

1 **Rule 5B-57.014**

2 **State Hemp Program**

3 (1) Pursuant to s. 581.217, F.S., and in accordance with 7 U.S.C. Section 1639p, the Department shall authorize
4 and oversee the development of the state hemp program to regulate the cultivation of hemp in the state, which is a
5 potentially invasive plant species and is a threat to the plant life of this state if not properly controlled. Hemp
6 cultivated pursuant to this rule is considered an agricultural commodity.

7 (2) Definitions. The definitions provided in s. 581.217, F.S., and the following shall apply to this rule:

8 (a) "Hemp biomass" means non-food plant matter, including stalks, seed hulls, woody biomass, and hemp
9 flowers (post extraction).

10 (b) The word "Person" includes individuals, children, firms, associations, joint adventures, partnerships, estates,
11 trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

12 (c) "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same
13 variety or strain of hemp throughout the area.

14 (3) Pursuant to ss. 581.031(1), (3), (5), F.S., it is unlawful for any Person to introduce into this state or move
15 through this state hemp or hemp plant parts unless introduced or moved in compliance with this rule.

16 (4) Application. It is unlawful for a Person to cultivate hemp in this state without a License to Cultivate Hemp
17 issued by the Department. A Person seeking a license to cultivate hemp shall submit to the Department a complete
18 application consisting of the following:

19 (a) A completed Application for License to Cultivate Hemp FDACS-XXXXX xx/xx, incorporated herein by
20 reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

21 (b) A detailed description of each Plot location intended for the cultivation of hemp, including address or legal
22 land description, and GPS coordinates.

23 (c) A full set of fingerprints for each owner, partner, corporate officer, member, or director, submitted through a
24 Livescan service provider evaluated by the Florida Department of Law Enforcement for state and national
25 processing to Department ORI # _____. The Livescan service provider receipt for payment and process reference
26 number must be provided with the Application For License to Cultivate Hemp.

27 (d) An environmental containment plan for each proposed facility location. An environmental containment plan
28 must include the following:

29 1. A containment system of traps, filters, silt fences or berms, or a fallow area consisting of bare earth or ground
30 cover to prevent the Industrial Hemp from spreading through ditches, natural waterways, or other drainage.

31 2. The use of dedicated equipment for the facility or a plan to clean any equipment used on the site of all debris
32 before it is moved from the property.

33 3. A transportation and movement plan that ensures that the hemp is covered and moved in full containment
34 during transport from noncontiguous locations.

35 (e) A waste disposal plan. A detailed plan outlining the procedures the applicant will use to destroy hemp plants
36 that have been cultivated in violation of s. 581.217, F.S. or the rules promulgated therefrom. A waste disposal plan
37 must include the following:

38 1. A statement of the estimated costs to destroy the hemp plants,

39 2. The method of disposal using chemical or mechanical processes that will be applied to ensure that all hemp
40 plants are rendered non-viable. Pursuant to s. 381.986(8)(e), F.S., hemp cultivated under this rule is not eligible to be
41 sold by a licensed medical marijuana treatment center. Accordingly, the sale of hemp or hemp extract to a medical
42 marijuana treatment center is not an approved method of disposal.

43 (f) Proof of an Agricultural Bond if required by this rule.

44 (5) Cultivation requirements. The licensee shall comply with the following requirements:

45 (a) The licensee's environmental containment plan.

46 (b) The licensee's waste disposal plan.

47 (c) Maintain documentation describing the varieties of hemp cultivated for three (3) years. These documents
48 must be provided to the Department upon request.

49 (d) Maintain the certification, label, and receipts for all certified hemp seed used in cultivation of hemp for three
50 (3) years. These documents must be provided to the Department upon request.

51 (e) Use only certified hemp seed as defined in Rule 5E-4.016(2), F.A.C or nursery stock obtained from a Florida
52 nursery registered with the Department that was grown from certified hemp seed.

53 (f) In accordance with s. 581.083, F.S., hemp may only be cultivated on lands that are used primarily for bona
54 fide agricultural purposes pursuant to s. 193.461, F.S. Two years after adoption of this rule, The Noxious Weed and
55 Invasive Plant Review Committee and the Hemp Advisory Committee shall evaluate and make separate

56 recommendations to the Department whether it is necessary to continue restricting cultivation of Hemp to lands that
57 are used primarily for bona fide agricultural purposes pursuant to s. 193.461, F.S.

58 (g) A License to Cultivate Hemp expires twelve months after the date of issuance.

59 (h) Post signage at every Plot access point which contains the following information: the Licensee's name, the
60 Department issued license number, the licensee's phone number, the GPS coordinates of the cultivation area, and a
61 statement that hemp is being cultivated.

62 (6) Nurseries. Nurseries propagating hemp plants for distribution shall:

63 (a) Register with the Department pursuant to s. 581.031(21), F.S.

64 (b) Only sell hemp plants for cultivation to Persons in the state of Florida who are licensed pursuant to this rule
65 or to Persons outside of Florida who are authorized to cultivate hemp under a plan authorized pursuant to 7 U.S.C.
66 1639p.

67 (c) Maintain copies of hemp plant movement records or sales invoices for three (3) years and provide copies to
68 the Department upon request.

69 (7) Agricultural Bonds. As required by s. 581.083(4)(e), F.S., each licensee shall maintain, for each separate
70 growing location over five (5) contiguous acres, a bond in an amount of not more than 150 percent of the estimated
71 cost of removing and destroying the hemp. The bond amount determination shall be based on the biological and
72 physical factors associated with the organism being cultivated and produced, including size of the production area,
73 equipment, and products needed to eliminate the planting and organism. The maximum bond or certificate of deposit
74 required will not exceed \$5,000 per acre except as allowed by s. 581.083(4)(e), F.S. The amount of the bond or
75 certificate of deposit shall be increased, upon order of the Department, at any time if the Department finds such
76 increase to be warranted by the cultivating operations of the permit holder. The increase shall be based on any
77 changes in the biological and physical factors of the organism being cultivated and produced as stated above in this
78 rule.

