

Section 64-4.013. [Effective 7/23/2018] Pesticide Use on Medical Marijuana

(1) For purposes of this chapter, the term "pesticide" has the meaning given as defined in section [487.021 \(49\)](#), Florida Statutes.

(2) Any pesticide used in the production of medical marijuana or low-THC cannabis must be registered with the Florida Department of Agriculture and Consumer Services.

(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) For pesticides classified as "minimum-risk" and exempted from federal registration under [40 C.F.R. 152.25 \(f\)](#) (07/01/2017), incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09524> ;

1. The active ingredient is approved for tolerance exemptions pursuant to [40 C.F.R. 180.950](#)

(e) (07/01/2017) incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09525> ; and

2. The pesticide is registered with the Florida Department of Agriculture and Consumer Services pursuant to section [487.041](#), Florida Statutes, and rule [5E-2.031](#) of the Florida Administrative Code, with a label that indicates that the pesticide had been approved for use on low-THC cannabis or medical marijuana. rule [5E-2.031](#), F.A.C., "Pesticide Registration: Exemptions from Registration; Experimental Use Permits" (11/30/2014), is incorporated herein by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09527> .

(b) For pesticides registered with the United States Environmental Protection Agency (U.S. EPA) under section 3 of FIFRA, 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 plants intended for human consumption.

Rulemaking Authority 381.986(8)(k) FS. Law Implemented 381.986(8)(e)6.a. FS.

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