The Whole Plant Act

Federal Implementation Path

How to read this

The Federal Whole Plant Act is the destination, not a demand that the whole framework pass in a single enactment. Federal cannabis reform does not move as one clean bill. It moves through vehicles, an appropriations package, a farm bill, a standalone measure, a comprehensive bill like the Cannabis Administration and Opportunity Act, and through discrete pieces that ride whichever vehicle is open. This document lays out the sequenced route to the framework: which piece has to move first, which pieces can ride now, and how the two delivery forms fit the moment. The near-term pieces are not separate from the framework; they are its provisions landing early through the vehicles available.

The forcing functions

Three federal clocks are converging, and their timing is the whole reason to act rather than wait. The federal hemp closure begins on November 12, 2026 and completes on December 11, 2026. Section 781 of Public Law 119-37 takes effect on the first of those dates, and Section 2019 of Public Law 119-103 limits it until December 11 to products containing cannabinoids the plant cannot make, so the synthesized-cannabinoid exclusion and the 0.4 milligram per container cap arrive on that later date, which is also the expiration date of the current continuing resolution. That is the window in which the origin frame is either locked into comprehensive federal law or corrected. A medical-only Schedule III is already in effect, lifting Section 280E for licensed medical operators while leaving everyone else in Schedule I, and the broader rescheduling proceeding was stayed on September 29, 2026 over a new Government Accountability Office report on drug scheduling. On October 22, 2026 the tribunal admitted that report, denied a motion to reopen the hearing, and set briefing on the report's weight to close November 5, 2026. Briefing closed November 5, 2026 and the stay ended; the recommended decision follows, with no deadline set. And the pharmaceutical enclosure clock is running independently of all of it: whole-plant products are advancing toward approval, and patent estates are being readied, which sets a hard deadline on the one piece that cannot be deferred. Meanwhile the Cannabis Administration and Opportunity Act has been reintroduced, which means the origin frame is live to fix now, in the text of a moving bill, rather than settled law to fight. The 119th Congress ends January 3, 2027, so pending federal bills, including H.R. 10923, H.R. 9830 and H.R. 10929, must be reintroduced in the 120th Congress, and the December 11 hemp date will be settled in the lame-duck session.

The one move that starts now: the public record

A published record of the plant's chemistry and preparations is prior art against every patent claim filed after it, so the date that matters is the next filing, not the date of any scheduling change. Rescheduling or descheduling removes the practical restraints that have kept patent holders from suing state operators, and the Act meets that risk directly, with a transition limit on remedies and a prior-use defense that counts state-lawful use (Federal Sec. 6(14), 6(15)). The record runs in parallel with descheduling and waits on nothing. This is the single most time-sensitive move in the entire framework, and it is the one that does not wait for the rest of it. It can begin now, without the whole bill, through federal recognition of a public-domain reference standard and registry and through the existing botanical-drug framework and a Drug Master File that multiple manufacturers can reference. Everything else in this path can be sequenced. This one is on the enclosure clock, and the enclosure clock is not ours to set.

Near-term moves: what can ride now

These are the pieces that can move ahead of the full framework, as standalone measures or riding a must-pass vehicle, and each is a provision of the Federal Whole Plant Act landing early.

The public-domain recognition, above, first and most urgent. Protect-the-person pieces that are discrete and broadly supported: the employment, housing, and healthcare anti-discrimination protections, the relief from Section 280E for lawful operators, and access to banking. The hemp-closure fix, now running against the December 11, 2026 date: H.R. 9830, the Lawful Hemp Protection Act, is the introduced hemp vehicle, and rather than accept its raised origin wall, the framework sorts the displaced intoxicating products by intoxicating potential into the specialty-retail lane, through the H.R. 9830 amendment package or by riding the same appropriations or farm-bill vehicle that carries the cliff. H.R. 10079, the Beverage Regulatory Parity Act, introduced August 10, 2026, is the narrowest of the introduced hemp bills: it lifts the per-container limit for hemp-derived beverages alone, under a mandatory three-tier distribution system the framework does not adopt, and the H.R. 10079 comparison sets out what the framework would keep from it and what it would change. S. 5736, the Hemp Guardrails Act, introduced in the Senate on November 17, 2026, is the broadest of them: it raises the hemp line to 1.0 percent total THC, strikes the per-container cap without a dose line in its place, and builds a Food and Drug Administration chapter for hemp products, and the S. 5736 comparison sets out where the framework already agrees and where it differs. And the medical-infrastructure pieces that need no comprehensive bill to begin: provider education on the endocannabinoid system,

parity for veterans in the Department of Veterans Affairs, and the insurance-pathway and qualifying-condition reforms.

None of these require the whole framework to be standing first. They deliver real protection now and lower the height of the remaining climb.

The framework, the vehicles

The framework reaches the federal code through whichever vehicle moves, and the destination is the same one: classify by intoxicating potential, keep the plant public, protect the person.

The comprehensive vehicle. The first route fixes the Cannabis Administration and Opportunity Act while it is live. The CAOA amendment package is the Federal Whole Plant Act expressed as targeted amendments to that bill: one botanical input classified by intoxicating potential, a clean industrial track, cannabidiol by intoxicating potential, one regulator and one tax, medical use as infrastructure, the public-domain moat, the criminal-justice floor, protection of the person, and economic justice with capital access, over the advances the bill already carries. This is the fastest route to the whole framework if that bill moves, because it keeps the bill's genuine advances and corrects only the origin frame.

The hemp-enclosure vehicle. If the vehicle that actually moves is a hemp bill, it is H.R. 9830, the Lawful Hemp Protection Act, introduced in July 2026. The H.R. 9830 amendment package keeps its genuine advances, the repeal of Section 781, the age line, the bar on marketing to children, third-party testing, and the synthetics ban, and amends the rest to effect: one botanical input classified by intoxicating potential, the age-gate on the sale rather than the person, no mandatory distribution tier, farm-to-shelf testing, impairment-first driving without the coercion, a living cannabinoid list, and the keep-public moat the bill lacks. It does not deliver comprehensive descheduling on its own, which is the comprehensive vehicle's scope, but it carries the one-plant frame and the moat into the bill most likely to move first, and it stops the hemp vehicle from locking the origin wall into federal law.

The standalone. The last route is the standalone Federal Whole Plant Act, enacted on its own or as a substitute, for the case in which no live vehicle is wanted or all of them stall. It states the whole framework against the enacted federal code and adopts the comprehensive bill's real wins as its own provisions. It is the source of truth, and both amendment packages are derived from it, so the framework does not drift across the routes.

How this interlocks with the states

The federal bill 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 states license and run their own markets above that floor. This is why the federal work does not have to wait for the states, and the states do not have to wait for Washington. The model bill and its state instances are already building the same one-plant framework from below, so federal action ratifies and connects what the states are building rather than starting over. Reform advances from both ends toward one frame. That is the offense: not a single federal act that everything depends on, but a floor and a set of markets converging on the same design, with the public-domain moat going in first at whichever level can move it first.

The point of doing it this way

Phasing is not retreat. The moat moves now because the enclosure clock demands it. The discrete protections move now because they deliver relief and build credibility. And the full framework lands through whichever vehicle opens, the comprehensive bill corrected, the hemp vehicle amended, or the standalone bill enacted, all toward one destination. A member who worries that the framework is too much to pass at once can see, here, exactly how it arrives in stages, and that the most urgent stage, keeping the plant public before it can be fenced, is the one that starts today.

Companion to the Federal Whole Plant Act and its CAOA and H.R. 9830 amendment packages. The federal instance of the phasing pattern; each state carries its own implementation path on its own legislative calendar.