

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish a Commission on the Federal Regulation of Cannabis to study a prompt and plausible pathway to the Federal regulation of cannabis, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. HICKENLOOPER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a Commission on the Federal Regulation of Cannabis to study a prompt and plausible pathway to the Federal regulation of cannabis, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preparing Regulators  
5 Effectively for a Post-Prohibition Adult-Use Regulated  
6 Environment Act of 2022” or the “PREPARE Act of  
7 2022”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Cannabis was federally legal in the United  
4 States until 1937.

5 (2) Cannabis was federally prohibited to codify  
6 discriminatory practices against minority commu-  
7 nities.

8 (3) Medical cannabis prohibition was estab-  
9 lished despite objection from the American Medical  
10 Association.

11 (4) 37 States and the District of Columbia have  
12 legalized cannabis for medical purposes.

13 (5) 18 States and the District of Columbia have  
14 legalized cannabis for adult use.

15 (6) Despite the Federal Government collecting  
16 revenue from the sale of cannabis, individuals are  
17 still criminally persecuted for its use.

18 (7) Cannabis research, including research on  
19 medical uses, product safety, and impairment stand-  
20 ards, is severely hindered and made nearly impos-  
21 sible by its schedule 1 classification.

22 (8) Cannabis should remain an adult product  
23 aside from the physician prescribed treatment of mi-  
24 nors.

25 (9) Cannabis has proven medically beneficial for  
26 patients suffering from pain, cancer, post-traumatic

1 stress disorder, seizure disorders, multiple sclerosis,  
2 among other diseases.

3 (10) Since 2003, the United States Government  
4 by way of the Department of Health and Human  
5 Services has held a patent for medical cannabis as  
6 an antioxidant and neuroprotectant.

7 (11) While the United States remains trapped  
8 in antiquated cannabis regulations, other nations  
9 and scientific competitors, including the United  
10 Kingdom, Canada, South Korea, Germany and  
11 Israel have modified their laws to allow for varying  
12 degrees of cannabis legality and medical research.

13 **SEC. 3. PURPOSE.**

14 The President and Congress shall prepare the Fed-  
15 eral Government for an inevitable and prompt end to Fed-  
16 eral marihuana prohibition by establishing a commission  
17 to advise on the development of a regulatory framework  
18 with respect to marihuana regulation, including account-  
19 ing for the different characteristics of communities, agen-  
20 cies, and industries impacted by Federal marihuana prohi-  
21 bition. Such regulatory framework shall be modeled after  
22 Federal and State regulatory frameworks with respect to  
23 alcohol.

1 **SEC. 4. COMMISSION ESTABLISHMENT AND MEMBERSHIP.**

2 (a) ESTABLISHMENT.—Not later than 30 days after  
3 the date of the enactment of this Act, the Attorney Gen-  
4 eral shall establish a commission to be known as the  
5 “Commission on the Federal Regulation of Cannabis” (in  
6 this Act referred to as the “Commission”) to study a plau-  
7 sible and prompt pathway to cannabis regulation.

8 (b) DUTIES OF COMMISSION.—

9 (1) PROPOSAL OF MEASURES.—The Commis-  
10 sion shall propose measures to alleviate and remedy  
11 the:

12 (A) Impact of cannabis criminalization,  
13 particularly on minority, low income, and vet-  
14 eran communities.

15 (B) Lack of access to the financial service  
16 sector for cannabis entrepreneurs and their af-  
17 filiated industries.

18 (C) Lack of access to cannabis related re-  
19 search, including research on medical uses and  
20 the effects of impairment.

21 (D) Lack of access to medical cannabis  
22 and research, particularly with respect to Fed-  
23 eral agencies.

24 (E) Lack of medical cannabis training at  
25 publicly-funded medical training centers.

1 (F) Lack of consistent regulations for can-  
2 nabis product safety, use, and labeling require-  
3 ments.

4 (G) Lack of efficient cannabis revenue re-  
5 porting and collecting, including efficient and  
6 tenable Federal revenue frameworks.

7 (H) Lack of guidance for cannabis crop  
8 production, sale, intrastate, interstate, and  
9 international trade.

10 (I) Lack of guidance regarding the suc-  
11 cessful coexistence of individual hemp and can-  
12 nabis industries, including prevention of cross  
13 pollination of cannabis and hemp products.

14 (J) Any other barriers to Federal cannabis  
15 legalization identified by the commission.

16 (2) PUBLIC COMMENT; PUBLIC WITNESS; RE-  
17 PORTS.—

18 (A) COMMENT PERIOD.—Not later than 60  
19 days after the date of the enactment of this  
20 Act, the Commission shall solicit comment with  
21 respect to the regulation of cannabis from in-  
22 dustry stakeholders, criminal justice reform ad-  
23 vocates, substance use advocates, healthcare ex-  
24 perts, State cannabis regulators, and the De-



1 Government for a non-violent offense  
2 with respect to cannabis.

3 (IV) An individual who was con-  
4 victed and incarcerated by a State for  
5 a non-violent offense with respect to  
6 cannabis.

