

116TH CONGRESS
2D SESSION

H. R. 5587

To amend the Federal Food, Drug, and Cosmetic Act with respect to the regulation of hemp-derived cannabidiol and hemp-derived cannabidiol containing substances.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2020

Mr. PETERSON (for himself, Mr. COMER, Ms. PINGREE, and Mr. MASSIE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to the regulation of hemp-derived cannabidiol and hemp-derived cannabidiol containing substances.

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. REGULATION OF HEMP-DERIVED CANNABIDIOL**
4 **AND HEMP-DERIVED CANNABIDIOL CON-**
5 **TAINING SUBSTANCES.**

6 (a) INCLUSION IN DEFINITION OF DIETARY SUPPLE-
7 MENT.—Section 201(ff)(3)(B) of the Federal Food, Drug,

1 and Cosmetic Act (21 U.S.C. 321(ff)(3)(B)) is amended
2 in each of clauses (i) and (ii) by inserting “(other than
3 hemp-derived cannabidiol or a hemp-derived cannabidiol
4 containing substance)” after “an article”.

5 (b) PROHIBITED ACT.—Section 301(ll) of the Fed-
6 eral Food, Drug, and Cosmetic Act (21 U.S.C. 331(ll))
7 is amended by inserting “(other than hemp-derived
8 cannabidiol or a hemp-derived cannabidiol containing sub-
9 stance)” after “public”.

10 **SEC. 2. MARKETABILITY STUDY AND REPORT.**

11 (a) STUDY.—The Secretary of Agriculture, in con-
12 sultation with other relevant Federal and State agencies,
13 shall complete a study on the market and regulatory bar-
14 riers for producers operating under the domestic hemp
15 production program specified in part 990 of title 7, Code
16 of Federal Regulations (as in effect of the date of enact-
17 ment of this Act).

18 (b) CONTENTS OF STUDY.—The study under sub-
19 section (a) shall include—

20 (1) the costs and requirements for establishing
21 and operating a hemp testing program, including the
22 costs and requirements for operating or contracting
23 with a laboratory approved by the Drug Enforce-
24 ment Agency;

1 (2) the costs and requirements for the destruc-
2 tion of hemp crops determined to be in excess of 0.3
3 percent delta-9 tetrahydrocannabinol or opportuni-
4 ties for remediation or alternative uses;

5 (3) the feasibility of producer compliance with
6 sampling timetables;

7 (4) the feasibility of producer compliance with
8 reporting requirements; and

9 (5) other known or potential challenges by the
10 participation of States or producers in the domestic
11 hemp production program.

12 (c) REPORT.—Not later than 1 year after the date
13 of the enactment of this Act, the Secretary shall submit
14 a report on the study described in this section to the Com-
15 mittee on Agriculture of the House of Representatives and
16 the Committee on Agriculture, Nutrition, and Forestry of
17 the Senate.

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