

FDACS REVISED DRAFT HEMP RULES

**Rule 5B-57.014**

**State Hemp Program**

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2  
3 (1) Pursuant to s. 581.217, F.S., and in accordance with 7 U.S.C. Section 1639p, the Department shall authorize  
4 and oversee the development of the state hemp program to regulate the cultivation of hemp in the state, which is a  
5 potentially invasive plant species and is a threat to the plant life of this state if not properly controlled. Hemp cultivated  
6 pursuant to this rule is considered an agricultural commodity.

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

8 (a) "Hemp biomass" means post-extraction non-food plant matter, including stalks, seed hulls, woody biomass,  
9 and hemp flowers.

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

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

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

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

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

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

24 4. For a trust, each trustee.

25 5. For a limited liability company, all elected managers and those members who have contributed 10 percent or  
26 more or that have the right to receive, upon dissolution, 10 percent or more of the partnership's capital.

27 (e) "Total delta-9 tetrahydrocannabinol concentration" means delta-9 tetrahydrocannabinol + (0.877 x  
28 tetrahydrocannabinolic acid).

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29 (3) Pursuant to ss. 581.031(1), (3), (5), F.S., it is unlawful for any Person to introduce into this state or move  
30 through this state hemp or hemp plants, including Hemp biomass unless introduced or moved in compliance with this  
31 rule.

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

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

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

38 (c) A full set of fingerprints for each Control Person submitted through a Livescan service provider evaluated  
39 by the Florida Department of Law Enforcement for state and national processing to Department ORI # [REDACTED]. The  
40 Livescan service provider receipt for payment and process reference number must be provided with the Application  
41 For License to Cultivate Hemp, FDACS-XXXXX xx/xx. If the fingerprint processing identifies criminal charges  
42 related to a controlled substance violation under state or federal law, the Department will notify the applicant that  
43 additional information is needed to complete the application. The applicant must provide to the Department a  
44 certified copy of the final disposition documentation within ninety (90) days of receipt of the notification.

45 (d) An environmental containment plan for each proposed facility location. An environmental containment plan  
46 must include the following:

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

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

50 3. A transportation and movement plan that ensures that the hemp, hemp plant material, and hemp biomass is  
51 covered and moved in full containment during transport from noncontiguous locations.

52 (e) A waste disposal plan. A detailed plan outlining the procedures the applicant will use to destroy hemp plants  
53 that have been cultivated in violation of s. 581.217, F.S. or the rules promulgated therefrom. A waste disposal plan  
54 must include the method of disposal using chemical or mechanical processes, or a combination thereof, that will be  
55 applied to ensure that all hemp plants are rendered non-viable.

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57 (5) Cultivation requirements. The licensee shall comply with the following requirements:

58 (a) The licensee's environmental containment plan.

59 (b) The licensee's waste disposal plan.

60 (c) Maintain documentation describing the varieties of hemp cultivated for three (3) years. These documents  
61 must be provided to the Department upon request.

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

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

67 (f) In accordance with s. 581.083, F.S., hemp may only be cultivated on lands that are used primarily for bona  
68 fide agricultural purposes pursuant to s. 193.461, F.S or lands located within an area zoned for agricultural or industrial  
69 use.

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

71 (h) Post signage at every Plot access point which contains the following information: the Department issued  
72 license number, the address of the cultivation area, and the following statement, "Hemp is being cultivated under a  
73 license issued by the Florida Department of Agriculture and Consumer Services."

74 (6) Nurseries. Nurseries propagating hemp plants for distribution shall:

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

76 (b) Only distribute hemp plants for cultivation to Persons in the state of Florida who are licensed pursuant to this  
77 rule or to Persons within the United States who are authorized to cultivate hemp under a plan authorized pursuant to  
78 7 U.S.C. 1639p.

79 (c) Maintain copies of hemp plant movement records or sales invoices for three (3) years and provide copies to  
80 the Department upon request.

81 (7) Planting. The licensee must notify the Department within forty-eight (48) hours of each planting of Hemp by  
82 email at [DPIHempInspection@FDACS.gov](mailto:DPIHempInspection@FDACS.gov) or by phone at 1-888-397-1517. This notification must include the  
83 location of the hemp within the licensed address.

84 (8) Tetrahydrocannabinol concentration field sampling.

