

119TH CONGRESS
2D SESSION

H. R. 10079

To provide for the regulation of hemp-derived beverages, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 2026

Ms. VAN DUYNE (for herself and Mr. LANDSMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 provide for the regulation of hemp-derived beverages,
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 “Beverage Regulatory
5 Parity Act”.

6 **SEC. 2. REGULATION OF HEMP BY SECRETARY OF AGRI-**
7 **CULTURE.**

8 (a) IN GENERAL.—Notwithstanding the hemp
9 amendments, the per-container limit on intoxicating

1 cannabinoid content established by such amendments shall
2 not apply to any hemp-derived beverage manufactured,
3 distributed, labeled, advertised, or sold in accordance with
4 the serving requirements for intoxicating
5 tetrahydrocannabinol content under section 4(l)(3).

6 (b) PROTECTION OF INTERMEDIATE HEMP-DERIVED
7 CANNABINOID PRODUCTS.—Notwithstanding the hemp
8 amendments, intermediate hemp-derived cannabinoid
9 products, as defined in paragraph (3)(B) of section 297A
10 of the Agricultural Marketing Act of 1946 (7 U.S.C.
11 1639o), as proposed to be amended by the hemp amend-
12 ments, may temporarily contain a total
13 tetrahydrocannabinol concentration that exceeds the level
14 specified in section 4(l)(3) during the ordinary course of
15 the manufacture or processing of a hemp-derived bev-
16 erage, if such hemp-derived cannabinoid product—

17 (1) is used exclusively for the manufacture of a
18 hemp-derived beverage in compliance with this Act,

19 (2) remains exclusively with persons issued a
20 permit under section 4(c) by the Tax and Trade Bu-
21 reau to manufacture the material and is in good
22 standing with respect to such permit,

23 (3) is only marketed, sold, or transferred to a
24 person issued a permit under section 4(c) by the

1 Tax and Trade Bureau to manufacture hemp-de-
2 rived beverages in final form,

3 (4) is not for consumer use, and

4 (5) contains not more than 20 percent total
5 tetrahydrocannabinols (including
6 tetrahydrocannabinolic acid) by weight.

7 (c) DEFINITIONS.—For purposes of this section—

8 (1) HEMP AMENDMENTS.—The term “hemp
9 amendments” means the amendments to section
10 297A of the Agricultural Marketing Act of 1946 (7
11 U.S.C. 1639o) made by section 781 of the Agri-
12 culture, Rural Development, Food and Drug Admin-
13 istration, and Related Agency Appropriations Act,
14 2026 (Public Law 119–37).

15 (2) APPLICABILITY OF SECTION 4(L).—Except
16 as otherwise provided, any term used in this section
17 which is also used in section 4(l) shall have the same
18 meaning as when used in such section.

19 (d) EFFECTIVE DATE.—This section shall take effect
20 on the date of the enactment of this Act, and shall apply
21 notwithstanding any effective date specified in the hemp
22 amendments.

1 **SEC. 3. REGULATION OF HEMP-DERIVED BEVERAGES BY**
2 **SECRETARY OF HEALTH AND HUMAN SERV-**
3 **ICES.**

4 (a) IN GENERAL.—Chapter IV of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-
6 ed by adding at the end the following new section:

7 **“SEC. 425. HEMP-DERIVED BEVERAGES.**

8 “(a) IN GENERAL.—Except as specified in subsection
9 (b), hemp-derived beverages shall be considered a food and
10 shall be regulated by the Secretary under this chapter.

11 “(b) NOT ADULTERATED.—A hemp-derived beverage
12 shall not be considered adulterated within the meaning of
13 section 402 on the basis of containing a naturally-occur-
14 ring cannabinoid as an ingredient so long as such hemp-
15 derived beverage does not violate section 402(j).

16 “(c) RECALL AUTHORITY.—The Secretary shall pre-
17 scribe a process for the recall of hemp-derived beverages
18 which are determined to be adulterated under section
19 402(j).

20 “(d) APPLICABILITY OF OTHER PROVISIONS.—A
21 naturally-occurring cannabinoid contained in a hemp-de-
22 rived beverage shall not be considered a drug or biological
23 product for purposes of section 301(l).

