

119TH CONGRESS
2D SESSION

S. _____

To amend the Agricultural Marketing Act of 1946 to maintain certain State and Tribal laws relating to hemp, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend the Agricultural Marketing Act of 1946 to maintain certain State and Tribal laws relating to 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. HEMP PRODUCTION.**

4 (a) DEFINITION OF HEMP.—Section 297A(1) of the
5 Agricultural Marketing Act of 1946 (7 U.S.C. 1639o(1))
6 (as amended by section 781 of the Agriculture, Rural De-
7 velopment, Food and Drug Administration, and Related
8 Agency Appropriations Act, 2026 (7 U.S.C. 1639o note;
9 Public Law 119–37)), is amended by adding at the end
10 the following:

“(D) MAINTENANCE OF STATE AND TRIB-
AL LAWS.—Notwithstanding any other provision
of this paragraph, with respect to a State or In-
dian tribe that submits a notice under section
297B(a)(3)(A)(i), the terms ‘hemp’ and ‘hemp-
derived cannabinoid product’ have the meanings
given those terms, or to related terms con-
cerning the plant *Cannabis sativa* L. and prod-
ucts derived therefrom, in State or Tribal law,
except that the State or Indian tribe shall com-
ply with the exclusion from the definition in
subparagraph (C)(iv)(I).”.

(b) SELF-REGULATION BY STATES AND INDIAN TRIBES.—Section 297B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1639p) is amended—

16 (1) in subsection (a)—

(A) in paragraph (1), by striking “A
State” and inserting “Except as provided in
paragraph (3)(A), a State”; and

20 (B) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

24 (ii) by inserting before subparagraph
25 (B) (as so redesignated) the following:

1 “(A) SELF-REGULATION BY STATES AND
2 INDIAN TRIBES.—

3 “(i) IN GENERAL.—In lieu of submit-
4 ting a plan under paragraph (1), a State
5 or Indian tribe desiring to have primary
6 regulatory authority over the production of
7 hemp and hemp-derived cannabinoid prod-
8 ucts in the State or territory of the Indian
9 tribe may submit to the Secretary, through
10 the State department of agriculture (in
11 consultation with the Governor and chief
12 law enforcement officer of the State) or the
13 Tribal government, as applicable, a notice
14 that the State or Indian tribe elects not to
15 be subject to this subtitle.

16 “(ii) REQUIREMENT FOR EFFECT.—
17 On submission of a notice under clause (i)
18 by a State or Indian tribe, the State or In-
19 dian tribe shall not be subject to this sub-
20 title, subject to the condition that the
21 State or Indian tribe shall implement a
22 minimum age requirement for the purchase
23 of hemp-derived cannabinoid products.

24 “(iii) INTERSTATE COMMERCE.—

1 “(I) RULE OF CONSTRUCTION.—

2 Nothing in this subtitle prohibits the
3 interstate commerce of hemp or hemp-
4 derived cannabinoid products to or
5 from a State or territory of an Indian
6 tribe that is not subject to this sub-
7 title pursuant to clause (ii).

8 “(II) TRANSPORTATION.—No

9 State or Indian tribe shall prohibit the
10 interstate commerce of hemp or hemp-
11 derived cannabinoid products to or
12 from a State or territory of an Indian
13 tribe that is not subject to this sub-
14 title pursuant to clause (ii).

15 “(III) BETWEEN CERTAIN

16 STATES AND INDIAN TRIBES.—In the
17 case of the interstate commerce of
18 hemp or hemp-derived cannabinoid
19 products between 2 States, between
20 the territories of 2 Indian tribes, or
21 between a State and the territory of
22 an Indian tribe that are not subject to
23 this subtitle pursuant to clause (ii),
24 the hemp or hemp-derived
25 cannabinoid products shall be required

1 to comply with the laws (including
2 regulations) of both States, both In-
3 dian tribes, or the State and the In-
4 dian tribe, as applicable.”; and

5 (iii) in subparagraph (B) (as so redes-
6 igned), by striking “that—” in the mat-
7 ter preceding clause (i) and all that follows
8 through the period at the end of clause (ii)
9 and inserting “that regulates the produc-
10 tion of hemp.”; and

11 (2) in subsection (f)(1), by striking “if the pro-
12 duction” and inserting the following: “if—

13 “(A) the State or Indian tribe is not sub-
14 ject to this subtitle pursuant to subsection
15 (a)(3)(A); or

16 “(B) the production”.

17 (c) EXEMPTION FROM DEPARTMENT OF AGRI-
18 CULTURE PLAN.—Section 297C of the Agricultural Mar-
19 keting Act of 1946 (7 U.S.C. 1639q) is amended, in sub-
20 sections (a)(1) and (c)(1), by striking “In the case” each
21 place it appears and inserting “Except as provided in sec-
22 tion 297B(a)(3)(A), in the case”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on the effective date of the
25 amendments made by section 781 of the Agriculture,

1 Rural Development, Food and Drug Administration, and
2 Related Agency Appropriations Act, 2026 (7 U.S.C.
3 1639o note; Public Law 119–37)).