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

89 (b) The representative sample shall be placed under seal and the licensee shall submit the sample to an ISO 17025  
90 accredited laboratory for testing. The methods utilized by the laboratory must be within their scope of accreditation.  
91 The laboratory shall report directly to the Department and to the licensee the analysis results for Total delta-9  
92 tetrahydrocannabinol concentration within twenty-four (24) hours of completion. The licensee shall not harvest the  
93 hemp plot until the laboratory results indicate the representative sample does not have a Total delta-9  
94 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis unless authorized under paragraph 5B-  
95 57.014(9)(b), F.A.C. If the representative sample results indicate that the Total delta-9 tetrahydrocannabinol exceeds  
96 0.3% on a dry weight basis, the Department will perform a confirmatory test.

97 (c) If the initial laboratory report and the Department's confirmatory results indicate that the Total delta-9  
98 tetrahydrocannabinol exceeds 0.3% on a dry weight basis, the licensee may attempt to lower the Total delta-9-  
99 tetrahydrocannabinol concentration within the plant using remediation techniques or practices. If the remediation is  
100 unsuccessful or no remediation activities are taken, the licensee will be responsible for the destruction of all hemp  
101 plants in the Plot if the Department's confirmatory sample results indicate the plants have a Total delta-9  
102 tetrahydrocannabinol concentration that exceeds 0.3 % on a dry weight basis. The licensee shall completely destroy  
103 all hemp plants, rendering the plants as non-viable in accordance with the licensee's waste disposal plan. However, if  
104 a licensee removes and destroys all leaf and floral material from the plants, the hemp plants may be processed for  
105 barestalk fiber, hulled hemp seed, hemp seed protein powder, or hemp seed oil.

106 (d) At least annually, the Department may supervise the collection of a representative sample.

107 (9) Harvest.

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

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

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

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

117 3. The harvested material must remain unprocessed in a securely locked building or container on the licensed  
118 address or the storage location identified on the licensee's application.

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

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

122 (a) The Licensee's environmental containment plan.

123 (b) Maintenance of Certified hemp seed or Certified hemp cultivar documentation required under paragraph 5B-  
124 57.014(5)(d), F.A.C.

125 (c) Pre-harvest and post-harvest samples of Hemp plants have a Total delta-9 tetrahydrocannabinol concentration  
126 that does not exceed 0.3% on a dry weight basis.

127 (d) Hemp plants are found to be free from plant pests or disease.

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

129 (11) Transportation Requirements.

130 (a) Intrastate movement. Any Person transporting propagative parts of hemp, harvested hemp plant material,  
131 and Hemp biomass within the state of Florida shall:

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

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

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

138 (b) Interstate movement. Any Person outside the State of Florida who desires to ship into this state propagative  
139 parts of hemp, harvested hemp plant material, and Hemp biomass from any state, U.S. possession, territory, or district

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140 of the United States, or foreign jurisdiction, shall comply with the following regulations:

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

142 a. Originating from in-vitro reproduction (tissue culture) and maintained and shipped in a sterile growing media  
143 and environment; and

144 b. Accompanied by proof of origin and a phytosanitary certificate of inspection issued by a state or country plant  
145 protection governmental agency.

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

148 3. The movement of any Hemp biomass into the state of Florida is prohibited unless:

149 a. The Hemp biomass has been rendered non-viable through processing; and

150 b. Accompanied by proof of origin.

151 4. Upon entry in the state, all persons transporting propagative parts of hemp, hemp plant material, and Hemp  
152 biomass must comply with the intrastate movement requirements outlined in this rule.

153 (12) Abandoned operations. It is the responsibility of the licensee to completely destroy all hemp plant material,  
154 rendering the plants as non-viable in accordance with the licensee's waste disposal plan prior to vacating the  
155 property or stopping hemp cultivation.

156 (13) Violations. A licensee must complete a corrective action plan if the Department determines that the licensee  
157 has negligently violated s. 581.217, F.S. or this rule. A licensee who negligently violates the corrective action plan  
158 under this rule three times within five (5) years is ineligible to cultivate hemp for five (5) years following the date of  
159 the third violation. If the Department determines that a licensee has violated s. 581.217, F.S. or Department rules with  
160 a culpable mental state greater than negligence, the Department shall immediately report the licensee to the Attorney  
161 General and the United States Attorney General. A determination that a licensee has negligently violated s. 581.217,  
162 F.S. or this rule shall be subject to the process outlined in ss. 120.569 and 120.57-120-595. A determination that a  
163 licensee has violated s. 581.217, F.S. or Department rule with a culpable mental state greater than negligence shall be  
164 reported to the Attorney General and the United States Attorney General notwithstanding ss. 120.569 and 120.57-120-  
165 595, F.S.

