

119TH CONGRESS  
2D SESSION

# H. R. 7212

To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of cannabinoid hemp products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2026

Mr. GRIFFITH (for himself and Mr. VEASEY) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of cannabinoid 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 Enforcement,  
5 Modernization, and Protection Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cannabinoid hemp product regulation.

## “CHAPTER X—CANNABINOID HEMP PRODUCTS

“Sec. 1001. Definitions.

“Sec. 1002. Adulterated cannabinoid hemp products.

“Sec. 1003. Misbranded cannabinoid hemp products.

“Sec. 1004. Standards for oral cannabinoid hemp products.

“Sec. 1005. Standards for inhalable cannabinoid hemp products.

“Sec. 1006. Standards for topical cannabinoid hemp products.

“Sec. 1007. Minimum age of sale.

“Sec. 1008. Manufacturing and testing.

“Sec. 1009. Facility registration and product listing.

“Sec. 1010. Inspection of foreign cannabinoid hemp facilities.

“Sec. 1011. Mandatory recall authority.

“Sec. 1012. Applicable thresholds for cannabinoid content.

“Sec. 1013. Cannabinoid hemp products advisory committee.

Sec. 5. Enforcement.

Sec. 6. Rules of construction.

**1 SEC. 3. DEFINITIONS.**

2 Section 201 of the Federal Food, Drug, and Cosmetic  
3 Act (21 U.S.C. 321) is amended—

4 (1) in paragraph (ff)(1), by striking “(other  
5 than tobacco)” and inserting “(other than a  
6 cannabinoid hemp product or tobacco)”;

7 (2) in paragraph (rr)(2), by striking “or a com-  
8 bination product described in section 503(g)” and  
9 inserting “a combination product described in sec-  
10 tion 503(g), or a cannabinoid hemp product under  
11 paragraph (uu)”;

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

13 “(tt)(1) The term ‘cannabinoid’ means a chemical,  
14 regardless of its source, that meets one or more of the  
15 following criteria:

1           “(A) A chemical belonging to any of the fol-  
2           lowing chemical subclasses, including any acid, ace-  
3           tate, salt, ester, ether, derivative, or isomer thereof:

4                   “(i) Cannabigerol.

5                   “(ii) Cannabichromene.

6                   “(iii) Cannabidiol.

7                   “(iv) Delta-9 tetrahydrocannabinol.

8                   “(v) Delta-8 tetrahydrocannabinol.

9                   “(vi) Cannabicyclol.

10                  “(vii) Cannabielsoin.

11                  “(viii) Cannabinol.

12                  “(ix) Cannabinodiol.

13                  “(x) Cannabitriol.

14                  “(xi) Any cannabinoid that is naturally  
15                  found in, or produced by, the plant *Cannabis*  
16                  *sativa* L. but is of a different chemical subclass  
17                  than the subclasses listed in subclauses (i)  
18                  through (x).

19                  “(xii) Any cannabinoid that is not natu-  
20                  rally found in or produced by the plant *Can-*  
21                  *nabis sativa* L. and can only be created through  
22                  synthetic means, such as hexahydrocannabinol  
23                  or tetrahydrocannabinol acetate.

24           “(B) Any chemical, regardless of origin or  
25           method of production, that—

1 “(i) is equivalent in chemical structure to  
2 a chemical referred to in clause (A); or

3 “(ii) has both a similar terpenophenolic  
4 chemical structure and pharmacological effect  
5 to a chemical referred to in clause (A).

6 “(C) Any chemical derived from a plant of the  
7 genus *Cannabis* that is a CB–1 or CB–2 receptor  
8 agonist or partial agonist.

9 “(D) Any chemical that the Secretary by regu-  
10 lation deems to meet the criteria specified in clause  
11 (A), (B), or (C).

12 “(2) The Secretary shall—

13 “(A) maintain, and periodically update through  
14 publication on the website of the Department of  
15 Health and Human Services, a list of cannabinoid  
16 compounds that the Secretary has determined meet  
17 the definition of cannabinoid as set forth in subpara-  
18 graph (1); and

19 “(B) not later than 1 year after the date of the  
20 enactment of this paragraph, publish the initial list  
21 under clause (A).

22 “(uu)(1) The term ‘cannabinoid hemp product’  
23 means, except as provided in subparagraph (2), any arti-  
24 cle, including its components or parts, that contains or  
25 purports to contain one or more cannabinoids on the list

1 maintained by the Secretary under paragraph (tt)(2) that  
2 is intended for use in or on the body of humans or ani-  
3 mals.

4 “(2) The term ‘cannabinoid hemp product’ does not  
5 include the following:

6 “(A) A drug that is the subject of an applica-  
7 tion approved under subsection (c) or (j) of section  
8 505 or sections 512 or 571, or is an indexed drug  
9 under 572.

10 “(B) A drug that is the subject of an applica-  
11 tion that has been authorized for investigation pur-  
12 suant to section 505(i) only to the extent it is being  
13 used for such investigation, or a drug intended solely  
14 for investigational use that conforms to the terms of  
15 an exemption in effect under section 512(j) only to  
16 the extent it is being used for such investigation.

17 “(C) A drug that may lawfully be marketed  
18 pursuant to section 505G.

19 “(D) A biological product that is subject to an  
20 approved biologics license application under section  
21 351 of the Public Health Service Act or licensed  
22 under the virus, serum, toxin, and analogous prod-  
23 ucts provisions of the Act of Congress approved  
24 March 4, 1913 (21 U.S.C. 151).

1           “(E) A device that may lawfully be marketed  
2           pursuant to section 510(k), 513, or 515.

3           “(F) A food additive for which there is in effect  
4           a regulation issued under section 409 prescribing  
5           the conditions under which such additive may be  
6           safely used, if the additive’s use or intended use is  
7           in conformity with such regulation.

8           “(G) Any cannabis plant actively under cultiva-  
9           tion that is being cultivated in accordance with the  
10          requirements of subtitle G of the Agricultural Mar-  
11          keting Act of 1946 (7 U.S.C. 1639o et seq.).

12          “(vv)(1) The term ‘inhalable cannabinoid hemp prod-  
13          uct’ means a cannabinoid hemp product intended to be  
14          delivered to the respiratory tract by oral inhalation, such  
15          as by smoking, combusting, or aerosolizing, and regardless  
16          of whether done through the use of a device, including de-  
17          vices such as vaporizers.

18          “(2) Such term includes any component, part, or ac-  
19          cessory thereof.

20          “(ww)(1) The term ‘oral cannabinoid hemp product’  
21          means a cannabinoid hemp product intended for oral con-  
22          sumption through ingestion, sublingual absorption, or  
23          buccal absorption.

1       “(2) Such term includes an edible product, a bev-  
2 erage, a tincture, an oil, a tablet, a capsule, an oral pouch,  
3 a softgel, and a gelcap.

4       “(3) Such term does not include a topical product  
5 or product for inhalation.

6       “(xx)(1) The term ‘prohibited cannabinoid product’  
7 means, except as provided in subparagraph (2), any prod-  
8 uct for human or animal use that meets one or more of  
9 the following criteria:

10           “(A) In the case of an oral cannabinoid hemp  
11 product, the product contains or purports to contain  
12 an amount per serving of total intoxicating  
13 cannabinoid content that exceeds the applicable  
14 threshold specified under section 1012.

15           “(B) In the case of an oral cannabinoid hemp  
16 product, the product contains or purports to contain  
17 an amount per package or container of total intoxi-  
18 cating cannabinoid content that exceeds the applica-  
19 ble threshold specified under section 1012.

20           “(C) In the case of a cannabinoid hemp product  
21 for inhalation, the material to be inhaled in the  
22 product contains or purports to contain more than  
23 0.3 percent on a weight basis of total intoxicating  
24 cannabinoid content in the product form for its in-  
25 tended use.

1           “(D) In the case of a cannabinoid hemp prod-  
2           uct for inhalation that is required under section  
3           1005(e) to utilize a prefilled, nonrefillable cartridge,  
4           the cartridge contains or purports to contain an  
5           amount of total cannabinoid content that exceeds  
6           the applicable threshold specified under section  
7           1012.