79 (8) Harvest. The licensee must notify the Department by email at [DPI Hemp Inspection inbox] no fewer than
80 thirty (30) days prior to each Plot's intended harvest date. The licensee shall not harvest the Plot until the laboratory
81 results indicate that the sample does not have a total delta-9 THC concentration that exceeds 0.3 % on a dry weight
82 basis.

83 (9) THC field sampling.

84 (a) Under Department supervision and direction, the licensee shall collect a representative sample from each
85 Plot of hemp to be tested for total delta-9 tetrahydrocannabinol concentration.

86 (b) The Department shall place the sample under seal and the licensee shall submit the sample to an ISO 17025
87 accredited laboratory for testing. The methods utilized by the laboratory must be within their scope of accreditation.
88 The laboratory shall report directly to the Department and the licensee the analysis results for total delta-9
89 tetrahydrocannabinol concentration. The licensee shall not harvest the Plot until the laboratory results indicate the
90 Plot sample does not have a total delta-9 tetrahydrocannabinol concentration that exceeds 0.3 % on a dry weight
91 basis. If Plot sample results indicate that the total delta-9 tetrahydrocannabinol exceeds 0.3% on a dry weight basis,
92 the Department will perform a confirmatory test.

93 (c) The licensee will be responsible for the destruction of all hemp plants in the Plot if the Department's
94 confirmatory sample results indicate the plants have a total delta-9 tetrahydrocannabinol concentration that exceeds
95 0.3 % on a dry weight basis. The licensee shall completely destroy all hemp plants, rendering the plants as non-
96 viable in a manner approved by the Department using chemical or mechanical processes. However, if a licensee
97 removes and destroys all leaf or floral material from the plants, the hemp plants may be processed for barestalk
98 fiber, hulled hemp seed, hemp seed protein powder, or hemp seed oil.

99 (10) Inspections. The Department shall conduct random annual inspections of each licensee to ensure the
100 following:

101 (a) The Licensee's environmental containment plan.

102 (b) Maintenance of seed certification documentation required under paragraph 5B-57.014(5)(d), F.A.C.

103 (c) Hemp plants have a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry
104 weight basis.

105 (d) Hemp plants are free from plant pests or disease.

106 (e) Compliance with s. 581.217, F.S. and rules promulgated therefrom.

107 (11) Transportation Requirements.

108 (a) Intrastate movement. Any Person transporting hemp within the state of Florida shall:

109 1. Transport Hemp in a fully enclosed vehicle or container when being moved between noncontiguous
110 locations.

111 2. Have in their possession a bill of lading or proof of ownership, certificate of inspection, documentation
112 showing the name, physical address, and license number of the originating licensed cultivator, and the name and
113 physical address of the recipient of the delivery when transporting between non-contiguous locations.

114 3. Stop and submit for inspection while passing any official agricultural inspection station pursuant to s. 570.15,
115 F.S.

116 (b) Interstate movement. Any Person doing business outside the State of Florida who desires to ship into this
117 state hemp plants, hemp plant products capable of hosting plant pests or diseases from any state, U.S. possession,
118 territory, or district of the United States, or foreign jurisdiction, shall comply with the following regulations:

119 1. The movement of propagative parts of hemp into the State of Florida is prohibited unless:

120 a. Accompanied by a Special Permit to Import Hemp issued by the Department. A Special Permit to Import
121 Hemp may be requested by submitting to the Division at the address shown on the form an Application for Special
122 Permit to Import Hemp, FDACS-XXXXX, xx/xx, which is incorporated herein by reference.

123 b. Accompanied by proof of origin and a phytosanitary certificate of inspection issued by a state or country
124 plant protection governmental agency.

125 c. The Person requests and submits to a special inspection pursuant to s. 581.031(23), F.S. prior to entry into the
126 State.

127 2. The movement of any hemp plants or hemp plant products capable of hosting plant pests or disease into the
128 State of Florida is prohibited unless:

129 a. Accompanied by a Permit to Import Hemp issued by the Department. A permit may be requested by
130 submitting to the Division at the address shown on the form an Application for Permit to Import Hemp, FDACS-
131 XXXXX, xx/xx, which is incorporated herein by reference.

132 b. Accompanied by proof of origin and a phytosanitary certificate of inspection issued by a state or country
133 plant protection governmental agency.

134 c. The Person requests and submits to a special inspection pursuant to s. 581.031(23), F.S. prior to entry in the
135 State.

136 3. The movement of any Hemp biomass into the state of Florida is prohibited unless:

137 a. The Hemp biomass has been rendered non-viable through processing.

138 b. Accompanied by proof of origin and a phytosanitary certificate of inspection issued by a state or country

139 plant protection governmental agency.

140 c. The Person must request and submit to a special inspection outlined in s. 581.031(23), F.S. prior to entry in
141 the State.

142 4. Upon entry in the state, all persons transporting propagative parts of hemp, hemp plants, hemp plant products,
143 or Hemp biomass must comply with the intrastate movement requirements outlined in this rule.

144 (12) Abandoned operations. It is the responsibility of the licensee to completely destroy all hemp plant material,
145 rendering the plants as non-viable in a manner approved by the Department using chemical or mechanical processes
146 prior to vacating the property or stopping hemp cultivation. Failure of the permit holder to destroy the hemp will
147 result in an immediate final order by the Department and action against the licensee's bond.

