

Committee on Innovation, Industry, And Technology

CS/CS/SB 1020 — State Hemp Program

by Appropriations Committee; Agriculture Committee; and Senators Bradley, Albritton, Hutson, and Bracy

The bill authorizes the Department of Agriculture and Consumer Services (department) to create a state industrial hemp program to administer and oversee the cultivation of hemp. The Agricultural Improvement Act of 2018 (2018 Farm Bill) legalized the industrial use of hemp and removed it from the U.S. Drug Enforcement Agency's list of controlled substances, separating it from marijuana and placing it under the supervision of the U.S. Department of Agriculture. The 2018 Farm Bill also permits the United States Secretary of Agriculture to review and approve a state or Indian tribe plan to serve as the primary regulatory authority over the production of hemp in their state or tribal territory. The 2018 Farm Bill provides the criteria for the state plan.

The bill authorizes the distribution and retail sale of hemp extract, which is a substance or compound intended for ingestion that is derived from hemp, and does not have a THC concentration exceeding 0.3 percent on a dry weight basis. Before hemp extract may be distributed or sold, it must be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provides package labeling requirements for hemp extract products.

The bill:

- Provides that s. 581.217, F.S., created by the bill, constitutes the state plan for regulation of the cultivation and of hemp for purposes of the 2018 Farm Bill.
- Directs the Commissioner of Agriculture (commissioner) to submit a plan for regulating hemp to the United States Secretary of Agriculture.
- Requires the commissioner to consult with the Governor and Attorney General to develop a recommendation to amend the state plan and submit the recommendation to the Legislature, if the state plan is not approved by the United States Secretary of Agriculture.
- Requires a license to cultivate hemp.
- Requires an applicant for a hemp cultivation license to submit a full set of fingerprints to the department for a criminal background check.
- Requires the department to deny an application for a hemp cultivation license, if the applicant has been convicted for a felony relating to controlled substances during the previous 10 years.
- Requires a license applicant to provide the global positioning coordinates and legal land description of the area where hemp will be cultivated.
- Authorizes the department to enter any public or private premises during regular business hours in performance of its duties related to hemp cultivation, including inspections.
- Provides that hemp seed and hemp seed dealers are subject to the provisions of the Florida Seed Law and that registrants shall only use certified seeds.

- Requires the department, by August 1, 2019, to initiate rulemaking to administer the state hemp program in consultation with the Department of Health and the Department of Business and Professional Regulation.
- Creates the 15-member Industrial Hemp Advisory Council to provide advice and expertise to the department with respect to plans, policies and procedures applicable to the administration of the state hemp program.
- Expands eligible participants in the industrial hemp pilot projects to include colleges and universities with engineering or pharmacy programs.
- Excludes hemp and industrial hemp from the definition of the controlled substance “cannabis” in ch. 893, F.S.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 112-1