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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To preserve lawful hemp commerce while protecting consumers from high-THC synthetic intoxicants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BARR introduced the following bill; which was referred to the Committee on _____

A BILL

To preserve lawful hemp commerce while protecting consumers from high-THC synthetic intoxicants, 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 “Lawful Hemp Protec-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Protecting minors and preventing children’s
2 access to hemp products is central to the public in-
3 terest and to the long-term credibility of the hemp
4 industry. Strong age-control measures are necessary
5 to prevent misuse and safeguard public health.

6 (2) Many Americans, including veterans and
7 seniors, rely on consumer hemp products for
8 wellness. Ensuring that such products are consist-
9 ently manufactured, accurately labeled, and domesti-
10 cally sourced is essential to maintaining public trust
11 and protecting consumers.

12 (3) Clear provenance standards and the elimi-
13 nation of deceptive or look-alike products promote
14 responsible industry growth, protect consumers, and
15 reinforce confidence in lawful hemp commerce.

16 **SEC. 3. DEFINITION OF HEMP.**

17 Effective as if included in the enactment of the Agri-
18 culture, Rural Development, Food and Drug Administra-
19 tion, and Related Agency Appropriations Act, 2026 (divi-
20 sion B of Public Law 119–37), section 781 of such Act
21 is amended to read as follows:

22 “SEC. 781. (a) Effective on the date of enactment
23 of the Lawful Hemp Protection Act, section 297A of the
24 Agricultural Marketing Act of 1946 (7 U.S.C. 1639o) is
25 amended—

1 “(1) by redesignating paragraphs (2) through
2 (6) as paragraphs (4) through (8), respectively; and

3 “(2) by striking paragraph (1) and inserting
4 the following:

5 “(1) HEMP.—

6 “(A) IN GENERAL.—The term “hemp”
7 means the plant *Cannabis sativa* L. and any
8 part of that plant, including the seeds thereof
9 and all derivatives, extracts, cannabinoids, iso-
10 mers, acids, salts, and salts of isomers, whether
11 growing or not, with a delta-9
12 tetrahydrocannabinol concentration of not more
13 than 1 percent on a dry weight basis.

14 “(B) FINAL-FORM TESTING.—For pur-
15 poses of this paragraph, the delta-9
16 tetrahydrocannabinol concentration of hemp
17 shall be measured on the finished consumer
18 product and not on raw, floral material or any
19 work-in-process material, including an unfin-
20 ished hemp ingredient.

21 “(C) INCLUSION.—Such term includes in-
22 dustrial hemp.

23 “(D) EXCLUSIONS.—Such term does not
24 include—

1 “(i) any viable seeds from a Can-
2 nabis sativa L. plant that exceeds a delta-
3 9 tetrahydrocannabinol concentration of
4 more than 1 percent on a dry weight basis;

5 “(ii) any intermediate hemp-derived
6 cannabinoid products containing—

7 “(I) cannabinoids that are not
8 capable of being naturally produced
9 by a Cannabis sativa L. plant;

10 “(II) cannabinoids that—

11 “(aa) are capable of being
12 naturally produced by a Cannabis
13 sativa L. plant; and

14 “(bb) were synthesized or
15 manufactured from any starting
16 material other than hemp, as de-
17 fined in subparagraph (A); and

18 “(iii) any final hemp-derived
19 cannabinoid products containing—

20 “(I) cannabinoids that are not
21 capable of being naturally produced
22 by a Cannabis sativa L. plant;

23 “(II) cannabinoids that—

1 “(aa) are capable of being
2 naturally produced by a Cannabis
3 sativa L. plant; and

4 “(bb) were synthesized or
5 manufactured from any starting
6 material other than hemp, as de-
7 fined in subparagraph (A).

8 “(2) INDUSTRIAL HEMP.—The term “indus-
9 trial hemp” means hemp—

10 “(A) grown for the use of the stalk of the
11 plant, fiber produced from such a stalk, or any
12 other non-cannabinoid derivative, mixture, prep-
13 aration, or manufacture of such a stalk;

14 “(B) grown for the use of the whole
15 grain, oil, cake, nut, hull, or any other non-
16 cannabinoid compound, derivative, mixture,
17 preparation, or manufacture of the seeds of
18 such plant;

19 “(C) grown for purposes of producing
20 microgreens or other edible hemp leaf products
21 intended for human consumption that are de-
22 rived from an immature hemp plant that is
23 grown from seeds that do not exceed the
24 threshold for delta-9 tetrahydrocannabinol con-
25 centration specified in paragraph (1)(D)(i);

1 “(D) that is a plant that does not enter
2 the stream of commerce and is intended to sup-
3 port hemp research at an institution of higher
4 education (as defined in section 101 of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1001)) or an independent research institute; or

7 “(E) grown for the use of a viable seed of
8 the plant produced solely for the production or
9 manufacture of any material described in sub-
10 paragraphs (A) through (D).

