

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish protections for radio and television stations that provide advertising services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To establish protections for radio and television stations that provide advertising services to cannabis-related legitimate businesses and service providers for such businesses, 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; TABLE OF CONTENTS; PURPOSE.**

4        (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Secure and Fair Enforcement Advertising Act of 2022”  
6 or the “SAFE Advertising Act of 2022”.

7        (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents; purpose.
- Sec. 2. Definitions.
- Sec. 3. Safety for advertising.
- Sec. 4. Protections for ancillary businesses.
- Sec. 5. Protections under Federal law.
- Sec. 6. Application of this Act with respect to hemp-related legitimate businesses and hemp-related service providers.
- Sec. 7. GAO report.

1           (c) **PURPOSE.**—The purpose of this Act is to ensure  
2 access to advertising services from radio and television  
3 stations for cannabis-related legitimate businesses and  
4 service providers.

5 **SEC. 2. DEFINITIONS.**

6           In this Act:

7           (1) **CANNABIS.**—The term “cannabis” has the  
8 meaning given the term “marihuana” in section 102  
9 of the Controlled Substances Act (21 U.S.C. 802).

10           (2) **CANNABIS PRODUCT.**—The term “cannabis  
11 product” means any article that contains cannabis,  
12 including an article that is a concentrate, an edible,  
13 a tincture, a cannabis-infused product, or a topical.

14           (3) **CANNABIS-RELATED LEGITIMATE BUSI-**  
15 **NESS.**—The term “cannabis-related legitimate busi-  
16 ness” means a manufacturer, a producer, or any  
17 person or company that—

18           (A) engages in any activity described in  
19 subparagraph (B) pursuant to a law established  
20 by a State or political subdivision of a State, as

1 determined by the State or political subdivision;  
2 and

3 (B) participates in any business or orga-  
4 nized activity that involves handling cannabis or  
5 cannabis products, including cultivating, pro-  
6 ducing, manufacturing, selling, transporting,  
7 displaying, dispensing, distributing, or pur-  
8 chasing cannabis or cannabis products.

9 (4) CBD.—The term “CBD” means  
10 cannabidiol.

11 (5) HEMP.—The term “hemp” has the meaning  
12 given the term in section 297A of the Agricultural  
13 Marketing Act of 1946 (7 U.S.C. 1639o).

14 (6) INDIAN COUNTRY.—The term “Indian coun-  
15 try” has the meaning given that term in section  
16 1151 of title 18, United States Code.

17 (7) INDIAN TRIBE.—The term “Indian Tribe”  
18 has the meaning given the term “Indian tribe” in  
19 section 102 of the Federally Recognized Indian  
20 Tribe List Act of 1994 (25 U.S.C. 5130).

21 (8) MANUFACTURER.—The term “manufac-  
22 turer” means a person who manufactures, com-  
23 pounds, converts, processes, prepares, or packages  
24 cannabis or cannabis products.

1           (9) PRODUCER.—The term “producer” means a  
2           person who plants, cultivates, harvests, or in any  
3           way facilitates the natural growth of cannabis.

4           (10) SERVICE PROVIDER.—The term “service  
5           provider”—

6                   (A) means a business, organization, or  
7           other person that—

8                           (i) sells goods or services to a can-  
9                           nabis-related legitimate business; or

10                           (ii) provides any business services, in-  
11                           cluding the sale of advertising, the sale or  
12                           lease of real or any other property, legal or  
13                           other licensed services, or any other ancil-  
14                           lary service, relating to cannabis; and

15                   (B) does not include a business, organiza-  
16           tion, or other person that participates in any  
17           business or organized activity that involves han-  
18           dling cannabis or cannabis products, including  
19           cultivating, producing, manufacturing, selling,  
20           transporting, displaying, dispensing, distrib-  
21           uting, or purchasing cannabis or cannabis prod-  
22           ucts.

23           (11) STATE.—The term “State” means each of  
24           the several States, the District of Columbia, the

1 Commonwealth of Puerto Rico, and any territory or  
2 possession of the United States.

3 **SEC. 3. SAFETY FOR ADVERTISING.**

4 (a) IN GENERAL.—The Federal Communications  
5 Commission may not—

6 (1) with respect to an authorization relating to  
7 a radio or television broadcast station, deny, fail to  
8 renew for a full term or condition the authorization,  
9 decline to approve an application for authority to as-  
10 sign the authorization or transfer direct or indirect  
11 control of the licensee, require an early renewal ap-  
12 plication, or otherwise impair the authorization, be-  
13 cause the station broadcast or otherwise transmitted  
14 advertising of a cannabis-related legitimate business  
15 or service provider, if the activities of the cannabis-  
16 related legitimate business or service provider were,  
17 at the time of the broadcast or other transmission  
18 of advertising, authorized in the State, political sub-  
19 division of a State, or Indian country in which the  
20 community of license of the station is located;

