S. 1698

To allow for hemp-derived cannabidiol and hemp-derived cannabidiol containing substances in dietary supplements and food.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2021

Mr. Wyden (for himself, Mr. Paul, and Mr. Merkley) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow for hemp-derived cannabidiol and hemp-derived cannabidiol containing substances in dietary supplements and food.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Hemp Access and Con-
sumer Safety Act”.
SEC. 2. REGULATION OF HEMP-DERIVED CANNABIDIOL AND HEMP-DERIVED CANNABIDIOL CONTAINING SUBSTANCES.

(a) Inclusion in Definition of Dietary Supplement.—Section 201(ff)(3)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)(3)(B)) is amended in each of clauses (i) and (ii) by inserting “(other than hemp, hemp-derived cannabidiol, or a substance containing any other ingredient derived from hemp)” after “an article”.

(b) Definition.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(ss) The term ‘hemp’ has the meaning given such term in section 297A(1) of the Agricultural Marketing Act of 1946.”.

(c) Prohibited Act.—Section 301(ll) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(ll)) is amended, in the matter preceding subparagraph (1), by inserting “(other than hemp, hemp-derived cannabidiol, or a substance containing any other ingredient derived from hemp)” after “made public”.

(d) Labeling.—Consistent with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Secretary of Health and Human Services may—
(1) establish labeling and packaging require-
ments for dietary supplements and food that contain
hemp, hemp-derived cannabidiol, or a substance con-
taining any other ingredient derived from hemp; and

(2) take additional enforcement actions with re-
spect to products labeled as dietary supplements but
not meeting the definition of such term in section
201(ff)(3)(B) of the Federal Food, Drug, and Cos-
metic Act (21 U.S.C. 321(ff)(3)(B)), as amended by
subsection (a).