11 “(3) UNFINISHED HEMP INGREDIENT.—The
12 term “unfinished hemp ingredient” means an oil, ex-
13 tract, concentrate, distillate, or other intermediate
14 substance derived from hemp that is not intended
15 for consumer use, is not a finished hemp product,
16 and is produced solely for incorporation into a fin-
17 ished hemp product through further processing. An
18 unfinished hemp ingredient may contain concentra-
19 tions of delta-9 tetrahydrocannabinol exceeding 1
20 percent during processing, provided that the mate-
21 rial remains exclusively within the manufacturing
22 chain and is not offered for retail sale.’.

23 “(b)(1) Within 90 days of the enactment of this Act,
24 the Food and Drug Administration, in consultation with
25 other relevant Federal agencies, shall publish—

1 “(A) a list of all cannabinoids known to FDA
2 to be capable of being naturally produced by a Can-
3 nabis sativa L. plant, as reflected in peer reviewed
4 literature; and

5 “(B) a list of all tetrahydrocannabinol class
6 cannabinoids known to the agency to be naturally
7 occurring in the plant.

8 “(2) The Food and Drug Administration shall peri-
9 odically review and update the lists referred to in subpara-
10 graphs (A) and (B) of paragraph (1).”.

11 **SEC. 4. FDA OVERSIGHT AND MILLIGRAM LIMITATIONS.**

12 (a) DEFINITIONS.—Section 201 of the Federal Food,
13 Drug, and Cosmetic Act (21 U.S.C. 321) is amended—

14 (1) in paragraph (ff)(3)(B), in the matter pre-
15 ceding subclause (i), by inserting “, except in the
16 case of a cannabinoid derived from hemp” after
17 “does not include”; and

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

19 “(tt)(1) The term ‘hemp-derived consumable prod-
20 uct’—

21 “(A) means any finished product intended for
22 human use that is derived from hemp and contains
23 one or more cannabinoids;

24 “(B) includes a hemp-derived dietary supple-
25 ment; and

1 “(C) may include ingestibles, beverages, oral
2 tinctures and sublinguals, capsules and tablets,
3 inhalables, and topicals and transdermals.

4 “(2) A hemp-derived consumable product shall be
5 deemed to be a food within the meaning of this Act.

6 “(uu) The term ‘hemp-derived dietary supplement’—

7 “(1) means a dietary supplement that—

8 “(A) is derived from hemp;

9 “(B) contains one or more cannabinoids;

10 and

11 “(C) is intended for ingestion in tablet,
12 capsule, softgel, geleap, powder, gummy, chew,
13 lozenge, tincture, oil, spray, strip, or liquid
14 form;

15 “(2) may include ingestibles, oral tinctures and
16 sublinguals, and capsules and tablets; and

17 “(3) does not include—

18 “(A) any product intended for inhalation,
19 application to the skin, or transdermal absorp-
20 tion;

21 “(B) raw, floral hemp material, an unfin-
22 ished hemp ingredient, or work-in-process mate-
23 rials;

24 “(C) industrial hemp;

1 “(D) hemp seed, hemp seed oil, or
2 hempseed protein not containing cannabinoids;
3 and

4 “(E) a product containing any cannabinoid
5 not found in, or capable of being produced in,
6 the hemp plant, as identified on the lists pub-
7 lished and updated by the Food and Drug Ad-
8 ministration under section 781(b) of the Agri-
9 cultural Marketing Act of 1946.

10 “(vv) The terms ‘hemp’, ‘industrial hemp’, and ‘un-
11 finished hemp ingredient’ have the meanings given those
12 terms in section 297A of the Agricultural Marketing Act
13 of 1946.”.

