

117TH CONGRESS  
1ST SESSION

# H. R. 6134

To authorize the regulation of interstate commerce with respect to food containing cannabidiol derived from hemp, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2021

Miss RICE of New York (for herself, Mr. GRIFFITH, Ms. CRAIG, and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To authorize the regulation of interstate commerce with respect to food containing cannabidiol derived from hemp, 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 “CBD Product Safety  
5 and Standardization Act of 2021”.

1 **SEC. 2. REGULATION OF INTERSTATE COMMERCE WITH RE-**  
2 **SPECT TO FOOD CONTAINING CANNABIDIOL**  
3 **DERIVED FROM HEMP.**

4 (a) STANDARDS AND REGULATIONS.—Chapter IV of  
5 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342  
6 et seq.) is amended by inserting after section 409 the fol-  
7 lowing:

8 **“SEC. 409A. FOOD CONTAINING CANNABIDIOL DERIVED**  
9 **FROM HEMP.**

10 “(a) STANDARDS.—The standards specified in this  
11 section for a food (other than a dietary supplement) con-  
12 taining cannabidiol derived from hemp (as defined in sec-  
13 tion 297A of the Agricultural Marketing Act of 1946) are  
14 that the food—

15 “(1) is—

16 “(A) in conformity with a regulation issued  
17 pursuant to section 409(c)(1)(A);

18 “(B) the subject of a notice submitted to  
19 the Secretary under subpart E of part 170 of  
20 title 21, Code of Federal Regulations (or any  
21 successor regulations); or

22 “(C) generally recognized, among experts  
23 qualified by scientific training and experience to  
24 evaluate its safety, as having been adequately  
25 shown through scientific procedures to be safe

1 under the conditions of its intended use, within  
2 the meaning of section 201(s); and

3 “(2) complies with all other applicable require-  
4 ments under, or pursuant to, this Act and the Fair  
5 Packaging and Labeling Act.

6 “(b) REGULATIONS.—The Secretary shall issue,  
7 through notice and comment rulemaking pursuant to sec-  
8 tion 553 of title 5, United States Code, regulations speci-  
9 fying, with respect to a food containing cannabidiol de-  
10 rived from hemp—

11 “(1) a maximum amount of cannabidiol derived  
12 from hemp per serving;

13 “(2) labeling and packaging requirements; and

14 “(3) conditions of intended use, including any  
15 conditions specific to a food category described  
16 under subpart A of part 170 of title 21, Code of  
17 Federal Regulations (or any successor regulations).

18 “(c) EFFECTIVE DATE.—The standards under this  
19 section shall apply beginning on the date of enactment of  
20 the CBD Product Safety and Standardization Act of  
21 2021, regardless of whether regulations have been issued  
22 under subsection (b).”.

23 (b) PROHIBITED ACTS.—Section 301(ll) of the Fed-  
24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 331(ll))  
25 is amended, in the matter preceding paragraph (1), by in-

1 serting “(other than a food containing cannabidiol that  
2 meets the requirements specified in section 409A)” after  
3 “made public”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) ADULTERATION.—Section 402 of the Fed-  
6 eral Food, Drug, and Cosmetic Act (21 U.S.C. 342)  
7 is amended by adding at the end the following:  
8 “(j) If it is a food (other than a dietary supplement)  
9 that contains cannabidiol derived from hemp (as defined  
10 in section 297A of the Agricultural Marketing Act of  
11 1946), unless such food meets the requirements specified  
12 in section 409A.”.

13 (2) MISBRANDING.—Section 403 of the Federal  
14 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is  
15 amended by adding at the end the following:  
16 “(z) If it is a food (other than a dietary supplement)  
17 that contains cannabidiol derived from hemp (as defined  
18 in section 297A of the Agricultural Marketing Act of  
19 1946), unless the labeling of such food meets the require-  
20 ments specified in or pursuant to section 409A.”.

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