

1 A bill to be entitled
 2 An act relating to hemp production; providing a short
 3 title; creating s. 581.301, F.S.; providing a
 4 definition; specifying that hemp is an agricultural
 5 crop; providing legislative intent; requiring the
 6 registration of hemp growers; providing registration
 7 requirements; providing exemptions; requiring
 8 rulemaking; providing for an affirmative defense to
 9 certain charges relating to cannabis; providing
 10 exceptions to other laws; providing an effective date.

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

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 14 Section 1. This act may be cited as the "Hemp Industry
 15 Development Act."

16 Section 2. Section 581.301, Florida Statutes, is created
 17 to read:

18 581.301 Hemp production; registration of growers.-

19 (1) DEFINITION.-As used in this section, the term "hemp"
 20 means all parts of any plant of the genus Cannabis containing no
 21 more than 0.3 percent delta-9 tetrahydrocannabinol.

22 (2) AGRICULTURAL CROP.-Hemp is considered an agricultural
 23 crop in this state that produces a viable, environmentally sound
 24 crop requiring less irrigation, fewer pesticides, and fewer
 25 toxic refinery processes than alternative materials and has
 26 multiple applications that include a wide variety of

27 manufactured and fabricated products. It is the intent of the
 28 Legislature to promote economic development and job growth
 29 through the cultivation, processing, distribution,
 30 manufacturing, and sale of hemp. Upon meeting the requirements
 31 of subsection (3), an individual may plant, grow, or harvest
 32 hemp in this state, which can be distributed, in consideration
 33 of s. 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. s. 355,
 34 to all states and numerous countries.

35 (3) REGISTRATION OF GROWERS.—

36 (a) Except as provided in this section, an individual
 37 intending to grow hemp shall register with the department by
 38 submitting a form provided by the department containing:

- 39 1. The individual's name and address.
- 40 2. A statement that the seeds obtained for planting are of
 41 a type and variety containing no more than 0.3 percent delta-9
 42 tetrahydrocannabinol.
- 43 3. The location and acreage of all parcels sown with hemp
 44 and other field identification as may be required by the
 45 department.

46 (b) An individual registered with the department as a
 47 grower pursuant to this section must allow hemp crops to be
 48 inspected and tested by and at the discretion of the department
 49 throughout sowing, growing, harvest, storage, processing,
 50 manufacturing, and distribution operations conducted by that
 51 grower.

52 (c) The department may assess an annual registration fee

53 on each grower of up to \$100 for the performance of its duties
 54 under this section.

55 (d) The registration requirements of this section do not
 56 apply to employees of the Experiment Station of the University
 57 of Florida, Extension Service of the University of Florida, or
 58 the state university system involved in research or extension-
 59 related activities when acting within the scope of their duties.

60 (4) RULEMAKING.—

61 (a) The department shall adopt rules that include, but are
 62 not limited to:

63 1. Testing of the hemp during growth to determine delta-9
 64 tetrahydrocannabinol levels.

65 2. Inspection of the hemp during sowing, growing, harvest,
 66 storage, processing, manufacturing, and distribution operations
 67 conducted by a registered grower.

68 3. Assessment of a fee that is commensurate with the costs
 69 of the department's activities in testing and inspection of hemp
 70 production.

71 4. Any other rules and procedures necessary to carry out
 72 this section.

73 (b) The department may not adopt under this chapter, or
 74 any other provision of law, a rule that prohibits an individual
 75 from growing, processing, distributing, manufacturing, or
 76 selling hemp based on its legal status under federal law.

77 (5) AFFIRMATIVE DEFENSE FOR CANNABIS OFFENSES.—It is an
 78 affirmative defense to a charge or prosecution for the

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79 possession, cultivation, manufacturing, delivery, distribution,
80 or sale of cannabis under chapter 893 that:

81 (a) The defendant was growing, processing, distributing,
82 manufacturing, or selling hemp pursuant to this section; or

83 (b) The defendant had valid applicable controlled
84 substances registrations from the United States Drug Enforcement
85 Administration.

86 (6) EXCEPTIONS TO OTHER LAWS.—It is not a violation of
87 state or local law for an individual to grow, process,
88 distribute, move, manufacture, dispose of, sell, purchase, or
89 possess hemp.

90 Section 3. This act shall take effect July 1, 2016.