The Whole Plant Act

Federal Bill

The federal instance of the Whole Plant Act: the framework stated at the federal level, against the enacted federal code. It establishes one botanical input, sorted first by end use into industrial cannabis and herbal cannabis, with herbal cannabis items classified by intoxicating potential at the labeled dose; keeps the plant in the public domain; builds medical use as public-health infrastructure; protects the person; places one federal authority over the plant while the states run their markets beneath a federal floor; and repairs the harm of prohibition. It adopts the genuine advances of the Cannabis Administration and Opportunity Act as its own provisions and corrects that bill's origin-based foundation; it may be enacted on its own or as a substitute for that Act.

A bill relating to cannabis; amending the Controlled Substances Act, the Federal Food, Drug, and Cosmetic Act, the Internal Revenue Code of 1986, the Agricultural Marketing Act of 1946, and title 18, United States Code; establishing one botanical input sorted by end use, with herbal cannabis items classified by intoxicating potential; protecting the person; keeping the plant in the public domain; and for other purposes.

This is a policy draft, not a filed measure. Not legal advice.

Section 1. Short title

This Act may be cited as the Whole Plant Act.

Section 2. Findings and purpose

Congress finds that cannabis is one plant, Cannabis sativa L.; that the distinction between "hemp" and "marijuana" is a line drawn by botanical origin and concentration by weight, not a pharmacological difference; and that regulating identical molecules differently by the plant they came from or the process that made them serves neither public health nor economic justice.

Congress further finds that descheduling is necessary but not sufficient. A framework that removes cannabis from prohibition while continuing to sort it by origin runs two statutory inputs, two regulators, two compliance regimes, and two tax treatments, and that division is the mechanism through which the plant is enclosed: commercially, as the market built by small operators is routed to the largest incumbents, and pharmaceutically, as proprietary whole-plant products capture medical use while the unbranded plant is pushed to the margins. Congress further finds that rescheduling or descheduling removes the practical restraints that have kept cannabinoid patent estates from being asserted against state-lawful operators; that a published public-domain record is prior art against every claim filed after it, so it must be built at once, in parallel with descheduling; and that the risk from claims already filed is best met directly, by limiting remedies against state-lawful activity for a transition period and by counting state-lawful use toward the prior-use defense.

The purpose of this Act is to sort cannabis first by end use and to classify herbal cannabis items by their intoxicating potential at the labeled dose rather than by botanical origin; to place one federal authority over the plant while preserving the states' authority to license and run their own markets beneath a federal floor; to keep the plant and its preparations in the public domain; to establish medical use as public-health infrastructure; to protect the person from criminal and civil penalty; to repair the harm of prohibition; and to open lawful interstate commerce once the person's protections and conformance to the national standard are in force, with the public domain built in parallel.

Section 3. Definitions; one botanical input

There is one botanical input, Cannabis sativa L. The exclusion of "hemp" from the definition of cannabis, wherever it appears in federal law, including the Agricultural Marketing Act of 1946 and the conforming amendments to the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act, is struck. Cannabis is not sorted into "cannabis" and "hemp" at the source. Whether a product moves through general retail, through age-restricted specialty retail, or through the agricultural commodity system is decided downstream by end use and intoxicating potential under Sections 4 and 12, not at the plant by origin.

The definitions in this section sit on two axes. Register, commercial versus noncommercial, is a paired vocabulary for the same physical acts, set by commercial purpose. Track, herbal versus industrial, is set by end use. Plant-level terms sit above both.

This section adopts a common vocabulary for cannabis, its constituents, and its preparations. A term defined here that this Act does not otherwise use is available for use in rules adopted under this Act, in other federal law, and by a state adopting this Act. A reference in this Act to a producer, processor, manufacturer, distributor, retailer, or

laboratory is a reference to the corresponding term defined in this section.

As used in this Act:

(1) "Artificially derived cannabinoid" means a cannabinoid produced by a chemical reaction that changes the molecular structure of a substance derived from cannabis. This term operates solely as a production-method disclosure for labeling and testing and does not determine how a cannabinoid or cannabinoid product is classified or whether it may be sold. Decarboxylation of a naturally occurring cannabinoid acid by heat alone is not a conversion under this definition, and the resulting cannabinoid is not artificially derived.

(2) "Associated compounds" means the constituents of the cannabis plant other than cannabinoids, including terpenes within the meaning of this section, flavonoids, and other phytochemicals, whether or not the effect of a particular constituent has been characterized.

(3) "Attending provider" means a health-care provider authorized to deliver clinical care who, based on clinical assessment, authorizes a patient's medical use of cannabis.

(4) "Attenuate" means, with respect to a compound, to reduce the effect of another compound.

(5) "Broad spectrum" means a preparation or product that retains the profile of the associated compounds of the source plant while removing or reducing one or more cannabinoids, including the intoxicating cannabinoids.

(6) "Cannabinoid" means any chemical compound of the cannabinoid class, whether it occurs naturally in cannabis, is derived from cannabis, or is produced by synthesis or conversion. The source or method of production of a cannabinoid does not determine how it is regulated.

(7) "Cannabinoid concentrate" means a substance obtained by separating cannabinoids from cannabis by a mechanical process, a chemical process using a non-hydrocarbon-based solvent such as water, vegetable glycerin, vegetable or animal oils, isopropyl alcohol, or ethanol, or a chemical process using carbon dioxide without high heat or pressure.

(8) "Cannabinoid edible" means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract, or fresh or dried cannabis leaves or flowers have been incorporated.

(9) "Cannabinoid extract" means a substance obtained by separating cannabinoids from cannabis by a chemical process using a hydrocarbon-based solvent such as butane, hexane, or propane, or a chemical process using carbon dioxide with high heat or pressure.

(10) "Cannabinoid product" means a finished good intended for human or animal consumption or use that contains one or more cannabinoids or any part of the cannabis plant. It is the commercial finished good on the herbal cannabis track, and includes, without limitation, an edible, a beverage, a tincture, a capsule, a topical or transdermal, and an inhalable product.

(11) "Cannabis" means the plant Cannabis sativa L., every part of the plant whether growing or not, and its seeds, without regard to delta-9-tetrahydrocannabinol concentration.

(12) "Cannabis distributor" means a person that distributes herbal cannabis items to a person other than a consumer.

(13) "Cannabis flowers" means the flowers of the plant Cannabis sativa L.

(14) "Cannabis leaves" means the leaves of the plant Cannabis sativa L.

(15) "Cannabis manufacturer" means a person that manufactures a finished cannabis product from an intermediate.

(16) "Cannabis processor" means a person that processes cannabis into an intermediate.

(17) "Cannabis producer" means a person that produces cannabis. Producing applies to cannabis grown for herbal or industrial end use. Where this Act treats the two differently, it refers to an herbal cannabis producer or an industrial cannabis producer, and an industrial cannabis producer is subject to this Act only to the boundary set in Section 12.

(18) "Cannabis retailer" means a person that retails herbal cannabis items to a consumer.

(19) "Cannabis seeds" means the seeds of the plant Cannabis sativa L.

(20) "Combination product" means a product that combines a device with a cannabinoid substance that the device meters or delivers.

(21) "Commercial purpose" means a purpose involving financial consideration beyond the recovery of the actual costs of noncommercial cultivation, handling, or preparation. Cost reimbursement does not by itself establish a commercial purpose.

(22) "Consumer" means a person who purchases, acquires, owns, holds, or uses herbal cannabis items other than for the purpose of resale.

(23) "Deliver" means the actual, constructive, or attempted physical transfer from one person to another of an herbal

cannabis item, whether or not there is an agency relationship. Whether a transfer is commercial or noncommercial is determined under the terms distribute or share, retail or provide.

(24) "Designated caregiver" means a person a patient designates to assist that patient with the medical use of cannabis, including obtaining, transporting, preparing, or administering cannabis for that patient.

(25) "Distribute" means to transfer herbal cannabis items to a person other than a consumer for a commercial purpose. The noncommercial transfer of cannabis between adults or between patients is to share.

(26) "Dose" means a specified amount of an herbal cannabis item, or of a constituent of one, taken at a discrete point in time. Where a dose is stated for an item, it is stated for the item as administered and accounts for every constituent measurable in it, including each cannabinoid and each associated compound.

(27) "Duration of effect" means the period over which a product's effect persists.

(28) "Endocannabinoid system" means the physiological signaling system of endogenous cannabinoids and their receptors.

(29) "Financial consideration" means value given or received directly or indirectly. It does not include cannabis transferred within the noncommercial and personal-use allowances of this Act, or the recovery of the actual costs of noncommercial cultivation, handling, or preparation.

(30) "Full spectrum" means a preparation or product that retains the characteristic profile of the cannabinoids and associated compounds of the source plant, including its intoxicating cannabinoids.

(31) "Grow" means to produce cannabis for a noncommercial purpose. See produce.

(32) "Handle" means to process cannabis for a noncommercial purpose. See process.

(33) "Herbal cannabis" means the fresh or dried flower and leaf of cannabis intended for cannabinoid consumption or use. Herbal cannabis is classified by intoxicating potential at the labeled dose under this Act and includes intoxicating material.

(34) "Herbal cannabis items" means herbal cannabis, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts. These are the members of the herbal cannabis track. Seeds, stalks, roots, fiber, grain, and the commodities and products derived from them are industrial cannabis inputs under Section 12 when grown, processed, or manufactured for a non-cannabinoid end use, and are not herbal cannabis items in that use.

(35) "Immature cannabis plant" means a cannabis plant that is not flowering.

(36) "Impairment" means a diminishment or loss of control of mental faculties or physical capabilities.

(37) "Industrial cannabis," commonly known as hemp, means cannabis grown, processed, or manufactured for a non-cannabinoid end use, including fiber, grain, seed, and stalk and the intermediates and products derived from them. Industrial cannabis is regulated as an agricultural commodity and is not classified by delta-9-THC concentration. Industrial cannabis is subject to this Act only to the boundary set in Section 12.

(38) "Intermediate" means material transformed from cannabis by processing that is not yet a finished cannabis product or a finished industrial product. On the herbal cannabis track an intermediate includes a cannabinoid concentrate and a cannabinoid extract. On the industrial cannabis track an intermediate includes fiber, grain, seed, and stalk material. An intermediate is the output of processing and the input to manufacture.

