

118TH CONGRESS
2D SESSION

S. _____

To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of cannabis and cannabinoid products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of cannabis and cannabinoid products, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Cannabinoid Safety and Regulation Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FOOD AND DRUG ADMINISTRATION REGULATION OF
CANNABINOID PRODUCTS

Sec. 101. FDA regulation of cannabinoid products.

Sec. 102. Amendments to the Federal Food, Drug, and Cosmetic Act.

Sec. 103. Regulation of cannabinoid beverages containing tetrahydrocannabinol.

TITLE II—PUBLIC HEALTH

Sec. 201. Public health surveillance and data collection.

Sec. 202. Awards to prevent underage cannabis use.

TITLE III—CANNABIS-IMPAIRED DRIVING PREVENTION

Sec. 301. Definitions.

Sec. 302. Cannabis-impaired driving research.

Sec. 303. DOT cannabis-impaired driving prevention programs.

Sec. 304. State cannabis-impaired driving prevention grant program.

Sec. 305. National cannabis impairment standard.

Sec. 306. Funding.

1 **TITLE I—FOOD AND DRUG AD-** 2 **MINISTRATION REGULATION** 3 **OF CANNABINOID PRODUCTS**

4 **SEC. 101. FDA REGULATION OF CANNABINOID PRODUCTS.**

5 (a) IN GENERAL.—The Federal Food, Drug, and
 6 Cosmetic Act (21 U.S.C. 301 et seq.) is amended by add-
 7 ing at the end the following:

8 **“CHAPTER XI—CANNABINOID PRODUCTS**

9 **“SEC. 1101. CENTER FOR CANNABINOID PRODUCTS.**

10 “Not later than 120 days after the date of enactment
 11 of the Cannabinoid Safety and Regulation Act, the Sec-
 12 retary shall establish within the Food and Drug Adminis-
 13 tration the Center for Cannabinoid Products, which shall
 14 report to the Commissioner in the same manner as the
 15 other agency centers within the Food and Drug Adminis-
 16 tration. The Center shall be responsible for the implemen-
 17 tation of this chapter and related matters assigned by the
 18 Commissioner.

1 **“SEC. 1102. ADULTERATED CANNABINOID PRODUCTS.**

2 “A cannabinoid product shall be deemed to be adul-
3 terated if—

4 “(1) it consists in whole or in part of any filthy,
5 putrid, or decomposed substance, or is otherwise
6 contaminated by any added poisonous or added dele-
7 terious substance that may render the product inju-
8 rious to health;

9 “(2) it has been manufactured, prepared, proc-
10 essed, packed, or held in insanitary conditions
11 whereby it may have been contaminated with filth,
12 or whereby it may have been rendered injurious to
13 health;

14 “(3) it bears or contains any poisonous or dele-
15 terious substance that may render it injurious to
16 health;

17 “(4) its container is composed, in whole or in
18 part, of any poisonous or deleterious substance that
19 may render the contents injurious to health;

20 “(5) it bears or contains an unsafe color addi-
21 tive that is unsafe within the meaning of section
22 721(a);

23 “(6) the methods used in, or the facilities or
24 controls used for, its manufacture, preparing, proc-
25 essing, packing, or storage are not in conformity
26 with applicable requirements under section 1105(e);

1 “(7) it has been manufactured, prepared, proc-
2 essed, packed, or held in any factory, warehouse, or
3 establishment and the owner, operator, or agent of
4 such factory, warehouse, or establishment delays, de-
5 nies, or limits an inspection, or refuses to permit
6 entry or inspection; or

7 “(8) it bears or contains, or has been manufac-
8 tured, prepared, or processed from, artificially or
9 synthetically derived cannabinoids of any kind.

10 **“SEC. 1103. MISBRANDED CANNABINOID PRODUCTS.**

11 “A cannabinoid product shall be deemed to be mis-
12 branded—

13 “(1) if its labeling, advertising, or promotion is
14 false or misleading in any particular, except that no
15 cannabinoid product shall be deemed to be mis-
16 branded solely because its labeling, advertising, or
17 promotion uses the term ‘cannabis’;

18 “(2) if it is a finished product, unless it bears
19 a label containing—

20 “(A) a prominent statement on the front
21 of the product packaging, and on any internal
22 product insert or packaging, that the product
23 contains cannabinoids;

24 “(B) the name, place of business, and con-
25 tact information (including, as applicable,

1 phone number, email address, and physical ad-
2 dress) of its manufacturer, packer, or dis-
3 tributor;

4 “(C) an accurate statement of the quantity
5 of its contents in terms of weight, measure, or
6 numerical count;

7 “(D) a statement of its form as specified
8 in regulations promulgated pursuant to section
9 1105(a);

10 “(E) if it is intended for animal consump-
11 tion or human consumption and is packaged
12 and labeled in such a way as to suggest more
13 than one serving, dose, or the equivalent, infor-
14 mation on how such product may be divisible
15 into, or measured into, a portion equivalent to
16 one serving, dose, or the equivalent;

17 “(F) if it is intended for animal consump-
18 tion or human consumption and is packaged
19 and labeled in such a way as to suggest more
20 than one serving, dose, or the equivalent, a
21 statement of the amount of total
22 tetrahydrocannabinol, in milligrams, in one
23 serving, dose, or the equivalent;

24 “(G)(i) a statement of the content and
25 amount, in milligrams, of any other

1 cannabinoids in the product, other than natu-
2 rally occurring cannabinoids present at trace
3 amounts; and

4 “(ii) if it is packaged and labeled in such
5 a way as to suggest more than one serving,
6 dose, or the equivalent, a statement of the
7 amount of such other cannabinoids in one serv-
8 ing, dose, or the equivalent;

9 “(H) adequate directions for use and how
10 to report adverse events, if deemed necessary
11 for the protection of the public health in regula-
12 tions promulgated pursuant to section 1105(a);

13 “(I) if it is intended for human consump-
14 tion, a statement disclosing the presence or the
15 possibility of the presence of any major food al-
16 lergen or other food allergen which the Sec-
17 retary may, by order, require to be disclosed;

18 “(J) if it is intended for human use, a
19 statement disclosing any known risks to special
20 populations, including children, individuals who
21 are pregnant or breastfeeding, and individuals
22 taking drugs known to interact with the prod-
23 uct, including the following statement: ‘Keep
24 out of reach of children and pets. This product
25 should not be consumed by women who are

1 pregnant or nursing. Consult your health care
2 provider if you have any other medical condi-
3 tions or are taking any medication(s). This
4 product may be purchased only by persons 21
5 and older.’;

6 “(K) a statement disclosing risks posed by
7 consuming or using the specific cannabinoid
8 contained or purported to be contained in the
9 product, including the risk of drug test failure;

10 “(L) unless it is a dietary supplement that
11 bears the statement required by section
12 403(r)(6)(C), a statement disclosing that the
13 Food and Drug Administration has not deter-
14 mined the product to be safe or effective for
15 treating any condition, including the following
16 statement: ‘This product has not been evaluated
17 for safety or efficacy by the Food and Drug Ad-
18 ministration.’;

19 “(M) if it is intended for use in animals,
20 a prominently placed, conspicuous—

21 “(i) warning that the product should
22 not be used by humans; and

23 “(ii) statement that the product is in-
24 tended for use in animals, including a
25 specification of the intended species;

1 “(N) the applicable universal symbol de-
2 scribed in section 1105(d);

3 “(O) beginning not later than 90 days
4 after issuance of an order or finalization of a
5 rule under section 1105(f)(1), as applicable, in-
6 formation on the safety test results for such
7 product, or information on where to obtain such
8 safety test results; and

9 “(P) such other information as the Sec-
10 retary determines, in regulations promulgated
11 pursuant to section 1105(a), to be necessary for
12 the protection of the public health;

13 “(3) if it is a dietary supplement or a food and
14 its label or labeling bears a statement describing the
15 role of a cannabis constituent or cannabinoid in-
16 tended to affect the structure or any function of the
17 body of humans or other animals, unless there is
18 substantiation that such statement is truthful and
19 not misleading;

20 “(4) if any word, statement, or other informa-
21 tion required by or under authority of this Act to
22 appear on the label or labeling is not prominently
23 placed thereon with such conspicuousness (as com-
24 pared with other words, statements, designs, or de-
25 vices, in the labeling) and in such terms as to render

1 it likely to be read and understood by the ordinary
2 individual under customary conditions of purchase
3 and use;

4 “(5) if it purports to be, or is represented as,
5 a cannabinoid product that is subject to a
6 cannabinoid product standard established under sec-
7 tion 1106 unless such cannabinoid product is in all
8 respects in conformity with such standard;

9 “(6) if its sale, distribution, or label or labeling
10 is not in conformity with applicable requirements
11 under subsections (a) and (b) of section 1105;

12 “(7) if it was manufactured, prepared, propa-
13 gated, compounded, processed, packaged, packed,
14 imported, labeled, or held in an establishment not
15 duly registered under section 1104, if it was not in-
16 cluded in a list required by section 1104, or if it was
17 manufactured, prepared, propagated, compounded,
18 processed, packaged, packed, imported, labeled, or
19 held by or in an establishment for which the reg-
20 istration was suspended under section 1104 and
21 such registration has not been reinstated;

22 “(8) if it takes such a form as to imitate or
23 replicate a product that is marketed to or is com-
24 monly associated with children or minors, imitates a
25 commercially available candy, snack, or beverage

1 packaging or labeling, or is in the shape of real or
2 imagined animals, people, vehicles, or characters, in-
3 cluding anthropomorphic non-human animals, vehi-
4 cles, foods, plants, or other characters, and including
5 cartoon characters;

6 “(9) it is a gummy product, unless it is in the
7 shape of a cube, rectangle, sphere, or other geo-
8 metric shape; or

9 “(10) if it purports to be, or is represented as,
10 an eye drop, nasal spray, or injectable.

11 **“SEC. 1104. REGISTRATION.**

12 “(a) REGISTRATION BY COVERED ENTITIES.—

13 “(1) INITIAL REGISTRATION.—

14 “(A) EXISTING FACILITIES.—Each covered
15 entity that, on the date of enactment of the
16 Cannabinoid Safety and Regulation Act, owns
17 or operates a facility that carries out a covered
18 activity shall register each such facility with the
19 Secretary not later than 90 days after such
20 date of enactment, in accordance with sub-
21 section (b).