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

17 “(j) If it is a hemp-derived consumable product,
18 and—

19 “(1) its cannabinoid content exceeds a max-
20 imum allowable amount established by the Secretary
21 under section 425(b);

22 “(2) it contains a cannabinoid not included on
23 the lists published and updated by the Food and
24 Drug Administration under section 781(b) of the
25 Agricultural Marketing Act of 1946;

1 “(3) it is not derived exclusively from hemp cul-
2 tivated in the United States, processed within the
3 United States, and finished, packaged, and labeled
4 within the United States; or

5 “(4) it is in package form and such packaging
6 does not meet the requirements of subsections (a),
7 (b), and (c) of section 1700.15 of title 16, Code of
8 Federal Regulations (or successor regulations).”.

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

12 “(z) If it is a hemp-derived consumable product, and
13 its labeling does not adhere to the requirements described
14 in section 425(a).

15 “(aa) If it is a hemp-derived consumable product
16 whose name, branding, labeling, or packaging constitutes
17 a violation of section 43(a) of the Trademark Act of 1946
18 (15 U.S.C. 1125(a)), as determined by the Secretary, in-
19 cluding packaging or trade dress that imitates or mimics
20 a trademarked or well-known product so as to be likely
21 to cause consumer confusion as to the product’s source,
22 affiliation, or endorsement.

23 “(bb) If it is a hemp-derived consumable product in
24 package form whose labeling is specifically targeted to
25 anyone under 21 years of age.”.

1 (d) HEMP-DERIVED CONSUMABLE PRODUCTS.—
2 Chapter IV of the Federal Food, Drug, and Cosmetic Act
3 (21 U.S.C. 341 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 425. HEMP-DERIVED CONSUMABLE PRODUCTS.**

6 “(a) LABELING REQUIREMENTS.—A hemp-derived
7 consumable product shall adhere to the following labeling
8 requirements:

9 “(1) Its principal display panel shall display, in
10 a font size not smaller than 8 points, the statement
11 ‘Contains ____ mg THC per serving and ____ mg
12 THC per package. For users 21+ only.’, where the
13 blanks shall be filled in with the applicable quantity
14 of THC in milligrams per serving and per package,
15 respectively.

16 “(2)(A) Its principal display panel shall bear
17 the following statement: ‘GOVERNMENT WARN-
18 ING: (1) According to the Surgeon General, women
19 should not consume hemp products during preg-
20 nancy because of the risk of birth defects. (2) Con-
21 sumption of hemp products impairs your ability to
22 drive a car or operate machinery and may cause
23 health problems.’.

24 “(B) The statement under subparagraph (A)
25 shall—

1 “(i) appear in a conspicuous and promi-
2 nent location on the principal display panel;

3 “(ii) be printed in a font size not smaller
4 than 6 points, or not smaller than the smallest
5 type size used elsewhere on the label, whichever
6 is larger;

7 “(iii) appear in a color that contrasts with
8 the background on which it appears; and

9 “(iv) include the words ‘GOVERNMENT
10 WARNING’ in capital letters and bold type.

11 “(b) MAXIMUM CANNABINOID CONTENT.—

12 “(1) ESTABLISHMENT; REVIEW.—Not later
13 than 18 months after the date of enactment of this
14 section, the Secretary shall establish for each
15 cannabinoid present in a hemp-derived consumable
16 product a maximum allowable amount of such
17 cannabinoid per serving of such product. The Sec-
18 retary shall review and, as appropriate, revise such
19 maximum allowable amounts not less frequently
20 than—

21 “(A) once every 5 years; or

22 “(B) as soon as scientific evidence war-
23 rants reconsideration.

24 “(2) RULEMAKING.—The Secretary shall estab-
25 lish and revise the maximum allowable amounts

1 under paragraph (1) through a notice-and-comment
2 rulemaking process that is informed by—

3 “(A) peer-reviewed scientific research on
4 the safety and physiological effects of individual
5 cannabinoids;

6 “(B) consumer usage data and adverse
7 event reports;

8 “(C) input from qualified medical and sci-
9 entific experts;

10 “(D) consultation with State regulatory
11 authorities with experience overseeing hemp or
12 cannabis markets; and

13 “(E) consideration of product form, in-
14 tended use, and target consumer population.”.

15 (e) APPLICABILITY.—The amendments made by this
16 section shall only apply with respect to products intro-
17 duced or delivered for introduction into interstate com-
18 merce on or after the date that is 180 days after the date
19 of enactment of this Act.