8           “(E) In the case of a topical cannabinoid hemp  
9           product, the product is, or is intended to be, system-  
10          ically absorbed through the skin.

11          “(F) In the case of a topical cannabinoid hemp  
12          product, the product contains or purports to contain  
13          more than 0.3 percent on a weight basis.

14          “(G) The product contains, or purports to con-  
15          tain, a cannabinoid of the type referred to in para-  
16          graph (tt)(1)(A)(xii), or another cannabinoid that is  
17          not naturally occurring in the plant *Cannabis sativa*  
18          L. or is produced by the plant *Cannabis sativa* L.  
19          only through genetic engineering or other manipula-  
20          tion of the plant.

21          “(H) The product is a cannabinoid hemp prod-  
22          uct that does not meet the definition of an oral  
23          cannabinoid hemp product, inhalable cannabinoid  
24          hemp product, or topical cannabinoid hemp product.



1           “(I) The product is a cannabinoid hemp prod-  
2           uct intended for, used in or on, food-producing ani-  
3           mals.

4           “(2) The term ‘prohibited cannabinoid product’ does  
5           not include—

6           “(A) any product specified in clauses (A)  
7           through (G) of paragraph (uu)(2); and

8           “(B) marijuana as defined in section 102(16) of  
9           the Controlled Substances Act.

10          “(yy) The term ‘topical cannabinoid hemp product’  
11          means a cannabinoid hemp product intended to be applied  
12          externally to the body or any part thereof.

13          “(zz) The term ‘total intoxicating cannabinoid con-  
14          tent’ means the total amount of all chemicals present in  
15          a cannabinoid hemp product that satisfy any of the fol-  
16          lowing:

17               “(1) The chemicals meet the criteria of sub-  
18               clause (iv) or (v) of paragraph (tt)(1)(A).

19               “(2) The chemicals are deemed by the Sec-  
20               retary under paragraph (tt)(1)(D) as meeting the  
21               criteria specified in paragraph (tt)(1)(B) by ref-  
22               erence to—

23                       “(A) chemicals meeting the criteria of sub-  
24                       clause (iv) or (v) of paragraph (tt)(1)(A); or

1                   “(B)           hexahydrocannabinols           or  
2           tetrahydrocannabinols meeting the criteria spec-  
3           ified in paragraph (tt)(1)(A)(xii).

4           “(3) Any other chemical that—

5                   “(A) the Secretary has deemed to be a  
6           cannabinoid under paragraph (tt)(1)(D); and

7                   “(B) has, or is marketed to have, a phar-  
8           macological effect that is similar to—

9                   “(i) chemicals meeting the criteria of  
10           subclause (iv) or (v) of paragraph  
11           (tt)(1)(A); or

12                   “(ii)       hexahydrocannabinols       or  
13           tetrahydrocannabinols meeting the criteria  
14           specified in paragraph (tt)(1)(A)(xii).”.

15 **SEC. 4. CANNABINOID HEMP PRODUCT REGULATION.**

16       (a) IN GENERAL.—The Federal Food, Drug, and  
17   Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

18           (1) by redesignating chapter X as chapter XI;

19           (2) by redesignating sections 1001 through  
20   1014 as sections 1101 through 1114;

21           (3) in section 505(n)(2), by striking “section  
22   1004” and inserting “section 1104”;

23           (4) in section 516(a), in the matter following  
24   paragraph (2), by striking “section 1006” and in-  
25   serting “section 1106”;

1 (5) in section 704(g)(13), by striking “section  
2 1003(g)” and inserting “section 1103(g”;

3 (6) in subsection (a)(5)(A) of section 1109 (as  
4 redesignated by paragraph (2)), by striking “section  
5 1008” and inserting “section 1108”; and

6 (7) by inserting after chapter IX the following:

7 **“CHAPTER X—CANNABINOID HEMP**  
8 **PRODUCTS**

9 **“SEC. 1001. DEFINITIONS.**

10 “For the purposes of this chapter:

11 “(1) ADVERSE EVENT.—The term ‘adverse  
12 event’ means any health-related event associated  
13 with a cannabinoid hemp product that is adverse.

14 “(2) DERIVATIVE.—The term ‘derivative’ in-  
15 cludes chemical modifications of substances, includ-  
16 ing chemical modifications of substances obtained  
17 from cannabis.

18 “(3) FACILITY.—The term ‘facility’ includes  
19 any establishment (including an establishment of an  
20 importer) that manufactures, processes, labels, or  
21 imports cannabinoid hemp products.

22 “(4) RESPONSIBLE PERSON.—The term ‘re-  
23 sponsible person’ means the manufacturer, packer,  
24 or distributor of a cannabinoid hemp product whose  
25 name appears on the label of such product.

1 “(5) SERIOUS ADVERSE EVENT.—The term ‘se-  
2 rious adverse event’ means an adverse event that re-  
3 sults in—

4 “(A) death;

5 “(B) a life-threatening adverse event;

6 “(C) inpatient hospitalization or prolonga-  
7 tion of existing hospitalization;

8 “(D) a persistent or significant disability  
9 or incapacity;

10 “(E) a congenital anomaly or birth defect;  
11 or

12 “(F) a serious medical event that requires,  
13 based on reasonable medical judgment, a med-  
14 ical or surgical intervention to prevent an out-  
15 come described in subparagraphs (A) through  
16 (E).

17 **“SEC. 1002. ADULTERATED CANNABINOID HEMP PROD-**  
18 **UCTS.**

19 “A cannabinoid hemp product shall be deemed to be  
20 adulterated if—

21 “(1) it consists in whole or in part of any filthy,  
22 putrid, or decomposed substance, or is otherwise  
23 contaminated by any added poisonous or added dele-  
24 terious substance that may render the product inju-  
25 rious to health;

1           “(2) it has been prepared, packed, or held  
2           under insanitary conditions whereby it may have  
3           been contaminated with filth, or whereby it may  
4           have been rendered injurious to health;

5           “(3) its package is composed, in whole or in  
6           part, of any poisonous or deleterious substance  
7           which may render the contents injurious to health;

8           “(4) its content of total cannabinoids exceeds  
9           any limit set forth in section 201(xx);

10          “(5) it is a cannabinoid hemp product intended  
11          for, or to be used in or on, food-producing animals;

12          “(6) it contains any added substance, such as  
13          alcohol, caffeine, tobacco, nicotine, or melatonin, or  
14          another substance with effects that could interact  
15          with cannabinoids or enhance or alter their effects  
16          as determined by the Secretary by order;

17          “(7) it is an oral cannabinoid hemp product  
18          and it bears or contains any food additive that is un-  
19          safe within the meaning of section 409;

20          “(8) it is intended for use in animals and—

21                  “(A) is also intended for use by humans;

22                  “(B) is an inhalable cannabinoid hemp  
23          product; or

24                  “(C) is sold in a place or in a manner such  
25          that a member of the general public under cus-

1           tomary conditions of purchase would believe it  
2           will be used by humans;

3           “(9) it has been manufactured, processed,  
4           packed, or held in any factory, warehouse, or estab-  
5           lishment and the owner, operator, or agent of such  
6           factory, warehouse, or establishment delays, denies,  
7           or limits an inspection, or refuses to permit entry or  
8           inspection;

9           “(10) in the case of an oral cannabinoid hemp  
10          product, it fails to comply with the requirements of  
11          subsection (a) or (c) of section 1004;

12          “(11) in the case of an inhalable cannabinoid  
13          hemp product, it fails to comply with the require-  
14          ments of subsection (a), (b), (c), (d), (e), (g), or (h)  
15          of section 1005; or

16          “(12) in the case of a topical cannabinoid hemp  
17          product, it fails to comply with the requirements of  
18          section 1006.

