

1 A bill to be entitled
 2 An act relating to hemp extract products; amending s.
 3 581.217, F.S.; revising legislative findings; revising
 4 and providing definitions; revising and providing
 5 conditions for the manufacture, delivery, hold, offer
 6 for sale, distribution, and retail sale of hemp
 7 extract products; providing penalties; requiring
 8 manufacturers, distributors, and retailers of hemp
 9 extract products to maintain certain records;
 10 prohibiting the Department of Agriculture and Consumer
 11 Services from granting permission to remove or use
 12 certain hemp extract products until it determines that
 13 such hemp extract products comply with state law;
 14 providing appropriations; providing an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 18 **Section 1. Paragraph (b) of subsection (2) and subsections**
 19 **(3) and (7) of section 581.217, Florida Statutes, are amended to**
 20 **read:**

21 581.217 State hemp program.—
 22 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:
 23 (b) Hemp and hemp extract ~~Hemp-derived cannabinoids,~~
 24 including, but not limited to, cannabidiol, are not controlled
 25 substances or adulterants if they are in compliance with this

26 section.

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

28 (a) "Attractive to children" means manufactured in the
29 shape of or packaged in containers displaying humans, cartoons,
30 ~~or animals, toys, or other features that appeal to children;~~
31 manufactured in a form or packaged in a container that bears any
32 reasonable resemblance to an existing candy or snack product
33 that is familiar to children; manufactured in a form or packaged
34 in a container that bears any reasonable resemblance to a the
35 ~~public as a widely distributed,~~ branded snack or food product
36 marketed to children such that the a product could be mistaken
37 for the branded snack or food product, especially by children;
38 or containing any color additives.

39 (b) "Certifying agency" has the same meaning as in s.
40 578.011(8).

41 (c) "Contaminants unsafe for human consumption" includes,
42 but is not limited to, any microbe, fungus, yeast, mildew,
43 herbicide, pesticide, fungicide, residual solvent, metal, or
44 other contaminant found in any amount that exceeds any of the
45 accepted limitations as determined by rules adopted by the
46 Department of Health in accordance with s. 381.986, or other
47 limitation pursuant to the laws of this state, whichever amount
48 is less.

49 (d) "Convenience business" means any place of business
50 that is primarily engaged in the retail sale of groceries and

51 gasoline and licensed by the Division of Alcoholic Beverages and
52 Tobacco within the Department of Business and Professional
53 Regulation pursuant to chapter 210, chapter 561, chapter 562,
54 chapter 563, chapter 564, chapter 565, or chapter 569.

55 (e) "Counter" means the point of purchase at a retail
56 establishment.

57 (f)~~(d)~~ "Cultivate" means planting, watering, growing, or
58 harvesting hemp.

59 (g) "Exit package" means an opaque bag provided at the
60 point of purchase for a hemp extract product that satisfies the
61 child-resistant effectiveness standards under 16 C.F.R. s.
62 1700.15(b)(1) when tested in accordance with the requirements of
63 16 C.F.R. s. 1700.20.

64 (h)~~(e)~~ "Hemp" means the plant Cannabis sativa L. and any
65 part of that plant, including the seeds thereof, and all
66 derivatives, extracts, cannabinoids, isomers, acids, salts, and
67 salts of isomers thereof, whether growing or not, that has a
68 total delta-9-tetrahydrocannabinol concentration that does not
69 exceed 0.3 percent on a dry-weight basis, with the exception of
70 hemp extract, which may not exceed:

71 1. Zero point 3 ~~0.3~~ percent total delta-9-
72 tetrahydrocannabinol concentration on a wet-weight basis;

73 2. Twenty-five milligrams per serving or 500 milligrams
74 per container on a dry-weight basis for edible products; or

75 3. Three milliliters for a product that uses an

76 electronic, chemical, or mechanical means to produce vapor.

77 (i)~~(f)~~ "Hemp extract" means a substance or compound
 78 intended for ingestion, containing more than trace amounts of a
 79 cannabinoid, or for inhalation which is derived from or contains
 80 hemp and which does not contain controlled substances. The term
 81 does not include synthetic cannabidiol or seeds or seed-derived
 82 ingredients that are generally recognized as safe by the United
 83 States Food and Drug Administration.

84 (j)~~(g)~~ "Independent testing laboratory" means a laboratory
 85 that:

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

88 2. Does not have a direct or indirect interest in a
 89 facility that cultivates, processes, distributes, dispenses, or
 90 sells hemp or hemp extract in the state or in another
 91 jurisdiction or cultivates, processes, distributes, dispenses,
 92 or sells marijuana, as defined in s. 381.986; and

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

96 (k) "Retail establishment" means a place of business
 97 licensed to sell hemp extract products which is open to the
 98 public for the sale of goods or services.

99 (l) "Safe harbor hemp extract product" means a finished
 100 hemp extract product or a hemp extract product in the process of

101 being manufactured which is permitted to be manufactured,
 102 processed, produced, packaged, prepared, treated, transported,
 103 or held for distribution in this state for the exclusive purpose
 104 of being exported from this state.

105 (7) MANUFACTURE, DELIVERY, HOLD, OFFER FOR SALE,
 106 DISTRIBUTION, AND RETAIL SALE OF HEMP EXTRACT PRODUCTS.—

107 (a) Hemp extract products may only be sold at retail to a
 108 person 21 years of age or older. A person who violates this
 109 paragraph commits a misdemeanor of the second degree, punishable
 110 as provided in s. 775.082 or s. 775.083. A person who commits a
 111 second or subsequent violation of this paragraph within 1 year
 112 after an initial violation commits a misdemeanor of the first
 113 degree, punishable as provided in s. 775.082 or s. 775.083.

