

# HEMP AND CBD INFORMATION [FLORIDA]

FOR

**LAW ENFORCEMENT**

Presented by:

The Florida Department of Agriculture and Consumer Services

Office of Agricultural Law Enforcement

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## SECTION I: BACKGROUND

### 1. HEMP LAW BACKGROUND

The Agriculture Improvement Act of 2018 (“2018 Farm Bill”) was signed into law on December 20, 2018. The 2018 Farm Bill defined hemp as the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis. The 2018 Farm Bill created a process for states and tribal governments to establish state hemp programs in which individuals could legally cultivate hemp. The 2018 Farm Bill also removed hemp, as defined above, from the federal Controlled Substances Act.

Senate Bill 1020, titled “State Hemp Program”, became effective on July 1, 2019. In SB 1020 the Legislature states that hemp is an agricultural commodity and hemp-derived cannabinoids, including, but not limited to, cannabidiol, are not controlled substances or adulterants. SB1020 amended the criminal definition of “Cannabis” in s. 893.02, F.S., to exclude “Hemp” or industrial hemp (see amendment to 893 below). SB 1020 is codified as Section 581.217, Florida Statutes, which defines Hemp” as the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis. Therefore, Hemp (Total  $\Delta$ -9 THC concentration of 0.3% or less) is legal in the state of Florida. See ss. 581.217 and 1004.4473, F.S.

#### **House Bill 7107 (Ch. 2019-166): Controlled Substances; Cannabidiol; Cannabis**

This bill amends F.S. 893.03, Florida’s controlled substance schedules, to reschedule “[a] drug product in finished dosage formulation which has been approved by the U. S. Food and Drug Administration and which contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and not more than 0.1 percent (w/w) residual tetrahydrocannabinols” from Schedule I to Schedule V.

### 2. ADDITIONAL INFORMATION

For further information regarding the USDA Interim Final Rule for Hemp please refer to:

<https://www.fdacs.gov/content/download/89426/file/USDA-Interim-Final-Hemp-Rule.pdf>

For further information regarding Senate Bill 1020 please refer to the following link:

<https://www.fdacs.gov/content/download/88796/file/Senate-Bill-1020.pdf>

## SECTION II: CULTIVATION and TRANSPORTATION

### 3. CULTIVATION OF HEMP - FARMS

A license issued by the Florida Department of Agriculture is required for a person to legally cultivate hemp in this state. See s. 581.217, F.S.

#### a. Requirements to receive a hemp cultivation license.

- i. Must complete and submit an Application for License to Cultivate Hemp.
- ii. Must provide to the department the legal land description and global positioning coordinates of the area where hemp will be cultivated.
  1. See below for further requirements regarding these locations.
- iii. Must provide a full set of fingerprints for the Principal persons
  1. Note - pursuant to s. 581.217(5)(e)2., F.S., the department shall deny the issuance of a hemp license to an applicant if the licensee has been convicted of a felony relating to a controlled substance under state or federal law with the last 10 years.
- iv. Must include an environmental containment plan.
- v. Must include a movement and transportation plan.

See Rule 5B-57.014 F.A.C.

#### b. Requirements for a hemp cultivation site.

Producers may only cultivate hemp on lands that are used primarily for bona fide agricultural purposes pursuant to s. 193.461, F.S., lands located within an area zoned for agricultural or industrial use, or at a nursery. There are no minimum acreage requirements or restrictions defined as long as the grow Lot meets these terms. There is no “home grow” allowed for hemp. One exception to note is the small number of registered nurseries on residential property. See Rule 5B-57.014 F.A.C.

Growers must post signage at every cultivation location access point which contains the following information: the Department issued license number, the address of the cultivation location, and the following statement, “Hemp is being cultivated under a license issued by the Florida Department of Agriculture and Consumer Services.” See Rule 5B-57.014 F.A.C.

The current list of FDACS issued hemp cultivation permits is available for viewing at the FDACS hemp webpage <https://www.fdacs.gov/Cannabis-Hemp/Hemp-CBD-in-Florida> under Program Resources.

