The Whole Plant Act

Comparison: S. 5022, the Cannabis Administration and Opportunity Act

A comparison of the Whole Plant Act, in its standalone federal form and its amendment-package form, against S. 5022, the Cannabis Administration and Opportunity Act, CAOA below.

Read against the text of S. 5022 as introduced on July 16, 2026 by Mr. Booker, with Mr. Schumer, Mr. Wyden and Mr. Merkley among sixteen original cosponsors, and referred to the Committee on Finance. Section references are to that text and were checked against it. Citations to the Whole Plant Act are to the standalone Federal Whole Plant Act unless otherwise marked. Independent policy analysis.

Where they agree

The common ground is large and it is real, and it should be stated first, because the difference between these two bills is not one of goals.

Both remove cannabis from the schedules of the Controlled Substances Act. CAOA does it at section 101, retroactively, reaching offenses committed, cases pending, and convictions entered before enactment. That act ends federal prohibition and is the precondition for everything else. The two differ in reach. CAOA removes marihuana and only the tetrahydrocannabinols in cannabis or in hemp, and leaves a synthesized tetrahydrocannabinol in schedule I pending a review within a year (sec. 101(a)(1), (a)(3)). The Whole Plant Act removes every tetrahydrocannabinol however produced and classifies it by intoxicating potential (Federal Sec. 4(1), 5(1)).

Both expunge, and both reach the person still in custody. CAOA section 311 directs each judicial district to review and expunge federal cannabis convictions entered from May 1, 1971 until the day before enactment, together with the associated arrests, seals the records, issues a certificate, and at section 311(a)(3) lets a person petition at any point afterward, with counsel appointed if the person is indigent. The release machinery is separate, at section 101(d): pending charges are dropped or dismissed within 30 days, with a writ available to a person held in pretrial detention; within 60 days the Bureau of Prisons, the Marshals Service, or the Parole Commission releases, and the sentencing court vacates the conviction and sentence, for a person held solely for a federal marijuana offense, again with a writ if release is not timely; and section 101(d)(4) allows a reduced sentence where another sentence remains or where a cannabis conviction elevated the range. That is faster and harder-edged than most repair bills manage, and the Whole Plant Act adopts it rather than restating it. One note for anyone citing it: the resentencing is at section 101(d), not in the section titled Resentencing and Expungement.

Both stand up restorative justice funded from the industry. CAOA establishes the Opportunity Trust Fund at section 401, and the Cannabis Justice Office and Community Reinvestment Grant Program at section 301.

Both open banking access. CAOA does it at section 706, which bars denying financial services for a prior nonviolent cannabis conviction, and at section 702, which directs that suspicious-activity-report guidance not significantly inhibit service to a lawful cannabis business.

Both carry civil protections against denial of a federal public benefit and against adverse immigration consequence, at CAOA sections 312 and 313, and both limit federal-employee cannabis testing, at CAOA section 101(e), which preserves testing for law enforcement and for positions an agency head determines in writing to involve national security or the protection of life, property, public health, or public safety.

And both open capital access. CAOA section 303 bars declining service or credit on cannabis grounds across small business development centers, women's business centers, SCORE, veteran business outreach centers, the community navigators program, 7(a) loans and guarantees, disaster loans, microloans, small business investment company debentures, and state and local development company loans. That is a genuine advance, it is more granular than anything the Whole Plant Act proposed on its own, and the amendment package retains it in full.

Every one of these survives in the Whole Plant Act. This is not a rival descheduling bill and it should not be read as one in any room. It is the same descheduling and the same repair, with the regulatory architecture underneath corrected.

The divergence in one table

Axis	S. 5022	The Whole Plant Act
Sorting principle	Cannabis and hemp split at the source, with hemp defined by a total tetrahydrocannabinol equivalent threshold at 1 milligram per 100 grams dry weight, and 0.7 percent for specified plant products (Sec. 502, 803)	One botanical input, classified downstream by intoxicating potential at the labeled dose (Federal Sec. 3, 4)

Cannabidiol	The drug-preclusion clause is opened for hemp-derived cannabidiol only, so identical molecules are treated differently by source plant (Sec. 504(a))	Identical molecules, identical treatment, by intoxicating potential, regardless of source plant (Federal Sec. 4, 6)
Regulatory authority	Split between the Secretary of Health and Human Services and the Treasury, coordinated by a required memorandum of understanding (Sec. 102, 511). A 22-member Cannabis Products Advisory Committee (Sec. 802), with no conflict-of-interest, recusal, gift, ex parte or post-service provision anywhere in the bill, and a one-time Comptroller General review of terminology and conforming changes (Sec. 801)	One lead regulator setting standards, with administering agencies directed within their competence, plus disclosure and recusal, an ex parte and gift rule, a published lobbying log, an advisory committee seated by market segment, public hearings with named non-federal witnesses, guidance discipline, and a recurring five-year Comptroller General performance review (Federal Sec. 5, 5(7)-(12))
Tax	An excise rising to 25 percent on cannabis products, with hemp-derived products outside it, and a credit for qualified domestic manufacturers, a term the bill leaves undefined (Sec. 401)	One excise on intoxicating products keyed to intoxicating potential, disciplined below the point price returns buyers to the unlicensed market, and graduated by scale at every stage (Federal Sec. 11)
Market entry	A Treasury permit is required to cultivate, manufacture, package, warehouse, or wholesale, with a fee set to recover the whole cost of federal cannabis regulation and a waiver only for a first-time individual applicant under 250 percent of the federal poverty level (FAA Title III Sec. 302(d)); the personal-use exception requires the grower be "solely involved" and grow only at the dwelling house (Sec. 5902(b)(2)(B))	Permit fee scaled to volume, relief for cooperatives and small producers, and the patient, designated caregiver, household, home cultivator, and cooperative protected as a class (Federal Sec. 9, 12)
Reach of federal legality	Descheduling is national; the federal permit, banking relief, and every Small Business Administration program are conditioned on state authorization (Sec. 303(a), 702; FAA Title III Sec. 302(a)(1)(B))	The federal frame is a floor: a state may prohibit commerce within its borders, and federal permitting, banking access, and tax standing follow federal permit compliance (Federal Sec. 2, 14)
Label	The amount of tetrahydrocannabinol, and the amount per serving where the package suggests more than one (Sec. 1103(2)(E)), while constituent interaction is permitted only in product-standard authority (Sec. 1106(b)(1)(A))	Full cannabinoid and terpene profile and the total intoxicating cannabinoid equivalent at the labeled dose, on every label (Federal Sec. 4, 13)
Age restriction	Attaches to the presence of a cannabinoid: a cannabis product intended for a person under 21 is misbranded (Sec. 1103(8)) and its sale is a prohibited act (Sec. 301(jjj)(1)), with no exception for a non-intoxicating product or an authorized minor patient	Attaches to whether the product intoxicates at its labeled dose, except as authorized for a minor patient by the patient's health care provider (Federal Sec. 4, 7)
Medical use	No standing program, no reimbursement pathway, no access protection; medical rides the general market	Funded as public-health infrastructure, no qualifying-condition list, reimbursement pathway, provider education, veterans at parity (Federal Sec. 7)
The commons	No public record of the plant, no prior-art provision, no registry	A public-domain reference standard and registry as prior art, built with the National Institute of Standards and Technology as the federal measurement partner, and the drug-preclusion clause disapplied to naturally occurring cannabinoids, so approval cannot enclose the plant (Federal Sec. 6, 13(1))
Equity criteria	Mostly harm-keyed already: section 301(b)(1)(E) defines the beneficiary by income below 250 percent of the federal poverty level and a cannabis arrest or conviction, the person's own or an immediate family member's, and that definition carries the $1.65 billion Community Reinvestment Grant Program. The Small Business Act term "socially and economically disadvantaged individuals" governs three narrower provisions (Sec. 301(b)(2), 305, 524C), and the race-conscious licensing-board element is one of five of which a grantee adopts four (Sec. 301(b)(3)(E))	The same harm-keyed criterion throughout: prior conviction, disproportionately policed community, legacy or small operator (Federal Sec. 10). The amendment package conforms the remaining provisions to CAOA's own definition rather than importing a new one
Tribes	Treated as governments in roughly forty-five places: more-stringent authority preserved (Sec. 1110), consultation required before three rulemakings, state officers barred from Indian country without consent (Sec. 112(b)(3)(A)), a Tribal Relations Coordinator, a 5 percent set-aside, Tribes as grantees. The recognition list is frozen at enactment (Sec. 3(3)), and a Tribal enterprise still needs a Treasury permit that section 302(a)(1)(B) ties to state law	All of that retained, the list keyed to the current publication, government-to-government consultation, and a Tribe may administer the framework within its jurisdiction (Federal Sec. 5(10))