(39) "Intoxicating cannabinoid" means a cannabinoid that has intoxicating potential at its labeled dose, as determined under the standards and threshold the lead federal regulator adopts by rule in conformance with the recognized national standard under Section 13, or with the interim standard under Section 13(2) until a national consensus standard is recognized.

(40) "Intoxicating cannabinoid product" means a cannabinoid product that has intoxicating potential at its labeled dose.

(41) "Intoxicating herbal cannabis item" means an herbal cannabis item that has intoxicating potential at its labeled dose.

(42) "Intoxicating potential" means the capacity of a cannabis plant or an herbal cannabis item to produce intoxication at its labeled dose, determined by genetic markers, including the functional status of the THCA synthase gene, by cannabinoid content, by associated-compound content, by the interaction of the item's constituents, and by formulation and route of administration. Intoxicating potential determines the classification of a cannabinoid or product under Section 4 and the boundary of the industrial cannabis track under Section 12.

(43) "Intoxication" means a transient condition following the administration of a substance in which the acute pharmacological effects of the substance disturb consciousness, cognition, perception, affect, behavior, or other psycho-physiological function, and that resolves with time. Intoxication is a form of acute impairment, and impairment is not necessarily intoxication. Intoxication does not require euphoria.

(44) "Labeled dose" means the dose stated on a product's label as a single serving, comprising the item's constituents in the proportions the item contains them. A stated dose smaller than the amount the item is designed and marketed to be taken at one time is not a labeled dose for any purpose of this Act. Until the lead federal regulator sets the dose under Section 4(3), the item is classified and labeled at the amount it is designed and marketed to be taken at one time.

(45) "Legacy operator" means a person who produced, handled, or prepared cannabis in a State before that State first authorized commercial cannabis activity.

(46) "Manufacture" means to transform a cannabis intermediate, including a cannabinoid concentrate or extract, into a finished cannabis product, or to transform an industrial cannabis intermediate into a finished industrial product, for a commercial purpose. Manufacture does not include producing or processing, and does not include packaging, repackaging, labeling, or relabeling by itself. The same activity carried on for a noncommercial purpose is to prepare.

(47) "Medical use of cannabis" means the use of cannabis for a therapeutic purpose; provider authorization by clinical assessment establishes eligibility for a state medical use program and for recognition under Section 7(8) but is not a precondition of medical use.

(48) "Noncommercial" means not dependent or conditioned upon the provision or receipt of financial consideration, and cost recovery does not make an act commercial.

(49) "Non-intoxicating cannabinoid" means a cannabinoid that is not an intoxicating cannabinoid under this section.

(50) "Non-intoxicating cannabinoid product" means a cannabinoid product that is not an intoxicating cannabinoid product.

(51) "Non-intoxicating herbal cannabis item" means an herbal cannabis item that is not an intoxicating herbal cannabis item.

(52) "Onset of action" means the time from administration to the beginning of a product's effect.

(53) "Personal use" means the noncommercial use, possession, cultivation, or sharing of cannabis by a person 21 years of age or older.

(54) "Potency" means the amount of a cannabinoid required to produce a defined effect in a person. Potency is not a fixed attribute of a cannabis item. For a whole-plant or spectrum preparation the relationship between amount and effect is not linear: other constituents of the finished item attenuate or potentiate the effect, and the response varies with the person's own biology. Potency is therefore a moving target rather than a measurement. The measurable attribute of an item is its cannabinoid concentration, and the attribute this Act classifies by is intoxicating potential.

(55) "Potentiate" means, with respect to a compound, to increase the effect of another compound.

(56) "Prepare" means to manufacture cannabis for a noncommercial purpose. See manufacture.

(57) "Process" means to transform cannabis into an intermediate, including a cannabinoid concentrate or extract on the herbal cannabis track or a fiber, grain, seed, or stalk intermediate on the industrial cannabis track, for a commercial purpose. Process does not include packaging or labeling. The same activity carried on for a noncommercial purpose is to handle.

(58) "Produce" means to grow, cultivate, plant, or harvest cannabis for a commercial purpose. Produce does not include the drying of cannabis by a cannabis processor that is not otherwise producing cannabis, or the growing of an immature cannabis plant by a processor, distributor, or retailer that received the plant from a licensed producer. The same activity carried on for a noncommercial purpose is to grow.

(59) "Provide" means the noncommercial furnishing of cannabis to a consumer or a patient. See retail.

(60) "Psychoactive" means having an effect on the central nervous system. A substance may be psychoactive without producing intoxication and without producing impairment. Psychoactivity neither establishes nor precludes classification under Section 4.

(61) "Psychotropic" has the meaning given "psychoactive" in this section.

(62) "Registry identification cardholder" or "patient" means a person who engages in the medical use of cannabis on the authorization of an attending provider based on clinical assessment. "Patient" is the short form used throughout this Act.

(63) "Retail" means to sell herbal cannabis items to a consumer. The noncommercial furnishing of cannabis to another adult or a patient is to provide.

(64) "Share" means the noncommercial transfer of cannabis between adults or between patients, without financial consideration beyond cost recovery. See distribute.

(65) "Operator" means a person licensed or otherwise authorized by a state to produce, process, manufacture,

distribute, or retail herbal cannabis items. "Small operator" means an operator whose volume falls below the threshold under Section 11(2). Small producer has the corresponding meaning for a producer.

(66) "Terpene" means any chemical compound of the terpene or terpenoid class, whether it occurs naturally in cannabis, is derived from cannabis, is derived from another botanical source, or is produced by synthesis. The source or method of production of a terpene does not determine how it is regulated.

(67) "Total intoxicating cannabinoid equivalent" means, with respect to an herbal cannabis item, the sum of the intoxicating cannabinoids it contains, each counted at its equivalence to delta-9-tetrahydrocannabinol as the lead federal regulator sets by rule on human evidence, and including the acid form of each at the conversion ratio the lead federal regulator sets by rule.

(68) "Whole-plant preparation" means a preparation that retains the characteristic profile of the cannabinoids and associated compounds of the source plant. It is the characterization unit under Section 6 and the public-domain registry, and is distinct from a cannabinoid product, which is the commercial finished good. A whole-plant preparation may be full spectrum or broad spectrum.

Acts, actors, and the register line. The acts and actors in this section apply to all cannabis on either track. The commercial acts, to produce, process, manufacture, distribute, and retail, are licensed by the states under the framework this Act establishes; the noncommercial acts, to grow, handle, prepare, share, and provide, are protected under Section 8. There is no track-specific actor: a producer, processor, manufacturer, distributor, or retailer is identified as herbal or industrial by the end use of what is produced, processed, or manufactured.

Section 4. Classification by intoxicating potential

(1) There is one regulated market for herbal cannabis items. Every herbal cannabis item, whether herbal cannabis, a cannabinoid concentrate or extract, or a cannabinoid product, is classified as intoxicating or non-intoxicating by its intoxicating potential at the labeled dose, under Section 3 and the national standard under Section 13. Classification does not depend on whether a cannabinoid is naturally occurring, derived from cannabis, or artificially derived, or on whether the source plant was formerly designated hemp or marijuana. Classification accounts for the item as administered, including the interaction of its constituents at the labeled dose.

(2) Except as subsections (16) and (19) of this section provide, a non-intoxicating herbal cannabis item moves through general retail, including pharmacies, online sellers, and traditional retail, subject to the national testing, labeling, and authentication standards for non-intoxicating items. An intoxicating herbal cannabis item moves through age-restricted, state-licensed specialty retail, to a person 21 years of age or older, subject to the safety, testing, cannabinoid concentration, packaging, labeling, and authentication standards for intoxicating items. One set of national testing, safety, and labeling standards applies to every herbal cannabis item regardless of the origin of the molecule or the method of its production, and those standards apply across the supply chain, to cultivation inputs, to in-process and intermediate material, and to the finished product, so contamination is caught before sale rather than at the finished stage alone.

(3) The lead federal regulator under Section 5(2) establishes the classification methodology by rule, keyed to dose, formulation, route of administration, and the interaction of the item's constituents, including the attenuation or potentiation of an intoxicating cannabinoid by another cannabinoid or by an associated compound, and not to concentration by weight. The classification threshold, the test methods, and the product standards are set by rule in conformance with the national standard under Section 13. Where the lead federal regulator finds that an item's stated dose is smaller than the amount the item is designed and marketed to be taken at one time, the lead federal regulator sets the dose at which the item is classified, and the item is labeled at that dose.

(4) A packaging, labeling, advertising, health-claim, recall, or safety requirement of this section that by its nature applies to herbal cannabis sold as flower applies to that item as the lead federal regulator provides by rule, so that no herbal cannabis item is unregulated by reason of being sold as flower.

(5) Industrial cannabis is regulated as an agricultural commodity by end use under Section 12 and is not subject to the requirements applicable to herbal cannabis items.

(6) A cannabinoid product intended for administration to an animal is classified by intoxicating potential, is subject to product standards appropriate to animal use and to veterinary oversight, and is regulated as a cannabinoid product rather than as industrial cannabis.

(7) Cannabinoid concentration and dose labeling are set by rule. The label shall state the item's cannabinoid profile, reporting by name each cannabinoid identified at or above the reporting level the lead federal regulator sets by rule, whether naturally occurring or formed during production, the method of production where the item contains an artificially derived cannabinoid or a cannabinoid produced by synthesis, its associated-compound profile, and its total intoxicating cannabinoid equivalent at the labeled dose, on methods the lead federal regulator sets by rule. The label of an herbal cannabis item shall state its onset of action and its duration of effect where those apply to the item's form and route of consumption. This Act does not impose a statutory cannabinoid concentration ceiling.

Classification by intoxicating potential is governed by this section and the national standard under Section 13.

(8) The lead federal regulator sets heightened requirements for inhalable herbal cannabis items by rule, including device and hardware safety and the restriction of additives unsafe when inhaled.

(9) An herbal cannabis item may not be manufactured, packaged, labeled, or marketed to imitate a candy, snack, or other product marketed to children, or to imitate an established commercial brand.

(10) A representation of a therapeutic or health effect is limited to what the applicable standard and the evidence support, as the lead federal regulator provides by rule. An unsubstantiated health claim is prohibited.

