

By Senator Burton

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1 A bill to be entitled
2 An act relating to food and hemp products; amending s.
3 381.988, F.S.; providing that a marijuana testing
4 laboratory may acquire hemp and hemp extract only from
5 certain businesses; prohibiting a marijuana testing
6 laboratory from selling, distributing, or transferring
7 hemp or hemp extract from certain businesses;
8 requiring a marijuana testing laboratory to separate
9 marijuana received from certain entities from hemp or
10 hemp extract received from certain entities; amending
11 s. 581.217, F.S.; revising legislative findings;
12 revising definitions; defining terms; revising
13 requirements for the sale and distribution of hemp
14 extract; deleting provisions related to the
15 distribution and sale of hemp extract; providing an
16 exception; prohibiting unpermitted business sales,
17 street sales, or festival sales of hemp extract;
18 prohibiting businesses and food establishments from
19 possessing hemp extract products that are attractive
20 to children; prohibiting a business permitted to sell
21 hemp or hemp extract from being located in certain
22 areas; providing requirements for businesses permitted
23 to sell hemp or hemp extract; including THC-infused
24 beverages in the list of products prohibited for sale
25 to a person under 21 years of age; providing a penalty
26 for hemp extract possessed, manufactured, delivered,
27 held, offered for sale, distributed, or sold by
28 certain entities in violation of specified provisions;
29 prohibiting the Department of Agriculture and Consumer

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30 Services from granting permission to remove or use
31 certain hemp extract products until it has determined
32 that such hemp extract products comply with state law;
33 prohibiting event organizers from promoting,
34 advertising, or facilitating certain events; requiring
35 organizers of certain events to provide a list of
36 certain vendors to the department, verify that such
37 vendors are selling hemp products only from approved
38 sources, and ensure that such vendors are properly
39 permitted; providing for administrative fines;
40 requiring that hemp extract be tested in a certified
41 marijuana testing laboratory before it may be sold in
42 this state; providing construction; requiring the
43 department to create procedures for the testing of
44 hemp extract that fails to meet specified
45 requirements; authorizing the department to select and
46 test samples of hemp extract from a retail store, hemp
47 distributor, or hemp cultivator for certain purposes;
48 requiring retail stores to recall hemp extract that
49 fails to meet specified requirements; requiring that
50 an independent testing laboratory retain records of
51 all tested and sampled hemp extract for a specified
52 timeframe; prohibiting the retail sale of THC-infused
53 beverages at certain locations; prohibiting THC-
54 infused beverages from containing alcoholic or
55 intoxicating beverages; providing that THC-infused
56 beverages may be distributed only by certain
57 distributors; prohibiting distributors of THC-infused
58 beverages from taking certain actions; prohibiting a

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59 retail vendor of THC-infused beverages from purchasing
60 or obtaining such beverages from a person not licensed
61 as a distributor; prohibiting a retail vendor of THC-
62 infused beverages from attempting to return or
63 exchange a THC-infused beverage under certain
64 circumstances; providing for administrative fines;
65 providing an appropriation; reenacting s.
66 500.03(1)(n), F.S., relating to definitions, to
67 incorporate the amendment made to s. 581.217, F.S., in
68 references thereto; providing an effective date.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Subsection (4) of section 381.988, Florida
73 Statutes, is amended to read:

74 381.988 Medical marijuana testing laboratories; marijuana
75 tests conducted by a certified laboratory.-

76 (4) A marijuana testing laboratory may acquire marijuana
77 only from a medical marijuana treatment center and may acquire
78 hemp and hemp extract only from a business that is licensed or
79 permitted under s. 581.217. A marijuana testing laboratory is
80 prohibited from selling, distributing, or transferring marijuana
81 received from a marijuana treatment center, or hemp or hemp
82 extract received from a business licensed or permitted under s.
83 581.217, except that a marijuana testing laboratory may transfer
84 a sample to another marijuana testing laboratory in this state.
85 A marijuana test laboratory must keep marijuana received from a
86 medical marijuana treatment center separated from hemp or hemp
87 extract received from a business that is licensed or permitted

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88 under s. 581.217.