Where they diverge

1. One botanical input, or the origin split preserved

CAOA deschedules and then re-imports the hemp-versus-marijuana split the descheduling should have dissolved. Section 502 adds the cannabis definition at section 201(tt) of the Federal Food, Drug, and Cosmetic Act with hemp excluded, and section 803 rewrites the hemp definition in the Agricultural Marketing Act of 1946.

That rewrite is more sophisticated than it is usually described. CAOA abandons the 2018 farm bill's delta-9 test and adopts a total tetrahydrocannabinol equivalent standard reaching delta-8, delta-9, delta-10, and tetrahydrocannabinolic acid, at 1 milligram per 100 grams on a dry weight basis, with 0.7 percent for specified plant products. That closes the delta-8 loophole, which is a real gain, but CAOA leaves the closure to administration: under 297A(1)(B)(ii) the Secretary may exclude one or more isomers of tetrahydrocannabinol from the definition, and under 297A(1)(C)(ii)(I) may modify the allowable amounts where the effects of a substance or an interaction of substances differ significantly from those of delta-9 tetrahydrocannabinol. So what counts as lawful hemp shifts with the agency. That an intoxicant's legal status turns on a definitional ruling rather than on its effect is the origin frame's problem in miniature. The modification authority is also a second effects hook, since the standard for moving the number is an effects comparison.

One further point on the hemp closure, because the two live vehicles do opposite things with the same provision. CAOA does not repeal section 781 of division B of Public Law 119-37, the enacted hemp redefinition. That provision takes effect on November 12, 2026, limited until December 11, 2026 by section 2019 of Public Law 119-103 to products containing cannabinoids the plant cannot make, with the synthesized-cannabinoid exclusion and the 0.4 milligram per container cap arriving on the later date. Section 803(b) of CAOA amends section 781 technically, restating its effective-date language and pushing the cross-reference to the hemp definition out to 365 days after CAOA's own enactment. H.R. 9830 repeals section 781 outright at its section 3(b). Anyone weighing the two vehicles on hemp should know that one removes the closure and the other keeps it and reschedules part of it.

But the standard also reaches, by its own terms, any other substance already within the Act's cannabis definition that has similar effects on the body as those cannabinoids, including through interaction with other substances in the product. That is an effects criterion, written into CAOA by its own drafters, and then bounded by a concentration line. The Whole Plant Act does not import a foreign concept here. It completes one CAOA already began, by making effect the classifier rather than a qualifier inside a threshold.

The strongest evidence that the threshold is negotiated rather than pharmacological is what the other live vehicle does with the same measurement. H.R. 9830 abandons the delta-9 test as well, adopts a total tetrahydrocannabinol measure that also counts the acid form, and sets a single line at 1 percent. CAOA sets two: 0.7 percent for raw plant material, within a factor of two of H.R. 9830's line, and 1 milligram per 100 grams for processed material, roughly three orders of magnitude below it. Same Congress, same session, same measurement concept, and the divergence tracks processing rather than pharmacology. If the number were a fact about the plant, that could not happen.

2. Cannabidiol, and a clause opened halfway

CAOA section 504(a) amends section 201(ff)(3)(B) of the Federal Food, Drug, and Cosmetic Act, the drug-preclusion clause, to except cannabidiol derived from hemp. Cannabidiol classified as cannabis-derived is not excepted.

These are the identical molecule with the identical effect at the labeled dose. The only difference is the plant of origin, which the descheduling was supposed to stop mattering, and the effect is to hand a regulatory advantage to one supply chain for no reason a consumer or a clinician would recognize.

What matters strategically is that 201(ff)(3)(B) is the same clause the Federal Whole Plant Act reaches at Section 6, where it disapplies the clause to any cannabinoid that occurs naturally in the cannabis plant, whether that particular cannabinoid was obtained from the plant or produced by synthesis or conversion, rather than striking the clause outright. The relief follows the molecule and not the supply chain. CAOA opens the right door and opens it only for one origin. The correction is to strike the origin qualifier, which is a one-clause edit to CAOA's own mechanism rather than a new provision.

3. One authority, or two departments and a treaty

This is the divergence least discussed and most structural.

CAOA transfers the cannabis functions of the Drug Enforcement Administration to two departments at once, to Health and Human Services and to the Treasury, at section 102(a). It renames the Alcohol and Tobacco Tax and Trade Bureau as the Alcohol, Tobacco, and Cannabis Tax and Trade Bureau at section 102(b). It establishes a Center for Cannabis Products inside the Food and Drug Administration at section 501. It places the permitting regime inside the Federal Alcohol Administration Act, administered by the Treasury, at section 511. And it then requires the two Secretaries to enter a memorandum of understanding at section 102(c) to coordinate their respective responsibilities and to consider reducing unnecessary administrative duplication.

One plant regulated through two departments with different mandates is a set of seams, and the intoxicating-

derivative market entered through exactly such a seam under the prior framework. A bill that must schedule an interagency agreement with itself has described the problem in its own text.

CAOA builds the right institution. The Center for Cannabis Products is the same institution the Federal Whole Plant Act establishes. The difference is mandate, not architecture: the framework's Center is the lead regulator administering the national standards, the public domain, and authentication, with the Treasury applying revenue functions within standards the Center sets.

CAOA also builds a participation body, and it deserves naming rather than discovery. Section 802 establishes the Cannabis Products Advisory Committee: 22 members appointed by the Secretary of Health and Human Services to five-year terms, removable only for good cause, meeting quarterly, publishing an annual report of its recommendations and whether they were implemented, and exempt from the Federal Advisory Committee Act's termination clock so that it does not lapse. Fourteen of the 22 seats are non-federal, and they include a state cannabis regulator, an equity and social justice advocate, a labor union representative, and a representative of an Indian Tribe. That is a real structure, and the framework's advisory committee should be read as amending it rather than replacing it.

Three things about it are worth raising with the drafters.

