A bill to be entitled

An act relating to hemp consumable THC products; amending s. 500.03, F.S.; revising the definition of the term "food"; amending s. 581.217, F.S.; revising and providing definitions; providing for the distribution and retail sale of hemp consumable THC products; authorizing the Department of Agriculture and Consumer Services to adopt rules; providing penalties; providing for the certification of independent laboratories by the department; authorizing the department to take certain actions against licensees and permittees; creating s. 581.218, F.S.; providing definitions; providing for mail order, Internet, and remote sales of hemp consumable THC products; providing penalties; creating s. 581.219, F.S.; providing for the seizure and destruction of contraband hemp consumable THC products; creating s. 581.220, F.S.; prohibiting the ingestion of hemp consumable THC products near school properties; providing exceptions; providing penalties; amending ss. 565.04 and 565.045, F.S.; authorizing specified businesses to sell hemp consumable THC products; amending ss. 569.006 and 569.35, F.S.; conforming provisions to changes made by the act; providing effective dates.

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

Section 1. Paragraph (n) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

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

(n) "Food" includes:

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

2. Chewing gum;

3. Articles used for components of any such article;

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

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

6. Hemp consumable THC products ~~extract~~ as defined in s. 581.217(3) ~~s. 581.217~~.

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

Section 2. Subsections (10) through (13) of section 581.217, Florida Statutes, are renumbered as subsections (11) through (14), respectively, subsections (3) and (7) and present subsections (10), (12), and (13) are amended, and a new subsection (10) is added to that section, to read:

581.217 State hemp program.—

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

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

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

(c) "Cigarette" means any roll for smoking that contains any hemp consumable THC products.

(d) "Consumer" means the end user of a hemp consumable THC product who is a person in this state who comes into possession of any hemp consumable THC products and who, at the time of

possession, does not intend to sell or distribute the hemp consumable THC products or is not a retailer.

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

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

(g) ~~(e)~~ "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-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exception of hemp consumable THC products ~~extract~~, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

(h) "Hemp consumable THC product" means a substance or compound intended for ingestion or inhalation, containing more than trace amounts of a cannabinoid which is derived from, consists of, or contains hemp or psychotropic cannabinoids. A

hemp consumable THC product may not contain controlled substances listed in 893.03. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration or marijuana used for medical purposes under s. 381.986.

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

(i) ~~(g)~~ "Independent testing laboratory" means a laboratory that:

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

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

3. Is certified by the Department of Health as a medical marijuana testing laboratory pursuant to s. 381.988 or is

certified by the department pursuant to subsection (10) as being substantially equivalent to a medical marijuana testing laboratory ~~accredited by a third-party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization~~.

(j) "Inhalable" means any hemp consumable THC product consumed through the mouth or nasal passages into the respiratory system, including, cigarettes, vapor or aerosol produced from vapor-generated electronic devices, and hemp flower.

(k) "Logo" means a design, image, phrase, symbol, or trademark used by an entity to identify or advertise its products.

(l) "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging hemp consumable THC products. The term also includes any person or entity involved in hemp extraction.

(m) "Non-psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that does not cause a psychotropic effect when ingested or inhaled. The term includes cannabidiol and any other cannabinoid defined as non-psychotropic by department rule.

(n) "Psychotropic cannabinoid" means any cannabinoid, including synthetic cannabinoids, that causes or may cause a psychotropic effect when ingested or inhaled. The term includes

delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, tetrahydrocannabivarin, and any other cannabinoid defined as psychotropic by department rule.

(o) "Retailer" means any person or entity that sells hemp consumable THC products to consumers.

(p) "Synthetic cannabinoid" means any cannabinoid created by any process, other than a direct derivative from hemp and without further reacting with other chemicals to increase the concentration of a present cannabinoid or to create a new or different cannabinoid not originally found in the extract or hemp plant.

(q) "Vapor-generating electronic device" means any device or product that employs an electronic, chemical, or mechanical means of producing vapor or aerosol from a hemp consumable THC product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product; any replacement cartridge for such device or product; and any other container of a solution or other substance intended to be used with or within such device or product.

(r) "Wholesaler" means any person or entity located within or outside this state which delivers or sells hemp consumable THC products to retailers or other persons for purposes of resale.