24 “(e) DEFINITIONS.—The terms ‘hemp-derived bev-
25 erage’ and ‘naturally-occurring cannabinoid’ have the

1 meanings given such terms in section 4(l) of the Beverage
2 Regulatory Parity Act.”.

3 (b) ADULTERATION.—Section 402 of the Federal
4 Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amend-
5 ed by adding at the end the following new subsection:

6 “(j) If it is a hemp-derived beverage; and—

7 “(1) its naturally-occurring cannabinoid content
8 exceeds the maximum allowable amount established
9 under section 4(l)(3) of the Beverage Regulatory
10 Parity Act;

11 “(2) it contains more than a trace amount (as
12 defined in section 4(l)(14) of the Beverage Regu-
13 latory Parity Act) of a cannabinoid that is not a
14 naturally-occurring cannabinoid (as defined in sec-
15 tion 4(l)(4) of such Act);

16 “(3) it contains any added substance, such as
17 alcohol, caffeine, tobacco, nicotine, or melatonin,
18 which, when combined with cannabinoids, could
19 interact with such cannabinoids or enhance or alter
20 the effects of such cannabinoids in a manner that is
21 harmful to the consumer, as determined by the Sec-
22 retary; or

23 “(4) it has been manufactured, processed,
24 packed, or held in any factory, warehouse, or estab-
25 lishment and the owner, operator, or agent of such

1 factory, warehouse, or establishment delays, denies,
2 or limits an inspection of such factory, warehouse, or
3 establishment.”.

4 (c) MISBRANDING.—Section 403 of the Federal
5 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-
6 ed by adding at the end the following new subsection:

7 “(z) If it is a hemp-derived beverage; and—

8 “(1) it is labeled or advertised in violation of
9 the requirements established under subsection (d) or
10 (e) of section 4 of the Beverage Regulatory Parity
11 Act;

12 “(2) it was manufactured or distributed by a
13 person who has not been issued a permit under sec-
14 tion 4(c) of such Act; or

15 “(3) it does not adhere to the uniform manufac-
16 turing and testing requirements established by the
17 Administrator of the Tax and Trade Bureau under
18 section 4(c)(2)(A) of such Act.”.

19 (d) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of the enactment
21 of this Act.

1 **SEC. 4. REGULATION OF HEMP-DERIVED BEVERAGES BY**
2 **ADMINISTRATOR OF TAX AND TRADE BU-**
3 **REAU.**

4 (a) IN GENERAL.—Hemp-derived beverages shall be
5 regulated under this section by the Secretary of the Treas-
6 ury, acting through the Administrator, in consultation
7 with the Secretary of Health and Human Services and the
8 Commissioner of Food and Drugs.

9 (b) THREE-TIERED DISTRIBUTION SYSTEM.—The
10 Administrator shall prescribe regulations to establish and
11 implement a three-tiered distribution system for hemp-de-
12 rived beverages as follows:

13 (1) TIER 1: MANUFACTURERS.—A manufac-
14 turer of hemp-derived beverages, subject to the
15 issuance of a permit under subsection (c), may sell
16 or transfer such beverages to a wholesaler of hemp-
17 derived beverages, but not to a retailer of hemp-de-
18 rived beverages.

19 (2) TIER 2: WHOLESALERS.—A wholesaler of
20 hemp-derived beverages, subject to the issuance of a
21 permit under subsection (c), may only—

22 (A) purchase such beverages from a manu-
23 facturer of hemp-derived beverages, and

24 (B) sell or transfer such beverages to a re-
25 tailer or trade buyer of hemp-derived beverages.

1 (3) TIER 3: RETAILERS.—A retailer of hemp-de-
2 rived beverages may purchase such beverages from
3 a wholesaler of hemp-derived beverages, but not
4 from a manufacturer of hemp-derived beverages.

5 (c) PERMITS.—

6 (1) IN GENERAL.—For purposes of the three-
7 tiered distribution system under subsection (b), the
8 Administrator shall issue such regulations or other
9 guidance for hemp-derived beverages (which are con-
10 sistent with the regulations and guidance issued
11 under section 104 of the Federal Alcohol Adminis-
12 tration Act (27 U.S.C. 204)) as may be necessary or
13 appropriate to issue, suspend, and revoke permits.

