

Proposed State Hemp Program Rules (Published NPR Text)**Rule 5B-57.014 - State Hemp Program**

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

(2) Definitions. The definitions provided in ss. 581.011, 581.217, F.S., and the following shall apply to this rule:

(a) "Control person" means an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. The term includes:

1. A company's executive officers, including the president, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, and other individuals having similar status or functions.

2. For a corporation, a shareholder who, directly or indirectly, owns 10 percent or more or that has the power to vote 10 percent or more, of a class of voting securities unless the applicant is a publicly traded company.

3. For a partnership, all general partners and limited or special partners who have contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership's capital.

4. For a trust, each trustee.

5. For a limited liability company, all elected managers and those members who have

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contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership's capital.

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

(c) "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure used for cultivation of the same variety of hemp.

(d) "Processed hemp plant material" means plant matter, including stalks, seed hulls, woody biomass, hemp flowers, or other foliar material that has been processed in such a manner that makes it an ineffective host of plant pests or disease.

(e) "Responsible person" means a natural person who controls or manages the day to day operations of the hemp cultivation.

(f) "Total delta-9 tetrahydrocannabinol concentration" means [delta-9 tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

(g) "Unprocessed hemp plant material" means plant matter, including stalks, seed hulls, woody biomass, hemp flowers, or other foliar material that has been harvested but has not been processed in such a manner that makes it an ineffective host of plant pests or disease.

(3) It is unlawful for any Person to introduce into this state or move through this state the propagative parts of hemp, live hemp plants, Processed hemp plant material, or Unprocessed hemp plant material unless introduced or moved in compliance with this rule. This prohibition does not apply to products containing Hemp extract purchased, sold, and transported in retail packaging.

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

(a) A completed Application for License to Cultivate Hemp FDACS-08112, 10/19, incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

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

(c) A full set of fingerprints for each Control person and the Responsible person submitted through a Livescan service provider evaluated by the Florida Department of Law Enforcement for state and national processing to Department ORI number. The Livescan service provider receipt for payment and process reference number must be provided with the Application For License to Cultivate Hemp, FDACS-08112, 10/19. If the fingerprint processing identifies criminal charges or convictions related to a controlled substance violation under state or federal law, the Department will notify the applicant that additional information is needed to complete the application. The applicant must provide to the Department a certified copy of the final disposition concerning the matter which the Department requested additional information pursuant to this section within ninety (90) days of receipt of the notification.

(d) An environmental containment plan for each Plot. An environmental containment plan must include the following:

1. A containment system of silt fences, berms, or fallow areas consisting of bare earth or ground cover to prevent the hemp from spreading beyond the Plot.

2. A plan to clean any equipment used on the Plot of all debris before it is moved from the

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property.

3. A transportation and movement plan that ensures that the propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material is covered and moved in full containment during transport from noncontiguous locations.

(5) License.

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

(b) A License must be renewed by following the application procedures outlined in Rule 5B-57.014(4), F.A.C. The License must be renewed on or before the expiration date of the current license.

(c) A License to Cultivate Hemp is not transferable.

(d) A Licensee must request an amendment to the application sixty (60) days prior to planting additional cultivation locations.

(6) Cultivation requirements. The licensee must:

(a) Comply with the licensee's environmental containment plan.

(b) Comply with the Hemp Waste Disposal Manual. The Hemp Waste Disposal Manual FDACS-08115, 10/19, is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. The Hemp Sample Submission Form FDACS-08113, 10/19, is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Code of Federal Regulations Title 40 – Protection of Environment, Parts 261 and 263, revised as of July 1, 2019, is incorporated herein by reference and available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(c) Maintain documentation describing the varieties of hemp cultivated for three (3) years

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92 from the date of harvest. These documents must be provided to the Department upon request.

93 (d) Maintain the certification, label, and receipts for all Certified hemp seed or Certified
94 hemp cultivars used in cultivation of hemp for three (3) years from the date of harvest. These
95 documents must be provided to the Department upon request.

96 (e) Use only Certified hemp seed or Certified hemp cultivars as defined in Rule 5E-4.016,
97 F.A.C., or nursery stock obtained from a Florida nursery registered with the Department that was
98 grown from Certified hemp seed or a Certified hemp cultivar.

99 (f) Only cultivate hemp on lands that are used primarily for bona fide agricultural purposes
100 pursuant to s. 193.461, F.S., or lands located within an area zoned for agricultural or industrial
101 use.

102 (g) Post signage at every cultivation location access point which contains the following
103 information: the Department issued license number, the address of the cultivation location, and
104 the following statement, "Hemp is being cultivated under a license issued by the Florida
105 Department of Agriculture and Consumer Services."

