

# PROTECTING PATIENT ACCESS

## ASSESSING STATE MEDICAL CANNABIS PROGRAMS READINESS TO ACCOMMODATE PATIENTS IMPACTED BY NEW FEDERAL HEMP LAWS

H.R. 5371 amended federal hemp laws by establishing statutory definitions for “industrial hemp” and “hemp-derived cannabinoid products” and imposing a new “total THC” standard. Together, when they go into effect on November 11, 2026, these clarifications will close the “loophole” that allowed unregulated intoxicating products to proliferate, narrowing the scope of products that can be sold as hemp. They will also remove most full-spectrum cannabinoid products from lawful commerce, cutting off access for millions of Americans who rely on these products as their medicine.

**President Trump’s December 2025 Executive Order advanced the rescheduling of Cannabis and even acknowledged the issue H.R. 5371 creates for patients, but it will not prevent the pending disruption.** Executive actions cannot override statutory limits, and rescheduling alone does not legalize medical cannabis, restore patient rights, or integrate access into federal systems. Patients remain legally vulnerable, excluded from federal healthcare programs, housing protections, and employment safeguards. Millions of patients still face losing access to a source of cannabinoid medicines this year.

— “  
*Americans for Safe Access (ASA) has prepared this briefing to help state leaders navigate this moment with clarity, accuracy, and compassion... Effective responses must account not only for patients currently dependent on the unregulated hemp marketplace, but also for the conditions that made it their only viable option. Barriers such as cost, access deserts, and limited product availability, driven by competition for shelf space in adult-use markets, left patients with few options.*

— ”  
 -Steph Sherer, Founder & Executive Director

### THE BRIEFING INCLUDES:

- The real-world impact of the new hemp laws
- Limitations of Trump’s Executive Order
- An analysis of why millions of patients depend on the hemp marketplace
- Data on who cannabinoid medicines serve
- Draft emergency legislation and executive actions for states to preserve access
- State’s role in a national medical cannabis program

— “  
*From a pharmacological standpoint, the ‘hemp products’ patients are taking to treat medical conditions are medical cannabis. Patients chose hemp products because they were told they were legal—and like medical cannabis, they worked. The hemp market filled a gap that our medical cannabis laws left wide open.*

— ”  
 - Dr. Codi Peterson, PharmD, pediatric pharmacist & cannabis science educator.



# WHO ARE CANNABINOID MEDICINES HELPING

Across the country, seniors, veterans, people with disabilities, cancer patients, children with rare diseases, and people living with chronic pain rely on full-spectrum cannabinoid products purchased from the hemp market. Millions of patients turned to hemp often because state medical cannabis programs were unavailable, unaffordable, geographically inaccessible, or stripped of the products they needed. In many states, adult-use product demand crowded out high-CBD and non-intoxicating formulations.

# THE ROLE OF STATES IN PROTECTING PATIENT ACCESS

For more than thirty years, states served as laboratories of democracy for medical cannabis. They built patient registries, safety standards, testing regimes, labeling systems, and clinical pathways —generating the real-world evidence that finally compelled HHS and FDA to recognize cannabis as having “currently accepted medical use.” These state-based experiments proved what federal policy refused to test.

Until Congress takes on the responsibility of this new recognition and integrates cannabis and cannabinoid therapies into U.S. healthcare systems, patient access remains in the states' hands. This means managing the fall out from federal policy changes while protecting patients and public health.

# DRAFT EMERGENCY LEGISLATION/EXECUTIVE ACTION

- Preserve access to non-intoxicating cannabinoid medicines;
- Stabilize supply before federal changes take effect;
- Give patients, providers, and regulators time to adjust responsibly;
- Ensure products meet medical-grade safety and testing standards and are accurately labeled;
- Address the systemic barriers that have prevented patients from utilizing state programs; and
- Call to action for Congress to pass comprehensive medical cannabis legislation

# TRANSITIONING TO A NATIONAL PROGRAM

Hemp reform exposed both the necessity and the difficulty of navigating fragmented authority. USDA rules layered onto state agriculture laws, FDA jurisdiction without a viable product pathway, DEA enforcement ambiguity, and states left to manage the downstream consequences for patients and consumers.

The Medical Cannabis and Cannabinoid Act (MCCA) offers a path forward for cannabis medicines that honors both the scientific understanding and the experiences of millions of Americans. The last step in this decades-long experiment is for Congress to act, and this patchwork of state laws, born out of prohibition, will become the foundation of a national medical cannabis program built on evidence, access, and patient rights.

ASA designed this briefing to equip state leaders with the tools they need for a compassionate response to the changing federal hemp laws.

