

64ER21-6 CMTL Waste Management and Disposal

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

(a) Testing Waste, which means spent solvents, lab wastes, and similar materials used in the testing of Usable Whole Flower Marijuana or Derivative Product that is ready for disposal;

(b) Product Waste, which means Usable Whole Flower Marijuana or Derivative Product ready for disposal;

(c) Other contaminated materials ready for disposal. “Contaminated materials” mean any item, object, utensil, or tool that contained or came in contact with Usable Whole Flower Marijuana or Derivative Product and has trace residuals of marijuana thereon. A CMTL may clean contaminated material using any method that completely 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.

(d) 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. (10/31/2020), which is incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>.

(2) A CMTL shall comply with all applicable federal and state laws and regulations for solid and liquid wastes and any applicable local regulations or ordinances.

(3) Marijuana Waste must be rendered unusable and unrecognizable or irretrievable at the CMTL’s department-approved Testing Facility before it is transported offsite as provided for in paragraphs (5)(a) and (b).

(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.

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

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

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

1. A securely locked, enclosed container;

2. Securely fastened to a permanent structure so that it cannot be removed; and

3. Located in a secured area of the facility.

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

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

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

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

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

(a) Delivered to an appropriate solid waste management facility, as that term is defined in Rule 62-701.200(112), F.A.C. (02/15/2015), which is incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>;

(b) Delivered to a composting facility that is registered with or permitted by the Department of Environmental Protection pursuant to chapter 62-709, F.A.C. (04/2021), which is incorporated by reference herein and available at <https://knowthefactsmmj.com/rules-and-regulations/>; or

(c) Composted onsite by the CMTL in accordance with chapter 62-709, F.A.C. (04/2021).

(6) A CMTL must maintain a waste management plan that will be provided to the department upon request and is subject to the department's approval. A waste management plan must include, at a minimum:

(a) The identity of the CMTL employees with access to the Marijuana Waste storage area(s) of its Testing Facility;

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

(c) Procedures for storing Marijuana Waste before it is rendered unusable and unrecognizable or irretrievable;

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

(e) Procedures for ensuring that the disposal of Marijuana Waste is reflected on the CMTL's chain of custody logs;

(f) Employee training materials and exercises concerning the CMTL's Marijuana Waste management procedures;

and

(g) Record maintenance and retention procedures for Marijuana Waste records.

(7) A CMTL must maintain records of the Marijuana Waste it generates. Such records must account for all activity related to the disposal of the Marijuana Waste, including:

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

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

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

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

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

(f) A CMTL's chain of custody log must reflect the CMTL's disposal of samples, as provided herein.

Rulemaking Authority 381.988(3), 381.988(9) FS. Law Implemented 381.988, FS. History—New .