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"; creating s. 581.19, F.S.; providing for the seizure and destruction of contraband hemp consumable THC products; requiring the Department of Agriculture and Consumer Services and law enforcement agencies to keep specified records; providing applicability; 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 to adopt rules; providing penalties; providing for the certification of independent laboratories by the department; requiring the Department of Health to assist the Department of Agriculture and Consumer Services in developing specified rules; 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. 581.220, 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 an appropriation; providing effective dates.

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

Section 1. Effective January 1, 2026, 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 ~~Hemp 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. Effective January 1, 2026, 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 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.

(d) ~~(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.

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

(f) ~~(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 ~~hemp extract~~, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

(g) "Hemp consumable THC product" means a substance or compound intended for ingestion, containing more than trace amounts of tetrahydrocannabinol derived from hemp or any other source, or for inhalation which is derived from or contains

tetrahydrocannabinol derived from hemp or any other source, 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 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.~~

(h) ~~(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 ~~hemp 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~~.

(i) "Manufacturer" means any person or entity that engages in the process of manufacturing, preparing, or packaging hemp consumable THC products.

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

(k) "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.

(l) "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 ~~HEMP EXTRACT~~.—

(a) Hemp consumable THC products ~~Hemp extract~~ may only be distributed and sold in the state if the product:

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

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

b. The 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 batch;

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

d. The 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.

2. Was tested by an independent testing laboratory, and the laboratory's certificate of analysis states:

a. The hemp consumable THC product was tested for:

(I) Cannabinoids.

(II) Heavy metals.

(III) Mycotoxins.

(IV) Pesticides.

(V) Residual solvents.

(VI) Any other controlled substance.

(VII) Any other substance the department deems necessary.

b. The hemp consumable THC product contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a sample of the hemp consumable THC product.

c. The hemp consumable THC product contained tetrahydrocannabinol that did not exceed the limitations in this subsection.

d. The product does not contain contaminants unsafe for human consumption.

e. Manufacturers, wholesalers, and retailers are required to have their hemp consumable THC products tested by an independent testing laboratory. A wholesaler or retailer is not required to test its hemp consumable THC products if the product:

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

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

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

3.~~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 ~~hemp extract batch~~ by an independent testing laboratory;

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

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

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

e. The number of milligrams of each marketed cannabinoid per serving.

4.~~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;

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;

f. Does not contain any text, pictures, or images that directly or indirectly say the product causes or may cause an

intoxicating or psychoactive effect;

g. Contains a clear and conspicuous warning on the front of the package and container that is developed by the department and states the product contains tetrahydrocannabinol;

h. Contains a hemp consumable THC product universal symbol developed by the department;

i. Contains the number of milligrams of tetrahydrocannabinol in the container and package and the amount in each individual serving in a clear and conspicuous manner;

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

k. ~~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. For purposes of this subparagraph, a beverage in a sealed container is considered compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

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

1. Beverages must:

a. Contain no more than 5 milligrams of tetrahydrocannabinol per 6 ounces.

b. Be in a container that holds no more than 12 ounces.

c. Be in a package with no more than 10 containers per package.

2. Cigarettes and vapor-generating electronic devices

must:

a. Contain no more than 2.5 milligrams of tetrahydrocannabinol per gram.

b. Be in a cigarette or vapor-generating electronic device that contains no more than 1 gram.

c. Be in a container that holds no more than 20 cigarettes or vapor-generating electronic devices.

d. Be in a package that contains no more than one container.

3. Edibles must:

a. Contain no more than 2.5 milligrams of tetrahydrocannabinol per gram.

b. Be in an edible that contains no more than 2 grams and is individually wrapped.

c. Be in a container with no more than 20 edibles.

d. Be in a package that contains no more than one container.

4. Tinctures must:

a. Contain no more than 100 milligrams of tetrahydrocannabinol per 35 grams.

b. Be in a container that holds no more than 35 grams.

c. Be in a package that holds no more than one container.

This paragraph is repealed December 31, 2028.

(c) Effective January 1, 2029, hemp consumable THC

products may only be sold at retail subject to the following limitations:

1. Beverages must:

a. Contain no more than 2.5 milligrams of tetrahydrocannabinol per 6 ounces.

b. Be in a container that holds no more than 12 ounces.

c. Be in a package with no more than 10 containers per package.

2. Cigarettes and vapor-generating electronic devices must:

a. Contain no more than 1.25 milligrams of tetrahydrocannabinol per gram.

b. Be in a cigarette or vapor-generating electronic device that contains no more than 1 gram.

c. Be in a container that holds no more than 20 cigarettes or vapor-generating electronic devices.

d. Be in a package that contains no more than one container.

3. Edibles must:

a. Contain no more than 1.25 milligrams of tetrahydrocannabinol per gram.

b. Be in an edible that contains no more than 2 grams and is individually wrapped.

c. Be in a container with no more than 20 edibles.

d. Be in a package that contains no more than one

container.

5. Tinctures must:

a. Contain no more than 50 milligrams of tetrahydrocannabinol per 35 grams.

b. Be in a container that holds no more than 35 grams.

c. Be in a package that holds no more than one container.

(d) Nothing in paragraph (c) shall limit the amount of cannabidiol allowed in hemp consumable THC products.

(e) The retail sale and delivery of hemp consumable THC products 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 licensed issued under s. 565.02(1)(a)-(f). Establishments with a quota licensed 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; or

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

581.218.

(f) Hemp consumable THC products may not be sold, given, bartered, furnished, or delivered to consumers at wholesale or at festivals, fairs, trade shows, farmers markets, expositions, or pop-up retail establishments.

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

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

(j) A person or entity may not sell, deliver, barter, give, or furnish hemp consumable THC products that total more than 100 milligrams of tetrahydrocannabinol 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.

(k) ~~(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. 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 ~~hemp 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 products ~~Hemp extract products~~ found to be mislabeled or in violation of subsection (7) ~~attractive to children~~ are subject to an immediate stop-sale order.

(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 of hemp consumable THC products under this

section. The Department of Health must assist the department in developing the 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 tetrahydrocannabinol potency, concentration of cannabidiol, 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 permitee.

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) ~~hemp extract intended for human ingestion or inhalation is not attractive to children~~.

(d) Advertising regulations that ensure that hemp consumable THC products ~~hemp 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. Effective January 1, 2026, section 581.218, Florida Statutes, is created to read:

581.218 Mail order, Internet, and remote sales of hemp

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

consumable THC products.—

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

(a) "Consumer" means 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.

(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) "Legal minimum purchase age" means the minimum age at which an individual may legally purchase hemp consumable THC products in this state.

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

(i) "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 retailer must obtain a food permit from the department under chapter 500 before accepting an order for a delivery sale of hemp consumable THC products.

(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, 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.

(f) Makes a telephone call after 5 p.m. to the purchaser confirming the order before shipping the hemp consumable THC products. The telephone call may be a person-to-person call or a recorded message. The person accepting the order for delivery sale is not required to speak directly with a person and may leave a message on an answering machine or through voicemail.

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 the hemp consumable THC products in a container that complies with the container 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:

1. The individual submitting the order for the delivery sale or another person 21 years of age or older who resides at the individual's address to sign his or her name to accept delivery of the shipping container.

2. Proof that the individual is the addressee, or an individual who is 21 years of age or older designated by the

addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual 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. Effective January 1, 2026, 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. Effective January 1, 2026, 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. Effective January 1, 2026, 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 in accordance with s. 581.217 and 581.218.

Section 7. Effective January 1, 2026, 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 in accordance with s. 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. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.