106 (h) Each Plot must be identified separately using a numeric plot designation.

107 (7) Nurseries. Nurseries propagating hemp plants for distribution shall:

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

109 (b) Hold a License to Cultivate Hemp issued by the Department.

110 (c) Only distribute hemp plants for cultivation to Persons in the state of Florida who are
111 licensed pursuant to this rule or to Persons within the United States who are authorized to
112 cultivate hemp under a plan authorized pursuant to 7 U.S.C. 1639p.

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(d) Maintain copies of hemp plant movement records or sales invoices including Department-issued license numbers for three (3) years from the date of sale or the date of movement and provide copies to the Department upon request.

(8) Tetrahydrocannabinol concentration field sampling.

(a) Prior to each harvest, the licensee shall collect a representative sample from each Plot of hemp to be tested for Total delta-9 tetrahydrocannabinol concentration. The representative sample must be collected and submitted in accordance with the Hemp Field Sampling Manual for Licensees, FDACS-08114, 10/19. The Hemp Field Sampling Manual for Licensees is incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) The representative sample shall be submitted by the licensee to an ISO 17025 accredited laboratory for testing. The licensee must use laboratories whose methods for testing Total delta-9 tetrahydrocannabinol concentration are within their scope of accreditation. The licensee must require the laboratory to report the analysis results for Total delta-9 tetrahydrocannabinol concentration and a copy of the Hemp Sample Submission Form, FDACS-08113, 10/19, directly to the Department by email at DPIHemp@FDACS.gov within twenty-four (24) hours of test completion. The licensee shall not harvest the Plot until the laboratory results indicate the representative sample does not have a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis unless authorized under paragraph 5B-57.014(9)(b), F.A.C. If the representative sample results indicate that the Total delta-9 tetrahydrocannabinol exceeds 0.3% on a dry weight basis, the Department will perform a confirmatory test.

(c) If the initial laboratory report and the Department's confirmatory results indicate that the Total delta-9 tetrahydrocannabinol exceeds 0.3% on a dry weight basis, the licensee will be

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responsible for the destruction of all hemp plants in the Plot. The licensee shall completely destroy all hemp plants, rendering the plants as non-viable in accordance with the Hemp Waste Disposal Manual FDACS-08115, 10/19. However, if a licensee removes and destroys all leaf and floral material from the plants, the hemp plants may be processed for barestalk fiber, hulled hemp seed, hemp seed protein powder, or hemp seed oil.

(9) Harvest.

(a) The licensee must notify the Department no fewer than thirty (30) days prior to each intended harvest date by email at DPIHemp@FDACS.gov or by phone at 1-888-397-1517. The licensee shall not harvest the hemp until the pre-harvest laboratory results indicate that the sample does not have a Total delta-9-tetrahydrocannabinol concentration that exceeds 0.3 % on a dry weight basis.

(b) If sample or resample results are not available before the intended harvest date or the licensee needs to alter the intended harvest date, the Plot may be harvested if the licensee complies with the following:

1. At least 48 hours prior to harvest, the licensee must report to the Department its revised harvest date and the anticipated harvest tonnage.

2. Within 24 hours of harvest, the licensee must report to the Department the harvested tonnage.

3. The harvested material must remain unprocessed in a securely locked building or fixed container on the licensed address or the storage location identified on the licensee's application. For the purposes of this subparagraph, drying or freezing to prevent spoilage is not considered processing.

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4. The harvested material must remain segregated from other harvested hemp until laboratory results are available.

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

(a) The Licensee's environmental containment plan.

(b) Maintenance of Certified hemp seed or Certified hemp cultivar documentation required under paragraph 5B-57.014(6)(d), F.A.C.

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

(d) Hemp plants are found to be free from plant pests or disease not known to be established in this state.

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

(11) Transportation Requirements.

(a) Intrastate movement. Any Person transporting propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material within the state of Florida shall:

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

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

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

(b) Interstate movement. Any Person outside the State of Florida who desires to ship into this state propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material from any state, U.S. possession, territory, or district of the United States, or foreign jurisdiction, shall comply with the following regulations:

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

a. Maintained and shipped in a sterile growing media and environment; and

b. Accompanied by proof of origin with license number, or equivalent, from the jurisdiction of origin and a phytosanitary certificate of inspection issued by a state or country plant protection governmental agency.

2. The movement of any Unprocessed hemp plant material destined for processing into the State of Florida is prohibited unless accompanied by proof of origin and transported frozen or dried.

