specifically targets or is
106 attractive to children.

107 (b) The department shall adopt rules pursuant to ss. 120.54
108 and 120.56, establishing the cannabinoids to include in
109 calculating total cannabinoids, which must include, at a
110 minimum, delta-8 tetrahydrocannabinol, delta-9
111 tetrahydrocannabinol, delta-9 tetrahydrocannalibonic acid,
112 delta-10 tetrahydrocannabinol, delta-9,11 tetrahydrocannabinol,
113 exo-tetracannabinol, and hexahydrocannabinol.