

119TH CONGRESS
2D SESSION

H. R. 9913

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, and the Secretary of the Treasury, acting through the Alcohol and Tobacco Tax and Trade Bureau, to establish a system for color coding certain intoxicating drinks, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2026

Mr. LALOTA 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 direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, and the Secretary of the Treasury, acting through the Alcohol and Tobacco Tax and Trade Bureau, to establish a system for color coding certain intoxicating drinks, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Sips Act of
3 2026”.

4 **SEC. 2. COLOR-CODING SYSTEM FOR CERTAIN INTOXI-**
5 **CATING DRINKS.**

6 (a) ESTABLISHMENT OF SYSTEM.—The Secretary
7 shall establish a system for color coding the packaging of
8 a covered drink that—

9 (1) identifies one single color to be used at the
10 dispensing point of such packaging, regardless of the
11 type of intoxicating substance in such drink;

12 (2) includes a non-color identifier on such pack-
13 aging, including text, a symbol, a pattern, a tactile
14 feature, or such other identifier, for purposes of en-
15 suring accessibility to a consumer of such drink who
16 is blind or colorblind; and

17 (3) for purposes of enforcing the prohibition
18 under subsection (b)(4), provides for technical speci-
19 fications and color tolerances as to the meaning of
20 “substantially similar color”.

21 (b) REQUIREMENTS WITH RESPECT TO IMPLEMEN-
22 TATION OF SYSTEM.—

23 (1) MANUFACTURER REQUIREMENTS.—A man-
24 ufacturer of a covered drink shall implement the sys-
25 tem established under subsection (a).

1 (2) DISSEMINATION OF INFORMATION.—A dis-
2 tributor or retailer shall disseminate information, as
3 determined by the Secretary, to consumers with re-
4 spect to the system established under subsection (a).

5 (3) SALE OF COVERED DRINKS.—A retailer
6 shall ensure that any covered drink sold, or offered
7 for sale, by such retailer complies with the system
8 established under subsection (a).

9 (4) PROHIBITION ON USE OF COLOR FOR NON-
10 COVERED DRINK.—A manufacturer, distributor, or
11 retailer may not include the color identified under
12 subsection (a)(1), or a substantially similar color, at
13 the dispensing point of the packaging of a drink that
14 is not a covered drink.

15 (c) ENFORCEMENT.—For purposes of enforcing the
16 requirements under subsection (b), the Secretary shall es-
17 tablish—

18 (1) a procedure for assessing a civil penalty on
19 any manufacturer, distributor, or retailer who does
20 not comply with such requirements; and

21 (2) a structure for determining such a fine.

22 (d) RULEMAKING.—Not later than 2 years after the
23 date of enactment of this Act, the Secretary shall issue
24 such rules as may be necessary to implement this section.

1 (e) PREEMPTION.—No State, political division of a
2 State, or Tribal government may enact, adopt, promul-
3 gate, or enforce any law, regulation, or other requirement
4 that is in addition to, or more stringent than, a require-
5 ment or prohibition established under this section.

6 (f) RULE OF CONSTRUCTION.—Nothing in this Act
7 shall be construed to effect—

8 (1) the authority under the Controlled Sub-
9 stances Act (21 U.S.C. 801 et seq.), including the
10 scheduling of a controlled substance or any require-
11 ment or prohibition with respect to such scheduling;
12 or

13 (2) the authority under any other Federal law
14 with respect to the manufacture, distribution, sale,
15 importation, possession, or introduction or delivery
16 for introduction into interstate commerce of a cov-
17 ered drink.

18 (g) DEFINITIONS.—In this Act:

19 (1) ALCOHOL.—The term “alcohol” means any
20 drink that—

21 (A) is in a liquid form;

22 (B) contains not less than 0.05 percent al-
23 cohol by volume; and

24 (C) is intended for human consumption.

1 (2) COVERED DRINK.—The term “covered
2 drink” means a drink for sale that—

3 (A) contains a covered substance; and

4 (B) is in—

5 (i) a single can or bottle; or

6 (ii) any such other container, as de-
7 termined by the Secretary.

8 (3) COVERED SUBSTANCE.—The term “covered
9 substance” means—

10 (A) alcohol;

11 (B) THC;

12 (C) an intoxicating cannabinoid;

13 (D) a Kratom-related substance; or

14 (E) any such other intoxicating substance,
15 as determined by the Secretary.

16 (4) DISPENSING POINT.—The term “dispensing
17 point”—

18 (A) means the top, end, closure, or such
19 other component of a drink container through
20 which a consumer can access, open, pour, or
21 otherwise dispense such drink; and

22 (B) includes a can end, bottle cap, bottle
23 closure, lid, cork, stopper, spout, nozzle, spigot,
24 or such other component, as determined by the

1 Secretary, for accessing, opening, pouring, or
2 otherwise dispensing such drink.

3 (5) DISTRIBUTOR.—The term “distributor”—

4 (A) means a person that sells, transfers, or
5 delivers a covered drink for resale; and

6 (B) does not include a person acting solely
7 as a common carrier.

8 (6) INTOXICATING CANNABINOID.—The term
9 “intoxicating cannabinoid” means a cannabinoid, in-
10 cluding an isomer, a derivative, an analogue, a hom-
11 olog, or a synthetic cannabinoid, that has an intoxi-
12 cating or impairing effect substantially similar to or
13 greater than THC, as determined by the Secretary,
14 when ingested by a human.

15 (7) KRATOM-RELATED SUBSTANCE.—The term
16 “Kratom-related substance” means—

17 (A) *Mitragyna speciosa* Korth., including
18 any part, extract, preparation, concentrate,
19 alkaloid, constituent, derivative, salt, isomer, or
20 mixture of *Mitragyna speciosa* Korth.;

21 (B) Mitragynine; or

22 (C) 7-hydroxymitragynine, including any
23 substance containing enhanced, concentrated,
24 chemically converted, or synthetically produced
25 7-hydroxymitragynine.

1 (8) MANUFACTURER.—The term “manufac-
2 turer” means a person that commercially produces,
3 prepares, packages, repackages, labels, relabels, or
4 imports a covered drink for sale or distribution in
5 the United States.

6 (9) RETAILER.—The term “retailer” means a
7 person to whom a covered drink is delivered or sold,
8 if such delivery or sale is for purposes of sale or dis-
9 tribution in commerce to purchasers who buy such
10 drink for purposes other than resale.

11 (10) SECRETARY.—The term “Secretary”
12 means, as applicable—

13 (A) the Secretary of Health and Human
14 Services, acting through the Commissioner of
15 Food and Drugs; and

16 (B) the Secretary of the Treasury, acting
17 through the Alcohol and Tobacco Tax and
18 Trade Bureau.

19 (11) THC.—The term “THC” means a
20 tetrahydrocannabinol or any isomer thereof, as de-
21 termined by the Secretary, including a delta-8, delta-
22 9, or delta-10 tetrahydrocannabinol, regardless of
23 whether such tetrahydrocannabinol or isomer is nat-
24 urally occurring, chemically converted, synthesized,

1 or derived from hemp, marihuana, or any such other
2 source.

3 (h) APPLICABILITY.—This Act shall apply to a cov-
4 ered drink manufactured, distributed, sold, or offered for
5 sale on or after the date that is 4 years after the date
6 of enactment of this Act.

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