(11) The lead federal regulator establishes procedures for the recall of unsafe products and for adverse-event reporting by rule, and publishes adverse-event data in de-identified form. The lead federal regulator, with the federal public health agencies and the poison control centers, collects and publishes in de-identified form data on unintended exposures to herbal cannabis items, including, where known, the item's form, its labeled dose, whether it was sold under state license, and its source, and uses that data with the adverse-event data in reviewing standards under subsection (22) of this section.

(12) The lead federal regulator accredits cannabinoid testing laboratories, sets conflict-of-interest standards, and prevents laboratory-shopping and result manipulation by rule.

(13) As a national floor, an intoxicating herbal cannabis item, an item subject to subsection (16) of this section, and an item that subsection (19)(c) of this section moves out of general retail, may not be sold or furnished to, or purchased by, a person under 21 years of age, and is sold from age-restricted premises. Where a state authorizes the sale of intoxicating herbal cannabis items, age-restricted premises include premises licensed to serve alcoholic beverages for consumption on the premises, and any other premises at which proof of age is inspected at the point of sale, where the item is kept behind the counter or otherwise out of reach of a person under 21 and is not on open display. A licensed on-premise venue is a channel for an intoxicating herbal cannabis item on the same terms as any other age-restricted premises, and this Act does not make the holder of an alcohol license a gatekeeper of that channel. Such a venue is subject to subsection (17) of this section. Every herbal cannabis item, whatever its classification, is sold at retail in child-resistant, tamper-evident packaging, on standards the lead federal regulator sets by rule appropriate to each item form. The states set the retail-operation detail at or above that floor. The lead federal regulator sets marketing and advertising standards by rule, including limits on placement and content that appeal to persons under 21 years of age, and no advertising may be false or misleading.

(14) Certificates of analysis and representations. A sample submitted for required testing shall be collected by the testing laboratory or by a sampler the lead federal regulator authorizes, under a documented chain of custody, and may not be selected by the operator whose item is tested. A certificate of analysis shall state the laboratory and its accreditation, the operator submitting the item, the item and its batch or lot, the dates of sample collection, sample receipt, and testing, the test methods used, the cannabinoid profile, reporting each identified cannabinoid by name as the label does, the method of conversion or synthesis disclosed under subsection (18) of this section, the associated-compound profile, the total intoxicating cannabinoid equivalent at the labeled dose, the cannabinoid concentration results, the contaminant results, whether each test was passed or failed, and any limitation or qualifier on a result. A certificate is accessible to the person who obtains the item, and its identity, cannabinoid concentration, and safety results are characterization data under Section 6 and Section 7. A representation of production method, including a representation that a cannabinoid is or is not artificially derived, and a representation that an item is full spectrum or broad spectrum, is part of the item's labeling. Production method does not thereby determine how an item is classified or whether it may be sold.

(15) Associated compounds and terpenes. An associated compound that contains no cannabinoid, including an isolated terpene, is regulated on the same terms as the identical compound derived from another botanical source or produced synthetically. It is not an herbal cannabis item, and is not subject to the requirements applicable to herbal cannabis items, by reason of its derivation from cannabis. It is not a controlled substance by reason of that derivation, and it moves in interstate commerce on the same terms as a non-intoxicating herbal cannabis item under subsection (2) of this section and Section 13. The lead federal regulator may require that an associated compound derived from cannabis meet the testing and labeling standards applicable to a non-intoxicating herbal cannabis item, and may not condition its sale on a requirement that does not apply to the identical compound from another source.

(16) Impairment parity. A non-intoxicating herbal cannabis item that produces impairment at its labeled dose on human evidence is sold under the same retail restrictions, and carries the same labeling, as an intoxicating herbal cannabis item, except that the label states that the item impairs at its labeled dose and does not state that the item is intoxicating. It is not an intoxicating herbal cannabis item for any other purpose of this Act. The lead federal regulator makes the finding on human evidence, states the evidence relied on, and revisits the finding when new human evidence warrants.

(17) Cannabinoids and alcoholic beverages. As a national floor, an herbal cannabis item may not be manufactured, sold, or served mixed or infused with, or otherwise used as an ingredient in, beer, wine, cider or any other alcoholic beverage, and an alcoholic beverage may not be mixed or infused with a cannabinoid. This subsection applies to

every herbal cannabis item, whatever its classification. A venue described in subsection (13) of this section sells an herbal cannabis item beside the drinks it serves and never in one. This subsection does not reach alcohol used as a solvent, carrier or preservative in preparing an herbal cannabis item that is not itself held out as a beverage, including a tincture or an extract, and does not prohibit the manufacture or sale of such an item. A state may be more restrictive.

(18) Byproducts of conversion and synthesis. Where an herbal cannabis item or an input to one contains an artificially derived cannabinoid or a cannabinoid produced by synthesis, the national testing standard includes the products of the conversion or synthesis other than the intended cannabinoid. A product that is an identified cannabinoid, including an isomer of the intended cannabinoid, is reported by name in the cannabinoid profile and counted in the item's classification under subsection (1) of this section, and is not treated as an impurity by reason of how it formed. Any other reaction product, and the residual reagents, catalysts, acids, and solvents used, is held to the applicable standard like any other contaminant. The operator shall disclose the method of conversion or synthesis to the testing laboratory, and the certificate of analysis under subsection (14) of this section states the results. An item containing an unidentified product of the conversion or synthesis above the level the lead federal regulator sets by rule may not be sold until the product is identified and the applicable standard permits it at that level. A constituent that occurs naturally in the cannabis plant is not treated as a contaminant by reason of being uncharacterized. Classification remains by intoxicating potential under subsection (1) of this section and not by method of production.

(19) General-retail package condition. (a) A non-intoxicating herbal cannabis item in a food form may move through general retail only if its whole package, treated as its labeled dose, does not have intoxicating potential under Section 13(2). A food form is an item made to be eaten or drunk as a food or beverage is, or made to look or taste like one, including candy, gummies and other chewables, chocolate, baked goods, snacks, gum, and beverages. (b) For an item of any other form, the lead federal regulator may set by rule a package limit, stated as total intoxicating cannabinoid equivalent per package, by the risk of that form and its route of administration. Until it does, the item is held to its labeled dose. (c) An item that does not meet paragraph (a) of this subsection or a limit under paragraph (b) of this subsection is not prohibited. It moves only through age-restricted retail under subsection (13) of this section, on the terms that apply to an intoxicating herbal cannabis item, and it is not an intoxicating herbal cannabis item for any other purpose of this Act. (d) This subsection is a national floor for general retail. A state may set a lower limit for general retail in that state. (e) This subsection applies only to general retail. It does not limit the package of an item sold in age-restricted retail. (f) An item held for sale in general retail on the effective date that does not meet this subsection may be transferred or returned as Section 15(8)(d) provides for an intoxicating item.

(20) Health information. (a) The lead federal regulator, with the federal public health agencies, sets by rule the health information that accompanies herbal cannabis items, by classification and item form, as a national floor. (b) The information rests on current federal statements of the evidence, distinguishes effects the evidence establishes from associations it has not shown to be causal, and attributes a risk to the cannabinoid, the dose, the frequency of use, the route of administration, or the age of the person where the evidence does, rather than to cannabis generally. (c) The lead federal regulator decides by rule which information appears on the label and which is delivered at the point of sale, by notice or by a scannable link. (d) The information is reviewed under subsection (22) of this section.

(21) Dose demarcation. A multi-serving herbal cannabis item is portioned, scored, or marked so that each labeled dose can be identified, by the method the lead federal regulator sets by rule for each item form.

(22) Review of standards. Every [period], the lead federal regulator reviews the standards it has set under this section, including the classification, dose, package, labeling, inhalable, and health-information standards, against the adverse-event and unintended-exposure data under subsection (11) of this section, the human evidence, and the national standard under Section 13, and publishes the review. On the evidence, the lead federal regulator may tighten or relax a standard, and may revise a standard between reviews when the evidence warrants.

(23) Added substances. Where human evidence shows that a substance other than cannabis or a cannabinoid, added to an herbal cannabis item, interacts with a cannabinoid in a way that harms the person who consumes it, the lead federal regulator may by rule restrict or prohibit adding that substance to an herbal cannabis item, states the evidence relied on, and revisits the rule when new human evidence warrants. Subsection (17) of this section governs alcohol. This subsection does not reach a substance that occurs naturally in the cannabis plant, or noncommercial use or preparation protected under Section 8.

Section 5. Federal authority and cooperative federalism

(1) Cannabis, and every tetrahydrocannabinol however produced, are removed from the schedules of controlled substances under the Controlled Substances Act, including each listing of the plant and of tetrahydrocannabinols in those schedules. The removal takes effect on the effective date of this Act.

(2) There is established within the Food and Drug Administration a Center for Cannabis Products, the lead federal regulator under this Act (the Center). The Center administers the national standards under Section 4, the public domain under Section 6, and the authentication and interstate provisions under Section 13.

(3) The Alcohol and Tobacco Tax and Trade Bureau administers the federal excise under Section 11, and the Department of Agriculture administers industrial cannabis under Section 12, each within its competence under the framework this Act establishes.

(4) The Center coordinates the administration of this Act across the administering agencies and may compel reports from them. An administering agency shall submit to the Center a proposed rule or significant action affecting cannabis, and the Center reviews it for consistency with the framework and for effect across the market. An action that conflicts with the framework, or that adversely affects another part of the market without coordination, does not take effect until it is conformed or the conflict is resolved.

(5) The federal role is a floor, not a ceiling. The United States sets the national standards, protects the public domain, secures the person, and governs interstate commerce; the several states license operators and run their own markets at or above that floor, on the one-plant frame this Act establishes.

(6) Nothing in this Act requires a state to authorize commercial cannabis activity, and no provision of federal law criminalizes conduct that a state has made lawful under a framework consistent with this Act.

