The Whole Plant Act

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

A comparison of the Whole Plant Act, in its standalone federal form and its amendment-package form, against 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. The bill adds a new chapter X, "Cannabinoid Hemp Products," to the Federal Food, Drug, and Cosmetic Act, adds definitions at section 201(tt) through (zz), and adds prohibited acts and an enhanced criminal penalty at sections 301 and 303.

Read against the introduced text of H.R. 7212 as printed, end to end. Every section citation below was checked against that text. Citations to the Whole Plant Act are to the standalone Federal Whole Plant Act unless otherwise marked. Independent policy analysis, not legal advice.

Where they agree

Stated first, because the two bills share more than they divide.

Both put cannabinoid products under the Food and Drug Administration. H.R. 7212 does it through a new chapter of the Food, Drug, and Cosmetic Act. The Whole Plant Act does it through a Center for Cannabis Products within the Food and Drug Administration (Federal Sec. 5(2)).

Both set the dose line by rule and per serving. H.R. 7212 directs the Secretary to propose limits on total intoxicating cannabinoid content per serving and per package within 60 days of enactment and to finalize them within three years (sec. 1012(a), (b)). The Whole Plant Act sets the classification threshold by rule, keyed to dose, formulation and route of administration (Federal Sec. 4(3)). A per-serving line set by the regulator works like a line drawn at the labeled dose, and that is the most important thing the two share.

Both define cannabinoids regardless of source. H.R. 7212 defines "cannabinoid" as a chemical "regardless of its source" that meets structural or pharmacological criteria, with a list the Secretary keeps current (sec. 201(tt)). Its measure, "total intoxicating cannabinoid content," counts delta-9 and delta-8 tetrahydrocannabinol and anything the Secretary deems similar in structure and effect (sec. 201(zz)). The Whole Plant Act counts total intoxicating cannabinoid equivalent and classifies by intoxicating potential whatever the source (Federal Sec. 3, 4(1)).

Both protect children. H.R. 7212 requires child-resistant packaging to 16 CFR 1700.15 (sec. 1003(12)), tamper evidence for multi-serving packages (sec. 1003(13)), and bars packaging that imitates images used to market to children or anyone under 21 (sec. 1003(14)). The Whole Plant Act bars products made or marketed to imitate candy, snacks or products marketed to children (Federal Sec. 4(9)) and requires each labeled dose to be identifiable (Federal Sec. 4(21)).

Both bar mixing with alcohol and other interacting substances. H.R. 7212 deems adulterated a product with added alcohol, caffeine, tobacco, nicotine, melatonin, or another substance that could interact with cannabinoids (sec. 1002(6)). The Whole Plant Act bars cannabinoids infused into alcoholic beverages as a national floor and lets the regulator restrict any other interacting substance by rule on human evidence (Federal Sec. 4(17), 4(23)).

Both require uniform manufacturing and testing and let the regulator rely on outside standards bodies (sec. 1008; Federal Sec. 13(1)), both give the regulator mandatory recall authority and adverse-event reporting (sec. 1011, 1003(3)(L); Federal Sec. 4(11)), both require a certificate of analysis reachable from the label (sec. 1003(3)(J); Federal Sec. 4(14)), and both convene an advisory committee on the limits (sec. 1013; Federal Sec. 5(8)).

Both open a lawful path into conventional food. H.R. 7212 adds an exception to the drug-preclusion clause at section 301(ll) for a conforming cannabinoid hemp product (sec. 5(a)(3)), and says a food containing one is not adulterated by reason of that ingredient (sec. 5(d)). The Whole Plant Act lifts both drug-preclusion clauses for naturally occurring cannabinoids (Federal Sec. 6(8)).

What H.R. 7212 does not do

H.R. 7212 does not amend the hemp definition at 7 U.S.C. 1639o or section 781 of division B of Public Law 119-37. That provision's amended hemp definition takes effect November 12, 2026 for cannabinoids the plant cannot make, and takes full effect December 11, 2026, when a finished product with more than 0.4 milligrams of total tetrahydrocannabinol per container falls outside the definition of hemp and inside the definition of marijuana under the Controlled Substances Act.

H.R. 7212 excludes "marijuana as defined in section 102(16) of the Controlled Substances Act" from its prohibited-product category (sec. 201(xx)(2)(B)), so it leaves such a product to the Controlled Substances Act. While section 781

stands, a 5-milligram serving and a 30-milligram package of intoxicating content, the bill's defaults, cannot be lawful as hemp. The bill's intoxicating limits reach a product only if section 781 is repealed, delayed or replaced. That is why it travels with other measures, and it is why the amendment package below pairs it with a field-only line.