(7) DISTRIBUTION AND RETAIL SALE OF HEMP CONSUMABLE THC PRODUCTS ~~EXTRACT~~.—

(a) Hemp consumable THC products ~~extract~~ may only be distributed and sold in the state if the product in its final form for sale at retail:

1. Has a certificate of analysis prepared by an independent testing laboratory that states all of the following:

a. The hemp consumable THC product in its final form for sale at retail was ~~extract is the product of a batch~~ tested by the independent testing laboratory.~~;~~

b. The product in its final form for sale at retail ~~batch~~ contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the product in its final form for sale at retail. ~~batch;~~

c. The product in its final form for sale at retail contained hemp and psychotropic cannabinoids that did not exceed the limitations in paragraph (b).

d.~~c.~~ The product in its final form for sale at retail ~~batch~~ does not contain contaminants unsafe for human consumption.~~; and~~

e. The product in its final form for sale at retail was tested for and shows the results for each of the following as provided by department rule:

(I) Cannabinoids.

(II) Heavy metals.

(III) Mycotoxins.

(IV) Pesticides.

(V) Residual solvents.

(VI) Any other controlled substance listed in s. 893.03.

f.~~d.~~ The product in its final form for sale at retail ~~batch~~ was processed in a facility that holds a current and valid permit issued by a human health or food safety regulatory entity with authority over the facility, and that facility meets the human health or food safety sanitization requirements of the regulatory entity. Such compliance must be documented by a report from the regulatory entity confirming that the facility meets such requirements.

g. The entity that hired the independent testing agency to test the hemp consumable THC product in its final form for sale at retail. Manufacturers, wholesalers, and retailers are required to have their hemp consumable THC products tested by an independent testing laboratory in compliance with this paragraph. A wholesaler or retailer is not required to have its hemp consumable THC products tested if the product:

(I) Is packaged in a manner that may be sold to the consumer when the wholesaler or retailer receives the product from the manufacturer or wholesaler;

(II) Was tested in accordance with this paragraph by the manufacturer or wholesaler; and

(III) Has not been opened by the wholesaler or retailer.

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

a. A scannable barcode or quick response code linked to the certificate of analysis of the hemp consumable THC product ~~extract batch~~ by an independent testing laboratory;

b. The hemp consumable THC product ~~batch~~ number;

c. The Internet address of a website where hemp consumable THC product ~~batch~~ information may be obtained;

d. The expiration date of the hemp consumable THC product; and

e. The total number of milligrams of cannabinoids in the container and package and the number of milligrams of cannabinoids ~~each marketed cannabinoid~~ per serving in a clear and conspicuous manner.

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

3. Is distributed or sold in a container and package that:

a. Is suitable to contain products for human consumption;

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

c. Mitigates exposure to high temperatures;

d. Is a single color and not transparent. However, the universal symbol, scannable barcode, quick response code, and any text must be a different color than the container and

package. Any text must be black or white. This sub-subparagraph does not apply to beverage containers and packages;

e. Does not contain any pictures or images other than a single logo, which may not be attractive to children and may not cover more than 20 percent of the container or package. This sub-subparagraph does not apply to beverage containers and packages. However, beverage containers and packages may not contain a logo that is attractive to children;

f. Does not contain any text, pictures, or images that directly or indirectly markets the product as causing or may cause an intoxicating or psychotropic effect. This sub-subparagraph does not apply to the warning and symbol requirements provided in sub-subparagraphs g. and h.;

g. Contains a clear and conspicuous warning on the front of the package and container which is developed by the department and states the product contains cannabinoids. The warning is not required for hemp consumable THC products that only contain non-psychotropic cannabinoids;

h. Contains a hemp consumable THC product universal symbol as provided in ASTM D8441/D8441M-22;

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

j.~~e.~~ Is compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without regard to provided exemptions. However, for purposes of this sub-subparagraph, a beverage in a sealed container is considered

compliant.

(b) Hemp consumable THC products may only be sold at retail in the following consumable forms and subject to the following limitations:

1. Beverages, which may not:

a. Contain a ratio of more than 5 milligrams of hemp and psychotropic cannabinoids per 6 fluid ounces.

b. Be in a container that holds more than 10 milligrams of hemp and psychotropic cannabinoids.

c. Be in a package that contains more than 100 miligrams of hemp and psychotropic cannabinoids.

2. Inhalables, which may not:

a. Contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram.

b. Contain more than 5 milligrams of hemp and psychotropic cannabinoids per inhalable.

c. Be in a package that contains more than 100 miligrams of hemp and psychotropic cannabinoids.