(7) Conflict of interest, disclosure, and recusal. (a) An officer or employee of the Center, and a hearing officer, contractor, or consultant engaged by it, may not hold a financial interest in, be employed by, receive compensation from, or act as a lobbyist for a person regulated under this Act. (b) A member of the advisory committee under subsection (8) of this section shall disclose publicly, on appointment and on any change, each ownership, employment, consulting, professional, contractual, and immediate-family relationship the member holds with a person regulated under this Act. The interest a member holds by virtue of the segment the member's seat represents does not disqualify the member from service or from advising on a standard or a matter of general application; such a member shall not participate in a matter concerning the member's own operation, an operation in which the member holds an interest, or a direct competitor of either, and shall state the recusal on the record. (c) A person participating in an adjudication under this Act may not communicate about its merits with a party, a party's representative, or a person with a direct financial interest in its outcome, outside the proceeding. (d) An officer, employee, or advisory committee member may not solicit or accept a gift, hospitality, travel, meal, loan, or other thing of value from a person regulated under this Act. (e) The Center shall maintain and publish a log of meetings and substantive communications between a senior officer or employee and a lobbyist or a representative of a regulated person concerning a pending standard, rule, or policy matter, except where publication would compromise an enforcement action or disclose information protected from disclosure by law. (f) For two years after leaving the Center, the director, chief counsel, a hearing officer, or an employee exercising substantial authority may not accept employment, compensation, or a financial interest from a person regulated under this Act.

(8) Advisory committee. (a) The Center shall convene a standing advisory committee on the standards under Sections 4 and 13 and on the public domain under Section 6. (b) Seats are drawn by market segment and by the interests this Act protects, and include industrial cannabis operations, non-intoxicating cannabinoid product operations, intoxicating cannabinoid product operations, patients, a designated caregiver or noncommercial grower, small and independent operators, legacy operators, state cannabis regulators, a federally recognized Indian tribe, researchers in pharmacology, analytical chemistry, toxicology and clinical practice, labor, and consumer and public interest. No seat is named by botanical origin. (c) The committee advises and does not exercise licensing, enforcement, adjudicatory, or rulemaking authority. (d) A constituency the Center determines is affected by this Act and not seated may convene as a subcommittee, place a matter before the committee, and have its stated position entered in the record of the action.

(9) Public participation in standard-setting. (a) Before the Center first adopts the national standard under Section 13, and before it adopts a revision that materially changes a classification threshold under Section 4, it shall solicit public comment and hold a public hearing. (b) The hearing shall include testimony from persons who are not officers or employees of the United States, including a patient, a small or independent operator licensed by a single state, an operator licensed in more than one state, a legacy operator, a person whose cannabis conviction was relieved under Section 8, a state cannabis regulator, and a representative of a federally recognized Indian tribe. (c) Testimony is published with the standard, and the Center states in the record how the comment and the testimony bear on what it adopted.

(10) Consultation with states and tribes. The Center consults state cannabis regulators and federally recognized Indian tribes in developing the standards under Sections 4 and 13, the public domain under Section 6, and the frame determination under Section 13(9). Consultation with a tribe is conducted on a government-to-government basis and does not diminish the sovereignty preserved by Section 16(7).

(11) Sub-regulatory guidance. A compliance guide, manual, advisory, notice, or other sub-regulatory guidance issued under this Act is published, states the provision it construes, and is not a substitute for rulemaking where this Act requires a rule. The Center gives the appropriate committees of Congress 60 days' notice of such guidance, with a description and a justification, before it takes effect.

(12) Independent performance review. Five years after the effective date, and on the same interval thereafter, the Comptroller General of the United States shall review the performance of the Center and the implementation of this

Act, including delivery of the standards under Section 4, concentration in the national market under Section 13(8), patient access under Section 7, the currency of the public-domain record under Section 6, and the delivery of relief under Section 8, and shall report publicly to Congress. The review is conducted independently of the Center.

Section 6. Keep the plant public

(1) The Center recognizes a federal public-domain reference standard for cannabis and its preparations: an open, non-proprietary characterization of the plant, its chemotypes, its cannabinoids and associated compounds, and its whole-plant preparations, with published specifications, fingerprinting, stability data, and analytical methods, that any person may use and no person may exclusively own. The Center recognizes each standard, monograph, or body of characterization, whoever develops it, that meets subsection (3) of this section, and develops a part of the reference standard itself only where nothing that qualifies covers it. The Center keeps a permanent, dated, publicly accessible copy of each recognized entry as it stood when recognized, so that the record functions as prior art whatever becomes of its source. A certificate of analysis for any herbal cannabis item produces characterization and safety data that feed the reference standard; those results are not proprietary and are not withheld as confidential.

(2) The Center recognizes a public-domain registry of whole-plant preparations characterized against the reference standard, in which entry establishes a preparation as publicly known, entry is open to any person and is required of no person, and which serves as the characterization backbone for the national standard under Section 13. The Center recognizes an existing qualifying registry rather than establish a duplicative one. No license, registration, authorization, or benefit under this Act may be conditioned on entry.

(3) A reference standard or registry is recognizable only if it is publicly available and open to use, and a registry to entry, by any person without proprietary restriction or fee; its steward permits the Center to keep the permanent public copy under subsection (1) of this section; it is maintained so entries remain publicly accessible and function as prior art; and interoperable with the national standard so a preparation characterized in one recognizing jurisdiction is recognized in another. A reference standard or registry that conditions access, characterization, or entry on a proprietary product, method, license, or purchase is not recognizable.

(4) The reference standard and the registry are prior art. A whole-plant preparation is characterized as the entire botanical mixture, including its cannabinoids and its associated compounds and the interaction among them, rather than as a single constituent, and the characterization of the mixture is what the standard and the registry record. A preparation characterized and entered before a patent claim may not be removed from public use by that claim. An invention that meets the requirements of title 35, United States Code, including a genuine delivery interface, a process, or a formulation, remains patentable; the plant, its cannabinoids, and its traditional and naturally occurring preparations are not patentable subject matter once they are in the public domain.

(5) No rule, standard, or requirement under this Act may be satisfied only through a proprietary product, method, cultivar, or registry. Conformance must be achievable using the public reference standard.

(6) The federal government shall recognize and support the building of this record in parallel with the removal of cannabis from the schedules, using the botanical-drug framework and a Drug Master File that multiple manufacturers may reference, so that full-spectrum characterization enters the public domain as it is published and, wherever it can, before an approval of a cannabis drug product issues. The Secretary of Health and Human Services shall accept characterization of a preparation as the entire botanical mixture in support of an application, without requiring that a single constituent be identified as the active ingredient.

(7) No act under federal law with respect to a cannabinoid, a whole-plant preparation, or a product containing either, including an approval, a period of exclusivity, a registration, or a scheduling action, removes the plant, a naturally occurring cannabinoid, or a whole-plant preparation from lawful sale in the general or specialty market, or bars an item that complies with this Act. A period of exclusivity continues to bar an application that relies on the approved drug, and does not otherwise reach the plant or its preparations.

(8) The drug-preclusion clauses of the Federal Food, Drug, and Cosmetic Act, at sections 321(ff)(3)(B) and 331(ll) of title 21, United States Code, do not apply to a cannabinoid that occurs naturally in the cannabis plant, whether the particular cannabinoid was obtained from the plant or produced by synthesis or conversion. Such a cannabinoid is not excluded from use in a food or dietary supplement, and a product containing it is not barred from the general or specialty market, on the ground that the same cannabinoid was approved as a drug or was the subject of a substantial clinical investigation that was made public. This is the operative form of the rule that a drug approval cannot enclose the commons: approval of a branded cannabinoid drug does not remove the underlying cannabinoid from the regulated market. Lifting those clauses does not take an intoxicating herbal cannabis item out of Section 4: the age, premises, packaging, and labeling requirements for intoxicating items apply to it in every channel and product category, and a food or dietary supplement remains subject to the safety requirements otherwise applicable to it.

(9) The Center recognizes and protects the noncommercial ecosystem, personal and cooperative cultivation, seed saving, and noncommercial sharing, as the living source of the public-domain record, protected under Section 8. The protection reaches the persons who sustain it, including home cultivators, patients, designated caregivers, and

cooperatives.

(10) The Center may establish appellations of origin, heritage-strain designations, and geographic indications as a public, non-proprietary system that recognizes regional and traditional producers and keeps such designations in the public domain. Fair attribution and benefit-sharing for traditional and community knowledge are encouraged as a condition of commercial use, to the extent existing federal law and international agreements allow.

(11) The reference standard and the registry are kept current. The Center reviews them on a fixed schedule and maintains an open submission path by which any person may present a newly characterized, naturally occurring cannabinoid, chemotype, or whole-plant preparation, with the characterization and safety data that establish it, for addition to the public-domain record. The Center acts on a complete submission within a fixed period. A naturally occurring cannabinoid or preparation is not foreclosed for the sole reason that the record has not yet been updated to include it.

(12) Physical reference materials. (a) The Center, directly or through a laboratory it designates, holds and makes available physical reference materials for the reference standard: for a whole-plant preparation, a reference lot of the characterized preparation, with assigned values, a stated uncertainty, and a stated stability life; and for a single cannabinoid or associated compound, a certified reference material where an accredited producer of one exists, and a reference material with assigned values otherwise. (b) The Center makes them available to any person at not more than the cost of producing and distributing them, without restriction on their use. (c) The Center retains a sample of each reference lot for the lot's stability life and makes it available for retesting and for comparison with a later lot. (d) Where a reference material needed to show conformance to a standard under this Act is available only from a single private source, or from none, the Center shall produce or procure a public equivalent within 12 months after so finding. A reference material is available only if it is offered at a published price on terms that permit its routine use; a material supplied only to the supplier's own customers, or only under license, is not available. (e) The Center may cooperate with the National Institute of Standards and Technology on analytical methods and assigned values, may draw on research supply held by the National Institute on Drug Abuse for reference lots until the removal under Section 5 takes effect, and may cooperate with compendial bodies, but conformance under subsection (5) of this section never depends on a standard that must be purchased. (f) Nothing in this subsection limits the commercial supply of reference materials by any person.