The bill also defines "cannabinoid hemp product" as any article containing a listed cannabinoid intended for use in or on the body (sec. 201(uu)), without tying the term to the hemp definition. Marijuana is excluded from the prohibited category but not from the product definition. Read literally, chapter X's adulteration, misbranding, registration and listing duties could reach a product made under a state cannabis license. Counsel should settle that reading. The Whole Plant Act answers it by applying one standard to every herbal cannabis item in both lanes until descheduling.

The divergence in one table

Axis	H.R. 7212	The Whole Plant Act
Sorting principle	A product category defined by listed cannabinoids, with intoxicating limits per serving and per package; the plant stays split by the hemp definition it does not amend (sec. 201(uu), (xx), 1012)	One botanical input, every herbal cannabis item classified by intoxicating potential at the labeled dose (Federal Sec. 3, 4(1))
The line before the rule	No interim figure. Limits apply when the rule is final; defaults apply only if the rule is not final within three years (sec. 1012(b), (c))	Interim line of 1 milligram total intoxicating cannabinoid equivalent per labeled dose from day one, moved by human evidence (Federal Sec. 13(2))
Default figures	Oral: 5 mg intoxicating per serving, 30 mg per package; 10 mg and 50 mg of total cannabinoids, including cannabidiol. Inhalable cartridge and topical: 100 mg per serving, 500 mg per package (sec. 1012(c))	No statutory figure; the threshold is set by rule (Federal Sec. 4(3))
Honest serving	Serving size and servings per container on the label (sec. 1003(3)(D)); no rule against understated servings	A stated dose smaller than what the item is designed and marketed to be taken at once is not a labeled dose (Federal Sec. 4(3))
Who may buy	21 and over for every cannabinoid hemp product, cannabidiol included (sec. 1007)	21 and over where an item intoxicates or impairs at its labeled dose; other items in general retail (Federal Sec. 4(2), 4(13), 4(16))
Edibles in general retail	No general-retail channel, since every product is 21 and over	The whole package of a food-form item is its labeled dose in general retail (Federal Sec. 4(19))
Package limits	A per-package limit for every oral product in every channel	No container cap in age-restricted retail (Federal Sec. 4(19)(e))
Inhalables	Prohibited above 0.3 percent total intoxicating content by weight; prefilled, nonrefillable cartridges except flower (sec. 201(xx)(1)(C), 1005(f))	Classified by intoxicating potential at the labeled dose, with heightened device, hardware and additive standards by rule (Federal Sec. 4(8))
Synthesized and converted cannabinoids	Prohibited if not naturally found in the plant or produced only through genetic engineering (sec. 201(xx)(1)(G))	Classified by intoxicating potential; production method disclosed; byproducts and residues tested as contaminants (Federal Sec. 4(1), 4(18))
Enforcement	New prohibited acts, including a sale to a person under 21, with up to 10 years' imprisonment for a knowing violation (sec. 301(jjj), 303(b)(9))	Impairment-first; no arrest or imprisonment for noncommercial use or possession (Federal Sec. 8)
States	Silent; rules of construction reach only the Food, Drug, and Cosmetic Act and the Public Health Service Act (sec. 6)	Federal role is a floor; states run their own markets and may be stricter (Federal Sec. 5(5), 5(6), 13(11))
The commons	A cannabinoid list kept current with no interval or petition path (sec. 201(tt)(2)); no public record of the plant	A public-domain reference standard and registry as prior art, reviewed on a fixed schedule with an open petition path; no approval or exclusivity removes the plant from lawful sale (Federal Sec. 6)

Where they diverge

1. A line on day one

H.R. 7212 has no interim figure. Its intoxicating limits are "the applicable threshold specified under section 1012," and section 1012 supplies a figure only by rule or, if the rule is not final within three years, by default (sec. 1012(b), (c)). Between enactment and the final rule there is no number at all. The Whole Plant Act puts an interim line in force on day one, 1 milligram of total intoxicating cannabinoid equivalent per labeled dose, which human evidence moves in either direction and which the national standard replaces (Federal Sec. 13(2)).

The default figures are also not the bill's last word. They bind only on agency inaction, and the Secretary may set any figure by rule. The amendment package keeps the bill's rulemaking clock and adds the interim line, so the three years are not a gap.