148 (13) Violations. A licensee must complete a corrective action plan if the Department determines that the
149 licensee has negligently violated s. 581.217, F.S. or this rule. A licensee who negligently violates the corrective
150 action plan under this rule three times within five (5) years is ineligible to cultivate hemp for five (5) years following
151 the date of the third violation. If the Department determines that a licensee has violated s. 581.217, F.S. or
152 Department rules with a culpable mental state greater than negligence, the Department shall immediately report the
153 licensee to the Attorney General and the United States Attorney General. A determination that a licensee has
154 negligently violated s. 581.217, F.S. or this rule shall be subject to the process outlined in ss. 120.569 and 120.57-
155 120-595. A determination that a licensee has violated s. 581.217, F.S. or Department rule with a culpable mental
156 state greater than negligence shall be reported to the Attorney General and the United States Attorney General
157 notwithstanding ss. 120.569 and 120.57-120-595.

158 (14) Final Order. The Department may issue an immediate final order directing the licensee to immediately
159 destroy any hemp cultivated in violation of s. 581.217, F.S. and the rules promulgated therefrom.

160 (15) Byproducts. Any processing byproduct that contains a total delta-9 tetrahydrocannabinol concentration
161 exceeding 0.3% on a dry weight basis must be destroyed in accordance with the licensee's waste disposal plan.

162 (16) Destruction verification. Upon destruction of the product, the licensee shall notify the Department via
163 FDACS-XXXXX xx/xx, incorporated herein by reference and available online at
164 <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

165 *Rulemaking Authority Law Implemented History–New*

166

167 **5E-4.006 Seed Standards.**

168 The minimum germination standard for agricultural seeds shall be 60% (including hard seed or dormant seed)
169 except hybrid field corn seed which shall be 90%, and hemp seed, which shall be 80% (including hard or dormant
170 seed). For hemp seed which germinates less than the standard established by the Department, the words “Below
171 Standard” shall be prominently displayed on the label. Hemp seed below 60% germination may not be sold. The
172 minimum standards for vegetable seeds are set forth in the documents incorporated herein. The federal seed act
173 regulations specified in 7 CFR 201 are hereby incorporated by reference. Copies of this document may be obtained
174 from the Superintendent of Documents, Attn: New Orders, P. O. Box 371954, Pittsburgh, PA 15250-7954. Charge
175 orders may be telephoned to the Government Printing Office order desk at (202)783-3238. Also incorporated by
176 reference are the State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed
177 Act, January 1994 publication, and the January 1995 replacement pages for the January 1994 publication. Copies of
178 these documents may be obtained from the United States Department of Agriculture, Agricultural Marketing
179 Service, Seed Regulatory and Testing Branch, Livestock and Seed Division, Building 506, BARC-East, Beltsville,
180 MD 20705-2350; telephone (301)504-9430.

181 *Rulemaking Authority 570.07(23), 578.11(2) FS. Law Implemented 578.09(2)(a), 578.11(2) FS. History—New 5-30-63,*
182 *Amended 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98,_____.*

183 **5E-4.007 Commercial Tests.**

184 (1) The Department will make commercial tests of seed when such will not interfere with prescribed duties of
185 the Department. A schedule of charges is listed below:

Product	Type Test and Charge	
	Purity	Germination
(a) through (s) No change.		
<u>(t) Hemp</u>	<u>21.00</u>	<u>21.00</u>
(t) through (rr) renumbered (u) through (ss) No change.		

186 *Rulemaking Authority 578.11(2) FS. Law Implemented 578.11(2) FS. History—New 6-29-62, Amended 9-29-83, Formerly*
187 *5E-4.07, Amended 8-17-92,_____.*

188 **5E-4.016 Certified Hemp Seed.**

189 (1) A certifying agency, or an institution or university conducting an industrial hemp pilot project pursuant to s.
190 1004.4473, F.S., may certify hemp seed.

191 (2) “Certified hemp seed” means a seed produced from a cultivar or named variety having a total delta-9-
192 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and is produced under a system
193 which ensures genetic purity, identity, and a given minimum level of quality.

194 (3) An institution or university conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S., that
195 elect to certify hemp seed must:

196 (a) Follow the standards for seed certification in 7 CFR Parts 201.67 – 201.78; and

197 (b) Maintain records of all hemp seed certified by the institution or university pursuant to s. 578.23, F.S.

198 Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented 570.07(16)(g), 578.011(2), 578.011(8),
199 578.23, 581.217(6),581.217(11)(d) FS. History–New _____.

200 **5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling**
201 **Requirements; Laboratory Certification/Exemption Requirements and Fees.**

202 (1) Definitions.

203 (a) through (j) No change.

204 (k) The term “pet food” means any commercial feed prepared and distributed for consumption by dogs or cats.

205 (l) The term “pet treats” means any treat as defined in 5E-3.003(1)(i), F.A.C., prepared and distributed for
206 consumption by dogs or cats.

207 (m) The term “specialty pet” means any animal normally maintained in a household, including, rodents,
208 ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for
209 food or fur.

210 (n) The term “specialty pet food” means any commercial feed prepared and distributed for consumption by
211 specialty pets.

212 (o) The term “specialty pet treats” means any treat as defined in 5E-3.003(1)(i), F.A.C., prepared and distributed
213 for consumption by specialty pets.

214 (p) The term “waste disposal plan” means a detailed plan outlining the chemical or mechanical process the
215 registrant will use to destroy products containing Hemp Extract.

216 (2) through (4) No change.

217 (5) Hemp extract in pet food, pet treats, specialty pet food and specialty pet treats.

218 (a) Hemp extract as defined in s. 581.217(3)(e), F.S. used in pet food, pet treats, specialty pet food and specialty
219 pet treats must be tested and have a certificate of analysis prepared by an independent testing laboratory as required
220 in s. 581.217(7), F.S.

221 (b) Prior to a feed master registrant engaging in the distribution of pet food, pet treats, specialty pet food and
222 specialty pet treats containing hemp extract, the registrant shall submit a waste disposal plan. The plan shall include
223 a method of disposal by a chemical or mechanical process that will destroy the pet food, pet treats, specialty pet food
224 and specialty pet treats.