(13) Publicly funded data. (a) Nothing in this subsection alters a period of exclusivity under federal law, including exclusivity for a new chemical entity, for a new clinical investigation, or for an orphan drug, which subsection (7) of this section and other law govern, or the title of a contractor to a subject invention under chapter 18 of title 35, United States Code. (b) This subsection applies to a study of cannabis, a cannabinoid, or a whole-plant preparation conducted or supported in whole or in part with federal funds under a funding agreement entered into after the effective date, including a study under the research program in Section 7(9). (c) Nonclinical and clinical data from such a study are published. Participant-level data are released only in de-identified form, through a repository with controlled access where the risk of re-identification requires, and only as Section 7(12) permits. (d) Chemistry, manufacturing, and controls data from such a study are filed in a Type II Drug Master File and remain confidential there. The holder shall issue a letter of authorization to reference the file to any applicant on request, without royalty and at a published fee not exceeding the cost of maintaining the file, on the same terms for every applicant. (e) Any person may rely on data under paragraphs (c) and (d) in an application or submission to the Food and Drug Administration or under this Act as if holding a right of reference to them, and each funding agreement grants that right. (f) This subsection does not reach data generated without federal funds and does not require public disclosure of a trade secret or confidential commercial information. (g) Nothing in this subsection requires or permits the publication of traditional, ceremonial, or community-held knowledge, or of culturally sensitive information about a community, its practices, or its genetic resources, without the authority of that community, as determined under the community's own governance and given with free, prior, and informed consent. Where a study's data include such knowledge or information, the community's authority governs whether, when, and in what form it is published or referenced, and de-identification of the data does not satisfy this paragraph. This paragraph is read with subsection (10) of this section, Section 8(16), and Section 16(7).

(14) Transition remedies for state-lawful activity. For [three] years after the effective date, a court may not grant an injunction under section 283 of title 35, United States Code, or increase damages or award attorney fees under section 284 or 285 of that title, against a person for the cultivation, production, processing, manufacture, distribution, dispensing, or sale of cannabis or an herbal cannabis item that is lawful under the law of the state where it occurs and that the person engaged in before the effective date. The patent owner remains entitled to damages adequate to compensate for the infringement, in no event less than a reasonable royalty. This subsection does not apply to an item approved under section 505 of the Federal Food, Drug, and Cosmetic Act or to a copy of one, and it does not affect the validity of any patent.

(15) Prior use. For purposes of section 273 of title 35, United States Code, use of subject matter in cannabis or an herbal cannabis item that was lawful under the law of the state where it occurred, including use under a state medical program and a noncommercial act the state protects, is commercial use in the United States, and its status under federal law at the time does not keep it from qualifying.

(16) No proprietary claim in the public record. The reference standard, the registry, and the characterization and safety data they carry are not subject to a claim of trade secret, proprietary formulation, or confidential business information, notwithstanding any other provision of law. A person may hold a proprietary interest in a process, a formulation, or a brand, and that interest does not reach the identity, cannabinoid concentration, or safety characterization of a cannabis preparation entered in or submitted to the public record.

Section 7. Medical use as public-health infrastructure

(1) Medical use of cannabis is recognized in federal law as public-health infrastructure, working alongside the herbal cannabis items regulated under Section 4 and not as one more product market. There is no separate class of "medical cannabis"; there is the medical use of cannabis.

(2) This Act does not establish a federal medical use program. A medical use program is established and operated by each state, and the federal role under this section is to recognize what the states establish, to support it, to integrate it into the federal health programs, and to carry it across state lines. The Center administers the national medical-infrastructure standards under this section and coordinates with the federal health agencies, each within its competence: the Centers for Medicare and Medicaid Services for reimbursement, the Department of Veterans Affairs for veterans' care, and the Department of Health and Human Services for public-health education. What this section sets is a floor: it sets the national standards, integrates medical use into the federal health programs, supports research and professional education, and recognizes patients across state lines, while the states operate their own medical programs at or above that floor. No provision of this section authorizes a federal agency to license, condition, or review a state's medical use program, a provider's clinical judgment, or a patient's enrollment. Verification of an authorization under subsection (8)(e) of this section, at the request or with the consent of the patient, is not review of a patient's enrollment.

(3) A person may engage in the medical use of cannabis on the authorization of an attending provider based on clinical assessment, for any condition the provider determines cannabis may benefit. Any fixed list of qualifying conditions, and any process to petition to add conditions, is abolished; authorization does not depend on a listed condition. An authorization is effective in federal law on its own terms, whether or not the state in which the patient resides or the provider practices operates a medical use program.

(4) Access by provider authorization is not conditioned on a federal prescription or on registration with the Drug Enforcement Administration. Authorization may be delivered by telehealth on the same terms as in-person clinical care.

(5) Authorization may be delivered within ordinary clinical care and billed and reimbursed as such. The Center, with the federal health agencies, shall provide pathways for insurance, public-payer, and federal health-program reimbursement, including under Medicare, Medicaid, and the Department of Veterans Affairs.

(6) Federally regulated and federally operated care settings, including Department of Veterans Affairs facilities, hospitals, hospice, palliative, and residential care, accommodate the medical use of cannabis rather than exclude it. Veterans receiving care through the Department of Veterans Affairs are treated as all patients are, and Department facilities and providers participate on the same terms.

(7) Standardized whole-plant preparations are available to patients. The quality of herbal cannabis items is uniform for all consumers, and a patient may access herbal cannabis items, including quantities, cannabinoid concentrations, and combination products, not available to non-patients, with clinical support through a state medical use program.

(8) Recognition and reciprocity across state lines.

(a) Mutual recognition runs among the states operating on the one-plant frame under Section 13(9), of which recognition of a patient authorized in another such state is an element. A state conforms in this respect when it extends to such a patient the access, quantities, and protections it extends to its own authorized patients, without conditioning recognition on residency, on a separate application, on a fee, or on a list of qualifying conditions. Nothing in this Act requires a state to operate a medical use program or to recognize an authorization. Conformance is the condition of interoperability under Section 13(6), not a duty imposed on a state.

(b) An authorization is effective for federal purposes. A federal agency, a federally operated or federally funded care setting, and a federal employer shall treat a patient authorized under the law of any state, or on the authorization of an attending provider under subsection (3) of this section, as an authorized patient, including for care under subsection (6) of this section, for reimbursement under subsection (5) of this section, and for the protections under Section 9.

(c) A patient, or a person acting for that patient under Section 8(7), may carry the cannabis the patient is authorized to possess while traveling, in a quantity consistent with the patient's authorization and the patient's own medical use. Carrying cannabis incident to the patient's own travel is not distribution and is not trafficking. A state may not arrest, detain, prosecute, or impose a civil penalty on a patient, or on a person acting for that patient under Section 8(7), for carrying an authorized quantity while in transit through that state, whether or not that state operates a medical use program.

(d) Recognition under this subsection is what makes the framework national. The programs are established and administered locally, and they are reciprocal among the states that conform, so that a patient's access travels with the patient and a patient who qualifies in one state qualifies in the conforming states the patient visits.

(e) The Center maintains the means of verifying an authorization across state lines, including through the patient-held record under subsection (12) of this section. Verification serves the patient, is available to the patient at no cost, and may not be maintained or disclosed as a registry of patients for law-enforcement purposes.

(9) There is a federal cannabis research program that studies cannabis across the whole chain on an opt-in basis, from genetics and seed through cultivation, product, and patient outcome, connecting the public-domain characterization under Section 6 and the patient-held outcomes record under subsection (12) of this section. The program compares single-constituent preparations against broad-spectrum and full-spectrum preparations at equivalent cannabinoid doses.

(10) Cannabis and endocannabinoid-system education is carried into the training of health-care professionals, including in medical, nursing, and pharmacy education, and into continuing education for licensed professionals. The education covers effects, dosing, product types, safety, therapeutic use, and the state medical use programs.

(11) Testing of patient-destined cannabis is made affordable. A patient has access to the certificate of analysis for the cannabis the patient obtains, and a certificate's identity, cannabinoid concentration, and safety results are characterization data that feed the public-domain reference standard under Section 6, are not proprietary, and are not withheld as confidential.

(12) There is established a patient-held record connecting a patient's authorization to ongoing care and outcomes, held by the patient and portable across states and providers. A patient owns the patient's own health and outcomes data. Participation in the research program and the patient-held record is opt-in and revocable. Data collected under this Act is protected, is not sold or disclosed without consent except as law requires, and is governed by the principles of collective benefit, the patient's authority to control, responsibility, and ethics.

(13) Provider protection.

(a) No federal agency may deny, suspend, revoke, or condition a registration, a credential, a participation agreement, or a payment, and no federal employer may take an adverse action against a provider, for authorizing, recommending, or discussing the medical use of cannabis based on clinical assessment, for stating a professional opinion that a person may receive therapeutic or palliative benefit from cannabis whether or not the provider authorizes its use, or for participating in research under this Act. This reaches registration under the Controlled Substances Act and participation in Medicare, Medicaid, and the health programs of the Department of Veterans Affairs.

(b) A provider who authorizes the medical use of cannabis based on clinical assessment is not civilly liable under federal law on that basis alone. The safe harbor reaches only the authorization decision.

(c) Nothing in this subsection limits a licensing board or a federal agency from acting against a provider for failing to conduct an evaluation, for an evaluation that departs from the standard of care, or for conduct unrelated to the authorization decision.

Section 8. Impairment-first enforcement and the criminal-justice floor

(1) The order of inquiry in any federal enforcement touching cannabis is impairment first, then the substance, then the legality of the substance long after the fact.

(2) A federal conviction or sanction for impaired driving involving cannabis requires evidence of impairment at the time of driving. The presence of a cannabinoid or its metabolites, without evidence of impairment, is not sufficient, and any federal metabolite-based per se standard is repealed as applied to cannabis. A federal impaired-driving determination uses validated all-cause impairment assessment, which measures impairment from any cause rather than the presence of a particular substance.

(3) No person, adult or minor, is subject to federal arrest or imprisonment for the noncommercial use or possession of cannabis, and that protection extends to personal cultivation and to noncommercial sharing. The protection does not depend on whether the state in which the conduct occurs permits it.

(4) Federal regulation reaches the commercial supply chain from breeding through retail; it does not reach use, possession, or the noncommercial acts, which are to grow, handle, prepare, share, and provide cannabis for a noncommercial purpose. Large-scale illicit production and trafficking remain subject to federal enforcement. Personal and noncommercial conduct is protected, and commercial activity is licensed by the states.

(5) Prior federal convictions for conduct made lawful by this Act are expunged, and a person currently incarcerated or under supervision for such conduct is resentenced, automatically, without a fee, and without requiring a petition. Subsections (8) through (15) of this section govern how that relief is delivered.

(6) Cannabis and federal supervision. On and after the effective date of descheduling under this Act, lawful cannabis use is not, by itself, a violation of a condition of federal pretrial release, probation, or supervised release, and may not by itself be the basis for detention, revocation, or a finding of violation. Cannabis used in conformity with the law of the state in which the person is supervised is treated no less favorably than any other lawfully obtained medication, unless the use is related to the offense or to a condition of supervision. This subsection does not disturb a condition applied on evidence of impairment. Sections 3142, 3563, and 3583 of title 18, United States Code, are amended accordingly.