First, CAOA contains no conflict-of-interest provision. The terms conflict of interest, recusal, financial interest, gift, lobbyist, ex parte and post-employment do not appear in the bill. That matters more here than it would for an ordinary advisory body, because section 802(c)(6) has this Committee reviewing and recommending on waivers of disqualifying offenses for named individual permit applicants under section 302(a)(2)(B) of the Federal Alcohol Administration Act, added by section 511. Three of the Committee's seats are industry seats. A body that passes on a particular applicant's fitness, seated with that applicant's competitors, and carrying no recusal rule is the first thing an opponent of the bill will find.

Second, section 802(d)(4)(A) makes any discussion of the Committee's work confidential and not to be discussed in any form outside its meetings. That sits against section 802(c)(7), which requires an annual public report of the Committee's recommendations, and it would foreclose publishing the testimony and the record that standard-setting depends on. The confidentiality the waiver function genuinely needs is already supplied by section 802(d)(4)(B), which redacts the waiver materials and transcripts. The blanket rule in subparagraph (A) is broader than the problem it solves.

Third, the seats are drawn by position in the supply chain rather than by intoxicating potential. The three industry seats are two for cultivators and processors and one for wholesalers and retailers; patients share a single seat with consumers; and there is no seat for a designated caregiver or noncommercial grower, for a small, craft, or independent operator, or for a legacy operator, although at least one industry seat must go to a person from a historically underrepresented community or a person adversely impacted by the War on Drugs. The framework draws seats by market segment and by the interests the Act protects, names no seat by botanical origin, and lets an affected constituency that is not seated convene as a subcommittee and have its position entered in the record.

The rest of the framework's integrity and participation architecture, at Federal Sections 5(7) through 5(12), is additive to CAOA rather than corrective of it. Public disclosure of every ownership, employment, consulting, professional, contractual and immediate-family relationship held with a regulated person, with the interest held by virtue of the segment a seat represents expressly not disqualifying, and recusal confined to a matter concerning the member's own operation or a direct competitor. An ex parte rule, a gift rule, a published log of substantive communications with lobbyists and regulated persons, and a two-year post-service restriction. Public comment and a hearing, with named categories of non-federal witnesses, before the national standard is first adopted and before a revision that materially changes a classification threshold. Sub-regulatory guidance published, stating the provision it construes, not a substitute for rulemaking, with 60 days' notice to the appropriate committees of Congress.

On that participation point, CAOA moves the other way on its closest analogue. Section 504 lets the Secretary set the cannabidiol serving threshold, and the labeling and packaging rules for cannabidiol supplements, by interim final rule notwithstanding any requirement for notice and comment that would otherwise apply under section 553 of title 5. Those are the numbers that decide what a product may be, set without the record the framework requires.

Independent review is the same pattern. CAOA section 801 directs the Comptroller General to review federal law for desirable changes and for the terms marijuana and marihuana, once, reporting at two years. That is a terminology and conformance review, not a review of how the regulator is performing, so Federal Section 5(12)'s recurring five-year review of standard delivery, market concentration, patient access, the currency of the public record and the delivery of relief does not duplicate it. Both are worth having.

Where CAOA already does this work, the framework keeps it. The regulations added by section 501 and the tracking-and-tracing regulations both require good faith, meaningful and timely consultation with Indian Tribes. Federal Section 5(10) carries that forward, states it as government-to-government, and extends it across the standards, the public domain and the frame determination rather than two rulemakings.

One drafting error, offered usefully. CAOA cites its own advisory committee three ways. Section 802 establishes it.

Section 112(b)(6)(A) directs the Secretary to consider recommendations and findings of the Cannabis Products Advisory Committee established under section 1111 of the Federal Food, Drug, and Cosmetic Act, and the chapter XI that section 501 adds to that Act ends at section 1110. Section 302(a)(2)(B) of the Federal Alcohol Administration Act title added by section 511 conditions a disqualifying-offense waiver on review by the Committee established under section 602 of the Act, and section 602 is the finding regarding employers in the cannabis industry. Both cross-references need conforming to section 802. The collision is easy to see how it happened: CAOA's own Title III and the Federal Alcohol Administration Act title that section 511 inserts both run from section 301 to section 306.

On the standard itself, the framework names the federal measurement partner and CAOA names none. At Federal Section 13(1), the Center develops and maintains the national standard 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 the standard incorporates. The National Institute of Standards and Technology does not appear in S. 5022. It is not a novel ask: H.R. 2935, the PREPARE Act, seats the Director of the National Institute of Standards and Technology on its commission at section 4(c)(21). A testing and authentication standard is a measurement problem before it is a policy problem, and naming the institution that does federal measurement is what keeps the standard from being written to a single laboratory's method.

4. The tax

CAOA's excise phases at 10, 15, 20 and then 25 percent of removal price, and afterward runs at 25 percent of prevailing price, per ounce of flower for plant products and per gram of tetrahydrocannabinol, that is by cannabinoid content, for THC products, which is every processed or extracted product. Hemp-derived cannabinoid products sit outside it. Stacked on state and local rates, a 25 percent federal excise pushes the combined burden toward half of retail on a product with recognized medical and harm-reduction use, and the state data is not ambiguous about what high combined burdens do: they keep the unlicensed market alive and push the most price-sensitive people, patients and low-income consumers, toward untested product.

An excise keyed to origin, punitive on one lane and absent on the other, is also the enclosure mechanism in tax form, because it routes capital toward whoever can absorb the punitive lane or exploit the free one.

CAOA does carry a mitigation and it should be credited. Title IV allows a credit for qualified domestic manufacturers equal to 50 percent of the applicable tax amount against a phase-in cap. That is a real small-operator provision of the kind alcohol excise has long used. Its limit is that the eligible taxpayer, a qualified domestic manufacturer, is a term the bill uses twice, both times inside the credit provision itself, and never defines, so who benefits is left to administration rather than fixed in the text.

Two features of that credit deserve naming, because both cut against the whole plant. The credit is denied for cannabis received in bond under section 5901(e)(3)(A)(i), and the exception at section 5901(e)(3)(B) restores it only where the taxpayer processes the cannabis "to produce an extract which contains no plant matter." A producer who buys flower in bond and makes a full-spectrum preparation that retains plant matter loses the credit. A producer who strips the same flower to a plant-matter-free distillate keeps it. The statute pays a premium for removing the plant from the product. That is the origin frame operating inside a small-operator provision, and it is the single clearest instance in the bill of the drafting assumption the framework exists to correct.

The second is the aggregation rule at section 5901(e)(4), which treats two or more entities as a single taxpayer, whether or not under common control, where they produce a cannabis product under a license, franchise, "or other arrangement." The purpose is plainly to stop a large producer from splitting into eligible shells. As written, the open-ended phrase also reaches a cooperative producing under a shared brand and a small cultivator growing under a license agreement, which are the arrangements small operators actually use, and collapses them into one capped taxpayer.

One part of the tax base should be credited rather than criticized. Section 5902(a)(5) defines tetrahydrocannabinol for the excise by reference to the total tetrahydrocannabinol equivalent in section 297A of the Agricultural Marketing Act of 1946, which by 297A(1)(B)(i)(II) reaches any substance within the Act's cannabis definition having similar effects on the body, including through interaction with other substances in the product. So CAOA's per-gram excise base is already effects-based rather than a fixed molecule list. The Whole Plant Act keeps that base and removes the origin condition on it.