20 **SEC. 5. ALLOWING COVERAGE OF HEMP-DERIVED PROD-**
21 **UCTS AS A SPECIAL SUPPLEMENTAL BEN-**
22 **EFIT FOR THE CHRONICALLY ILL UNDER**
23 **MEDICARE ADVANTAGE.**

24 Notwithstanding any other provision of this Act, any
25 hemp-derived consumable product (as defined in section

1 201 of the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 321), as amended by section 4(a) of this Act) that
3 is approved, authorized, or covered under Medicare Advan-
4 tage Special Supplemental Benefits for the Chronically Ill
5 (SSBCI) or Beneficiary Engagement and Incentives
6 (BEI) under a program administered under title XVIII
7 of the Social Security Act (42 U.S.C. 1395 et seq.), in-
8 cluding any model tests implemented under section 1115A
9 of such Act (42 U.S.C. 1315a) and applied under such
10 title XVIII, shall be administered and governed exclusively
11 under the applicable CMS system, process, or program
12 until such date that model tests are completed.

13 **SEC. 6. TTB ENFORCEMENT AND USER FEE FOR HEMP-DE-**
14 **RIVED CONSUMABLE PRODUCTS.**

15 (a) DEFINITION.—For purposes of this section, the
16 term “hemp-derived consumable product” has the mean-
17 ing given that term in section 201 of the Federal Food,
18 Drug, and Cosmetic Act.

19 (b) IMPOSITION OF USER FEE.—There is hereby im-
20 posed a user fee of 5 percent of the retail sale price on
21 each hemp-derived consumable product (excluding hemp-
22 derived beverages) sold in interstate commerce.

23 (c) COLLECTION.—The user fee imposed under sub-
24 section (b) shall be collected by retailers at the point of
25 sale and remitted quarterly to the Alcohol and Tobacco

1 Tax and Trade Bureau of the Department of the Treas-
2 ury.

3 (d) USE OF PROCEEDS.—Amounts collected under
4 subsection (b) shall be deposited into a dedicated account
5 and shall be used exclusively for—

6 (1) enforcement of the provisions of this Act;

7 (2) administration and oversight of hemp com-
8 merce regulatory programs;

9 (3) consumer protection activities related to
10 hemp-derived consumable products; and

11 (4) support for State agencies cooperating in
12 the enforcement of this Act.

13 (e) REPORTING.—The Alcohol and Tobacco Tax and
14 Trade Bureau shall submit an annual report to Congress
15 detailing the amounts collected under subsection (b) and
16 the expenditures made from the dedicated amount.

17 (f) TTB RETAILER LICENSING REQUIREMENT.—

18 (1) MANDATORY REGISTRATION.—Not later
19 than 180 days after the date of enactment of this
20 Act, the Alcohol and Tobacco Tax and Trade Bu-
21 reau shall establish and implement a mandatory re-
22 tailer registration and licensing system for all per-
23 sons engaged in the sale of hemp-derived beverages
24 in interstate commerce.

1 (2) RETAILER COMPLIANCE PERIOD.—All re-
2 tailers shall register with the Alcohol and Tobacco
3 Tax and Trade Bureau within 30 days of the estab-
4 lishment of the registration system in order to be in
5 compliance with this Act.

6 (3) PROHIBITION ON UNLICENSED SALES.—
7 After the expiration of the compliance period, no
8 person may sell or offer for sale any hemp-derived
9 consumable products in interstate commerce without
10 a valid registration issued by the Alcohol and To-
11 bacco Tax and Trade Bureau pursuant to this sub-
12 section.

13 (g) THREE-TIER DISTRIBUTION SYSTEM FOR HEMP
14 BEVERAGES.—

15 (1) ESTABLISHMENT OF THREE-TIER DIS-
16 TRIBUTION.—Not later than 1 year after the date of
17 enactment of this Act, the Alcohol and Tobacco Tax
18 and Trade Bureau shall establish and implement a
19 three-tier distribution system for all hemp-derived
20 beverages sold in interstate commerce, modeled on
21 the distribution framework applicable to alcoholic
22 beverages under the Federal Alcohol Administration
23 Act (27 U.S.C. 201 et seq.).

24 (2) TIER ONE—MANUFACTURERS.—A hemp
25 beverage manufacturer of packaged hemp-derived

1 beverages may sell or transfer hemp-derived bev-
2 erages to a licensed distributor or wholesaler who
3 holds a valid permit issued by the Alcohol and To-
4 bacco Tax and Trade Bureau. No person holding a
5 manufacturer permit may sell hemp-derived bev-
6 erages directly to retailers.