(7) A patient, and a person who obtains, transports, prepares, or administers cannabis for the medical use of a patient at that patient's request, may do so, including the carriage protected under Section 7(8)(c). A person designated as a caregiver under the law of a state is such a person, and this Act does not condition the protection on a designation. Federal regulation does not reach those acts, neither the patient nor the person acting for the patient is subject to commercial licensing on account of them, and neither becomes commercial by receiving reimbursement for actual costs.

(8) Delivery of relief. (a) The Attorney General, the Director of the Administrative Office of the United States Courts, and the agency maintaining the federal criminal history record system shall jointly publish, not later than 180 days after enactment, a plan to identify and clear every federal conviction, adjudication of juvenile delinquency, and arrest for conduct made lawful by this Act. (b) The plan names the record sources to be searched and addresses offense-code identification, docket matching, records held outside the court system, mixed cases in which a cannabis count accompanied another count, and mistaken identity. (c) Relief is delivered not later than two years after enactment. (d) That date may be extended once, by a public statement naming what remains, why, and the date by which it will be complete.

(9) Duties of agencies holding records. (a) An agency that receives an order of relief shall update, seal, or remove the record it holds, and transmit the correction to each agency, database, and contractor to which it has disseminated that record. (b) An agency may not disclose a relieved record except as this Act or a court order permits. (c) A commercial entity that obtained a federal record later relieved is notified of the correction. (d)

(10) Relief not granted automatically. (a) A person may petition for relief, at any time and without a fee, for a conviction, adjudication, or arrest the process under subsection (8) of this section did not reach. (b) Counsel is appointed for a petitioner who is indigent. (c) The United States bears the burden of showing that the conduct is not conduct made lawful by this Act. (d) A person whose petition is granted is placed in the position the person would have held had the automatic process reached them.

(11) Duties of the United States Attorney. A United States Attorney may not adopt a policy of opposing relief under this section as a class, and an opposition to relief in an individual case shall state in writing the ground on which the conduct is said to fall outside this Act.

(12) Resentencing, release, and supervision. (a) A person serving a sentence of incarceration, or under supervision, solely for conduct made lawful by this Act is released or discharged from supervision. (b) A person serving a sentence in which such conduct was one count among others is resentenced as if this Act had been in effect when the offense was committed, and no resentencing under this section may impose a sentence greater than the sentence it replaces. (c) A court shall review an outstanding warrant or detainer based solely on conduct made lawful by this Act and quash it.

(13) Records of a person under 18. Relief under this section reaches a juvenile adjudication, a diversion or deferred disposition, and a school or institutional record derived from a federal cannabis offense, and those records are prioritized in the plan under subsection (8) of this section.

(14) Fines, costs, and collections. (a) An unpaid fine, cost, fee, assessment, or restitution arising solely from a relieved offense is cancelled, and a civil judgment entered to collect it is vacated. (b) A wage garnishment, lien, or collection action arising solely from such an obligation ceases. (c) An amount already paid is not refunded by reason of this subsection.

(15) Effect of relief. (a) A person granted relief may respond to an inquiry as though the arrest, charge, conviction, or adjudication had not occurred, and is immune from any penalty for perjury, false swearing, or false statement for having done so. (b) A relieved offense may not be the sole basis for denying a federal public benefit, a federal license or permit, employment, housing, education, or an immigration benefit. (c) The Center, and a federal licensing authority acting under this Act, may not treat a relieved offense as bearing on character and fitness. (d) A relieved offense is not a basis for denying a registration or employment under Section 7, or a program, loan, or contract under Section 10, and a person may not be required to terminate an employee on the ground that the employee holds such an offense.

(16) Ceremonial and sacramental use. (a) The noncommercial acts protected under subsections (3) and (4) of this section include ceremonial and sacramental use of cannabis, transporting cannabis to and from the place of a rite, observance, or practice, and sharing cannabis with a participant in it. Sharing with a participant, without financial consideration beyond the recovery of actual costs, is not distribution or retail. An item does not become a sacrament,

and its sale is not protected by this subsection, because it contains cannabis or a cannabinoid or is labeled or marketed for ceremonial use. (b) No federal agency may condition the protection of this subsection on registration, recognition, membership in an organization, ordination, or a showing of the age or lineage of a tradition, or determine the validity or antiquity of a religious, spiritual, or cultural tradition for purposes of this subsection. No person may be required to use an approved drug product, or a form of cannabis other than the one the rite, observance, or practice uses, as a condition of that protection. (c) The national floor of Section 4(13) does not bar a person under 21 years of age from participating in ceremonial use of cannabis in the presence and under the supervision of the person's parent or legal guardian, where the law of the state or of the Indian tribe with jurisdiction permits that participation. (d) This subsection does not authorize the sale of cannabis to a person under 21 years of age. (e) Nothing in this Act limits a claim or defense under the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) or the American Indian Religious Freedom Act (42 U.S.C. 1996), or the sovereignty preserved by Section 16(7).

Section 9. Protect the person

(1) Descheduling protects the industry and rescheduling protects the approved medicine; neither protects the individual.

(2) Employment. It is unlawful under federal law to refuse to hire, discharge, or otherwise discriminate against a person in employment for the lawful off-duty use of cannabis or for authorized medical use. This does not prevent an employer from prohibiting use or possession during work, acting on demonstrated impairment at work, or applying a policy required by federal law or a federal contract.

(3) Housing. It is unlawful under federal law to refuse to rent to, evict, deny housing to, or penalize a person for the lawful use of cannabis, with reasonable accommodation on terms no less favorable than those afforded to tobacco use.

(4) Health care. A person's lawful or authorized use of cannabis does not by itself disqualify the person from medical care, pain management, or eligibility for or receipt of an organ transplant, and authorized medical use is treated as the equivalent of any other medication taken under a provider's direction. Individualized clinical judgment based on a genuine medical contraindication is not affected.

(5) The presence of cannabis or its metabolites, without evidence of impairment, is not a lawful basis for an adverse employment action, and a bona fide safety-sensitive designation does not by itself authorize such an action absent impairment. As a narrow exception, a federally mandated testing program for a genuinely safety-critical function, as the relevant agency defines by rule, may continue to screen for and act on cannabis use, and each such agency shall move its program toward all-cause impairment-based standards as validated all-cause impairment assessment matures. Pre-employment cannabis screening may not be used to deny employment except where federal law or a federal contract requires it.

(6) Federal benefits and immigration. A person may not be denied a federal public benefit, nor denied any immigration benefit or subjected to any immigration consequence, on the basis of cannabis use or possession or of conduct made lawful by this Act.

(7) Education and student aid. A person may not be denied federal student financial aid or a federally funded education benefit on the basis of lawful cannabis use or of conduct made lawful by this Act.

(8) Federal employment. Federal employment does not condition on pre-employment or random testing for cannabis except where a genuinely safety-critical federal function requires it under subsection (5).

(9) Impairment research, and the move to impairment-based standards. (a) The Secretary of Health and Human Services, through the National Institutes of Health and in coordination with the Center and the National Institute of Standards and Technology, shall conduct and publish research on cannabis impairment, including validated measures of acute impairment, the relationship between cannabinoid and metabolite concentrations and impairment, and the performance of candidate assessment methods in workplace and roadside settings. The research shall compare a single-constituent preparation against broad-spectrum and full-spectrum preparations of the same plant at equivalent cannabinoid doses, so that the effect of the mixture is measured rather than inferred from the effect of an isolated constituent. (b) The research, its data, and its methods are published and publicly available, so that no proprietary method becomes the condition of proving or disproving impairment. (c) An agency operating a federally mandated testing program under subsection (5) of this section reports biennially on its progress toward impairment-based standards, measured against that research.

Section 10. Right the harm

(1) There is established a restorative-justice trust fund, supported by the federal excise under Section 11, to reinvest in the individuals and communities most harmed by prohibition. Licensing and capital access under this Act are designed so that relief does not flow only to the largest and best-capitalized operators; the framework protects the legacy operators and small producers who carried the plant through prohibition and the noncommercial ecosystem recognized under Section 6.

(2) A cannabis business lawful under this Act, or under the law of the state in which it operates, is eligible on the same terms as any other lawful business for the programs of the Small Business Administration and for lending by Community Development Financial Institutions, and is not denied a loan, guarantee, or program on the basis of lawful cannabis activity. Priority under any program established or funded by this Act is keyed to the harm this Act repairs, a prior cannabis conviction, residence in a community disproportionately subjected to cannabis enforcement, or status as a legacy operator or small producer, and eligibility is determined under subsection (1) of this section.

(3) Federal contracting, procurement, and grants arising under this Act, including within the medical infrastructure established under Section 7, are open to small and independent operators on equal terms, on terms no less favorable than those afforded any other applicant.

(4) Federal law does not penalize an insurer for providing product-liability, crop, or property insurance to a cannabis business that is lawful under this Act or under the law of the state in which it operates, and an insurer may not decline to write coverage on the ground that the activity insured is cannabis activity lawful under this Act.

(5) A person employed in lawful cannabis activity has the same federal workplace protections as any other worker, including occupational safety and health, wage and hour, and the right to organize, so that the wage, hour, safety, and collective-bargaining laws of general application reach the industry.

(6) A cooperative, whether worker-owned, producer, or consumer, is eligible for the programs and lending under this section on the same terms as any other business and is not disadvantaged by its cooperative form under federal law. Cooperative formation and conversion are an eligible use of the programs and lending under subsection (2) of this section, and the harm-keyed priority in subsection (2) reaches a cooperative rooted in a community disproportionately subjected to cannabis enforcement on the same terms as any other applicant.

Section 11. Tax and financial services

(1) A federal excise applies to intoxicating herbal cannabis items, keyed to intoxicating potential at the labeled dose under Section 4 and not to the origin of the molecule. A non-intoxicating herbal cannabis item is not subject to the federal excise, and industrial cannabis is not an herbal cannabis item and is not subject to it. The origin-based tax differential that would tax cannabis products at one rate and untaxed hemp-derived products at another is not adopted. The federal excise is set at a level, and reviewed under subsection (8) of this section, that keeps the combined federal, state, and local burden below the point at which price returns buyers to the unlicensed market.

