

Hemp: What does Florida Law say and what does it mean? by MJ Havener

On July 1, 2019, a variant of the Cannabis plant called “hemp” became an agricultural product in the state of Florida, and the definition of “cannabis” was changed to exclude hemp. “Cannabis” is defined as all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin



extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” “hemp” or “industrial hemp”. Florida Statute §581.217 defines hemp as Cannabis plant material having a total Δ_9 -THC concentration that does not exceed 0.3%. FDLE uses an instrumental procedure to distinguish between the illegal and legal variants of Cannabis plant material. Analysis of plant material starts with determining whether or not the plant is *Cannabis*. This is a two-step process.

First, the plant material is observed under a microscope to see if the physical characteristics of the Cannabis plant are present. Then, Duquenois-Levine color testing is performed on the plant material, in which a positive color reaction (blue-purple over purple) is produced in the presence of the chemical components of Cannabis plant. If both of these tests show positive results, the plant material is *Cannabis* and can be tested to determine the level of THC in the plant material. At FDLE, Gas Chromatography-Mass Spectrometry (GC-MS) analysis is used to determine if the amount of THC in a *Cannabis* sample is above or below 1% of the total weight of the plant material. The analysis is based on methods created by the Drug Enforcement Agency. When *Cannabis* has a THC content at or above 1%, it is illegal Cannabis in the state of Florida. When *Cannabis* is determined to have a THC content below 1%, the many varieties of the *Cannabis* as defined by the state of Florida cannot be differentiated.