225 (c) Pet food, pet treats, specialty pet food and specialty pet treat products shall not contain more than 0.3% total
226 delta-9-tetrahydrocannabinol concentration on a dry weight basis.

227 (d) Pet food, pet treats, specialty pet food and specialty pet treat products having a total delta-9-
228 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis, shall be detained pursuant to s.
229 580.111, F.S. Those products having a total delta-9-tetrahydrocannabinol concentration that exceeds 0.3% on a dry
230 weight basis which have been detained pursuant to s. 580.111, F.S., shall not be further subdivided or renumbered
231 such that the integrity of the lot for identification is not maintained. The manufacturer or distributor shall not dispose
232 of the pet food, pet treats, specialty pet food and specialty pet treats in any manner until written permission is given
233 by the Department or a court of competent jurisdiction.

234 (e) Upon receipt of written permission by the Department or a court of competent jurisdiction, the pet food, pet
235 treats, specialty pet food and specialty pet treats shall be disposed of in accordance with a waste disposal plan or in
236 the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the manufacturer or
237 distributor shall notify the Department via FDACS-XXXXX xx/xx, incorporated herein by reference and available
238 online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

239 (f) Any byproduct as a result of processing which contains a total delta-9 tetrahydrocannabinol concentration
240 exceeding 0.3% on a dry weight basis must be properly destroyed by the manufacturer or distributor pursuant to the
241 waste disposal plan.

242 (5) through (8) renumbered (6) through (9) No change.

243 *Rulemaking Authority 570.07(23), 580.036(2), 580.065 581.217(12)(b) FS. Law Implemented 580.036(2), 580.051,*

244 580.065, 580.071, 580.091, 580.111, 580.121, 580.131, 581.217(7)(a) FS. History–New 12-30-70, 5-14-85, Formerly 5E-3.03,
245 Amended 3-4-87, 6-1-95, 11-14-01, 8-31-06,_____.

246 **5E-3.004 Ingredient Statement.**

247 (1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication
248 ~~2004~~2019” published by the Association of American Feed Control Officials shall be used as the common or usual
249 names unless the Department of Agriculture and Consumer Services designates otherwise by rule), except that
250 collective terms for a group of ingredients which perform a similar function may be used on labels for all
251 commercial feed except horse feed. Collective terms recognize a general classification of ingredient origin but do
252 not imply equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term
253 provided that only those ingredients defined by Association of American Feed Control Officials within each
254 collective term are included:

255 Animal Protein Products

256 Grain Products

257 Plant Protein Products

258 Processed Grain By-Products

259 Forage Products

260 Roughage Products

261 Molasses Products

262 (a) through (b) No change.

263 (2) through (6) No change.

264 (7) Pet food, pet treats, specialty pet food and specialty pet treat products may contain hemp extract as defined
265 by s. 581.217(3), F.S. provided the product is not a drug as defined in s. 580.031(9), F.S.

266 ~~(8)(7)~~ “Official Publication ~~2004~~2019” published by The Association of American Feed Control Officials is
267 hereby incorporated by reference. Copies may be obtained from AAFCO 1800 South Oak Street, Suite 100,
268 Champaign, Illinois 61820 or <http://www.aafco.org/publications> ~~Assistant Secretary Treasurer, P. O. Box 478,~~
269 ~~Oxford, IN 47971.~~

270 *Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f), 581.217(3)(e) FS. History–New 12-30-*
271 *70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01,_____.*

272 **5E-3.005 Labels.**

273 (1) through (3) No change.

274 (4) Pet food, pet treats, specialty pet food and specialty pet treats consisting of or containing hemp extract must
275 be labeled as required in s. 581.217(7), F.S. and must declare the number of milligrams of cannabidiol (CBD) per
276 serving. The serving size must be defined on the label.

277 (5) The label and labeling for pet food, pet treats, specialty pet food and specialty pet treats consisting of or
278 containing hemp extract shall not contain claims indicating the product is intended for diagnosis, cure, mitigation,
279 treatment, or prevention of disease rendering it a drug as defined by s. 580.031(9), F.S.

280 (6) Pet food, pet treats, specialty pet food and specialty pet treats consisting of or containing hemp extract shall
281 be labeled “Not for human consumption.”

282 *Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051, 580.081, 580.112, 581.217(7) FS. History–*
283 *New 12-30-70, Formerly 5E-3.05, Amended 3-5-89, 9-19-94, 6-1-95,_____.*

284 **HEMP EXTRACT IN FOOD**

285 **5K-4.034, Florida Administrative Code**

286 **5K-4.034 Hemp Extract in Food**

287 (1) Products. Hemp Extracts intended to be included in or as Food as defined in s. 500.03, F.S., are subject to
288 the requirements of Chapter 500, F.S., and Rules 5K-4.002, .004, .020, .021, .035, F.A.C., and this rule.

289 (2) Definitions:

290 (a) “Approved Source” as it relates to Food consisting of or containing Hemp Extract means Food
291 manufactured, processed, packaged, labeled, or held in this state under sanitary conditions as demonstrated by
292 meeting the Department’s inspection requirements or evidence the source is in compliance with a foreign, federal,
293 state, local, territorial, or tribal jurisdiction’s food safety regulatory inspection program.

294 (b) “Batch Number” or “Lot Number” means the Food produced during a period of time under similar
295 conditions and identified by a specific code that allows traceability.

296 (c) “Expiration Date” means the month and year as determined by the manufacturer, packer, or distributor on
297 the basis of tests or other information showing that the product, until that date, under the conditions of handling,
298 storage, preparation, and use per label directions, will when consumed, contain not less than the quantity of each
299 ingredient as set forth on its label.

