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 s. 581.217, F.S., and the following shall apply to this rule:

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

(b) The word “Person” includes 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 hemp.

(d) “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 contributed 10 percent or more or that have the right to receive, upon dissolution, 10 percent or more of the partnership’s capital.

(e) “Total delta-9 tetrahydrocannabinol concentration” means delta-9 tetrahydrocannabinol + (0.877 x tetrahydrocannabinolic acid).
(3) Pursuant to ss. 581.031(1), (3), (5), F.S., it is unlawful for any Person to introduce into this state or move through this state hemp or hemp plants, including Hemp biomass unless introduced or moved in compliance with this rule.

(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-XXXXX xx/xx, 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 submitted through a Livescan service provider evaluated by the Florida Department of Law Enforcement for state and national processing to Department ORI #_____. The Livescan service provider receipt for payment and process reference number must be provided with the Application for License to Cultivate Hemp, FDACS-XXXXX xx/xx. If the fingerprint processing identifies criminal charges 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 documentation within ninety (90) days of receipt of the notification.

(d) An environmental containment plan for each proposed facility location. 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 Industrial 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 property.

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

(e) A waste disposal plan. A detailed plan outlining the procedures the applicant will use to destroy hemp plants that have been cultivated in violation of s. 581.217, F.S. or the rules promulgated therefrom. A waste disposal plan must include the method of disposal using chemical or mechanical processes, or a combination thereof, that will be applied to ensure that all hemp plants are rendered non-viable.
(5) Cultivation requirements. The licensee shall comply with the following requirements:

(a) The licensee’s environmental containment plan.

(b) The licensee’s waste disposal plan.

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

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

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

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

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

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

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

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

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

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

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

(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 in accordance with the Hemp Field Sampling Manual. The Hemp Field Sampling Manual 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 placed under seal and the licensee shall submit the sample to an ISO 17025 accredited laboratory for testing. The methods utilized by the laboratory must be within their scope of accreditation. The laboratory shall report directly to the Department and to the licensee the analysis results for Total delta-9 tetrahydrocannabinol concentration within twenty-four (24) hours of completion. The licensee shall not harvest the hemp 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 may attempt to lower the Total delta-9 tetrahydrocannabinol concentration within the plant using remediation techniques or practices. If the remediation is unsuccessful or no remediation activities are taken, the licensee will be responsible for the destruction of all hemp plants in the Plot if the Department’s confirmatory sample results indicate the plants have a Total delta-9 tetrahydrocannabinol concentration that exceeds 0.3% on a dry weight basis. The licensee shall completely destroy all hemp plants, rendering the plants as non-viable in accordance with the licensee’s waste disposal plan. However, if a licensee removes and destroys all leaf and floral material from the plants, the hemp plants may be processed for baststalk fiber, hulled hemp seed, hemp seed protein powder, or hemp seed oil.

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

(9) Harvest.

(a) The licensee must notify the Department no fewer than thirty (30) days prior to each intended harvest date by email at DPIHempInspection@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 container on the licensed address or the storage location identified on the licensee’s application.

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(5)(d), F.A.C.

(c) Pre-harvest and post-harvest samples of 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.

(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, harvested hemp plant material, and Hemp biomass 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, 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.

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, harvested hemp plant material, and Hemp biomass 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 into the State of Florida is prohibited unless:
   a. Originating from in-vitro reproduction (tissue culture) and maintained and shipped in a sterile growing media
   and environment; and
   b. Accompanied by proof of origin and a phytosanitary certificate of inspection issued by a state or country plant
   protection governmental agency.

2. The movement of any harvested 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 Hemp biomass into the state of Florida is prohibited unless:
   a. The Hemp biomass has been rendered non-viable through processing; and
   b. Accompanied by proof of origin.

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

(12) Abandoned operations. It is the responsibility of the licensee to completely destroy all hemp plant material,
rendering the plants as non-viable in accordance with the licensee’s waste disposal plan 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. 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 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 immediate final order directing the licensee to immediately
(15) Byproducts. Any processing byproduct that contains a Total delta-9 tetrahydrocannabinol concentration exceeding 0.3% on a dry weight basis must be destroyed in accordance with the licensee’s waste disposal plan.

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


5E-4.006 Seed Standards.

The minimum germination 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 regulations specified in 7 CFR 201 are hereby incorporated by reference. Copies of this document may be obtained from the Superintendent of Documents, Attn: New Orders, P. O. Box 371954, Pittsburgh, PA 15250-7954. Charge orders may be telephoned to the Government Printing Office order desk at (202)783-3238. Also incorporated by reference are the State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed Act, January 1994 publication, and the January 1995 replacement pages for the January 1994 publication. Copies of these documents may be obtained from the United States Department of Agriculture, Agricultural Marketing Service, Seed Regulatory and Testing Branch, Livestock and Seed Division, Building 506, BARC-East, Beltsville, MD 20705-2350; telephone (301)504-9430.