19   **“SEC. 1003. MISBRANDED CANNABINOID HEMP PRODUCTS.**

20          “A cannabinoid hemp product shall be deemed mis-  
21          branded if—

22               “(1) its labeling is false or misleading in any  
23               particular;

24               “(2) its advertising or promotion is false or  
25               misleading in any particular;

1           “(3) it is in package form unless it bears a  
2       label containing—

3           “(A) the name, place of business, and con-  
4       tact information of the manufacturer, packer,  
5       or distributor;

6           “(B) an accurate statement of the quantity  
7       of the contents in terms of weight, measure,  
8       and numerical count;

9           “(C) a statement on the front of the prod-  
10      uct packaging indicating that the product is a  
11      cannabinoid hemp product;

12          “(D) in the case of an oral cannabinoid  
13      hemp product—

14           “(i) the serving size; and

15           “(ii) the number of servings per con-  
16      tainer;

17          “(E) the ingredients;

18          “(F) the content per serving and per pack-  
19      age of—

20           “(i) cannabidiol, even if absent; and

21           “(ii) total naturally occurring intoxi-  
22      cating cannabinoid content, even if absent;

23          “(G) the content of all cannabinoids other  
24      than those specified in clause (F), if present

1 above a specified level, per serving and per  
2 package;

3 “(H) for products intended for human use,  
4 a disclaimer of the presence in the product of  
5 any major food allergen, processing aid, or com-  
6 pound, which the Secretary may, by order, re-  
7 quire to be disclosed;

8 “(I) a disclaimer of known risks to special  
9 populations, including children, those who are  
10 pregnant or breastfeeding, and those taking  
11 drugs known to interact with the product;

12 “(J) a quick response (QR) code, any  
13 other scannable mechanism, or internet address  
14 that leads to a web page with testing results for  
15 the cannabinoid hemp product in the form of a  
16 certificate of analysis;

17 “(K) clear instructions of use, if applica-  
18 ble; and

19 “(L) information about how to report ad-  
20 verse events;

21 “(4) it is in package form unless it bears a  
22 label formatted in such manner as the Secretary  
23 may prescribe by order;

24 “(5) it exceeds dose limits or otherwise does not  
25 meet the standards specified in section 1004;



1           “(6) the Secretary has issued orders requiring  
2           that its labeling bear adequate directions for use, or  
3           adequate warnings against use by children, that are  
4           necessary for the protection of users, unless its la-  
5           beling conforms in all respects to such orders;

6           “(7) any word, statement, or other information  
7           required by or under authority of this Act to appear  
8           on the label or labeling is not prominently placed  
9           thereon with such conspicuousness (as compared  
10          with other words, statements, designs, or devices, in  
11          the labeling) and in such terms as to render it likely  
12          to be read and understood by the general public  
13          under customary conditions of purchase and use;

14          “(8) its labeling does not include a disclaimer  
15          of risks posed by the specific cannabinoid contained  
16          or purported to be contained in the product, includ-  
17          ing the risk of drug test failure;

18          “(9) its labeling does not include a disclaimer  
19          that the Food and Drug Administration has not de-  
20          termined the product to be safe or effective for  
21          treating any condition;

22          “(10) its labeling does not include a statement  
23          that the product is not required to meet standards  
24          for foods or dietary supplements;

1           “(11) its labeling makes a claim regarding the  
2           product’s effect (or lack thereof) on the structure or  
3           any function of the body of humans or other ani-  
4           mals;

5           “(12) it is in package form and the product  
6           packaging does not meet the requirements of section  
7           1700.15 of title 16, Code of Federal Regulations (or  
8           any successor regulations);

9           “(13) it is in package form containing multiple  
10          servings that are not in prepacked servings unless  
11          such packaging includes one or more indicators or  
12          barriers to entry which, if breached or missing, can  
13          reasonably be expected to provide visible evidence to  
14          consumers that tampering has occurred;

15          “(14) it is in package form intended for use by  
16          humans, and it contains product packaging features  
17          imitating images popularly used to advertise to chil-  
18          dren or otherwise market to anyone under 21 years  
19          of age, including—

20               “(A) labeling depicting or in the shape of  
21               characters (real or imaginary), animals, vehi-  
22               cles, cartoons, candy, or fruit; and

23               “(B) brightly colored products and pack-  
24               aging;

1           “(15) it is in package form intended for use in  
2           animals, and its label and labeling do not contain  
3           prominently placed, conspicuous—

4                   “(A) warnings that the product should not  
5           be used by humans; and

6                   “(B) statements that the product is in-  
7           tended for use in animals, including any such  
8           statements specifying the intended species;

9           “(16)(A) it was manufactured, processed,  
10          packed, labeled, imported, or held by or in an estab-  
11          lishment not duly registered under section 1009(a);

12                   “(B) it was not included in a list required by  
13          section 1009(b); or

14                   “(C) it was manufactured, processed, packed,  
15          labeled, imported, or held by or in an establishment  
16          for which the registration was suspended under sec-  
17          tion 1009(d) and the registration has not been rein-  
18          stated;

19                   “(17) there was a failure or refusal to furnish  
20          any material or information required by section  
21          1008;

22                   “(18) it is labeled as a dietary supplement, or  
23          otherwise purports to be a dietary supplement;

1           “(19) in the case of an oral cannabinoid hemp  
2           product, it fails to comply with the requirements of  
3           section 1004(b);

4           “(20) in the case of an inhalable cannabinoid  
5           hemp product, it fails to comply with the require-  
6           ments of section 1005(f);

7           “(21) in the case of a topical cannabinoid hemp  
8           product, it fails to comply with the requirements of  
9           section 1006; or

10          “(22) any word, statement, or other informa-  
11          tion required by or under this Act to appear on the  
12          label or labeling is not in compliance with any for-  
13          matting requirements as the Secretary may specify  
14          by order.

15   **“SEC. 1004. STANDARDS FOR ORAL CANNABINOID HEMP**  
16           **PRODUCTS.**

17          “(a)    ADDITIONAL    REQUIREMENTS.—An    oral  
18    cannabinoid hemp product shall be subject to the require-  
19    ments of this section, in addition to any other require-  
20    ments of this Act applicable to cannabinoid hemp prod-  
21    ucts.

22          “(b) SERVING SIZE AND CONTENT LIMITS.—

23               “(1) ORAL CANNABINOID HEMP PRODUCTS.—  
24           An oral cannabinoid hemp product shall contain no  
25           more than the amount of total cannabinoids or of

1 specified individual cannabinoids per serving and per  
2 package as the Secretary may specify by regulation  
3 under section 1012.

4 “(2) PACKAGE CONTAINING MULTIPLE  
5 SERVINGS OF ORAL CANNABINOID HEMP PROD-  
6 UCTS.—If a package contains multiple servings of  
7 oral cannabinoid hemp products, the contents shall  
8 be divided and separated from each other into por-  
9 tions equivalent to one serving.

10 “(3) LIQUID CONTAINERS.—Liquid containers  
11 of oral cannabinoid hemp products shall—

12 “(A) contain only one serving; or

13 “(B) include with such container a conven-  
14 ient device for measuring servings, such as a  
15 dropper or measuring cup.

16 “(c) LABELING STANDARDS FOR ORAL  
17 CANNABINOID HEMP PRODUCTS.—

18 “(1) FRONT-OF-PACKAGE LABELING.—An oral  
19 cannabinoid hemp product shall include prominent  
20 labeling on the front of the product packaging clear-  
21 ly indicating that it is a cannabinoid hemp product.

22 “(2) STANDARDIZED INFORMATION PANEL.—  
23 The Secretary may prescribe by order a standard-  
24 ized format, label panel, or identifying symbols

1 under which label information required under this  
2 subsection and section 1003 shall be displayed.

3 “(d) TAMPER-EVIDENT AND CHILD SAFETY PACK-  
4 AGING.—The Secretary may issue orders to establish re-  
5 quirements for tamper-evident and child safety packaging  
6 for oral cannabinoid hemp products.

7 **“SEC. 1005. STANDARDS FOR INHALABLE CANNABINOID**  
8 **HEMP PRODUCTS.**

9 “(a) ADDITIONAL REQUIREMENTS.—An inhalable  
10 cannabinoid hemp product shall be subject to the require-  
11 ments of this section, in addition to any other require-  
12 ments of this Act applicable to cannabinoid hemp prod-  
13 ucts.