114 (b) ~~(a)~~ Hemp extract may only be distributed, offered for
 115 retail sale, and sold at retail in this the state if the
 116 product:

117 1. Has a certificate of analysis prepared by an
 118 independent testing laboratory which ~~that~~ states:

119 a. The hemp extract is the product of a batch tested by
 120 the independent testing laboratory;

121 b. The batch contained a total delta-9-
 122 tetrahydrocannabinol concentration that did not exceed 0.3
 123 percent pursuant to the testing of a random sample of the batch,
 124 or if the batch is sold at retail, the batch meets the total
 125 delta-9-tetrahydrocannabinol concentration limits for hemp

126 extract set forth in paragraph (3) (h);

127 c. The batch does not contain contaminants unsafe for
128 human consumption; and

129 d. The batch was processed in a facility that holds a
130 current and valid permit issued by a human health or food safety
131 regulatory entity with authority over the facility, and that
132 facility meets the human health or food safety sanitization
133 requirements of the regulatory entity. Such compliance must be
134 documented by a report from the regulatory entity confirming
135 that the facility meets such requirements.

136 2. Is distributed, offered for retail sale, or sold at
137 retail with a label that does not make any claims related to the
138 health benefits of the product unless expressly authorized by
139 the United States Food and Drug Administration and ~~in a~~
140 container that includes:

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

144 b. The batch number;

145 c. The Internet address of a website where batch
146 information may be obtained;

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

148 e. The number of milligrams of each marketed cannabinoid
149 per serving;

150 f. The concentration of cannabinoids contained in the

151 product;

152 g. The recommended amount of product per serving; and

153 h. The toll-free telephone number for the national Poison
154 Help line.

155 3. Is distributed, offered for retail sale, or sold at
156 retail in a container that:

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

158 b. Is composed of materials designed to minimize exposure
159 to light;

160 c. Mitigates exposure to high temperatures;

161 d. Is not attractive to children; ~~and~~

162 e. Is compliant with the United States Poison Prevention
163 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
164 regard to provided exemptions; and

165 f. Is child-resistant and satisfies the child-resistant
166 effectiveness standards under 16 C.F.R. s. 1700.15(b)(1) when
167 tested in accordance with the requirements of 16 C.F.R. s.
168 1700.20.

169 (c) The labeling, packaging design, and advertising or
170 marketing materials for any hemp extract product may not be
171 attractive to children or engage in infringement under s.
172 495.131, trade dress, trademarks, branding or other related
173 materials, or any imagery or scenery that depicts or signifies
174 characters or symbols known to appeal primarily to persons under
175 21 years of age, including, but not limited to, superheroes,

176 comic book characters, video game characters, and mythical
177 creatures.

178 (d) A hemp extract product, other than a beverage, must be
179 maintained behind the counter of a retail establishment in an
180 area that is inaccessible to customers.

181 (e) A convenience business may only sell hemp extract
182 products in the form of beverages.

183 (f) Hemp extract products must be placed in an exit
184 package at the point of sale.

185 (g)~~(b)~~ Hemp extract may only be sold to a business in this
186 state if that business is properly permitted as required by this
187 section.

188 (h)~~(e)~~ Hemp extract distributed or sold in this state is
189 subject to the applicable requirements of chapter 500, chapter
190 502, or chapter 580.

191 (i) Manufacturers, distributors, and retailers of hemp
192 extract products shall maintain a readily accessible written or
193 electronic record of all hemp extract products in their
194 inventory for 3 years after the product is sold or otherwise
195 disposed of. The record must contain the name of the product,
196 the manufacturer of the product, the third-party laboratory test
197 for the product, the date the product was placed in inventory,
198 the date the product was removed from inventory, and the current
199 disposition of the product.

200 (j)1. Safe harbor hemp extract products may not be sold at

201 a retail establishment in this state.

202 2. Safe harbor hemp extract products in compliance with
203 this section must be physically segregated from other products,
204 including hemp extract products, by a manufacturer or storage
205 facility.

206 ~~(d) Products that are intended for human ingestion or~~
207 ~~inhalation and that contain hemp extract, including, but not~~
208 ~~limited to, snuff, chewing gum, and other smokeless products,~~
209 ~~may not be sold in this state to a person who is under 21 years~~
210 ~~of age. A person who violates this paragraph commits a~~
211 ~~misdemeanor of the second degree, punishable as provided in s.~~
212 ~~775.082 or s. 775.083. A person who commits a second or~~
213 ~~subsequent violation of this paragraph within 1 year after the~~
214 ~~initial violation commits a misdemeanor of the first degree,~~
215 ~~punishable as provided in s. 775.082 or s. 775.083.~~

216 (k)(e) Hemp extract possessed, manufactured, delivered,
217 held, offered for sale, distributed, or sold in violation of
218 this subsection is subject to s. 500.172 and penalties as
219 provided in s. 500.121. Hemp extract products found to be
220 mislabeled or attractive to children are subject to an immediate
221 stop-sale order. The department may not grant permission to
222 remove or use, except for disposal, hemp extract products
223 subject to a stop-sale order which are attractive to children
224 until the department determines that the hemp extract products
225 comply with state law.

226 **Section 2.** (1) For the 2025-2026 fiscal year, the sum of
227 \$2 million in nonrecurring funds is appropriated from the
228 General Revenue Fund to the Department of Law Enforcement for
229 the purchase of testing equipment necessary to implement this
230 act.

231 (2) For the 2025-2026 fiscal year, the sum of \$25 million
232 in nonrecurring funds is appropriated from the General Revenue
233 Fund to the Department of Legal Affairs for the investigation of
234 hemp and hemp extract products manufactured in a foreign country
235 of concern as defined in s. 692.201, Florida Statutes, and
236 imported into this state.

237 **Section 3.** This act shall take effect October 1, 2025.