89 Section 2. Present subsections (8) through (13) of section
90 581.217, Florida Statutes, are redesignated as subsections (10)
91 through (15), respectively, present paragraphs (b) through (f)
92 of subsection (3) are redesignated as paragraphs (c) through
93 (g), respectively, new subsections (8) and (9) are added to that
94 section, new paragraphs (b) and (i) are added to subsection (3)
95 of that section, and paragraph (b) of subsection (2), present
96 paragraphs (a), (e), (f), and (g) of subsection (3), subsection
97 (7), and paragraph (c) of present subsection (13) of that
98 section are amended to read:

99 581.217 State hemp program.—

100 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

101 (b) Hemp and hemp extract ~~Hemp-derived cannabinoids,~~
102 ~~including, but not limited to, cannabidiol,~~ are not controlled
103 substances ~~or adulterants if they are in compliance with this~~
104 ~~section.~~

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

106 (a) "Attractive to children" means manufactured in the
107 shape of or packaged in containers displaying humans, cartoons,
108 ~~or~~ animals, toys, or other features that target children;
109 manufactured in a form or packaged in a container that bears any
110 reasonable resemblance to an existing candy or snack product
111 that is familiar to the public; manufactured in a form or
112 packaged in a container that bears any reasonable resemblance to
113 a ~~as a widely distributed,~~ branded food product such that the a
114 product could be mistaken for the branded food product,
115 especially by children; or containing any color additives.

116 (b) "Certified marijuana testing laboratory" means a

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117 laboratory that is certified by the Department of Health
118 pursuant to s. 381.988.

119 (f)(e) "Hemp" means the plant *Cannabis sativa* L. and any
120 part of that plant, including the seeds thereof, and all
121 derivatives, extracts, cannabinoids, isomers, acids, salts, and
122 salts of isomers thereof, whether growing or not, that has a
123 total delta-9-tetrahydrocannabinol concentration that does not
124 exceed 0.3 percent on a dry-weight basis, with the exception of
125 hemp extract, which may not exceed 0.3 percent total delta-9-
126 tetrahydrocannabinol concentration on a wet-weight basis or
127 which does not exceed 5 milligrams per serving and 50 milligrams
128 per container on a wet-weight basis, whichever is less, except
129 that a THC-infused beverage may not contain more than 5
130 milligrams per unopened can or bottle or in any other sealed
131 container.

132 (g)(f) "Hemp extract" means hemp that is a substance or
133 compound intended for ingestion or inhalation and that contains,
134 containing more than trace amounts of a cannabinoid but, or for
135 inhalation which is derived from or contains hemp and which does
136 not contain controlled substances listed in s. 893.03; any
137 quantity of synthetic cannabinoids; or delta-8-
138 tetrahydrocannabinol, delta-10-tetrahydrocannabinol,
139 hexahydrocannabinol, tetrahydrocannabinol acetate,
140 tetrahydrocannabiphorol, or tetrahydrocannabivarin. The term
141 does not include synthetic cannabidiol or seeds or seed-derived
142 ingredients that are generally recognized as safe by the United
143 States Food and Drug Administration.

144 (h)(g) "THC-infused beverage" means a soft drink, soda,
145 juice, tea, or other beverage intended for ingestion which

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146 contains hemp extract in an amount not to exceed 5 milligrams
147 per unopened can or bottle or in any other sealed container

148 ~~“Independent testing laboratory” means a laboratory that:~~

149 ~~1. Does not have a direct or indirect interest in the~~
150 ~~entity whose product is being tested;~~

151 ~~2. Does not have a direct or indirect interest in a~~
152 ~~facility that cultivates, processes, distributes, dispenses, or~~
153 ~~sells hemp or hemp extract in the state or in another~~
154 ~~jurisdiction or cultivates, processes, distributes, dispenses,~~
155 ~~or sells marijuana, as defined in s. 381.986; and~~

156 ~~3. Is accredited by a third party accrediting body as a~~
157 ~~competent testing laboratory pursuant to ISO/IEC 17025 of the~~
158 ~~International Organization for Standardization.~~

159 (i) “Total delta-9-tetrahydrocannabinol concentration”
160 means a concentration calculated as follows: [delta-9-
161 tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic
162 acid)].

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

164 (a) Hemp extract may only be distributed and sold in this
165 the state if the product meets all of the following
166 requirements:

167 1. Is in compliance with the testing requirements set forth
168 in subsection (8). Has a certificate of analysis prepared by an
169 independent testing laboratory that states:

170 a. ~~The hemp extract is the product of a batch tested by the~~
171 ~~independent testing laboratory;~~

172 b. ~~The batch contained a total delta-9-tetrahydrocannabinol~~
173 ~~concentration that did not exceed 0.3 percent pursuant to the~~
174 ~~testing of a random sample of the batch;~~

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175 ~~e. The batch does not contain contaminants unsafe for human~~
176 ~~consumption; and~~

177 2.d. ~~The batch~~ Was processed in a facility that holds a
178 current and valid permit issued by a human health or food safety
179 regulatory entity with authority over the facility, and that
180 facility meets the human health or food safety sanitization
181 requirements of the regulatory entity. Such compliance must be
182 documented by a report from the regulatory entity confirming
183 that the facility meets such requirements.