**c. Requirements for harvesting the hemp crop.**

The licensee must notify the Department no fewer than thirty (30) days prior to each intended harvest date. The licensee shall not harvest the Lot until the Department notifies the licensee that the representative sample has an Acceptable THC level (there are exceptions noted in the rule). The harvested material must remain unprocessed in a securely locked building or fixed container on the licensed address or the storage location identified on the licensee’s application. For the purposes of this subparagraph, drying or freezing to prevent spoilage is not considered processing. See Rule 5B-57.014, F.A.C.

**d. Testing and sampling requirements for hemp crops**

Within fifteen (15) days prior to the harvest date, the Department or its agent shall collect a representative sample from each Lot to be tested for Total delta-9 tetrahydrocannabinol concentration. The Department or its agent will place the sealed representative sample in the mail or deliver to the Designated laboratory of the licensee’s choosing within one business day of collection. The Designated laboratory’s initial report must be issued to DPIHemp@FDACS.gov within one business day after completion of the analysis. Within one business day of receipt, the Department will notify the licensee if the representative sample has an Acceptable THC level. If the representative sample has an Acceptable THC level, the Lot may be harvested. See Rule 5B-57.014, F.A.C.

**e. How to distinguish if a crop is legal hemp or illegal marijuana.**

It is not possible to determine if a crop is legal hemp or illegal marijuana by merely looking at the plants. The difference between the two is in the THC level, which can only be determined by a laboratory test. The below image, Left, depicts a marijuana crop and the image, Right, depicts a low THC hemp crop.



Reference: <https://minnlawyer.com/2016/06/09/national-firm-brings-cannabis-to-the-forefront/>

Reference: <https://www.agriculture.com/news/crops/what-farmers-need-to-know-about-growing-hemp>

#### **f. Procedure for hemp crop samples testing out of compliance**

If the Department notifies the licensee that the representative sample has an unacceptable THC level, the licensee has two options. They can pursue retesting of the sample by the Designated laboratory and/or by the Department in hopes of receiving an acceptable THC level confirmation. If retests indicate a legal THC level the Lot may be harvested. Ultimately, once all retesting options are exhausted, and if the samples are non-compliant, the licensee must destroy the crop, as follows:

1. Arrange for the collection or destruction of the non-compliant Lot by a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer; or
2. Dispose of the Lot in accordance with the Hemp Waste Disposal Manual, FDACS-08115, 12/19.

If the licensee refuses or neglects to comply with these terms, the Department may proceed to destroy the plants at the licensee's expense. See Rule 5B-57.014 F.A.C.

#### **g. Violations: Corrective Action**

A licensee must complete a corrective action plan if the Department determines that the licensee has negligently violated Section 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. See Rule 5B-57.014 F.A.C.

#### **h. Violations: Culpable Mental State.**

If the Department determines that a licensee has violated Section 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, the state attorney for the judicial circuit where the violation occurred, and the United States Attorney General for determination of any potential criminal prosecution. See Rule 5B-57.014 F.A.C.

As to the question of what defines "culpable mental state greater than negligence" in a hemp cultivation scenario, there is no clear definition at this time. This is a new statute and new program in Florida that has yet to be addressed by any court. These matters will have to be addressed and contemplated on a case by case basis.

#### **i. Inspection and enforcement authorities**

Every state attorney, sheriff, police officer, and other appropriate county or municipal officer shall enforce, or assist any agent of the department in enforcing, this section and rules adopted by the department. The department, or its agent, is authorized to enter any public or private premises during regular business hours in the performance of its

duties relating to hemp cultivation. The department shall conduct random inspections, at least annually, of each licensee to ensure that only certified hemp seeds are being used and that hemp is being cultivated in compliance with this section. See s. 581.217, F.S.

**j. Law Enforcement access to information and assistance**

A public facing website providing registered hemp cultivator information is currently in development, however it is not yet live. Once this resource is available the link will be updated here. In the meantime, contact the FDACS, Division of Plant Industry at [PlantIndustry@FDACS.gov](mailto:PlantIndustry@FDACS.gov) or the Helpline: 1-888-397-1517.