14 (2) SPECIAL RULES.—

15 (A) MANUFACTURERS.—No manufacturer
16 may be issued a permit under this section un-
17 less such person is certified by the Adminis-
18 trator (at such time and in such manner as the
19 Administrator determines appropriate) to be in
20 compliance with such hemp-derived beverage
21 cannabinoid content, contaminant, key compo-
22 nent, sourcing, uniform manufacturing and
23 testing, laboratory sample submission, record
24 retention, and facility inspection requirements
25 as the Administrator, in consultation with rel-

1 evant agencies determined by the Adminis-
2 trator, shall prescribe.

3 (B) INVOLVEMENT IN DIFFERENT TIERS
4 SIMULTANEOUSLY.—No person may hold per-
5 mits as both a manufacturer of hemp-derived
6 beverages and as a wholesaler of hemp-derived
7 beverages, and no person may hold any interest,
8 directly or indirectly, in more than one tier with
9 respect to the three-tiered distribution system
10 under subsection (b).

11 (d) LABELING.—

12 (1) IN GENERAL.—It shall be unlawful for any
13 person to—

14 (A) introduce or deliver for introduction,
15 into interstate commerce, any hemp-derived
16 beverage that does not conform to such pack-
17 aging, marking, branding, labeling, and size
18 and fill requirements as are prescribed by the
19 Administrator, or

20 (B) alter, mutilate, destroy, obliterate, or
21 remove any mark, brand, or label upon any
22 hemp-derived beverage that is held for sale in
23 interstate or foreign commerce or after ship-
24 ment therein, except as authorized by Federal
25 law or except pursuant to regulations author-

1 izing relabeling for purposes of compliance with
2 the requirements of this Act or of State law.

3 (2) SPECIFIC LABELING REQUIREMENTS.—In
4 prescribing the requirements described in paragraph
5 (1)(A), the Administrator shall ensure that such re-
6 quirements—

7 (A) prohibit statements, marks, graphics,
8 or other images which are deceptive, false, mis-
9 leading, obscene, indecent, disparaging of a
10 competitor’s product, or designed to target or
11 appeal to children,

12 (B) provide consumers with information
13 with respect to the identity, quality, naturally-
14 occurring cannabinoid content, net contents,
15 manufacturer, and country of origin of any
16 hemp-derived beverage,

17 (C) create uniform labeling panels, identi-
18 fying symbols, or marks that identify hemp-de-
19 rived beverages that contain intoxicating
20 tetrahydrocannabinol as containing intoxicating
21 naturally-occurring cannabinoids, and

22 (D) provide conspicuous notice—

23 (i) of the number of servings and mil-
24 ligrams of each naturally-occurring

1 cannabinoid within any hemp-derived bev-
2 erage,

3 (ii) of the known risks to special pop-
4 ulations (including children, those who are
5 pregnant, and those prescribed medica-
6 tions) of consuming hemp-derived bev-
7 erages,

8 (iii) of the impact of hemp-derived
9 beverages on an individual's faculties (in-
10 cluding the operation of machinery and
11 automobiles),

12 (iv) of directions for use, including—

13 (I) the recommended manner and
14 rate of consumption of hemp-derived
15 beverages, and

16 (II) the expected period of time
17 before the onset of any effects fol-
18 lowing consumption of hemp-derived
19 beverages,

20 (v) of the requirement to be 21 years
21 of age or older to possess, consume, or
22 purchase hemp-derived beverages, and

23 (vi) that the consumption of hemp-de-
24 rived beverages may cause a consumer to
25 fail a drug test for marijuana.

1 (3) CONSISTENCY WITH FEDERAL ALCOHOL AD-
2 MINISTRATION ACT.—The requirements prescribed
3 under paragraph (1)(A) shall be consistent with
4 those prescribed with respect to distilled spirits,
5 wine, or malt beverages under section 105(e) of the
6 Federal Alcohol Administration Act (27 U.S.C.
7 205(e)).