184 3.2. Is distributed or sold in a container that includes:

185 a. A scannable barcode or quick response code linked to the
186 certificate of analysis of the hemp extract batch by a certified
187 marijuana ~~an independent~~ testing laboratory;

188 b. The batch number;

189 c. The Internet address of a website where batch
190 information may be obtained;

191 d. The expiration date; ~~and~~

192 e. The number of milligrams of each marketed cannabinoid
193 per serving; and

194 f. The toll-free telephone number for the national Poison
195 Help line.

196 4.3. Is distributed or sold in a container that:

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

198 b. Is composed of materials designed to minimize exposure
199 to light;

200 c. Mitigates exposure to high temperatures;

201 d. Is not attractive to children; and

202 e. Is compliant with the United States Poison Prevention
203 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without

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204 regard to provided exemptions.

205 (b) Except as required under this section for the retail
206 sale of THC-infused beverages, hemp extract may only be sold to
207 or procured by a business in this state if that business is
208 properly permitted as required by chapter 500 ~~this section~~. A
209 business or food establishment may not possess hemp extract
210 products that are attractive to children. Unpermitted business
211 sales, street sales, or festival sales are not allowed. A
212 business or food establishment may not possess hemp or hemp
213 extract products that are attractive to children. A business or
214 food establishment permitted to sell hemp or hemp extract may
215 not be located within 500 feet of a school or daycare facility,
216 a retail outlet engaged in the business of selling motor fuel,
217 or a retail facility in possession of a valid permit to sell
218 hemp or hemp extract. Businesses and food establishments
219 permitted to sell hemp or hemp extract:

220 1. May not advertise the availability of such products in a
221 manner that is visible to members of the public from any street,
222 sidewalk, park, or other public place. A business or food
223 establishment permitted to sell hemp extract may not use a trade
224 name, a logo, or advertising that contains wording or images
225 that are attractive to children; that implies that such products
226 confer health or medical benefits that are unsubstantiated; or
227 that suggests that the business or food establishment is
228 affiliated with a medical office or other health care facility.
229 Advertising may not use the terms "THC" or "medical card" or
230 similar terms.

231 2. Shall keep records pertaining to lab testing results and
232 the suppliers of hemp extract products for a minimum of 3 years

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233 and shall have procedures in place to effect a recall of any
234 hemp extract later determined to be unsafe for human
235 consumption.

236 3. Shall store all such products out of reach of customers,
237 either in a controlled area accessible only to employees or in a
238 locked display case excluding hemp-infused beverages.

239 (c) Hemp extract distributed or sold in this state is
240 subject to the applicable requirements of chapter 500, chapter
241 502, or chapter 580.

242 (d) Products that are intended for human ingestion or
243 inhalation and that contain hemp extract, including, but not
244 limited to, THC-infused beverages, snuff, chewing gum, and other
245 smokeless products, may not be sold in this state to a person
246 who is under 21 years of age. A person who violates this
247 paragraph commits a misdemeanor of the second degree, punishable
248 as provided in s. 775.082 or s. 775.083. A person who commits a
249 second or subsequent violation of this paragraph within 1 year
250 after the initial violation commits a misdemeanor of the first
251 degree, punishable as provided in s. 775.082 or s. 775.083.

252 (e) Hemp extract possessed, manufactured, delivered, held,
253 offered for sale, distributed, or sold in violation of this
254 subsection by an entity regulated under chapter 500 is subject
255 to s. 500.172 and penalties as provided in s. 500.121. Hemp
256 extract products found to be mislabeled or attractive to
257 children are subject to an immediate stop-sale order. The
258 department may not grant permission to remove or use, except for
259 disposal, hemp extract products subject to a stop-sale order
260 which are attractive to children until the department has
261 determined that the hemp extract products comply with state law.

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262 (f)1. An event organizer may not promote, advertise, or
263 facilitate an event where:

264 a. Hemp extract products that do not comply with general
265 law, including hemp extract products that are not from an
266 approved source as provided in sub-subparagraph (a)2., are sold
267 or marketed; or

268 b. Hemp extract products are sold or marketed by businesses
269 that are not properly permitted as required by this section and
270 chapter 500.

271 2. Before an event where hemp extract products are sold or
272 marketed, an event organizer must provide to the department a
273 list of the businesses selling or marketing hemp extract
274 products at the event and verify that each business is selling
275 hemp products only from an approved source. The event organizer
276 must ensure that each participating business is properly
277 permitted as required by this section and chapter 500.

278 3. A person who violates this paragraph is subject to an
279 administrative fine in the Class III category under s. 570.971
280 for each violation.