The Whole Plant Act sets one excise on intoxicating products keyed to intoxicating potential, disciplines the rate so the combined burden stays below the point price returns buyers to the unlicensed market, and graduates the rate by scale at every stage rather than one, with the operative test that the burden borne by a small or independent operator, as a share of revenue, not exceed the burden borne by the largest.

4a. The permit, and who can hold one

Section 511 builds the permitting regime by adding a new Title III to the Federal Alcohol Administration Act. Under its section 301 it is unlawful without a Treasury permit to import, cultivate, produce, manufacture, package, or warehouse cannabis, or to purchase it for resale at wholesale. Three features of that title are advances and should be kept.

Section 302(a)(2)(A) makes a cannabis felony disqualifying only where the conviction occurred after CAOA's enactment and not more than three years before the application. A prior cannabis conviction, the thing most state licensing regimes still treat as disqualifying, is not disqualifying here. Section 303 directs a process for the lawful delivery of hemp that inadvertently exceeded the allowable tetrahydrocannabinol equivalent amount to a permitted cannabis enterprise, which is the closest the bill comes to the framework's own premise, that a plant does not become contraband by crossing a number. Section 305 sets the penalty for unpermitted operation at a fine of not more than $1,000, compromisable at $500, which is proportionality of a kind the rest of federal cannabis law has never shown. And section 5911(b)(4) of the Internal Revenue Code added by section 401 removes the bond requirement entirely for a taxpayer below the quarterly-payment threshold, which is real relief at the point where a bond requirement most often decides whether a small producer can begin.

Four features work against the operator the equity title is written for.

Section 302(d)(1)(B) conditions a permit on a fee set to be "sufficient over time to offset the cost of implementing and overseeing all aspects of cannabis regulation by the Federal Government." That is full cost recovery from permittees, on top of an excise rising to 25 percent. The only relief is section 302(d)(2), which waives the fee for an individual who has had income below 250 percent of the federal poverty level for at least five of the preceding ten years and is a first-time applicant. No cooperative, collective, tribal enterprise, or small company can satisfy an individual income test, and the waiver is available once.

Section 302(d)(1)(A) conditions the permit on compliance with the law of the state in which the applicant resides and does business, and section 302(a)(1)(B) directs refusal where the proposed operations would violate that state's law. A resident of a prohibition state cannot hold a federal permit at all, which is addressed in the next section.

Section 302(a)(2)(B) routes the waiver of a disqualifying offense through "a review and recommendation with respect to such waiver request by the Cannabis Products Advisory Committee." That committee, examined at divergence 3 above, has fourteen non-federal members drawn largely from the supply chain, no conflict-of-interest provision, and a blanket confidentiality rule at section 802(d)(4)(A). An individual's rehabilitation petition is therefore reviewed, confidentially, by a body on which that individual's competitors sit, with no requirement that any member recuse.

Section 304 imports the alcohol tied-house and exclusive-outlet rules. The anti-consolidation purpose is sound and the framework shares it. The mechanism does not match the industry. Tied-house rules police the relationship between separate tiers, so they reach the small producer who lends a neighborhood shop a display case under section 304(a)(2)(C) and do not reach the consolidator who owns the shop outright and has no retailer counterparty. Alcohol law carries small-producer and self-distribution exceptions at the state level; Title III as drafted carries none.

Section 5902(b)(2)(B) of the Internal Revenue Code added by section 401 sets the personal-use exception that keeps a home grower outside the definition of producer, and therefore outside the tax, the bond, and the permit. It requires that the individual be "solely involved in the planting, cultivation, and growing," that the growing occur only in the individual's dwelling house or a shed, yard, or inclosure connected to it, and that quantity not exceed limits the Secretary sets. Read as written, a spouse who waters the plants defeats the exception for both of them. A designated caregiver cultivating for a patient, a patient's household member, and a cooperative are all unpermitted producers. Section 5911(a)(3) ties the bonded-premises requirement to the same exception, and section 112's exceptions, examined at divergence 8, do not list the personal-use grower at all.

The Whole Plant Act scales the permit fee to volume rather than to the cost of the whole regulatory apparatus, extends relief to cooperatives and small producers rather than to one individual once, keeps review of an individual's record away from market participants, exempts small and cooperative producers from the tied-house rules while keeping them on consolidators, and protects the patient, the designated caregiver, the household, the home cultivator, and the cooperative as a class rather than as a single individual working alone in a shed.

4b. Federal legality that stops at the state line

CAOA deschedules nationally and then conditions nearly every affirmative benefit on state authorization.

Section 303(a) of the bill adds subsection (gg) to section 3 of the Small Business Act, and paragraph (2)(A) of that subsection defines a cannabis-related legitimate business as one that engages in cannabis activity "pursuant to a law established by an Indian tribe, a State, or a political subdivision of a State." A business in a state that has not legalized has no such law to operate pursuant to, and so is not a cannabis-related legitimate business. That term then carries the whole of the Small Business Administration access section 303 builds: the 7(a) guarantee rule at section 303(g), the disaster loans, microloans, and development-center access in the subsections around it, the small business investment company debentures that section 303(j) adds as section 321 of the Small Business Investment Act of 1958, and the development-company loans that section 303(k) adds as section 511 of that Act. It carries the suspicious-activity-report relief that section 702 writes into section 5318(g)(11) of title 31, and the uniform examination procedures under section 703. On the permitting side, section 302(a)(1)(B) of the new Federal Alcohol Administration Act title refuses a permit where operations would violate state law.

So after CAOA, cannabis is lawful under federal law everywhere, and in a prohibition state a person can obtain no federal permit, no federal banking relief, and no federal small-business program. Descheduling is national; every tool

is state-gated. That is a defensible design choice for commerce, which states may prohibit within their borders. It is not defensible for the three things that are federal by nature: a federal permit for a federally lawful activity, access to the federal banking system, and standing under federal tax law.

The Whole Plant Act treats the federal frame as a floor. A state keeps full authority to prohibit or restrict commerce within its borders. Federal permitting, banking access, and tax standing attach to compliance with federal permit terms, not to a state's decision, so that a state's prohibition limits commerce in that state rather than stripping a person of federal legal capacity.

4c. The product rules, and what the label has to say

Section 501 adds a new chapter XI to the Federal Food, Drug, and Cosmetic Act, sections 1101 through 1110. Four of its provisions are advances and the framework keeps them.

Section 1102(b) provides that a food that is also a cannabis product is not adulterated under section 402(a)(2)(C)(i), and is not treated as a food to which a drug under substantial clinical investigation has been added for purposes of section 301(ll), solely on account of constituents made or derived from cannabis. That is the drug-preclusion problem solved for foods, and it is the same move section 504(a) makes for hemp-derived cannabidiol and the framework makes generally. Section 1105(c) requires good manufacturing practice including testing for pesticide chemical residues whether or not a tolerance has been set. Section 1106(b)(1)(A) and (B) allow a product standard to address cannabinoid yields considering different types of cannabinoids and the interaction between the product's constituents, which is the entourage effect named in regulatory authority. And section 1110(a) preserves state, tribal, and local authority to impose requirements in addition to or more stringent than the chapter's, with no ceiling.

Against those, five provisions classify by the presence of a cannabinoid rather than by what the product does.