8 (e) ADVERTISING.—

9 (1) IN GENERAL.—It shall be unlawful for any
10 person to publish or disseminate by any means (in-
11 cluding by mail, radio broadcast, newspaper, tele-
12 vision or streaming content, website sponsorship
13 content, social media, indoor or outdoor signage, or
14 other printed or graphic materials) any advertise-
15 ment with respect to any hemp-derived beverage—

16 (A) in violation of such requirements as
17 the Administrator shall prescribe, and

18 (B) which is an intermediate hemp-derived
19 cannabinoid product (as defined in paragraph
20 (3)(B) of section 297A of the Agricultural Mar-
21 keting Act of 1946 (7 U.S.C. 1639o), as pro-
22 posed to be amended by the hemp amendments
23 (as defined in section 2(c))).

24 (2) LIMITATION.—The requirements prescribed
25 under paragraph (1)(A) shall not be more restrictive

1 than those prescribed with respect to distilled spirits,
2 wine, or malt beverages under section 105(f) of the
3 Federal Alcohol Administration Act (27 U.S.C.
4 205(f)).

5 (f) PENALTIES.—Any person who violates any re-
6 quirement described in subsection (c), (d), or (e) or under
7 chapter IV of the Federal Food, Drug, and Cosmetic Act
8 (21 U.S.C. 341 et seq.), shall be guilty of a misdemeanor
9 and upon conviction thereof be fined \$1,000 for each of-
10 fense. For purposes of the preceding sentence, in the case
11 of any retailer of hemp-derived beverages, each hemp-de-
12 rived beverage sold in violation of any such requirement
13 shall be treated as a separate violation.

14 (g) UNFAIR COMPETITION AND UNLAWFUL PRAC-
15 TICES.—

16 (1) IN GENERAL.—Except as otherwise pro-
17 vided by the Administrator, a manufacturer or
18 wholesaler of any hemp-derived beverage shall be
19 subject to the provisions of subsections (a) through
20 (d) of section 105 of the Federal Alcohol Adminis-
21 tration Act (27 U.S.C. 205). For purposes of the
22 preceding sentence—

23 (A) such subsections shall apply to trans-
24 actions between a retailer or trade buyer in any
25 State and a manufacturer or wholesaler of

1 hemp-derived beverages outside such State only
2 to the extent that the law of such State imposes
3 similar requirements with respect to similar
4 transactions between a retailer or trade buyer
5 in such State and a manufacturer or wholesaler
6 of hemp-derived beverages in such State, as the
7 case may be, and

8 (B) subsections (a) through (c) of such Act
9 shall not apply to any agency of a State or po-
10 litical subdivision thereof, or to any officer or
11 employee of such agency.

12 (2) MINIMUM AGE OF SALE.—It shall be unlaw-
13 ful for any retailer to sell any hemp-derived beverage
14 to any person younger than 21 years of age.

15 (3) PENALTIES.—Any person who violates any
16 of the provisions described in paragraph (1) or (2)—

17 (A) shall be guilty of a misdemeanor and
18 upon conviction thereof shall be fined not more
19 than \$1,000 for all violations adjudicated in a
20 single proceeding, and

21 (B) shall forfeit to the United States all
22 hemp-derived beverages with respect to which
23 the violation occurs.

1 (h) UNLAWFUL PURCHASE.—It shall be unlawful for
2 any person younger than 21 years of age to purchase, pos-
3 sess, or consume any hemp-derived beverage.

4 (i) STATE AND LOCAL AUTHORITIES.—

5 (1) IN GENERAL.—The shipment, transpor-
6 tation, or importation into any State, political sub-
7 division thereof, or territory of an Indian Tribe, for
8 delivery or use therein of any hemp-derived bev-
9 erage, in violation of the laws thereof, is hereby pro-
10 hibited. Nothing in this Act shall be construed to
11 preempt, displace, or limit the authority of any
12 State, political subdivision thereof, or Indian Tribe
13 to enact and enforce laws and regulations governing
14 the production, manufacture, importation, distribu-
15 tion, sale, possession, transportation, or consumption
16 of hemp-derived beverages within its jurisdiction, in-
17 cluding laws that are more stringent than, equiva-
18 lent to, or that prohibit altogether the activities per-
19 mitted under this Act.

