

**AMENDMENT TO H.R. 8646, AS REPORTED
OFFERED BY MR. BARR OF KENTUCKY**

At the end of the bill (before the short title), insert
the following:

1 **TITLE _____ —LAWFUL HEMP**
2 **PROTECTION ACT**

3 **SEC. ____ . SHORT TITLE.**

4 This title may be cited as the “Lawful Hemp Protec-
5 tion Act”.

6 **SEC. ____ . FINDINGS.**

7 Congress finds the following:

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

13 (2) Many Americans, including veterans and
14 seniors, rely on consumer hemp products for
15 wellness. Ensuring that such products are consist-
16 ently manufactured, accurately labeled, and domesti-
17 cally sourced is essential to maintaining public trust
18 and protecting consumers.

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

5 **SEC. ____ . DEFINITION OF HEMP.**

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

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

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

17 “(2) by striking paragraph (1) and inserting
18 the following:

19 “(1) HEMP.—

20 “(A) IN GENERAL.—The term “hemp”
21 means the plant *Cannabis sativa* L. and any
22 part of that plant, including the seeds thereof
23 and all derivatives, extracts, cannabinoids, iso-
24 mers, acids, salts, and salts of isomers, whether
25 growing or not, with a delta-9

1 tetrahydrocannabinol concentration of not more
2 than 1 percent on a dry weight basis.

3 “(B) FINAL-FORM TESTING.—For pur-
4 poses of this paragraph, the delta-9
5 tetrahydrocannabinol concentration of hemp
6 shall be measured on the finished consumer
7 product and not on raw, floral material or any
8 work-in-process material, including an unfin-
9 ished hemp ingredient.

10 “(C) INCLUSION.—Such term includes in-
11 dustrial hemp.

12 “(D) EXCLUSIONS.—Such term does not
13 include—

14 “(i) any viable seeds from a Can-
15 nabis sativa L. plant that exceeds a delta-
16 9 tetrahydrocannabinol concentration of
17 more than 1 percent on a dry weight basis;

18 “(ii) any intermediate 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); and

8 “(iii) any final hemp-derived
9 cannabinoid products containing—

10 “(I) cannabinoids that are not
11 capable of being naturally produced
12 by a Cannabis sativa L. plant;

13 “(II) cannabinoids that—

14 “(aa) are capable of being
15 naturally produced by a Cannabis
16 sativa L. plant; and

17 “(bb) were synthesized or
18 manufactured from any starting
19 material other than hemp, as de-
20 fined in subparagraph (A).

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

23 “(A) grown for the use of the stalk of the
24 plant, fiber produced from such a stalk, or any

1 other non-cannabinoid derivative, mixture, prep-
2 aration, or manufacture of such a stalk;

3 ““(B) grown for the use of the whole
4 grain, oil, cake, nut, hull, or any other non-
5 cannabinoid compound, derivative, mixture,
6 preparation, or manufacture of the seeds of
7 such plant;

8 ““(C) grown for purposes of producing
9 microgreens or other edible hemp leaf products
10 intended for human consumption that are de-
11 rived from an immature hemp plant that is
12 grown from seeds that do not exceed the
13 threshold for delta-9 tetrahydrocannabinol con-
14 centration specified in paragraph (1)(D)(i);

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

21 ““(E) grown for the use of a viable seed of
22 the plant produced solely for the production or
23 manufacture of any material described in sub-
24 paragraphs (A) through (D).

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

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

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

20 “(B) a list of all tetrahydrocannabinol class
21 cannabinoids known to the agency to be naturally
22 occurring in the plant.

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

1 **SEC. ____ . FDA OVERSIGHT AND MILLIGRAM LIMITATIONS.**

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

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

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

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

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

14 “(B) includes a hemp-derived dietary supple-
15 ment; and

16 “(C) may include ingestibles, beverages, oral
17 tinctures and sublinguals, capsules and tablets,
18 inhalables, and topicals and transdermals.

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

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

22 “(1) means a dietary supplement that—

23 “(A) is derived from hemp;

24 “(B) contains one or more cannabinoids;

25 and

1 “(C) is intended for ingestion in tablet,
2 capsule, softgel, gelcap, powder, gummy, chew,
3 lozenge, tincture, oil, spray, strip, or liquid
4 form;

5 “(2) may include ingestibles, oral tinctures and
6 sublinguals, and capsules and tablets; and

7 “(3) does not include—

8 “(A) any product intended for inhalation,
9 application to the skin, or transdermal absorp-
10 tion;

11 “(B) raw, floral hemp material, an unfin-
12 ished hemp ingredient, or work-in-process mate-
13 rials;

14 “(C) industrial hemp;

15 “(D) hemp seed, hemp seed oil, or
16 hempseed protein not containing cannabinoids;
17 and

18 “(E) a product containing any cannabinoid
19 not found in, or capable of being produced in,
20 the hemp plant, as identified on the lists pub-
21 lished and updated by the Food and Drug Ad-
22 ministration under section 781(b) of the Agri-
23 cultural Marketing Act of 1946.