166 (14) Final Order. The Department may issue an immediate final order directing the licensee to immediately  
167 destroy any hemp cultivated in violation of s. 581.217, F.S. and the rules promulgated therefrom.

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168 (15) Byproducts. Any processing byproduct that contains a Total delta-9 tetrahydrocannabinol concentration  
169 exceeding 0.3% on a dry weight basis must be destroyed in accordance with the licensee’s waste disposal plan.

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

172 Rulemaking Authority 570.07(23), 581.031(4), (5), 581.217(5), (12), 1004.4473(2), FS. Law Implemented 581.031,  
173 581.083, 581.217, 1004.4473, FS. History–New \_\_\_\_\_.

174

175 **5E-4.006 Seed Standards.**

176 The minimum germination standard for agricultural seeds shall be 60% (including hard seed or dormant seed) except  
177 hybrid field corn seed which shall be 90%, and hemp seed, which shall be 80% (including hard or dormant seed). For  
178 hemp seed which germinates less than the standard established by the department, the words “Below Standard” shall  
179 be prominently displayed on the label. Hemp seed below 60% germination may not be sold. The minimum standards  
180 for vegetable seeds are set forth in the documents incorporated herein. The federal seed act regulations specified in 7  
181 CFR 201 are hereby incorporated by reference. Copies of this document may be obtained from the Superintendent of  
182 Documents, Attn: New Orders, P. O. Box 371954, Pittsburgh, PA 15250-7954. Charge orders may be telephoned to  
183 the Government Printing Office order desk at (202)783-3238. Also incorporated by reference are the State Noxious-  
184 Weed Seed Requirements Recognized in the Administration of the Federal Seed Act, January 1994 publication, and  
185 the January 1995 replacement pages for the January 1994 publication. Copies of these documents may be obtained  
186 from the United States Department of Agriculture, Agricultural Marketing Service, Seed Regulatory and Testing  
187 Branch, Livestock and Seed Division, Building 506, BARC-East, Beltsville, MD 20705-2350; telephone (301)504-  
188 9430.

189 Rulemaking Authority 570.07(23), 578.11(2) FS. Law Implemented 578.09(2)(a), 578.11(2) FS. History–New 5-30-63, Amended  
190 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98,\_\_\_\_\_.

191 **5E-4.007 Commercial Tests.**

192 (1) The department will make commercial tests of seed when such will not interfere with prescribed duties of the  
193 department. A schedule of charges is listed below:

Type Test and Charge

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| Product   | Purity       | Germination  |
|---|--------------|--------------|
| (a) through (s) No change.                              |              |              |
| <u>(t) Hemp</u>   | <u>21.00</u> | <u>21.00</u> |
| (t) through (rr) renumbered (u) through (ss) No change. |              |              |

194 *Rulemaking Authority 578.11(2) FS. Law Implemented 578.11(2) FS. History–New 6-29-62, Amended 9-29-83, Formerly 5E-4.07,*  
 195 *Amended 8-17-92,\_\_\_\_\_.*

196 **5E-4.016 Certified Hemp Seed.**

197 (1) A certifying agency or an institution or university conducting an industrial hemp pilot project pursuant to s.  
 198 1004.4473, F.S., may certify hemp seed.

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

201 (3) “Certified hemp seed” means a class of hemp seed which is the progeny of breeder, foundation, or registered hemp  
 202 seed.

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

205 (a) Follow the standards for seed certification in 7 CFR Part 201.67 – 201.78; and

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

207 *Rulemaking Authority 570.07(23), 578.11(2), 581.217(12) FS. Law Implemented 570.07(16)(g), 578.011(2), 578.011(8), 578.23,*  
 208 *581.217(6),581.217(11)(d), 581.217(12) FS. History–New \_\_\_\_\_.*

209 **5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling**  
 210 **Requirements; Laboratory Certification/Exemption Requirements and Fees.**

211 (1) Definitions.

212 (a) through (j) No change.

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



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216 on its label.