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 1-1-65, 11-21-69, Formerly 5E-4.06, Amended 2-7-89, 6-14-95, 6-9-98

5E-4.007 Commercial Tests.

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

| Type Test and Charge |
Product | Purity | Germination
---|---|---
(t) Hemp | 21.00 | 21.00

(a) through (s) No change.
(t) through (rr) renumbered (u) through (ss) No change.

<table>
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<tr>
<th>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, Amended 8-17-92.</th>
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**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 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.

(3) 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; and

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

**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.
(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), F.S.

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

(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).

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

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

(c) 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.

(d) 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.

(e) 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 a waste disposal plan 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 FDACS-XXXXX xx/xx, incorporated herein by reference and available online at https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX.

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

(5) through (8) renumbered (6) through (9)

5E-3.004 Ingredient Statement.

(1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication 20042019” 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.

(8) (7) “Official Publication 20192001” 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 Assistant Secretary-Treasurer, P. O. Box 478, Oxford, IN 47971.

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, 4-1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01.

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 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 580.051, 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.

HEMP EXTRACT IN FOOD

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 Chapter 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.

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

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

(i) “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 responsible party, as declared on the product label, 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) Hemp Extract intended for human ingestion whether directly or through combination with other Food products must originate from a crop intended to be used in the food supply chain.

(c) 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.

(d) Foods which contain Hemp Extract and alcohol, other than Candies or Confections as defined in Rule 5K-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.

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

(f) Food consisting of or containing Hemp Extract must be stored and transported at or below room temperature.

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.

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

(5) Contaminants. In addition to the requirements listed in Chapter 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, 20 parts per billion.
2. Acephate, 20 parts per billion.
3. Acequinocyl, 20 parts per billion.
4. Acetamiprid, 10 parts per billion.
5. Aldicarb, 10 parts per billion.
6. Azoxystoffin, 10 parts per billion.
7. Bifenazate, 100 parts per billion.
8. Chlorfenapyr, 10 parts per billion.
9. Chlorpyrifos, 20 parts per billion.
10. Clofentezine, 40 parts per billion.
11. Coumaphos, 10 parts per billion.
12. Cyfluthrin, 10 parts per billion.
13. Cypermethrin, 500 parts per billion.
14. Daminozide, 10 parts per billion.
15. DDVP (Dichlorvos), 20 parts per billion.
16. Diazinon, 10 parts per billion.
17. Dimethoate, 10 parts per billion.
18. Dimethomorph, 10 parts per billion.
19. Ethoprop(hos), 10 parts per billion.
20. Etofenprox, 10 parts per billion.
21. Etoxazole, 10 parts per billion.
22. Fenhexamid, 80 parts per billion.
23. Fenoxycarb, 10 parts per billion.
24. Fenpyroximate, 100 parts per billion.
25. Fipronil, 10 parts per billion.
26. Flonicamid, 100 parts per billion.
27. Fludioxonil, 20 parts per billion.
28. Hexythiazox, 100 parts per billion.
29. Imazalil, 10 parts per billion.
30. Imidacloprid, 20 parts per billion.
31. Kresoxim-methyl, 20 parts per billion.
32. Malathion, 10 parts per billion.
33. Metalaxyl, 10 parts per billion.
34. Methiocarb, 10 parts per billion.
35. Methomyl, 10 parts per billion.
36. Methyl parathion, 10 parts per billion.
37. Mevinphos, 10 parts per billion.
38. Myclobutanil, 20 parts per billion.
39. Naled, 10 parts per billion.
40. Oxamyl, 26 parts per billion.
41. Paclorbutrazol, 10 parts per billion.
42. Pentachloronitrobenzene, 30 parts per billion.
43. Permethrin, 20 parts per billion.
44. Phosmet, 20 parts per billion.
45. Piperonyl butoxide, 3,000 parts per billion.
46. Prallethrin, 20 parts per billion.
47. Propiconazole, 20 parts per billion.
48. Propoxur, 20 parts per billion.
49. Pyrethrins, 500 parts per billion.

50. Pyridaben, 20 parts per billion.

51. Spinetoram, 40 parts per billion.

52. Spinosad A, 20 parts per billion.

53. Spinosad D, 20 parts per billion.

54. Spiromesifen, 30 parts per billion.

55. Spirotetramat, 20 parts per billion.

56. Spiroxamine, 10 parts per billion.

57. Tebuconazole, 10 parts per billion.

58. Thiacloprid, 10 parts per billion.

59. Thiamethoxam, 10 parts per billion.

60. Trifloxystrobin, 20 parts per billion.


(c) Metals Limits.

