The Whole Plant Act Federal Moves Matrix

Why this exists

The federal picture is moving on two fronts at once, hemp and scheduling, and it is pulling people into reactive postures: rushing to register with the DEA the moment rescheduling looks real, waiting to see where the feds land before doing anything, or punting the hemp question until after the closure date, which has already moved once. Each of those is defense, and defense loses, because it keeps a state a step behind the last thing that happened. The Whole Plant Act is the offense. It classifies by intoxicating potential, the axis federal reform is already moving toward; it builds the public-domain moat before any rescheduling can make patents enforceable; and it carries a voluntary federal-compliance election, so registering with the DEA is a deliberate choice rather than a scramble. It absorbs any federal move as a reference update or an operator's election, never a reconstruction, and this piece shows that across the scenarios already unfolding.

These moves are not hypothetical; they are already in motion. On the scheduling side, the Justice Department placed FDA-approved and state-medical-license marijuana into Schedule III in April 2026, lifting Section 280E for licensed medical operators while leaving adult-use and everyone outside a medical license in Schedule I, and the broader rescheduling proceeding, heard June 29 to July 15, 2026 and briefed on August 17, was stayed on September 29, 2026 while the tribunal decides whether the Government Accountability Office report published September 23, 2026 joins the record. On October 12, 2026 three parties opposing rescheduling, DUID Victim Voices, Kenneth Finn, M.D., and the National Drug and Alcohol Association, moved to reopen the hearing for limited discovery and testimony if that report is admitted, and on October 22, 2026 Chief Administrative Law Judge Derek C. Julius admitted the report, denied the motion to reopen, and allowed optional briefs on the report's weight, due October 29 with replies due November 5, 2026. Briefing closed November 5, 2026 and the stay ended; the recommended decision follows, with no deadline set. On the hemp side, Section 781 of P.L. 119-37, the continuing appropriations act enacted November 12, 2025, rewrites the federal hemp definition in Section 297A of the Agricultural Marketing Act of 1946 effective 365 days later, on November 12, 2026, excluding from hemp any cannabinoid not capable of being naturally produced by the plant, any cannabinoid the plant can make that was synthesized or manufactured outside it, any intermediate product above 0.3 percent, and any finished product above 0.4 milligrams per container of total tetrahydrocannabinols combined with any other cannabinoid that has, or is marketed as having, similar effects. That last clause is worth noticing: an effects test is already in enacted federal law, bounded inside a quantity threshold, exactly as it is bounded inside a concentration threshold in CAOA.

Section 2019 of division B of Public Law 119-103, the Continuing Appropriations and Extensions Act, 2027, enacted September 2, 2026, staged that closure rather than postponing it whole. Until December 11, 2026, Section 781's amendments apply only to products containing cannabinoids not capable of being naturally produced by the plant, at paragraphs (1)(C)(ii)(I) and (1)(C)(iv)(I) of the rewritten Section 297A. So from November 12, 2026 only the wholly non-natural cannabinoids are outside hemp. The exclusion of cannabinoids that the plant can make but that were synthesized outside it, the 0.3 percent cap on intermediate products, and the 0.4 milligram per container cap on finished products all begin on December 11, 2026. That date is the expiration date of the continuing resolution in division A of the same Act, so it moves if the next continuing resolution moves it. On the legislative side, four vehicles are live. S. 5022, the Cannabis Administration and Opportunity Act, introduced July 16, 2026 by Booker with sixteen original cosponsors including both Oregon senators. H.R. 9830, the Lawful Hemp Protection Act, introduced July 22, 2026 by Barr and Craig to avert the hemp cliff. H.R. 5068, the MORE Act, introduced August 29, 2025 by Nadler with forty cosponsors, which has been live longer than either and ends prohibition without building a regulatory frame. And H.R. 2935, the PREPARE Act, introduced April 17, 2025 by Joyce with Jeffries, which creates a commission to design the frame rather than enacting one. A fifth, H.R. 10150, never mentions cannabis and reaches it anyway, by putting a twelve-year exclusivity behind an approved botanical drug. So the matrix below is not a forecast; it is the board as it already stands.

The five moves, and the answer to each

The board is no longer just hemp and scheduling in the abstract. It is five concrete federal moves, and the framework answers each with drafted text rather than a reaction.