20 (2) LEGAL RECEIPT.—The shipment or trans-
21 portation of any hemp-derived beverage to a final
22 destination in a State, political subdivision thereof,
23 or territory of an Indian Tribe is permissible, pro-
24 vided the receipt, possession, sale, or use of such

1 beverage is authorized in such State, political sub-
2 division thereof, or territory of the Indian Tribe.

3 (3) LEGAL TRANSSHIPMENT.—Notwithstanding
4 paragraph (1), no State, political subdivision thereof,
5 or Indian Tribe shall prohibit the transportation or
6 shipment of any hemp-derived beverages through
7 such State, political subdivision thereof, or Indian
8 Tribe’s territory, if the point of origin of, and final
9 destination for, the hemp-derived beverages are out-
10 side of such State, political subdivision thereof, or
11 territory of the Indian Tribe.

12 (4) SAVINGS CLAUSES.—

13 (A) ADVERTISING AND WARNINGS.—Noth-
14 ing in this subsection shall preempt any State,
15 political subdivision thereof, or Indian Tribe re-
16 quirement regarding advertising, marketing,
17 point-of-sale display, or consumer labeling that
18 is more restrictive than this Act, unless the
19 product being advertised is prohibited or unlaw-
20 ful in such jurisdiction.

21 (B) PRODUCT LIABILITY.—Nothing in this
22 Act shall be construed to modify or otherwise
23 affect any action or the liability of any person
24 under the product liability or consumer-protec-
25 tion law of any State.

1 (j) REPORTING REQUIREMENTS.—

2 (1) CONGRESS.—

3 (A) IN GENERAL.—Not later than one year
4 following the date of the enactment of this Act,
5 and annually thereafter, the Administrator shall
6 submit to the appropriate Congressional com-
7 mittees a report on the implementation, and
8 recommendations for the improvement, of this
9 Act.

10 (B) APPROPRIATE CONGRESSIONAL COM-
11 MITTEES.—For purposes of subparagraph (A),
12 the term “appropriate Congressional commit-
13 tees” means—

14 (i) the Committees on Ways and
15 Means and Energy and Commerce of the
16 House of Representatives, and

17 (ii) the Committees on Finance,
18 Health, Education, Labor, and Pensions,
19 and Commerce, Science, and Transpor-
20 tation of the Senate.

21 (2) FOOD AND DRUG ADMINISTRATION.—

22 (A) IN GENERAL.—Not later than one year
23 following the date of the enactment of this Act,
24 the Secretary of Health and Human Services
25 shall commission a report by the Commissioner

1 of Food and Drugs, in consultation with the ap-
2 propriate officials, on hemp-derived beverages.

3 (B) CONTENT.—The report described in
4 subparagraph (A) shall include recommenda-
5 tions with respect to—

6 (i) proper testing of hemp-derived bev-
7 erages,

8 (ii) measuring and distinguishing fac-
9 ulty impairment due to the use of hemp-
10 derived beverages (including with respect
11 to the operation of a motor vehicle), and

12 (iii) serving sizes, and the appropriate
13 amount of delta-9 tetrahydrocannabinol
14 contained within such serving sizes, with
15 respect to hemp-derived beverages.

16 (C) APPROPRIATE OFFICIALS.—For pur-
17 poses of subparagraph (A), the term “appro-
18 priate officials” means—

19 (i) the Administrator of the National
20 Highway Traffic Safety Administration,

21 (ii) the Director of the National Insti-
22 tutes of Health,

23 (iii) the Director of the National In-
24 stitute of Standards and Technology, and

25 (iv) the Administrator.

1 (k) REGULATIONS.—The Administrator, in consulta-
2 tion with the Secretary of Health and Human Services
3 and the Commissioner of Food and Drugs, shall prescribe
4 such regulations or other guidance as may be necessary
5 or appropriate to carry out the purposes of this Act, in-
6 cluding with respect to—

7 (1) product tracking, and

8 (2) adjusting serving and container sizes estab-
9 lished under paragraphs (3) and (6) of subsection (l)
10 based on the content of the report authorized under
11 subsection (j)(2).