7 (ii) PUBLIC AVAILABILITY.—Written  
8 and verbal testimony under clause (i) shall  
9 be made publicly available in the final rec-  
10 ommendations published under paragraph  
11 (5).

12 (3) INITIAL REPORT AND RECOMMENDA-  
13 TIONS.—Not later than 120 days after the date of  
14 the enactment of this Act, the Commission shall  
15 publish initial findings and recommendations pursu-  
16 ant to section 4(b), including an identification of  
17 barriers to and suggestions for regulating cannabis  
18 in a way that is similar to the regulation of alcohol  
19 with respect to the rights of State, Tribal, and the  
20 Federal government, on the internet website of the  
21 Department of Justice.

22 (4) ADDITIONAL PUBLIC COMMENT PERIOD.—  
23 Beginning 120 days after the date of the enactment  
24 of this Act, the Commission shall solicit additional  
25 public comment from stakeholders identified pursu-

1 ant to paragraph (2)(A) with respect to the initial  
2 recommendations published pursuant to paragraph  
3 (3).

4 (5) FINAL RECOMMENDATIONS.—Not later than  
5 one year after the date of the enactment of this Act,  
6 the Commission shall publish a report including  
7 findings and recommendations pursuant to section  
8 4(b), including an identification of barriers to and  
9 suggestions for regulating cannabis in a way that is  
10 similar to the regulation of alcohol, on the internet  
11 website of the Department of Justice.

12 (c) MEMBERSHIP.—The Commission shall be com-  
13 posed of the following members:

14 (1) The majority leader of the Senate shall ap-  
15 point one member who is not employed by the Fed-  
16 eral Government and was formerly incarcerated for  
17 a non-violent crime with respect to cannabis use or  
18 possession.

19 (2) The minority leader of the Senate shall ap-  
20 point one member who is not employed by the Fed-  
21 eral Government and is an expert in substance abuse  
22 prevention.

23 (3) The majority leader of the House of Rep-  
24 resentatives shall appoint one member, who is not



1 employed by the Federal Government, and is a med-  
2 ical cannabis patient or advocate.

3 (4) The minority leader of the House of Rep-  
4 resentatives shall appoint one member, who is not  
5 employed by the Federal Government, and who is  
6 medically licensed with substantial knowledge and  
7 demonstrated research into cannabis use and med-  
8 ical treatments.

9 (5) The Attorney General shall appoint one  
10 member from the Department of Justice, who is an  
11 expert in the history of cannabis criminalization and  
12 the impact of criminalization on various commu-  
13 nities, particularly minorities, medical patients, and  
14 veterans.

15 (6) The Director of the Bureau of Alcohol, To-  
16 bacco, Firearms and Explosives.

17 (7) The Director of the National Highway Traf-  
18 fic Safety Administration.

19 (8) The Secretary of Education shall appoint  
20 one member from the Department of Education who  
21 is an expert in prevention of youth access to alcohol  
22 and tobacco.

23 (9) The Director of Occupational Safety and  
24 Health Administration.

1           (10) The Secretary of Agriculture shall appoint  
2 one member from the Department of Agriculture  
3 who is an expert on cannabis and hemp cultivation.

4           (11) The Commissioner of the Food and Drug  
5 Administration.

6           (12) The Director of the Alcohol and Tobacco  
7 Tax and Trade Bureau.

8           (13) The Commissioner of the Internal Revenue  
9 Service.

10          (14) The United States Trade Representative.

11          (15) The Secretary of Commerce shall appoint  
12 one member from the Department of Commerce who  
13 is an expert on regulated goods in interstate com-  
14 merce.

15          (16) The Secretary of Health and Human Serv-  
16 ices shall appoint one member employed by the De-  
17 partment of Health and Human Services who is an  
18 expert on medical cannabis use and access.

19          (17) The Director of the National Institutes of  
20 Health.

21          (18) The Secretary of the Veterans Affairs shall  
22 appoint one member from the Department of Vet-  
23 erans Affairs with knowledge of treatments for pain-  
24 management and post-traumatic stress disorder and

1 for providing patients with affordable treatment op-  
2 tions.

3 (19) The Deputy Secretary of the Interior.

4 (20) The Administrator of the Small Business  
5 Administration shall appoint one member employed  
6 by the Small Business Administration who is an ex-  
7 pert in creating industry access for historically  
8 marginalized communities.

9 (21) The Director of the National Institute of  
10 Standards and Technology.

11 (22) One representative from a trade organiza-  
12 tion or other non-profit entity with members from  
13 multiple, highly regulated adult goods and consumer  
14 package goods, appointed by the Attorney General.