300 (d) “Hemp” is defined in s. 581.217(3)(d), F.S.

301 (e) “Hemp Extract” is defined in s. 581.217(3)(e), F.S. Hemp Extract does not include any material, compound,
302 mixture or preparation that contains any quantity of Synthetic Cannabinoids as defined in s. 893.03(1)(c)190., F.S.

303 (f) “Hemp Food Establishment” means an establishment, as defined in s. 500.03(p), F.S., manufacturing,
304 processing, packing, holding, preparing, or selling Food consisting of or containing Hemp Extract at wholesale or
305 retail.

306 (g) “Ingestion” means the process of taking Food into the body through the mouth and into the gastrointestinal
307 tract through eating or drinking.

308 (h) “Waste disposal plan” means a detailed plan outlining the chemical or mechanical process the establishment
309 will use to destroy products containing hemp extract.

310 (3) Permit and Fees.

311 (a) Hemp Food Establishments shall obtain a food permit as required in Rule 5K-4.020, F.A.C., and shall pay an
312 annual fee of \$650.

313 (b) Hemp Food Establishments must submit to the Department a Waste disposal plan prior to manufacturing,
314 processing, packing, holding, preparing, or selling Food constituting of or containing Hemp Extract.

315 (4) Requirements.

316 (a) Food consisting of or containing Hemp or Hemp Extract must be obtained from an Approved Source. The
317 responsible party (as declared on the product label) shall provide to the Department, upon request, a valid food
318 license/permit and the most recent food safety inspection report from the Approved Source.

319 (b) Hemp Extract intended for human ingestion whether directly or through combination with other Food
320 products must originate from a crop intended to be used in the food supply chain.

321 (c) Food consisting of or containing Hemp Extract may not be manufactured, processed, packed, held, prepared,
322 or sold under the Cottage Food Operations Law in s. 500.80, F.S.

323 (d) Food which contains Hemp Extract and alcohol, other than Candies or Confections as defined in Rule 5K-
324 4.0010, F.A.C., are subject to the requirements of this rule and the Beverage Law.

325 (e) Hemp intended for bodily application is not a Food and is subject to the Florida Drug and Cosmetic Act.

326 (f) Food containing or consisting of Hemp Extract must be stored and transported at or below room temperature.
327 If a Food is considered a Potentially Hazardous Food (PHF) or a Food requiring Time and Temperature Control for

328 Safety (TCS Food) as defined in 5K-4.0010, F.A.C., it must be stored in accordance with Rule 5K-4.002, F.A.C. All
329 Food products containing or consisting of Hemp Extract must be packaged in containers eliminating the exposure to
330 light to prevent degradation of the Cannabinoids.

331 (g) Food consisting of or containing Hemp Extract shall not contain a total delta-9 tetrahydrocannabinol
332 concentration of more than 0.3% on a dry weight basis.

333 (5) Contaminants. In addition to the requirements listed in Chapter 500, F.S., and Rule 5K-4.002, F.A.C., Food
334 consisting of or containing Hemp Extract shall be considered adulterated pursuant to s. 500.10(1)(a), F.S., if
335 Contaminants are detected at levels greater than those listed in this rule.

336 (a) Pesticide Limits. The following list of contaminants does not constitute
337 authorization to use or apply any of the following during hemp cultivation or processing.

- 338 1. Abamectin, 20 parts per billion.
- 339 2. Acephate, 20 parts per billion.
- 340 3. Acequinocyl, 20 parts per billion.
- 341 4. Acetamiprid, 10 parts per billion.
- 342 5. Aldicarb, 10 parts per billion.
- 343 6. Azoxystrobin, 10 parts per billion.
- 344 7. Bifenazate, 100 parts per billion.
- 345 8. Chlorfenapyr, 10 parts per billion.
- 346 9. Chlorpyrifos, 20 parts per billion.
- 347 10. Clofentezine, 40 parts per billion.
- 348 11. Coumaphos, 10 parts per billion.
- 349 12. Cyfluthrin, 10 parts per billion.
- 350 13. Cypermethrin, 500 parts per billion.
- 351 14. Daminozide, 10 parts per billion.
- 352 15. DDVP (Dichlorvos), 20 parts per billion.
- 353 16. Diazinon, 10 parts per billion.
- 354 17. Dimethoate, 10 parts per billion.
- 355 18. Dimethomorph, 10 parts per billion.

- 356 19. Ethoprop(hos), 10 parts per billion.
- 357 20. Etofenprox, 10 parts per billion.
- 358 21. Etoxazole, 10 parts per billion.
- 359 22. Fenhexamid, 80 parts per billion.
- 360 23. Fenoxycarb, 10 parts per billion.
- 361 24. Fenpyroximate, 100 parts per billion.
- 362 25. Fipronil, 10 parts per billion.
- 363 26. Flonicamid, 100 parts per billion.
- 364 27. Fludioxonil, 20 parts per billion.
- 365 28. Hexythiazox, 100 parts per billion.
- 366 29. Imazalil, 10 parts per billion.
- 367 30. Imidacloprid, 20 parts per billion.
- 368 31. Kresoxim-methyl, 20 parts per billion.
- 369 32. Malathion, 10 parts per billion.
- 370 33. Metalaxyl, 10 parts per billion.
- 371 34. Methiocarb, 10 parts per billion.
- 372 35. Methomyl, 10 parts per billion.
- 373 36. Methyl parathion, 10 parts per billion.
- 374 37. Mevinphos, 10 parts per billion.
- 375 38. Myclobutanil, 20 parts per billion.
- 376 39. Naled, 10 parts per billion.
- 377 40. Oxamyl, 26 parts per billion.
- 378 41. Paclobutrazol, 10 parts per billion.
- 379 42. Pentachloronitrobenzene, 30 parts per billion.
- 380 43. Permethrin, 20 parts per billion.
- 381 44. Phosmet, 20 parts per billion.
- 382 45. Piperonyl butoxide, 3,000 parts per billion.
- 383 46. Prallethrin, 20 parts per billion.