22 “(B) NEW FACILITIES.—Each covered en-
23 tity that owns or operates a facility that first
24 carries out, after the date of enactment of the
25 Cannabinoid Safety and Regulation Act, a cov-

1 “(ii) in the case of a foreign facility, the
2 email address and telephone number for the
3 United States agent for such facility;

4 “(C) the general activities conducted at
5 such facility, including the 1 or more categories
6 of cannabinoid products manufactured, pre-
7 pared, propagated, compounded, processed,
8 packaged, packed, imported, labeled, or held at
9 such facility;

10 “(D) the facility registration number for
11 such facility, if any, previously assigned by the
12 Secretary;

13 “(E) all brand names under which
14 cannabinoid products manufactured, prepared,
15 propagated, compounded, processed, packaged,
16 packed, imported, labeled, or held in such facil-
17 ity are sold, on the condition that the Secretary
18 shall keep such information confidential;

19 “(F) an assurance that the Secretary will
20 be permitted to inspect such facility at the
21 times and in the manner permitted by this Act,
22 including section 704; and

23 “(G) any other information the Secretary
24 may require.

25 “(2) PROCEDURE.—

1 “(A) WEBSITE.—

2 “(i) IN GENERAL.—Not later than the
3 applicable date described in clause (ii), the
4 Secretary shall establish a website for sub-
5 mission of registration under this sub-
6 section.

7 “(ii) APPLICABLE DATE DE-
8 SCRIBED.—The applicable date described
9 in this clause is—

10 “(I) 180 days after the date of
11 enactment of the Cannabinoid Safety
12 and Regulation Act; or

13 “(II) if December 31 is less than
14 180 days after such date of enact-
15 ment, 240 days after such date of en-
16 actment.

17 “(B) NOTIFICATION OF RECEIPT; REG-
18 ISTRATION NUMBERS.—Not later than 30 days
19 after the date on which the Secretary receives
20 a completed registration submitted under this
21 subsection, the Secretary shall—

22 “(i) notify the applicable covered enti-
23 ty of the receipt of such registration; and

24 “(ii) assign such covered entity a reg-
25 istration number.

1 “(C) OWNERS, OPERATORS, AND AGENTS
2 IN CHARGE.—A registration under this sub-
3 section shall—

4 “(i) in the case of a domestic facility,
5 be submitted by the owner or operator of
6 such facility; and

7 “(ii) in the case of a foreign facility,
8 be submitted by the owner or operator of
9 such facility.

10 “(c) UNIFORM PRODUCT IDENTIFICATION SYS-
11 TEM.—The Secretary may—

12 “(1) by regulation prescribe a uniform system
13 for the identification of cannabinoid products; and

14 “(2) require persons who are required to list
15 such cannabinoid products under subsection (f)—

16 “(A) to list such cannabinoid products in
17 accordance with such system; and

18 “(B) to include the identification number
19 for such cannabinoid products on the labels for
20 such cannabinoid products.

21 “(d) REGISTRATION INFORMATION.—The Secretary
22 shall compile and maintain an up-to-date list of facilities
23 that are registered under this section.

24 “(e) FEE FOR REGISTRATION.—

1 “(1) IN GENERAL.—The Secretary may charge
2 a fee for registration under this section, which shall
3 be due upon submission of such registration.

4 “(2) ELECTRONIC PAYMENT.—Payment of the
5 fee under paragraph (1) may be made electronically
6 pursuant to an online method of payment provided
7 by the Secretary.

8 “(3) AMOUNT OF FEE; INFLATION ADJUST-
9 MENTS.—

10 “(A) IN GENERAL.—If the Secretary
11 charges a fee under paragraph (1), the Sec-
12 retary shall establish the amount of the fee as
13 follows:

14 “(i) For fiscal year 2024, an amount
15 not to exceed \$500.

16 “(ii) For fiscal year 2025 and each
17 fiscal year thereafter, an amount equal to
18 the product obtained by multiplying—

19 “(I) the dollar amount of the fee
20 established under clause (i); and

21 “(II) the percentage (if any) by
22 which the Consumer Price Index for
23 All Urban Consumers, as published by
24 the Bureau of Labor Statistics of the

1 Department of Labor, increased dur-
2 ing the most recent 12-month period.

3 “(B) EFFECT.—Nothing in this paragraph
4 prevents the Secretary from decreasing the
5 amount of the registration fee under paragraph
6 (1).

7 “(4) REGISTRATION REFUSED OR WITH-
8 DRAWN.—The Secretary shall refund 75 percent of
9 the fee paid under paragraph (1) for any registra-
10 tion that is denied, refused, or withdrawn.

11 “(f) REGISTRATION INFORMATION.—

12 “(1) PRODUCT LIST.—

13 “(A) IN GENERAL.—Each covered entity
14 that registers with the Secretary under this sec-
15 tion shall, at the time of such registration, file
16 with the Secretary—

17 “(i) a list of all cannabinoid products
18 which are being manufactured, prepared,
19 propagated, compounded, processed, pack-
20 aged, packed, imported, labeled, or held by
21 such covered entity for commercial dis-
22 tribution and which have not been included
23 in any list of cannabinoid products filed by
24 such covered entity with the Secretary

1 under this paragraph or paragraph (2) be-
2 fore such time of registration; and

3 “(ii) such other information as the
4 Secretary may require, by regulation, to
5 carry out the purposes of the Cannabinoid
6 Safety and Regulation Act, including the
7 amendments made by such Act.

8 “(B) FORM AND MANNER OF LIST.—The
9 list under subparagraph (A)(i) shall include—

10 “(i) the facility registration number of
11 each facility where the cannabinoid product
12 is manufactured, prepared, propagated,
13 compounded, processed, packaged, packed,
14 imported, labeled, or held;

15 “(ii) the name and contact number of
16 the responsible person and the name for
17 the cannabinoid product, as such name ap-
18 pears on the label;

19 “(iii) the name and contact number of
20 the person submitting the listing; and

21 “(iv) an electronic copy of the label,
22 and an electronic copy of the package in-
23 sert, if any.

24 “(2) REPORT OF ANY CHANGE IN PRODUCT
25 LIST.—Each covered entity that registers with the

1 Secretary under this section shall report to the Sec-
2 retary as follows:

3 “(A) Prior to the introduction into com-
4 mercial distribution of a cannabinoid product
5 that has not been included in any list previously
6 filed by the registrant, a list containing such
7 cannabinoid product.

8 “(B) A notice of discontinuance of the
9 manufacturing, preparing, propagating,
10 compounding, processing, packaging, packing,
11 importing, labeling, or holding for commercial
12 distribution of a cannabinoid product included
13 in a list filed under subparagraph (A) or para-
14 graph (1), and the date of such discontinuance.

15 “(C) A notice of resumption of the manu-
16 facturing, preparing, propagating,
17 compounding, processing, packaging, packing,
18 importing, labeling, or holding for commercial
19 distribution of the cannabinoid product with re-
20 spect to which a notice of discontinuance was
21 reported under subparagraph (B).

22 “(D) A list of each cannabinoid product in-
23 cluded in a notice filed under subparagraph (C)
24 prior to the resumption of the introduction into

1 commercial distribution of such cannabinoid
2 product.

3 “(g) SUSPENSIONS.—

4 “(1) SUSPENSION OF REGISTRATION OF A FA-
5 CILITY.—The Secretary may suspend the registra-
6 tion of a facility if the Secretary—

7 “(A) determines that a cannabinoid prod-
8 uct manufactured, prepared, propagated, com-
9 pounded, processed, packaged, packed, im-
10 ported, labeled, or held by such registered facil-
11 ity and distributed in the United States has a
12 reasonable probability of causing a serious ad-
13 verse effect in humans or other animals; and

14 “(B) has a reasonable belief that other
15 cannabinoid products manufactured, prepared,
16 propagated, compounded, processed, packaged,
17 packed, imported, labeled, or held by such reg-
18 istered facility may be similarly affected be-
19 cause of a failure that cannot be isolated to a
20 product or products, or is sufficiently pervasive
21 to raise concerns about other products manu-
22 factured, prepared, propagated, compounded,
23 processed, packaged, packed, imported, labeled,
24 or held in such registered facility.

1 “(2) NOTICE OF SUSPENSION.—Before sus-
2 pending the registration of a facility under this sub-
3 section, the Secretary shall provide—

4 “(A) notice to the applicable covered entity
5 of the intent to suspend the facility registration,
6 which shall specify the basis of the determina-
7 tion by the Secretary that the facility registra-
8 tion should be suspended; and

9 “(B) an opportunity, within 5 business
10 days of the notice provided under subparagraph
11 (A), for such covered entity to provide a correc-
12 tive action plan to demonstrate how such cov-
13 ered entity plans to correct the violations found
14 by the Secretary.

15 “(3) HEARING.—

16 “(A) IN GENERAL.—The Secretary shall
17 provide a covered entity the facility registration
18 of which is suspended under this subsection
19 with an opportunity for an informal hearing, to
20 be held as soon as practicable, but in any case
21 not later than 5 business days after such reg-
22 istration is suspended, or such other time pe-
23 riod as is agreed upon by the Secretary and the
24 covered entity, on the actions required for rein-
25 statement of registration and why the registra-

1 tion that is subject to the suspension should be
2 reinstated.

3 “(B) POST-HEARING REINSTATEMENT.—If
4 a covered entity requests a hearing under sub-
5 paragraph (A), and the Secretary determines,
6 based on evidence presented at such hearing,
7 that adequate grounds do not exist to continue
8 the suspension of such registration, the Sec-
9 retary shall reinstate such registration.

10 “(C) POST-HEARING CORRECTIVE ACTION
11 PLAN.—

12 “(i) IN GENERAL.—If a covered entity
13 requests a hearing under subparagraph
14 (A), and the Secretary determines, based
15 on evidence presented at such hearing, that
16 the suspension of registration remains nec-
17 essary, the Secretary shall require the ap-
18 plicable covered entity to submit to the
19 Secretary a corrective action plan de-
20 scribed in paragraph (2)(B), if not already
21 submitted.

22 “(ii) REVIEW.—The Secretary shall
23 review, and approve or deny, a plan sub-
24 mitted under paragraph (2)(B) or clause
25 (i), as applicable, not later than 14 busi-

1 ness days after such submission or such
2 other time period as is determined by the
3 Secretary, in consultation with the applica-
4 ble covered entity.

5 “(D) VACATING OF ORDER; REINSTATE-
6 MENT.—Upon a determination by the Secretary
7 that adequate grounds do not exist to continue
8 the suspension of a registration of a facility
9 under this subsection, the Secretary shall
10 promptly vacate such suspension and reinstate
11 such registration.

12 “(4) EFFECT OF SUSPENSION.—If the registra-
13 tion of a facility is suspended under this subsection,
14 no person shall carry out a covered activity at such
15 facility.