2. An honest serving

A per-serving line works only if a 100-milligram product cannot be labeled as a hundred 1-milligram servings. H.R. 7212 requires the label to state the serving size and the servings per container, and caps the package, but nothing in it stops an understated serving. The package cap limits the damage without closing the gap. The Whole Plant Act's bona fide labeled dose rule closes it: a stated dose smaller than the amount the item is designed and marketed to be taken at one time is not a labeled dose, and the regulator sets the real one (Federal Sec. 4(3)).

3. Who may buy, and the shelf

H.R. 7212 sets 21 and over for every cannabinoid hemp product (sec. 1007). A cannabidiol tincture with no intoxicating content is behind the same counter as a 5-milligram gummy. The Whole Plant Act draws the age line where an item intoxicates or impairs at its labeled dose. An item that intoxicates at its labeled dose, or impairs at it on human evidence, is sold to adults 21 and over from age-restricted premises; every other item moves through general retail (Federal Sec. 4(2), 4(13), 4(16)). Taken together, nothing with impairment potential at its labeled dose is sold in general retail.

The Whole Plant Act adds a rule for the shelf that H.R. 7212 has no need for, because H.R. 7212 has no general shelf. In general retail, the whole package of a food-form item, including candy, gummies and other chewables, chocolate, baked goods, snacks, gum and beverages, is treated as its labeled dose and must not have intoxicating potential (Federal Sec. 4(19)). A 20-pack of 0.5-milligram gummies carries 10 milligrams, so it moves to age-restricted retail. Tinctures, capsules and topicals stay at their labeled dose.

4. Package limits

H.R. 7212 caps every oral package, in every channel, at the figure the Secretary sets, with a default of 30 milligrams of intoxicating content (sec. 201(xx)(1)(B), 1012(c)(4)). Its default for total cannabinoids, 10 milligrams per serving and 50 per package (sec. 1004(b), 1012(c)(1)), counts cannabidiol, so a typical cannabidiol tincture would exceed it. The Whole Plant Act sets no container cap in age-restricted retail, where proof of age is checked and the item is kept out of reach of anyone under 21 (Federal Sec. 4(19)(e)), and sets no cap on non-intoxicating cannabinoids.

Both bills want each serving identifiable. H.R. 7212 requires multi-serving packages to be divided and separated into portions of one serving, and liquids to be single-serving or come with a measuring device (sec. 1004(b)(2), (3)). The Whole Plant Act requires every multi-serving item to be portioned, scored or marked so each labeled dose can be identified, by a method set for each form (Federal Sec. 4(21)). The package keeps H.R. 7212's rule as the default and lets the regulator approve scoring or marking for forms where separation does not fit.

5. Inhalables and flower

H.R. 7212 prohibits an inhalable product whose material contains more than 0.3 percent total intoxicating content by weight (sec. 201(xx)(1)(C)). That is a concentration line, the hemp definition's own number applied to the product, and it forecloses intoxicating flower and vapes in this lane. Its other inhalable rules are sound: pesticide limits, no added terpenes or flavors unless designated as naturally occurring and safe, approved solvents only, component and hardware standards, prefilled nonrefillable cartridges for aerosolized products, and premarket notification (sec. 1005). The Whole Plant Act classifies inhalables by intoxicating potential at the labeled dose like everything else and sets heightened inhalable standards by rule (Federal Sec. 4(8)). The package keeps every H.R. 7212 inhalable safety rule and replaces only the 0.3 percent line.

6. Topicals

H.R. 7212 prohibits a topical product that is, or is intended to be, systemically absorbed (sec. 201(xx)(1)(E)), which forecloses transdermal patches, and prohibits a topical that "contains or purports to contain more than 0.3 percent on a weight basis" without saying of what (sec. 201(xx)(1)(F)). The second clause needs a noun. The Whole Plant Act classifies a transdermal by its effect at the labeled dose and labels its onset and duration (Federal Sec. 4(7)).

7. Synthesized and converted cannabinoids

H.R. 7212 prohibits a product containing a cannabinoid that is not naturally found in the plant, or that the plant produces only through genetic engineering (sec. 201(xx)(1)(G)). A naturally occurring cannabinoid made by conversion remains lawful if it meets the limits. The Whole Plant Act regulates every cannabinoid by intoxicating potential, requires the production method to be disclosed, and holds the byproducts and residues of conversion to the contaminant standard, so an intoxicating synthetic is controlled through the intoxicating channel rather than banned and driven to the margins (Federal Sec. 4(1), 4(18)). The genetic-engineering clause has a second problem: it reaches cultivar breeding methods, not product safety. Reasonable people can prefer a ban on novel synthetics; the package offers the one-plant frame with the bill's ban kept as an option.