3. The movement of any Processed hemp plant material into the state of Florida is prohibited unless:

a. The Processed hemp plant material has been rendered non-viable through processing; and

b. Accompanied by proof of origin with license number, or equivalent, from the jurisdiction of origin.

4. Upon entry in the state, all persons transporting propagative parts of hemp, live hemp plants, Processed hemp plant material, and Unprocessed hemp plant material must comply with the intrastate movement requirements outlined in this rule.

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(12) Abandoned operations. It is the responsibility of the licensee to completely destroy all hemp plant material, rendering the plants non-viable in accordance with the Hemp Waste Disposal Manual FDACS-08115, 10/19, prior to vacating the property or stopping hemp cultivation.

(13) Violations. A licensee must complete a corrective action plan if the Department determines that the licensee has negligently violated s. 581.217, F.S. or this rule. A licensee who negligently violates the corrective action plan under this rule three times within five (5) years is ineligible to cultivate hemp for five (5) years following the date of the third violation. If the Department determines that a licensee has violated s. 581.217, F.S., 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. A determination that a licensee has negligently violated s. 581.217, F.S. or this rule shall be subject to the process outlined in ss. 120.569 and 120.57-120.595, F.S. A determination that a licensee has violated s. 581.217, F.S., or Department rule with a culpable mental state greater than negligence shall be reported to the Attorney General, the state attorney for the judicial circuit where the violation occurred, and the United States Attorney General notwithstanding ss. 120.569 and 120.57-120.595, F.S.

(14) Final Order. The Department may issue an order directing the licensee to destroy any hemp cultivated in violation of s. 581.217, F.S., or Department rule.

(15) Destruction verification. All destructions must be conducted under the supervision of an authorized representative of the Department.

Rulemaking Authority 570.07(23), 581.031(4), (5), 581.217(5), FS. Law Implemented 581.031, 581.083, 581.217, FS. History–New .

Proposed State Hemp Program Rules (Published NPR Text)**Rule 5E-4.006 Seed Standards.**

The minimum standard for agricultural seeds shall be 60% (including hard seed or dormant seed) except hybrid field corn seed which shall be 90%, and hemp seed, which shall be 80% (including hard or dormant seed). For hemp seed which germinates less than the standard established by the department, the words “Below Standard” shall be prominently displayed on the label. Hemp seed below 60% germination may not be sold. The minimum standards for vegetable seeds are set forth in the documents incorporated herein. The Federal Seed Act Regulation specified in 7 CFR 201 (Revised January 1, 2018), are hereby incorporated by reference. Copies of this document may be obtained online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-10660>. Also incorporated by reference are the State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed Act, October 2018 publication. Copies of this document may be obtained online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10675>.

Rulemaking Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(2) FS. History—New 5-30-63, Amended 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98, 7-7-19, _____.

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Rule 5E-4.007 Commercial Tests and Consumer Request Samples.

(1) through (2) No change.

(3) Schedule of charges for the collection, packaging, shipment and analysis of consumer request seed samples and commercial tests is listed below:

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

(4) through (7) No change.

Rulemaking Authority 578.11(2) FS. Law Implemented 578.11(2)(h), FS. History—New 6-29-62, Amended 9-29-83, Formerly 5E-4.07, Amended 8-17-92, 7-7-19, _____.

Rule 5E-4.016 Certified Hemp Seed.

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

(2) “Certified hemp cultivars” means a clone or propagule certified by a certifying agency or an institution or university conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S.

(3) “Certified hemp seed” means a class of hemp seed which is the progeny of breeder, foundation, or registered hemp seed certified by a certifying agency or an institution or university conducting an industrial hemp pilot project pursuant to s. 1004.4473, F.S.

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

(a) Follow the standards for seed certification in 7 CFR Part 201.67 – 201.78 (Revised July 1,

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2019) hereby incorporated by reference and available online at
<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>; and

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

Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented, 578.011(8),
578.23, 581.217(6), 581.217(12) FS. History—New _____.

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

(1) Definitions.

(a) through (j) No change.

(k) The term “expiration date” means the month and year as determined by the manufacturer,
packer, or distributor on the basis of tests or other information showing that the product, until
that date, under the conditions of handling, storage, preparation, and use per label directions, will
contain not less than the quantity of each ingredient as set forth on its label.

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

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

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

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

(p) The term “specialty pet” means any animal normally maintained in a household, including, rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur. (q) The term “specialty pet food” means any commercial feed prepared and distributed for consumption by specialty pets.

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

(s) The term “total delta-9-tetrahydrocannabinol concentration” means [delta-9-tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

(2) through (4) No change.