16 “(h) DISCLOSURE.—

17 “(1) IN GENERAL.—The list described in sub-
18 section (d), any information submitted by a covered
19 entity pursuant to this section, and any information
20 derived from such list or information, shall be ex-
21 empt from disclosure under section 552 of title 5,
22 United States Code, to the extent that such list or
23 information discloses the identity or location of a
24 registered facility, unless such information was pre-
25 viously lawfully disclosed to the public.

1 “(2) APPLICABILITY.—For purposes of para-
2 graph (1), this section shall be considered a statute
3 described in section 552(b)(3)(B) of title 5, United
4 States Code.

5 “(i) REGULATIONS.—The Secretary may promulgate
6 such regulations as may be necessary to carry out this
7 section.

8 “(j) DEFINITIONS.—In this section:

9 “(1) COVERED ACTIVITY.—The term ‘covered
10 activity’ means—

11 “(A) in the case of a domestic facility, the
12 manufacturing, preparing, propagating,
13 compounding, processing, packaging, packing,
14 importing, labeling, or holding of a cannabinoid
15 product for commercial distribution in the
16 United States; or

17 “(B) in the case of a foreign facility, the
18 manufacturing, preparing, propagating,
19 compounding, processing, packaging, packing,
20 labeling, or holding of a cannabinoid product
21 that is imported or offered for import into the
22 United States.

23 “(2) COVERED ENTITY.—The term ‘covered en-
24 tity’ means any person who owns or operates a do-

1 mestic facility or foreign facility that is engaged in
2 a covered activity.

3 “(3) DOMESTIC FACILITY.—The term ‘domestic
4 facility’ means a facility located in any State.

5 “(4) FOREIGN FACILITY.—The term ‘foreign fa-
6 cility’ means a facility that manufactures, prepares,
7 propagates, compounds, processes, packages, packs,
8 labels, or holds a cannabinoid product that is im-
9 ported or offered for import into the United States.

10 **“SEC. 1105. GENERAL PROVISIONS FOR CONTROL OF**
11 **CANNABINOID PRODUCTS.**

12 “(a) RESTRICTIONS ON SALE AND DISTRIBUTION.—

13 “(1) REMOTE SALES.—Not later than 2 years
14 after the date of enactment of the Cannabinoid Safe-
15 ty and Regulation Act, the Secretary shall propose,
16 and not later than 3 years after such date of enact-
17 ment, the Secretary shall finalize, regulations re-
18 garding the promotion, sale, and distribution of
19 cannabinoid products intended for human consump-
20 tion and that contain detectable levels of any
21 tetrahydrocannabinol that occur through means
22 other than a direct, face-to-face exchange between a
23 retailer and a consumer, in order to prevent the sale
24 and distribution of cannabinoid products to individ-
25 uals who have not attained the age of 21, including

1 requirements for age verification. Such regulations
2 shall require age to be verified at the time of pur-
3 chase or prior to shipment, either through use of a
4 reliable online age verification service or by obtain-
5 ing and examining a copy of a valid, non-expired
6 government-issued identification, including identi-
7 fication issued by an Indian Tribe (as defined in sec-
8 tion 1110).

9 “(2) PREVENTING USE OF CANNABINOID PROD-
10 UCTS IN MINORS.—The Secretary shall, by regula-
11 tion, impose such restrictions on sales of
12 cannabinoid products as the Secretary determines
13 necessary and appropriate to prevent the consump-
14 tion or application of cannabinoid products intended
15 for human consumption by individuals under 21
16 years of age. Such regulations shall prohibit sales of
17 cannabinoid products, whether directly or indirectly,
18 to individuals under 21 years of age, and any other
19 action that has the primary purpose of initiating or
20 increasing the use of cannabinoid products in such
21 individuals.

22 “(3) GOOD FAITH CONSULTATION WITH INDIAN
23 TRIBES.—In issuing regulations under paragraphs
24 (1) and (2), the Secretary shall conduct good faith,

1 meaningful, and timely consultations with Indian
2 Tribes (as defined in section 1110).

3 “(b) LABELING STATEMENTS.—The label and label-
4 ing of a cannabinoid product shall bear such appropriate
5 statements of the restrictions required by a regulation
6 under subsection (a) as the Secretary may in such regula-
7 tion prescribe.

8 “(c) STANDARDIZED INFORMATION PANEL FOR IN-
9 GESTIBLE CANNABINOID PRODUCTS.—The Secretary may
10 prescribe by order a standardized format or label for label-
11 ing information required under this chapter for
12 cannabinoid products intended for human consumption.

13 “(d) UNIVERSAL SYMBOL.—

14 “(1) IN GENERAL.—The universal symbol re-
15 ferred to in section 1103(2)(N) is, as applicable—

16 “(A) the most recent international symbol
17 established by ASTM International indicating
18 that a product contains intoxicating
19 cannabinoids; or

20 “(B) the most recent international symbol
21 established by ASTM International indicating
22 that a product contains nonintoxicating
23 cannabinoids.

24 “(2) STATE AUTHORITY.—

1 “(A) IN GENERAL.—The State in which a
2 cannabinoid product is offered for sale may de-
3 termine which of the universal symbols de-
4 scribed in subparagraphs (A) and (B) of para-
5 graph (1) shall be required to be included on
6 the label for such cannabinoid product for pur-
7 poses of section 1103(2)(N).

8 “(B) STATE LABELS.—Before the date on
9 which an international symbol described in
10 paragraph (1)(B) is established, the State in
11 which a cannabinoid product is offered for sale
12 may establish, for purposes of section
13 1103(2)(N), a symbol that indicates that a
14 product contains either intoxicating
15 cannabinoids or nonintoxicating cannabinoids.

16 “(e) TAMPER-EVIDENT AND CHILD SAFETY PACK-
17 AGING.—

18 “(1) IN GENERAL.—The Secretary may estab-
19 lish by order requirements for tamper-evident and
20 child safety packaging for cannabinoid products in-
21 tended for human consumption and that contain
22 more than 1 serving and are packaged in a container
23 that exceeds 4 ounces.

24 “(2) EFFECT.—Nothing in this subsection shall
25 authorize the Secretary to prescribe by order or rule-

1 making specific packaging designs, product content,
2 package quantity, or, with the exception of authority
3 granted in section 1103, labeling and packaging.

4 “(f) GOOD MANUFACTURING PRACTICE REQUIRE-
5 MENTS.—

6 “(1) IN GENERAL.—Not later than 9 months
7 after the date of enactment of the Cannabinoid Safe-
8 ty and Regulation Act, the Secretary shall promul-
9 gate regulations to require that the methods used in,
10 and the facilities and controls used for, the manufac-
11 ture, preparing, processing, packing, and holding of
12 a cannabinoid product conform to current good man-
13 ufacturing practice, including testing of cannabinoid
14 products.

15 “(2) CERTIFICATION.—The Secretary may re-
16 quire each covered entity with a registered facility
17 under section 1104 to certify with respect to such
18 registered facility compliance with the good manu-
19 facturing practice regulations described in paragraph
20 (1).

21 “(g) GOOD TESTING PRACTICE REQUIREMENTS.—

22 “(1) IN GENERAL.—Not later than 18 months
23 after the date of enactment of the Cannabinoid Safe-
24 ty and Regulation Act, the Secretary shall promul-
25 gate regulations or issue an order to require a

1 cannabinoid product to be tested for safety in a lab-
2 oratory certified, accredited, licensed, or otherwise
3 formally recognized for the testing of cannabinoid
4 products in the State in which the cannabinoid prod-
5 uct is produced. Such regulations may include re-
6 quirements for laboratory accreditation standards,
7 such as ISO 17025 of the International Organiza-
8 tion for Standardization (or a successor standard).

9 “(2) REQUIREMENTS FOR ENTITIES CON-
10 DUCTING TESTING.—The regulations or order under
11 paragraph (1) shall require that an entity con-
12 ducting a test of a cannabinoid product described in
13 such paragraph—

14 “(A) be registered and accredited for the
15 testing of cannabinoid products or cannabis
16 products in the applicable State; or

17 “(B) be registered and in good standing
18 with the Drug Enforcement Agency as a Hemp
19 Analytical Testing Laboratory.

20 “(3) REQUIREMENTS FOR TESTING.—The regu-
21 lations or order under paragraph (1) shall require
22 that a test of a cannabinoid product described in
23 such paragraph—

24 “(A) shall be completed using—

1 “(i) statistically valid sampling of the
2 cannabinoid product; and

3 “(ii) analytical testing methodologies
4 that are—

5 “(I) based on published, peer-re-
6 viewed methods validated for cannabis
7 testing by an independent third party;
8 or

9 “(II) verified by the testing enti-
10 ty for compliance with the Official
11 Methods of Analysis of AOAC Inter-
12 national, 22nd edition (or any suc-
13 cessor edition);

14 “(B) shall include—

15 “(i) testing for—

16 “(I) pesticides and other chem-
17 ical residues or residual solvents, re-
18 gardless of whether a tolerance for
19 such pesticides or other chemical resi-
20 dues or residual solvents has been es-
21 tablished;

22 “(II) synthetic inputs used to
23 produce semi-synthetic cannabinoid
24 products, including hydrochloric acid
25 and sulphuric acid;

1 “(III) heavy metals, including ar-
2 senic, cadmium, lead, and copper, re-
3 gardless of whether a tolerance for
4 such heavy metals has been estab-
5 lished; and

6 “(IV) foreign matter, including
7 mildew, organic materials foreign to
8 the product, and inorganic materials;
9 and

10 “(ii) a potency analysis, which may
11 not be adulterated or manipulated by any
12 means, including by the addition of
13 trichomes or other matter incidentally re-
14 moved while manipulating the product for
15 testing, including measurements of—

16 “(I) the total
17 tetrahydrocannabinol content of the
18 finished product;

19 “(II) the total cannabinoid con-
20 tent of the finished product;

21 “(III) the concentration of
22 tetrahydrocannabinol; and

23 “(IV) the concentration of
24 cannabinoids;

1 “(C) shall be conducted subject to quality
2 assurance protocols to ensure the validity and
3 reliability of test results;

4 “(D) shall use analytical method selection,
5 validation, and verification that ensure that the
6 testing method used is appropriate for the prod-
7 uct type and method of consumption by the end
8 user, including post-decarboxylation, if applica-
9 ble;

10 “(E) shall ensure that analytical tests are
11 sufficiently sensitive for the purposes of the de-
12 tectability requirements of required testing; and

13 “(F) shall use testing protocols that in-
14 clude an effective disposal procedure for non-
15 compliant samples that do not meet the require-
16 ments of this section.