14 “(b) SOURCING.—An inhalable cannabinoid hemp  
15 product shall not contain, nor shall any ingredient or sub-  
16 stance used in an inhalable cannabinoid hemp product  
17 contain, a pesticide chemical residue that is at a level  
18 greater than is specified by any tolerance under this Act  
19 or under the Federal Insecticide, Fungicide, and  
20 Rodenticide Act.

21 “(c) INGREDIENTS AND ADDITIVES.—An inhalable  
22 cannabinoid hemp product shall not include any of the fol-  
23 lowing:

1           “(1) Any added terpene or flavoring agent un-  
2           less such terpene or flavoring agent is designated by  
3           the Secretary by order as being both—

4                   “(A) naturally occurring in the plant *Cannabis sativa* L.; and  
5                   

6                   “(B) not posing an unreasonable risk to  
7                   the public health.

8           “(2) Any amount of total or specific naturally  
9           occurring terpene or flavoring agent that exceeds the  
10          concentration limits as set forth by the Secretary by  
11          order.

12          “(3) Any ingredient that is not a cannabinoid,  
13          or is not derived from the plant *Cannabis sativa* L.,  
14          unless—

15                  “(A) the Secretary has, by order, estab-  
16                  lished a level at which such ingredient may per-  
17                  missibly be added to inhalable cannabinoid  
18                  hemp products without posing an unreasonable  
19                  risk to the public health; and

20                  “(B) the ingredient is added in accordance  
21                  with such order.

22          “(d) SOLVENTS AND EXTRACTION METHODS USED  
23          IN MANUFACTURING.—An inhalable cannabinoid hemp  
24          product shall not be manufactured using any solvent, ex-  
25          traction method, or other means of production unless the

1 Secretary has designated by order that such solvent, ex-  
2 traction method, or other means of production is permis-  
3 sible because it poses no unreasonable risk to the public  
4 health. With respect to any solvent so permitted to be used  
5 in the manufacturing process, the Secretary may, by  
6 order, limit the amount of residual solvent.

7 “(e) COMPONENTS, PARTS, AND ACCESSORIES.—A  
8 component, part, or accessory of an inhalable cannabinoid  
9 hemp product shall—

10 “(1) not present an unreasonable risk to the  
11 public health;

12 “(2) meet each of the standards established by  
13 the Secretary by order, including standards regard-  
14 ing—

15 “(A) the types of materials determined to  
16 be permissible for use as a component, part, or  
17 accessory of such a product;

18 “(B) the permissible level of one or more  
19 leachable substances from such a component,  
20 part, or accessory;

21 “(C) specifications related to the heating,  
22 burning, or combusting of any such materials;  
23 or

24 “(D) specifications for temperature con-  
25 trols; or



1           “(3) meet any standard (or a portion of such  
2           standard) established by a third-party, standard-set-  
3           ting entity for which the Secretary publishes an  
4           order adopting such standard (or portion).

5           “(f) PREFILLED AND NONREFILLABLE CARTRIDGES  
6 OR DEVICES.—

7           “(1) IN GENERAL.—Except for an inhalable  
8           cannabinoid hemp product described in paragraph  
9           (2), any inhalable cannabinoid hemp product, includ-  
10          ing an oil, concentrate, or extract (such as a res-  
11          inous extract or secretion of the plant *Cannabis*  
12          sativa L.), that is marketed or intended for use via  
13          aerosolization shall be sold in a cartridge or device  
14          that is prefilled and nonrefillable.

15          “(2) EXCEPTION.—Paragraph (1) shall not  
16          apply with respect to an inhalable cannabinoid hemp  
17          product that consists of whole cannabis inflorescence  
18          processed only through trimming, drying, curing, or  
19          grinding, or a combination of such methods.

20          “(g) LABELING STANDARDS FOR INHALABLE  
21 CANNABINOID HEMP PRODUCTS.—

22          “(1) IN GENERAL.—The label of an inhalable  
23          cannabinoid hemp product shall prominently display  
24          in boldface type a warning statement determined ap-  
25          propriate by the Secretary.

1           “(2) PREFILLED, NONREFILLABLE CARTRIDGES  
2           OR DEVICES.—Any cartridge or device described in  
3           subsection (f)(1) shall, in addition to the statement  
4           described in paragraph (1), bear a standardized  
5           mark or symbol (in such manner as may be specified  
6           by the Secretary by order) on the label identifying  
7           the cartridge or device as containing cannabinoids.

8           “(h) ADDITIONAL CONTENT LIMITS.—In addition to  
9           any other applicable content limits, a cartridge or device  
10          described in subsection (f)(1) shall contain not more total  
11          cannabinoid content than the applicable threshold speci-  
12          fied under section 1012.

13          “(i) PRE-MARKET NOTIFICATION.—

14               “(1) NEW PRODUCTS.—Except as specified in  
15               paragraph (2), not later than 90 days before intro-  
16               ducing or delivering for introduction into interstate  
17               commerce an inhalable cannabinoid hemp product, a  
18               person seeking to so introduce or deliver such prod-  
19               uct and who is required to register under section  
20               1009 shall report to the Secretary (in such form and  
21               manner as the Secretary shall prescribe) the prod-  
22               uct’s formulation and labeling.

23               “(2) EXISTING PRODUCTS.—In the case of a  
24               person described in paragraph (1) who is the respon-  
25               sible person with respect to an inhalable cannabinoid

1 hemp product that, as of the date of the enactment  
2 of the Hemp Enforcement, Modernization, and Pro-  
3 tection Act, has been introduced or delivered for in-  
4 troduction into interstate commerce, such person  
5 shall report to the Secretary (in such form and man-  
6 ner as the Secretary shall prescribe), the product’s  
7 formulation and labeling not later than 60 days  
8 after such date of enactment.

9 “(j) LABELING STANDARDS FOR INHALABLE  
10 CANNABINOID HEMP PRODUCTS.—

11 “(1) FRONT-OF-PACKAGE LABELING.—An  
12 inhalable cannabinoid hemp product shall include  
13 prominent labeling on the front of the product pack-  
14 aging clearly indicating that it is a cannabinoid  
15 hemp product.

16 “(2) STANDARDIZED INFORMATION PANEL.—  
17 The Secretary may prescribe by order a standard-  
18 ized format, label panel, or identifying symbols  
19 under which label information required under this  
20 subsection and section 1003 shall be displayed.

21 “(k) TAMPER-EVIDENT AND CHILD SAFETY PACK-  
22 AGING.—The Secretary may issue orders to establish re-  
23 quirements for tamper-evident and child safety packaging  
24 for inhalable cannabinoid hemp products.

1   **“SEC. 1006. STANDARDS FOR TOPICAL CANNABINOID HEMP**  
2                   **PRODUCTS.**

3           “(a)   ADDITIONAL   REQUIREMENTS.—A   topical  
4   cannabinoid hemp product shall be subject to the require-  
5   ments of this section, in addition to any other require-  
6   ments of this Act applicable to cannabinoid hemp prod-  
7   ucts.

8           “(b)   CONTENT LIMITS FOR TOPICAL CANNABINOID  
9   HEMP PRODUCTS.—A topical cannabinoid hemp product  
10   shall contain not more than the amount of total  
11   cannabinoids per package, or such other amount of total  
12   cannabinoids, or of specified individual cannabinoids per  
13   package, as the Secretary may specify under section 1012.

14          “(c)   LABELING   STANDARDS   FOR   TOPICAL  
15   CANNABINOID HEMP PRODUCTS.—

16                  “(1) FRONT-OF-PACKAGE LABELING.—A topical  
17           cannabinoid hemp product shall include prominent  
18           labeling on the front of the product packaging clear-  
19           ly indicating that it is a cannabinoid hemp product.

20                  “(2) STANDARDIZED INFORMATION PANEL.—  
21           The Secretary may prescribe by order a standard-  
22           ized format, label panel, or identifying symbols  
23           under which label information required under this  
24           subsection and section 1003 shall be displayed.

25          “(d)   TAMPER-EVIDENT AND CHILD SAFETY PACK-  
26   AGING.—The Secretary may issue orders to establish re-

1 requirements for tamper-evident and child safety packaging  
2 for topical cannabinoid hemp products.