281 (8) TESTING.—

282 (a) Hemp extract must be tested using a certified marijuana
283 testing laboratory before it may be sold in this state. Test
284 results must be verified and signed by two laboratory employees.
285 The certified marijuana testing laboratory must determine
286 whether the test results indicate that the product meets the
287 definition of hemp and hemp extract, the labeling of the
288 concentration of tetrahydrocannabinol and cannabidiol is
289 accurate, and the product is free from contaminants that are
290 unsafe for human consumption.

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291 (b) The department shall create procedures for the
292 treatment of hemp extract that fails to meet the testing
293 requirements of this section or department rule.

294 (c) The department may select and test samples of hemp
295 extract from a retail store, hemp distributor, or hemp
296 cultivator to determine whether the product meets the
297 requirements of this section, is safe for human consumption, and
298 is accurately labeled.

299 (d) A retail store must recall hemp extract that fails to
300 meet the requirements of this section, is unsafe for human
301 consumption, or is mislabeled.

302 (e) The independent testing laboratory must retain records
303 of all testing and samples of each batch of hemp extract for 9
304 months.

305 (9) SALE OF THC-INFUSED BEVERAGES.—

306 (a) It is unlawful to sell, at retail, THC-infused
307 beverages at a location other than premises licensed to sell
308 alcoholic beverages under s. 565.02(1)(a)-(g). THC-infused
309 beverages may not contain alcoholic beverages or intoxicating
310 beverages as defined in s. 561.01(4) and (5), respectively.

311 (b) THC-infused beverages may only be distributed in this
312 state by a distributor licensed under the Beverage law, as
313 described in s. 561.14(2). A distributor of THC-infused
314 beverages may not:

315 1. Assist any retail vendor by any gift or loan of money or
316 property of any description, including equipment, fixtures, or
317 furnishings.

318 2. Sell or provide THC-infused beverages to a retail vendor
319 who does not hold an active permit required under paragraph

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320 (7) (b) .

321 3. Make consignment sales to retail vendors of THC-infused
322 beverages, including any right of return or exchange because the
323 product is over-stocked or slow-moving.

324 4. Give a retailer of THC-infused beverages anything of
325 value to promote THC-infused beverages, or to provide shelf
326 space or floor space to stock or promote THC-infused beverages.

327 (c) A retail vendor of THC-infused beverages may not
328 purchase or otherwise obtain such beverages from a person not
329 licensed as a distributor licensed under the Beverage Law as
330 described in s. 561.14(2) .

331 (d) A retail vendor of THC-infused beverages may not
332 attempt to return or exchange to a distributor any THC-infused
333 beverage because the product is over-stocked or slow-moving.

334 (e) A person regulated under the Beverage Law who
335 possesses, delivers, holds, offers for sale, or distributes THC-
336 infused beverages is subject to discipline under s. 561.29, and
337 such beverages are subject to s. 500.172. A person who violates
338 this subsection is subject to an administrative fine in the
339 Class III category under s. 570.971 for each violation.

340 (15)-(13) APPLICABILITY.—Notwithstanding any other law:

341 (c) A licensee who negligently violates this section or
342 department rules is not subject to any criminal or civil
343 enforcement action by the state or a local government other than
344 the enforcement of violations of this section as authorized
345 under subsection (12) -(10).

346 Section 3. For the 2025-2026 fiscal year, the sum of \$2
347 million in nonrecurring funds is appropriated from the General
348 Revenue Fund to the Department of Law Enforcement for the

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349 purchase of testing equipment necessary to implement this act.

350 Section 4. For the purpose of incorporating the amendment
351 made by this act to section 581.217, Florida Statutes, in a
352 reference thereto, paragraph (n) of subsection (1) of section
353 500.03, Florida Statutes, is reenacted to read:

354 500.03 Definitions; construction; applicability.—

355 (1) For the purpose of this chapter, the term:

356 (n) "Food" includes:

357 1. Articles used for food or drink for human consumption;

358 2. Chewing gum;

359 3. Articles used for components of any such article;

360 4. Articles for which health claims are made, which claims
361 are approved by the Secretary of the United States Department of
362 Health and Human Services and which claims are made in
363 accordance with s. 343(r) of the federal act, and which are not
364 considered drugs solely because their labels or labeling contain
365 health claims;

366 5. Dietary supplements as defined in 21 U.S.C. s.
367 321(ff)(1) and (2); and

368 6. Hemp extract as defined in s. 581.217.

369

370 The term includes any raw, cooked, or processed edible
371 substance; ice; any beverage; or any ingredient used, intended
372 for use, or sold for human consumption.

373 Section 5. This act shall take effect October 1, 2025.