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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R.

To promote the production of hemp and hemp products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. PINGREE introduced the following bill; which was referred to the Committee on _____

A BILL

To promote the production of hemp and hemp products, 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 “Hemp Advancement
5 Act of 2021”.

6 **SEC. 2. MODIFICATIONS TO DEFINITIONS IN THE AGRICUL-**
7 **TURAL MARKETING ACT OF 1946.**

8 Section 297A of the Agricultural Marketing Act of
9 1946 (7 U.S.C. 1639o) is amended—

1 (1) by redesignating paragraph (6) as para-
2 graph (8);

3 (2) by redesignating paragraphs (2) through
4 (5) as paragraphs (3) through (6), respectively;

5 (3) by striking paragraph (1) and inserting the
6 following:

7 “(1) HEMP.—The term ‘hemp’ means—

8 “(A) the plant *Cannabis sativa* L. and any
9 part of that plant, including the seeds thereof
10 and all derivatives, extracts, cannabinoids, iso-
11 mers, acids, salts, and salts of isomers thereof,
12 whether growing or not, with a total
13 tetrahydrocannabinol concentration of not more
14 than 1 percent on a dry weight basis, that is
15 not intended for sale to consumers; and

16 “(B) hemp extract that—

17 “(i) is to be used in the making of a
18 hemp product;

19 “(ii) has not been packaged as a fin-
20 ished product;

21 “(iii) is not intended for sale to con-
22 sumers;

23 “(iv) has a total tetrahydrocannabinol
24 concentration that exceeds 1 percent on a
25 dry weight basis; and

1 “(v) is stored, transported, and proc-
2 essed in accordance with section 297F.

3 “(2) HEMP PRODUCT.—The term ‘hemp prod-
4 uct’ means a finished product that—

5 “(A) is derived from, or made by, proc-
6 essing hemp; and

7 “(B) has a total tetrahydrocannabinol con-
8 centration of not more than 0.3 percent on a
9 dry weight basis.”; and

10 (4) by inserting after paragraph (6) (as so re-
11 designated by paragraph (1) of this subsection) the
12 following:

13 “(7) TOTAL TETRAHYDROCANNABINOL CON-
14 CENTRATION.—The term ‘total tetrahydrocannabinol
15 concentration’ means the aggregate concentration of
16 delta-8 tetrahydrocannabinol, delta-9
17 tetrahydrocannabinol, delta-10 tetrahydrocannabinol,
18 and the optical isomers of such substances.”.

19 **SEC. 3. STATE AND TRIBAL PLANS.**

20 Section 297B of the Agricultural Marketing Act of
21 1946 (7 U.S.C. 1639p) is amended—

22 (1) in subsection (a)(2)(A)—

23 (A) in clause (ii), by striking “testing” and
24 all that follows through “methods,” and insert-
25 ing “a laboratory accredited under criteria es-

1 tablished by the Secretary under section
2 297D(a)(1)(C) to use post-decarboxylation or
3 other similarly reliable methods to test”; and

4 (B) in clause (iii)—

5 (i) in the matter preceding subclause
6 (i) by inserting “, including by pyrolysis,”
7 after “disposal”; and

8 (ii) in subclause (II), by inserting “,
9 except that products derived from pyrolysis
10 disposal may enter the stream of com-
11 merce” after “plants”;

12 (2) in subsection (e)(2)(A)(iii)—

13 (A) by striking “0.3” and inserting “1”;

14 and

15 (B) by striking “delta-9” and inserting
16 “total”; and

17 (3) in subsection (e)(3), by striking subpara-
18 graph (B) and redesignating subparagraph (C) as
19 subparagraph (B).

20 **SEC. 4. REINSTATEMENT OF FORMERLY INELIGIBLE INDI-**
21 **VIDUALS.**

22 Any individual excluded under section 297B(e)(3)(B)
23 of the Agricultural Marketing Act of 1946 (7 U.S.C.
24 1639p(e)(3)(B), as in effect before the amendments made
25 by section 3 of this Act, from—

1 (1) the programs established under sections
2 297B (7 U.S.C. 1639p) and 297C (7 U.S.C. 1639q)
3 of such Act of 1946; or

4 (2) any program established through a regula-
5 tion or guideline issued under section 297D(a) of
6 such Act of 1946 (7 U.S.C. 1639r(a)),

7 shall not be excluded from participation in such programs
8 on these grounds.

