

PRELIMINARY TEXT

THE PRELIMINARY TEXT OF THE RULE IS:

64-4.013 Pesticide Use on Medical Marijuana.

(1) through (2) No change.

(3) Any pesticide registered with the Florida Department of Agriculture and Consumer Services may be used for the cultivation of cannabis for medical use in the State of Florida when applied in accordance with its label or labeling directions under the following conditions:

(a) No change.

(b) For pesticides registered with the United States Environmental Protection Agency (U.S. EPA) under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, the following conditions must be met:

1. The pesticide product label bears a U.S. EPA-approved logo and/or language indicating the pesticide is allowed for use in organic crop production safe for human consumption;

2. The active ingredient found in the pesticide is either exempt from the tolerance requirements set forth pursuant to 40 C.F.R. 180 subpart D (07/01/2017) or does not require an exemption from the tolerance requirement pursuant to 40 C.F.R. 180 subpart E (07/01/2017), both of which are incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09526>;

3. The pesticide product label does not prohibit use within an enclosed structure for the site of application; and

4. The pesticide product label expressly has directions for use on unspecified crops or unspecified plants; intended for human consumption.

5. The pesticide product label expressly has directions for use on crops or plants intended for human consumption; and

6. The active ingredient(s) of the pesticide product are allowed for use on tobacco by the U.S. EPA.

(4) Prior to December 31, 2026, the department shall review this rule and amend, modify or repeal the rule if it is determined to create barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs. In the event the department fails to complete this rule review, the department shall begin the rule repeal process in accordance with chapter 120, F.S.

Rulemaking Authority 381.986(8)(k) FS. Law Implemented 381.986(8)(e)6.a. FS. History—New 7-23-18, Amended 1-10-19, XX-XX-21.