3 **“SEC. 1007. MINIMUM AGE OF SALE.**

4 “It shall be unlawful for any retailer to sell a  
5 cannabinoid hemp product to any person younger than 21  
6 years of age.

7 **“SEC. 1008. MANUFACTURING AND TESTING.**

8 “(a) UNIFORM REQUIREMENTS.—Cannabinoid hemp  
9 products shall be subject to uniform manufacturing and  
10 testing requirements established by order by the Secretary  
11 that shall include—

12 “(1) specifications for key components, poten-  
13 tial contaminants, and cannabinoid content; and

14 “(2) any other manufacturing and testing  
15 standards the Secretary determines necessary.

16 “(b) STANDARDS DEVELOPED BY APPROPRIATE  
17 STANDARD-SETTING BODIES.—In establishing require-  
18 ments under subsection (a), the Secretary may recognize  
19 and rely upon standards developed by appropriate stand-  
20 ard-setting bodies that have relevant expertise and are  
21 subject to third-party auditing.

22 “(c) INSPECTION OF RECORDS.—The Secretary may  
23 inspect records as necessary to demonstrate compliance  
24 with manufacturing and testing requirements under this  
25 section.

1 **“SEC. 1009. FACILITY REGISTRATION AND PRODUCT LIST-**  
2 **ING.**

3 “(a) REGISTRATION.—

4 “(1) IN GENERAL.—Any facility engaged in  
5 manufacturing, processing, packing, importing, la-  
6 beling, or holding cannabinoid hemp products for  
7 consumption in the United States shall be registered  
8 with the Secretary. To be registered—

9 “(A) in the case of a domestic facility, the  
10 owner, operator, or agent in charge of the facil-  
11 ity shall submit a registration to the Secretary;  
12 and

13 “(B) in the case of a foreign facility, the  
14 owner, operator, or agent in charge of the facil-  
15 ity shall—

16 “(i) submit a registration to the Sec-  
17 retary; and

18 “(ii) include with the registration the  
19 name of the United States agent for the  
20 facility.

21 “(2) REGISTRATION.—

22 “(A) CONTENTS.—An entity (referred to  
23 in this section as the ‘registrant’) shall submit  
24 a registration under paragraph (1) to the Sec-  
25 retary containing—

1 “(i) information necessary to notify  
2 the Secretary of the name, address, and  
3 telephone number of each facility at which,  
4 and all trade names under which, the reg-  
5 istrant conducts business;

6 “(ii) the email address and telephone  
7 number for the contact person of the facil-  
8 ity or, in the case of a foreign facility, the  
9 United States agent for the facility;

10 “(iii) the general activities conducted,  
11 including with respect to each cannabinoid  
12 hemp product category manufactured,  
13 processed, packed, or held at such facility;

14 “(iv) the facility registration number,  
15 if any, previously assigned by the Sec-  
16 retary;

17 “(v) all brand names under which  
18 products manufactured, processed, or  
19 packaged in the facility are sold; and

20 “(vi) such other information as the  
21 Secretary may require.

22 “(B) INSPECTION.—A registration under  
23 paragraph (1) shall contain an assurance that  
24 the Secretary will be permitted to inspect the

1 facility at the times and in the manner per-  
2 mitted by this Act.

3 “(C) TIME AND MANNER OF SUBMIS-  
4 SION.—A registration under paragraph (1) shall  
5 be submitted at such time and in such manner  
6 as the Secretary may prescribe.

7 “(3) INITIAL REGISTRATION.—

8 “(A) EXISTING FACILITIES.—Every person  
9 that, on the date of the enactment of the Hemp  
10 Enforcement, Modernization, and Protection  
11 Act, owns or operates a facility that engages in  
12 the manufacturing, processing, packing, import-  
13 ing, labeling, or holding of a cannabinoid hemp  
14 product for distribution in the United States  
15 shall register such facility with the Secretary  
16 not later than 1 year after such date of enact-  
17 ment.

18 “(B) NEW FACILITIES.—Every person that  
19 owns or operates a facility that engages in the  
20 manufacturing, processing, packing, or holding  
21 of a cannabinoid hemp product for distribution  
22 in the United States shall register with the Sec-  
23 retary such facility within 60 days of first en-  
24 gaging in such activity or 60 days after the



1 deadline for registration under subparagraph  
2 (A), whichever is later.

3 “(4) BIENNIAL REGISTRATION RENEWAL.—A  
4 person required to register a facility under para-  
5 graph (1) shall renew such registrations with the  
6 Secretary biennially.

7 “(5) PROCEDURE.—At the time of the initial  
8 registration of any facility under paragraph (3), the  
9 Secretary shall assign a facility registration number  
10 to the facility. Upon receipt of a completed registra-  
11 tion described in paragraph (1), the Secretary shall  
12 notify the registrant of the receipt of such registra-  
13 tion.

14 “(6) UP-TO-DATE LIST.—The Secretary shall  
15 compile and maintain an up-to-date list of facilities  
16 that are registered under this section. Such list and  
17 any registration documents submitted pursuant to  
18 this subsection shall not be subject to disclosure  
19 under section 552 of title 5, United States Code. In-  
20 formation derived from such list or registration doc-  
21 uments shall not be subject to disclosure under sec-  
22 tion 552 of title 5, United States Code, to the extent  
23 that such information discloses the identity or loca-  
24 tion of a specific registered person.

25 “(b) CANNABINOID HEMP PRODUCT LISTING.—

1           “(1) IN GENERAL.—For each cannabinoid hemp  
2           product, the responsible person shall submit to the  
3           Secretary a cannabinoid hemp product listing, or en-  
4           sure that such submission is made, at such time and  
5           in such manner as the Secretary may prescribe.

6           “(2) LISTING.—

7                   “(A) IN GENERAL.—Not later than 120  
8           days after the first day on which a cannabinoid  
9           hemp product (other than an inhalable  
10          cannabinoid hemp product) is marketed, the re-  
11          sponsible person for such product shall submit  
12          to the Secretary a cannabinoid hemp product  
13          listing for such product, except as provided in  
14          subparagraph (B).

15                  “(B) CURRENTLY MARKETED PROD-  
16          UCTS.—In the case of a cannabinoid hemp  
17          product (other than an inhalable cannabinoid  
18          hemp product), that was marketed before the  
19          date of the enactment of the Hemp Enforce-  
20          ment, Modernization, and Protection Act, or  
21          that is first marketed within 245 days after  
22          such date of enactment, the responsible person  
23          shall submit to the Secretary a cannabinoid  
24          hemp product listing not later than 1 year after  
25          such date of enactment.

1                   “(C) INHALABLE CANNABINOID HEMP  
2 PRODUCTS.—

3                   “(i) IN GENERAL.—Not later than 90  
4 days after the first day on which an  
5 inhalable cannabinoid hemp product is  
6 marketed, the responsible person for such  
7 product shall submit to the Secretary a  
8 cannabinoid hemp product listing for such  
9 product, except as provided in clause (ii).

10                   “(ii) CURRENTLY MARKETED  
11 INHALABLE CANNABINOID HEMP PROD-  
12 UCTS.—In the case of an inhalable  
13 cannabinoid hemp product that was mar-  
14 keted before the date of the enactment of  
15 the Hemp Enforcement, Modernization,  
16 and Protection Act, or that is first mar-  
17 keted within 455 days after such date of  
18 enactment, the responsible person shall  
19 submit to the Secretary a cannabinoid  
20 hemp product listing not later than 1 year  
21 after such date of enactment.

22                   “(D) UPDATES.—A responsible person for  
23 a cannabinoid hemp product shall, beginning  
24 one year after the date on which such  
25 cannabinoid hemp product is first listed under

1           subparagraph (A), (B), or (C), submit to the  
2           Secretary an update of such listing on an an-  
3           nual basis.