24 “(vv) The terms ‘hemp’, ‘industrial hemp’, and ‘un-
25 finished hemp ingredient’ have the meanings given those

1 terms in section 297A of the Agricultural Marketing Act
2 of 1946.”.

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

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

8 “(1) its cannabinoid content exceeds a max-
9 imum allowable amount established by the Secretary
10 under section 425(b);

11 “(2) it contains a cannabinoid not included on
12 the lists published and updated by the Food and
13 Drug Administration under section 781(b) of the
14 Agricultural Marketing Act of 1946;

15 “(3) it is not derived exclusively from hemp cul-
16 tivated in the United States, processed within the
17 United States, and finished, packaged, and labeled
18 within the United States; or

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

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

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

4 “(aa) If it is a hemp-derived consumable product
5 whose name, branding, labeling, or packaging constitutes
6 a violation of section 43(a) of the Trademark Act of 1946
7 (15 U.S.C. 1125(a)), as determined by the Secretary, in-
8 cluding packaging or trade dress that imitates or mimics
9 a trademarked or well-known product so as to be likely
10 to cause consumer confusion as to the product’s source,
11 affiliation, or endorsement.

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

15 (d) HEMP-DERIVED CONSUMABLE PRODUCTS.—
16 Chapter IV of the Federal Food, Drug, and Cosmetic Act
17 (21 U.S.C. 341 et seq.) is amended by adding at the end
18 the following:

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

20 “(a) LABELING REQUIREMENTS.—A hemp-derived
21 consumable product shall adhere to the following labeling
22 requirements:

23 “(1) Its principal display panel shall display, in
24 a font size not smaller than 8 points, the statement
25 ‘Contains _____ mg THC per serving and _____ mg

1 THC per package. For users 21+ only.’, where the
2 blanks shall be filled in with the applicable quantity
3 of THC in milligrams per serving and per package,
4 respectively.

5 “(2)(A) Its principal display panel shall bear
6 the following statement: ‘GOVERNMENT WARN-
7 ING: (1) According to the Surgeon General, women
8 should not consume hemp products during preg-
9 nancy because of the risk of birth defects. (2) Con-
10 sumption of hemp products impairs your ability to
11 drive a car or operate machinery and may cause
12 health problems.’.

13 “(B) The statement under subparagraph (A)
14 shall—

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

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

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

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

25 “(b) MAXIMUM CANNABINOID CONTENT.—

1 “(1) ESTABLISHMENT; REVIEW.—Not later
2 than 18 months after the date of enactment of this
3 section, the Secretary shall establish for each
4 cannabinoid present in a hemp-derived consumable
5 product a maximum allowable amount of such
6 cannabinoid per serving of such product. The Sec-
7 retary shall review and, as appropriate, revise such
8 maximum allowable amounts not less frequently
9 than—

10 “(A) once every 5 years; or

11 “(B) as soon as scientific evidence war-
12 rants reconsideration.

13 “(2) RULEMAKING.—The Secretary shall estab-
14 lish and revise the maximum allowable amounts
15 under paragraph (1) through a notice-and-comment
16 rulemaking process that is informed by—

17 “(A) peer-reviewed scientific research on
18 the safety and physiological effects of individual
19 cannabinoids;

20 “(B) consumer usage data and adverse
21 event reports;

22 “(C) input from qualified medical and sci-
23 entific experts;

1 “(D) consultation with State regulatory
2 authorities with experience overseeing hemp or
3 cannabis markets; and

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

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

11 **SEC. ____ . ALLOWING COVERAGE OF HEMP-DERIVED PROD-**
12 **UCTS AS A SPECIAL SUPPLEMENTAL BEN-**
13 **EFIT FOR THE CHRONICALLY ILL UNDER**
14 **MEDICARE ADVANTAGE.**

15 Notwithstanding any other provision of this title, any
16 hemp-derived consumable product (as defined in section
17 201 of the Federal Food, Drug, and Cosmetic Act (21
18 U.S.C. 321), as amended by this title) that is approved,
19 authorized, or covered under Medicare Advantage Special
20 Supplemental Benefits for the Chronically Ill (SSBCI) or
21 Beneficiary Engagement and Incentives (BEI) under a
22 program administered under title XVIII of the Social Se-
23 curity Act (42 U.S.C. 1395 et seq.), including any model
24 tests implemented under section 1115A of such Act (42
25 U.S.C. 1315a) and applied under such title XVIII, shall

1 be administered and governed exclusively under the appli-
2 cable CMS system, process, or program until such date
3 that model tests are completed.

