The Whole Plant Act

Amendment Package: H.R. 7212, the Hemp Enforcement, Modernization, and Protection Act

The Federal Whole Plant Act expressed as targeted amendments to H.R. 7212, the Hemp Enforcement, Modernization, and Protection Act, introduced by Representative Griffith for himself and Representative Veasey on January 22, 2026 and referred to the Committee on Energy and Commerce. This package is derived from and congruent with the standalone Federal Whole Plant Act. Where this package and that bill would differ, the standalone bill governs. It keeps what H.R. 7212 gets right and fills each gap with the Whole Plant Act's own provision. Every change is optional, and each section stands on its own.

Read against the introduced text of H.R. 7212 as printed, end to end. Section references to H.R. 7212 are to the sections of the Federal Food, Drug, and Cosmetic Act as that bill would add or amend them. Not legal advice. Legislative counsel should confirm every reference against the code in force on the day of markup.

Section 1. Short title

This package may be cited as the Whole Plant Act amendments to H.R. 7212.

Section 2. Advances retained

The following provisions of H.R. 7212 are retained in substance.

The placement of cannabinoid products under the Food and Drug Administration in a chapter of their own, with adulteration, misbranding, facility registration, product listing, foreign inspection and mandatory recall (sections 1002, 1003, 1009, 1010, 1011).

A dose line set by rule, per serving and route, with a proposed rule within 60 days of enactment and a final rule within three years (section 1012(a), (b)).

The definition of "cannabinoid" regardless of source, by structure and pharmacological effect, with a list the Secretary keeps current (section 201(tt)), and the measure of total intoxicating cannabinoid content (section 201(zz)).

Child-resistant packaging to 16 CFR 1700.15, tamper evidence for multi-serving packages, and the bar on packaging that imitates images used to market to children or anyone under 21 (section 1003(12), (13), (14)).

The bar on added alcohol, caffeine, tobacco, nicotine, melatonin and interacting substances (section 1002(6)).

The label contents at section 1003(3), including cannabinoid content per serving and per package, ingredients, allergens, risks to special populations, a scannable link to the certificate of analysis, directions, and adverse-event reporting, and the bar on structure-and-function claims (section 1003(11)).

Uniform manufacturing and testing requirements, with reliance on standards developed by appropriate standard-setting bodies (section 1008).

Every inhalable safety rule at section 1005 other than the concentration line at section 201(xx)(1)(C): pesticide limits, the rules on terpenes, flavors, ingredients and solvents, component and hardware standards, prefilled and nonrefillable cartridges, warnings, and premarket notification.

The advisory committee at section 1013, its conflict-of-interest rule, its transcript, and its annual report on the limits.

The exception to the drug-preclusion clause at section 301(ll) for a conforming product, and the rule that a food containing one is not adulterated by reason of it (section 5(a)(3), (d) of the bill).

The remaining sections amend H.R. 7212 to classify by intoxicating potential, protect the person, keep the states' authority, and keep the plant public.

Section 3. Definitions

A term used in this package has the meaning given it in Section 3 of the Federal Whole Plant Act, which governs. The following carry the operative weight of this package.

"Labeled dose" means the dose stated on a product's label as a single serving. A stated dose smaller than the amount the product is designed and marketed to be taken at one time is not a labeled dose.

"Intoxicating potential" means the capacity of a product to produce intoxication at its labeled dose, determined by

cannabinoid content, associated-compound content, the interaction of the product's constituents, and formulation and route of administration.

"Total intoxicating cannabinoid equivalent" means the sum of the intoxicating cannabinoids a product contains, each counted at its equivalence to delta-9 tetrahydrocannabinol as the Secretary sets by rule on human evidence. Until the Secretary sets those factors, each counts at full equivalence. This measure may replace or be read together with "total intoxicating cannabinoid content" at section 201(zz).

"Food form" means a product 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.

"Age-restricted premises" means retail premises, licensed or authorized by a State or Indian tribe, at which proof of age is verified at the point of sale and the product is kept out of reach of a person under 21.