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

218 (m) The term “hemp extract” is defined in s. 581.217(3)(e), F.S. Hemp extract does not include any material,  
219 compound, mixture or preparation that contains any quantity of Synthetic Cannabinoids as defined in s.  
220 893.03(1)(c)190., F.S.

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

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

224 (p) The term “specialty pet” means any animal normally maintained in a household, including, rodents,  
225 ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for  
226 food or fur.

227 (q) The term “specialty pet food” means any commercial feed prepared and distributed for consumption by  
228 specialty pets.

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

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

233 (t) The term “waste disposal plan” means a detailed plan outlining the chemical or mechanical processes, or a  
234 combination thereof, the registrant will use to destroy products having a total delta-9-tetrahydrocannabinol  
235 concentration that exceeds 0.3% on a dry weight basis.

236 (2) through (4) No change.

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

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

241 (b) Prior to a feed master registrant engaging in the distribution of pet food, pet treats, specialty pet food and  
242 specialty pet treats consisting of or containing hemp extract, the registrant shall submit a waste disposal plan. The plan  
243 shall include a method of disposal by chemical or mechanical processes, or a combination thereof, that will destroy

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244 the pet food, pet treats, specialty pet food and specialty pet treats.

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

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

254 (e) Upon receipt of written permission by the Department or a court of competent jurisdiction, the pet food, pet  
 255 treats, specialty pet food and specialty pet treats shall be disposed of in accordance with a waste disposal plan or in  
 256 the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the manufacturer or  
 257 distributor shall notify the Department via FDACS-XXXXX xx/xx, incorporated herein by reference and available  
 258 online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

259 (f) Any byproduct as a result of processing which contains a total delta-9 tetrahydrocannabinol concentration  
 260 exceeding 0.3% on a dry weight basis must be properly destroyed by the manufacturer or distributor pursuant to the  
 261 waste disposal plan.

262 (5) through (8) renumbered (6) through (9) No change.

263 *Rulemaking Authority 570.07(23), 580.036(2), 580.065 581.217(12)(b) FS. Law Implemented 580.036(2), 580.051, 580.065,*  
 264 *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-*  
 265 *4-87, 6-1-95, 11-14-01, 8-31-06, \_\_\_\_\_.*

266

267 **5E-3.004 Ingredient Statement.**

268 (1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication  
 269 ~~2004~~2019” published by the Association of American Feed Control Officials shall be used as the common or usual  
 270 names unless the Department of Agriculture and Consumer Services designates otherwise by rule), except that  
 271 collective terms for a group of ingredients which perform a similar function may be used on labels for all commercial

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272 feed except horse feed. Collective terms recognize a general classification of ingredient origin but do not imply  
 273 equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term provided that  
 274 only those ingredients defined by Association of American Feed Control Officials within each collective term are  
 275 included:

276 Animal Protein Products

277 Grain Products

278 Plant Protein Products

279 Processed Grain By-Products

280 Forage Products

281 Roughage Products

282 Molasses Products

283 (a) through (b) No change.

284 (2) through (6) No change.

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

287 (8)(7) "Official Publication 20192004" published by The Association of American Feed Control Officials is  
 288 hereby incorporated by reference. Copies may be obtained from AAFCO 1800 South Oak Street, Suite 100,  
 289 Champaign, Illinois 61820 or <http://www.aafco.org/publications> Assistant Secretary-Treasurer, P. O. Box 478,  
 290 Oxford, IN 47971.

291 *Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f), 581.217(3)(e) FS. History--New 12-30-70, 4-*  
 292 *1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01, \_\_\_\_\_.*

293 **5E-3.005 Labels.**

294 (1) through (3) No change.

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

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

299 (6) The label and labeling for pet food, pet treats, specialty pet food and specialty pet treats consisting of or

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

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

304 *Rulemaking Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051, 580.081, 580.112, 581.217(7) FS. History—New 12-*  
 305 *30-70, Formerly 5E-3.05, Amended 3-5-89, 9-19-94, 6-1-95,\_\_\_\_\_.*

## HEMP EXTRACT IN FOOD

### **5K-4.034 Hemp Extract in Food**

307 (1) Products. Hemp or Hemp Extract intended to be ingested is a Food as defined in s. 500.03, F.S., and are  
 308 subject to the requirements of Chapter 500, F.S., and Rules 5K-4.002; 5K-4.004; 5K-4.020; 5K-4.021, and 5K-  
 309 4.035, F.A.C., in addition to the requirements of this rule.