Section 1103(2)(E) requires a label to bear "the amount of tetrahydrocannabinol in the product" and, where the packaging suggests more than one serving, the amount per serving. That is the whole of the required composition disclosure. The full cannabinoid profile, the terpene profile, and the total intoxicating cannabinoid equivalent at the labeled dose are not required. Section 1103(2)(H) lets the Secretary require other information necessary for the protection of the public health, so the profile can be reached by rule, and the point is that it is not reached by the statute. So section 1106(b)(1)(A) permits a standard built on constituent interaction while section 1103(2)(E) requires a label that cannot express it, and both the standard and the disclosure that would make it legible are left to administration. The authority and the requirement point in opposite directions.

Section 1103(8) deems a cannabis product misbranded "if it is intended for consumption or application by an individual under 21 years of age," and section 502(b)(6) adds section 301(jjj)(1), making it a prohibited act to sell or distribute a cannabis product to any person under 21. Both attach to the presence of a cannabinoid. Neither carries an exception for a product that does not intoxicate at its labeled dose, and neither carries an exception for a product authorized for a minor patient by the patient's health care provider. Read with the deeming provision at section 201(tt)(2), a non-intoxicating topical and a pediatric antiepileptic preparation are each misbranded if intended for a person under 21. This is the same line the PREPARE Act draws in a finding, and CAOA draws it in binding text.

Section 301(jjj)(2) makes it a prohibited act to sell or distribute, in any retail single transaction, more than 10 ounces of any cannabis product. The measure is gross product weight, so the cap binds on a jar of salve, a case of beverages, or a bulk tincture according to how much water and carrier oil the product contains, and not at all according to how much of anything active it delivers. Ten ounces of flower and ten ounces of a two-percent topical are the same transaction under this paragraph.

Section 301(jjj)(3) makes it a prohibited act to sell or distribute a cannabis product containing alcohol, caffeine, or nicotine. The nicotine and caffeine prohibitions are sound. The alcohol prohibition, as drafted, reaches ethanol used as a solvent or carrier, which means it reaches the tincture, the oldest standardized cannabis dosage form in the United States Pharmacopoeia and still the form most used for titrated therapeutic dosing.

Section 1109 prohibits an electronic cannabis product delivery system from containing "an artificial or natural flavor (other than cannabis) that is a characterizing flavor," and lists mango, strawberry, orange, pineapple, and others. The cannabis plant's own terpenes are what produce those flavors. Limonene reads as citrus, linalool as floral, and myrcene is the terpene mangoes share with the plant; all are native constituents rather than additives. A full-spectrum vaporizer product that retains the cultivar's native terpene profile has a characterizing flavor by virtue of being whole plant. The parenthetical exception for cannabis flavor is the hook the provision needs, but as written it is an exception for a flavor called cannabis rather than for the constituents the plant actually makes.

One further provision sets a clock the medical market cannot meet. Section 505(b) gives a drug containing cannabis that was marketed under a state medical-use law three years, conditioned under section 505(b)(2)(A) on the manufacturer filing a full new drug application under section 505(b) of the Act within eighteen months, and section 505(b)(2)(C) ends eligibility the moment the Secretary refuses approval. No existing state medical program product has the dossier for a new drug application. The practical effect at three years is that every state medical cannabis product either holds an approved application or drops its therapeutic claims and becomes a cannabis product. That is the enclosure pathway described at divergence 6, written as a transition rule. The periods are also measured from

different datums: the three years in section 505(b)(1) runs from the date of enactment and the same three years in section 505(b)(2)(B) runs from the effective date of the Act.

The Whole Plant Act requires the full cannabinoid profile, the associated-compound profile, which Federal Section 3 defines to include terpenes, flavonoids and other phytochemicals, and the total intoxicating cannabinoid equivalent at the labeled dose, on every label, attaches the age restriction to whether a product intoxicates at its labeled dose with an exception for an authorized minor patient, measures a transaction limit in total intoxicating cannabinoid equivalent rather than product weight, excludes a solvent or excipient in a product not represented as an alcoholic beverage, excludes the plant's native terpenes from the definition of an added flavor, and keeps the public-domain record so that a therapeutic preparation is not forced to choose between an approval it cannot obtain and silence about what it does.

4d. Workers, banking, and enforcement

Three titles do work the framework keeps, and each has a boundary problem worth naming.

Title VI applies occupational safety and health to the industry. Its section 601 defines the cannabis industry, an employer in the cannabis industry, and a worker in the cannabis industry all by reference to operations requiring a permit under section 301 of the new Federal Alcohol Administration Act title. That section covers importing, cultivating, producing, manufacturing, packaging, warehousing, and wholesaling. It does not cover retail, which the same title treats throughout as a separate person who holds no permit. So the Harwood grant designation at section 603, the joint guidance at section 604, the research at section 605, and the worker-rights grants at section 606 reach every part of the industry except the one that employs the most people. Section 604(b)(1) then directs the guidance to address hazards "throughout the life cycle of cannabis, including from cultivation to sale and resale," which the section 601 definition does not permit it to reach.

Section 605 also scopes its research and its employer best practices to recreational cannabis: section 605(a)(1) studies the impact of the legalization of recreational cannabis on the workplace and section 605(b) develops recommendations for employers updating policies "related to the use of recreational cannabis." The patient-employee, where the employment question is hardest and the existing state case law thickest, is outside both mandates, apart from one clause at section 605(a)(1)(D) on the efficacy of cannabis for occupational injuries.

Title VII does the banking work and carries a provision the framework adopts outright. Section 112(b)(2)(E) directs that the Secretary shall not require any retailer to maintain records relating to individual purchasers of cannabis products for personal consumption, and section 112(b)(2)(D) requires the size of a business to be taken into account in the track-and-trace rules. A purchase-privacy rule written into the tracking regime itself is the right place for it.

What Title VII does not do is forbid the denial that prompted it. Section 705(a) entitles all persons to the full and equal enjoyment of a financial institution's services without discrimination on the ground of race, color, religion, national origin, or sex, and section 705(b) gives that right a private action, attorney's fees, and no exhaustion requirement. Those are the protected classes. Being a federally permitted cannabis business is not among them, so a bank may still refuse the account outright, and sections 702 and 703 reach only the suspicious-activity-report and examination side of the problem. The definition section 705(a) borrows, from section 803 of the Payment, Clearing, and Settlement Supervision Act of 2010 at 12 U.S.C. 5462, is also drawn for payment and settlement supervision rather than for deposit-taking and lending.

Section 706 provides that no institution may deny financial services to an applicant solely based on a prior conviction for a nonviolent cannabis offense. The rule is right and the framework keeps it. It has three gaps: institution is not defined in the section and no definition is cross-referenced, no enforcement mechanism attaches as one does to section 705, and "solely based on" is the formulation that permits any denial given a second stated reason.

Section 804 sits oddly in a descheduling bill. It adds two new subsections to section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 and appropriates $15,000,000 for each of fiscal years 2026 through 2030: competitive COPS grants for departments with not more than 50 sworn officers serving not more than 50,000 residents to hire officers, investigators, and community outreach specialists "to combat illicit cannabis production and distribution," and a federal education and training program for state and local enforcement of cannabis laws. A bill that ends federal prohibition and funds repair also funds new local police hiring for cannabis enforcement, and the training provision's own standard, at section 804(n)(1)(B), is that enforcement be "consistent with the Constitution of the United States."