17 “(4) PRODUCT SAFETY THRESHOLDS.—The
18 regulations or order under paragraph (1) shall es-
19 tablish thresholds for cannabinoid product safety
20 with respect to residual solvent levels, heavy metals,
21 foreign matter, mycotoxin levels, and byproducts of
22 semi-synthetic manufacturing processes.

23 “(h) FOODS CONTAINING CANNABINOIDS.—

24 “(1) IN GENERAL.—A food may also be a
25 cannabinoid product, or contain a cannabinoid prod-

1 uct, if it otherwise complies with all applicable re-
2 quirements for food under chapter IV and all appli-
3 cable requirements for cannabinoid products under
4 this chapter.

5 “(2) EFFECT.—A food that is also a
6 cannabinoid product, or that contains a cannabinoid
7 product, shall not be deemed—

8 “(A) adulterated under section
9 402(a)(2)(C)(i) solely on account of constitu-
10 ents made or derived from cannabinoids; or

11 “(B) a food to which has been added a
12 drug approved under section 505 or a drug for
13 which substantial clinical investigations have
14 been instituted and for which the existence of
15 such investigations has been made public for
16 purposes of section 301(l) solely on account of
17 constituents made or derived from cannabis.

18 “(i) DIETARY SUPPLEMENTS CONTAINING
19 CANNABINOIDS.—

20 “(1) IN GENERAL.—A dietary supplement may
21 also be a cannabinoid product, or contain a
22 cannabinoid product, if it otherwise complies with all
23 applicable requirements for dietary supplements and
24 food under chapter IV and all applicable require-
25 ments for cannabinoid products under this chapter.

1 “(2) EFFECT.—A dietary supplement that is
2 also a cannabinoid product, or that contains a
3 cannabinoid product, shall not be—

4 “(A) deemed adulterated under section
5 402(f) solely on account of constituents made
6 or derived from cannabinoids; or

7 “(B) excluded from the definition of die-
8 tary supplement under section 201(ff)(3) solely
9 on account of constituents made or derived
10 from cannabis.

11 “(j) MANUFACTURING, PROCESSING, AND PRODUC-
12 TION OF CANNABINOIDS AND SEMI-SYNTHETIC
13 CANNABINOIDS.—

14 “(1) IN GENERAL.—The Secretary may promul-
15 gate regulations regarding the manufacturing, proc-
16 essing, or production of artificially or synthetically
17 derived cannabinoids and semi-synthetic
18 cannabinoids in order to protect the public health.

19 “(2) SAFETY; REMOVAL OF DANGEROUS
20 CANNABINOIDS.—If promulgated, the regulations
21 under paragraph (1)—

22 “(A) shall determine the safety of artifi-
23 cially or synthetically derived cannabinoids and
24 semi-synthetic cannabinoids across various
25 methods of administration; and

1 “(B) may establish a process for the re-
2 moval from the market of—

3 “(i) dangerous artificially or syn-
4 thetically derived cannabinoids or semi-
5 synthetic cannabinoids; or

6 “(ii) artificially or synthetically de-
7 rived cannabinoids or semi-synthetic
8 cannabinoids that cause a serious adverse
9 effect (as defined in section 201(tt)(5)).

10 **“SEC. 1106. CANNABINOID PRODUCT STANDARDS.**

11 “(a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of the Cannabinoid Safety and Regula-
13 tion Act, the Secretary shall, by regulation, adopt
14 cannabinoid product standards that are appropriate for
15 protection of the public health and that distinguish dif-
16 ferent cannabinoid product types.

17 “(b) CONTENT OF STANDARDS.—A cannabinoid
18 product standard established under this section shall in-
19 clude provisions—

20 “(1) on the ingredients of the cannabinoid
21 product, including, where appropriate—

22 “(A) cannabinoid yields of the product,
23 which may consider or address, as appropriate,
24 different types of cannabinoids and the inter-
25 action between the constituents of the product;

1 “(B) provisions respecting the construc-
2 tion, components, ingredients, additives, con-
3 stituents, including smoke constituents, and
4 properties of the cannabinoid product, which
5 may consider, as appropriate, the interaction
6 between constituents and components of the
7 cannabinoid product; and

8 “(C) provisions for the reduction or elimi-
9 nation of harmful constituents or components
10 of the product, including smoke constituents;

11 “(2) for the testing of the cannabinoid product,
12 including requiring that the testing of the
13 cannabinoid product be done by a person licensed,
14 certified, or otherwise authorized to perform such
15 testing in the State where such testing occurs;

16 “(3) requiring that the results of testing the
17 cannabinoid product show that the cannabinoid
18 product is in conformity with applicable standards,
19 including with respect to the level of heavy metals,
20 chemical byproducts, or pesticide residues;

21 “(4) for the measurement of the characteristics
22 of the cannabinoid product, where appropriate, in-
23 cluding total product weight, size, color, appearance,
24 and other distinguishing features;

1 “(5) requiring that the sale and distribution of
2 the cannabinoid product be restricted but only to the
3 extent that the sale and distribution of a
4 cannabinoid product may be restricted under a regu-
5 lation under this Act;

6 “(6) where appropriate, requiring the use and
7 prescribing the form and content of labeling for the
8 proper use of the cannabinoid product and any po-
9 tential serious adverse effects of the product; and

10 “(7) requiring cannabinoid products containing
11 foreign-grown hemp or cannabinoids to meet the
12 same standards applicable to cannabinoid products
13 containing domestically grown cannabis.

14 “(c) PERIODIC REEVALUATION OF STANDARDS.—
15 The Secretary shall provide for periodic evaluation of
16 cannabinoid product standards established under this sec-
17 tion to determine whether such standards should be
18 changed to reflect new medical, scientific, or other techno-
19 logical data.

20 **“SEC. 1107. RECALL AUTHORITY.**

21 “(a) IN GENERAL.—If the Secretary finds that there
22 is a reasonable probability that a cannabinoid product
23 would cause a serious adverse effect, the Secretary shall
24 issue an order requiring the appropriate person (including
25 the manufacturers, importers, distributors, or retailers of

1 the cannabinoid product) to immediately cease distribution
2 of such cannabinoid product. The order shall provide the
3 person subject to the order with an opportunity to appear
4 and introduce testimony, to be held not later than 20 days
5 after the date of the issuance of the order, on the actions
6 required by the order and on whether the order should
7 be amended to require a recall of such cannabinoid prod-
8 uct. If, after providing an opportunity to appear and intro-
9 duce testimony, the Secretary determines that inadequate
10 grounds exist to support the actions required by the order,
11 the Secretary shall vacate the order.

12 “(b) AMENDMENT OF ORDER TO REQUIRE RE-
13 CALL.—

14 “(1) IN GENERAL.—If, after providing an op-
15 portunity to appear and introduce testimony under
16 subsection (a), the Secretary determines that the
17 order should be amended to include a recall of the
18 cannabinoid product with respect to which the order
19 was issued, the Secretary shall, except as provided in
20 paragraph (2), amend the order to require a recall.
21 The Secretary shall specify a timetable in which the
22 cannabinoid product recall will occur and shall re-
23 quire periodic reports to the Secretary describing the
24 progress of the recall.

1 “(2) NOTICE.—An amended order under para-
2 graph (1)—

3 “(A) shall not include recall of a
4 cannabinoid product from individuals; and

5 “(B) shall provide for notice to persons
6 subject to the risks associated with the use of
7 such cannabinoid product.

8 “(3) USE OF RETAILERS.—In providing the no-
9 tice required by paragraph (2)(B), the Secretary
10 may use the assistance of retailers and other persons
11 who distributed such cannabinoid product. If a sig-
12 nificant number of such persons cannot be identi-
13 fied, the Secretary shall notify such persons pursu-
14 ant to section 705(b).

15 **“SEC. 1108. RECORDS AND REPORTS ON CANNABINOID**
16 **PRODUCTS.**

17 “(a) IN GENERAL.—Each person who is a
18 cannabinoid product manufacturer or importer of a
19 cannabinoid product shall establish and maintain such
20 records, make such reports, and provide such information,
21 as the Secretary may by regulation reasonably require to
22 assure that such cannabinoid product is not adulterated
23 or misbranded and to otherwise protect public health.

24 “(b) REPORTS OF REMOVALS AND CORRECTIONS.—

25 “(1) REQUIREMENT.—

1 “(A) IN GENERAL.—Except as provided in
2 paragraph (2), the Secretary shall by regulation
3 require a cannabinoid product manufacturer or
4 importer of a cannabinoid product to report
5 promptly to the Secretary any corrective action
6 taken or removal from the market of a
7 cannabinoid product undertaken by such manu-
8 facturer or importer if the removal or correction
9 was undertaken—

10 “(i) to reduce a risk to health posed
11 by the cannabinoid product; or

12 “(ii) to remedy a violation of this
13 chapter caused by the cannabinoid product
14 which may present a risk to health.

15 “(B) RECORDS.—A cannabinoid product
16 manufacturer or importer of a cannabinoid
17 product who undertakes a corrective action or
18 removal from the market of a cannabinoid prod-
19 uct that is not required to be reported under
20 this subsection shall keep a record of such cor-
21 rection or removal.

22 “(2) EXCEPTION.—No report of the corrective
23 action or removal of a cannabinoid product may be
24 required under paragraph (1)(A) if a report of the

1 corrective action or removal is required and has been
2 submitted under subsection (a).

3 **“SEC. 1109. PROHIBITION ON FLAVORED ELECTRONIC**
4 **CANNABINOID PRODUCT DELIVERY SYSTEM.**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), any electronic cannabinoid product delivery system
7 shall not contain an added artificial or natural flavor, in-
8 cluding mint, mango, strawberry, grape, peach, orange,
9 berry or mixed berry, clove, cinnamon, pineapple, vanilla,
10 coconut, licorice, cocoa, chocolate, cherry, watermelon,
11 lemon, lime or lemon-lime, coffee, any combination there-
12 of, or any other flavor that the Secretary may determine
13 by order.

14 “(b) APPLICATION TO TERPENES.—An electronic
15 cannabinoid product delivery system may contain added
16 or naturally occurring terpenes, including naturally occur-
17 ring non-cannabis terpenes, on the conditions that—

18 “(1) if the cannabinoid product delivered by the
19 electronic cannabinoid product delivery system con-
20 tains added terpenes but not naturally occurring
21 terpenes, not greater than 5 percent of the total
22 weight of such cannabinoid product shall be added
23 terpenes;

24 “(2) if the cannabinoid product delivered by the
25 electronic cannabinoid product delivery system con-

1 tains naturally occurring terpenes but not added
2 terpenes, not greater than 6 percent of the total
3 weight of such cannabinoid product shall be natu-
4 rally occurring terpenes; and

5 “(3) if the cannabinoid product delivered by the
6 electronic cannabinoid product delivery system con-
7 tains both added terpenes and naturally occurring
8 terpenes, not greater than 6 percent of the total
9 weight of the cannabinoid product shall be such nat-
10 urally occurring terpenes and added terpenes.

