

The Hemp Access and Consumer Safety Act of 2023

United States Senator Ron Wyden

In 2018, Congress passed the Hemp Farming Act, which legalized the production and sale of industrial hemp and hemp derivatives, including hemp-derived cannabidiol (CBD). However, in order for producers to take full advantage of the 2018 law and market hemp derived-CBD products in interstate commerce, the FDA would need to issue rules to ensure safe access to hemp and hemp-derived CBD. Unfortunately, the FDA announced it does not plan to issue implementing regulations, and has instead kicked the matter back to Congress.

In recent years, the public has developed a widespread interest in CBD, one of the primary non-psychoactive compounds of the hemp plant. However, CBD remains in a regulatory grey zone, and consumers lack certainty that the products they purchase are high quality and safe, contain the CBD claimed on the label, and meet standards required of other food and dietary supplement products in the marketplace.

Currently, the Federal Food, Drug, and Cosmetics Act prohibits any new dietary ingredient, food, or beverage from entering the market if it has been studied or approved as a drug. The FDA has the authority to exempt items from this prohibition, but has yet to exempt hemp-derived CBD, despite Congressional action to legalize its production and sale. By exempting hemp-derived CBD from the prohibition, the Hemp Access and Consumer Safety Act will allow FDA to regulate hemp-derived CBD like all other new dietary ingredients, foods, and beverages.

The Hemp Access and Consumer Safety Act would:

- Give hemp-derived CBD products an opportunity to lawfully be used in dietary supplements, foods and beverages under the Federal Food, Drug and Cosmetic Act;
- Prioritize consumer safety, requiring manufacturers to comply with all existing federal regulations for the products that contain CBD; and
- Ensure that these products are properly labeled.

In the 117th Congress, the Hemp Access and Consumer Safety Act was supported by the Consumer Brands Association, the Wine and Spirits Wholesalers of America, the Hemp Roundtable, American Herbal Products Association, Oregon Farm Bureau, Vote Hemp, and the National Industrial Hemp Council.