Section 4. A line on day one

Add to section 1012 a new subsection:

"(d) INTERIM STANDARD. Until the rule under subsection (a) is final, an oral, inhalable, or topical cannabinoid hemp product has intoxicating potential at its labeled dose if it contains more than 1 milligram of total intoxicating cannabinoid equivalent per labeled dose. A product has intoxicating potential without regard to that figure where a compound it contains, alone or in interaction with another, produces intoxication at its labeled dose on human evidence, and does not where human evidence establishes that it does not. The Secretary may set a different figure by rule on human evidence."

Strike subsection (c) of section 1012, or keep it as a backstop that applies only to products sold from age-restricted premises. The rule under subsection (a) remains the line, keyed to dose, formulation, route of administration, and the interaction of a product's constituents, and not to concentration by weight. Federal Sec. 4(3), 13(2).

Section 5. An honest serving

Add to section 1003 a new paragraph:

"(23) its label states a serving smaller than the amount the product is designed and marketed to be taken at one time. Where the Secretary finds such a serving, the Secretary sets the dose at which the product is classified and labeled, and until then the product is classified and labeled at the amount it is designed and marketed to be taken at one time."

Federal Sec. 4(3).

Section 6. The age line follows intoxicating potential

Strike section 1007 and insert:

"SEC. 1007. MINIMUM AGE OF SALE. (a) It shall be unlawful for any retailer to sell a cannabinoid hemp product that has intoxicating potential at its labeled dose, or that the Secretary finds on human evidence produces impairment at its labeled dose, to any person younger than 21 years of age, or to sell such a product other than from age-restricted premises. (b) A product that the Secretary finds produces impairment at its labeled dose without intoxicating potential is labeled as a product that impairs, and is not otherwise treated as intoxicating. (c) A product that has neither intoxicating potential nor impairment at its labeled dose may be sold at general retail, subject to section 1007A."

Section 13 of this package makes a sale in violation of this section a civil matter. Federal Sec. 4(2), 4(13), 4(16).

Section 7. The whole package is the dose for food on the open shelf

Insert after section 1007:

"SEC. 1007A. GENERAL-RETAIL PACKAGE CONDITION. (a) A cannabinoid hemp product in a food form may be sold other than from age-restricted premises only if its whole package, treated as its labeled dose, does not have intoxicating potential. (b) For a product of any other form, the Secretary 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 the Secretary does, the product is held to its labeled dose. (c) A product that does not meet subsection (a) or a limit under subsection (b) is not prohibited, and may be sold only as section 1007(a) provides. (d) This section applies only to sale other than from age-restricted premises, and sets no limit on the package of a product sold from age-restricted premises."

Federal Sec. 4(19).

Section 8. Package limits and the cap on cannabidiol

In section 201(xx)(1)(B), insert "sold other than from age-restricted premises" after "an oral cannabinoid hemp product," so the per-package limit on intoxicating content binds in general retail and not behind the counter.

In section 1004(b)(1) and section 1012(a)(1), strike "total cannabinoids" and insert "total intoxicating cannabinoid equivalent, and such individual non-intoxicating cannabinoids as the Secretary finds on human evidence warrant a limit," so a non-intoxicating cannabinoid such as cannabidiol is not capped by a total-cannabinoid figure unless the evidence for that cannabinoid supports a limit. Federal Sec. 4(3), 4(19)(e).

Section 9. Each serving identifiable

Amend section 1004(b)(2) to read:

"(2) PACKAGE CONTAINING MULTIPLE SERVINGS. If a package contains multiple servings, each serving shall be divided and separated into a portion of one serving, or, for a form the Secretary designates by order, scored or marked so that each labeled dose can be identified."

Federal Sec. 4(21).

Section 10. Inhalables by intoxicating potential

Strike section 201(xx)(1)(C). An inhalable product is classified at its labeled dose under section 1012 like any other product, and sold under section 1007. Section 1005 is retained in full. Federal Sec. 4(8).

Section 11. Topicals and transdermals

Strike section 201(xx)(1)(E). In section 201(xx)(1)(F), insert "of total intoxicating cannabinoid equivalent" after "0.3 percent on a weight basis," or strike the clause and classify a topical at its labeled dose. Add a definition: "transdermal cannabinoid hemp product" means a product applied to the skin for systemic absorption, classified at its labeled dose and labeled with its onset of action and duration of effect. Federal Sec. 4(7).