310 (2) Definitions.

311 (a) “Approved Source” as it relates to Food or Food ingredients consisting of or containing Hemp Extract  
 312 means Food that was manufactured, processed, packaged, labeled, or held in a facility that meets or exceeds the  
 313 standards of the responsible food regulatory agency.

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

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

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

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

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

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

329 (h) The term “Waste Disposal Plan” means a detailed plan outlining the chemical or mechanical processes, or a  
330 combination thereof, the establishment will use to destroy products having a Total delta-9-tetrahydrocannabinol  
331 concentration that exceeds 0.3% on a dry weight basis.

332 (i) “Total delta-9 tetrahydrocannabinol concentration” means delta-9 tetrahydrocannabinol + (0.877 x  
333 tetrahydrocannabinolic acid).

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

336 (4) Requirements.

337 (a) Food consisting of or containing Hemp or Hemp Extract must be obtained from an Approved Source. The  
338 responsible party, as declared on the product label, shall provide to the department, upon request, a valid food  
339 license/permit and the most recent food safety inspection report from the Approved Source.

340 (b) Hemp Extract intended for human ingestion whether directly or through combination with other Food  
341 products must originate from a crop intended to be used in the food supply chain.

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

344 (d) Foods which contain Hemp Extract and alcohol, other than Candies or Confections as defined in Rule 5K-  
345 4.0010, F.A.C., are subject to the requirements of this rule and the Beverage Law as defined in s. 561.01(6), F.S.

346 (e) Hemp intended for bodily application is not a Food and is subject to Chapter 499, F.S.

347 (f) Food consisting of or containing Hemp Extract must be stored and transported at or below room temperature.  
348 If a Food is considered a Potentially Hazardous Food (PHF) or a Food requiring Time and Temperature Control for  
349 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  
350 Food products consisting of or containing Hemp Extract must be packaged in containers minimizing the exposure to  
351 light to prevent degradation of the Cannabinoids.

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

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354 (h) Prior to manufacturing, processing, packing, holding, preparing, or selling Food consisting of or containing  
355 Hemp Extract the establishment shall submit a waste disposal plan. The plan shall include a method of disposal by a  
356 chemical or mechanical process, or a combination thereof, that will destroy the Food.

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

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

- 362 1. Abamectin, 20 parts per billion.
- 363 2. Acephate, 20 parts per billion.
- 364 3. Acequinocyl, 20 parts per billion.
- 365 4. Acetamiprid, 10 parts per billion.
- 366 5. Aldicarb, 10 parts per billion.
- 367 6. Azoxystrobin, 10 parts per billion.
- 368 7. Bifenazate, 100 parts per billion.
- 369 8. Chlorfenapyr, 10 parts per billion.
- 370 9. Chlorpyrifos, 20 parts per billion.
- 371 10. Clofentezine, 40 parts per billion.
- 372 11. Coumaphos, 10 parts per billion.
- 373 12. Cyfluthrin, 10 parts per billion.
- 374 13. Cypermethrin, 500 parts per billion.
- 375 14. Daminozide, 10 parts per billion.
- 376 15. DDVP (Dichlorvos), 20 parts per billion.
- 377 16. Diazinon, 10 parts per billion.
- 378 17. Dimethoate, 10 parts per billion.
- 379 18. Dimethomorph, 10 parts per billion.
- 380 19. Ethoprop(hos), 10 parts per billion.
- 381 20. Etofenprox, 10 parts per billion.