12 (l) DEFINITIONS.—For purposes of this section—

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Tax and
15 Trade Bureau.

16 (2) HEMP.—The term “hemp” has the meaning
17 given such term in section 297A of the Agricultural
18 Marketing Act of 1946 (7 U.S.C. 1639o), as amend-
19 ed by section 781 of the Agriculture, Rural Develop-
20 ment, Food and Drug Administration, and Related
21 Agency Appropriations Act, 2026 (Public Law 119–
22 37), except that in applying such term with respect
23 to hemp-derived beverages, subclause (III) of section
24 297A(1)(C)(iv) of the Agricultural Marketing Act of

1 1946 (7 U.S.C. 1639o(1)(C)(iv)), as so amended by
2 such section 781, shall not apply.

3 (3) HEMP-DERIVED BEVERAGE.—The term
4 “hemp-derived beverage” means a non-alcoholic liq-
5 uid beverage intended for human consumption
6 that—

7 (A) contains one or more naturally-occur-
8 ring cannabinoids,

9 (B) does not contain any naturally-occur-
10 ring cannabinoids extracted, sourced, or proc-
11 essed from hemp plants cultivated outside of
12 the United States,

13 (C) does not contain any synthetically-de-
14 rived cannabinoids or other intoxicating mol-
15 ecules or compounds, or any molecules or com-
16 pounds that are structurally identical or in-
17 tended to mimic the effects of an intoxicating
18 molecule or compound,

19 (D) is a final product intended for sale to
20 a consumer,

21 (E) is packaged and labeled within the
22 United States,

23 (F) is not a tincture, isolate, powder, or
24 distillate,

1 (G) does not contain more than 5 milli-
2 grams of total intoxicating
3 tetrahydrocannabinol content per serving,

4 (H) is not intended to be consumed, la-
5 beled, or advertised as a dietary supplement (as
6 defined in section 201(ff) of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. 321(ff))),

8 (I) does not contain more than 5 milli-
9 grams of non-tetrahydrocannabinol naturally-
10 occurring cannabinoids, and

11 (J) does not contain a drug that is the
12 subject of an application approved under sub-
13 section (c) or (j) of section 505 of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 355)
15 or section 351 of the Public Health Service Act
16 (42 U.S.C. 262).

17 (4) NATURALLY-OCCURRING CANNABINOID.—

18 (A) IN GENERAL.—The term “naturally-
19 occurring cannabinoid” means, with respect to
20 a hemp-derived beverage, a cannabinoid from
21 hemp that is—

22 (i) delta-9 tetrahydrocannabinol, pro-
23 vided it is not synthetically-derived,

24 (ii) cannabidiol,

25 (iii) cannabigerol, or

1 (iv) any other related molecule that
2 the Administrator, in consultation with the
3 Secretary of Health and Human Services,
4 determines to meet the criteria to be estab-
5 lished under paragraph (2) to be consid-
6 ered hemp.

7 (B) INCLUSIONS.—Such term includes
8 cannabinoids listed under section 781(3) of the
9 Agriculture, Rural Development, Food and
10 Drug Administration, and Related Agency Ap-
11 propriations Act, 2026 (Public Law 119–37).

12 (C) EXCLUSION.—Such term does not in-
13 clude marijuana (as defined in section 102(16)
14 of the Controlled Substances Act (21 U.S.C.
15 802(16))).

16 (5) SYNTHETICALLY-DERIVED CANNABINOID.—

17 (A) IN GENERAL.—The term “syn-
18 thetically-derived cannabinoid” means a
19 cannabinoid that is—

20 (i) not naturally produced by a Can-
21 nabis sativa L. plant,

22 (ii) capable of being naturally pro-
23 duced by a Cannabis sativa L. plant, but
24 was synthesized, manufactured, chemically
25 converted, isomerized, or otherwise pro-

duced outside the living plant through human intervention, including processes involving solvents, catalysts, or laboratory equipment, or

(iii) produced via total synthesis from non-Cannabis sativa L. starting materials regardless of whether the starting materials were derived from a Cannabis sativa L. plant or any other plant.

