

117TH CONGRESS
1ST SESSION

S. 1005

To amend the Agricultural Marketing Act of 1946 to modify the definition of hemp, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2021

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Marketing Act of 1946 to modify the definition of hemp, 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.**

4 This Act may be cited as the “Hemp Economic Mobi-
5 lization Plan Act of 2021” or the “HEMP Act of 2021”.

6 **SEC. 2. HEMP PRODUCTION.**

7 (a) DEFINITION OF HEMP.—

8 (1) IN GENERAL.—Section 297A(1) of the Agri-
9 cultural Marketing Act of 1946 (7 U.S.C. 1639o(1))

1 is amended by striking “0.3 percent” and inserting
2 “1 percent”.

3 (2) CONFORMING AMENDMENT.—Section
4 297B(e)(2)(A)(iii) of the Agricultural Marketing Act
5 of 1946 (7 U.S.C. 1639p(e)(2)(A)(iii)) is amended
6 by striking “0.3 percent” and inserting “1 percent”.

7 (b) TESTING FOR DELTA-9 THC; DOCUMENTATION
8 DURING TRANSPORT.—

9 (1) STATE AND TRIBAL PLANS.—Section
10 297B(a)(2)(A) of the Agricultural Marketing Act of
11 1946 (7 U.S.C. 1639p(a)(2)(A)) is amended—

12 (A) in clause (ii)—

13 (i) by inserting “the measurement of
14 uncertainty of which is not greater than
15 0.075 percent,” after “methods,”; and

16 (ii) by striking “hemp” and inserting
17 “products derived from hemp plants”;

18 (B) in clause (vi), by striking “and” at the
19 end;

20 (C) by redesignating clause (vii) as clause
21 (viii);

22 (D) by inserting after clause (vi) the fol-
23 lowing:

1 “(vii) a requirement that any person
2 transporting hemp shall keep with the
3 shipment of hemp—

4 “(I) a copy of a valid license or
5 other required authorization from the
6 State department of agriculture or
7 Tribal government, as applicable, or a
8 license from the Secretary, issued to
9 the producer, as is required to be sub-
10 mitted to the Secretary under clause
11 (vi), as applicable, and collected by
12 the Secretary under section
13 297C(d)(2)(C); or

14 “(II) a copy of a certificate from
15 a laboratory demonstrating that the
16 hemp contains a delta-9
17 tetrahydrocannabinol concentration of
18 not more than 1 percent on a dry
19 weight basis; and”;

20 (E) in clause (viii) (as so redesignated), by
21 striking “the practices and procedures described
22 in clauses (i) through (vi)” and inserting
23 “clauses (i) through (vii)”.

1 (2) DEPARTMENT OF AGRICULTURE PLAN.—
2 Section 297C(a)(2) of the Agricultural Marketing
3 Act of 1946 (7 U.S.C. 1639q(a)(2)) is amended—

4 (A) in subparagraph (B)—

5 (i) by inserting “the measurement of
6 uncertainty of which is not greater than
7 0.075 percent,” after “methods,”; and

8 (ii) by striking “hemp” and inserting
9 “products derived from hemp plants”;

10 (B) in subparagraph (E), by striking
11 “and” at the end;

12 (C) in subparagraph (F), by striking the
13 period at the end and inserting “; and”; and

14 (D) by adding at the end the following:

15 “(G) a requirement that any person trans-
16 porting hemp shall keep with the shipment of
17 hemp—

18 “(i) a copy of a valid license or other
19 required authorization from a State de-
20 partment of agriculture or Tribal govern-
21 ment, as applicable, or a license from the
22 Secretary, issued to the producer, as is re-
23 quired to be submitted to the Secretary
24 under section 297B(a)(2)(A)(vi), as appli-

1 cable, and collected by the Secretary under
2 subsection (d)(2)(C); or

3 “(ii) a copy of a certificate from a lab-
4 oratory demonstrating that the hemp con-
5 tains a delta-9 tetrahydrocannabinol con-
6 centration of not more than 1 percent on
7 a dry weight basis.”.

8 (e) CONFORMING REVISIONS TO REGULATIONS.—
9 Not later than 90 days after the date of enactment of this
10 Act, without regard to the notice and comment provisions
11 of section 553 of title 5, United States Code, the Secretary
12 of Agriculture shall revise part 990 of title 7, Code of Fed-
13 eral Regulations, to make any conforming changes that
14 are necessary as a result of this section and the amend-
15 ments made by this section.

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