21 (2) commence any proceeding against, issue a  
22 notice of apparent liability or inquiry to, or impose  
23 a forfeiture penalty on a radio or television broad-  
24 cast station under title V of the Communications  
25 Act of 1934 (47 U.S.C. 501 et seq.) because the sta-

1       tion broadcast or otherwise transmitted advertising  
2       of a cannabis-related legitimate business or service  
3       provider, if the activities of the cannabis-related le-  
4       gitimate business or service provider were, at the  
5       time of the broadcast or other transmission of adver-  
6       tising, authorized in the State, political subdivision  
7       of a State, or Indian country in which the commu-  
8       nity of license of the station is located; or

9               (3) deny or designate for hearing any applica-  
10       tion for an authorization relating to a radio or tele-  
11       vision broadcast station solely because—

12                       (A) the applicant—

13                               (i) is or has been a cannabis-related  
14                               legitimate business or service provider; or

15                               (ii) is an owner, officer, operator, or  
16                               employee of a cannabis-related legitimate  
17                               business or service provider; or

18                       (B) an owner, officer, director, or employee  
19       of the applicant, any parent entity of the appli-  
20       cant, or the applicant has provided or is pro-  
21       viding services, including advertising services,  
22       equipment, or other support, for the operation  
23       of a cannabis-related legitimate business or  
24       service provider.

1 (b) LABELING REQUIREMENT.—Subsection (a) shall  
2 only apply with respect to the advertising of products sold  
3 by a cannabis-related legitimate business if—

4 (1) the advertisement—

5 (A) contains a disclosure that states, “This  
6 product has not been evaluated by the Food  
7 and Drug Administration. There may be health  
8 risks associated with consumption of this prod-  
9 uct.”; or

10 (B) complies with any applicable labeling  
11 requirements or other requirements adopted by  
12 the Surgeon General or the Food and Drug Ad-  
13 ministration for advertising of cannabis or can-  
14 nabis products; and

15 (2) the advertiser has reliable evidence that not  
16 less than 70 percent of the audience for the adver-  
17 tisement is reasonably expected to be not less than  
18 21 years of age, with the burden of proof regarding  
19 the expected audience composition lying with the ad-  
20 vertiser.

21 **SEC. 4. PROTECTIONS FOR ANCILLARY BUSINESSES.**

22 For the purposes of sections 1956 and 1957 of title  
23 18, United States Code, section 421 of the Controlled Sub-  
24 stances Act (21 U.S.C. 862), and any other provision of  
25 Federal law, the proceeds from a transaction involving ac-

1 tivities of a cannabis-related legitimate business or service  
2 provider shall not be considered proceeds from an unlawful  
3 activity or require the denial of Federal benefits solely be-  
4 cause—

5 (1) the transaction involves proceeds from a  
6 cannabis-related legitimate business or service pro-  
7 vider; or

8 (2) the transaction involves proceeds from—

9 (A) cannabis-related activities described in  
10 section 2(3)(B) conducted by a cannabis-related  
11 legitimate business; or

12 (B) activities described in section 2(10)(A)  
13 conducted by a service provider.

14 **SEC. 5. PROTECTIONS UNDER FEDERAL LAW.**

15 With respect to providing advertising service to a can-  
16 nabis-related legitimate business (where the cannabis-re-  
17 lated legitimate business operates within a State, a polit-  
18 ical subdivision of a State, or Indian country in which the  
19 cultivation, production, manufacture, sale, transportation,  
20 display, dispensing, distribution, or purchase of cannabis  
21 is allowed pursuant to a law or regulation of the State,  
22 the political subdivision, or the Indian Tribe with jurisdic-  
23 tion over the Indian country, respectively) or a service pro-  
24 vider (wherever located), a radio or television station li-  
25 censed to a community within a State, a political subdivi-



1 sion of a State, or Indian country in which the activities  
2 of the cannabis-related legitimate business promoted in  
3 the advertising service are allowed, a depository institu-  
4 tion, insurer, or other entity that provides a financial or  
5 other service to such a radio or television station providing  
6 advertising service to a cannabis-related legitimate busi-  
7 ness or service provider, and the officers, directors, and  
8 employees of such radio or television station, depository  
9 institution, insurer, or other entity may not be held liable  
10 pursuant to any Federal law or regulation, including sub-  
11 section (b) or (c) of section 403 of the Controlled Sub-  
12 stances Act (21 U.S.C. 843)—

13 (1) solely for providing such advertising service  
14 or related financial or other service; or

15 (2) for further investing any income derived  
16 from such advertising service or related financial or  
17 other service.