**4. TRANSPORTATION REQUIREMENTS FOR HEMP PLANT MATERIAL**

**a. Intrastate movement (within state)**

Intrastate movement of hemp product is likely from the farm when the plants are harvested to either a storage location or manufacturing facility. The Department requires hemp be transported in a fully enclosed vehicle or container when being moved between noncontiguous locations. The Department also requires the transporter must have in their possession the following documentation:

- Bill of lading or proof of ownership with the following information:
  - Name of the originating licensed cultivator (licensee)
  - Physical address of the licensee
  - Lot designation number
  - License number of the licensee
  - Name and physical address of the recipient of the delivery when transporting between non-contiguous locations.

**b. Interstate movement (crosses a state border)**

For hemp plant products (non-viable or non-living / Biomass), the requirements include all requirements listed previously in section a. Intrastate movement, as well as the following additional requirements:

- Certificate of analysis (COA) showing the Total THC Delta 9. The formula used in Florida is  $THCA \times .8777 + THC \text{ delta } 9 = \text{Total THC Delta } 9$ .
- Bill of sale with the following information:
  - Name and address of shipper or consignor
  - Name and physical address of receiver or consignee
  - Description of plants or plant products in shipment
  - Place and state of origin

- Final destination of shipment if different than consignee

For nursery stock

- All of the information listed above, plus:
  - A valid certificate of inspection – such as a nursery stamp issued by the state of origin

For live hemp plants

- All of the information above plus
  - Original phytosanitary certificate of inspection
  - Copy of the cultivation license from the state of origin

### **c. Mail and parcel shipment of hemp products**

Law enforcement commonly encounters hemp products being shipped via U.S. Postal mail or by private parcel shipping company. A common scenario is a postal or shipping company employee is handling a package and detects the odor of cannabis emanating from the package. The employee calls local law enforcement who respond and investigate the package. Upon opening the package, the officer discovers a substance that has the odor and appearance of cannabis. The question now becomes is product illegal marijuana or legal hemp? A legal hemp product shipment would have to meet the requirements for intrastate (shipping within the state) or interstate (shipment crosses a state border) as specified above. If the shipment includes the required documentation it is likely legal hemp. Product without documentation could be illegal marijuana or could be legal hemp wherein the shipper neglected to include the required documentation, in which case the hemp would be out of compliance with state regulations. The only way to determine for certain if product is hemp and marijuana is a laboratory test for THC content.

### **d. Hemp plant product testing over the .3% THC limit**

Law Enforcement may encounter a shipment of hemp plant product which tests over the .3% THC threshold. The question then arises is this an illegal shipment? Maybe and maybe not. Refer back to the previous section discussing culpable mental state and destruction requirements for out of compliance hemp crops. Per s. 581.217, F.S., hemp that is out of compliance, i.e. over .3%, must be destroyed, however it is not a criminal violation to have out of compliance hemp. In order to pursue criminal charges law enforcement must be able to prove culpable mental state greater than negligence. See s. 581.217, F.S.

### **Case example: Interstate truck shipment of hemp plant product**

*The Office of Agricultural Law Enforcement interdicted an interstate shipment of 900 pounds of hemp flower and biomass product entering the State of Florida from*



*out of state. The hemp shipment was accompanied by the required documentation, as described above. Examination of the shipping documents found laboratory test results exceeding the legal threshold of .3% THC. OALE officers seized and impounded the hemp load for further testing. The hemp product was tested again by FDACS and results confirmed the product was out of compliance with above .3% THC. The owner / transporter of this shipment was not prosecuted or criminally charged related to the hemp load because there was **no proof of culpable mental state greater than negligence**. However, the out of compliance hemp load was seized and forfeited for destruction as contraband as per the requirements of s. 581.217, F.S.*

Note: law enforcement will likely need to determine the correct course of action with over limit hemp situations by consulting with their State Attorney's Office on a case by cases basis.

