

PRELIMINARY TEXT

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

**64-4.213 MMTC Remediation**

(1) The capitalized terms used in this rule shall have the same meaning as provided in the CMTL Definitions rule.

(2) An MMTC may remediate a previously failed Retail Batch as provided for herein.

(3) Prior to remediating a previously failed Retail Batch, an MMTC must provide the failed Certificate of Analysis together with completed Form DHXXX-OMMU-XX/2021, Notification of Remediation, which is incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> via email to [OMMULABS@flhealth.gov](mailto:OMMULABS@flhealth.gov). An MMTC must remediate a previously failed Retail Batch within 30 calendar days of submission of the Notification of Remediation form to the department.

(4) Usable Whole Flower Marijuana that fails regulatory compliance testing may be remediated through processing to create Derivative Product. Usable Whole Flower Marijuana that fails regulatory compliance testing due to Water Activity or Moisture Content may also be remediated by subjecting the Retail Batch to additional drying or curing.

(5) Derivative Product, excluding Edibles, that fails regulatory compliance testing for Heavy Metals or Agricultural Agents shall be disposed of in accordance with the MMTC Marijuana Waste Management and Disposal rule. Derivative Product, excluding Edibles, that fails regulatory compliance testing for Residual Solvents, Microbes, or Mycotoxins may be remediated through further processing.

(6) Edibles that fail regulatory compliance testing for any reason may not be remediated and must be disposed of in accordance with the MMTC Marijuana Waste Management and Disposal rule.

(7) All remediated products must undergo and pass regulatory compliance testing in accordance with the MMTC Regulatory Compliance Testing rule as a new Retail Batch.

(8) A remediated Retail Batch is not eligible for additional remediation.

(9) 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or repeal the rule if it is determined to create barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.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)(e)11., 381.986(8)(k), FS. Law Implemented 381.986(8)(e)11., FS. History-New.