3. Edibles, which may not:

a. Contain a ratio of more than 2.5 milligrams of hemp and psychotropic cannabinoids per gram.

b. Contain more than 5 milligrams of hemp and psychotropic cannabinoids per edible.

c. Be in a package that contains more than one 100 milligrams of hemp and psychotropic cannabinoids.

(c) Paragraph (b) does not apply to non-psychotropic cannabinoids.

(d) The retail sale and delivery of hemp consumable THC products for off premises consumption is prohibited, except:

1. At establishments that have a food permit from the department and prohibit the presence of persons under 21 years of age on the establishment's premises;

2. At establishments that have a food permit from the department and have a quota license issued under s. 565.02(1)(a)-(f). Establishments with a quota license issued under s. 565.02(1)(a)-(f) which allow the presence of persons under 21 years of age on the establishment's premises must place hemp consumable THC products, not including beverages, in an area inaccessible to customers. Such establishments may place hemp consumable THC products, not including beverages, in an open display unit as long as the unit is located in an area that is inaccessible to customers;

3. At establishments that have a food permit from the department, allow the presence of persons under 21 years of age on the establishments premises, and have a permit or license issued by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation but do not have a quota license issued under s. 565.02(1)(a)-(f). Such establishments may only sell hemp consumable THC beverages, which must be in an area inaccessible to customers. Such

establishments may place hemp consumable THC beverages in an open display unit as long as the unit is located in an area that is inaccessible to customers; or

4. In accordance with the mail order, Internet, and remote sales of hemp consumable THC products requirements in s. 581.218.

(e) Hemp consumable THC products may not be sold, given, bartered, furnished, or delivered to consumers at wholesale. Hemp consumable THC products may not be sold, given, bartered, furnished, or delivered to consumers at festivals, fairs, trade shows, farmers' markets, expositions, or pop-up retail establishments unless the festival, fair, trade show, farmers' market, exposition, or pop-up prohibits patrons under 21 years of age from attending and every retailer selling hemp consumable THC products at the festival, fair, trade show, farmers' market, exposition, or pop-up has a food permit from the Department.

(f) The sale or delivery of hemp consumable THC products for consumption on a retailer's premises is prohibited. If a retailer discovers a consumer is consuming hemp consumable THC products on the retailer's premises, the retailer must immediately notify the consumer to immediately leave the retailer's premises.

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

(h) ~~(c)~~ Hemp consumable THC products ~~extract~~ distributed or sold in this state are ~~is~~ subject to the applicable requirements of chapter 500, chapter 502, or chapter 580.

(i) A person or entity may not sell, deliver, barter, give, or furnish hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids to a person in a 24-hour period unless the person receiving the hemp consumable THC products is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. There is a rebuttable presumption that a person or entity complied with this paragraph if the person receiving the hemp consumable THC products affirms in writing or electronically that by receiving such products he or she will not have received hemp consumable THC products that total more than 100 milligrams of hemp and psychotropic cannabinoids within a 24-hour period or he or she is receiving the products on behalf of a cultivator, manufacturer, wholesaler, or retailer for resale. This paragraph does not apply to non-psychotropic cannabinoids.

(j) ~~(d)~~ Hemp consumable THC products ~~that are intended for human ingestion or inhalation and that contain hemp extract~~, including, but not limited to, snuff, chewing gum, and other smokeless products, may not be sold, delivered, bartered, given, or furnished ~~in this state~~ to a person who is under 21 years of age.

(k) For a first violation of this subsection, a person ~~who~~

~~violates this paragraph~~ commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second ~~or subsequent~~ violation of this subsection ~~paragraph~~ within 12 months ~~1 year~~ after the first ~~initial~~ violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a third or subsequent violation within 12 months after the second violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(l) ~~(e)~~ In addition to paragraph (k), hemp consumable THC products ~~extract~~ distributed or sold in violation of this subsection are ~~is~~ subject to s. 500.172 and penalties as provided in s. 500.121. Hemp consumable THC ~~extract~~ products found to be mislabeled or in violation of subsection (7) ~~attractive to children~~ are subject to an immediate stop-sale order.

