

PREPARE Act Summary

Purpose of the Bill

While cannabis is still illegal Federally, states across the country have thriving, legal cannabis industries. This bill will provide lawmakers across the ideological spectrum the opportunity to engage on cannabis reform by creating a fair, honest, and publicly transparent process for the federal government to establish effective regulation to be enacted upon the termination of its 85-year prohibition of cannabis. Colorado, having a regulated Cannabis market for 10 years, has the experts in the state and that existing knowledge should be leveraged to the largest extent possible in designing a federal regulatory framework.

What the *Preparing Regulators Effectively for a Post-Prohibition Adult Use Regulated Environment (PREPARE)* Act will do.

The PREPARE Act directs the Attorney General to establish a “Commission on the Federal Regulation of Cannabis” to advise on the development of a regulatory framework modeled after Federal and State regulatory frameworks with respect to alcohol. A framework would have to account for the unique needs, rights, and laws of each state, and be presented to Congress within one year of enactment of the PREPARE Act. This bill will prepare the federal government and the variety of regulatory agencies for the eventual descheduling of cannabis at the federal level.

The regulatory framework would have to include ways to remedy the disproportionate impact cannabis prohibition has had on minority, low-income, and veteran communities; encourage research and training access by medical professionals; encourage economic opportunity for individuals and small businesses; and develop protections for the hemp industry. The **commission would not have rulemaking authority**; its only role would be to develop proposals and make policy recommendations.

DETAILS

Commission Membership Structure

The 24-member commission would include representatives from relevant government agencies and offices, individuals nominated by Senate and House leadership, and individuals nominated by other government agencies, including:

- The **Senate Majority Leader** must appoint one member who has been formerly incarcerated for a nonviolent cannabis crime, and the **Senate Minority Leader** must appoint one member who is an expert in substance abuse prevention.
- The **House of Representatives Majority Leader** must appoint one medical cannabis patient or advocate, and the **House of Representatives Minority Leader** must appoint a medically licensed individual with substantial knowledge and demonstrated research into cannabis use and medical treatments.
- The **Attorney General** must appoint one member from the DOJ, who is an expert in the history of cannabis criminalization and the impact of criminalization on various communities.
- Other members will include the **directors of relevant offices** (The Bureau of Alcohol, Tobacco, and Firearms, the National Highway Traffic Safety Administration, Occupational Safety and Health Administration, National Institutes of Health, etc.), **representatives of Federal Agencies** (including the Departments of Education, Health and Human Services,

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Commerce, and Justice), **representatives of the cannabis industry, and representatives who have worked to develop successful State-level regulatory systems**

Commission Proposals

Requires the Commission to propose measures to alleviate and remedy the:

- Impact of cannabis criminalization, particularly on minority, low income, and veteran communities;
- Lack of access to the financial sector for cannabis entrepreneurs and industries;
- Lack of access to cannabis related research, including research on medical uses and the effects of impairment;
- Lack of access to medical cannabis and research, particularly with respect to Federal agencies;
- Lack of medical cannabis training at publicly funded medical training centers;
- Lack of consistent regulations for cannabis product safety, use, and labeling requirements.
- Lack of efficient cannabis revenue reporting and collecting, including efficient and tenable Federal revenue frameworks.
- Lack of guidance for cannabis crop production, sale, intrastate, interstate, and international trade.
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Public Comment Period

- Requires the Commission to begin soliciting comment on cannabis regulation from **industry stakeholders, criminal justice reform advocates, substance use advocates, healthcare experts, State cannabis regulators, and the Department of Justice of each State or Tribal government** within 60 days.
- After 120 days have passed, the Commission would be required to **publish initial findings and recommendations**, including an identification of barriers to and suggestions for regulating cannabis in a way that is similar to the regulation of alcohol.
- After the release of initial findings and recommendations, **the Commission must hold an additional public comment period** including the same stakeholders listed above.

Public Witness Hearing

Within 120 days, the commission must solicit comment at a **public witness hearing**. Witnesses must include:

- At least two people who represent a State-legal operation in cannabis production, sale, or transportation;
- At least two people who represent State legal operations with a multi-State presence in cannabis production, sale, or transportation;
- At least one individual who was convicted and incarcerated by the Federal Government for a nonviolent cannabis offense, and;
- An individual who was convicted and incarcerated by a State for a nonviolent cannabis offense.