11 “(c) DEFINITION.—In this section, the term ‘elec-
12 tronic cannabinoid product delivery system’ means an elec-
13 tronic device that delivers a cannabinoid product via an
14 aerosolized or vaporized solution to the user inhaling from
15 the device, and any component, liquid, part, or accessory
16 of such a device, whether or not sold separately.

17 **“SEC. 1110. EFFECT.**

18 “(a) PRESERVATION OF FEDERAL, STATE, TRIBAL,
19 AND LOCAL AUTHORITY.—

20 “(1) EFFECT.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), nothing in this chapter, or
23 rules promulgated under this chapter, shall be
24 construed to limit the authority of a Federal
25 agency (including the Armed Forces), a State

1 or political subdivision of a State, or the gov-
2 ernment of an Indian Tribe to enact, adopt,
3 promulgate, and enforce any law, rule, regula-
4 tion, or other measure with respect to
5 cannabinoid products that is in addition to, or
6 more stringent than, requirements established
7 under this chapter, including a law, rule, regu-
8 lation, or other measure relating to or prohib-
9 iting the manufacture, sale, distribution, posses-
10 sion, exposure to, access to, advertising and
11 promotion of, or use of cannabinoid products by
12 individuals of any age, information reporting to
13 the State or Indian Tribe, or measures relating
14 to fire safety or environmental standards for
15 cannabinoid products. No provision of this
16 chapter shall limit or otherwise affect any
17 State, Tribal, or local taxation of cannabinoid
18 products.

19 “(B) RESTRICTION.—No State or political
20 subdivision of a State may enact, adopt, pro-
21 mulgate, and enforce any law, rule, regulation,
22 or other measure for the labeling of
23 cannabinoid products that is not identical to the
24 requirements for the packaging or labeling of a

1 cannabinoid product required by section 1103
2 (including regulations).

3 “(C) TRANSPORTATION OF CANNABINOID
4 PRODUCTS.—No State or Indian Tribe may
5 prohibit the transportation or shipment of
6 cannabinoid products produced in accordance
7 with this chapter (including regulations)
8 through the State or land under the jurisdiction
9 of the Indian Tribe.

10 “(2) RULE OF CONSTRUCTION REGARDING
11 PRODUCT LIABILITY.—No provision of this chapter
12 relating to a cannabinoid product shall be construed
13 to modify or otherwise affect any action or the liabil-
14 ity of any person under the product liability law of
15 any State or Indian Tribe.

16 “(3) DEFINITION OF INDIAN TRIBE.—In this
17 subsection, the term ‘Indian Tribe’ means the gov-
18 erning body of any individually identified and feder-
19 ally recognized Indian or Alaska Native tribe, band,
20 nation, pueblo, village, community, affiliated Tribal
21 group, or component reservation included on the list
22 published most recently as of the date of enactment
23 of the Cannabinoid Safety and Regulation Act pur-
24 suant to section 104(a) of the Federally Recognized
25 Indian Tribe List Act of 1994.

1 “(b) AUTHORITY OF USDA.—Nothing in this chap-
2 ter affects the jurisdiction of the Secretary of Agriculture
3 over the planting, cultivation, growing, and harvesting of
4 hemp (as defined in section 297A of the Agricultural Mar-
5 keting Act of 1946).”.

6 **SEC. 102. AMENDMENTS TO THE FEDERAL FOOD, DRUG,**
7 **AND COSMETIC ACT.**

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

10 (1) in paragraph (g)(1)(C), by striking “(other
11 than food)” and inserting “(other than food or
12 cannabinoid products)”;

13 (2) in paragraph (ff)(1), by striking “(other
14 than tobacco)” and inserting “(other than a tobacco
15 product or a cannabinoid product)”;

16 (3) in paragraph (rr)(4), by inserting
17 “cannabinoid product,” after “medical device”; and

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

19 “(tt)(1)(A) The term ‘cannabis’ means—

20 “(i) all parts of the plant *Cannabis sativa* L.,
21 whether growing or not;

22 “(ii) the seeds of such plant;

23 “(iii) the resin extracted from any part of such
24 plant; and

1 “(iv) every compound, manufacture, salt, deriv-
2 ative, mixture, or preparation of such plant, its
3 seeds or resin, or other constituent element derived
4 from such plant.

5 “(B) The term ‘cannabis’ does not include—

6 “(i) any cannabis plant actively under cultiva-
7 tion that is being cultivated in accordance with the
8 requirements of subtitle G of the Agricultural Mar-
9 keting Act of 1946;

10 “(ii) a cannabinoid product; or

11 “(iii) the mature stalks of the plant *Cannabis*
12 *sativa* L., fiber produced from such stalks, oil or
13 cake made from the seeds of such plant, any other
14 compound, manufacture, salt, derivative, mixture, or
15 preparation of such mature stalks (except the resin
16 extracted therefrom), fiber, oil, cake, or the sterilized
17 seed of such plant that is incapable of germination.

18 “(2) The term ‘cannabinoid’ means any of the fol-
19 lowing:

20 “(A) Any chemical in any plant of the genus
21 *Cannabis* that is unique in nature to such plant, in-
22 cluding any of the following chemicals:

23 “(i) Tetrahydrocannabinol.

24 “(ii) Cannabinol.

25 “(iii) Cannabidiol.

1 “(iv) Cannabigerol.

2 “(v) Cannabichromene.

3 “(vi) Tetrahydrocannabivarin.

4 “(vii) Cannabivarin.

5 “(viii) Cannabidivarin.

6 “(ix) Cannabielsion.

7 “(x) Cannabicyclol.

8 “(xi) Cannabitriol.

9 “(xii) Cannabicitran.

10 “(B) Any isomer of a chemical described in
11 clause (A), and any acids, acetates, salts, esters,
12 ethers, and derivatives thereof.

13 “(C) Any chemical, regardless of origin or
14 method of production, that is equivalent in chemical
15 structure to a chemical referred to in clause (A), or
16 has both a similar terpenophenolic chemical struc-
17 ture and pharmacological effect to a chemical re-
18 ferred to in clause (A).

19 “(D) Any chemical derived from a plant of the
20 genus *Cannabis* that is a CB-1 or CB-2 receptor
21 agonist or partial agonist.

22 “(E) Any chemical that the Secretary has, by
23 order, deemed to be a cannabinoid.

1 “(3)(A) The term ‘cannabinoid product’ means any
2 article or product, including its components or parts,
3 that—

4 “(i) contains or purports to contain any quan-
5 tity of 1 or more cannabinoids that are derived from
6 hemp (as defined in section 297A of the Agricultural
7 Marketing Act of 1946); and

8 “(ii) is intended for use in, through any route
9 of administration, or to be applied to, the body of
10 humans or other animals.

11 “(B) The term ‘cannabinoid product’ does not in-
12 clude—

13 “(i) a drug that is subject to the requirements
14 of chapter V or section 351 of the Public Health
15 Service Act;

16 “(ii) a device that is subject to the requirements
17 of chapter V;

18 “(iii) any cannabis plant actively under cultiva-
19 tion that is being cultivated in accordance with the
20 requirements of subtitle G of the Agricultural Mar-
21 keting Act of 1946; or

22 “(iv) a virus, serum, toxin, or analogous prod-
23 uct subject to the requirements of the eighth para-
24 graph of the matter under the heading ‘BUREAU OF

1 ANIMAL INDUSTRY’ in the Act of March 4, 1913
2 (commonly known as the ‘Virus-Serum-Toxin Act’).

3 “(4) With respect to cannabis or a cannabinoid prod-
4 uct, the term ‘manufacture’ does not include the planting,
5 cultivation, growing, or harvesting of cannabis.

6 “(5) With respect to a cannabinoid product, the term
7 ‘serious adverse effect’ means that use of the product—

8 “(A) results in—

9 “(i) death;

10 “(ii) a life-threatening adverse experience;

11 “(iii) inpatient hospitalization or prolonga-
12 tion of existing hospitalization;

13 “(iv) a persistent or significant disability
14 or incapacity;

15 “(v) a congenital anomaly or birth defect;

16 or

17 “(vi) other serious medical event; or

18 “(B) requires, based on reasonable medical
19 judgment, a medical or surgical intervention to pre-
20 vent an outcome described in clause (A).

21 “(uu) The term ‘intended for human consumption’,
22 with respect to a cannabinoid product, means a
23 cannabinoid product intended for ingestion or inhalation
24 by a human.

25 “(vv) The term ‘tetrahydrocannabinol’ means—

1 “(1) the chemical substance found in the Can-
2 nabis sativa L. plant, including the delta-6a, delta-
3 7, delta-8, delta-9, delta-10a, and delta-10 forms,
4 whether naturally occurring in the Cannabis sativa
5 L. plant or synthetically or semi-synthetically de-
6 rived;

7 “(2) all isomers of tetrahydrocannabinol, and
8 any acids, acetates, metabolites (including 11-hy-
9 droxy-THC, 3-hydroxy-THC, and 7-hydroxy-THC
10 and their isomers), salts, esters, ethers, and deriva-
11 tives thereof, including its precursor form,
12 tetrahydrocannabinolic acid;

13 “(3) tetrahydrocannabivarin, including delta-8
14 tetrahydrocannabivarin, and exo-
15 tetrahydrocannabinol;

16 “(4) hydrogenated forms of
17 tetrahydrocannabinol including hexahydrocannabinol,
18 hexahydrocannabiphorol, and
19 hexahydrocannabihexol;

20 “(5) analogues of tetrahydrocannabinols with
21 an alkyl chain of four or more carbon atoms, includ-
22 ing tetrahydrocannabiphorols,
23 tetrahydrocannabiocytls, tetrahydrocannabihexols, or
24 tetrahydrocannabutols; and

1 “(6) any combination of the chemical sub-
2 stances described in subparagraphs (1) through (5)
3 whether naturally or artificially derived or syn-
4 thetically or semi-synthetically produced.

5 “(ww)(1) The term ‘artificially or synthetically de-
6 rived cannabinoid’ means a cannabinoid or a cannabinoid-
7 like compound that is produced using chemical synthesis,
8 chemical modification, or chemical conversion, including
9 by using in-vitro biosynthesis or other bioconversion.