9 **SEC. 5. AMENDMENTS TO REGULATION OF HEMP BY DE-**
10 **PARTMENT OF AGRICULTURE.**

11 Section 297C(a)(2) of the Agricultural Marketing Act
12 of 1946 (7 U.S.C. 1639q(a)(2)) is amended—

13 (1) in subparagraph (B), by striking “testing”
14 and all that follows through “methods,” and insert-
15 ing “a laboratory accredited under criteria estab-
16 lished by the Secretary under section 297D(a)(1)(C)
17 to use post-decarboxylation or other similarly reliable
18 methods to test”; and

19 (2) in subparagraph (C)—

20 (A) by inserting “, including by pyrolysis,”
21 after “disposal”; and

22 (B) in clause (ii), by inserting “, except
23 that products derived from pyrolysis disposal
24 may enter the stream of commerce” after
25 “plants”.

1 **SEC. 6. CRITERIA FOR LABORATORY ACCREDITATION.**

2 Section 297D(a)(1) of the Agricultural Marketing
3 Act of 1946 (7 U.S.C. 1639r(a)(1)) is amended by adding
4 at the end the following:

5 “(C) CRITERIA FOR LABORATORY ACCRED-
6 ITATION.—The Secretary shall establish criteria
7 by which a laboratory may be accredited for
8 purposes of testing hemp, in accordance with
9 sections 297B(a)(2)(A) and 297C(a)(2). Such
10 criteria shall not require that a laboratory be
11 registered with the Attorney General, acting
12 through the Administrator of the Drug En-
13 forcement Administration.”.

14 **SEC. 7. IN-PROCESS HEMP EXTRACT.**

15 The Agricultural Marketing Act of 1946 (7 U.S.C.
16 1621 et seq.) is amended by adding at the end the fol-
17 lowing:

18 **“SEC. 297F. IN-PROCESS HEMP EXTRACT.**

19 “(a) IN GENERAL.—The requirements of this section
20 for in-process hemp extract are the following:

21 “(1) The hemp extract is derived from hemp
22 produced in accordance with this Act.

23 “(2) The hemp extract is processed further or
24 incorporated into another product.

1 “(3) The hemp extract is not packaged as a
2 hemp product and is not sold or offered for sale to
3 consumers.

4 “(4) The hemp extract is not used to produce
5 a hemp product that has a total
6 tetrahydrocannabinol concentration that exceeds 0.3
7 percent on a dry weight basis.

8 “(5) The hemp extract is produced, stored,
9 transported, and processed in a facility bonded
10 under regulations issued in accordance with sub-
11 section (b).

12 “(b) REGULATIONS.—

13 “(1) IN GENERAL.—The Secretary shall issue
14 regulations for facilities that produce, store, trans-
15 port, or process in-process hemp extract, which shall
16 include—

17 “(A) procedures to ensure the secure
18 transportation of in-process hemp extract;

19 “(B) procedures for the documentation
20 and secure disposal (rendering the by-product
21 unusable for any intoxicating purpose) of any
22 by-product from the extraction and manufac-
23 ture of in-process hemp extract that—

1 “(i) has a total tetrahydrocannabinol
2 concentration of more than 0.3 percent on
3 a dry weight basis; and

4 “(ii) will not be used in, or subject to,
5 further processing; and

6 “(C) such other procedures or practices,
7 consistent with this title, as the Secretary con-
8 siders to be appropriate.

9 “(2) STATE REGULATIONS.—A State or polit-
10 ical subdivision may not impose or continue in effect
11 any requirement for disposal or documentation of in-
12 process hemp extract that is different from any re-
13 quirement imposed under this section.”.

14 **SEC. 8. SYNTHETIC CANNABINOIDS.**

15 Section 10114(a) of the Agriculture Improvement Act
16 of 2018 (7 U.S.C. 1639o note) is amended by inserting
17 “, or permits interstate commerce of products containing
18 cannabinoids that are not naturally occurring in the plant
19 Cannabis sativa L. or that are manufactured by means
20 of chemical synthesis” before the period.

21 **SEC. 9. CONFORMING AMENDMENTS TO THE CONTROLLED**
22 **SUBSTANCES ACT.**

23 (a) IN GENERAL.—Section 102(16)(B) of the Con-
24 trolled Substances Act (21 U.S.C. 802(16)(B)) is amend-
25 ed—

1 (1) in clause (i), by striking “or”;

2 (2) in clause (ii), by striking the period and in-
3 sserting “; or”; and

4 (3) by adding at the end the following:

5 “(iii) hemp products, as defined in
6 section 297A of the Agricultural Marketing
7 Act of 1947 (7 U.S.C. 1639o).”.

8 (b) TETRAHYDROCANNABINOL.—Schedule I, as set
9 forth in section 202(c) of the Controlled Substances Act
10 (21 U.S.C. 812(c)), is amended in subsection (c)(17) by
11 inserting “, in-process hemp extract, or hemp products”
12 after “hemp”.