## **5. ADDITIONAL INFORMATION**

For further information regarding these topics please refer to Rule 5B-57.014 F.A.C. - State Hemp Program, available here:

<https://www.fdacs.gov/content/download/91558/file/rule-5b-57.014.pdf>

For further information regarding hemp waste disposal requirements please refer to the following:

<https://www.fdacs.gov/content/download/91609/file/hemp-waste-disposal-plan-manual.pdf>

For further information regarding interstate shipments please refer to:

<https://www.fdacs.gov/Cannabis-Hemp/Hemp-CBD-in-Florida>

For further information regarding intrastate requirements please refer to:

<https://www.fdacs.gov/content/download/91608/file/hemp-containment-and-transportation-guidance-and-sample-plan.pdf>

## **SECTION III: RETAIL SALE, CONSUMABLES, SMOKING/VAPING, FEED, and SEED**

### **6. RETAIL SALE OF HEMP PRODUCTS AND CBD**

#### **a. Hemp extract**

Hemp extract includes CBD or other cannabinoids, extracted from the hemp plant or flower, and is allowed to be distributed and sold in the state if it meets the labeling and packaging requirements for hemp extract products. See s. 581.217(7), F.S.

#### **b. Retail hemp food establishments**

Are food establishments that prepare and/or sell prepacked food consisting of or containing hemp extract to the end consumer. These food establishments must have a hemp food establishment permit from the Department of Agriculture and Consumer Services, Division of Food Safety.

#### **c. Wholesale hemp food establishments**

Are food establishments that manufacture, process, pack, hold, or prepare food consisting of or containing hemp extract and sell that product to other businesses.

Any establishment that manufactures, processes, packs, holds, prepares or sells food consisting of or containing hemp extract intended for human ingestion must have a hemp food establishment permit from the Department of Agriculture and Consumer Services, Division of Food Safety.

#### **d. Labeling requirements for hemp extract**

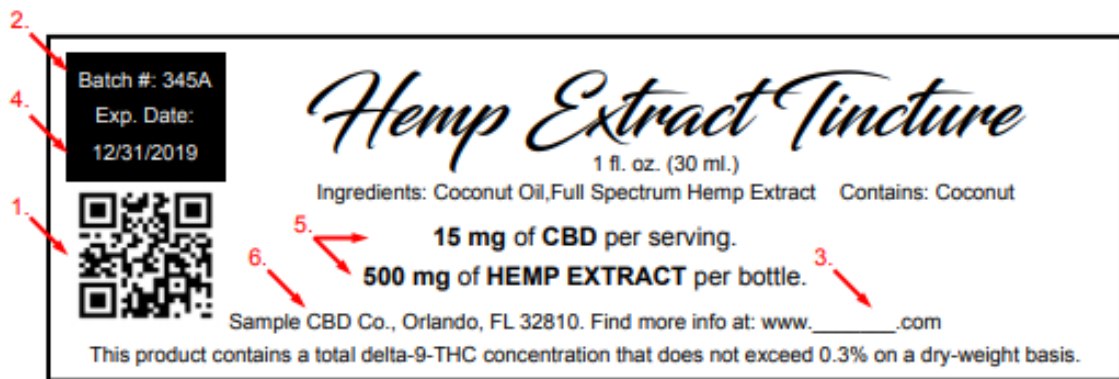
The product must have a Certificate of Analysis stating:

1. the hemp extract is the product of a batch tested by the independent testing laboratory;
2. the batch contained a total delta-9 tetrahydrocannabinol concentration that did not exceed 0.3 percent on a dry-weight basis pursuant to the testing of a random sample of the batch; and
3. the batch does not contain contaminants unsafe for human consumption.

The product packaging must include:

1. a scannable barcode or quick response code linked to the certificate of analysis of the hemp extract by an independent testing laboratory;
2. the batch number;
3. the internet address of a website where batch information may be obtained;
4. the expiration date;
5. the number of milligrams of hemp extract;
6. 6) a statement that the product contains a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis

The image below (from FDACS literature) depicts a sample hemp extract product label meeting the above requirements.



See 21 CFR Part 101, s. 581.217, F.S.

#### e. Street sale and unlicensed vendors

All retail vendors of hemp products for human consumption must be permitted. No unlicensed or street sale is allowed. The “Cottage Food Laws” do not apply to hemp products and any vendors must have a permit to sell hemp extract or CBD products.

