The Tennessee Whole Plant Act

Implementation Path

How to read this

The Whole Plant Act is the destination, not a demand that the whole thing pass in one session. This document shows the incremental route for Tennessee: what can move now, what the interim year is for, and what lands last. Tennessee's starting point is unusual. It has no medical or adult-use program, and it already runs a licensed, age-gated, taxed trade in intoxicating hemp-derived items through the Alcoholic Beverage Commission under Title 57, Chapter 7. So the path does not build a regulator from nothing. It extends the one Tennessee has to the whole plant by intoxicating potential, and it builds the medical program Tennessee never had.

What this draft is written against

This draft is written against current Tennessee law, enacted through the 2026 session, and against the Alcoholic Beverage Commission rules now in force. Where the General Assembly takes up cannabis legislation, this draft is reconciled to it as amendments. Each provision here that the legislation already carries is marked as covered. Each provision it carries differently becomes an amendment to that language. Each provision it lacks becomes an added section. The aim is to arrive as an amendment package to whatever vehicle is moving rather than as a competing one. The status stays "drafted from public sources" until a Tennessee working group has audited it.

The forcing function

The rewritten federal definition of hemp is scheduled to take effect November 12, 2026 and to reach full effect December 11, 2026. Tennessee's hemp-derived chapter is written on its own numbers and does not pick up the federal change, so Tennessee law will keep permitting items the federal definition no longer reaches. A federal final rule of April 28, 2026 (91 FR 22714) placed in Schedule III cannabis held under a state medical license, with an expedited DEA registration for those licensees, and Tennessee has no state medical license for it to recognize. In 2026 the General Assembly enacted Chapter 789, which bars the state from following a federal rescheduling until the General Assembly itself establishes a regulatory framework. The path below gives Tennessee that framework, on its own terms and on its own calendar.

Track one: near-term wins in the 2027 session

These pieces stand on their own. Each is a section of the Act landing early.

- The medical program's front door. Authorization on clinical assessment with no condition list, fee-free registration, and recognition of the families already relying on the cannabis-oil exclusion at § 39-17-402(16)(F). This also gives the Medical Cannabis Commission's five years of study a program to show for them.
- Reconstitute the Medical Cannabis Commission as the Tennessee Cannabis Commission. The General Assembly has already told that body to design an independent, self-sufficient commission. Its sitting members continue and begin work on the effective date.
- The civil protections. The most urgent are the employment carve-out at § 50-1-304(d), which since January 1, 2026 has excluded every product the Alcoholic Beverage Commission regulates, and the workers' compensation presumption at § 50-6-110(c)(1).
- The criminal-justice fixes. Automatic, no-fee expunction for conduct the Act makes lawful, built on the 2025 expunction reorganization. The one-course-of-conduct rule. An end to blanket abstinence conditions on supervision.
- Self-distribution and the scaled financial requirement. Guarantee every licensed supplier the right to distribute its own products, and scale the $750,000 wholesaler requirement to the size of the operation. These are discrete amendments to § 57-7-106 that do not depend on the rest of the framework.
- Cannabinoid inputs across license types. Confirm in statute that extracts and isolates made under hemp producer licenses can move to suppliers, tested and traceable, as they do today.

Track two: the framework, phased

2027, establish and assign. The first session of the 115th General Assembly establishes the framework and reconstitutes the Commission. Its first charge is to convene the interim work group and deliver the standards and the implementation plan. The interim work answers the Tennessee-specific questions:
- how the Alcoholic Beverage Commission's licensing extends from hemp-derived items to the whole plant;
- how the wholesale tax applies to newly covered items, and what the non-intoxicating rate should be;
- how the per-form tax rates should be reconciled;
- where the personal-limit and grading lines should finally sit;
- how the Department of Agriculture's role at the industrial boundary is sequenced.

The Commission opens patient, caregiver, and grower registration within 180 days. Existing Title 57, Chapter 7 licensees may register as program suppliers on the day it opens.

2028, enact. The second session enacts the implementation package: the standards, the licensing portal, the agency roles, and the conforming amendments, presented together. By then the near-term wins are law, this draft has been reconciled into amendment form against whatever vehicle is moving, and the Commission has delivered its plan.

The omnibus structure, for the room and for counsel

Presented as an omnibus, the bill reads as a flowchart. At the top sit the Tennessee Cannabis Commission and the anchor amendment, which replaces § 68-7-101 with the Act's definitions. Everything else filters down from there. The Commission directs:
- the Alcoholic Beverage Commission, for licensing and inspection under Title 57, Chapter 7;
- the Department of Health, for program support and the health-related boards;
- the Department of Agriculture, for cultivation and the federal hemp plan;
- the Department of Revenue, for the wholesale tax;
- the Department of Mental Health and Substance Abuse Services, for prevention and treatment.

The Office of Legal Services writes the operative Code language from that structure. The Tennessee Drafting Record's conforming-amendments list gives it every section to touch.

The point of doing it this way

Phasing is not retreat. The near-term wins deliver relief immediately and build credibility. The interim year turns the hardest Tennessee questions into worked answers: the tax on newly covered items, the tiers with self-distribution, the industrial boundary. The two-session clock lines up with the federal calendar and with the General Assembly's own, so Tennessee meets the federal change with a framework of its own rather than a scramble.