(2) The excise is graduated by scale. A producer, processor, manufacturer, distributor, or retailer whose volume falls below a threshold set by rule pays a reduced rate on the portion of production or sales below that threshold, and the reduction is available at each stage rather than at manufacture alone. The threshold and the reduced rate are reviewed under subsection (8) of this section, and are set so that the excise burden borne by a small or independent operator, as a share of revenue, does not exceed the burden borne by the largest operators.

(3) Cannabis that a patient obtains on an authorization under Section 7 is exempt from the federal excise, whether the patient obtains it through a state medical use program or on the authorization alone.

(4) Section 280E of the Internal Revenue Code of 1986 does not apply to a business engaged in cannabis activity that is lawful under this Act or under the law of the state in which it operates, so that lawful operators take ordinary business deductions.

(5) A depository institution or financial-services provider may serve a cannabis business that is lawful under this Act or under the law of the state in which it operates without federal penalty.

(6) A federal cannabis account receives the excise. From that revenue, and without reducing existing dedications, the following obligations are funded first, in this order:

(a) the federal medical infrastructure under Section 7, including support to the state medical use programs and the administration of recognition and reciprocity under Section 7(8), funded as public-health infrastructure rather than through patient fees;

(b) patient access to affordable medicine, including under a state medical use program;

(c) the public-domain reference standard under Section 6, the federal research program under Section 7, and the reference methods and reference materials work under Section 13(1);

(d) the restorative-justice trust fund and community reinvestment under Section 10;

(e) impairment-assessment training and tools for impairment-based enforcement under Section 8, enforcement against large-scale illicit production and trafficking, and enforcement accountability and transparency measures; and

(f) remediation of abated illicit-cultivation sites.

(7) Each administering agency is funded on a coordinated basis under Section 5, and the excise may reimburse an agency in the following budget period for expenditures made in the current one.

(8) Rate review.

(a) The Alcohol and Tobacco Tax and Trade Bureau and the Center shall review the federal excise rate, and the reduced rate under subsection (2) of this section, every two years.

(b) The review addresses the price differential between the licensed and unlicensed markets, migration of purchases to the unlicensed market, substitution between product categories, the burden borne by a small or independent operator, patient affordability, and revenue sufficiency.

(c) The Center shall publish the review and its recommendations.

(9) Single point; no pyramiding. (a) The federal excise is imposed once on an item, at the point the Alcohol and Tobacco Tax and Trade Bureau sets by rule, and is not imposed again on a later transfer of the item between operators, so that an item passing through more hands bears no more excise than one passing through fewer. (b) The reduced rate under subsection (2) of this section follows the item from the small operator that produced, processed, or manufactured it to the point at which the excise is imposed. (c) Where the excise is measured by a price charged between persons under common control, it is measured at the price that would be charged between unrelated persons.

Section 12. Industrial cannabis

(1) Industrial cannabis, commonly known as hemp, is cannabis grown, processed, or manufactured for a non-cannabinoid end use, including fiber, grain, seed, and stalk and the intermediates and products derived from them. It is regulated as an agricultural commodity under the standard agricultural and food-product regimes that govern comparable commodities, and not by a tetrahydrocannabinol threshold. Any THC threshold and any methodology to distinguish a cannabis plant as marijuana or hemp are repealed.

(2) Industrial cannabis is subject to this Act up to the point the material is committed to a non-cannabinoid end use and no longer carries intoxicating potential. At that point the material is agricultural or industrial feedstock, and a person who further processes or manufactures it, such as a grain handler, a textile maker, or a maker of building or vehicle materials, acts outside this Act and under the law governing that commodity. Material that still carries intoxicating potential does not leave the scope of this Act by a declaration of end use alone.

(3) A person who cultivates cannabis shall declare and record the functional status of the THCA synthase gene of the variety planted, or the equivalent genetic marker of intoxicating potential the Center identifies by rule. This declaration establishes the intoxicating potential of the crop under Section 3, informs its classification by intoxicating potential under Section 4, is the evidence for the boundary in subsection (2), and contributes to the public-domain characterization under Section 6.

(4) A crop grown for industrial end use that is diverted to the extraction or production of herbal cannabis items for human consumption or use becomes subject to this Act as herbal cannabis at the point of that diversion, classified by intoxicating potential at the labeled dose.

(5) An industrial cannabis producer or processor is not subject to the product authentication under Section 13(5), to cannabinoid concentration testing, or to the intoxicating-product controls, and remains subject to the agricultural and food-safety standards applicable to the relevant commodity. Testing sufficient to establish that the material no longer carries intoxicating potential under subsection (2) of this section is not a cannabinoid control for this purpose, and may be required by rule.

(6) The Department of Agriculture administers industrial cannabis as an agricultural commodity, on the same terms as comparable crops, with access to the ordinary agricultural programs such as crop insurance and research support. The threshold-testing apparatus of the prior federal hemp program does not carry forward. The manner in which a crop is grown, and participation in any agricultural program, do not determine how a product is classified for sale; classification is by intoxicating potential under Section 4.

(7) The Department of Agriculture and the Center coordinate the handoff at the boundary in subsection (2), under Section 5, so that a person may move between industrial and herbal end use under clear standards and industrial cultivation is not used to disguise unregulated cannabinoid production. The Department's authority runs up to the boundary; beyond it, the material is governed by the law of the relevant commodity.

(8) The Department of Agriculture and the Center set environmental standards for cannabis cultivation and processing by rule, consistent with the standards for comparable agriculture, and may recognize sustainable and regenerative practices.

(9) The Department of Agriculture and the Center establish by rule geographic-separation standards for cannabis cultivation to address cross-pollination between crops grown for different end uses.

Section 13. Interstate commerce and the national standard

(1) There is one national market. The Center adopts and maintains the recognized national standard for testing, safety, labeling, and product authentication, built from the established public references, and updates it by incorporation by reference. The Center develops and maintains it with the National Institute of Standards and Technology, which serves as the federal partner for reference methods, measurement, and reference materials, and with the consensus standards bodies whose work it incorporates. The testing standard is continuous across the supply chain, from cultivation inputs through in-process material to finished product, and is risk-based, with verification proportionate to the scale of the operation.

(2) Interim standard.

(a) Until the Center recognizes a national consensus standard, the Center applies as an interim standard the best available public, non-proprietary references for the plant, its preparations, testing, and handling, and keeps existing standards in force. The interim standard is chosen for forward compatibility with the national standard.

(b) Until the Center recognizes a national consensus standard, an herbal cannabis item has intoxicating potential at its labeled dose if it contains more than 1 milligram of total intoxicating cannabinoid equivalent per labeled dose. The Center may set a different figure by rule on human evidence.

(c) An item has intoxicating potential at its labeled dose without regard to paragraph (b) of this subsection where a compound it contains, alone or in interaction with another compound it contains, produces intoxication at that dose on human evidence. An item does not have intoxicating potential at its labeled dose, despite paragraph (b) of this subsection, where human evidence establishes that it does not produce intoxication at that dose. Paragraph (b) is a presumption from composition; this paragraph is the human evidence, and the human evidence governs. Section 4(16) applies to an item that produces impairment at its labeled dose without having intoxicating potential.

(d) An item classified under this subsection carries the label and certificate contents required under Section 4.

(e) On the Center recognizing the national consensus standard, paragraph (b) of this subsection, and any figure set under it, are superseded by that standard.

(3) On recognizing the standard, the Center adopts the national standard and provides a reasonable transition window during which items and operators that met the interim standard remain in good standing while they conform.

(4) Whole-plant preparations are characterized against the public-domain reference standard and registry under Section 6, which serve as the shared characterization layer of the national standard.

(5) Authentication is verification that an herbal cannabis item is what its label and its certificate of analysis state it to be and that it entered the regulated market lawfully. It runs on the reporting and inventory data that operators and agencies already maintain across the supply chain, and not on a federal three-tier or mandatory-distributor structure. Cannabis is not required to pass through an intermediary tier for authentication or tax, and a vertically integrated operator is authenticated on the same data terms as any other.

(6) A state operating on the one-plant frame of this Act is recognized by, and its compliant products move in commerce with, every other such state.

(7) Lawful interstate commerce opens once the person's protections under Sections 8 and 9 and conformance to the national standard are in force.

(8) The national market is subject to the antitrust laws. No provision of this Act, and no cannabis operator's status as an agricultural producer or cooperative, confers an exemption from the antitrust laws, including any implied exemption under the Capper-Volstead Act, and the Center coordinates with the Attorney General and the Federal Trade Commission on concentration in national cannabis markets. Licensing, ownership limits, and market-entry structure within a state are reserved to that state under Section 5. The Center sets its own instruments, the national standard, the testing regime, and the authentication system under this Section, so as not to disadvantage small and independent operators or to become a barrier that favors the largest.

(9) Operating on the one-plant frame.

(a) A state operates on the one-plant frame of this Act when its law treats cannabis as one botanical input without sorting it by botanical origin or by concentration of a cannabinoid by weight; classifies herbal cannabis items by intoxicating potential at the labeled dose; meets or exceeds the recognized national standard, or the interim standard, under this section in its testing, safety, labeling, and authentication requirements; does not condition a license, registration, authorization, or benefit on entry in a proprietary registry; and, where the state operates a medical use program, recognizes a patient authorized in another state operating on the frame, as Section 7(8)(a)

describes.

(b) The Center determines whether a state operates on the one-plant frame, on the state's application or on the Center's own initiative, and publishes and maintains the list of states it has so determined. A determination takes effect on publication.

(c) Before determining that a state does not operate on the one-plant frame, or has ceased to, the Center shall state in writing what does not conform and allow the state a reasonable period to conform. A determination under this subsection is subject to judicial review under chapter 7 of title 5, United States Code.

(d) A reference in this Act to a state operating under a framework consistent with this Act, including in Section 5(6), is a reference to a state operating on the one-plant frame under this subsection.