4 **SEC. ____ . TTB ENFORCEMENT AND USER FEE FOR HEMP-**
5 **DERIVED CONSUMABLE PRODUCTS.**

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

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

14 (c) COLLECTION.—The user fee imposed under sub-
15 section (b) shall be collected by retailers at the point of
16 sale and remitted quarterly to the Alcohol and Tobacco
17 Tax and Trade Bureau of the Department of the Treas-
18 ury.

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

22 (1) enforcement of the provisions of this title;

23 (2) administration and oversight of hemp com-
24 merce regulatory programs;

1 (3) consumer protection activities related to
2 hemp-derived consumable products; and

3 (4) support for State agencies cooperating in
4 the enforcement of this title.

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

9 (f) TTB RETAILER LICENSING REQUIREMENT.—

10 (1) MANDATORY REGISTRATION.—Not later
11 than 180 days after the date of enactment of this
12 Act, the Alcohol and Tobacco Tax and Trade Bu-
13 reau shall establish and implement a mandatory re-
14 tailer registration and licensing system for all per-
15 sons engaged in the sale of hemp-derived beverages
16 in interstate commerce.

17 (2) RETAILER COMPLIANCE PERIOD.—All re-
18 tailers shall register with the Alcohol and Tobacco
19 Tax and Trade Bureau within 30 days of the estab-
20 lishment of the registration system in order to be in
21 compliance with this title.

22 (3) PROHIBITION ON UNLICENSED SALES.—
23 After the expiration of the compliance period, no
24 person may sell or offer for sale any hemp-derived
25 consumable products in interstate commerce without

1 a valid registration issued by the Alcohol and To-
2 bacco Tax and Trade Bureau pursuant to this sub-
3 section.

4 (g) THREE-TIER DISTRIBUTION SYSTEM FOR HEMP
5 BEVERAGES.—

6 (1) ESTABLISHMENT OF THREE-TIER DIS-
7 TRIBUTION.—Not later than 1 year after the date of
8 enactment of this Act, the Alcohol and Tobacco Tax
9 and Trade Bureau shall establish and implement a
10 three-tier distribution system for all hemp-derived
11 beverages sold in interstate commerce, modeled on
12 the distribution framework applicable to alcoholic
13 beverages under the Federal Alcohol Administration
14 Act (27 U.S.C. 201 et seq.).

15 (2) TIER ONE—MANUFACTURERS.—A hemp
16 beverage manufacturer of packaged hemp-derived
17 beverages may sell or transfer hemp-derived bev-
18 erages to a licensed distributor or wholesaler who
19 holds a valid permit issued by the Alcohol and To-
20 bacco Tax and Trade Bureau. No person holding a
21 manufacturer permit may sell hemp-derived bev-
22 erages directly to retailers.

23 (3) TIER TWO—DISTRIBUTORS AND WHOLE-
24 SALERS.—A licensed distributor or wholesaler may
25 purchase hemp-derived beverages from a licensed

1 manufacturer and may sell or transfer hemp-derived
2 beverages to a retailer who holds a valid registration
3 issued pursuant to subsection (f) of this section.

4 (4) TIER THREE—RETAILERS.—A retailer who
5 holds a valid registration issued pursuant to sub-
6 section (f) of this section may purchase hemp-de-
7 rived beverages from a licensed distributor or whole-
8 saler and may sell hemp-derived beverages directly
9 to consumers, subject to the age-verification require-
10 ments of subsection (h) of this section.

11 (5) DISTRIBUTOR AND WHOLESALER PER-
12 MITS.—The Alcohol and Tobacco Tax and Trade
13 Bureau shall establish a permit system for distribu-
14 tors and wholesalers of hemp-derived beverages. No
15 person may act as a distributor or wholesaler of
16 hemp-derived beverages without a valid permit
17 issued by the Bureau. The Bureau shall prescribe by
18 regulation the application requirements, fees, and
19 conditions for such permits.

20 (6) TIED-HOUSE RESTRICTIONS.—No person
21 may hold a permit or registration at more than one
22 tier established under this subsection. A manufac-
23 turer permit, a distributor or wholesaler permit, and
24 a retail registration shall each be held by a separate
25 person, and no person holding a permit or registra-

1 tion at one tier may hold any direct or indirect inter-
2 est in a permit or registration at another tier. The
3 separation among the manufacturing tier, the dis-
4 tribution tier, and the retail tier under this sub-
5 section shall be strictly maintained.

6 (7) APPLICABILITY.—This subsection applies
7 exclusively to hemp-derived beverages and shall not
8 apply to hemp-derived dietary supplements regulated
9 under other provisions of this title.

10 (h) AGE VERIFICATION REQUIREMENT.—

11 (1) IN GENERAL.—All sales of hemp-derived
12 consumable products shall require in-person or vir-
13 tual age verification by means of a valid govern-
14 ment-issued photo identification presented at the
15 point of sale.