The Whole Plant Act defines the regulated industry by activity rather than by permit class, so retail workers are covered; extends workplace research and employer guidance to authorized medical use; bars denial of financial services to a lawful cannabis business as well as to a person with a prior cannabis conviction, on an in-whole-or-in-part standard with a remedy attached; and directs enforcement resources to licensed-market integrity and to the unlicensed commercial operations that undercut it, rather than to new patrol capacity.

4e. Impairment, where CAOA does the framework's work

Subtitle B of Title II is an entire cannabis-impaired-driving title, sections 221 through 226, and it asks the questions the framework asks. It should be credited before it is amended.

Section 222(b)(1)(B)(iii) directs a study of whether there is a correlation between THC level, as tested in oral fluids, and level of impairment. Section 222(b)(1)(B)(iv) directs a study of whether the current Standard Field Sobriety Test developed by the National Highway Traffic Safety Administration accurately identifies cannabis impairment. Section 222(b)(1)(B)(v) asks whether driving behavior changes depending on frequency of use, which is the tolerance question. Section 222(a)(2) initiates a National Roadside Survey. Section 225 directs the Secretary to determine whether a national standard for determining cannabis impairment is feasible and, on a finding that it is, to promulgate a model standard for States within a year. Section 209(a)(7) funds the development of novel diagnostic technologies for rapid, accurate, and noninvasive assessment of cannabis exposure and impairment. Sections 224(h) and 226 appropriate $45,000,000 and $30,000,000 for each of fiscal years 2026 through 2030.

A filed Senate bill that asks on the record whether the field sobriety test works for cannabis, and whether a fluid concentration tracks impairment at all, has conceded the premise. The framework's impairment position is not an outside demand on CAOA. It is CAOA's own research question, carried to its conclusion.

Three things keep the title from getting there.

Section 225 is feasibility-gated and carries no deadline on the standard itself. The determination is made at three years and once every two years thereafter, and the rulemaking follows only a finding of feasibility. If no Secretary ever makes that finding, there is never a standard. Meanwhile section 224 funds enforcement from the first year: training to detect impairment, high-visibility enforcement, traffic safety resource prosecutors, judicial outreach liaisons, and driving-while-intoxicated courts, with not less than 10 percent of a State's allocation reserved for toxicology laboratory capacity under section 224(f)(2). So the detection apparatus is funded and deployed years ahead of the standard that would discipline it, and in the interval the measure in use is whatever a State already does. Section 224(e), which lets the Secretary prohibit grant funds for an activity found ineffective after the section 223(b) evaluation, is the right instinct and the only brake in the title.

Section 224(g)(2)(B) reduces a State's federal share from 80 percent to 70, then 60, then 50 percent unless the State implements an open container law relating to cannabis products. That conditions highway safety money on a State enacting a particular possession offense, and an open container law is a possession offense in a vehicle rather than an impairment provision. It is coercive on a point unrelated to impairment, and it is the kind of condition that returns criminal exposure through a funding formula after the Act has removed it from the Controlled Substances Act.

Section 221(3) defines THC, for the whole subtitle, as "tetrahydrocannabinol." That is the only definition the measurement gets. The same bill builds a careful total tetrahydrocannabinol equivalent at section 297A(1)(B), reaching delta-8, delta-9, delta-10, the acid form, and any substance with similar effects including through interaction with other constituents, and uses it for the excise at section 5902(a)(5). The subtitle where measurement decides whether a person is arrested uses the bare word.

One number is worth stating because it is the whole of the whole-profile argument in a single fact. The word terpene does not appear anywhere in S. 5022. Neither does endocannabinoid, reference standard, prior art, or Drug Master File. The phrase whole cannabis plant appears once, at section 209(a)(5), which directs clinical trials on the potential beneficial and harmful health effects of different forms of cannabis, such as inhaled whole cannabis plant and oral cannabis. That one clause is real and the framework keeps it, alongside section 209(a)(6), which names epilepsy in pediatric populations and post-traumatic stress disorder among the understudied endpoints to characterize.

Two trials now answer the question section 222(b)(1)(B)(iii) asks, in both directions. Wolinsky and colleagues in the Journal of Analytical Toxicology gave 60 adults 100 milligrams of cannabidiol with between zero and 3.7 milligrams of delta-9-tetrahydrocannabinol and found no significant difference from cannabidiol alone on any pharmacodynamic outcome, while urine tests at the federal cutoff turned positive from 1 milligram upward; their conclusion is that "a positive urine delta-9-THC test may result from low doses that do not produce intoxication or impairment." A randomized crossover trial in JAMA Network Open found the reverse case, oral tetrahydrocannabinol measurably degrading lane control at 10 and 20 milligrams while peak whole-blood concentrations stayed below the 5 nanogram per milliliter line at 1.6 and 3.4. A concentration can sit above a cutoff with no impairment and below one with impairment present, which is the empirical answer to a per se standard and the reason the framework assesses impairment rather than presence.

The Whole Plant Act keeps sections 222, 223, 225, and 209 and makes five changes. It sets a deadline on the standard rather than a feasibility gate, and provides that until the standard issues no per se concentration threshold applies and impairment is established by observed performance. It strikes the open-container condition on the federal share. It defines the measurement for the subtitle by reference to total intoxicating cannabinoid equivalent rather than to a bare molecule name. It requires the research, its data, and its methods to be published, so that no proprietary assay becomes the condition of proving or disproving impairment. And it makes the standard all-cause, so that what is assessed is impairment from any cause rather than the presence of a particular substance: a test that reaches cannabis while leaving comparable sources of impairment unaddressed measures exposure, not safety.

5. Medical use as infrastructure

CAOA has no medical program. Searched end to end, the bill contains no reimbursement pathway, no access or affordability protection, and no reference to the endocannabinoid system or to standardized whole-plant preparations. It does direct provider-facing education, at section 205(b) on the effects of cannabis and at section 204(c)(3) on the dangers of underage use, but that is public-health messaging that names providers as an audience, not clinical education for treatment, and it is built around risk and prevention rather than practice. A patient under CAOA is a consumer with a higher tax bill and no clinical scaffolding.

CAOA does carry five adjacent provisions and each is worth keeping: provider recommendations and opinions in the Department of Veterans Affairs at section 314, the parallel provision for Indian health programs at section 315, VA clinical trials at section 210, biomedical research at section 202, and the research awards at section 209, whose subsection (a)(5) directs clinical trials on inhaled whole cannabis plant and oral cannabis and whose subsection (a)(6) names epilepsy in pediatric populations among the endpoints to characterize. Those two clauses are the only places in the bill where the whole plant and the pediatric population appear, and they are credited at divergence 4e above. None of the five is infrastructure. A recommendation authority without a reimbursement pathway, an access protection, or a provider-education program leaves the patient exactly where the market puts them.

The Whole Plant Act builds medical use as public-health infrastructure alongside the unified market: provider education on the endocannabinoid system, reimbursement pathways including under federal health programs, standardized whole-plant preparations, affordability and access protections, and the abolition of any fixed qualifying-condition list, so authorization rests on clinical judgment rather than a legislature's list. Medical use is protected by being funded first, not siloed.

6. The commons

This is the widest gap and the one with the shortest fuse.

