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Client Alert: Florida Hemp Rules Gain USDA Approval

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Federal officials have approved Florida's hemp program, clearing the way for the state to accept applications from farmers to grow industrial hemp and officially kick-starting Florida's hemp industry. On April 16, 2020, the United States Department of Agriculture ("USDA") approved Florida's hemp program as submitted by the Florida Department of Agriculture and Consumer Services ("FDACS"), finding it in compliance with USDA requirements in the Agricultural Marketing Act of 1946. The FDACS announced that it will start accepting applications for cultivation on Monday, April 27, 2020, via their website www.FDACS.gov. Approval of Florida's hemp program will trigger enforcement of labeling and packaging requirements, 0.3 percent tetrahydrocannabinol ("THC") content in hemp and CBD products, transportation requirements among others.

In light of the new measures, members of the hemp and CBD industry should consult with their lawyers or compliance officers to ensure their practices and protocols comply with the final regulations. CBD extract distributors and sellers should revisit statutory requirements to ensure that their product contains a certificate of analysis and packaging that is compliant with Florida Statute section 581.217(7).