15 (23) Two representatives who have worked to  
16 develop two successful, separate, and unique State-  
17 level regulatory systems, appointed by the Attorney  
18 General.

19 (d) LEADERSHIP.—

20 (1) CHAIRPERSON.—The Chairperson shall be  
21 elected by the members of the Commission at the  
22 first meeting of the Commission.

23 (2) SECRETARY.—The Secretary shall be elect-  
24 ed by the members of the Commission at the first  
25 meeting of the Commission.

1           (3) VACANCIES.—A vacancy in the Chairperson  
2           or Secretary position shall be filled in the manner in  
3           which the original appointment was made by the re-  
4           maining members of the Commission.

5           (e) MEMBERSHIP BY POLITICAL PARTY.—If after the  
6           Commission is appointed there is a partisan imbalance of  
7           Commission members, the congressional leaders of the po-  
8           litical party with fewer members on the Commission shall  
9           jointly name additional members to create partisan parity  
10          on the Commission.

11          (f) APPOINTMENTS; REMOVALS; VACANCIES.—

12           (1) TIMING OF APPOINTMENTS.—Each initial  
13           appointment to the Commission shall be made no  
14           later than 30 days after the Commission is estab-  
15           lished. If any appointing authorities fail to appoint  
16           a member to the Commission, their appointment  
17           shall be made by the Attorney General.

18           (2) REMOVAL.—A member of the Commission  
19           may be removed from the Commission at any time  
20           by the appointing authority should the member fail  
21           to meet Commission attendance requirement pursu-  
22           ant to subsection (g).

23           (3) VACANCIES.—A vacancy in the Commission  
24           shall be filled in the manner in which the original

1 appointment was made prior to the date of the Com-  
2 mission's next meeting.

3 (g) MEETING REQUIREMENTS.—

4 (1) FIRST MEETING.—The Commission shall  
5 have its first meeting no later than 90 days after  
6 the date of the enactment of this Act.

7 (2) QUARTERLY MEETINGS.—The Commission  
8 shall meet quarterly. In addition to all quarterly  
9 meetings, the Commission shall meet at other times  
10 at the call of the Chairperson or as determined by  
11 a majority of Commission members.

12 (3) QUORUM; RULE FOR VOTING ON FINAL AC-  
13 TIONS.—A majority of the members of the Commis-  
14 sion constitute a quorum, and an affirmative vote of  
15 a majority of the members present is required to  
16 issue recommendations.

17 (4) ATTENDANCE BY MEMBERS.—Members are  
18 expected to attend all Commission meetings. In the  
19 case of an absence, members are expected to report  
20 to the Chairperson prior to the meeting and allow-  
21 ance may be made for an absent member to partici-  
22 pate remotely. Members will still be responsible for  
23 fulfilling prior commitments, regardless of attend-  
24 ance status. If a member is absent twice in a given  
25 year, he or she will be reviewed by the Chairperson

1 and appointing authority and further action will be  
2 considered, including removal and replacement on  
3 the Commission.

4 (h) MINUTES.—Minutes shall be taken at each meet-  
5 ing by the Secretary, or in that individual's absence, the  
6 Chairperson shall select another Commission member to  
7 take minutes during that absence.

8 (i) ADMINISTRATIVE REQUIREMENTS.—The Attorney  
9 General shall provide staff and administrative support to  
10 the Commission. All entities of the United States Govern-  
11 ment shall provide information that is otherwise a public  
12 record at the request of the Commission.

13 (j) NO RULEMAKING AUTHORITY.—The Commission  
14 shall not have rulemaking authority.

15 (k) PROHIBITION OF COMPENSATION.—

16 (1) FEDERAL EMPLOYEES.—Members of the  
17 Commission who are full-time officers or employees  
18 of the United States may not receive additional pay,  
19 allowances, or benefits by reason of their service on  
20 the Commission.

21 (2) OTHER MEMBERS.—Members of the Com-  
22 mission who are not full-time officers or employees  
23 of the United States may not receive additional pay,  
24 allowances, or benefits by reason of their service on  
25 the Commission.

1 (l) DEFINITIONS.—In this Act:

2 (1) CANNABIS.—The term “cannabis” has the  
3 meaning given the term “marihuana” in section 102  
4 of the Controlled Substances Act (21 U.S.C. 802).

5 (2) STATE.—The term “State” includes the  
6 District of Columbia, the Commonwealth of Puerto  
7 Rico, and any territory or possession of the United  
8 States.

9 (3) TRIBAL GOVERNMENT.—The term “Tribal  
10 government” means the recognized governing body  
11 of any Indian or Alaska Native tribe, band, nation,  
12 pueblo, village, community, component band, or com-  
13 ponent reservation, individually identified (including  
14 parenthetically) in the list published most recently as  
15 of the date of enactment of this paragraph pursuant  
16 to section 104 of the Federally Recognized Indian  
17 Tribe List Act of 1994 (25 U.S.C. 5131).