1. The comprehensive vehicle. The Cannabis Administration and Opportunity Act, reintroduced, would deschedule but keep the origin frame underneath. The framework answers it with the CAOA amendment package, which retains CAOA's genuine advances and makes the changes that convert a two-framework origin bill into a one-plant bill, and a comparison that shows where each change is needed.
2. The hemp-enclosure vehicle. H.R. 9830, the Lawful Hemp Protection Act, would regulate hemp by raising the origin threshold, criminalize a minor's possession of any cannabinoid product, and select for scale, while building no public record of the plant. The framework answers it with the H.R. 9830 amendment package, which keeps the bill's genuine advances and amends the rest to effect, and a comparison. Both reads are on the pre-introduction draft, pending the official print.
3. The repair vehicle. H.R. 5068, the MORE Act, would deschedule, expunge at scale, protect benefits and immigration status, and fund repair from a tax on the industry, and would leave product regulation where it found it: the Food and Drug Administration's authority is preserved untouched and the implementing agencies are Treasury, Justice and the Small Business Administration. The framework answers it with the MORE amendment package, which keeps the bill's eighteen sections substantially intact, amends the provisions that work against its own purpose, and adds the regulatory layer as new sections. On descheduling, expungement and resentencing it is the strongest of the live vehicles, and the framework adopts those provisions rather than rewriting them.

4. The commission vehicle. H.R. 2935, the PREPARE Act, would establish a Commission on the Federal Regulation of Cannabis to recommend the framework Congress should enact. It carries no conflict-of-interest provision, seats twenty-three federal agency heads against seven non-federal members, and directs the commission to study the coexistence of hemp and cannabis as separate industries. The framework answers it with recommendations drafted to be lifted: a conflict-of-interest provision, seats for the patients, caregivers, craft and legacy operators, tribes, workers and consumers the bill omits, and a reframing of the hemp clause toward one botanical input.
5. The scheduling posture. The medical-only Schedule III placed in April 2026 remains in effect and contested, and DEA began issuing registrations under it on October 30, 2026, starting with more than 900 dispensaries in seven medical-only states while manufacturer and distributor applications remain under review, lifting Section 280E for licensed medical operators while leaving everyone else in Schedule I. DEA's non-binding guidance expects timely applicants to close their supply chains to registered or timely entities by November 29, 2026. The framework answers it with the voluntary federal-compliance election, so registering with the DEA is a deliberate choice per line of business, and with the public-domain moat built first, so rescheduling cannot enclose the plant. Section 10(29) of the state versions lets an applicant choose a license limited to medical purposes, which Section 12(13)(i) (12(14)(i) in Tennessee) makes the state medical license in its own right for federal law, and Section 12(13)(e) (12(14)(e) in Tennessee) issues an endorsed line, on a licensee's request, as a separate instrument that authorizes only medical activity. Either way the state's statute shows a medical-only license, while the plant, the product standard, the tax and the patient's protections stay one. The Act is drafted to meet DEA's stated requirements; whether DEA agrees is for the show-cause hearings to decide.

Whatever the federal government does with hemp or scheduling, and whichever vehicle moves, the framework is the offensive response. For each live legislative vehicle there is a comparison and an amendment package, except the PREPARE Act, which creates a commission rather than a framework and so takes recommendations instead, and H.R. 10150, which takes a four-clause safeguards package and no comparison because it regulates no cannabis market to compare, and two hemp bills take a comparison only: H.R. 10079, the Beverage Regulatory Parity Act, which reaches hemp-derived beverages alone, and S. 5736, the Hemp Guardrails Act, introduced in the Senate on November 17, 2026, which raises the hemp line to 1.0 percent total THC and strikes the per-container cap with no dose line in its place. 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 scheduling move is absorbed as an operator's election. The state stands up the licensed lane and the moat once, and never rebuilds.

The matrix: why the Act is weight-bearing

Weight-bearing policy is policy that holds whichever party is in power and whichever way federal action goes, because its structure does not depend on any one outcome. The Whole Plant Act is weight-bearing: it works if cannabis stays in Schedule III, moves to a lower schedule, or comes off the federal schedules, and whether or not Congress regulates the intoxicating products now sold as hemp before or after December 11, 2026. Each row below shows how it holds.