(m) Subparagraph 3. of paragraph (a) and paragraph (b) do not apply to hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside this state. Hemp consumable THC products produced in this state that are shipped or transported outside of this state for sale or use outside of this state:

1. May not be sold, shipped, or transported to a consumer in this state, a retailer's establishment located in this state, or to a person who sells or intends to sell such products to a

consumer in this state;

2. Must be in a package marked "NOT FOR USE OR RETAIL SALE IN FLORIDA" in bold font with a font size of at least 36 points; and

3. Must be physically separated from hemp consumable THC products that are or intended to be sold or used in this state. The department may adopt rules to implement this paragraph.

(10) CERTIFICATION OF INDEPENDENT LABORATORIES BY THE DEPARTMENT.—

(a) The department must certify any laboratory located in this state or another state which meets the qualifications of an independent testing laboratory. However, a medical marijuana testing laboratory certified pursuant to s. 381.988 is not required to receive certification by the department.

(b) The department must adopt rules establishing the standards for certification and must adopt rules for the testing and reporting on the certificate of analysis of hemp consumable THC products under this section. The department must develop rules for the certification of independent testing laboratories, which must include, but are not limited to:

1. Security standards.

2. Minimum standards for personnel.

3. Sample collection method and process standards.

4. Proficiency testing for cannabinoid concentration and contaminants unsafe for human consumption, as determined by

department rule.

5. Reporting content, format, and frequency.

6. Audits and onsite inspections.

7. Quality assurance.

8. Equipment and methodology.

9. Chain of custody.

10. Any other standard the department deems necessary.

(c) The department shall adopt rules establishing a procedure for initial certification and biennial renewal. The department shall renew the certification biennially if the laboratory meets the requirements of this section or any rules adopted under this subsection.

(d) The department shall publish on its website a list of all laboratories that have received certification.

(e) The department may refuse to issue or renew, or may suspend or revoke, the certification of a laboratory that is found to be in violation of this section or any rules adopted under this subsection.

(f) Any laboratory that receives certification under this subsection from the department agrees to random unannounced audits and onsite inspections by the department or agents thereof.

(11) ~~(10)~~ VIOLATIONS.—

(a) A licensee must complete a corrective action plan if the department determines that the licensee has negligently

violated this section or department rules, including negligently:

1. Failing to provide the legal land description and global positioning coordinates pursuant to subsection (5);

2. Failing to obtain a proper license or other required authorization from the department; or

3. Producing Cannabis sativa L. that has a total delta-9-tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry-weight basis.

(b) The corrective action plan must include:

1. A reasonable date by which the licensee must correct the negligent violation; and

2. A requirement that the licensee periodically report to the department on compliance with this section and department rules for a period of at least 2 calendar years after the date of the violation.

(c) A licensee who negligently violates the corrective action plan under this subsection three times within 5 years is ineligible to cultivate hemp for 5 years following the date of the third violation.

(d) If the department determines that a licensee has violated this section or department rules with a culpable mental state greater than negligence, the department shall immediately report the licensee to the Attorney General and the United States Attorney General.

(e) In addition to any other penalties provided by law, the department may take any of the following actions against any person licensed or permitted by the department for a violation of this section:

1. Place on probation or reprimand the licensee or permittee.

2. Revoke, suspend, or deny the issuance or renewal of the license or permit.

3. Impose an administrative fine not to exceed $5,000 per violation or assess costs associated with investigation and prosecution.

(13) ~~(12)~~ RULES.—The department shall adopt rules to administer the state hemp program. The rules must provide for:

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

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

(c) Packaging and labeling requirements that ensure that hemp consumable THC products are not in violation of subsection (7) ~~extract intended for human ingestion or inhalation is not attractive to children~~.

(d) Advertising regulations that ensure that hemp

consumable THC products ~~extract intended for human ingestion or inhalation~~ are ~~is~~ not marketed or advertised in a manner that specifically targets or is attractive to children.

(14)~~(13)~~ APPLICABILITY.—Notwithstanding any other law:

(a) This section does not authorize a licensee to violate any federal or state law or regulation.

(b) This section does not apply to a pilot project developed in accordance with 7 U.S.C. 5940 and s. 1004.4473.

(c) A licensee who negligently violates this section or department rules is not subject to any criminal or civil enforcement action by the state or a local government other than the enforcement of violations of this section as authorized under subsection (11) ~~(10)~~.