7 (3) TIER TWO—DISTRIBUTORS AND WHOLE-
8 SALERS.—A licensed distributor or wholesaler may
9 purchase hemp-derived beverages from a licensed
10 manufacturer and may sell or transfer hemp-derived
11 beverages to a retailer who holds a valid registration
12 issued pursuant to subsection (f) of this section.

13 (4) TIER THREE—RETAILERS.—A retailer who
14 holds a valid registration issued pursuant to sub-
15 section (f) of this section may purchase hemp-de-
16 rived beverages from a licensed distributor or whole-
17 saler and may sell hemp-derived beverages directly
18 to consumers, subject to the age-verification require-
19 ments of subsection (h) of this section.

20 (5) DISTRIBUTOR AND WHOLESALER PER-
21 MITS.—The Alcohol and Tobacco Tax and Trade
22 Bureau shall establish a permit system for distribu-
23 tors and wholesalers of hemp-derived beverages. No
24 person may act as a distributor or wholesaler of
25 hemp-derived beverages without a valid permit

1 issued by the Bureau. The Bureau shall prescribe by
2 regulation the application requirements, fees, and
3 conditions for such permits.

4 (6) TIED-HOUSE RESTRICTIONS.—No person
5 may hold a permit or registration at more than one
6 tier established under this subsection. A manufac-
7 turer permit, a distributor or wholesaler permit, and
8 a retail registration shall each be held by a separate
9 person, and no person holding a permit or registra-
10 tion at one tier may hold any direct or indirect inter-
11 est in a permit or registration at another tier. The
12 separation among the manufacturing tier, the dis-
13 tribution tier, and the retail tier under this sub-
14 section shall be strictly maintained.

15 (7) APPLICABILITY.—This subsection applies
16 exclusively to hemp-derived beverages and shall not
17 apply to hemp-derived dietary supplements regulated
18 under other provisions of this Act.

19 (h) AGE VERIFICATION REQUIREMENT.—

20 (1) IN GENERAL.—All sales of hemp-derived
21 consumable products shall require in-person or vir-
22 tual age verification by means of a valid govern-
23 ment-issued photo identification presented at the
24 point of sale.

1 (2) PENALTIES.—Any person who violates this
2 subsection shall be subject to a civil penalty of not
3 more than \$1,000 per violation. Each individual sale
4 conducted in violation of this subsection shall con-
5 stitute a separate violation. The Alcohol and To-
6 bacco Tax and Trade Bureau may also revoke or
7 suspend any permit or registration issued under this
8 section for repeated or willful violations of this sub-
9 section.

10 (i) TAX ON HEMP-DERIVED BEVERAGES.—

11 (1) IN GENERAL.—Part I of subchapter A of
12 chapter 51 of the Internal Revenue Code of 1986 is
13 amended by inserting after subpart A the following
14 new subpart:

15 **“Subpart B—Hemp-derived Beverages**

“Sec. 5021. Imposition and rate of tax.

“Sec. 5022. Collection of taxes on hemp-derived beverages.

16 **“SEC. 5021. IMPOSITION AND RATE OF TAX.**

17 “(a) RATE OF TAX.—There is hereby imposed on all
18 hemp-derived beverages produced in the United States a
19 tax at the rate of 5 cents per milligram of hemp-derived
20 tetrahydrocannabinol in each hemp-derived beverage.

21 “(b) TIME OF ATTACHMENT.—The tax imposed by
22 subsection (a) shall be determined as of the time of re-
23 moval for consumption or sale from the premises of the
24 producer.

1 shall be available for making expenditures to support
2 State-level enforcement, training, and testing technologies
3 related to the zero-tolerance for impaired driving stand-
4 ards described in section 180 of title 23, United States
5 Code.”.

6 (4) CLERICAL AMENDMENT.—The table of sub-
7 parts for part I of subchapter A of chapter 51 of
8 such Code is amended by inserting after the item re-
9 lating to subpart A the following new item:

“SUBPART B—HEMP-DERIVED BEVERAGES”.

10 (5) EFFECTIVE DATE.—

11 (A) IN GENERAL.—Except as otherwise
12 provided in this paragraph, the amendments
13 made by this subsection shall apply to hemp-de-
14 rived beverages produced after the date of en-
15 actment of this Act.