4           “(3) CONTENTS OF LISTING.—

5                 “(A) IN GENERAL.—Each listing under  
6           paragraph (1) shall include—

7                     “(i) the facility registration number of  
8                     each facility where the cannabinoid hemp  
9                     product is manufactured or processed;

10                    “(ii) the name and contact number of  
11                    the responsible person;

12                    “(iii) the name of the cannabinoid  
13                    hemp product, as such name appears on  
14                    the label;

15                    “(iv) the name and contact number of  
16                    the person submitting the listing;

17                    “(v) an electronic copy of the label,  
18                    and an electronic copy of the package in-  
19                    sert, if any;

20                    “(vi) a list of ingredients, and the  
21                    amount of cannabinoids, in the  
22                    cannabinoid hemp product;

23                    “(vii) the product listing number, if  
24                    any, previously assigned by the Secretary;

1 “(viii) whether the product is an oral  
2 cannabinoid hemp product, inhalable  
3 cannabinoid hemp product, or topical  
4 cannabinoid hemp product; and

5 “(ix) any other information as the  
6 Secretary may by order require.

7 “(B) FLEXIBLE LISTINGS.—A single list-  
8 ing submission under paragraph (1) for a  
9 cannabinoid hemp product may include multiple  
10 cannabinoid hemp products with identical for-  
11 mulations, or formulations that differ only with  
12 respect to flavors or quantity of contents.

13 “(C) UPDATES.—A responsible person that  
14 is required to submit a cannabinoid hemp prod-  
15 uct listing under paragraph (1) shall submit  
16 any updates to such listing annually.

17 “(D) OPTIONAL INCLUSION IN FACILITY  
18 REGISTRATION.—A responsible person may sub-  
19 mit a listing required by paragraph (1) as part  
20 of a facility registration or separately.

21 “(e) FACILITY REGISTRATION AND PRODUCT LIST-  
22 ING NUMBERS.—At the time of the initial registration of  
23 any facility or initial listing of any cannabinoid hemp  
24 product, the Secretary shall assign—

1           “(1) a facility registration number to the facil-  
2           ity; and

3           “(2) product listing numbers for the listed  
4           products.

5           “(d) SUSPENSIONS.—

6           “(1) SUSPENSION OF REGISTRATION OF A FA-  
7           CILITY.—The Secretary may suspend the registra-  
8           tion of a facility under this section if the Sec-  
9           retary—

10           “(A) determines that a cannabinoid hemp  
11           product manufactured, processed, packed, or  
12           held by such facility and distributed in the  
13           United States has a reasonable probability of  
14           causing serious adverse health consequences or  
15           death to humans or other animals; and

16           “(B) has a reasonable belief that other  
17           products manufactured, processed, packed, or  
18           held by such facility may be similarly affected  
19           because of a failure that—

20           “(i) cannot be isolated to a product or  
21           products; or

22           “(ii) is sufficiently pervasive to raise  
23           concerns about other products manufac-  
24           tured, processed, packed, or held in the fa-  
25           cility.

1           “(2) NOTICE OF SUSPENSION.—Before sus-  
2           pending a facility registration under this section, the  
3           Secretary shall provide—

4                   “(A) notice to the registrant or other re-  
5                   sponsible person, as appropriate, of the intent  
6                   to suspend the facility registration, which notice  
7                   shall specify the basis of the determination by  
8                   the Secretary that the facility registration  
9                   should be suspended; and

10                   “(B) an opportunity, within 5 business  
11                   days of providing the notice under subpara-  
12                   graph (A), for the responsible person to provide  
13                   a plan for addressing the reasons for possible  
14                   suspension of the facility registration.

15           “(3) HEARING OF SUSPENSION.—The Secretary  
16           shall—

17                   “(A) provide the registrant subject to a no-  
18                   tice of suspension under paragraph (2) with an  
19                   opportunity for an informal hearing, to be held  
20                   as soon as possible but not later than 5 busi-  
21                   ness days after the issuance of the notice, or  
22                   such other time period agreed upon by the Sec-  
23                   retary and the registrant, on the actions re-  
24                   quired for reinstatement of registration and

1           why the registration that is subject to the sus-  
2           pension should be reinstated; and

3                   “(B) reinstate the registration if the Sec-  
4           retary determines, based on evidence presented,  
5           that adequate grounds do not exist to continue  
6           the suspension of the registration.

7                   “(4) POST-HEARING CORRECTIVE ACTION  
8           PLAN.—If, after providing opportunity for an infor-  
9           mal hearing, the Secretary determines that the sus-  
10          pension of registration remains necessary, the Sec-  
11          retary shall—

12                   “(A) require the registrant to submit a  
13          corrective action plan to demonstrate how the  
14          registrant plans to correct the conditions found  
15          by the Secretary; and

16                   “(B) review such plan not later than 14  
17          business days after the submission of the plan  
18          or such other time period as determined by the  
19          Secretary, in consultation with the registrant.

20                   “(5) VACATING OF ORDER; REINSTATEMENT.—  
21          Upon a determination by the Secretary that ade-  
22          quate grounds do not exist to continue the suspen-  
23          sion of a facility’s registration under this subsection,  
24          the Secretary shall promptly vacate the suspension  
25          and reinstate the registration of the facility.



1           “(6) EFFECT OF SUSPENSION.—If the registra-  
 2           tion of the facility is suspended under this section,  
 3           no person shall—

4                   “(A) export or import cannabinoid hemp  
 5           products into the United States from such facil-  
 6           ity;

7                   “(B) offer to export or import cannabinoid  
 8           hemp products into the United States from  
 9           such facility; or

10                   “(C) otherwise introduce or deliver for in-  
 11           troduction into interstate commerce  
 12           cannabinoid hemp products from such facility.

13   **“SEC. 1010. INSPECTION OF FOREIGN CANNABINOID HEMP**  
 14                   **FACILITIES.**

15           “(a) INSPECTION.—The Secretary—

16                   “(1) may enter into arrangements and agree-  
 17           ments with foreign governments to facilitate the in-  
 18           spection of foreign facilities registered under section  
 19           1009; and

20                   “(2) shall direct resources to inspections of for-  
 21           eign facilities, suppliers, and cannabinoid hemp  
 22           products, especially such facilities, suppliers, and  
 23           cannabinoid hemp products that present a high risk  
 24           (as identified by the Secretary), to help ensure the

1 safety and security of the supply of such products in  
2 the United States.

3 “(b) EFFECT OF INABILITY TO INSPECT.—Notwith-  
4 standing any other provision of law, a cannabinoid hemp  
5 product shall be refused admission into the United States  
6 if it is from a foreign factory, warehouse, or other estab-  
7 lishment of which the owner, operator, or agent in charge,  
8 or the government of the foreign country, refuses to per-  
9 mit entry of United States inspectors or other individuals  
10 duly designated by the Secretary, upon request, to inspect  
11 such factory, warehouse, or other establishment. For pur-  
12 poses of this subsection, such an owner, operator, or agent  
13 in charge shall be considered to have refused an inspection  
14 if such owner, operator, or agent in charge does not permit  
15 an inspection of a factory, warehouse, or other establish-  
16 ment during the 24-hour period after such request is sub-  
17 mitted, or after such other time period, as agreed upon  
18 by the Secretary and the foreign factory, warehouse, or  
19 other establishment.

20 **“SEC. 1011. MANDATORY RECALL AUTHORITY.**

21 “(a) IN GENERAL.—If the Secretary determines that  
22 there is a reasonable probability that a cannabinoid hemp  
23 product is adulterated under section 1002 or misbranded  
24 under section 1003 and the use of or exposure to such  
25 cannabinoid hemp product will cause serious adverse

1 health consequences or death, the Secretary shall provide  
2 the responsible person with an opportunity to voluntarily  
3 cease distribution and recall such article. If the responsible  
4 person refuses to or does not voluntarily cease distribution  
5 or recall such cannabinoid hemp product within the time  
6 and manner prescribed by the Secretary (if so prescribed),  
7 the Secretary may, by order, require, as the Secretary de-  
8 termines necessary, such person to immediately cease dis-  
9 tribution of such article.

10 “(b) HEARING.—The Secretary shall provide the re-  
11 sponsible person who is subject to an order under sub-  
12 section (a) with an opportunity for an informal hearing,  
13 to be held not later than 10 days after the date of issuance  
14 of the order, on whether adequate evidence exists to justify  
15 the order.