(B) EXCLUSIONS.—A cannabinoid shall not be considered a synthetically-derived cannabinoid under subparagraph (A) on the sole basis that the cannabinoid was produced using routine extraction, decarboxylation, filtration, distillation for purification, winterization, and other standard purification processes.

(6) SERVING.—The term “serving” means, with respect to a hemp-derived beverage—

(A) in the case of a single-use container of such beverage, 12 fluid ounces, and

(B) in the case of a multiple-serving container of such beverage, the total volume of which equals 750 milliliters, 1.5 fluid ounces.

1 (7) MANUFACTURER.—The term “manufac-
2 turer” means any person who manufactures hemp-
3 derived beverages.

4 (8) MANUFACTURE.—The term “manufacture”
5 means, with respect to hemp-derived beverages, to
6 produce, create, blend, infuse, emulsify, bottle, pack-
7 age, or otherwise engage in the process of the cre-
8 ation of such hemp-derived beverages.

9 (9) WHOLESALER.—The term “wholesaler”
10 means any person who distributes hemp-derived bev-
11 erages.

12 (10) DISTRIBUTE.—The term “distribute”
13 means, with respect to hemp-derived beverages, to
14 purchase such hemp-derived beverages for resale at
15 wholesale, or to receive, sell, offer or deliver for sale,
16 contract to sell, or ship in interstate commerce, di-
17 rectly or indirectly or through an affiliate, such
18 hemp-derived beverages so purchased.

19 (11) RETAILER.—The term “retailer” means
20 any person engaged in the sale of hemp-derived bev-
21 erages to consumers.

22 (12) PRODUCT TRACKING.—The term “product
23 tracking” means, with respect to hemp-derived bev-
24 erages, tracking the supply chain from the cultiva-

tion of the naturally-occurring cannabinoid to the final product intended for sale.

(13) **TRADE BUYER.**—The term “trade buyer” means any person who is a wholesaler or retailer.

(14) **TRACE AMOUNT.**—The term “trace amount” means, with respect to hemp-derived beverages, an amount that—

(A) is not intentionally added by the manufacturer,

(B) is not synthetically-derived,

(C) is incidental to the manufacturing of such beverage, and

(D) does not affect such beverage’s tetrahydrocannabinol potency or intoxicating effect on the consumer.

SEC. 5. IMPOSITION OF TAX ON HEMP-DERIVED BEVERAGES.

(a) **IN GENERAL.**—Subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

“CHAPTER 56—HEMP-DERIVED BEVERAGES

“Sec. 5901. Imposition of tax.

1 **“SEC. 5901. IMPOSITION OF TAX.**

2 “(a) IN GENERAL.—There is hereby imposed a tax
3 on any hemp-derived beverage produced in the United
4 States.

5 “(b) AMOUNT OF TAX.—The amount of tax imposed
6 by subsection (a) shall, with respect to any hemp-derived
7 beverage, be equal to 8 cents per milligram of intoxicating
8 tetrahydrocannabinol content within such beverage.

9 “(c) TIME OF ATTACHMENT.—The tax imposed by
10 subsection (a) shall be determined as of the time of re-
11 moval for consumption or sale from the premises of the
12 manufacturer.

13 “(d) DEFINITIONS.—Any term used in this section
14 which is also used in section 4(l) of the Beverage Regu-
15 latory Parity Act shall have the same meaning as when
16 used in such Act.

17 “(e) METHOD OF COLLECTION.—The tax imposed by
18 subsection (a) shall be collected, pursuant to regulations
19 prescribed by the Secretary, in a manner similar to that
20 of section 5061.”.

21 (b) CLERICAL AMENDMENT.—The table of chapters
22 for subtitle E of such Code is amended by adding at the
23 end the following new item:

“Chapter 56. HEMP-DERIVED BEVERAGES.”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply with respect to hemp-derived bev-

1 erages produced after the date of the enactment of this
2 Act.

3 **SEC. 6. SEVERABILITY.**

4 If any provision of this Act is held invalid, the re-
5 mainder of the Act shall not be affected.

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