

PRELIMINARY TEXT

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

**64-4.207 MMTC Marijuana Waste Management and Disposal**

(1) As used in this rule, the term “Marijuana Waste” includes the following materials:

(a) Plant material waste, which means leaves, stalks, stems, roots, and any other part of the marijuana plant that is not processed with solvent or used in the processing of marijuana to generate usable product;

(b) Processing waste, which means spent solvents, lab wastes, and similar materials used in the processing of marijuana to generate usable product;

(c) Product waste, which means marijuana and usable product that is unfit for sale or consumption. Product waste includes unused, returned, surplus, contaminated, recalled, and expired marijuana or usable product; and

(d) Other contaminated materials ready for disposal. “Contaminated materials” mean any item, object, utensil, or tool that contained, or came in contact with, marijuana or usable product and has trace residuals of marijuana thereon.

An MMTC may clean contaminated materials using any method that eliminates any trace marijuana residuals from the material. Once the material has been cleaned of all trace marijuana residuals, the material may be recycled or disposed of like any other non-marijuana waste that falls outside the scope of this rule.

(e) Notwithstanding the foregoing, Marijuana Waste does not include hazardous waste or universal waste, as those terms are defined in Rule 62-730.020, F.A.C., which is incorporated by reference herein and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(2) An MMTC shall comply with all applicable federal and state laws and regulations for solid and liquid wastes, as required by s. 381.986(8)(e), F.S., and any applicable local regulations or ordinances.

(3) Marijuana Waste must be rendered unusable and unrecognizable or irretrievable at an MMTC’s department-approved facility before it is transported offsite as provided for in paragraphs (5)(a) and (b). An MMTC may transport Marijuana Waste from a department-approved facility to another of its department-approved facilities where the Marijuana Waste will be rendered unusable and unrecognizable or irretrievable. The transportation of Marijuana Waste must be documented in the MMTC’s seed-to-sale system.

(a) Marijuana Waste is unusable and unrecognizable if it is incapable of being salvaged and consumed through any means and all components are homogenous and indistinguishable.

28 (b) Marijuana Waste is irretrievable if it cannot be transformed to a physical or chemical condition or state as  
29 marijuana or a substance with a chemical structure or effect that is similar to marijuana.

30 (c) At least two employees of the MMTC, one of whom must be a manager, shall be present when rendering the  
31 Marijuana Waste unusable and unrecognizable or irretrievable. Steps taken to render Marijuana Waste unusable and  
32 unrecognizable or irretrievable shall be conducted under video surveillance.

33 (d) Until such time that the Marijuana Waste is rendered unusable and unrecognizable or irretrievable, the  
34 Marijuana Waste shall be stored in a waste receptacle(s) that is:

- 35 1. A securely locked, enclosed container;
- 36 2. Securely fastened to a permanent structure so that it cannot be removed; and
- 37 3. Located in a secured area of the facility.

38 (4) Prior to disposal, in accordance with subsection (5), Marijuana Waste shall be:

39 (a) Rendered unusable and unrecognizable by grinding and mixing the compostable Marijuana Waste with at least  
40 an equal amount of other compostable materials (e.g., food waste, yard waste, vegetable-based grease or oils):

41 (b) Rendered unusable and unrecognizable by grinding the Marijuana Waste with at least an equal amount of  
42 other compostable materials (e.g., food waste, yard waste, vegetable-based grease or oils) or non-compostable  
43 materials (e.g., paper waste, cardboard waste, plastic waste, or oil), or both; or

44 (c) Rendered irretrievable by permanently altering the physical or chemical condition through irreversible means.

45 (5) After Marijuana Waste is rendered unusable and unrecognizable or irretrievable, any remaining Marijuana  
46 Waste shall be disposed of via one of the following methods:

47 (a) Delivered to an appropriate solid waste management facility, as that term is defined in chapter 62-701, F.A.C.,  
48 which is incorporated by reference herein and available at [https://www.flrules.org/Gateway/reference.asp?No=Ref-](https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX)  
49 XXXXX;

50 (b) Delivered to a composting facility that is registered with or permitted by the Department of Environmental  
51 Protection pursuant to chapter 62-709, F.A.C., which is incorporated by reference herein and available at  
52 <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>; or

53 (c) Composted onsite by the MMTC in accordance with chapter 62-709, F.A.C.

54 (6) An MMTC must maintain a current and up-to-date waste management plan. An MMTC's waste management  
55 plan must include, at a minimum:

56 (a) The identity of the MMTC's managers and employees with access to the Marijuana Waste storage area(s) of  
57 its facility(ies);

58 (b) Procedures for weighing, tracking, and documenting Marijuana Waste out of the MMTC's seed-to-sale  
59 tracking system;

60 (c) Procedures for rendering Marijuana Waste unusable and unrecognizable or irretrievable, as required by this  
61 rule;

62 (d) Procedures for storing Marijuana Waste before it is rendered unusable and unrecognizable or irretrievable, in  
63 compliance with subsection (4), and the transport thereof;

64 (e) The manner of disposing of Marijuana Waste after it is rendered unusable and unrecognizable or irretrievable;

65 (f) Record maintenance and retention procedures for Marijuana Waste records; and

66 (g) Employee training materials and exercises concerning the MMTC's Marijuana Waste management procedures  
67 that cover, at a minimum, the information outlined in paragraphs (6)(b)-(f).

68 (7) An MMTC must maintain records of the Marijuana Waste it generates. Such records must account for all  
69 activity related to the disposal of the Marijuana Waste, including;

70 (a) The date, time, and manner of rendering the Marijuana Waste unusable and unrecognizable or irretrievable,  
71 along with the legible names and signatures of the persons who rendered the Marijuana Waste unusable and  
72 unrecognizable or irretrievable;

73 (b) The video recording of the persons rendering the Marijuana Waste unusable and unrecognizable or  
74 irretrievable;

75 (c) The name of the entity(ies) collecting the Marijuana Waste, if any, and documentation that evidences the  
76 MMTC's subscription to waste collection services from that entity; and

77 (d) The date, time, and manner of disposing of the Marijuana Waste, including whether the Marijuana Waste was  
78 disposed of via delivery to a solid waste management facility, delivery to a registered or permitted composting facility,  
79 or composted onsite by the MMTC.

80 (e) Video surveillance recordings must be retained for at least 45 days. All other Marijuana Waste records must  
81 be retained for at least two years.

82 (8) An MMTC must provide a minimum of 72 hours' notice in the MMTC's seed-to-sale tracking system prior  
83 to rendering the Marijuana Waste unusable and unrecognizable or irretrievable and must record in the tracking system

84 the weight of the Marijuana Waste to be rendered unusable and unrecognizable or irretrievable. At least two MMTC  
85 employees, one of whom must be a manager, shall be present when documenting Marijuana Waste out of the MMTC's  
86 seed-to-sale tracking system.

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

91 *Rulemaking Authority 381.986(8)(e)11.c., FS. Law Implemented 381.986(8)(e)11.c., FS. History—New.*

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