



Department of
BUSINESS AND PROFESSIONAL REGULATION

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NOTICE TO LICENSEES

Division of Alcoholic Beverages and Tobacco (ABT)

The Division of Alcoholic Beverages and Tobacco (ABT) is issuing this notice to address four matters that may affect your licensed premises: **Nicotine Dispensing Devices, 7-Hydroxymitragynine (7-OH), Nitrous Oxide, and Hemp Products.**

Licensees should review the following information carefully and take immediate action where applicable including the removal and safe disposal of the products described below.

Illegal Nicotine Dispensing Devices

Pursuant to [section 569.31, Florida Statutes](#), it is illegal to sell nicotine dispensing devices that are attractive to children. A directory of these prohibited devices can be found at MyFloridaLegal.com/NDD.

7-OH

On August 13, 2025, Florida's Attorney General issued an emergency rule reclassifying concentrated 7-hydroxymitragynine (commonly known as 7-OH) as an illegal Schedule I drug. It has been determined that 7-OH at a concentrated level above 1 percent by total weight meets the statutory criteria outlined in [section 893.03\(1\)\(a\), Florida Statutes](#). The emergency rule can be reviewed [here](#).

Under Florida law, Schedule I substances—such as heroin, LSD, and fentanyl analogs—are considered to have a high potential for abuse and no accepted medical use. This emergency rule authorizes immediate enforcement action, allowing law enforcement and regulatory agencies to remove 7-OH, at a concentrated level above 1 percent by total weight, from retail locations statewide.

Guidance and information from the FDA on the safe disposal of drugs can be found [here](#). For questions regarding the disposal of 7-hydroxymitragynine at a concentrated level above 1 percent by total weight, please contact your local law enforcement agency.

Nitrous Oxide

Pursuant to [section 877.111, Florida Statutes](#), the sale of nitrous oxide is limited for certain authorized purposes. ABT has initiated an ongoing statewide investigation targeting the sale of nitrous oxide for the purpose of inducing intoxication. Local law enforcement has also initiated investigations in support of ABT's operations. The sale of nitrous oxide for recreational use is a crime. Specifically, the sale of 16 or fewer grams is a misdemeanor, and the sale of more than 16 grams is a third-degree felony punishable by up to five years in prison and a \$5,000 fine.

Hemp Products

Laboratory tests have determined that hemp products recently purchased by ABT from licensed premises are above the allowable tetrahydrocannabinol (THC) limit. In some cases, the products have tested as high as 7 percent the legal limit. [Section 581.217, Florida Statutes](#), prohibits the sale of hemp products that have a total delta 9 THC concentration greater than 0.3 percent on a dry weight basis.

Effective immediately, the Division of Alcoholic Beverages and Tobacco will begin issuing administrative actions, up to, and including, revocation of licenses for failure to comply with state law. Additionally, where applicable, ABT may make arrests and refer criminal matters to local law enforcement and state attorneys for prosecution.

Should you have any questions related to this notice, it is recommended that you seek legal counsel.