Federal scenario	What changes federally	How the Act absorbs it	What the state does NOT rebuild
1. Hemp closure takes effect (the default)	Intoxicating hemp products are excluded from the hemp definition and fall back under marijuana and the CSA; roughly 95% of the intoxicating-hemp market loses its federal pathway. Non-intoxicating and industrial hemp survive.	The Act already classifies by intoxicating potential, so a formerly-"hemp" intoxicating product is simply an intoxicating cannabis item in the higher tax tier, sold through licensed retail. The displaced demand moves into the licensed lane the Act defines.	Nothing. No new category, no new agency, no emergency session. The licensed lane is already the destination the federal closure pushes the market toward.
2. Rescheduling to Schedule III (medical-only in effect; broader pending)	280E relief and capital-market access open, but flow first to the largest operators, the ones who can restructure to qualify; large multistate operators uplisted to the NYSE in mid-2026 while smaller operators wait. Cannabinoid patents become enforceable against everyone at once. The House FY2027 Commerce, Justice, Science appropriations bill, H.R. 8845, reported May 15, 2026, would bar its funds from being used to reschedule marijuana or to remove it from the schedules (Section 591); the Senate's FY2027 draft of that bill, released November 12, 2026, has no such provision, and the outcome turns on the final FY2027 bill or the next continuing resolution.	The federal-compliance election in Section 12 of the state versions lets an operator opt into federal Schedule III compliance, or stay in the state's direct-patient program, per line of business. Relief from Section 280E is not part of that election; it follows the federal classification of the activity. Section 10 anti-consolidation and the Section 6 moat, built first, keep relief from flowing only to incumbents and keep the plant as prior art against claims filed from here on.	Nothing structural. The state framework is what turns rescheduling from a consolidation event into an even opportunity, and it is already built.

3. Both, hemp closes and marijuana reschedules	The origin split collapses from both ends: intoxicating hemp becomes marijuana, and marijuana becomes Schedule III.	The Act handles each with the mechanism above, at the same time, because they are independent levers in one one-plant frame: displaced hemp demand lands in the licensed lane, and the federal election governs the scheduling interface.	Nothing. The two moves don't compound into a crisis; they land on a structure already built to take both.
4. Neither, repeal or delay of the hemp change and no rescheduling	Status quo holds, or the hemp deadline slips; the intoxicating-hemp market keeps operating in the gray zone; scheduling is unchanged.	The Act still closes the intoxicating-hemp loophole at the state level by intoxicating potential, brings those products into the licensed, tested, taxed lane, and readies the state for whenever the federal move does come.	Nothing is wasted. The framework's value doesn't depend on a federal move happening on schedule; it stands on its own state-law merits and is ready when the move lands.

Patients, under every scenario. Whatever the feds do, patient access holds, because the Act builds medical use as public-health infrastructure funded first, not a federal category that appears and disappears with a reclassification. A medical-only Schedule III that lifts 280E for licensed medical operators is a tax event for businesses; it is not what secures a patient's access. The Act is.

This is already the pattern in the states. Watch how states meet the hemp cliff: Tennessee routed hemp through its liquor regulator into an alcohol-style three-tier system and banned THCA; Virginia's hemp products become illegal roughly a year before its legal market opens, a gap only the well-capitalized can wait out; Illinois folds intoxicating hemp into its licensed system on the exact day the federal cliff lands. Each uses a genuine safety rationale as the mechanism that transfers a market built by small operators to the biggest players. The Act does the safety, age-gating, testing, child-resistant packaging, without the transfer, because anti-consolidation, the craft tier, and harm-based repair are in the same bill.

The tax-code counterattack. Watch a quieter move than rescheduling itself: a proposed clause in the 119th Congress would amend Section 280E to name marijuana specifically, denying business deductions to marijuana operators regardless of what schedule the plant sits in. Read against the medical-only rescheduling, it hands the 280E relief to FDA-approved pharmaceutical products while locking the state-legal operator into the punitive tax permanently. The Act answers it at the level a state controls: its state 280E decoupling gives operators their state deductions no matter what Congress does to the federal code, and the Section 6 drug-preclusion rule keeps the non-pharmaceutical channel open so relief limited to approved drugs cannot corner the plant.

The common thread

Across all four, the state builds one thing once and never rebuilds it. Classification by intoxicating potential means the product side doesn't care which origin category the feds are fighting over. The public-domain moat means descheduling can't enclose the plant. The federal election means rescheduling is an operator's informed choice, not a forced reconstruction of the program. That is what it means for the Act to be weight-bearing, and it is why building now is offense: the state stands up the net before the ball is thrown, on its own timing, rather than watching where each federal change lands and scrambling to catch up.

As of November 2026. A state fills in its own legislative clock; Oregon's 2027-to-establish, 2028-to-enact timing lines up with the federal hemp closure, which begins in part on November 12, 2026 and takes full effect on December 11, 2026 under Section 2019 of Public Law 119-103, so Oregon stands up the licensed lane right as the federal closure displaces the market that lane is designed to catch.