16 (2) PENALTIES.—Any person who violates this
17 subsection shall be subject to a civil penalty of not
18 more than \$1,000 per violation. Each individual sale
19 conducted in violation of this subsection shall con-
20 stitute a separate violation. The Alcohol and To-
21 bacco Tax and Trade Bureau may also revoke or
22 suspend any permit or registration issued under this
23 section for repeated or willful violations of this sub-
24 section.

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

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

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

 “Sec. 5021. Imposition and rate of tax.

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

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

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

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

15 “(c) HEMP-DERIVED BEVERAGE DEFINED.—For
16 purposes of this chapter, the term ‘hemp-derived beverage’
17 means a non-alcoholic beverage intended for human con-
18 sumption that contains, or is labeled as containing, one
19 or more naturally occurring cannabinoids derived from a
20 hemp.

21 **“SEC. 5022. COLLECTION OF TAXES ON HEMP-DERIVED**
22 **BEVERAGES.**

23 “(a) IN GENERAL.—The taxes on hemp-derived bev-
24 erages shall be paid in accordance with section 5061.”.

1 (A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, the amendments
3 made by this subsection shall apply to hemp-de-
4 rived beverages produced after the date of en-
5 actment of this Act.

6 (B) HIGHWAY TRUST FUND.—The amend-
7 ment made by paragraph (3) shall apply to
8 taxes received after the date of enactment of
9 this Act.

10 **SEC. ____ . ZERO TOLERANCE FOR IMPAIRED DRIVING.**

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

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

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

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

23 “(1) For purposes of enforcing laws relating to
24 impaired driving, impairment due to hemp shall be
25 assessed using the same field sobriety evaluation

1 standards and protocols that law enforcement offi-
2 cers apply to determine impairment caused by law-
3 fully prescribed pharmaceutical substances, including
4 opioids, benzodiazepines, and other controlled medi-
5 cations.

6 “(2) Any person determined to be operating a
7 motor vehicle while impaired by hemp shall be sub-
8 ject to the same penalties, fines, license suspensions,
9 and other sanctions as apply to driving under the in-
10 fluence of alcohol or other impairing substances
11 under the laws of the State in which the violation
12 occurs.

13 “(c) STATE ENFORCEMENT.—Nothing in this section
14 shall be construed to limit the authority of any State to
15 enforce its own laws relating to impaired driving, provided
16 such laws apply penalties for hemp impairment that are
17 no less stringent than those applied to alcohol-related im-
18 pairment.

19 “(d) RULE OF CONSTRUCTION.—This section shall
20 not be construed to require the development of a per se
21 blood or bodily fluid concentration threshold for hemp-de-
22 rived cannabinoids as a precondition for enforcement of
23 impaired driving laws.”.

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

“180. Zero tolerance for impaired driving.”.

4 **SEC. ____ . PROTECTION OF STATE REGULATORY AUTHOR-**
5 **ITY AND INTERSTATE COMMERCE.**

6 (a) PRESERVATION OF STATE RIGHTS.—Except as
7 provided in subsection (b), nothing in this title or the
8 amendments made by this title shall be construed to pre-
9 empt or limit the authority of a State, territory, or Indian
10 Tribe to enact or enforce laws and regulations governing
11 the production, manufacture, distribution, importation, or
12 sale of hemp or hemp-derived consumable products within
13 the borders, or exportation out of the borders, of such
14 State, territory, or Indian Tribe that are more stringent
15 than, or at least as protective as would be permitted under
16 an alcoholic beverage regulatory scheme comparable to,
17 the standards in this title and the amendments made by
18 this title.

19 (b) NON-INTERFERENCE WITH INTERSTATE COM-
20 MERCE.—Pursuant to clause 3 of section 8 of Article I,
21 United States Constitution, no State, territory, or Indian
22 Tribe may enact or enforce any law that prevents the pas-
23 sage and delivery of a hemp-derived consumable product
24 through the borders of such State, territory, or Indian

1 Tribe if such product complies with this title and the
2 amendments made by this title.

3 (c) DEFINITIONS.—In this section:

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

8 (2) HEMP-DERIVED CONSUMABLE PRODUCT.—
9 The term “hemp-derived consumable product” has
10 the meaning given the term in section 201 of the
11 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
12 321), as amended by this title.

13 **SEC. ____ . SEVERABILITY.**

14 If any provision of this title or the amendments made
15 by this title, or the application of any such provision to
16 any person or circumstance, is held to be unconstitutional
17 or otherwise invalid by a court of competent jurisdiction,
18 the remainder of this title and the amendments made by
19 this title, and the application of the provisions of this title
20 and the amendments made by this title to any other per-
21 son or circumstance, shall not be affected thereby.