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

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

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

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

(d) Upon receipt of written permission by the Department or a court of competent jurisdiction, the pet food, pet treats, specialty pet food and specialty pet treats shall be disposed of in accordance with the Hemp Waste Disposal Manual FDACS-08115, 10/19, incorporated in paragraph 5B-57.014(6)(b), F.A.C., or in the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the manufacturer or distributor shall notify the Department via Notice of Disposal FDACS-13411, 10/19, incorporated herein by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(5) through (6) renumbered (6) through (7).

~~(8)(7)~~ Commercial Laboratory Certification; Fees.

(a) through (b) No change.

(c) Definitions.

1. through 7. No change.

8. Decertification – Revocation of certification by the department for one or more of the reasons provided in paragraph 5E-3.003~~(8)(7)~~(e), F.A.C.

9. through 11. No change.

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(d) through (g) No change.

~~(9)(8)~~ Quality Assurance/Quality Control Requirements for Registrants Requesting
Exemption from Laboratory Certification for In-house Laboratories; Exempt Laboratory's
Quality Assurance/Quality Control Plan Fees.

(a) Quality Assurance/Quality Control Plan – The in-house laboratory plan submitted for
approval by the department that exempts the laboratory from the certification requirements set
forth in subsection 5E-3.003~~(8)(7)~~, F.A.C.

(b) No change.

(c) The laboratory shall prepare and follow a written quality assurance/quality control plan
including a quality assurance/quality control manual as defined in subparagraph 5E-
3.003~~(8)(7)~~(c)10., F.A.C. A copy of this plan including a quality assurance/quality control
manual must be included with the original application for exemption. A registrant's quality
assurance/quality control plan shall be approved upon determination that the plan meets the
requirements of this rule and is being implemented at the registrant's facility.

(d) through (f) No change.

Rulemaking Authority 570.07(23), 580.036(2), 580.065 581.217(12)(b) FS. Law Implemented
580.036(2), 580.051, 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, Amended 3-4-87, 6-1-95, 11-14-01, 8-31-06,

Proposed State Hemp Program Rules (Published NPR Text)**Rule 5E-3.004 Ingredient Statement.**

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

Animal Protein Products

Grain Products

Plant Protein Products

Processed Grain By-Products

Forage Products

Roughage Products

Molasses Products

(a) through (b) No change.

(2) through (6) No change.

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

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~~(8)(7)~~ “Official Publication 2019 2001” published by The Association of American Feed Control Officials is hereby incorporated by reference. Copies may be obtained from AAFCO, 1800 South Oak Street, Suite 100, Champaign, Illinois 61820 or <http://www.aafco.org/publications>, and are also available for public inspection during regular business hours at the Florida Administrative Code and Register, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and at the Florida Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Connor Boulevard, Tallahassee, FL 32399-1650. Posting of the aftermentioned materials on the internet for purposes of public examination would violate federal copyright law. Assistant Secretary-Treasurer, P. O. Box 478, Oxford, IN 47971.

Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.031(9), 580.051(1)(f), 581.217(3)(e) FS. History—New 12-30-70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01, ____.

Rule 5E-3.005 Labels.

(1) through (3) No change.

(4) Pet food, pet treats, specialty pet food and specialty pet treats consisting of or containing Hemp extract must be labeled as required in s. 581.217(7), F.S., and must declare the number of milligrams of Hemp extract.

(5) If specific cannabinoids are claimed, the number of milligrams of each cannabinoid per serving must be declared on the label. The serving size shall be displayed on the label of the product.

(6) The label and labeling for pet food, pet treats, specialty pet food and specialty pet treats

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consisting of or containing Hemp extract shall not contain claims indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease rendering it a drug as defined by s. 580.031(9), F.S.

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

Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.031(9), 580.051, 580.081, 580.112, 581.217(7) FS. History—New 12-30-70, Formerly 5E-3.05, Amended 3-5-89, 9-19-94, 6-1-95,_____.

Rule 5K-4.034 Hemp Extract in Food

(1) Products. Hemp or Hemp Extract intended to be ingested is a Food as defined in s. 500.03, F.S., and are subject to the requirements of ch. 500, F.S., and Rules 5K-4.002; 5K-4.004; 5K-4.020; 5K-4.021, and 5K-4.035, F.A.C., in addition to the requirements of this rule.

(2) Definitions. The definitions provided in ss. 500.03, 581.217, F.S., and the following shall apply to this rule:

(a) “Approved Source” for the purposes of this rule means a food establishment manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail that meets local, state, or federal food safety standards from the jurisdiction of origin.