384 47. Propiconazole, 20 parts per billion.

385 48. Propoxur, 20 parts per billion.

386 49. Pyrethrins, 500 parts per billion.

387 50. Pyridaben, 20 parts per billion.

388 51. Spinetoram, 40 parts per billion.

389 52. Spinosad A, 20 parts per billion.

390 53. Spinosad D, 20 parts per billion.

391 54. Spiromesifen, 30 parts per billion.

392 55. Spirotetramat, 20 parts per billion.

393 56. Spiroxamine, 10 parts per billion.

394 57. Tebuconazole, 10 parts per billion.

395 58. Thiacloprid, 10 parts per billion.

396 59. Thiamethoxam, 10 parts per billion.

397 60. Trifloxystrobin, 20 parts per billion.

398 (b) Residual Solvent Limits. Residual Solvent limits listed in the United States Pharmacopeia, USP 40, (467),

399 hereby incorporated by reference and available online at

400 <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.

401 (c) Metals Limits.

402 1. Cadmium, 0.5 micrograms/gram.

403 2. Lead, 0.5 micrograms/gram.

404 3. Arsenic, 1.5 micrograms/gram.

405 4. Mercury, 3.0 micrograms/gram.

406 (d) Biological Limits.

407 1. Shiga toxin-producing Escherichia coli (STEC E. coli) and other pathogenic E. coli, none present.

408 2. Listeria monocytogenes, none present.

409 3. Salmonella, none present.

410 (e) Mycotoxin Limits.

411 1. Total Aflatoxin (B1, B2, G1, G2), 20 parts per billion.

412 2. Ochratoxin, 20 parts per billion.

413 (f) Cannabinoid Limits. Total delta-9 tetrahydrocannabinol concentration shall not exceed 0.3% on a dry weight
414 basis.

415 (g) If a testing sample is found to contain levels of any pathogen, toxicant, residual solvent, metal, or pesticide
416 not enumerated in this rule or by Florida law the Food shall be considered adulterated.

417 (6) Labeling.

418 (a) Food consisting of or containing Hemp Extract must be labeled as required by Chapter 500, F.S., s.
419 581.217(7), F.S., and 21 CFR Part 101, as incorporated by reference in Section 5K-4.002(4), F.A.C., and must
420 declare the number of milligrams of cannabidiol (CBD) per serving. The serving size shall be displayed on the
421 nutrition facts label of the product.

422 (b) The label and advertisement shall not contain claims indicating the product is intended for diagnosis, cure,
423 mitigation, treatment, or prevention of disease, rendering it a drug as defined in 21 U.S.C. 321(g)(1). Pursuant to s.
424 500.03(1)(n)4., F.S., such articles are not considered Food.

425 (7) Disposal.

426 (a) Laboratory samples found to contain more than a total delta-9 tetrahydrocannabinol concentration of 0.3%
427 on a dry weight basis shall be disposed of in accordance with 21 CFR 1317, which is hereby incorporated by
428 reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

429 (b) Food containing a total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis
430 shall be detained pursuant to s. 500.172, F.S. Food containing a total delta-9 tetrahydrocannabinol concentration that
431 exceeds 0.3% on a dry weight basis which have been detained pursuant to s. 500.172, F.S. shall not be further
432 subdivided or renumbered such that the integrity of the lot is not maintained. The Hemp Food Establishment shall
433 not shall not dispose of the Food in any manner until written permission is given by the Department or a court of
434 competent jurisdiction.

435 (c) Any byproduct as a result of processing which contains a total delta-9 tetrahydrocannabinol concentration
436 exceeding 0.3% on a dry weight basis must be destroyed by the Hemp Food Establishment in accordance with the
437 Waste disposal plan.

438 (d) Upon receipt of written permission by the Department or a court of competent jurisdiction, the Food shall be
439 disposed of in accordance with the Waste disposal plan or in the manner provided for by a court of competent

440 jurisdiction. Upon destruction of the product, the Hemp Food Establishment shall notify the Department by
441 submitting FDACS-XXXXX xx/xx, incorporated herein by reference and available online at
442 https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX.

443 (8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-
444 4.035, F.A.C. Labeling violations of s. 581.217(7), F.S., shall be deemed Tier I major violations under Rule 5K-
445 4.035, F.A.C.

446 Rulemaking Authority 570.07(23), 500.09, FS. Law Implemented 581.217, 500.03, 500.04, 500.09, 500.10,
447 500.11, 500.12, 500.13, 500.172, FS.

HEMP EXTRACT IN DAIRY PRODUCTS AND FROZEN DESSERTS

5K-10.006, Florida Administrative Code

5K-10.006 Hemp Extract in Dairy Products and Frozen Desserts

452 (1) Products. Milk, Milk Products, and Frozen Desserts containing Hemp or Hemp Extract are subject to the
453 requirements of Chapter 502, F.S., and Chapter 5K-10, F.A.C., in addition to the requirements of this rule. Grade
454 “A” milk and milk products to which Hemp Extract has been added shall be considered “Substitute Milk” or
455 “Substitute Milk Products” as defined in Chapter 502, F.S. In addition to the requirements in Section 502.165 F.S.,
456 Substitute Milk and Substitute Milk Products containing Hemp Extract are subject to the requirements of Chapter
457 5K-10, F.A.C.

(2) Definitions:

459 (a) “Approved Source” as it relates to Substitute Milk, Substitute Milk Products, and Frozen Desserts
460 containing Hemp Extract means Substitute Milk, Substitute Milk Products, and Frozen Desserts manufactured,
461 processed, packaged, labeled, or held in this state under sanitary conditions as demonstrated by meeting the
462 Department’s inspection requirements or evidence the source is in compliance with a foreign, federal, state, local,
463 territorial, or tribal jurisdiction’s dairy sanitation regulatory inspection program.

