117TH CONGRESS
1ST SESSION

H. R. ______

To promote the production of hemp and hemp products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. Pingree introduced the following bill; which was referred to the Committee on ____________________

A BILL

To promote the production of hemp and hemp products, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Hemp Advancement Act of 2022”.

6 SEC. 2. MODIFICATIONS TO DEFINITIONS IN THE AGRICULTURAL MARKETING ACT OF 1946.

8 Section 297A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o) is amended—
(1) by redesignating paragraph (6) as paragraph (8);

(2) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

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

“(1) HEMP.—The term ‘hemp’ means—

“(A) the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a total tetrahydrocannabinol concentration of not more than 1 percent on a dry weight basis, that is not intended for sale to consumers; and

“(B) hemp extract that—

“(i) is to be used in the making of a hemp product;

“(ii) has not been packaged as a finished product;

“(iii) is not intended for sale to consumers;

“(iv) has a total tetrahydrocannabinol concentration that exceeds 1 percent on a dry weight basis; and
“(v) is stored, transported, and processed in accordance with section 297F.

“(2) HEMP PRODUCT.—The term ‘ hemp product’ means a finished product that—

“(A) is derived from, or made by, processing hemp; and

“(B) has a total tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”; and

(4) by inserting after paragraph (6) (as so redesignated by paragraph (1) of this subsection) the following:

“(7) TOTAL TETRAHYDROCANNABINOL CONCENTRATION.—The term ‘total tetrahydrocannabinol concentration’ means the aggregate concentration of delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, and the optical isomers of such substances.”.

SEC. 3. STATE AND TRIBAL PLANS.

Section 297B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639p) is amended—

(1) in subsection (a)(2)(A)—

(A) in clause (ii), by striking “testing” and all that follows through “methods,” and inserting “a laboratory accredited under criteria es-
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tablished by the Secretary under section

297D(a)(1)(C) to use post-decarboxylation or
other similarly reliable methods to test”; and

(B) in clause (iii)—

(i) in the matter preceding subclause

(ii) in subclause (II), by inserting “,

except that products derived from pyrolysis

disposal may enter the stream of com-

merce” after “plants”;

(2) in subsection (e)(2)(A)(iii)—

(A) by striking “0.3” and inserting “1”;

and

(B) by striking “delta-9” and inserting

“total”; and

(3) in subsection (e)(3), by striking subpara-

graph (B) and redesignating subparagraph (C) as

subparagraph (B).

SEC. 4. REINSTATEMENT OF FORMERLY INELIGIBLE INDIVIDUALS.

Any individual excluded under section 297B(e)(3)(B)
of the Agricultural Marketing Act of 1946 (7 U.S.C.
1639p(e)(3)(B), as in effect before the amendments made
by section 3 of this Act, from—
(1) the programs established under sections 297B (7 U.S.C. 1639p) and 297C (7 U.S.C. 1639q) of such Act of 1946; or

(2) any program established through a regulation or guideline issued under section 297D(a) of such Act of 1946 (7 U.S.C. 1639r(a)),

shall not be excluded from participation in such programs on these grounds.

SEC. 5. AMENDMENTS TO REGULATION OF HEMP BY DEPARTMENT OF AGRICULTURE.

Section 297C(a)(2) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639q(a)(2)) is amended—

(1) in subparagraph (B), by striking “testing” and all that follows through “methods,” and inserting “a laboratory accredited under criteria established by the Secretary under section 297D(a)(1)(C) to use post-decarboxylation or other similarly reliable methods to test”; and

(2) in subparagraph (C)—

(A) by inserting “, including by pyrolysis,” after “disposal”; and

(B) in clause (ii), by inserting “, except that products derived from pyrolysis disposal may enter the stream of commerce” after “plants”.

SEC. 6. CRITERIA FOR LABORATORY ACCREDITATION.

Section 297D(a)(1) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639r(a)(1)) is amended by adding at the end the following:

“(C) CRITERIA FOR LABORATORY ACCREDITATION.—The Secretary shall establish criteria by which a laboratory may be accredited for purposes of testing hemp, in accordance with sections 297B(a)(2)(A) and 297C(a)(2). Such criteria shall not require that a laboratory be registered with the Attorney General, acting through the Administrator of the Drug Enforcement Administration.”.

SEC. 7. IN-PROCESS HEMP EXTRACT.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“SEC. 297F. IN-PROCESS HEMP EXTRACT.

“(a) IN GENERAL.—The requirements of this section for in-process hemp extract are the following:

“(1) The hemp extract is derived from hemp produced in accordance with this Act.

“(2) The hemp extract is processed further or incorporated into another product.
“(3) The hemp extract is not packaged as a hemp product and is not sold or offered for sale to consumers.

“(4) The hemp extract is not used to produce a hemp product that has a total tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry weight basis.

“(5) The hemp extract is produced, stored, transported, and processed in a facility bonded under regulations issued in accordance with subsection (b).

“(b) Regulations.—

“(1) IN GENERAL.—The Secretary shall issue regulations for facilities that produce, store, transport, or process in-process hemp extract, which shall include—

“(A) procedures to ensure the secure transportation of in-process hemp extract;

“(B) procedures for the documentation and secure disposal (rendering the by-product unusable for any intoxicating purpose) of any by-product from the extraction and manufacture of in-process hemp extract that—
“(i) has a total tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis; and

“(ii) will not be used in, or subject to, further processing; and

“(C) such other procedures or practices, consistent with this title, as the Secretary considers to be appropriate.

“(2) STATE REGULATIONS.—A State or political subdivision may not impose or continue in effect any requirement for disposal or documentation of in-process hemp extract that is different from any requirement imposed under this section.”.

SEC. 8. SYNTHETIC CANNABINOIDS.

Section 10114(a) of the Agriculture Improvement Act of 2018 (7 U.S.C. 1639o note) is amended by inserting “, or permits interstate commerce of products containing cannabinoids that are not naturally occurring in the plant Cannabis sativa L. or that are manufactured by means of chemical synthesis” before the period.

SEC. 9. CONFORMING AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) In general.—Section 102(16)(B) of the Controlled Substances Act (21 U.S.C. 802(16)(B)) is amended—
(1) in clause (i), by striking “or”;

(2) in clause (ii), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(iii) hemp products, as defined in section 297A of the Agricultural Marketing Act of 1947 (7 U.S.C. 1639o).”.

(b) TETRAHYDROCANNABINOL.—Schedule I, as set forth in section 202(e) of the Controlled Substances Act (21 U.S.C. 812(e)), is amended in subsection (c)(17) by inserting “, in-process hemp extract, or hemp products” after “hemp”.