CAOA contains no public-domain reference standard, no registry, no prior-art provision, and no Drug Master File pathway. Those terms do not appear in the bill at all. It deschedules the plant, and descheduling makes cannabinoid patent claims enforceable against every operator at once, while removing the practical restraints that have kept patent holders from suing state operators and opening interstate commerce to patented pharmaceutical products.

The Whole Plant Act recognizes, or builds where nothing qualifies, the public-domain reference standard and registry as prior art, kept current on a fixed cycle with an open petition path, and strikes the drug-preclusion clause for naturally occurring cannabinoids so an approval cannot enclose the commons.

Timing is the whole argument, and the clock is the next patent filing. The record has to be published before the claims it would defeat are filed, which is why it starts now and runs in parallel with descheduling, and why the Act also limits remedies against state-lawful operators for a transition period and counts their prior use. A descheduling bill without these hands the plant to whoever patents it first.

7. Equity that survives challenge

CAOA's principal equity criterion is already harm-keyed and race-neutral, and our earlier reading of this title understated that. Section 301(b)(1)(E) defines an individual adversely impacted by the War on Drugs as one who has had an income below 250 percent of the federal poverty level for at least five of the past ten years and who has been arrested for or convicted of the sale, possession, use, manufacture, or cultivation of cannabis, excepting a conviction involving distribution to a minor, or whose parent, sibling, spouse, or child has been. Income and a cannabis arrest, the person's own or an immediate family member's. That is the framework's criterion, in CAOA's own text.

It is also where the money is. Section 301(c) appropriates for fiscal year 2026, available until September 30, 2030: $1,650,000,000 for the Community Reinvestment Grant Program that section 301(a)(2) adds as part PP of title I of the Omnibus Crime Control and Safe Streets Act of 1968, which runs on that harm-keyed definition at new section 3062(3) and funds job training, reentry, legal aid including expungement, literacy, youth mentoring, and health education; $550,000,000 for the Equitable Licensing Grant Program at section 301(b)(3); and $17,000,000 for the Cannabis Restorative Opportunity Program at section 301(b)(2). Section 302 adds $200,000,000 a year through 2030 for the comprehensive opioid, stimulant, and substance use disorder program.

So three quarters of the restorative-justice appropriation flows through a race-neutral, harm-keyed channel, and the provisions that carry a racial presumption carry much less of it than a reader of our earlier draft would have assumed.

Where the exposure actually sits is worth stating precisely, because it is narrower than it looks and in one place it is elective.

The term socially and economically disadvantaged individuals, the Small Business Act term at section 8(d)(3)(C) whose racial presumption has faced constitutional challenge, governs three provisions: the Cannabis Restorative Opportunity Program at section 301(b)(2), which is the $17,000,000 line; the intermediary lending pilot at section 305; and the expedited drug review at section 524C added by section 503. Section 306(b)(1) separately directs the

Administrator of the Small Business Administration to reduce burdens and increase loan eligibility for minority businesses and for individuals adversely impacted by the War on Drugs, which is a review directive rather than a benefit criterion.

Section 301(b)(3)(E), the licensing board reflective of the racial, ethnic, economic, and gender composition of the jurisdiction, conditions the $550,000,000 program and is the larger legal question by dollar volume. But section 301(b)(3) requires a grantee to adopt not less than four of five listed elements, and (E) is one of the five. A State, locality, or Indian Tribe can qualify on (A) through (D) alone: a license application fee waiver for a low-income first-time applicant, a prohibition on denying a license for a pre-legalization cannabis conviction, a prohibition on licensing restrictions tied to criminal convictions other than one related to operating a cannabis business, and a prohibition on cannabis license holders in the jurisdiction conducting suspicionless cannabis drug testing of prospective or current employees, except for positions safety-sensitive under part 40 of title 49, Code of Federal Regulations. So the race-conscious element is available but not required, and a successful challenge to it would not take the program with it. One consequence of that structure should be named: element (E) also carries clauses (ii) and (iii), which seat at least one representative of an eligible Indian Tribe with jurisdiction in the area and make the board the oversight body for the program. A jurisdiction that declines (E) to avoid clause (i) drops the Tribal seat and the oversight body along with it. The two should be severable.

Two features of the licensing program deserve credit on their own. Those four elements are the substance of cannabis licensing reform, and a bar on suspicionless testing by a grantee employer is a protection the framework carries at Federal Section 12 and that few state programs have. And section 301(b)(1)(B) and (C) make a State, locality, or Indian Tribe eligible only if it has created an automatic, no-cost process to expunge, destroy, or seal cannabis records and has eliminated violations and penalties for people under supervision for a cannabis offense. CAOA conditions the grant on the jurisdiction having done the repair first, which is a design the framework adopts rather than amends.

The Whole Plant Act keys eligibility and priority to the harm prohibition caused: a prior cannabis conviction, residence in a community disproportionately subjected to cannabis enforcement, or status as a legacy operator or small producer. Against CAOA that is not a new criterion but the completion of one. The amendment package conforms the three provisions that use the Small Business Act term, and the reporting at section 301(b)(4), to the definition CAOA already wrote at section 301(b)(1)(E), and leaves section 301(b)(3)(E) as the elective element it is. The point is durability. An equity program that is struck down repairs no one, and the severability clause at section 805 saves the surrounding Act without saving the repair.

On capital access specifically, the amendment package adds two things CAOA does not have and retains everything it does. CAOA section 704 appropriates $200,000,000 a year each to the Community Development Financial Institutions Fund and the Emergency Capital Investment Fund, and $300,000,000 a year to the Secretary of Housing and Urban Development for housing and community development grants keyed to the same harm-based definition, but does not bar a Community Development Financial Institution from declining to lend to a cannabis business on cannabis grounds, the way section 303 does for every Small Business Administration program. What the bill lacks is not contracting authority, which it has, but a contracting or procurement access, preference, or set-aside provision for equity-eligible businesses.

Section 305 is worth describing because it is the most concrete capital provision in the bill and our earlier reading passed over it. It directs a ten-year Small Business Administration intermediary lending pilot, with community development financial institutions and minority depository institutions among the eligible intermediaries, funded at $90,000,000 and $41,000,000 for fiscal year 2026 available until September 30, 2030, capped at 30 intermediaries and $300,000,000 in total loans, with no more than $10,000,000 outstanding to any intermediary, twenty-year terms, no fees and no collateral required, a two-year payment deferral, and a cap of $200,000 per small business. It also carries a sense of the Senate that lending be prioritized for individuals adversely impacted by the War on Drugs. Loans at that term, with no collateral and a deferral, are the instrument an operator without equity actually needs. The framework keeps the pilot, conforms its eligibility to section 301(b)(1)(E), and would make the prioritization operative rather than a sense of the Senate.

One more number, for the reader deciding what this bill costs. Adding the recurring lines, roughly $2,525,000,000 a year for fiscal years 2026 through 2030 across research, prevention, impaired driving, FDA, the Tax and Trade Bureau, worker rights, community development, housing, and enforcement, plus about $2,373,000,000 appropriated once for fiscal year 2026 and available through 2030 for restorative justice, the lending pilot, and labor enforcement, comes to approximately $15,000,000,000 in new direct appropriations over five years, before the reauthorization at section 203 that raises an existing line from $496,000,000 to $596,000,000 a year. The Opportunity Trust Fund at section 401 receives the excise, so the Act's spending is nominally self-financing, but the appropriations are direct and immediate while the excise base takes years to develop.