10 “(2) The term ‘artificially or synthetically derived
11 cannabinoid’ does not include—

12 “(A) a cannabinoid or a cannabinoid-like com-
13 pound produced through the decarboxylation of nat-
14 urally occurring cannabinoids from their acidic
15 forms;

16 “(B) a cannabinoid product or input that un-
17 dergoes the removal of solvents, catalysts, or other
18 unwanted materials from the cannabinoid product or
19 input; or

20 “(C) a semi-synthetic cannabinoid.

21 “(3)(A) For purposes of subparagraph (2)(C), the
22 term ‘semi-synthetic cannabinoid’ means a substance that
23 is created by a single chemical reaction that converts one
24 cannabinoid extracted from a cannabis plant directly into

1 a different cannabinoid that is found in more than trace
2 amounts in a cannabis plant.

3 “(B) For purposes of subparagraph (2)(C), the term
4 ‘semi-synthetic cannabinoid’ includes a cannabinoid that
5 is produced by the conversion of cannabidiol, including
6 cannabiol and delta-8 tetrahydrocannabinol.

7 “(C) For purposes of subparagraph (2)(C), the term
8 ‘semi-synthetic cannabinoid’ does not include a
9 cannabinoid that is produced through the decarboxylation
10 of naturally occurring acidic forms of cannabinoids into
11 the corresponding neutral cannabinoid through the use of
12 heat or light, without the use of chemical reagents or cata-
13 lysts, and that results in no other chemical change.”.

14 (b) PROHIBITED ACTS.—Section 301 of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
16 ed—

17 (1) by inserting “cannabinoid product,” after
18 “tobacco product,” each place it appears in para-
19 graphs (g) and (h);

20 (2) in paragraph (j), by striking “or 920(b)”
21 and inserting “920(b), or 1104”;

22 (3) in paragraph (p)—

23 (A) by striking “510 or 905” and inserting
24 “510, 905, or 1104”;

1 (B) by striking “or 905(j)” and inserting
2 “905(j), or 1104(g)”; and

3 (C) by striking “or 905(i)(3)” and insert-
4 ing “, 905(i)(3), or 1104(g)(2)”;

5 (4) in paragraph (q)(2) by inserting “,
6 cannabinoid product,” after “device”;

7 (5) in paragraph (r), by inserting “cannabinoid
8 product,” after “device,” each place it appears; and

9 (6) by adding at the end the following:

10 “(jjj)(1) The sale or distribution of a cannabinoid
11 product intended for human consumption and that con-
12 tains detectable levels of any tetrahydrocannabinol to any
13 person younger than 21 years of age.

14 “(2) The sale or distribution of an article that is a
15 cannabinoid product and that contains alcohol, tobacco,
16 nicotine, or another substance with effects that could
17 interact with cannabinoids or enhance or alter the effects
18 of cannabinoids, as determined by the Secretary through
19 rulemaking.

20 “(3) The failure of a manufacturer or distributor to
21 notify the Attorney General of its knowledge of
22 cannabinoid products used in illicit trade.

23 “(kkk)(1) The introduction or delivery for introduc-
24 tion into commerce of any cannabinoid product that is
25 adulterated or misbranded.

1 “(2) The introduction or delivery for introduction
2 into interstate commerce of an article intended for inges-
3 tion in tablet, capsule, powder, softgel, gelcap, liquid, or
4 other form, which is not represented as a conventional
5 food and not represented for use as a sole item of a meal
6 or of the diet if it—

7 “(A) contains any synthetic ingredient with a
8 molecular structure that does not occur in nature;
9 and

10 “(B) does not meet the definition of a dietary
11 supplement in section 201(ff), except that this sub-
12 section does not apply to any article introduced or
13 delivered for introduction into interstate commerce
14 in compliance with chapter V, VI, or IX or with sec-
15 tion 351 of the Public Health Service Act.

16 “(3) The adulteration or misbranding of any
17 cannabinoid product in commerce.

18 “(4) The receipt in commerce of any cannabinoid
19 product that is adulterated or misbranded, and the deliv-
20 ery or proffered delivery thereof for pay or otherwise.

21 “(5) The alteration, mutilation, destruction, oblitera-
22 tion, or removal of the whole or any part of the labeling
23 of, or the doing of any other act with respect to a
24 cannabinoid product, if such act is done while such article
25 is held for sale (whether or not the first sale) after ship-

1 ment in commerce and results in such article being adul-
2 terated or misbranded.

3 “(III)(1) The sale or distribution of a cannabinoid
4 product intended for human consumption that contains
5 multiple servings, unless the contents of such cannabinoid
6 product are readily divisible into portions equivalent to one
7 serving.

8 “(2) The sale or distribution of a cannabinoid prod-
9 uct intended for human consumption that is in liquid
10 form, unless such cannabinoid product—

11 “(A) contains not more than one serving; or

12 “(B) if the serving size is less than 1 fluid
13 ounce, includes a convenient device for measuring
14 servings, such as a dropper or measuring cup, unless
15 it is a food.”.

16 (c) PENALTIES.—Section 303(f) of the Federal Food,
17 Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

18 (1) in paragraph (5)—

19 (A) in subparagraph (A)—

20 (i) in the first sentence, by striking
21 “or (9)” and inserting “(9), or (11)”; and

22 (ii) by inserting “or no-cannabinoid-
23 product-sale order” after “no-tobacco-sale
24 order” each place it appears;

25 (B) in subparagraph (B)—

1 (i) by inserting “or no-cannabinoid-
2 product-sale order” after “no-tobacco-sale
3 order” each place it appears; and

4 (ii) in the second sentence, by insert-
5 ing “or cannabinoid products, as applica-
6 ble,” after “tobacco products”;

7 (C) in subparagraph (C), in the first sen-
8 tence, by striking “or (9)” and inserting “(9),
9 or (11)”;

10 (D) in subparagraph (D) by inserting “or
11 no-cannabinoid-product-sale order” after “no-
12 tobacco-sale order”;

13 (2) in paragraph (6), by inserting “or no-
14 cannabinoid- product-sale order” after “no-tobacco-
15 sale order” each place it appears; and

16 (3) by adding at the end the following:

17 “(10) CIVIL MONETARY PENALTIES FOR VIOLA-
18 TION OF CANNABINOID PRODUCT REQUIREMENTS.—

19 “(A) IN GENERAL.—Any person who vio-
20 lates a requirement of this Act that relates to
21 cannabinoid products shall be liable to the
22 United States for a civil penalty in an amount
23 not to exceed \$15,000 for each such violation,
24 and not to exceed \$15,000,000 for all such vio-
25 lations adjudicated in a single proceeding.

1 “(B) ENHANCED CIVIL PENALTIES.—Any
2 person who knowingly violates a requirement of
3 this Act that relates to cannabinoid products
4 shall be subject to a civil monetary penalty of—

5 “(i) not to exceed \$250,000 per viola-
6 tion, and not to exceed \$10,000,000 for all
7 such violations adjudicated in a single pro-
8 ceeding; or

9 “(ii) in the case of a violation that
10 continues after the Secretary provides writ-
11 ten notice of the violation to such person,
12 \$250,000 for the first 30-day period (or
13 any portion thereof) that the person con-
14 tinues to be in violation, and such amount
15 shall double for every 30-day period there-
16 after that the violation continues, not to
17 exceed \$10,000,000 for any 30-day period,
18 and not to exceed \$20,000,000 for all such
19 violations adjudicated in a single pro-
20 ceeding.

21 “(11) REPEATED VIOLATIONS RELATING TO
22 CANNABINOID PRODUCTS.—

23 “(A) IN GENERAL.—If the Secretary finds
24 that a person has committed repeated violations
25 of a requirement of this Act that relates to

1 cannabinoid products at a particular retail or
2 online outlet, or association of retail or online
3 outlets, then the Secretary may impose a no-
4 cannabinoid-product-sale order on that person
5 prohibiting the sale of cannabinoid products in
6 that outlet. A no-cannabinoid-product-sale order
7 may be imposed with a civil penalty under para-
8 graph (1).

9 “(B) HEARING.—Prior to the entry of a
10 no-cannabinoid-product-sale order under this
11 paragraph, a person shall be entitled to a hear-
12 ing pursuant to the procedures established
13 through regulations of the Food and Drug Ad-
14 ministration for assessing civil money penalties,
15 including, at a retailer’s request, a hearing by
16 telephone, or at the nearest regional or field of-
17 fice of the Food and Drug Administration, or at
18 a Federal, State, or county facility within 100
19 miles from the location of the retail outlet, if
20 such a facility is available.”.

21 (d) SEIZURE AUTHORITIES.—Section 304 of the Fed-
22 eral Food, Drug, and Cosmetic Act (21 U.S.C. 334) is
23 amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1), by inserting
2 “cannabinoid product,” after “drug,”; and

3 (B) in paragraph (2)—

4 (i) by striking “and (H) Any punch”
5 and inserting “(H) Any punch”; and

6 (ii) by inserting before the period at
7 the end the following: “, and (I) Any adul-
8 terated or misbranded cannabinoid prod-
9 uct”;

10 (2) in subsection (d)(1), by inserting
11 “cannabinoid product,” after “tobacco product,”;
12 and

13 (3) in subsection (g), by striking “or tobacco
14 product” each place it appears in paragraphs (1)
15 and (2)(A) and inserting “, tobacco product, or
16 cannabinoid product”.

17 (e) FACTORY INSPECTION.—Section 704 of the Fed-
18 eral Food, Drug, and Cosmetic Act (21 U.S.C. 374) is
19 amended—

20 (1) in subsection (a)—

21 (A) by inserting “cannabinoid products,”
22 after “tobacco products,” each place it appears;

23 (B) by striking “or tobacco products” each
24 place it appears and inserting “tobacco prod-
25 ucts, or cannabinoid products”; and

1 (C) by striking “and tobacco products”
2 and inserting “tobacco products, and
3 cannabinoid products”; and

4 (2) in subsection (b)(1), by inserting
5 “cannabinoid product,” after “tobacco product,”.

6 (f) PUBLICITY.—Section 705(b) of the Federal Food,
7 Drug, and Cosmetic Act (21 U.S.C. 375(b)) is amended
8 by inserting “cannabinoid products,” after “tobacco prod-
9 ucts,”.

10 (g) PRESUMPTION.—Section 709 of the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C. 379a) is
12 amended by inserting “cannabinoid product,” after “to-
13 bacco product,”.

