

Florida Department of Agriculture and Consumer Services

Division of Food Safety

FREQUENTLY ASKED QUESTIONS – July 2025

Hemp Extract for Human Consumption and Protections for Children in Florida Law

The following information is provided to assist food establishments with ensuring hemp extract products are compliant with Florida law. This information is not intended to replace or supersede legal requirements. If you are unsure whether your product is compliant, then you should consult with your attorney.

Where can I find the laws and rules regulating the distribution and sale of hemp extract products?

Hemp extract, for both ingestion and inhalation, is considered a “food” in Florida. Therefore, food regulations and specific regulations related to hemp extract apply to these products. Below are links to the applicable statutes and rules.

[Section 581.217, Florida Statutes](#)

[Chapter 500, Florida Statutes](#)

[Rule 5K-4.034, Florida Administrative Code](#)

[Rule Chapter 5K-4, Florida Administrative Code](#)

[Rule 5K-10.006, Florida Administrative Code](#)

When does hemp extract have to be in child resistant packaging?

All hemp extract being distributed from or sold in Florida must comply with Florida law, including being in child resistant packaging.

See § 581.217(7), Florida Statutes.

What are the requirements for child resistant packaging for hemp extract products?

Packaging must be compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss 1471 et seq. and with ASTM International D3475-20, Standard Classification of Child Resistant Packages.

See § 581.217(7), Florida Statutes and rule 5K-4.034(6)(j), Florida Administrative Code.

Where can I review ASTM International D3475-20, Standard Classification of Child Resistant Packages?

It is a violation of copyright law to post the ASTM materials on the Internet for public viewing. Accordingly, the public may obtain a copy of ASTM International D 3475-20, Standard Classification of Child Resistant Packages, by purchasing a copy from: ASTM International, 100 Barr Harbor Drive, P.O. Box C 700, West Conshohocken, PA 19428-2959, or at www.astm.org or

<https://store.astm.org/d3475-20.html> . Copies of the ASTM materials are also available for viewing during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Food Safety offices located at 3125 Conner Blvd., Suite D, Tallahassee, Florida 32399-1650.

When does a hemp extract product have to be in re-closable child resistant packaging?

Single serving hemp extract products:

A package that has only one serving in the package must be in a child resistant package, but the package does not have to be re-closable.

Multiple serving hemp extract products where the individual servings are not separately packaged:

A package that has more than one serving in the package where the individual servings are not separately packed, must be in a package that is re-closable in a child resistant manner. For example, a hemp extract beverage that includes more than one serving must be in container that is re-closable in a manner that is child resistant.

Multiple serving hemp extract products where the individual servings are separately packaged:

A package that has more than one serving in the package where each individual serving is in its own package, the individual serving packages must be child resistant. This is true even if the individually packaged servings are in a re-closable child resistant package.

For purposes of ASTM International D 3475-20, Standard Classification of Child Resistant Packages, “package” means “the immediate container or wrapping in which any household substance is contained for consumption, use or storage by individuals in or about the household...”; therefore, it is the immediate container that must be child resistant.

See ASTM International D 3475-20, Standard Classification of Child Resistant Packages and 16 CFR part 1700 as cited by the ASTM standard.

Does the definition of Attractive to Children in section 581.217(3), Florida Statutes apply to containers?

Yes. As provided in section 581.217(7), Florida Statutes, containers for hemp extract may not be attractive to children meaning the container may not display or be in the shape of humans, cartoons, or animals and may not bear any reasonable resemblance to a candy product familiar to the public as a widely distributed, branded food product such that a product could be mistaken for the branded food product.

Will the Department approve my hemp extract product or its label?

No. The Department does not have authority to approve products or labels. It is the responsibility of the food establishment, including retail establishment, to ensure products are compliant.

What are the requirements for selling hemp extract beverages?

Hemp extract beverages must comply with all rules and statutes governing hemp extract in addition to those governing food. Food establishments selling hemp extract beverages must be properly

permitted as provided in section 500.12, Florida Statutes. The laws governing alcoholic beverages are not the same and should not be confused with those governing hemp extract beverages.

Are aluminum cans with a standard tab top considered child resistant?

Generally, a standard aluminum can that contains one serving will meet the ASTM International D 3475-20, Standard Classification of Child Resistant Packages for rigid non-re-closable packaging because it requires a tool (the tab) to open; however, any modification to the standard aluminum can may result in a finding the product is not child resistant.

May I place a corrected label on my package (aluminum can or otherwise) to comply with the law?

In certain circumstances it may be acceptable to use a label to correct a labeling violation, but any label placed on a package (aluminum can or otherwise) must be placed in such a manner so as not to alter or block any other language on the package and must be affixed in such a manner that it is not removable. This includes withstanding temperature or environmental changes that the package may encounter during distribution or offering for sale (e.g., refrigeration, condensation, etc.).

Are corks considered child resistant for beverages that contain hemp extract?

Corks may be child resistant depending on how they are removed from the bottle and whether the container holds one or multiple servings. A food establishment should refer to the Table 1 in ASTM International D 3475-20, Standard Classification of Child Resistant Packages, to determine whether the cork meets one of the standards listed therein. In the event the cork or other method of closure is not listed in Table 1, a food establishment may determine child resistant package functionality for any product type by conducting testing that follows the guidelines of the Poison Prevention Packaging Act of 1970 and the most current version of CFR Title 16 Part 1700.

See §3.3 of the ASTM International D 3475-20, Standard Classification of Child Resistant Packages.