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

(c) “Expiration Date” means the month and year as determined by the manufacturer, packer, or distributor on the basis of tests or other information showing that the product, until that date,

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under the conditions of handling, storage, preparation, and use per label directions, will when consumed, contain not less than the quantity of each ingredient as set forth on its label.

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

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

(f) “Hemp Food Establishment” means an establishment as defined in s. 500.03(1)(p), F.S., manufacturing, processing, packing, holding, preparing, or selling Food consisting of or containing Hemp Extract at wholesale or retail.

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

(h) “Total delta-9 tetrahydrocannabinol concentration” means [delta-9 tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

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

(4) Requirements.

(a) Food consisting of or containing Hemp or Hemp Extract must be obtained from an Approved Source. The Hemp Food Establishment shall provide to the department, upon request, a valid food license/permit and the most recent food safety inspection report from the Approved Source.

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

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(c) If a Food is considered a Potentially Hazardous Food (PHF) or a Food requiring Time and Temperature Control for 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 Food products consisting of or containing Hemp Extract must be packaged in containers minimizing the exposure to light to prevent degradation of the Cannabinoids.

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

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

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

1. Abamectin, 300 parts per billion.

2. Acephate, 3,000 parts per billion.

3. Acequinocyl, 2,000 parts per billion.

4. Acetamiprid, 3,000 parts per billion.

5. Aldicarb, 100 parts per billion.

6. Azoxystrobin, 3,000 parts per billion.

7. Bifenazate, 3,000 parts per billion.

8. Bifenthrin, 500 parts per billion.

9. Boscalid, 3,000 parts per billion.

10. Captan, 3,000 parts per billion.

11. Carbaryl, 500 parts per billion.

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- 461 12. Carbofuran, 100 parts per billion.
- 462 13. Chlorantraniliprole, 3,000 parts per billion.
- 463 14. Chlordane, 100 parts per billion.
- 464 15. Chlorfenapyr, 100 parts per billion.
- 465 16. Chlormequat chloride, 3,000 parts per billion
- 466 17. Chlorpyrifos, 100 parts per billion.
- 467 18. Clofentezine, 500 parts per billion.
- 468 19. Coumaphos, 100 parts per billion.
- 469 20. Cyfluthrin, 1,000 parts per billion.
- 470 21. Cypermethrin, 1,000 parts per billion.
- 471 22. Daminozide, 100 parts per billion.
- 472 23. DDVP (Dichlorvos), 100 parts per billion.
- 473 24. Diazinon, 200 parts per billion.
- 474 25. Dimethoate, 100 parts per billion.
- 475 26. Dimethomorph, 3,000 parts per billion.
- 476 27. Ethoprop(hos), 100 parts per billion.
- 477 28. Etofenprox, 100 parts per billion.
- 478 29. Etoxazole, 1,500 parts per billion.
- 479 30. Fenhexamid, 3,000 parts per billion.
- 480 31. Fenoxycarb, 100 parts per billion.
- 481 32. Fenpyroximate, 2,000 parts per billion.
- 482 33. Fipronil, 100 parts per billion.
- 483 34. Flonicamid, 2,000 parts per billion.

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- 484 35. Fludioxonil, 3,000 parts per billion.
- 485 36. Hexythiazox, 2,000 parts per billion.
- 486 37. Imazalil, 100 parts per billion.
- 487 38. Imidacloprid, 3,000 parts per billion.
- 488 39. Kresoxim-methyl, 1,000 parts per billion.
- 489 40. Malathion, 2,000 parts per billion.
- 490 41. Metalaxyl, 3,000 parts per billion.
- 491 42. Methiocarb, 100 parts per billion.
- 492 43. Methomyl, 100 parts per billion.
- 493 44. Methyl parathion, 100 parts per billion.
- 494 45. Mevinphos, 100 parts per billion.
- 495 46. Myclobutanil, 3,000 parts per billion.
- 496 47. Naled, 500 parts per billion.
- 497 48. Oxamyl, 500 parts per billion.
- 498 49. Paclobutrazol, 100 parts per billion.
- 499 50. Pentachloronitrobenzene, 200 parts per billion.
- 500 51. Permethrin, 1,000 parts per billion.
- 501 52. Phosmet, 200 parts per billion.
- 502 53. Piperonyl butoxide, 3,000 parts per billion.
- 503 54. Prallethrin, 400 parts per billion.
- 504 55. Propiconazole, 1,000 parts per billion.
- 505 56. Propoxur, 100 parts per billion.
- 506 57. Pyrethrins, 1,000 parts per billion.