14 (h) IMPORTS AND EXPORTS.—Section 801 of the
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381)
16 is amended—

17 (1) in subsection (a)—

18 (A) by inserting “cannabinoid products,”
19 after “tobacco products,”;

20 (B) by striking “or tobacco products” each
21 place it appears and inserting “, tobacco prod-
22 ucts, or cannabinoid products”; and

23 (C) by striking “or section 905(h)” and in-
24 serting “, 905(h), or 1104”; and

1 (2) in subsection (e), by striking “tobacco prod-
2 uct or” and inserting “tobacco product, cannabinoid
3 product, or”.

4 **SEC. 103. REGULATION OF CANNABINOID BEVERAGES CON-**
5 **TAINING TETRAHYDROCANNABINOL.**

6 Not later than 60 days after the date of enactment
7 of this Act, the Secretary of Agriculture, the Commis-
8 sioner of Food and Drugs, the Attorney General, and the
9 Director of the Alcohol and Tobacco Tax and Trade Bu-
10 reau, acting jointly, shall publish a report that includes
11 recommendations for a Federal regulatory framework for
12 cannabinoid beverages that contain tetrahydrocannabinol
13 (as defined in paragraph (vv) of section 201 of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that—

15 (1) is modeled on the Federal regulatory frame-
16 work for alcohol; and

17 (2) delineates responsibilities among the De-
18 partment of Agriculture, the Food and Drug Admin-
19 istration, the Department of Justice, and the Alco-
20 hol and Tobacco Tax and Trade Bureau, for label-
21 ing, taxation, manufacturing, and adulteration
22 standards of cannabinoid beverages that contain
23 tetrahydrocannabinol.

1 **TITLE II—PUBLIC HEALTH**

2 **SEC. 201. PUBLIC HEALTH SURVEILLANCE AND DATA COL-**
3 **LECTION.**

4 (a) IN GENERAL.—Section 392A of the Public
5 Health Service Act (42 U.S.C. 280b–1) is amended—

6 (1) in the section heading, by inserting “**AND**
7 **ADVERSE HEALTH EFFECTS OF CANNABIS**
8 **USE**” after “**SUBSTANCES**”;

9 (2) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (C) by inserting
12 “and adverse health effects of cannabis
13 use” before the period; and

14 (ii) in subparagraph (D) by inserting
15 “, cannabis, and polysubstance use” before
16 the period; and

17 (B) in paragraph (4), by inserting “and
18 collect data to better understand the use and
19 health effects of cannabis, stimulants, and
20 polysubstances, and” after “conduct studies
21 and evaluations”;

22 (3) in subsection (e), by striking “\$496,000,000
23 for each of fiscal years 2019 through 2023” and in-
24 serting “\$596,000,000 for each of fiscal years 2024
25 through 2028”; and

1 (4) by adding at the end the following:

2 “(f) **ADDITIONAL FUNDING.**—In addition to amounts
3 otherwise available, there is appropriated, out of any funds
4 in the Treasury not otherwise appropriated, \$100,000,000
5 for each of fiscal years 2024 through 2028 to carry out
6 this section.”.

7 **SEC. 202. AWARDS TO PREVENT UNDERAGE CANNABIS USE.**

8 Part D of title V of the Public Health Service Act
9 (42 U.S.C. 290dd et seq.) is amended by adding at the
10 end the following:

11 **“SEC. 553. AWARDS TO PREVENT UNDERAGE CANNABIS**
12 **USE.**

13 “(a) **IN GENERAL.**—The Secretary, acting through
14 the Assistant Secretary, shall award grants, contracts, and
15 cooperative agreements to eligible entities to prevent and
16 reduce underage use of cannabis .

17 “(b) **ELIGIBLE ENTITIES.**—To receive an award
18 under this section, an entity shall be a State, a political
19 subdivision of a State, an Indian Tribe or Tribal organiza-
20 tion, an urban Indian organization, a nonprofit commu-
21 nity-based organization, or any other nonprofit entity the
22 Secretary determines appropriate.

23 “(c) **USE OF FUNDS.**—An eligible entity receiving an
24 award under this subsection shall use funds from such
25 award to—

1 “(1) establish, enhance, and support culturally-
2 and linguistically-appropriate programs, including
3 community-based, school-based, and higher-edu-
4 cation based programs, and programs that target
5 youth within the juvenile justice and child welfare
6 systems, that offer screening, prevention, early inter-
7 vention, diagnosis, treatment, referral, and recovery
8 support services related to underage cannabis use;

9 “(2) design, test, evaluate, and disseminate evi-
10 dence-based and evidence-informed strategies to
11 maximize the effectiveness of community-wide ap-
12 proaches to preventing and reducing underage can-
13 nabis use;

14 “(3) educate children, adolescents, youth, par-
15 ents, health care providers, and communities about
16 the dangers of underage cannabis use, including im-
17 paired driving due to cannabis use;

18 “(4) collect data on underage cannabis use to
19 identify and address needs, service gaps, and trends;

20 “(5) strengthen collaboration among commu-
21 nities, the Federal Government, and State, local,
22 and Tribal governments to prevent underage can-
23 nabis use;

24 “(6) address community norms regarding un-
25 derage cannabis use, reduce opportunities for under-

1 age cannabis use, and reduce the prevalence of nega-
2 tive consequences associated with underage cannabis
3 use; and

4 “(7) support other evidence-based and evidence-
5 informed practices to reduce underage cannabis use,
6 as determined by the Secretary.

7 “(d) SUPPLEMENT NOT SUPPLANT.—Funds award-
8 ed under this section shall supplement, and not supplant,
9 existing State, Federal, local, and Tribal funds to prevent
10 and reduce underage cannabis use.

11 “(e) PRIORITY CONSIDERATION.—In making awards
12 under this section, the Secretary shall give priority to eligi-
13 ble entities that serve medically underserved communities,
14 communities with high rates of underage cannabis use,
15 and communities that have historically experienced dis-
16 proportionate arrest and conviction rates related to the
17 sale, possession, use, manufacture, or cultivation of can-
18 nabis (but not counting convictions involving distribution
19 of cannabis to a minor).

20 “(f) FUNDING.—In addition to amounts otherwise
21 available, there is appropriated, out of any funds in the
22 Treasury not otherwise appropriated, \$25,000,000 for
23 each of fiscal years 2024 through 2028 to carry out this
24 section.

25 “(g) DEFINITIONS.—In this section:

1 “(1) CANNABIS.—The term ‘cannabis’ means
2 cannabis or a cannabinoid product (as such terms
3 are defined in section 201(tt) of the Federal Food,
4 Drug, and Cosmetic Act).

5 “(2) INDIAN TRIBE.—the term ‘Indian Tribe’
6 means the governing body of any individually identi-
7 fied and federally recognized Indian or Alaska Na-
8 tive tribe, band, nation, pueblo, village, community,
9 affiliated Tribal group, or component reservation in-
10 cluded on the list published most recently as of the
11 date of enactment of the Cannabinoid Safety and
12 Regulation Act pursuant to section 104(a) of the
13 Federally Recognized Indian Tribe List Act of 1994.

14 “(3) TRIBAL ORGANIZATION.—The term ‘Tribal
15 organization’ means the governing body of an Indian
16 Tribe.

17 “(4) URBAN INDIAN ORGANIZATION.—The term
18 ‘urban Indian organization’ has the meaning given
19 such term in section 4 of the Indian Health Care
20 Improvement Act.”.

21 **TITLE III—CANNABIS-IMPAIRED** 22 **DRIVING PREVENTION**

23 **SEC. 301. DEFINITIONS.**

24 In this title:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the National
3 Highway Traffic Safety Administration.

4 (2) CANNABIS.—The term “cannabis” means—
5 (A) cannabis (as defined in paragraph (tt)
6 of section 201 of the Federal Food, Drug, and
7 Cosmetic Act (21 U.S.C. 321)); and
8 (B) a cannabinoid product (as so defined).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of Transportation.

11 (4) THC.—The term “THC” means
12 tetrahydrocannabinol (as defined in paragraph (vv)
13 of section 201 of the Federal Food, Drug, and Cos-
14 metic Act (21 U.S.C. 321)).

15 **SEC. 302. CANNABIS-IMPAIRED DRIVING RESEARCH.**

16 (a) CANNABIS-IMPAIRED DRIVING DATA.—

17 (1) IN GENERAL.—The Secretary shall collect
18 and, as appropriate, share with the Secretary of
19 Health and Human Services, data relating to can-
20 nabis-impaired driving, or a combination of cannabis
21 and another substance, including through the collec-
22 tion of crash data specific to crashes involving driv-
23 ers with—

24 (A) THC in their system; or

1 (B) a combination of THC and another
2 substance in their system.

3 (2) NATIONAL ROADSIDE SURVEY.—

4 (A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of this Act, the Ad-
6 ministrator shall initiate a National Roadside
7 Survey to collect data on drivers with THC in
8 their system.

9 (B) REPORT.—Not later than 3 years after
10 the date of enactment of this Act, the Secretary
11 shall submit to the Committees on Commerce,
12 Science, and Transportation, Environment and
13 Public Works, and Health, Education, Labor,
14 and Pensions of the Senate and the Committee
15 on Transportation and Infrastructure of the
16 House of Representatives a report summarizing
17 the data acquired, and conclusions drawn, from
18 the National Roadside Survey required under
19 subparagraph (A).

20 (b) RESEARCH ON RISKS OF CANNABIS-IMPAIRED
21 DRIVING.—

22 (1) STUDY REQUIRED.—

23 (A) IN GENERAL.—Not later than 3 years
24 after the date of enactment of this Act, the Sec-

1 (vi) whether there are any measurable
2 increased risks associated with using can-
3 nabis together with another substance;

4 (vii) whether there is a measurable ef-
5 fect of cannabis use by drivers on pedes-
6 trian safety; and

7 (viii) any other data necessary to im-
8 prove safe driving outcomes, as determined
9 by the Secretary.

10 (2) REPORT.—Not later than 3 years after the
11 date of enactment of this Act, and annually there-
12 after until the date on which the study required
13 under paragraph (1) is complete, the Secretary shall
14 submit to the Committees on Commerce, Science,
15 and Transportation, Environment and Public Works,
16 and Health, Education, Labor, and Pensions of the
17 Senate and the Committee on Transportation and
18 Infrastructure of the House of Representatives a re-
19 port summarizing the data acquired, and conclusions
20 drawn, from the study required under paragraph
21 (1).

