

CHAPTER 2017-124

Committee Substitute for Committee Substitute for Senate Bill No. 1726

An act relating to industrial hemp pilot projects; creating s. 1004.4473, F.S.; defining terms; directing the Department of Agriculture and Consumer Services to authorize and oversee the development of industrial hemp pilot projects for certain universities; providing the purpose of the pilot projects; requiring the department to adopt certain rules by a specified date; requiring each university to obtain the authorization of its board of trustees before implementing a pilot project; requiring pilot projects to comply with rules adopted by the department; requiring the universities to develop partnerships with certain entities; authorizing the universities to develop pilot projects in partnership with public, nonprofit, and private entities; requiring the universities to establish guidelines for the approval, oversight, and enforcement of pilot project rules; requiring universities to delay industrial hemp commercialization projects under certain conditions; requiring a report to the Governor and the Legislature within a specified timeframe; providing an effective date.

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

Section 1. Section 1004.4473, Florida Statutes, is created to read:

1004.4473 Industrial hemp pilot projects.—

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

(a) “Department” means the Department of Agriculture and Consumer Services.

(b) “Hemp material” means a substance containing hemp stems, leaves, fibers, seeds, extracts, oil, or any other substance derived or harvested from a species of the cannabis plant.

(c) “Industrial hemp” means all parts and varieties of the cannabis sativa plant, cultivated or possessed by an approved grower under the pilot project, whether growing or not, which contain a tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

(d) “Industrial hemp pilot project” or “pilot project” means a project that includes research of industrial hemp and any aspect of cultivation, harvesting, processing, market research, and sales of approved industrial hemp agricultural, industrial, and commercial products.

(e) “Qualified program personnel” means a person who, or an employee of a company that, partners with a university on a pilot project, is certified by the university, and is 18 years of age or older.

(f) “Qualified project partner” means a public, nonprofit, or private entity that:

1. Has a principal place of business is in this state.
2. Has access to a grow site and research facility located in this state which is acceptable for the cultivation, processing, and manufacturing of industrial hemp and hemp products, as determined by the department.
3. Submits a comprehensive business or research plan acceptable to the partnering university.
4. Provides proof of prior experience in or knowledge of, or demonstrates an interest in and commitment to, the cultivation, processing, manufacturing, or research of industrial hemp, as determined by the department.

(2)(a) The department shall authorize and oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture. The department shall adopt rules as required under the Agricultural Act of 2014, 7 U.S.C. s. 5940, to implement this section, including rules for the certification and registration of sites used for growth or cultivation. The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state.

(b) The department shall adopt rules that address safety, compliance, and accountability and, at a minimum, require the universities to provide detailed information on:

1. The scope, design, and objectives of the pilot project.
2. Personnel and participants involved in the pilot project.
3. Facility locations and security.
4. The chain of control of hemp material.
5. The economic impact of the pilot project on the state’s agricultural sector.
6. Genetic research, ensuring that psychotropic compounds will not be synthesized.
7. Compliance with state and federal law.

(c) The department shall initiate rulemaking pursuant to this subsection within 4 months after the effective date of this act.

(3) A university must obtain the authorization of its board of trustees before implementing an industrial hemp pilot project. A pilot project

authorized by a university must be registered with the department and must comply with rules adopted by the department.

(4) A university that implements an industrial hemp pilot project shall develop partnerships with qualified project partners to attract experts and investors experienced with agriculture and may develop the pilot project in partnership with public, nonprofit, and private entities in accordance with this section and all applicable state and federal laws.

(5) The research office of a university that implements an industrial hemp pilot project shall oversee the pilot project and ensure compliance with rules adopted by the department. The office must identify a contact person who is responsible for oversight of the pilot project and shall adopt procedures and guidelines to ensure the proper operation of the pilot project, the proper handling of hemp material and products, compliance with state and federal law, and the safety and security of the pilot project facility. At a minimum, the guidelines must:

(a) Designate the physical location, global positioning system position, and map of the pilot project facility. Areas within the facility must be designated as general access or limited access. An area where hemp material is cultivated, processed, stored, or packaged or where industrial hemp research is conducted must be designated as limited access. Limited-access areas must be restricted to entry by qualified program personnel and authorized visitors accompanied at all times by qualified program personnel. All other areas of the facility may be designated as general access and are open to authorized visitors, regardless of whether accompanied by qualified program personnel.

(b) Identify the qualified program personnel involved in the pilot project who meet the requirements of 21 CFR s. 1301.18 pursuant to the Agricultural Act of 2014, 7 U.S.C. s. 5940.

(c) Authorize the qualified program personnel to handle, grow, cultivate, process, and manufacture hemp materials.

(d) Establish a testing program and protocols to ensure the proper labeling of hemp material.

(6) An industrial hemp commercialization project may only be conducted after an industrial hemp pilot project has been in place for 2 years to determine if there are any adverse impacts of hemp cultivation on current indigenous crops in the state.

(7) A university that implements an industrial hemp pilot project shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of its pilot project and any research related to the cultivation, harvesting, processing, and uses of industrial hemp. The report must be prepared and submitted within 2 years after the pilot project's creation.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 16, 2017.

Filed in Office Secretary of State June 16, 2017.