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507 58. Pyridaben, 3,000 parts per billion.

508 59. Spinetoram, 3,000 parts per billion.

509 60. Spinosad A & D, 3,000 parts per billion.

510 61. Spiromesifen, 3,000 parts per billion.

511 62. Spirotetramat, 3,000 parts per billion.

512 63. Spiroxamine, 100 parts per billion.

513 64. Tebuconazole, 1,000 parts per billion.

514 65. Thiacloprid, 100 parts per billion.

515 66. Thiamethoxam, 1,000 parts per billion.

516 67. Trifloxystrobin, 3,000 parts per billion.

517 (b) Residual Solvent Limits.

518 1. 1,2-Dichloroethene, 5 parts per million

519 2. 1,1-Dichloroethene, 8 parts per million

520 3. Acetone, 5,000 parts per million

521 4. Acetonitrile, 410 parts per million

522 5. Benzene, 2 parts per million

523 6. Butane, 2,000 parts per million

524 7. Chloroform, 60 parts per million

525 8. Ethanol, 5,000 parts per million

526 9. Ethyl Acetate, 5,000 parts per million

527 10. Ethyl Ether, 5,000 parts per million

528 11. Ethylene Oxide, 5 parts per million

529 12. Heptane, 5,000 parts per million

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13. Hexane, 290 parts per million

14. Isopropyl Alcohol, 500 parts per million

15. Methanol, 3,000 parts per million

16. Methylene Chloride, 600 parts per million

17. Pentane, 5,000 parts per million

18. Propane, 2,100 parts per million

19. Toluene, 890 parts per million

20. Trichloroethylene (1,1,2-Trichloroethene), 80 parts per million

21. Xylenes, Total (ortho-, meta-, para-), 2170 parts per million

(c) Metals Limits.

1. Cadmium, 0.5 micrograms/gram.

2. Lead, 0.5 micrograms/gram.

3. Arsenic, 1.5 micrograms/gram.

4. Mercury, 3.0 micrograms/gram.

(d) Biological Limits.

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

2. Listeria monocytogenes, none present.

3. Salmonella, none present.

(e) Mycotoxin Limits.

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

2. Ochratoxin, 20 parts per billion.

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

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

(6) Labeling.

(a) Food consisting of or containing Hemp Extract must be labeled as required by ch. 500, F.S., s. 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 declare the number of milligrams of Hemp Extract.

(b) If specific cannabinoids are marketed, the number of milligrams of each cannabinoid per serving must be declared on the label. The serving size shall be displayed on the nutrition facts label of the product.

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

(7) Disposal.

(a) Laboratory samples found to contain more than a Total delta-9 tetrahydrocannabinol concentration of 0.3% on a dry weight basis shall be disposed of in accordance with 21 CFR 1317. 21 CFR 1317 (Revised January 1, 2019) is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) Food containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis shall be detained pursuant to s. 500.172, F.S. Food containing a Total delta-9

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tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis which has been
detained pursuant to s. 500.172, F.S. shall not be further subdivided or renumbered such that the
integrity of the lot is not maintained. The establishment shall not dispose of the Food in any
manner until written permission is given by the department or a court of competent jurisdiction.

(c) Upon receipt of written permission by the department or a court of competent jurisdiction,
the Food shall be disposed of in accordance with the Hemp Waste Disposal Manual FDACS-
08115, 10/19, incorporated in paragraph 5B-57.014(6)(b), F.A.C., or in a manner approved by a
court of competent jurisdiction. Upon destruction of the product, the Hemp Food Establishment
shall notify the department via Notice of Disposal FDACS-14419, 10/19, incorporated herein by
reference and available online at [https://www.flrules.org/Gateway/reference.asp?No=Ref-](https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX)
XXXX.

(8) Penalties. Violations of this rule will be evaluated and penalties imposed in accordance
with Rule 5K-4.035, F.A.C.
Rulemaking Authority 500.09, 500.12, 570.07(23), FS. Law Implemented 500.03, 500.04, 500.09,
500.10, 500.11, 500.12, 500.121, 500.13, 500.172, 581.217, FS. History-New _____.

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

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

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(2) Definitions. The definitions provided in ss. 502.012, 581.217, F.S., and the following shall apply to this rule:

(a) “Approved Source” for the purposes of this rule means Hemp Frozen Dessert Manufacturer, Hemp Substitute Milk Manufacturer, or Hemp Substitute Milk Product Manufacturer manufacturing, processing, packing, holding, or preparing or selling Substitute Milk, Substitute Milk Products, or Frozen Desserts at wholesale or retail that meets local, state, or federal food safety standards from the jurisdiction of origin.