22 **SEC. 303. DOT CANNABIS-IMPAIRED DRIVING PREVENTION**
23 **PROGRAMS.**

24 (a) IN GENERAL.—The Secretary shall research and
25 implement data-driven strategies to educate the public

1 about the dangers of cannabis-impaired driving, which
2 shall include the following:

3 (1) CANNABIS-IMPAIRED DRIVING USE PREVEN-
4 TION BEST PRACTICES.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act, the Sec-
7 retary shall develop and issue best practices for
8 States and communities to prevent cannabis-im-
9 paired driving, including impaired driving in-
10 volving the use of cannabis and another sub-
11 stance and practices targeting drivers under the
12 age of 21, in consultation with the Director of
13 the Centers for Disease Control and Prevention,
14 the Secretary of Health and Human Services,
15 and the heads of other Federal agencies as ap-
16 propriate.

17 (B) UPDATES.—Not less frequently than
18 biannually, the Secretary shall update and re-
19 issue the best practices required under subpara-
20 graph (A) as new research and data becomes
21 available.

22 (2) CANNABIS-IMPAIRED DRIVING USE PREVEN-
23 TION CAMPAIGNS.—Not later than 2 years after the
24 date of enactment of this Act, the Secretary shall es-

1 establish and carry out national campaigns to prevent
2 cannabis-impaired driving, including—

3 (A) cannabis-impaired driving involving the
4 use of cannabis and another substance; and

5 (B) cannabis-impaired driving among driv-
6 ers under the age of 21.

7 (b) CAMPAIGN EVALUATION.—Not less frequently
8 than once every 3 years, the Secretary shall evaluate the
9 effectiveness of the campaigns required under subsection
10 (a)(2) and the activities carried out by States using a
11 grant awarded under section 409 of title 23, United States
12 Code, by using a variety of factors, including—

13 (1) collecting data, including behavioral data,
14 and comparing that data from before and after the
15 campaigns;

16 (2)(A) engaging with stakeholders that were in-
17 volved in the campaigns; and

18 (B) analyzing feedback from those stakeholders
19 on what the stakeholders saw as strengths and
20 weaknesses of the campaigns;

21 (3) determining whether the campaigns accom-
22 plished the objectives the Secretary set out to ac-
23 complish through analysis of data relating to the
24 campaigns; and

1 (4) any other factors the Secretary determines
2 appropriate included in the document of the Na-
3 tional Highway Traffic Safety Administration enti-
4 tled “The Art of Appropriate Evaluation: A Guide
5 for Highway Safety Program Managers” and dated
6 December 2008 (or a successor document).

7 (c) REPORT.—Not later than 6 months after the date
8 on which the Secretary completes an evaluation conducted
9 under subsection (b), the Secretary shall submit to the
10 Committees on Commerce, Science, and Transportation,
11 Environment and Public Works, and Health, Education,
12 Labor, and Pensions of the Senate and the Committee on
13 Transportation and Infrastructure of the House of Rep-
14 resentatives a report that—

15 (1) summarizes the data collected and provides
16 the analysis of the data from an evaluation con-
17 ducted under subsection (b);

18 (2) includes recommendations for future im-
19 paired driving campaigns; and

20 (3) includes any determinations that a national
21 campaign or an activity carried out by a State using
22 a grant awarded under section 409 of title 23,
23 United States Code, is ineffective at preventing can-
24 nabis-impaired driving.

1 **SEC. 304. STATE CANNABIS-IMPAIRED DRIVING PREVEN-**
2 **TION GRANT PROGRAM.**

3 (a) IN GENERAL.—Chapter 4 of title 23, United
4 States Code, is amended by inserting after section 408 the
5 following:

6 **“§ 409. State cannabis-impaired driving prevention**
7 **grant program**

8 “(a) DEFINITIONS.—In this section:

9 “(1) CANNABIS.—The term ‘cannabis’ has the
10 meaning given the term in paragraph (tt) of section
11 201 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 321).

13 “(2) GRANT PROGRAM.—The term ‘grant pro-
14 gram’ means the grant program established under
15 subsection (b).

16 “(3) THC.—The term ‘THC’ means
17 tetrahydrocannabinol (as defined in paragraph (vv)
18 of section 201 of the Federal Food, Drug, and Cos-
19 metic Act (21 U.S.C. 321)).

20 “(b) ESTABLISHMENT.—Not later than 1 year after
21 the date of enactment of the Cannabinoid Safety and Reg-
22 ulation Act, the Secretary, acting through the Adminis-
23 trator of the National Highway Traffic Safety Administra-
24 tion, shall establish a program to provide grants to States,
25 in accordance with subsection (c), to implement programs
26 to prevent impaired driving due to cannabis use.

1 “(c) ELIGIBILITY.—The Secretary may provide a
2 grant under this section to any State that—

3 “(1) describes how the State will use the grant
4 funds in accordance with a highway safety program
5 under section 402, including how the State will im-
6 plement the best practices developed by the Sec-
7 retary under section 303(a)(1) of the Cannabinoid
8 Safety and Regulation Act; and

9 “(2) agrees to provide data and information, as
10 determined by the Secretary, to assist with the eval-
11 uation of the effectiveness of the eligible activities
12 described in subsection (d).

13 “(d) USE OF FUNDS.—A State may use a grant
14 awarded under this section for the following activities:

15 “(1) Enforcement activities, including—

16 “(A) to train public safety personnel to de-
17 tect impaired driving due to the use of cannabis
18 or a combination of cannabis and another sub-
19 stance;

20 “(B) to increase the capacity of impaired
21 driving toxicology testing laboratories in the
22 State to support impaired driving investiga-
23 tions, including to purchase equipment, hire
24 staff, provide training, and improve procedures,
25 including to improve toxicology testing stand-

1 ards to be consistent with the standards con-
2 tained in the document of the National Safety
3 Council entitled ‘Recommendations for Toxi-
4 cological Investigation of Drug-Impaired Driv-
5 ing and Motor Vehicle Fatalities–2021 Update’
6 (or a successor document);

7 “(C) to train for and implement impaired
8 driving assessment programs or other tools de-
9 signed to increase the probability of identifying
10 the recidivism risk of an individual convicted of
11 driving under the influence of cannabis, or a
12 combination of cannabis and another substance,
13 and to determine the most effective mental
14 health or substance abuse treatment or sanction
15 that will reduce that risk;

16 “(D) to develop and implement high-visi-
17 bility enforcement efforts relating to cannabis-
18 impaired driving; and

19 “(E) for court support of high-visibility en-
20 forcement efforts, to train and educate criminal
21 justice professionals (including law enforcement
22 personnel, prosecutors, judges, and probation
23 officers) to assist those professionals in—

24 “(i) handling cannabis-impaired driv-
25 ing cases;

1 “(ii) hiring traffic safety resource
2 prosecutors;

3 “(iii) hiring judicial outreach liaisons;
4 and

5 “(iv) establishing driving while intoxi-
6 cated courts.

7 “(2) Data collection activities, including—

8 “(A) to collect data relating to the use of
9 cannabis, drugs, or multiple substances by driv-
10 ers, including the prevalence of the use of those
11 substances among drivers arrested for impaired
12 driving; and

13 “(B) to increase drug testing and report-
14 ing for all fatal crashes and serious injuries to
15 better understand the scope of cannabis-im-
16 paired driving, or a combination of cannabis
17 and another substance.

18 “(3) Education activities, including—

19 “(A) to develop and carry out educational
20 campaigns to better educate the public about
21 the harms associated with cannabis-impaired
22 driving, including impaired driving associated
23 with the use of cannabis and another substance;
24 and

1 “(B) to participate in national campaigns
2 organized by the Secretary under section
3 303(a)(2) of the Cannabinoid Safety and Regu-
4 lation Act.

5 “(e) PROHIBITION.—The Secretary may prohibit the
6 use of grant funds for an activity described in subsection
7 (d) if the Secretary determines that the activity is ineffec-
8 tive at preventing cannabis-impaired driving after con-
9 ducting an evaluation required under section 303(b) of the
10 Cannabinoid Safety and Regulation Act.

11 “(f) GRANT AMOUNTS.—

12 “(1) IN GENERAL.—The allocation of grant
13 funds to a State under this section for a fiscal year
14 shall be in proportion to the apportionment of funds
15 a State receives under section 402(c)(2).

16 “(2) REQUIREMENT.—Not less than 10 percent
17 of the funds allocated to a State under this section
18 shall be used to carry out activities described in sub-
19 section (d)(1)(B).

20 “(g) FEDERAL SHARE.—

21 “(1) IN GENERAL.—For the first 3 fiscal years
22 after the date on which the grant program is estab-
23 lished under subsection (b), and each fiscal year
24 thereafter for a State that meets the condition de-
25 scribed in paragraph (2)(B) during that fiscal year,

1 the Federal share of the costs of activities carried
2 out with a grant awarded under the grant program
3 shall be 80 percent in any fiscal year in which the
4 State is awarded a grant.

5 “(2) DECREASED FEDERAL SHARE.—

6 “(A) IN GENERAL.—For any State that
7 does not meet the condition described in sub-
8 paragraph (B), the Federal share of the costs
9 of activities carried out with a grant awarded
10 under the grant program shall be—

11 “(i) 70 percent in the fourth fiscal
12 year after the date on which the grant pro-
13 gram is established under subsection (b);

14 “(ii) 60 percent in the fifth fiscal year
15 after that date; and

16 “(iii) 50 percent in the sixth fiscal
17 year after that date and each fiscal year
18 thereafter.

19 “(B) CONDITION.—The condition referred
20 to in paragraph (1) and subparagraph (A) is
21 that the State shall implement an open con-
22 tainer law relating to cannabis products.

23 “(h) FUNDING.—In addition to amounts otherwise
24 available, there is appropriated, out of any money in the
25 Treasury not otherwise appropriated, \$40,000,000 for

1 each of fiscal years 2024 through 2028 to carry out this
2 section.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 4 of title 23, United States Code, is amended by insert-
5 ing after the item relating to section 408 the following:
“409. State cannabis-impaired driving prevention grant program.”.

6 **SEC. 305. NATIONAL CANNABIS IMPAIRMENT STANDARD.**

7 (a) IN GENERAL.—Not later than 3 years after the
8 date of enactment of this Act, and once every 2 years
9 thereafter, the Secretary shall make a determination as
10 to whether or not it is feasible to establish a national
11 standard for determining impairment for cannabis-im-
12 paired driving.

13 (b) RULEMAKING REQUIRED.—If the Secretary de-
14 termines that establishing a national standard relating to
15 cannabis-impaired driving under subsection (a) is feasible,
16 the Secretary shall, not later than 1 year after that deter-
17 mination, promulgate regulations establishing a model
18 cannabis impairment standard for States.

19 **SEC. 306. FUNDING.**

20 In addition to amounts otherwise available, there is
21 appropriated, out of any money in the Treasury not other-
22 wise appropriated, \$30,000,000 for each of fiscal years
23 2024 through 2029 to carry out sections 302 and 303.