16 (B) HIGHWAY TRUST FUND.—The amend-
17 ment made by paragraph (3) shall apply to
18 taxes received after the date of enactment of
19 this Act.

20 **SEC. 7. ZERO TOLERANCE FOR IMPAIRED DRIVING.**

21 (a) IN GENERAL.—Chapter 1 of title 23, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 180. Zero tolerance for impaired driving**

2 “(a) IN GENERAL.—For fiscal year 2027 and each
3 fiscal year thereafter, the Secretary shall withhold 10 per-
4 cent of the amount required to be apportioned to any
5 State under paragraphs (1) and (2) of section 104(b) if
6 such State does not have in effect a law that meets the
7 requirements of subsection (b).

8 “(b) REQUIREMENTS.—The requirements of this sub-
9 section are as follows:

10 “(1) For purposes of enforcing laws relating to
11 impaired driving, impairment due to hemp shall be
12 assessed using the same field sobriety evaluation
13 standards and protocols that law enforcement offi-
14 cers apply to determine impairment caused by law-
15 fully prescribed pharmaceutical substances, including
16 opioids, benzodiazepines, and other controlled medi-
17 cations.

18 “(2) Any person determined to be operating a
19 motor vehicle while impaired by hemp shall be sub-
20 ject to the same penalties, fines, license suspensions,
21 and other sanctions as apply to driving under the in-
22 fluence of alcohol or other impairing substances
23 under the laws of the State in which the violation
24 occurs.

25 “(c) STATE ENFORCEMENT.—Nothing in this section
26 shall be construed to limit the authority of any State to

1 enforce its own laws relating to impaired driving, provided
2 such laws apply penalties for hemp impairment that are
3 no less stringent than those applied to alcohol-related im-
4 pairment.

5 “(d) **RULE OF CONSTRUCTION.**—This section shall
6 not be construed to require the development of a per se
7 blood or bodily fluid concentration threshold for hemp-de-
8 rived cannabinoids as a precondition for enforcement of
9 impaired driving laws.”.

10 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
11 ter 1 of title 23, United States Code, is amended by add-
12 ing at the end the following:

“180. Zero tolerance for impaired driving.”.

13 **SEC. 8. PROTECTION OF STATE REGULATORY AUTHORITY**
14 **AND INTERSTATE COMMERCE.**

15 (a) **PRESERVATION OF STATE RIGHTS.**—Except as
16 provided in subsection (b), nothing in this Act or the
17 amendments made by this Act shall be construed to pre-
18 empt or limit the authority of a State, territory, or Indian
19 Tribe to enact or enforce laws and regulations governing
20 the production, manufacture, distribution, importation, or
21 sale of hemp or hemp-derived consumable products within
22 the borders, or exportation out of the borders, of such
23 State, territory, or Indian Tribe that are more stringent
24 than, or at least as protective as would be permitted under
25 an alcoholic beverage regulatory scheme comparable to,

1 the standards in this Act and the amendments made by
2 this Act.

3 (b) NON-INTERFERENCE WITH INTERSTATE COM-
4 MERCE.—Pursuant to clause 3 of section 8 of Article I,
5 United States Constitution, no State, territory, or Indian
6 Tribe may enact or enforce any law that prevents the pas-
7 sage and delivery of a hemp-derived consumable product
8 through the borders of such State, territory, or Indian
9 Tribe if such product complies with this Act and the
10 amendments made by this Act.

11 (c) DEFINITIONS.—In this section:

12 (1) HEMP.—The term “hemp” has the meaning
13 given the term in section 297A of the Agricultural
14 Marketing Act of 1946 (7 U.S.C. 1639o), as amend-
15 ed by section 3 of this Act.

16 (2) HEMP-DERIVED CONSUMABLE PRODUCT.—
17 The term “hemp-derived consumable product” has
18 the meaning given the term in section 201 of the
19 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
20 321), as amended by section 4(a) of this Act.

21 **SEC. 9. SEVERABILITY.**

22 If any provision of this Act or the amendments made
23 by this Act, or the application of any such provision to
24 any person or circumstance, is held to be unconstitutional
25 or otherwise invalid by a court of competent jurisdiction,

1 the remainder of this Act and the amendments made by
2 this Act, and the application of the provisions of this Act
3 and the amendments made by this Act to any other person
4 or circumstance, shall not be affected thereby.