16 “(c) ORDER RESOLUTION.—After an order is issued  
17 according to the process under subsections (a) and (b),  
18 the Secretary shall, except as provided in subsection (d)—

19 “(1) vacate the order, if the Secretary deter-  
20 mines that inadequate grounds exist to support the  
21 actions required by the order;

22 “(2) continue the order ceasing distribution of  
23 the cannabinoid hemp product until a date specified  
24 in such order; or

1           “(3) amend the order to require a recall of the  
2           cannabinoid hemp product, including any require-  
3           ments to notify appropriate persons, a timetable for  
4           the recall to occur, and a schedule for updates to be  
5           provided to the Secretary regarding such recall.

6           “(d) ACTION FOLLOWING ORDER.—Any person who  
7           is subject to an order pursuant to paragraph (2) or (3)  
8           of subsection (c) shall immediately cease distribution of  
9           or recall, as applicable, the cannabinoid hemp product and  
10          provide notification as required by such order.

11          “(e) NOTICE TO PERSONS AFFECTED.—If the Sec-  
12          retary determines necessary, the Secretary may require  
13          the person subject to an order pursuant to subsection (a)  
14          or an amended order pursuant to paragraph (2) or (3)  
15          of subsection (c) to provide either a notice of a recall order  
16          for, or an order to cease distribution of, such cannabinoid  
17          hemp product, as applicable, under this section to appro-  
18          priate persons, including persons who manufacture, dis-  
19          tribute, import, or offer for sale such product that is the  
20          subject of an order and to the public.

21          “(f) PUBLIC NOTIFICATION.—In conducting a recall  
22          under this section, the Secretary shall—

23                  “(1) ensure that a press release is published re-  
24          garding the recall, and that alerts and public notices

1 are issued, as appropriate, in order to provide notifi-  
2 cation—

3 “(A) of the recall to consumers and retail-  
4 ers to whom such cannabinoid hemp product  
5 was, or may have been, distributed; and

6 “(B) that includes, at a minimum—

7 “(i) the name of the cannabinoid  
8 hemp product subject to the recall;

9 “(ii) a description of the risk associ-  
10 ated with such article; and

11 “(iii) to the extent practicable, infor-  
12 mation for consumers about similar  
13 cannabinoid hemp products that are not  
14 affected by the recall; and

15 “(2) ensure publication, as appropriate, on the  
16 website of the Food and Drug Administration of an  
17 image of the cannabinoid hemp product that is the  
18 subject of the press release described in paragraph  
19 (1), if available.

20 “(g) DELEGATION.—The authority conferred by this  
21 section to order a recall or vacate a recall order shall not  
22 be delegated to any officer or employee other than the  
23 Commissioner, or an individual at or above the level of  
24 individuals empowered to approve a drug (such as division

1 directors within the Center for Drug Evaluation and Re-  
2 search).

3 “(h) EFFECT.—Nothing in this section shall affect  
4 the authority of the Secretary to request or participate  
5 in a voluntary recall, or to issue an order to cease distribu-  
6 tion or to recall under any other provision of this chapter.

7 **“SEC. 1012. APPLICABLE THRESHOLDS FOR CANNABINOID**  
8 **CONTENT.**

9 “(a) IN GENERAL.—The Secretary shall issue a rule  
10 specifying—

11 “(1) the applicable thresholds for the content  
12 limits of total cannabinoid content in inhalable  
13 cannabinoid hemp products, oral cannabinoid hemp  
14 products, and topical cannabinoid hemp products for  
15 such products; and

16 “(2) the applicable thresholds for the content  
17 limits of total intoxicating cannabinoid content in  
18 oral cannabinoid hemp products.

19 “(b) TIMING.—The Secretary shall—

20 “(1) not later than 60 days after the date of  
21 the enactment of the Hemp Enforcement, Mod-  
22 ernization, and Protection Act, publish in the Fed-  
23 eral Register a notice of proposed rulemaking with  
24 respect to the content limits referred to in sub-  
25 section (a); and

1 “(2) not later than 3 years after such date of  
 2 enactment, finalize the rule specified in such sub-  
 3 section.

4 “(c) FAILURE TO TIMELY FINALIZE FINAL RULE.—  
 5 If the Secretary fails to finalize the rule specified in sub-  
 6 section (a) within the 3-year period specified in subsection  
 7 (b)(2), the applicable threshold specified in this section  
 8 shall be the following:

9 “(1) With respect to section 1004(b), 10 milli-  
 10 grams per serving, and 50 milligrams per package.

11 “(2) With respect to section 1005(h), 100 milli-  
 12 grams per serving, and 500 milligrams per package.

13 “(3) With respect to section 1006(b), 100 milli-  
 14 grams per serving, and 500 milligrams per package.

15 “(4) With respect to subparagraph (A) of sec-  
 16 tion 201(xx)(1), 5 milligrams per serving, and with  
 17 respect to subparagraph (B) of such section, 30 mil-  
 18 ligrams per package or container.

19 **“SEC. 1013. CANNABINOID HEMP PRODUCTS ADVISORY**  
 20 **COMMITTEE.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-  
 22 lish an advisory committee, to be known as the  
 23 Cannabinoid Hemp Products Advisory Committee (in this  
 24 section referred to as the ‘Advisory Committee’).

25 “(b) MEMBERSHIP.—

1 “(1) IN GENERAL.—

2 “(A) MEMBERS.—The Secretary shall ap-  
3 point as members of the Advisory Committee  
4 individuals who—

5 “(i) are technically qualified by train-  
6 ing and experience in medicine, medical  
7 ethics, science, or technology involving the  
8 manufacture, evaluation, or use of  
9 cannabinoid hemp products; and

10 “(ii) are of appropriately diversified  
11 professional backgrounds.

12 “(B) COMPOSITION.—The membership of  
13 the Advisory Committee shall be composed of  
14 16 individuals, represented as follows:

15 “(i) 3 individuals representing the  
16 Food and Drug Administration.

17 “(ii) 7 individuals who are physicians,  
18 scientists, or health care professionals  
19 practicing in the area of oncology,  
20 pulmonology, cardiology, toxicology, phar-  
21 macology, addiction, or any other relevant  
22 specialty.

23 “(iii) 1 individual who is an officer or  
24 employee of a State or local government or  
25 of the Federal Government.



1 “(iv) 1 individual as a representative  
2 of the general public.

3 “(v) 1 individual with experience as a  
4 State regulator for Cannabis sativa L.

5 “(vi) 1 individual as a representative  
6 of the interests of the Cannabis sativa L.  
7 manufacturing industry.

8 “(vii) 1 individual as a representative  
9 of the interests of the small business  
10 cannabinoid hemp product manufacturing  
11 industry, which position may be filled on a  
12 rotating, sequential basis by representa-  
13 tives of different small business  
14 cannabinoid hemp product manufacturers  
15 based on areas of expertise relevant to the  
16 topics being considered by the Advisory  
17 Committee.

18 “(viii) 1 individual as a representative  
19 of the interests of the Cannabis sativa L.  
20 growers.

21 “(C) NONVOTING MEMBERS.—The mem-  
22 bers of the Advisory Committee described in  
23 clauses (vi), (vii), and (viii) of subparagraph  
24 (B) shall serve as consultants to those described

1 in clauses (i) through (iv) of subparagraph (B)  
2 and shall be nonvoting representatives.

3 “(D) CONFLICTS OF INTEREST.—No mem-  
4 bers of the Advisory Committee, other than  
5 members described in clauses (vi), (vii), and  
6 (viii) of subparagraph (B) shall, during the  
7 member’s tenure on the committee or for the  
8 18-month period prior to becoming such a  
9 member, receive any salary, grants, or other  
10 payments or support from any business that  
11 manufactures, distributes, markets, or sells  
12 cigarettes or other tobacco products.

13 “(2) CHAIRPERSON.—The Secretary shall des-  
14 ignate 1 of the members described in clauses (ii),  
15 (iii), (iv), and (v) of paragraph (1)(B) to serve as  
16 chairperson.

17 “(c) DUTIES.—The Cannabinoid Products Advisory  
18 Committee shall provide advice, information, and rec-  
19 ommendations to the Secretary—

20 “(1) as provided in this chapter;

21 “(2) on the limits (in milligrams) of total  
22 cannabinoid content allowed in cannabinoid hemp  
23 products, and categories thereof; and

24 “(3) on the limits (in milligrams) of total in-  
25 toxicating cannabinoid content allowed in

1       cannabinoid hemp products, and categories thereof,  
2       to be established pursuant to section 1012.