Section 12. Synthesized and converted cannabinoids by intoxicating potential

Option A, the Whole Plant Act's frame. Strike section 201(xx)(1)(G). Every cannabinoid is classified by intoxicating potential at the labeled dose. Add to section 1008:

"(d) CONVERSION AND SYNTHESIS. Where a product contains a cannabinoid produced by conversion or synthesis, the manufacturer shall disclose the method to the testing laboratory and on the label; testing 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 and counted in the product's classification, and is not treated as an impurity by reason of how it formed; any other reaction product, and residual reagents, catalysts, acids, and solvents, is held to the standard for contaminants; and a product containing an unidentified product of the conversion or synthesis above the level the Secretary sets by rule may not be sold. A constituent that occurs naturally in Cannabis sativa L. is not treated as a contaminant by reason of being uncharacterized. Decarboxylation of a naturally occurring cannabinoid acid by heat alone is not a conversion."

Option B, keeping the bill's ban. Retain section 201(xx)(1)(G) as to cannabinoids not naturally found in the plant, strike "or is produced by the plant Cannabis sativa L. only through genetic engineering or other manipulation of the plant," which reaches breeding methods rather than product safety, and add subsection (d) above. Federal Sec. 4(1), 4(18).

Section 13. Enforcement and the person

Strike section 301(jjj)(5) and insert in section 303 a civil penalty for a retailer's sale in violation of section 1007, assessed after notice and an opportunity for a hearing.

Amend section 303(b)(9), as added by section 5(b) of the bill, to read: "Notwithstanding subsection (a), any person who knowingly introduces or delivers for introduction into interstate commerce a prohibited cannabinoid product with the intent to defraud or mislead shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both."

Add: "Nothing in this chapter makes the use or possession of a cannabinoid hemp product by a person who is not a retailer, manufacturer, or distributor a violation of this Act." Federal Sec. 8(1), 8(3), 8(4).

Section 14. The states and Indian tribes

Add to section 6 of the bill:

"(3) The authority of a State or Indian tribe to license and regulate the processing, manufacture, distribution, and sale of cannabinoid hemp products within its jurisdiction, at or above the requirements of chapter X, or to restrict or prohibit their sale. Nothing in chapter X preempts a law of a State or Indian tribe that classifies and regulates every product containing a cannabinoid sold within its jurisdiction by its effect at the labeled dose, without regard to the source plant, or that sets a lower threshold for products sold within its jurisdiction.

"(4) The sovereignty of an Indian tribe or its jurisdiction over cannabinoid products within its territory."

Add to section 1012 a petition path: a State may petition the Secretary on human evidence to revise a threshold, and the Secretary shall decide the petition on the record within 180 days. Federal Sec. 5(5), 5(6), 13(11), 16(7).

Section 15. One standard in both lanes

Amend section 201(uu)(2) to add: "(H) a product lawfully manufactured, distributed, or dispensed under a license of a State or Indian tribe, or by a person registered under section 303 of the Controlled Substances Act, except that the Secretary shall apply sections 1002, 1003, 1004, 1008, and 1012 to such a product to the extent consistent with its status under the Controlled Substances Act."

This settles the reading of the product definition and puts identical products on one classification, testing and labeling standard in both federal lanes until descheduling. Federal Sec. 4(1), 13(1).

Section 16. The living list

Amend section 201(tt)(2) to require review of the cannabinoid list not less often than once every three years, or sooner as scientific evidence warrants, and to add: "Any person may petition to add a cannabinoid on its characterization and safety data, and the Secretary shall act on a complete petition within 180 days. A naturally occurring cannabinoid is not treated as absent from the list for the sole reason that the list has not been updated." Federal Sec. 6(11).

