

118TH CONGRESS
1ST SESSION

H. R. 1628

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2023

Mr. GRIFFITH (for himself, Ms. CRAIG, Ms. TITUS, Mr. GROTHMAN, and Mr. POCAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2023”.

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 2023, 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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