#### f. Report a problem with a vendor or verify vendor information

The FDACS Division of Food Safety can be contacted at [FoodSafety@FDACS.gov](mailto:FoodSafety@FDACS.gov) or the Helpline: 1-800-HELP-FLA (435-7352).

#### g. Sale of hemp flower

Section 581.217, F.S., does not prohibit the sale of hemp flower thus sale of hemp flower is legal. However, the statute was amended in 2020 to add hemp extract products intended for inhalation to the Department’s regulatory authority. Rulemaking is currently underway to implement this new authority.

#### **h. Distinguishing between legal hemp flower or illegal marijuana**

It is not possible to determine if dried plant product is legal hemp or illegal marijuana by merely looking at the material. The difference between the two is in the THC level, which can only be determined by a laboratory test. The below image, Left, depicts dried high-THC marijuana flower and the image, Right, depicts legal dried low-THC hemp flower.

Marijuana flower:



Reference: Oct. 19, 2009. (David McNew/Getty Images/JTA)

Hemp flower:



Reference: <https://www.northcarolinahealthnews.org/2020/>

#### **i. Hemp extract or CBD in milk or dairy products**

CBD may be added into milk or dairy products. However, there are specific requirements for these products and they must be labelled as “Substitute Milk” or “Substitute Milk Products”.

#### **j. Restaurants / Bars / Cosmetics**

There are some categories of vendors who may sell hemp extract or CBD products who are not regulated by FDACS. Examples include topical hemp products, such as creams or body oils, and products sold in restaurants or bars. These vendors and products are regulated by the Florida Division of Business and Professional Regulation and any related inquiries should be made through that agency using the following link,

<http://www.myfloridalicense.com/contactus/>, or by calling the DBPR Customer Contact Center (CCC) at (850) 487-1395.

#### **k. Report a problem with a hemp product for human consumption**

Has a CBD product made you sick? Do you feel a CBD product might be mislabeled? The below link contains a form that can be submitted to report any concerns you have about hemp/CBD in Florida:

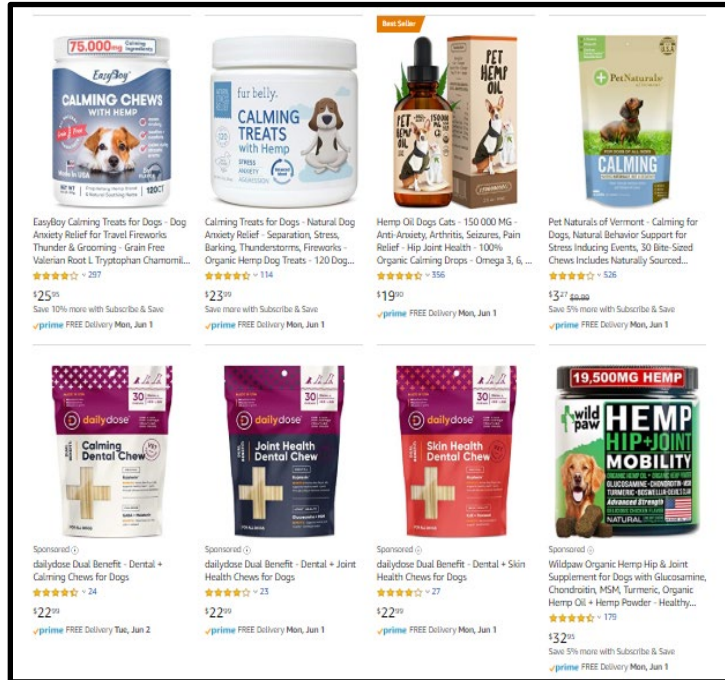
<https://www.fdacs.gov/Cannabis-Hemp/Hemp-CBD-in-Florida/Report-a-Concern-About-Hemp-CBD>