Section 17. Keep the plant public

Add a new section 1014:

"SEC. 1014. PUBLIC REFERENCE STANDARD; EXCLUSIVITY. (a) The Secretary shall recognize an existing public, non-proprietary reference standard and registry for Cannabis sativa L., its cannabinoids and associated compounds, its chemotypes, and its whole-plant preparations, open to any person without fee or license restriction, or, where none qualifies, shall maintain one. Each whole-plant preparation is characterized as the entire botanical mixture. Characterization and safety data from certificates of analysis under this chapter are not proprietary and feed the reference standard. An entry is a disclosure available to the public for purposes of section 102 of title 35, United States Code. (b) 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 Cannabis sativa L., a naturally occurring cannabinoid, or a whole-plant preparation from lawful sale under this chapter. A period of exclusivity continues to bar an application that relies on the approved drug. (c) The Secretary shall hold and make 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 exists, and a reference material with assigned values otherwise. They are available to any person at not more than cost and without restriction on their use, and the Secretary shall retain a sample of each reference lot for its stability life for retesting and comparison. Where a reference material needed to show conformance under this chapter is available only from a single private source, or from none, the Secretary shall produce or procure a public equivalent within 12 months; a material is available only if it is offered at a published price on terms that permit its routine use. Nothing in this subsection limits the commercial supply of reference materials by any person. (d) Nothing in this subsection alters a period of exclusivity, which subsection (b) governs, including exclusivity for a new chemical entity, for a new clinical investigation, or for an orphan drug, or the title of a contractor to a subject invention under chapter 18 of title 35, United States Code. Nonclinical and clinical data from a study of Cannabis sativa L., 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 date of enactment shall be published, with participant-level data released only in de-identified form, through a repository with controlled access where the risk of re-identification requires. Chemistry, manufacturing, and controls data from such a study shall be filed in a Type II Drug Master File and kept confidential, and 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. Any person may rely on those data in an application or submission under this Act as if holding a right of reference to them, and each such funding agreement shall grant that right. This subsection does not reach data generated without Federal funds and does not require public disclosure of a trade secret or confidential commercial information. 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 that community's authority, as determined under its own governance and given with free, prior, and informed consent, and de-identification does not satisfy this sentence."

Federal Sec. 6(1) through 6(4), 6(7), 6(12), 6(13).

Section 18. Making the bill work while section 781 stands

H.R. 7212 regulates products, and section 781 of division B of Public Law 119-37 decides which of them are lawful. After December 11, 2026, a finished product with more than 0.4 milligrams of total tetrahydrocannabinol per container is marijuana under the Controlled Substances Act, and H.R. 7212's intoxicating limits cannot reach it. If this bill moves as the product title of a larger measure, pair it with a field-only line:

(a) Repeal section 781 of division B of Public Law 119-37, and provide that each provision of law it amended reads as it read on November 11, 2026, since a repeal does not revive text an amendment replaced (1 U.S.C. 108).

(b) Confine the hemp line to the crop: a lot at or under a total tetrahydrocannabinol concentration measured before harvest is hemp, and everything derived from that lot remains hemp without regard to its own concentration, classified under chapter X by its effect at the labeled dose. The 1 percent total tetrahydrocannabinol figure H.R. 9830 uses is one choice for that line.

(c) Require each product, after a 12-month runway, to trace by documented chain of custody to a measured lot.

The Whole Plant Act has no field line of its own. This is the interim form of its rule that how a crop is grown does not decide how a product is classified. Federal Sec. 4(1), 12(3).

Section 19. On removal from the schedules

Add a new section 1015:

"SEC. 1015. ON REMOVAL FROM THE SCHEDULES. On the date the removal of cannabis from the schedules of controlled substances takes effect, whether by law or by rule, this chapter applies to every product containing a cannabinoid intended for use in or on the body without regard to the tetrahydrocannabinol concentration of its source plant, and each registration, listing, and authorization under this chapter remains valid without re-qualification."

Federal Sec. 5(1), 15(2), 15(3).

Section 20. Congruence and transition

This package is the standalone Federal Whole Plant Act expressed as amendments to H.R. 7212, and is to be read as congruent with that bill. The standalone bill is the source of truth.

Products on the market on the date of enactment have the registration and listing windows the bill already provides (sections 1009(a)(3), 1009(b)(2)). The age line in Section 6 and the general-retail package condition in Section 7 apply on enactment. Packaging, labeling and testing changes apply after 12 months, so products already on shelves are not unlawful on the first day.

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. Each section of this package is written to stand alone, so H.R. 7212 improves with any one of them, and none of them depends on a particular federal schedule or on what Congress does with section 781.