1. Cadmium, 0.5 micrograms/gram.

2. Lead, 0.5 micrograms/gram.

3. Arsenic, 1.5 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.
(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 Food shall be considered adulterated.

(6) Labeling.

(a) Food consisting of or containing Hemp Extract must be labeled as required by Chapter 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, 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 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) Any byproduct as a result of processing which contains a Total delta-9 tetrahydrocannabinol concentration exceeding 0.3% on a dry weight basis must be destroyed by the Hemp Food Establishment in accordance with the waste disposal plan.

(d) Upon receipt of written permission by the department or a court of competent jurisdiction, the Food shall be disposed of in accordance with the waste disposal plan or in the manner provided for by a court of competent jurisdiction. Upon destruction of the product, the Hemp Food Establishment shall notify the department via FDACS-
(8) Penalties. Violations of this rule will be evaluated, and penalties imposed in accordance with Rule 5K-4.035, F.A.C. Labeling violations of s. 581.217(7), F.S., shall be deemed Tier I major violations under Rule 5K-4.035, F.A.C.

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

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 Chapter 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 Chapter 502, F.S. In addition to the requirements in Section 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.

(2) Definitions.

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

(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, 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).

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

(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 responsible party as declared on the product label 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.

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

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

(e) 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.

(f) 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.

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

(5) Contaminants. In addition to the requirements listed in Chapter 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, 20 parts per billion.
2. Acephate, 20 parts per billion.
3. Acequinocyl, 20 parts per billion.
4. Acetamiprid, 10 parts per billion.
5. Aldicarb, 10 parts per billion.
6. Azoxystrobin, 10 parts per billion.
7. Bifenazate, 100 parts per billion.
<table>
<thead>
<tr>
<th></th>
<th>Pesticide</th>
<th>Parts per Billion</th>
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<tbody>
<tr>
<td>8</td>
<td>Chlorfenapyr</td>
<td>10</td>
</tr>
<tr>
<td>9</td>
<td>Chlorpyrifos</td>
<td>20</td>
</tr>
<tr>
<td>10</td>
<td>Clofentezine</td>
<td>40</td>
</tr>
<tr>
<td>11</td>
<td>Coumaphos</td>
<td>10</td>
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<tr>
<td>12</td>
<td>Cyfluthrin</td>
<td>10</td>
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<tr>
<td>13</td>
<td>Cypermethrin</td>
<td>500</td>
</tr>
<tr>
<td>14</td>
<td>Daminozide</td>
<td>10</td>
</tr>
<tr>
<td>15</td>
<td>DDVP (Dichlorvos)</td>
<td>20</td>
</tr>
<tr>
<td>16</td>
<td>Diazinon</td>
<td>10</td>
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<tr>
<td>17</td>
<td>Dimethoate</td>
<td>10</td>
</tr>
<tr>
<td>18</td>
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<tr>
<td>19</td>
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<td>21</td>
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<td>25</td>
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<tr>
<td>26</td>
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<tr>
<td>27</td>
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<td>28</td>
<td>Hexythiazox</td>
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<td>31</td>
<td>Kresoxim-methyl</td>
<td>20</td>
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<tr>
<td>32</td>
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<tr>
<td>33</td>
<td>Metalaxyl</td>
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<tr>
<td>34</td>
<td>Methiocarb</td>
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<tr>
<td>35</td>
<td>Methomyl</td>
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</tr>
</tbody>
</table>
36. Methyl parathion, 10 parts per billion.
37. Mevinphos, 10 parts per billion.
38. Myclobutanil, 20 parts per billion.
39. Naled, 10 parts per billion.
40. Oxamyl, 26 parts per billion.
41. Paclobutrazol, 10 parts per billion.
42. Pentachloronitrobenzene, 30 parts per billion.
43. Permethrin, 20 parts per billion.
44. Phosmet, 20 parts per billion.
45. Piperonyl butoxide, 3,000 parts per billion.
46. Prallethrin, 20 parts per billion.
47. Propiconazole, 20 parts per billion.
48. Propoxur, 20 parts per billion.
49. Pyrethrins, 500 parts per billion.
50. Pyridaben, 20 parts per billion.
51. Spinetoram, 40 parts per billion.
52. Spinosad A, 20 parts per billion.
53. Spinosad D, 20 parts per billion.
54. Spiromesifen, 30 parts per billion.
55. Spirotetramat, 20 parts per billion.
56. Spiroxamine, 10 parts per billion.
57. Tebuconazole, 10 parts per billion.
58. Thiacloprid, 10 parts per billion.
59. Thiamethoxam, 10 parts per billion.
60. Trifloxystrobin, 20 parts per billion.

(b) Residual Solvent Limits. Residual Solvent limits listed in the United States Pharmacopeia, USP 40, (467), which is hereby incorporated by reference and available online at

(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 microgram/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) Mycotoxins Limits.

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

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

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

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

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