

117TH CONGRESS
1ST SESSION

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hemp Access and Con-
5 sumer Safety Act”.

1 **SEC. 2. REGULATION OF HEMP-DERIVED CANNABIDIOL**
2 **AND HEMP-DERIVED CANNABIDIOL CON-**
3 **TAINING SUBSTANCES.**

4 (a) INCLUSION IN DEFINITION OF DIETARY SUPPLE-
5 MENT.—Section 201(ff)(3)(B) of the Federal Food, Drug,
6 and Cosmetic Act (21 U.S.C. 321(ff)(3)(B)) is amended
7 in each of clauses (i) and (ii) by inserting “(other than
8 hemp, hemp-derived cannabidiol, or a substance con-
9 taining any other ingredient derived from hemp)” after
10 “an article”.

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

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

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

23 (d) LABELING.—Consistent with the Federal Food,
24 Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Sec-
25 retary of Health and Human Services may—

- 1 (1) establish labeling and packaging require-
2 ments for dietary supplements and food that contain
3 hemp, hemp-derived cannabidiol, or a substance con-
4 taining any other ingredient derived from hemp; and
- 5 (2) take additional enforcement actions with re-
6 spect to products labeled as dietary supplements but
7 not meeting the definition of such term in section
8 201(ff)(3)(B) of the Federal Food, Drug, and Cos-
9 metic Act (21 U.S.C. 321(ff)(3)(B)), as amended by
10 subsection (a).

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