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- 382 21. Etoxazole, 10 parts per billion.
- 383 22. Fenhexamid, 80 parts per billion.
- 384 23. Fenoxycarb, 10 parts per billion.
- 385 24. Fenpyroximate, 100 parts per billion.
- 386 25. Fipronil, 10 parts per billion.
- 387 26. Flonicamid, 100 parts per billion.
- 388 27. Fludioxonil, 20 parts per billion.
- 389 28. Hexythiazox, 100 parts per billion.
- 390 29. Imazalil, 10 parts per billion.
- 391 30. Imidacloprid, 20 parts per billion.
- 392 31. Kresoxim-methyl, 20 parts per billion.
- 393 32. Malathion, 10 parts per billion.
- 394 33. Metalaxyl, 10 parts per billion.
- 395 34. Methiocarb, 10 parts per billion.
- 396 35. Methomyl, 10 parts per billion.
- 397 36. Methyl parathion, 10 parts per billion.
- 398 37. Mevinphos, 10 parts per billion.
- 399 38. Myclobutanil, 20 parts per billion.
- 400 39. Naled, 10 parts per billion.
- 401 40. Oxamyl, 26 parts per billion.
- 402 41. Paclobutrazol, 10 parts per billion.
- 403 42. Pentachloronitrobenzene, 30 parts per billion.
- 404 43. Permethrin, 20 parts per billion.
- 405 44. Phosmet, 20 parts per billion.
- 406 45. Piperonyl butoxide, 3,000 parts per billion.
- 407 46. Prallethrin, 20 parts per billion.
- 408 47. Propiconazole, 20 parts per billion.
- 409 48. Propoxur, 20 parts per billion.

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- 410 49. Pyrethrins, 500 parts per billion.
- 411 50. Pyridaben, 20 parts per billion.
- 412 51. Spinetoram, 40 parts per billion.
- 413 52. Spinosad A, 20 parts per billion.
- 414 53. Spinosad D, 20 parts per billion.
- 415 54. Spiromesifen, 30 parts per billion.
- 416 55. Spirotetramat, 20 parts per billion.
- 417 56. Spiroxamine, 10 parts per billion.
- 418 57. Tebuconazole, 10 parts per billion.
- 419 58. Thiachloprid, 10 parts per billion.
- 420 59. Thiamethoxam, 10 parts per billion.
- 421 60. Trifloxystrobin, 20 parts per billion.
- 422 (b) Residual Solvent Limits. Residual Solvent limits listed in the United States Pharmacopeia, USP 40, (467),
- 423 hereby incorporated by reference and available online at
- 424 <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.
- 425 (c) Metals Limits.
- 426 1. Cadmium, 0.5 micrograms/gram.
- 427 2. Lead, 0.5 micrograms/gram.
- 428 3. Arsenic, 1.5 micrograms/gram.
- 429 4. Mercury, 3.0 micrograms/gram.
- 430 (d) Biological Limits.
- 431 1. Shiga toxin-producing Escherichia coli (STEC E. coli) and other pathogenic E. coli, none present.
- 432 2. Listeria monocytogenes, none present.
- 433 3. Salmonella, none present.
- 434 (e) Mycotoxin Limits.
- 435 1. Total Aflatoxin (B1, B2, G1, G2), 20 parts per billion.
- 436 2. Ochratoxin, 20 parts per billion.



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

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

441 (6) Labeling.

442 (a) Food consisting of or containing Hemp Extract must be labeled as required by Chapter 500, F.S., s.  
443 581.217(7), F.S., and 21 CFR Part 101, as incorporated by reference in Section 5K-4.002(4), F.A.C., and must  
444 declare the number of milligrams of hemp extract.

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

447 (c) The label and advertisement shall not contain claims indicating the product is intended for diagnosis, cure,  
448 mitigation, treatment, or prevention of disease, rendering it a drug as defined in 21 U.S.C. 321(g)(1). Pursuant to s.  
449 500.03(1)(n)4., F.S., such articles are not considered Food and shall be considered misbranded as Food.

450 (7) Disposal.

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

454 (b) Food containing a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis  
455 shall be detained pursuant to s. 500.172, F.S. Food containing a Total delta-9 tetrahydrocannabinol concentration  
456 that exceeds 0.3% on a dry weight basis which has been detained pursuant to s. 500.172, F.S. shall not be further  
457 subdivided or renumbered such that the integrity of the lot is not maintained. The establishment shall not dispose of  
458 the Food in any manner until written permission is given by the department or a court of competent jurisdiction.

459 (c) Any byproduct as a result of processing which contains a Total delta-9 tetrahydrocannabinol concentration  
460 exceeding 0.3% on a dry weight basis must be destroyed by the Hemp Food Establishment in accordance with the  
461 waste disposal plan.

462 (d) Upon receipt of written permission by the department or a court of competent jurisdiction, the Food shall be  
463 disposed of in accordance with the waste disposal plan or in the manner provided for by a court of competent  
464 jurisdiction. Upon destruction of the product, the Hemp Food Establishment shall notify the department via FDACS-

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465 XXXXX xx/xx, incorporated herein by reference and available online at  
466 <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

467 (8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-  
468 4.035, F.A.C. Labeling violations of s. 581.217(7), F.S., shall be deemed Tier I major violations under Rule 5K-  
469 4.035, F.A.C.