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

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

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

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

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

(g) “Hemp Substitute Milk Manufacturer” means any place, premises, or establishment where Substitute Milk containing Hemp Extract is collected, handled, processed, stored,

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pasteurized, ultra-pasteurized, aseptically processed and packaged, retort processed after packaging, condensed, dried, packaged, bottled, or prepared for distribution at wholesale.

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

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

(j) “Total delta-9 tetrahydrocannabinol concentration” means [delta-9 tetrahydrocannabinol] + (0.877 x [tetrahydrocannabinolic acid]).

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

(4) Requirements.

(a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be obtained from an Approved Source. The Hemp Frozen Dessert Manufacturer, Hemp Substitute Milk Manufacturer, or Hemp Substitute Milk Product Manufacturer shall provide to the department, upon request, a valid dairy or food safety license/permit and the most recent dairy or food safety inspection report from the Approved Source.

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

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

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

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

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

1. Abamectin, 300 parts per billion.

2. Acephate, 3,000 parts per billion.

3. Acequinocyl, 2,000 parts per billion.

4. Acetamiprid, 3,000 parts per billion.

5. Aldicarb, 100 parts per billion.

6. Azoxystrobin, 3,000 parts per billion.

7. Bifenazate, 3,000 parts per billion.

8. Bifenthrin, 500 parts per billion.

9. Boscalid, 3,000 parts per billion.

10. Captan, 3,000 parts per billion.

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- 667 11.Carbaryl, 500 parts per billion.
- 668 12.Carbofuran, 100 parts per billion.
- 669 13.Chlorantraniliprole, 3,000 parts per billion.
- 670 14.Chlordane, 100 parts per billion.
- 671 15. Chlorfenapyr, 100 parts per billion.
- 672 16. Chlormequat chloride, 3,000 parts per billion
- 673 17.Chlorpyrifos, 100 parts per billion.
- 674 18.Clofentezine, 500 parts per billion.
- 675 19.Coumaphos, 100 parts per billion.
- 676 20.Cyfluthrin, 1,000 parts per billion.
- 677 21.Cypermethrin, 1,000 parts per billion.
- 678 22.Daminozide, 100 parts per billion.
- 679 23.DDVP (Dichlorvos), 100 parts per billion.
- 680 24.Diazinon, 200 parts per billion.
- 681 25. Dimethoate, 100 parts per billion.
- 682 26. Dimethomorph, 3,000 parts per billion.
- 683 27. Ethoprop(hos), 100 parts per billion.
- 684 28. Etofenprox, 100 parts per billion.
- 685 29. Etoxazole, 1,500 parts per billion.
- 686 30. Fenhexamid, 3,000 parts per billion.
- 687 31. Fenoxycarb, 100 parts per billion.
- 688 32. Fenpyroximate, 2,000 parts per billion.
- 689 33. Fipronil, 100 parts per billion.

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- 690 34. Flonicamid, 2,000 parts per billion.
- 691 35. Fludioxonil, 3,000 parts per billion.
- 692 36. Hexythiazox, 2,000 parts per billion.
- 693 37. Imazalil, 100 parts per billion.
- 694 38. Imidacloprid, 3,000 parts per billion.
- 695 39. Kresoxim-methyl, 1,000 parts per billion.
- 696 40. Malathion, 2,000 parts per billion.
- 697 41. Metalaxyl, 3,000 parts per billion.
- 698 42. Methiocarb, 100 parts per billion.
- 699 43. Methomyl, 100 parts per billion.
- 700 44. Methyl parathion, 100 parts per billion.
- 701 45. Mevinphos, 100 parts per billion.
- 702 46. Myclobutanil, 3,000 parts per billion.
- 703 47. Naled, 500 parts per billion.
- 704 48. Oxamyl, 500 parts per billion.
- 705 49. Paclobutrazol, 100 parts per billion.
- 706 50. Pentachloronitrobenzene, 200 parts per billion.
- 707 51. Permethrin, 1,000 parts per billion.
- 708 52. Phosmet, 200 parts per billion.
- 709 53. Piperonyl butoxide, 3,000 parts per billion.
- 710 54. Prallethrin, 400 parts per billion.
- 711 55. Propiconazole, 1,000 parts per billion.
- 712 56. Propoxur, 100 parts per billion.

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713 57. Pyrethrins, 1,000 parts per billion.

714 58. Pyridaben, 3,000 parts per billion.

715 59. Spinetoram, 3,000 parts per billion.

716 60. Spinosad A & D, 3,000 parts per billion.