8. Enforcement and the person

H.R. 7212 makes a retailer's sale to a person under 21 a prohibited act (sec. 301(jjj)(5)) and sets imprisonment of up to 10 years for any knowing violation of section 301(jjj) (sec. 303(b)(9)). That reaches a knowing sale of a cannabidiol product to a 20-year-old. The Whole Plant Act puts enforcement on impairment and commerce, not on the person, and makes no noncommercial use or possession a federal crime (Federal Sec. 8(1), 8(3), 8(4)). The package keeps H.R. 7212's prohibited acts and seizure authority, makes a sale to a person under 21 a civil violation, and reserves the felony for knowing introduction of a prohibited product with intent to defraud or mislead.

9. The states

H.R. 7212 is silent on the states. Its rules of construction protect only the Food, Drug, and Cosmetic Act and the Public Health Service Act (sec. 6). A state that regulates every cannabinoid product by intoxicating potential regardless of source, or that licenses cannabis under its own law, gets no assurance from the text. The Whole Plant Act makes the federal role a floor and keeps each state's market, its power to be stricter, and its power to petition (Federal Sec. 5(5), 5(6), 13(11)). The package adds a savings clause for an one-plant state law, keeps each state's power to restrict or prohibit sale, and adds the same respect for tribal jurisdiction (Federal Sec. 16(7)).

10. The commons

H.R. 7212 directs a list of cannabinoids, published within one year and "periodically" updated (sec. 201(tt)(2)). It builds no public record of the plant and says nothing about exclusivity. The Whole Plant Act keeps the plant public: a reference standard and registry that count as prior art, a fixed review cycle with an open petition path, and a rule that no approval or exclusivity removes the plant, a naturally occurring cannabinoid or a whole-plant preparation from lawful sale (Federal Sec. 6(1) through 6(4), 6(7), 6(11)). The package adds the review interval, the petition path, the public reference standard and the exclusivity rule.

Four federal scenarios

Scenario	H.R. 7212 as written	H.R. 7212 with the package	Federal Whole Plant Act
Section 781 takes full effect December 11, 2026	Its intoxicating limits reach nothing, because products above 0.4 mg per container are marijuana under the Controlled Substances Act	Paired with a field-only line, every product sold from a lawful crop is classified by intoxicating potential at the labeled dose under one standard	Makes 781 moot by descheduling, but needs its own bill rather than a rider
Section 781 is delayed or repealed	Products return under limits that do not exist until the rule is final, then under a cap in every channel	An interim 1 mg line applies on day one, honest servings are enforced, and the age line follows intoxicating potential	Same frame, with descheduling to follow
Rescheduling widens beyond medical	Two federal regimes for identical products, and an open question whether chapter X reaches state-licensed products	One classification, testing and labeling standard in both lanes, to the extent Schedule III rules allow	State Whole Plant Acts make federal registration a voluntary election per line of business
Congress deschedules	The hemp split stays in the code and chapter X governs only part of the plant	Chapter X becomes the standard for every herbal cannabis item when descheduling takes effect	This is the descheduling bill

The bottom line

H.R. 7212 gets the architecture right. It puts cannabinoid products under the Food and Drug Administration, sets the dose line by rule and per serving, defines cannabinoids regardless of source, protects children with real packaging rules, opens a lawful path into conventional food, and commissions an advisory committee to keep the limits current. That is closer to the Whole Plant Act than any hemp bill before it.

What it lacks is the rest of the frame. It has no line until the rule is final, no rule against understated servings, an age line that ignores intoxicating potential, a cap in every channel, a concentration line for inhalables, a ban where classification by intoxicating potential would do, a felony for a sale the Whole Plant Act treats as a civil matter, no word for the states, and no public record of the plant. And it cannot do its own job while section 781 stands, because the intoxicating products it would regulate are marijuana under federal law after December 11.

The amendment package keeps everything the bill gets right and fills each gap with the Whole Plant Act's own provision. Every change is optional.

How the Act holds whichever way this bill fares

Weight-bearing policy is policy that holds whichever party is in power and whichever way federal action goes, because its structure does not depend on any one outcome. The Whole Plant Act is weight-bearing, and it holds against every outcome for H.R. 7212. If H.R. 7212 passes as written, the state Whole Plant Acts still classify by intoxicating potential within their borders, their age-restricted channel absorbs whatever the federal lane sends there, and their dose standards meet the federal per-serving line through the national standard. If it passes with the package, it becomes the federal half of the same frame. If it is paired with a delay of section 781 alone, nothing in a state Whole Plant Act depends on the delay. If it fails, the standalone federal bill and the state bills are unchanged. No outcome for this bill requires the Act to be rebuilt.