

Cannabinoid Safety and Regulation Act

U.S. Senator Ron Wyden

After the 2018 Farm Bill legalized hemp, the Food and Drug Administration was expected to issue regulations governing the nascent industry. Absent significant regulation from the FDA in the years since, hemp-derived cannabinoid products have flooded into national markets. Some products are untested, falsely labeled, contain dangerous chemicals, and are marketed to children. Some states have regulated these products, but some haven't, leaving consumers to wade through inconsistencies between marijuana and hemp products across various markets.

The Cannabinoid Safety and Regulation Act establishes a thoughtful, thorough and strict regulatory regime for hemp-derived consumer products to protect public health and safety and keep these products out of the hands of kids by setting a federal age limit at 21, setting manufacturing and testing control processes and truth-in-labeling requirements, and banning dangerous chemicals and products from market. Cannabis prohibition has never kept cannabis out of the hands of kids. Robust regulation can give consumers a safe, reliable option while deterring unregulated markets and disallowing unsafe products.

The Cannabinoid Safety and Regulation Act establishes a regulatory regime for “cannabinoid products,” which contain cannabinoids from hemp (including CBD, delta-8 tetrahydrocannabinol (THC) and many others) and are intended for human or animal use. Producers of cannabinoid products (which may be foods, beverages, topicals, supplements or cosmetics, so long as they comply with these provisions) will be required to register with the FDA and test their products for potency, pesticides, heavy metals, chemical byproducts and additives. FDA will be required to promulgate rules specifying manufacturing and testing requirements to ensure safety of all products. CSRA also prohibits synthetic cannabinoids from the market, and establishes labeling and packaging requirements to ensure products aren't appealing to children but do accurately convey potency, risks of consumption and lack of FDA review or approval.

The Cannabinoid Safety and Regulation Act does not preempt the states beyond standardized labeling and packaging. Many states have taken regulatory or legislative action to prohibit or regulate hemp-derived cannabinoid products; this legislation respects states' rights to do so. CSRA provides a federal floor to ensure there is significant and consistent regulation for these products nationwide, and the bill clarifies that states are permitted to further regulate and tax hemp-derived cannabinoid products. The CSRA also:

- Creates a new \$125 million underage cannabis use prevention grant program through the Department of Health and Human Services to prevent young people from using cannabis and cannabinoid products;
- Establishes a new \$200 million state cannabis-impaired driving prevention grant program and a nationwide anti-drugged driving campaign;
- Funds research to develop a cannabis impairment standard and a drugged driving standard to create a “cannabis breathalyzer;”
- Prohibits added flavors and any packaging or labeling that could appeal to children, like cartoons, anthropomorphic figures, and candy or snack forms;
- Ensures FDA can recall products if or when necessary; and
- Ensures that imported products meet the same standards as those produced in the U.S.