470 Rulemaking Authority 570.07(23), 500.09, 500.12, FS. Law Implemented 581.217, 500.03, 500.04, 500.09,  
471 500.10, 500.11, 500.12, 500.13, 500.172, FS.

472 **5K-10.006 Hemp Extract in Dairy Products and Frozen Desserts**

473 (1) Products. Milk, Milk Products, and Frozen Desserts containing Hemp or Hemp Extract are subject to the  
474 requirements of Chapter 502, F.S., and Chapter 5K-10, F.A.C., in addition to the requirements of this rule. Grade  
475 “A” milk and milk products to which Hemp Extract has been added shall be considered “Substitute Milk” or  
476 “Substitute Milk Products” as defined in Chapter 502, F.S. In addition to the requirements in Section 502.165 F.S.,  
477 Substitute Milk and Substitute Milk Products containing Hemp Extract are subject to the requirements of Chapter  
478 5K-10, F.A.C.

479 (2) Definitions.

480 (a) “Approved Source” as it relates to Substitute Milk, Substitute Milk Products, and Frozen Desserts  
481 containing Hemp Extract means Substitute Milk, Substitute Milk Products, and Frozen Desserts manufactured,  
482 processed, packaged, labeled, or held in a facility that meets or exceeds the standards of the responsible food  
483 regulatory agency.

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

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

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

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

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

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

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

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

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

508

509 (k) The term “Waste Disposal Plan” means a detailed plan outlining the chemical or mechanical process the  
510 establishment will use to destroy products having a Total delta-9-tetrahydrocannabinol concentration that exceeds  
511 0.3% on a dry weight basis.

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

514 (4) Requirements.

515 (a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be obtained  
516 from an Approved Source. The responsible party as declared on the product label shall provide to the department,  
517 upon request, a valid dairy or food safety license/permit and the most recent dairy or food safety inspection report  
518 from the Approved Source.

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

521 (c) Substitute Milk, Substitute Milk Products, and Frozen Desserts which contain Hemp Extract and alcohol are  
522 subject to the requirements of this rule and the Beverage Law as defined in s. 561.01(6), F.S.

523 (d) Hemp intended for bodily application is not a Substitute Milk, Substitute Milk Product, or Frozen Dessert  
524 and is subject to Chapter 499, F.S.

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

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

531 (g) Prior to manufacturing, processing, packing, holding, preparing, or selling Food consisting of or containing  
532 Hemp Extract the establishment shall submit a waste disposal plan. The plan shall include a method of disposal by a  
533 chemical or mechanical processes, or a combination thereof, that will destroy the Substitute Milk, Substitute Milk  
534 Products, and Frozen Dessert containing Hemp Extract.

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

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

- 540 1. Abamectin, 20 parts per billion.
- 541 2. Acephate, 20 parts per billion.
- 542 3. Acequinocyl, 20 parts per billion.
- 543 4. Acetamiprid, 10 parts per billion.
- 544 5. Aldicarb, 10 parts per billion.
- 545 6. Azoxystrobin, 10 parts per billion.
- 546 7. Bifenazate, 100 parts per billion.

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- 547 8. Chlorfenapyr, 10 parts per billion.
- 548 9. Chlorpyrifos, 20 parts per billion.
- 549 10. Clofentezine, 40 parts per billion.
- 550 11. Coumaphos, 10 parts per billion.
- 551 12. Cyfluthrin, 10 parts per billion.
- 552 13. Cypermethrin, 500 parts per billion.
- 553 14. Daminozide, 10 parts per billion.
- 554 15. DDVP (Dichlorvos), 20 parts per billion.
- 555 16. Diazinon, 10 parts per billion.
- 556 17. Dimethoate, 10 parts per billion.
- 557 18. Dimethomorph, 10 parts per billion.
- 558 19. Ethoprop(hos), 10 parts per billion.
- 559 20. Etofenprox, 10 parts per billion.
- 560 21. Etoxazole, 10 parts per billion.
- 561 22. Fenhexamid, 80 parts per billion.
- 562 23. Fenoxycarb, 10 parts per billion.
- 563 24. Fenpyroximate, 100 parts per billion.
- 564 25. Fipronil, 10 parts per billion.
- 565 26. Flonicamid, 100 parts per billion.
- 566 27. Fludioxonil, 20 parts per billion.
- 567 28. Hexythiazox, 100 parts per billion.
- 568 29. Imazalil, 10 parts per billion.
- 569 30. Imidacloprid, 20 parts per billion.
- 570 31. Kresoxim-methyl, 20 parts per billion.
- 571 32. Malathion, 10 parts per billion.
- 572 33. Metalaxyl, 10 parts per billion.
- 573 34. Methiocarb, 10 parts per billion.
- 574 35. Methomyl, 10 parts per billion.