(10) Imports and inputs crossing boundaries. (a) An herbal cannabis item, or cannabis or an intermediate for use in one, enters the United States only as federal import law permits, and enters the national market on the same terms as a domestic item. (b) An input moving across a state or national boundary traces to a lot tested by an accredited laboratory under the national standard or the interim standard, or, for seed, a clone, or tissue culture, to a lot declared under Section 12(3). (c) On receipt the input and any item made from it are classified by intoxicating potential under Section 4, without regard to how the input was designated where it was produced. (d) Retesting on receipt is set by risk under subsection (1) of this section. A lot tested under a recognized standard, by a laboratory independent of the seller and on a sample collected as Section 4(14) requires, is not retested from scratch. (e) Before interstate commerce opens under subsection (7) of this section, this subsection does not authorize the movement of an intoxicating herbal cannabis item or an intoxicating input across a state line.

(11) State classification and petition. (a) A state may classify an herbal cannabis item as intoxicating at a lower threshold than the national standard, on human evidence, for sale in that state, including an item that arrives in interstate commerce. A state may not classify as non-intoxicating an item the national standard classifies as intoxicating. (b) A state cannabis regulator, alone or with others, may petition the Center on human evidence to revise the classification methodology or threshold under Section 4(3). (c) The Center shall grant or deny the petition on the record within 180 days of receiving it, stating how the evidence bears on its decision, and a denial is subject to judicial review under chapter 7 of title 5, United States Code. (d) A failure to decide within that period is agency action unlawfully withheld or unreasonably delayed within the meaning of section 706(1) of title 5, United States Code. (e) This subsection does not limit subsection (2)(c) of this section.

(12) Transit. Once lawful interstate commerce opens under subsection (7) of this section, no state or political subdivision of a state may prohibit or obstruct the transportation of an herbal cannabis item through its territory where the item moves from a point of origin in a state where it is lawful to a final destination in another state where it is lawful, under a manifest that identifies both, and is not sold, delivered, or opened in the territory it crosses. This subsection does not authorize the sale, delivery, or possession for use of the item in that territory, and does not limit that territory's power to require that the item stay sealed and in transit, to enforce its traffic and safety laws, or to act against an item that is diverted.

Section 14. Relationship to the Cannabis Administration and Opportunity Act

(1) This Act adopts, as its own provisions, the genuine advances of the Cannabis Administration and Opportunity Act: the removal of cannabis from the schedules, expungement and resentencing, the restorative-justice trust fund, access to banking, and its civil protections.

(2) This Act corrects that Act's origin-based definitional frame, under which the architecture splits into cannabis and hemp before a single operative section is read, and replaces it with the one-plant frame of this Act.

(3) This Act may be enacted independently or as a substitute for that Act. Where the two conflict, the one-plant frame of this Act governs.

(4) For the case in which that Act is the moving legislative vehicle, the accompanying amendment package expresses this Act as targeted changes to that Act's text, retaining that Act's advances and making the changes that convert a two-framework origin bill into a one-plant bill. Where the amendment package and this Act would differ, this Act governs.

Section 15. Transition and implementation

(1) On the effective date, the Center is established, and its first charge is to adopt the interim standard under Section 13, commence the public-domain reference standard and registry under Section 6, and deliver an implementation plan for the national standard, the medical infrastructure under Section 7, and the market structure this Act establishes.

(2) The framework takes effect in the following order:

(a) on the effective date, the framework and the protections of this Act take effect;

(b) on the effective date, the removal of cannabis from the schedules under Section 5 takes effect, and the public-domain record under Section 6 is built in parallel, each part of it being prior art for what it characterizes from the date it is published; and

(c) interstate commerce opens under Section 13 once the person's protections under Sections 8 and 9 and conformance to the national standard are in force.

(3) Existing state licenses, registrations, and approvals remain valid, and no operator, patient, or producer re-qualifies from zero. A person operating lawfully before the effective date transitions into the corresponding role under this Act without loss of standing.

(4) A conformance window aligns products and operators to the national standard without stranding good-faith compliance, and a person in good-faith compliance with the interim standard under Section 13 is treated as compliant when the national standard is recognized.

(5) The Center shall report to Congress on implementation progress not later than one year after the effective date and annually thereafter. Each report addresses the status of the public-domain reference standard and registry under Section 6, recognition of the national standard under Section 13, the opening of interstate commerce under Section 13(7), patient access and the operation of recognition and reciprocity under Section 7(8), the condition of small and independent operators, the delivery of relief under Section 8, and the restorative-justice trust fund and community reinvestment under Section 10 and the federal cannabis account under Section 11. The Center publishes each report.

(6) Effective date. This Act takes effect on the first day of the first month beginning 180 days after the date of enactment of this Act. A provision this Act phases under subsection (2) of this section takes full effect as that subsection provides.

(7) Certification of the public-domain record.

(a) The public-domain record under Section 6 is certified when the Center finds, by notice published in the Federal Register, that the reference standard under Section 6(1) is published and characterizes the plant, its chemotypes, and its principal cannabinoids and whole-plant preparations sufficiently to serve as prior art, and that a registry meeting Section 6(3) is recognized under Section 6(2). Certification rests on those conditions and does not depend on any particular steward of the reference standard or the registry.

(b) The Center shall certify as soon as those conditions are met, and shall report to Congress every six months until it does, stating what remains, what the Center has done, and when it expects to certify.

(c) Not later than three years after the effective date, the Center shall either certify or report to Congress why it cannot, what remains uncharacterized, and what legislative or appropriations action completion requires, including a statement of the appropriation the Center needs to complete certification and the cost of producing the reference lots under Section 6(12).

(d) The duty to certify is a duty to act. A failure to certify once the conditions under paragraph (a) are met is agency action unlawfully withheld or unreasonably delayed within the meaning of section 706(1) of title 5, United States Code.

(e) Certification is a milestone and a duty to report. No provision of this Act waits on it. Each part of the reference standard and the registry is prior art for what it characterizes from the date it is published, whether or not the Center has certified.

(f) If the Center has not certified within five years after the effective date, the Center shall publish, by notice in the Federal Register, the reference standard and the registry as they then stand, with a statement of what remains uncharacterized, and continues to build the record and to report under paragraph (b) of this subsection until the remainder is characterized.

(8) Intoxicating items formerly sold as hemp. (a) This Act provides no temporary authorization to sell an intoxicating herbal cannabis item, or an item subject to Section 4(16), in general retail. (b) A non-intoxicating herbal cannabis item continues in general retail under Section 4(2). (c) A sale of a hemp-derived item that was lawful under federal law when made is not, by reason of that sale, a basis to deny, condition, or delay an authorization or benefit under this Act. (d) For the period the Center sets by rule after the effective date, an intoxicating item held for sale in general retail may be transferred within a state to a person that state licenses, for testing, relabeling, and sale in age-restricted retail under Section 4(13), or returned to its supplier within the state, or across a state line only where Section 13 then permits, and a transfer under this paragraph is not a violation of this Act.

(9) Registration before removal takes effect. Until the removal under Section 5(1) takes effect, a license a state issues that authorizes its holder to manufacture, distribute, or dispense cannabis for medical purposes in a line of business, including a license that bears a medical use endorsement for that line and authorizes other activity in other lines, is a "state medical marijuana license" as to that line for purposes of registration under section 303 of the Controlled Substances Act (21 U.S.C. 823), where the line is kept separate from the holder's other lines in inventory,

records, and premises, dispenses only to a patient or caregiver holding a provider's authorization based on clinical assessment under Section 7(3), and deals only with persons with whom federal law permits a registrant to deal, including a person the federal Drug Enforcement Administration treats as a timely applicant, for as long as that treatment lasts. Separate premises may be a separate area within the same building. A provider's authorization under state law based on clinical assessment is a certification sufficient for dispensing by such a registrant.

Section 16. Construction, severability, and effect on other law

(1) If a provision of this Act, or its application to a person or circumstance, is held invalid, the invalidity does not affect another provision or application that can be given effect without it, and to this end the provisions of this Act are severable.

(2) If the incorporation by reference under Section 13(1) of a standard as it is later revised is held invalid, the standard as it exists on the date of that holding remains in effect, and the Center may adopt a revision to it by rule.

(3) If the removal of cannabis from the schedules under Section 5(1) is held invalid, the remainder of this Act continues to the extent it can be given effect, and the protections of Sections 8 and 9 continue to apply to conduct lawful under the law of the state in which it occurs.

(4) Where two provisions of this Act conflict in their application to patient access, caregiver access, provider protection, patient confidentiality, or the safety of an herbal cannabis item obtained by a patient, the provision affording the greater protection to the patient controls. This subsection does not override an age restriction under Section 4(13).

(5) Subsection (4) of this section is not subject to a rule that a specific provision controls over a general one.

(6) Relief under Section 8 is in addition to relief available under other law. Where another law affords greater relief for a cannabis offense, that law controls.

(7) Nothing in this Act limits the sovereignty of a federally recognized Indian tribe, diminishes the jurisdiction of a tribe over cannabis within its territory, or applies to conduct within that jurisdiction except as the tribe provides or as the tribe and the United States or a state provide by agreement. A tribe may elect to be treated as a state for purposes of Sections 7(8), 13(6), and 13(9) by notifying the Center, and the election takes effect on notice. The tribe and the Center may provide by agreement for the administration of the election, but an agreement is not a condition of it.

(8) Effect on state law. This Act does not displace the law of a state except as this Act expressly provides or where state law would deny a person a protection this Act secures. A state law affording a person greater protection than this Act affords is not displaced. Consistent with Sections 5(5) and 13(8), the licensing of operators, limits on ownership and market entry within a state, and the structure of a state's own market are reserved to that state, as is whether to authorize commercial cannabis activity at all under Section 5(6). Nothing in this subsection displaces Section 13(6) or Section 13(7), and a state may not apply a classification by botanical origin, or by concentration by weight, to an item moving in interstate commerce under Section 13. Where a state law would deny a protection this Act secures, it is displaced to the extent of that denial and no further.

(9) International obligations. When the removal of cannabis from the schedules under Section 5 takes effect, it is the domestic law of the United States and governs notwithstanding an obligation assumed under the Single Convention on Narcotic Drugs of 1961, or under another international instrument entered into before the date of enactment of this Act, that would be inconsistent with it. Not later than one year after the date of enactment of this Act, the Secretary of State shall begin the steps necessary to conform the international obligations of the United States to this Act, which may include seeking amendment of the relevant instrument or denunciation and re-accession with a reservation, and shall report to Congress on the steps taken, their status, and any action required of the Senate, not later than that date and annually thereafter. Pending that conformance, the operation of this Act within the United States is unaffected.