H. R. ___

To authorize the regulation of interstate commerce with respect to food containing cannabidiol derived from hemp, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Miss Rice of New York introduced the following bill; which was referred to the Committee on __________________

A BILL

To authorize the regulation of interstate commerce with respect to food containing cannabidiol derived from hemp, and for other purposes.

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 “CBD Product Safety
5 and Standardization Act of 2021”.

SEC. 2. REGULATION OF INTERSTATE COMMERCE WITH RESPECT TO FOOD CONTAINING CANNABIDIOL DERIVED FROM HEMP.

(a) STANDARDS AND REGULATIONS.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342 et seq.) is amended by inserting after section 409 the following:

“SEC. 409A. FOOD CONTAINING CANNABIDIOL DERIVED FROM HEMP.

“(a) STANDARDS.—The standards specified in this section for a food (other than a dietary supplement) containing cannabidiol derived from hemp (as defined in section 297A of the Agricultural Marketing Act of 1946) are that the food—

“(1) is—

“(A) in conformity with a regulation issued pursuant to section 409(c)(1)(A);

“(B) the subject of a notice submitted to the Secretary under subpart E of part 170 of title 21, Code of Federal Regulations (or any successor regulations); or

“(C) generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures to be safe
under the conditions of its intended use, within
the meaning of section 201(s); and
“(2) complies with all other applicable require-
ments under, or pursuant to, this Act and the Fair
Packaging and Labeling Act.
“(b) Regulations.—The Secretary shall issue,
through notice and comment rulemaking pursuant to sec-
tion 553 of title 5, United States Code, regulations speci-
fying, with respect to a food containing cannabidiol de-
ived from hemp—
“(1) a maximum amount of cannabidiol derived
from hemp per serving;
“(2) labeling and packaging requirements; and
“(3) conditions of intended use, including any
conditions specific to a food category described
under subpart A of part 170 of title 21, Code of
Federal Regulations (or any successor regulations).
“(c) Effective Date.—The standards under this
section shall apply beginning on the date of enactment of
the ______ Act of 2021, regardless of whether regulations
have been issued under subsection (b).”.

(b) Prohibited Acts.—Section 301(ll) of the Fed-
eral Food, Drug, and Cosmetic Act (21 U.S.C. 331(ll))
is amended, in the matter preceding paragraph (1), by in-
serting “(other than a food containing cannabidiol that
meets the requirements specified in section 409A)” after “made public”.

(c) CONFORMING AMENDMENTS.—

(1) ADULTERATION.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

“(j) If it is a food (other than a dietary supplement) that contains cannabidiol derived from hemp (as defined in section 297A of the Agricultural Marketing Act of 1946), unless such food meets the requirements specified in section 409A.”.

(2) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it is a food (other than a dietary supplement) that contains cannabidiol derived from hemp (as defined in section 297A of the Agricultural Marketing Act of 1946), unless the labeling of such food meets the requirements specified in or pursuant to section 409A.”.