717 61. Spiromesifen, 3,000 parts per billion.

718 62. Spirotetramat, 3,000 parts per billion.

719 63. Spiroxamine, 100 parts per billion.

720 64. Tebuconazole, 1,000 parts per billion.

721 65. Thiacloprid, 100 parts per billion.

722 66. Thiamethoxam, 1,000 parts per billion.

723 67. Trifloxystrobin, 3,000 parts per billion.

724 (b) Residual Solvent Limits.

725 1. 1,2-Dichloroethene, 5 parts per million

726 2. 1,1-Dichloroethene, 8 parts per million

727 3. Acetone, 5,000 parts per million

728 4. Acetonitrile, 410 parts per million

729 5. Benzene, 2 parts per million

730 6. Butane, 2,000 parts per million

731 7. Chloroform, 60 parts per million

732 8. Ethanol, 5,000 parts per million

733 9. Ethyl Acetate, 5,000 parts per million

734 10. Ethyl Ether, 5,000 parts per million

735 11. Ethylene Oxide, 5 parts per million

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12. Heptane, 5,000 parts per million

13. Hexane, 290 parts per million

14. Isopropyl Alcohol, 500 parts per million

15. Methanol, 3,000 parts per million

16. Methylene Chloride, 600 parts per million

17. Pentane, 5,000 parts per million

18. Propane, 2,100 parts per million

19. Toluene, 890 parts per million

20. Trichloroethylene (1,1,2-Trichloroethene), 80 parts per million

21. Xylenes, Total (ortho-, meta-, para-), 2170 parts per million

(c) Metals Limits.

1. Cadmium, 0.5 micrograms/gram.

2. Lead, 0.5 micrograms/gram.

3. Arsenic, 1.5 micrograms/gram.

4. Mercury, 3.0 micrograms/gram.

(d) Biological Limits.

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

2. Listeria monocytogenes, none present.

3. Salmonella, none present.

(e) Mycotoxin Limits.

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

2. Ochratoxin, 20 parts per billion.

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

(g) If a testing sample is found to contain levels of any pathogen, toxicant, residual solvent, metal, or pesticide not enumerated in this rule or by Florida law the Substitute Milk, Substitute Milk Product, or Frozen Dessert containing Hemp Extract shall be considered adulterated.

(6) Labeling.

(a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be labeled in accordance with ch. 502, F.S., s. 581.217(7), F.S., and 21 CFR 101 and must declare the number of milligrams of Hemp Extract.

(b) If specific cannabinoids are marketed, the number of milligrams of each cannabinoid per serving must be declared on the label. The serving size shall be displayed on the nutrition facts label of the product.

(c) The label and advertisement shall not contain claims indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease, rendering it a drug as defined in 21 U.S.C. 321(g)(1).

(7) Disposal.

(a) Laboratory samples found to contain more than a Total delta-9 tetrahydrocannabinol concentration of 0.3% on a dry weight basis shall be disposed of in accordance with 21 CFR 1317. 21 CFR 1317 (Revised January 1, 2019) is hereby incorporated by reference and available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) Substitute Milk, Substitute Milk Products, or Frozen Desserts containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis shall be detained pursuant to s. 502.014, F.S. Substitute Milk, Substitute Milk Products, or Frozen Desserts

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782 containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight
783 basis which have been detained pursuant to s. 502.014, F.S., shall not be further subdivided or
784 renumbered such that the integrity of the lot for identification is not maintained. The
785 establishment shall not shall not dispose of the Substitute Milk, Substitute Milk Products, or
786 Frozen Desserts in any manner until written permission is given by the department or a court of
787 competent jurisdiction.

788 (c) Upon receipt of written permission by the department or a court of competent jurisdiction,
789 the Substitute Milk, Substitute Milk Products, or Frozen Desserts shall be disposed of in
790 accordance with the Hemp Waste Disposal Manual FDACS-08115, 10/19, incorporated in
791 paragraph 5B-57.014(6)(b), F.A.C., or in the manner provided for by a court of competent
792 jurisdiction. Upon destruction of the product, the establishment shall notify the department via
793 Notice of Disposal FDACS-14419, 10/19, incorporated in paragraph 5K-4.034(7)(c), F.A.C.

794 (8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance
795 with Rule 5K-10.005, F.A.C.

796 *Rulemaking Authority 502.014, 502.053, 570.07(23), FS. Law Implemented 502.012, 502.014,*
797 *502.032, 502.042, 502.053, 502.091, 502.121, 502.165, 502.231, 581.217(7), FS. History–New*

798 _____.