#### **l. Hemp and CBD smoking and vaping**

Hemp flower can be dried and smoked in a cigarette or pipe. Also, CBD vape is sold in the marketplace. Section 581.217, F.S., does not prohibit the smoking or vaping of hemp. However, smoking hemp should not create a psychotropic effect. Also note, Florida law restricts use of tobacco products and the use of vaping to persons age 21 and older. Additionally, there is currently no laws in place regulating hemp or CBD vaping products. Section 581.217, F.S., was amended in 2020 to add hemp extract products intended for inhalation to the Department's regulatory authority. Rulemaking is currently underway to implement this new authority. The amendments also prohibited the sale of hemp extract intended for inhalation to persons under the age of 21 years old. Please check the website regularly for rule updates

### **7. ANIMAL FOOD AND FEED PRODUCTS (DOG TREATS)**

Hemp extract or CBD is commonly being utilized in animal food and feed products, especially CBD dog treats, as depicted in the image at right (taken from Amazon.com). These products are being legally sold in Florida by licensed vendors.



These products are regulated by the FDACS Division of Agricultural Environmental Services. If you have further inquiries or require further assistance, AES can be contacted at [AESCares@FDACS.gov](mailto:AESCares@FDACS.gov) or (850) 617-7900.

## 8. HEMP SEED

There have been no inquiries from law enforcement regarding the regulation of hemp seed, however for additional information you may refer to the following FAQ page:

<https://www.fdacs.gov/content/download/90757/file/hemp-seed-faq-3-2020.pdf>

If you require further assistance regarding hemp seed you may contact the FDACS Division of Agricultural Environmental Services at [AESCares@FDACS.gov](mailto:AESCares@FDACS.gov) or (850) 617-7900.

## 9. ADDITIONAL INFORMATION:

For additional information regarding these topics please refer to the links as follows:

Hemp food establishment permits:

<https://www.fdacs.gov/Business-Services/Food-Establishments/Hemp-Food-Establishment-Permit>

Hemp extract and hemp for human consumption – Hemp Food Establishment Guide:

<https://www.fdacs.gov/content/download/89947/file/Hemp-Food-Establishment-Guidance.pdf>

- Power point presentation Labelling Guidance for Hemp Food Establishments:

<https://www.fdacs.gov/ezs3download/download/90799/2581392/Media/Files/Cannabis/labeling-guidance-for-hemp-food-establishments.pptx>

- And / or you may refer to the following rule:

<https://www.fdacs.gov/content/download/89980/file/food-rule.pdf>

For the Dairy Rule 5K-10.006, F.A.C.:

<https://www.fdacs.gov/content/download/89981/file/dairy-rule.pdf>

Hemp in animal feed and food refer to the Hemp and Animal Feed Industry Guidance:

[https://www.fdacs.gov/content/download/89987/file/Hemp-and-Animal-Feed-Industry-Guidance\\_Final.pdf](https://www.fdacs.gov/content/download/89987/file/Hemp-and-Animal-Feed-Industry-Guidance_Final.pdf)

- And / or you may refer to the following rule:

<https://www.fdacs.gov/content/download/89978/file/feed-rule.pdf>

## **SECTION IV: LAW ENFORCEMENT ISSUES**

### **10. PERSONAL POSSESSION OF HEMP PRODUCTS**

**There are no restrictions or requirements on persons to possess legal hemp.**

Consumers are not required to have a license or permit to possess hemp, but state law does prohibit the sale to persons under 21 years of age. Persons are required to have a license issued by the department to cultivate hemp. While there are packaging requirements for retail establishments selling hemp and CBD products there are no requirements for consumers to keep the product in the original packaging once purchased. See s. 581.217, F.S.

### **11. ODOR PLUS STANDARD APPLIED TO INVESTIGATIONS**

Hemp and illegal cannabis can look, feel, and smell the same, and both substances can be smoked. Currently, there is no known way to distinguish Hemp and illegal cannabis based on plain view or plain odor alone. There is no definitive universal probable cause search standard. Subsequently, the Office of Agricultural Law Enforcement (OALE), as well as the Florida Highway Patrol, and many other Agencies in the State of Florida now have adopted what is called the “odor plus standard” to determine probable cause to



conduct a search of a vehicle upon the smell of cannabis. See ss. 581.217, 893.02, and 1004.4473, F.S.