7a. Tribes as co-sovereigns

CAOA treats Indian Tribes as governments throughout, and the framework adopts that treatment rather than improving on it. Tribal provisions appear in roughly forty-five places. Section 3(3) defines Indian Tribe for the whole Act. Section 1110(a), added by section 501, preserves the authority of the government of an Indian Tribe to impose requirements on cannabis products in addition to or more stringent than the chapter's, with no ceiling, and section 1110(b) preserves tribal product liability law. Section 112(b)(1)(B) and section 1105(a)(4) each require good faith, meaningful, and timely consultation with Indian Tribes before the tracking-and-tracing and the sale-and-distribution regulations issue, and section 524C(d) requires the same before the expedited review guidance. Section 112(b)(3)(A) bars an officer or employee of a State from exercising the records-inspection authority on Indian country without the express written consent of the Indian Tribe involved. Section 301(a)(1)(C) places a Tribal Relations Coordinator in the Cannabis Justice Office. Section 301(b)(2)(B) sets aside 5 percent of the Cannabis Restorative Opportunity Program for businesses in the jurisdiction of an eligible Indian Tribe. Section 301(b)(3) makes an eligible Indian Tribe a grantee on the same terms as a State, and element (E) requires at least one representative from an eligible Indian Tribe with jurisdiction in the area on a State or local licensing board. New section 3062(2) makes an Indian Tribe, a Tribal organization, and a Native Hawaiian-serving entity eligible entities for the Community Reinvestment Grant Program, with the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs named. Section 315 extends provider recommendations and opinions to Indian health programs. Section 524C(e)(2) and (3) define Native entity to reach an Indian Tribe, a Native Corporation under the Alaska Native Claims Settlement Act, and a Native Hawaiian-serving entity. Section 704(c)(1)(B) makes an Indian tribe an eligible grantee for the housing and community development grants.

That is a more complete tribal architecture than any other federal cannabis vehicle carries, and the framework retains all of it.

One defect, and it is consequential. Section 3(3) defines Indian Tribe by reference to the list published most recently under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 as of the date of enactment of the Act. The list is frozen at enactment. A Tribe recognized, restored, or reaffirmed afterward is permanently outside every tribal provision in the Act, including the consultation requirements, the section 1110 preservation of authority, the Indian country limit at section 112(b)(3)(A), and eligibility for every grant and set-aside. The fix is to key the definition to the list as in effect from time to time, which is the ordinary formulation.

Consultation is also the only mechanism. Section 112(b)(1)(B), section 1105(a)(4), and section 524C(d) each require good faith, meaningful, and timely consultation, which is the correct standard and is stronger than silence. Nothing in the Act, however, provides for a Tribe to regulate cannabis within its own jurisdiction on a government-to-government basis in place of federal permitting: a Tribal cannabis enterprise needs a Treasury permit under the Federal Alcohol Administration Act title like any other producer, and section 302(a)(1)(B) refuses a permit where operations would violate the law of the State in which they are conducted, which for a Tribe within a prohibition State is a State whose law does not govern it. The framework provides for government-to-government consultation and for a Tribe to administer the framework within its jurisdiction, and conforms section 302 so that a Tribe's own law governs operations in its jurisdiction.

8. The criminal floor

CAOA's descheduling, expungement and resentencing are adopted by the Whole Plant Act rather than replaced. The Whole Plant Act separately adds community-supervision parity by amending sections 3142, 3563 and 3583 of title 18, which is this package's own addition and not a provision of CAOA.

What the framework adds is not the grant of relief, which CAOA already makes, but the plumbing between the order and the person's record. Federal Sections 8(8) through 8(15) put named responsible officers and a published delivery plan behind a sweep that CAOA assigns to each judicial district separately. They put a duty on every agency holding a record to correct, seal or remove it and to transmit the correction to each agency, database and vendor that received it, which reaches the commercial background-check files that CAOA's own definition of expunge, removal from each official index or public record at section 311(f)(2), does not. They bar a United States Attorney from adopting a policy of opposing relief as a class and require an opposition in an individual case to be stated on the record. They waive the fee on the petition, where section 311(a)(3) appoints counsel for an indigent petitioner and says nothing about the filing cost. They cancel the unpaid fines, costs, fees, assessments and restitution arising solely from a relieved offense and vacate the judgments and garnishments entered to collect them, which CAOA does not address. They reach the school and institutional records derived from a cannabis offense. And they add one rule to the effect of relief that CAOA's section 311(b) does not state: that a person may not be required to terminate an employee on the ground that the employee holds such an offense.

Section 311(b) already supplies the rest of that effect, and the framework adopts it. The person may treat the arrest, conviction or adjudication as if it never occurred, is immune from perjury and false-statement penalties for not disclosing it, and does not lose a federal benefit over it.

One more point to raise with the drafters rather than argue about. Section 311(c) makes a person ineligible for expungement if they received an aggravating-role adjustment under section 3B1.1(a) of the Sentencing Guidelines,

unless a district court conducting the sentencing review finds mitigating factors. Section 311 establishes no sentencing review. The nearest proceeding is the discretionary reduction at section 101(d)(4), which is a different thing and is not available to a person no longer serving. As drafted, the escape hatch from the carve-out points at a proceeding that does not exist.

Relief granted on paper and not delivered through the record systems is the ordinary failure mode of expungement statutes, and it is a failure of plumbing rather than of intent.

One provision deserves naming rather than discovery. CAOA section 112 creates federal diversion offenses at 10 pounds, punishable by up to 1 year and $50,000, and at 20 pounds, punishable by up to 5 years and $100,000. Each requires that the person act knowingly, each reaches both unauthorized handling and knowing possession of untaxed cannabis where a stamp regime exists, and each carries exceptions for licensed carriers, authorized taxpayers, and government agents. The thresholds are commercial in scale and the scienter and carve-outs show the offenses are aimed at diversion, but a bill whose repair provisions are its centerpiece also creates new federal criminal exposure, and a criminal-justice audience will find it.

The Whole Plant Act calibrates enforcement by scale and by protected role: a patient, a designated caregiver, a home cultivator, a cooperative and its growers commit no offense within the personal and noncommercial limits, and enforcement separates them from unlicensed commercial operation and large-scale trafficking. The amendment package conforms section 112 to that line.

The bottom line

CAOA is the right vehicle for comprehensive federal reform, and its descheduling, repair and capital-access provisions are ones the Whole Plant Act adopts rather than replaces. The problem is architectural, not directional.

CAOA reaches for the framework's own mechanisms and then holds them to the origin line. Its section 803 effects criterion, which defines which molecules are counted toward the total tetrahydrocannabinol equivalent, is the clearest case: the criterion defines the measurand and the concentration line then measures it, so an effects test is already inside CAOA's own definition, waiting to be made the classifier rather than a counting rule bounded by origin. Section 504 is the other: it opens the drug-preclusion clause and opens it only for hemp-derived cannabidiol. The authority to administer all of this is split across departments, by section 102(a), which transfers enforcement to Health and Human Services and the Treasury, and section 511, which places permitting under the Treasury.

That is not a bill pointed the wrong way. It is a bill that stops halfway three times, in the same place each time. None of that requires opposing it. It requires conditioning support on the corrections that let it deliver what it promises, and those corrections are drafted, congruent with a standalone federal bill that exists independently, so the reform survives whether or not this vehicle moves.