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- 575 36. Methyl parathion, 10 parts per billion.
- 576 37. Mevinphos, 10 parts per billion.
- 577 38. Myclobutanil, 20 parts per billion.
- 578 39. Naled, 10 parts per billion.
- 579 40. Oxamyl, 26 parts per billion.
- 580 41. Paclobutrazol, 10 parts per billion.
- 581 42. Pentachloronitrobenzene, 30 parts per billion.
- 582 43. Permethrin, 20 parts per billion.
- 583 44. Phosmet, 20 parts per billion.
- 584 45. Piperonyl butoxide, 3,000 parts per billion.
- 585 46. Prallethrin, 20 parts per billion.
- 586 47. Propiconazole, 20 parts per billion.
- 587 48. Propoxur, 20 parts per billion.
- 588 49. Pyrethrins, 500 parts per billion.
- 589 50. Pyridaben, 20 parts per billion.
- 590 51. Spinetoram, 40 parts per billion.
- 591 52. Spinosad A, 20 parts per billion.
- 592 53. Spinosad D, 20 parts per billion.
- 593 54. Spiromesifen, 30 parts per billion.
- 594 55. Spirotetramat, 20 parts per billion.
- 595 56. Spiroxamine, 10 parts per billion.
- 596 57. Tebuconazole, 10 parts per billion.
- 597 58. Thiacloprid, 10 parts per billion.
- 598 59. Thiamethoxam, 10 parts per billion.
- 599 60. Trifloxystrobin, 20 parts per billion.
- 600 (b) Residual Solvent Limits. Residual Solvent limits listed in the United States Pharmacopeia, USP 40, (467),
- 601 which is hereby incorporated by reference and available online at
- 602 <http://www.flrules.org/Gateway/reference.asp?No=RefXXXX>.

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603 (c) Metals Limits.

604 1. Cadmium, 0.5 micrograms/gram

605 2. Lead, 0.5 micrograms/gram

606 3. Arsenic, 1.5 micrograms/gram

607 4. Mercury, 3.0 microgram/gram

608 (d) Biological Limits.

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

610 2. Listeria monocytogenes, none present.

611 3. Salmonella, none present.

612 (e) Mycotoxins Limits.

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

614 2. Ochratoxin, 20 parts per billion.

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

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

620 (6) Labeling.

621 (a) Substitute Milk, Substitute Milk Products, and Frozen Desserts containing Hemp Extract must be labeled as  
622 incorporated by reference in Chapter 502 F.S., s. 581.217(7), F.S., and 21 CFR 101 and must declare the number of  
623 milligrams of hemp extract.

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

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

628 (7) Disposal.

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

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

639 (c) Any byproduct as a result of processing which contains a Total delta-9 tetrahydrocannabinol concentration  
640 exceeding 0.3% on a dry weight basis must be destroyed by the establishment in accordance with the waste disposal  
641 plan.

642 (d) Upon receipt of written permission by the department or a court of competent jurisdiction, the Substitute  
643 Milk, Substitute Milk Products, or Frozen Desserts shall be disposed of in accordance with the waste disposal plan  
644 or in the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the  
645 establishment shall notify the department via FDACS-XXXXX xx/xx, incorporated herein by reference and  
646 available online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

647 (8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-  
648 10.005, F.A.C. Labeling violations of s. 581.217(7), F.S. shall be deemed Tier I major violations under Rule 5K-  
649 10.005(b)1., F.A.C.

650 *Rulemaking Authority 502.014, 502.053, 570.07(23), FS. Law Implemented 502.014, 502.032, 502.053,*  
651 *502.091, 502.165, 502.231, 581.217(7), FS. History–New 9-21-67,* .