464 (b) “Batch Number” or “Lot Number” means the Substitute Milk, Substitute Milk Products, and Frozen
465 Desserts containing Hemp Extract produced during a period of time under similar conditions and identified by a
466 specific code that allows traceability.

467 (c) “Expiration Date” means the month and year as determined by the manufacturer, packer, or distributor on
468 the basis of tests or other information showing that the product, until that date, under the conditions of handling,
469 storage, preparation, and use per label directions, will when consumed, contain not less than the quantity of each
470 ingredient as set forth on its label.

471 (d) “Hemp” is defined in s. 581.217(3)(d), F.S.

472 (e) “Hemp Extract” is defined in s. 581.217(3)(e), F.S. Hemp Extract does not include any material, compound,
473 mixture or preparation that contains any quantity of Synthetic Cannabinoids as defined in s. 893.03(1)(c)190., F.S.

474 (f) “Hemp Frozen Dessert Manufacturer” means a person who manufactures, processes, converts, partially
475 freezes, or freezes any mix or frozen dessert containing Hemp Extract for distribution or sale.

476 (g) “Hemp Substitute Milk Manufacturer” means any place, premises, or establishment where Substitute Milk
477 containing Hemp Extract is collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically
478 processed and packaged, retort processed after packaging, condensed, dried, packaged, bottled, or prepared for
479 distribution at wholesale.

480 (h) “Hemp Substitute Milk Product Manufacturer” means any place, premises, or establishment where
481 Substitute Milk Products containing Hemp Extract is collected, handled, processed, stored, pasteurized, ultra-
482 pasteurized, aseptically processed and packaged, retort processed after packaging, condensed, dried, packaged,
483 bottled, or prepared for distribution at wholesale.

484 (i) “Ingestion” means the process of taking food into the body through the mouth and into the gastrointestinal
485 tract through eating or drinking.

486 (j) “Waste disposal plan” means a detailed plan outlining the chemical or mechanical process the manufacturer
487 will use to destroy products containing Hemp Extract.

488 (3) Permits and Fees.

489 (a) Hemp Substitute Milk, Hemp Substitute Milk Products, and Hemp Frozen Dessert Manufacturers shall
490 obtain a permit and pay the applicable fee required in Rule 5K-10.002, F.A.C.

491 (b) Manufacturers must submit to the Department a Waste disposal plan prior to manufacturing, processing,
492 packing, holding, preparing, or selling Hemp Substitute Milk, Hemp Substitute Milk Products, or Frozen Desserts
493 containing Hemp Extract.

494 (4) Requirements.

495 (a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be obtained
496 from an Approved Source. The responsible party (as declared on the product label) shall provide to the Department,
497 upon request, a valid dairy or food safety license/permit and the most recent dairy or food safety inspection report
498 from the Approved Source.

499 (b) Hemp Extract intended for human ingestion whether directly or through Substitute Milk, Substitute Milk
500 Products, or Frozen Dessert products must originate from a crop intended to be used in the food supply chain.

501 (c) Substitute Milk, Substitute Milk Products, and Frozen Desserts which contain Hemp Extract and alcohol are
502 subject to the requirements of this rule and the Beverage Law.

503 (d) Hemp intended for bodily application is not a Substitute Milk, Substitute Milk Product, or Frozen Dessert
504 and is subject to the Florida Drug and Cosmetic Act.

505 (e) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be stored and
506 transported in accordance with Chapter 5K-10, F.A.C. Substitute Milk, Substitute Milk Products, and Frozen
507 Desserts containing Hemp Extract must be packaged in containers eliminating the exposure to light to prevent
508 degradation of the Cannabinoids.

509 (f) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract shall not contain a
510 total delta-9 tetrahydrocannabinol concentration of more than 0.3% on a dry weight basis.

511 (5) Contaminants. In addition to the requirements listed in Chapter 502, F.S., and Rule 5K-10.004, Substitute
512 Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract shall be considered adulterated
513 pursuant to s. 502.181(2), F.S., if contaminants are detected at levels greater than those listed in this rule.

514 (a) Pesticide Limits. The following list of contaminants does not constitute authorization to use or apply any of
515 the following during hemp cultivation or processing.

516 1. Abamectin, 20 parts per billion.

517 2. Acephate, 20 parts per billion.

518 3. Acequinocyl, 20 parts per billion.

519 4. Acetamiprid, 10 parts per billion.

520 5. Aldicarb, 10 parts per billion.

521 6. Azoxystrobin, 10 parts per billion.

522 7. Bifenazate, 100 parts per billion.

- 523 8. Chlorfenapyr, 10 parts per billion.
- 524 9. Chlorpyrifos, 20 parts per billion.
- 525 10. Clofentezine, 40 parts per billion.
- 526 11. Coumaphos, 10 parts per billion.
- 527 12. Cyfluthrin, 10 parts per billion.
- 528 13. Cypermethrin, 500 parts per billion.
- 529 14. Daminozide, 10 parts per billion.
- 530 15. DDVP (Dichlorvos), 20 parts per billion.
- 531 16. Diazinon, 10 parts per billion.
- 532 17. Dimethoate, 10 parts per billion.
- 533 18. Dimethomorph, 10 parts per billion.
- 534 19. Ethoprop(hos), 10 parts per billion.
- 535 20. Etofenprox, 10 parts per billion.
- 536 21. Etoxazole, 10 parts per billion.
- 537 22. Fenhexamid, 80 parts per billion.
- 538 23. Fenoxycarb, 10 parts per billion.
- 539 24. Fenpyroximate, 100 parts per billion.
- 540 25. Fipronil, 10 parts per billion.
- 541 26. Flonicamid, 100 parts per billion.
- 542 27. Fludioxonil, 20 parts per billion.
- 543 28. Hexythiazox, 100 parts per billion.
- 544 29. Imazalil, 10 parts per billion.
- 545 30. Imidacloprid, 20 parts per billion.
- 546 31. Kresoxim-methyl, 20 parts per billion.
- 547 32. Malathion, 10 parts per billion.
- 548 33. Metalaxyl, 10 parts per billion.
- 549 34. Methiocarb, 10 parts per billion.
- 550 35. Methomyl, 10 parts per billion.