Due to the legalization of hemp products and smokable medical marijuana law enforcement officers conducting cannabis investigations should not rely solely on the smell of cannabis for conducting a search. The “odor plus standard” requires officers to obtain circumstantial evidence beyond the mere scent of cannabis (burnt or fresh) in order to establish probable cause for a search of a vehicle.

Example:

*While conducting a traffic stop, you detect the odor of cannabis emanating from the vehicle. Prior to searching, you should ask the subject, “Do you have any marijuana or hemp in the vehicle?” If the subject answers “No,” then you have reached the threshold to detain and search. If the subject answers “Yes,” then you need to determine if it is marijuana or hemp. If the subject advises it is marijuana, then you must determine if the marijuana is legally obtained (medical marijuana). If the subject has illegal marijuana, then you may now detain and search. Other observations that should be considered and included in your documentation are provided below.*

The following are some examples of “odor plus standards” that may be used to determine probable cause:

- Admission of possession of a controlled substance during initial contact OR denial of possession of Hemp
- Visual observation – plain view/plain feel of an illegal substance
- Any other illegal activity/conduct
- Conflicting or nonsensical statements by suspect or passenger
- Signs of deceptions, hands shaking, nervousness, avoiding eye contact
- Furtive movements
- Destroying, discarding, or distancing themselves from an object/substance
- Signs of impairment (driving pattern, bloodshot or watery eyes, slurred speech, delayed reaction/responses)
- A large amount of currency and/or currency bundled, rubber banded, or packaged in a manner consistent with illegal narcotics activity
- Masking agents
- Drug paraphernalia (scales, baggies, or other paraphernalia when combined with other factors on list)
- Weapon/firearm
- Criminal records if known prior to stop and subsequent search (applies more to the determination of whether material is Hemp or cannabis rather than probable cause to search)
- Information/intelligence regarding illicit activity prior to stop and search



## 12. PRESUMPTIVE TESTING

Cannabis Typification Test kits are now available to law enforcement providing the ability to presumptively distinguish between legal hemp and illegal marijuana. The following are sample procedures to follow in utilizing these test kits:

- Legal medical marijuana should not be subject to presumptive field testing.
- Suspected samples of cannabis should be tested utilizing a traditional marijuana presumptive field test kit (Duquenois-Levine Reagent System). If this test is negative, no further action should be taken.
- In the event the sample presumptively tests positive, members should then utilize the new Cannabis Typification Test kit to determine if the sample contains an illegal level of THC. The typification test kits will distinguish between +/- 1% of THC. A positive test result by the Cannabis Typification Test kit indicates that the substance in question has a THC level above 1%, which is great than the legal hemp threshold of 0.3%, and is therefore illegal marijuana.
- Post-Miranda interviews are encouraged in order to confirm a suspect's knowledge of the illegal marijuana.
- These procedures should not be construed in any way to hinder an individual's right to possess, transport, or use medical marijuana as authorized by Florida Statutes.

The below image is an example of a cannabis typification test kit.



Note, if using a presumptive test kit always follow the instructions provided by the vendor. These test kits have specific procedures to follow and come with limitations. For example, the vendor may specify only to use the test kit on plant or liquid samples and not on chewable products such as CBD gummies.

### **13. LABORATORY TESTING**

Testing from an accredited laboratory is typically required by State Attorneys to proceed with prosecution. Quantitative analysis testing capabilities for cannabis can be difficult to find. Many Agencies have been utilizing private laboratories for this service since the legalization of hemp. The Florida Department of Law Enforcement now has quantitative testing capabilities available at the Jacksonville and Pensacola lab facilities. Due to the limited capacity of these labs FDLE may be implementing minimum thresholds for cannabis cases, such as felony cases only or trafficking cases only. It is advisable to contact the lab prior to sending in cannabis samples for testing.

## **SECTION V: FURTHER INFORMATION AND ASSISTANCE**

For further inquiries or assistance needed beyond what has been offered in this information, or to report out-of-date or broken links, please contact:

[cannabis@FDACS.gov](mailto:cannabis@FDACS.gov)