Section 3. Section 581.218, Florida Statutes, is created to read:

581.218 Mail order, Internet, and remote sales of hemp consumable THC products.—

(1) As used in this section, the term:

(a) "Consumer" has the same meaning as in s. 581.217(3).

(b) "Delivery sale" means any sale of a hemp consumable THC product to a consumer in the state for which:

1. The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or

2. The hemp consumable THC products are delivered by use

of mail or a delivery service.

(c) "Delivery service" means any person engaged in the commercial delivery of letters, packages, or other containers.

(d) "Hemp consumable THC product" has the same meaning as in s. 581.217(3).

(e) "Retailer" has the same meaning as in s. 581.217(3).

(f) "Shipping container" means a container in which hemp consumable THC products are shipped in connection with a delivery sale.

(g) "Shipping document" means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(h) "Wholesaler" has the same meaning as in s. 581.217(3).

(2)(a) The sale of hemp consumable THC products constituting a delivery sale under paragraph (1)(b) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located within or outside this state.

(b) A person must obtain a food permit from the department under chapter 500 before accepting an order for a delivery sale of hemp consumable THC products. A person outside this state who engages in delivery sales to consumers in this state may make application for a food permit from the department under chapter 500, be granted such a permit by the department, and thereafter

be subject to all the provisions of this chapter, chapter 500, and chapter 502 and be entitled to act as a permitted retailer.

(c) A person may not make a delivery sale of hemp consumable THC products to any individual who is not 21 years of age or older.

(d) Each person accepting an order for a delivery sale of hemp consumable THC products must comply with all of the following:

1. The age verification requirements of subsection (3).

2. The disclosure requirements of subsection (4).

3. The shipping requirements of subsection (5).

(3) A person may not mail, ship, or otherwise deliver hemp consumable THC products in connection with an order for a delivery sale unless, before the first delivery to the consumer, until the person accepting the order for the delivery sale does all of the following:

(a) Obtains from the person submitting the order a certification that includes:

1. Reliable confirmation that the person is 21 years of age or older; and

2. A statement signed by the person in writing and under penalty of perjury which:

a. Certifies the address and date of birth of the person; and

b. Confirms that the person wants to receive delivery

sales from a hemp consumable THC product retailer and understands that, under the laws of the state, the following actions are illegal:

(I) Signing another person's name to the certification.

(II) Selling hemp consumable THC products to individuals who are not 21 years of age or older.

(III) Purchasing hemp consumable THC products if the person making the purchase is not 21 years of age or older.

(b) Makes a good faith effort to verify the information contained in the certification provided by the individual pursuant to paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.

(c) Provides to the individual, by electronic mail or other means, a notice meeting the requirements of subsection (4).

(d) If an order for hemp consumable THC products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.

(e) Submits, to each credit card acquiring company with which the person has credit card sales, identification

information in an appropriate form and format so that the words "Hemp consumable THC product" may be printed in the purchaser's credit card statement when a purchase of hemp consumable THC products is made by credit card payment.

In addition to the requirements of this subsection, a person accepting an order for a delivery sale of hemp consumable THC products may request that a consumer provide an e-mail address.

(4) The notice under paragraph (3)(c) must include prominent and clearly legible statements that sales of hemp consumable THC products are:

(a) Illegal if made to individuals who are not 21 years of age or older.

(b) Restricted to those individuals who provide verifiable proof of age pursuant to subsection (3).

(5) Each person who mails, ships, or otherwise delivers hemp consumable THC products in connection with an order for a delivery sale must:

(a) Ship hemp consumable THC products that comply with the limitations on the retail sale of such products in s. 581.217.

(b) Ship hemp consumable THC products in a container and package that complies with the container and package requirements of s. 518.217.

(c) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Hemp

consumable THC product: Florida law prohibits shipping to individuals under 21 years of age."

(d) Use a method of mailing, shipping, or delivery that obligates the delivery service to require proof that the person accepting the order for the delivery sale is 21 years of age or older and resides at the address listed on the order label, by reviewing a valid government-issued identification card bearing a photograph of the person who signs to accept delivery of the shipping container.

If the person accepting a purchase order for a delivery sale delivers the hemp consumable THC products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service. Any failure to comply with a requirement of this section constitutes a violation thereof.

(6) This section does not apply to delivery sales of hemp consumable THC products to a retailer or wholesaler.