- 551 36. Methyl parathion, 10 parts per billion.
- 552 37. Mevinphos, 10 parts per billion.
- 553 38. Myclobutanil, 20 parts per billion.
- 554 39. Naled, 10 parts per billion.
- 555 40. Oxamyl, 26 parts per billion.
- 556 41. Paclobutrazol, 10 parts per billion.
- 557 42. Pentachloronitrobenzene, 30 parts per billion.
- 558 43. Permethrin, 20 parts per billion.
- 559 44. Phosmet, 20 parts per billion.
- 560 45. Piperonyl butoxide, 3,000 parts per billion.
- 561 46. Prallethrin, 20 parts per billion.
- 562 47. Propiconazole, 20 parts per billion.
- 563 48. Propoxur, 20 parts per billion.
- 564 49. Pyrethrins, 500 parts per billion.
- 565 50. Pyridaben, 20 parts per billion.
- 566 51. Spinetoram, 40 parts per billion.
- 567 52. Spinosad A, 20 parts per billion.
- 568 53. Spinosad D, 20 parts per billion.
- 569 54. Spiromesifen, 30 parts per billion.
- 570 55. Spirotetramat, 20 parts per billion.
- 571 56. Spiroxamine, 10 parts per billion.
- 572 57. Tebuconazole, 10 parts per billion.
- 573 58. Thiacloprid, 10 parts per billion.
- 574 59. Thiamethoxam, 10 parts per billion.
- 575 60. Trifloxystrobin, 20 parts per billion.
- 576 (b) Residual Solvent Limits. Residual Solvent limits listed in the United States Pharmacopeia, USP 40, (467),
- 577 which is hereby incorporated by reference and available online at
- 578 <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.

579 (c) Metals Limits.

580 1. Cadmium, 0.5 micrograms/gram

581 2. Lead, 0.5 micrograms/gram

582 3. Arsenic, 1.5 micrograms/gram

583 4. Mercury, 3.0 microgram/gram

584 (d) Biological Limits.

585 1. Shiga toxin-producing Escherichia coli (STEC E. coli) and other pathogenic E. coli, none present.

586 2. Listeria monocytogenes, none present.

587 3. Salmonella, none present.

588 (e) Mycotoxins Limits.

589 1. Total Aflatoxin (B1, B2, G1, G2), 20 parts per billion.

590 2. Ochratoxin, 20 parts per billion.

591 (f) Cannabinoid Limits. Total delta-9 tetrahydrocannabinol concentration shall not exceed 0.3% on a dry weight

592 basis.

593 (g) If a testing sample is found to contain levels of any pathogen, toxicant, residual solvent, metal, or pesticide

594 not enumerated in this rule or by Florida law the Substitute Milk, Substitute Milk Product, or Frozen Dessert

595 containing Hemp Extract shall be considered adulterated.

596 (6) Labeling.

597 (a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be labeled in

598 accordance with Chapter 502 F.S., s. 581.217(7), F.S., 21 CFR 101, and must include the number of milligrams of

599 cannabidiol (CBD) per serving. The serving size shall be displayed on the nutrition facts label of the product.

600 (b) The label and advertisement shall not contain claims indicating the product is intended for diagnosis, cure,

601 mitigation, treatment, or prevention of disease, rendering it a drug as defined in 21 U.S.C. 321(g)(1).

602 (7) Disposal.

603 (a) Laboratory samples found to contain more than a total delta-9 tetrahydrocannabinol concentration of 0.3%

604 on a dry weight basis shall be disposed of in accordance with 21 CFR 1317, which is hereby incorporated by

605 reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

606 (b) Substitute Milk, Substitute Milk Products, or Frozen Desserts containing a total delta-9
607 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis shall be detained pursuant to s. 502.014,
608 F.S. Substitute Milk, Substitute Milk Products, or Frozen Desserts containing a total delta-9 tetrahydrocannabinol
609 concentration that exceeds 0.3% on a dry weight basis which have been detained pursuant to 502.014, F.S., shall not
610 be further subdivided or renumbered such that the integrity of the lot for identification is not maintained. The
611 permittee shall not shall not dispose of the Substitute Milk, Substitute Milk Products, or Frozen Desserts containing
612 Hemp Extract in any manner until written permission is given by the Department or a court of competent
613 jurisdiction.

614 (c) Any byproduct as a result of processing which contains a total delta-9 tetrahydrocannabinol concentration
615 exceeding 0.3% on a dry weight basis must be destroyed by the permittee in accordance with the Waste disposal
616 plan.

617 (d) Upon receipt of written permission by the Department or a court of competent jurisdiction, the Substitute
618 Milk, Substitute Milk Products, or Frozen Desserts shall be disposed of in accordance with the waste disposal plan
619 or in the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the permittee
620 shall notify the Department by submitting FDACS-XXXXX xx/xx, incorporated herein by reference and available
621 online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

622 (8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-
623 10.005, F.A.C. Labeling violations of s. 581.217(7), F.S. shall be deemed Tier I major violations under Rule 5K-
624 10.005(b)1., F.A.C.

625 *Rulemaking Authority 502.014, 502.053, 570.07(23), FS. Law Implemented 502.014, 502.032, 502.053,*
626 *502.091, 502.165, 502.231, 581.217(7), FS. History–New 9-21-67,*

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