3       “(d) COMPENSATION; SUPPORT; CHAPTER 10 OF  
4 TITLE 5.—

5           “(1) COMPENSATION AND TRAVEL.—Members  
6       of the Advisory Committee who are not officers or  
7       employees of the United States, while attending con-  
8       ferences or meetings of the committee or otherwise  
9       engaged in its business, shall be entitled to receive  
10      compensation at rates to be fixed by the Secretary,  
11      which may not exceed the daily equivalent of the  
12      rate in effect under the Senior Executive Schedule  
13      under section 5382 of title 5, for each day (including  
14      travel time) they are so engaged; and while so serv-  
15      ing away from their homes or regular places of busi-  
16      ness each member may be allowed travel expenses,  
17      including per diem in lieu of subsistence, as author-  
18      ized by section 5703 of title 5 for persons in the  
19      Government service employed intermittently.

20           “(2) ADMINISTRATIVE SUPPORT.—The Sec-  
21      retary shall furnish the Advisory Committee clerical  
22      and other assistance.

23           “(3) NONAPPLICATION OF CHAPTER 10 OF  
24      TITLE 5.—Section 1013 of title 5 does not apply to  
25      the Advisory Committee.

1       “(e) PROCEEDINGS OF ADVISORY COMMITTEES.—  
2 The Advisory Committee shall make and maintain a tran-  
3 script of any proceeding of the Advisory Committee. Each  
4 such committee shall delete from any transcript made  
5 under this subsection information which is exempt from  
6 disclosure under section 552(b) of title 5.

7       “(f) REPORT TO CONGRESS.—The Advisory Com-  
8 mittee shall report to Congress annually on—

9               “(1) any changes to the limits under section  
10       1012 the Advisory Committee recommends; and

11               “(2) any other information the Advisory Com-  
12       mittee determines necessary to carry out this chap-  
13       ter.”.

14       (b) EFFECTIVE DATE.—This section and the amend-  
15       ments made by this section shall apply with respect to  
16       cannabinoid hemp products introduced or delivered for in-  
17       troduction into interstate commerce on or after the date  
18       of the enactment of this Act.

19       **SEC. 5. ENFORCEMENT.**

20       (a) PROHIBITED ACTS.—Section 301 of the Federal  
21       Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-  
22       ed—

23               (1) in paragraphs (a), (b), (c), (g), (h), and (k)  
24       by inserting “cannabinoid hemp product,” before “or  
25       cosmetic” each place such term appears;

1           (2) in paragraph (e), by striking “or 920” and  
2       inserting “920, or 1011”;

3           (3) in paragraph (ll)—

4           (A) in the matter preceding subparagraph  
5       (1), by striking “or a drug or a biological prod-  
6       uct for which substantial clinical investigations  
7       have been instituted and for which the existence  
8       of such investigations has been made public”  
9       and inserting “a drug or a biological product  
10      for which substantial clinical investigations have  
11      been instituted and for which the existence of  
12      such investigations has been made public, or a  
13      cannabinoid hemp product”;

14          (B) in subparagraph (3)(E), by striking  
15      “or” at the end;

16          (C) in subparagraph (4), by striking the  
17      period at the end and inserting “; or”; and

18          (D) by adding at the end the following:

19           “(5) the finished product is a cannabinoid hemp  
20      product that conforms with the requirements of this  
21      Act.”; and

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

23           “(jjj)(1) The introduction or delivery for introduction  
24      into interstate commerce of a prohibited cannabinoid prod-  
25      uct;

1 “(2) the receipt in interstate commerce of a prohib-  
 2 ited cannabinoid product, and the delivery or proffered de-  
 3 livery thereof for pay or otherwise;

4 “(3) the doing of any act with respect to an article,  
 5 if such act is done while such article is held for sale  
 6 (whether or not the first sale) after shipment in interstate  
 7 commerce and results in such article being a prohibited  
 8 cannabinoid product;

9 “(4) the holding for sale or distribution in interstate  
 10 commerce of a prohibited cannabinoid product;

11 “(5) the sale by a retailer of a cannabinoid hemp  
 12 product to any person younger than 21 years of age in  
 13 violation of section 1007; or

14 “(6) the failure to adhere to uniform manufacturing  
 15 and testing requirements in accordance with section 1008.

16 “(kkk) The refusal or failure to follow an order under  
 17 section 1011.”.

18 (b) ENHANCED CRIMINAL PENALTIES.—Section  
 19 303(b) of the Federal Food, Drug, and Cosmetic Act (21  
 20 U.S.C. 333(b)) is amended by adding at the end the fol-  
 21 lowing:

22 “(9) ENHANCED CRIMINAL PENALTIES.—Notwith-  
 23 standing subsection (a), any person who knowingly vio-  
 24 lates section 301(jjj) shall be imprisoned for not more

1 than 10 years or fined in accordance with title 18, United  
2 States Code, or both.”.

3 (c) SEIZURE.—Section 304 of the Federal Food,  
4 Drug, and Cosmetic Act (21 U.S.C. 334) is amended—

5 (1) in subsection (a)(2)—

6 (A) by striking “and (H)” and inserting  
7 “(H)”; and

8 (B) by inserting before the period at the  
9 end the following: “, (I) Any adulterated or  
10 misbranded cannabinoid hemp product, and (J)  
11 Any prohibited cannabinoid product”;

12 (2) in subsection (d)(1)—

13 (A) by inserting “cannabinoid hemp prod-  
14 uct,” before “or cosmetic”; and

15 (B) in the last sentence, by inserting “an  
16 article in violation of section 301(jjj) or” after  
17 “by reason of its being”; and

18 (3) in subsection (g)—

19 (A) in paragraph (1)—

20 (i) by striking the first sentence and  
21 inserting the following: “If during an in-  
22 spection conducted under section 704 of a  
23 facility or a vehicle, a device, cannabinoid  
24 hemp product, or tobacco product, which  
25 the officer or employee making the inspec-

tion has reason to believe is adulterated or misbranded is found in such facility or vehicle, or the officer or employee making the inspection has reason to believe the product is a prohibited cannabinoid product, such officer or employee may order the device, cannabinoid hemp product, prohibited cannabinoid hemp product, or tobacco product detained (in accordance with regulations prescribed by the Secretary) for a reasonable period which may not exceed twenty days unless the Secretary determines that a period of detention greater than twenty days is required to institute an action under subsection (a) or section 302, in which case he may authorize a detention period of not to exceed thirty days.”; and

(ii) in each of the second, third, and fourth sentences, by striking “device or tobacco product” each place it appears and inserting “device, cannabinoid hemp product, prohibited cannabinoid product, or tobacco product”; and



1 (B) in paragraph (2)(A), in the matter  
2 preceding clause (i), by striking “device or to-  
3 bacco product” and inserting “device,  
4 cannabinoid hemp product, prohibited  
5 cannabinoid product, or tobacco product”.

6 (d) FOOD ADDITIVES.—Section 409(a) of the Fed-  
7 eral Food, Drug, and Cosmetic Act (21 U.S.C. 348(a))  
8 is amended by adding at the end of the matter following  
9 paragraph (3) the following: “A food bearing or containing  
10 a cannabinoid hemp product that meets the requirements  
11 of chapter X shall not, by reason of bearing or containing  
12 such a cannabinoid hemp product, be considered adulter-  
13 ated under section 402(a)(1).”.

14 **SEC. 6. RULES OF CONSTRUCTION.**

15 Except as expressly provided in this Act (or the  
16 amendments made by this Act), nothing in this Act (or  
17 such amendments) shall be construed as modifying or lim-  
18 iting—

19 (1) any applicable provision of the Federal  
20 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et  
21 seq.) or the Public Health Service Act (42 U.S.C.  
22 201 et seq.); or

- 1           (2) the authority of the Secretary of Health and
- 2       Human Services or the Commissioner of Food and
- 3       Drugs under such Acts.

○