(7) An individual who is 21 years of age or older who knowingly violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The Attorney General, the Attorney General's designee, or a state attorney may bring an action in the appropriate court in the state to prevent or restrain violations of this section

by any person.

Section 4. Section 581.219, Florida Statutes, is created to read:

581.219 Seizure and destruction of contraband hemp consumable THC products.—All hemp consumable THC products, as defined in s. 581.217(3), sold, offered for sale, delivered, or distributed contrary to any provision of ss. 581.217 and 581.218 are declared to be contraband, are subject to seizure and confiscation under the Florida Contraband Forfeiture Act by any person whose duty it is to enforce those sections, and must be disposed of as follows:

(1) A court having jurisdiction shall order the hemp consumable THC products forfeited upon a showing that, by a preponderance of the evidence, the products were sold, offered for sale, delivered, or distributed contrary to any provision of ss. 581.217 and 581.218. Upon completion of any chapter 120 proceedings related to the seized hemp consumable THC products, the court shall order the products destroyed except as provided by applicable court orders. The officer who destroys the products shall keep a record of the location where the products were seized, the kinds and quantities of the products destroyed, and the time, place, and manner of the destruction of the products and shall make a return under oath reporting such destruction.

(2) The department or seizing law enforcement agency shall

keep a full and complete record of all products seized under this section showing:

(a) The exact kinds, quantities, and forms of the products.

(b) The persons from whom the products were seized and to whom they were delivered.

(c) By whose authority the products were seized, delivered, and destroyed.

(d) The dates of the seizure, disposal, and destruction of the products.

Records under this subsection must be open to inspection by all persons charged with the enforcement of ss. 581.217 and 581.218.

(3) The cost of seizure, confiscation, and destruction of contraband hemp consumable THC products is borne by the person from whom the products are seized.

(4) Except as otherwise provided in this section, the procedures of the Florida Contraband Forfeiture Act apply to this section.

Section 5. Section 581.220, Florida Statutes, is created to read:

581.220 Ingesting hemp consumable THC products prohibited near school property.—

(1) A person may not ingest hemp consumable THC products, as defined in s. 581.217(3), in, on, or within 1,000 feet of the

real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to a person who is in a moving vehicle or within a private residence.

(2) A law enforcement officer may issue a citation in such form as prescribed by a county or municipality to any person who violates this section. The citation must contain all of the following:

(a) The date and time of issuance.

(b) The name and address of the person cited.

(c) The date and time the civil infraction was committed.

(d) The statute violated.

(e) The facts constituting the violation.

(f) The name and authority of the law enforcement officer.

(g) The procedure for the person to follow to pay the civil penalty, to contest the citation, or to appear in court.

(h) The applicable civil penalty if the person elects not to contest the citation.

(3) Any person issued a citation pursuant to this section is charged with a civil infraction, punishable by a civil penalty of up to $25, 50 hours of community service, or, where available, successful completion of a school-approved, anti-drug, alternative-to-suspension program.

(4) Any person who fails to comply with the directions on the citation waives his or her right to contest the citation,

and an order to show cause may be issued by the court.

Section 6. Subsection (1) of section 565.04, Florida Statutes, is amended to read:

565.04 Package store restrictions.—

(1) Vendors licensed under s. 565.02(1)(a) shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such places of business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters; grenadine; nonalcoholic mixer-type beverages, not to include fruit juices produced outside this state; fruit juices produced in this state; home bar and party supplies and equipment, including but not limited to glassware and party-type foods; miniatures of no alcoholic content; nicotine products; and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded. Vendors licensed under s. 565.02(1)(a) may sell hemp consumable THC products for off-premises consumption in accordance with ss. 581.217 and 581.218.

Section 7. Paragraph (a) of subsection (2) of section 565.045, Florida Statutes, is amended to read:

565.045 Regulations for consumption on premises; penalty; exemptions.—

(2)(a) There shall not be sold at such places of business

anything other than the beverages permitted, home bar and party supplies and equipment (including, but not limited to, glassware and party-type foods), cigarettes, hemp consumable THC products for off-premises consumption in accordance with ss. 581.217 and 581.218, and what is customarily sold in a restaurant.

Section 8. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of any of the provisions of s. 581.217, s. 581.218, or this chapter, including part II of this chapter if the dealer deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 9. Section 569.35, Florida Statutes, is amended to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of s. 581.217, s. 581.218, or this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to $1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 10. This act shall take effect January 1, 2026.