18 **SEC. 6. APPLICATION OF THIS ACT WITH RESPECT TO**  
19 **HEMP-RELATED LEGITIMATE BUSINESSES**  
20 **AND HEMP-RELATED SERVICE PROVIDERS.**

21 (a) **IN GENERAL.**—This Act shall apply with respect  
22 to a hemp-related legitimate business or hemp-related  
23 service provider in the same manner as the Act applies  
24 with respect to a cannabis-related legitimate business or  
25 service provider.

1 (b) DEFINITIONS.—In this section:

2 (1) HEMP-RELATED LEGITIMATE BUSINESS.—

3 The term “hemp-related legitimate business” means  
4 a manufacturer, producer, or any person that—

5 (A) engages in any activity described in  
6 subparagraph (B) in conformity with—

7 (i) subtitle G of the Agricultural Mar-  
8 keting Act of 1946 (7 U.S.C. 1639o et  
9 seq.) and the regulations issued to imple-  
10 ment that subtitle by the Department of  
11 Agriculture, where applicable; and

12 (ii) the applicable law of a State, po-  
13 litical subdivision of a State, or Indian  
14 Tribe; and

15 (B) participates in any business or orga-  
16 nized activity that involves handling hemp,  
17 hemp-derived CBD products, and other hemp-  
18 derived cannabinoid products, including culti-  
19 vating, producing, extracting, manufacturing,  
20 selling, transporting, displaying, dispensing, or  
21 purchasing hemp, hemp-derived CBD products,  
22 and other hemp-derived cannabinoid products.

23 (2) HEMP-RELATED SERVICE PROVIDER.—The  
24 term “hemp-related service provider”—

1 (A) means a business, organization, or  
2 other person that—

3 (i) sells goods or services to a hemp-  
4 related legitimate business; or

5 (ii) provides any business services, in-  
6 cluding the sale of advertising, the sale or  
7 lease of real or any other property, legal or  
8 other licensed services, or any other ancil-  
9 lary service, relating to hemp, hemp-de-  
10 rived CBD products, or other hemp-derived  
11 cannabinoid products; and

12 (B) does not include a business, organiza-  
13 tion, or other person that participates in any  
14 business or organized activity that involves han-  
15 dling hemp, hemp-derived CBD products, or  
16 other hemp-derived cannabinoid products, in-  
17 cluding cultivating, producing, manufacturing,  
18 selling, transporting, displaying, dispensing, dis-  
19 tributing, or purchasing hemp, hemp-derived  
20 CBD products, and other hemp-derived  
21 cannabinoid products.

22 **SEC. 7. GAO REPORT.**

23 (a) DEFINITIONS.—In this section—

1           (1) the term “small business concern” has the  
2 meaning given the term in section 3 of the Small  
3 Business Act (15 U.S.C. 632); and

4           (2) the term “socially and economically dis-  
5 advantaged individual” has the meaning given the  
6 term in section 8(d) of the Small Business Act (15  
7 U.S.C. 637(d)) and relevant subcontracting regula-  
8 tions prescribed under such section 8(d), except that  
9 women are presumed to be socially and economically  
10 disadvantaged.

11       (b) REPORT.—Not later than 1 year after the date  
12 of enactment of this Act, the Comptroller General of the  
13 United States shall—

14           (1) conduct a study of cannabis-related legiti-  
15 mate businesses that—

16                   (A) are small business concerns; or

17                   (B) are owned by a socially and economi-  
18 cally disadvantaged individual; and

19           (2) submit a report on the results of the study  
20 conducted under paragraph (1) to Congress.

21       (c) CONTENTS.—The report submitted under sub-  
22 section (b) shall include—

23           (1) an evaluation of whether cannabis-related  
24 legitimate businesses that are small business con-  
25 cerns or are owned by a socially and economically

1       disadvantaged individual face systemic barriers to  
2       access service providers compared to other cannabis-  
3       related legitimate businesses; and

4               (2) recommendations to Congress to facilitate  
5       the access of cannabis-related legitimate businesses  
6       to service providers, particularly cannabis-related le-  
7       gitimate businesses that—

8                       (A) are small business concerns; or

9                       (B) are owned by a socially and economi-  
10       cally disadvantaged individual.