

119TH CONGRESS  
1ST 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 En-  
6       vironment Act of 2025” or the “PREPARE Act of 2025”.

7       **SEC. 2. FINDINGS AND PURPOSE.**

8       (a) FINDINGS.—Congress finds the following:

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

11 (5) 21 States and the District of Columbia have  
12 legalized cannabis for adult use.

13 (6) Despite the Federal Government collecting  
14 revenue from the sale of cannabis, individuals are  
15 still criminally prosecuted for its use or possession.

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

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

1       stress disorder, seizure disorders, and multiple sclerosis, 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       (b) PURPOSE.—The ~~【~~purpose of this Act is to per-  
14 mit~~】~~ President and Congress shall prepare the Federal  
15 Government for an inevitable and prompt end to Federal  
16 marihuana prohibition by establishing a commission to ad-  
17 vise on the development of a regulatory framework with  
18 respect to marihuana regulation, including accounting for  
19 the different characteristics of communities, agencies, and  
20 industries impacted by Federal marihuana prohibition.  
21 Such regulatory framework shall be modeled after Federal  
22 and State regulatory frameworks with respect to alcohol.

23 **SEC. 3. DEFINITIONS.**

24       In this Act:

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

## 23 SEC. 4. COMMISSION ESTABLISHMENT AND MEMBERSHIP.

24 (a) ESTABLISHMENT.—Not later than 30 days after  
25 the date of the enactment of this Act, the Attorney Gen-

1 eral shall establish a commission to be known as the  
2 “Commission on the Federal Regulation of Cannabis” (in  
3 this Act referred to as the “Commission”) to study a plau-  
4 sible and prompt pathway to cannabis regulation.

5 (b) DUTIES OF COMMISSION.—

6 (1) PROPOSAL OF MEASURES.—The Commis-  
7 sion shall propose measures to alleviate and rem-  
8 edy—

9 (A) the impact of cannabis criminalization,  
10 particularly on minority, low income, and vet-  
11 eran communities;

12 (B) the lack of access to the financial serv-  
13 ice sector for cannabis entrepreneurs and their  
14 affiliated industries;

15 (C) the lack of access to cannabis related  
16 research, including research on medical uses  
17 and the effects of impairment;

18 (D) the lack of access to medical cannabis  
19 and research, particularly with respect to Fed-  
20 eral agencies;

21 (E) the lack of medical cannabis training  
22 at publicly funded medical training centers;

23 (F) the lack of consistent regulations for  
24 cannabis product and safety, use, and labeling

1 requirements, including requirements to protect  
2 youth and reduce harms to youth;

3 (G) the lack of efficient cannabis revenue  
4 reporting and collecting, including efficient and  
5 tenable Federal revenue frameworks.

6 (H) the lack of guidance for cannabis crop  
7 production, sale, intrastate, interstate, and  
8 international trade;

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

13 (J) any other barriers to Federal cannabis  
14 legalization identified by the Commission.

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

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

## 1 (B) PUBLIC WITNESS HEARING.—

2 (i) IN GENERAL.—Not later than 180  
3 days after the date of the enactment of  
4 this Act, the Commission shall convene a  
5 witness hearing and solicit written or  
6 verbal testimony from participants in the  
7 cannabis industry. Such hearings shall in-  
8 clude—

9 (I) not less than 2 unique indi-  
10 viduals or entities, who are not em-  
11 ployed by the Federal Government,  
12 and represent a State legal operation  
13 that is licensed by a single State to  
14 sell, manufacture, produce, possess,  
15 distribute, administer, or deliver can-  
16 nabis;

17 (II) not less than 2 unique indi-  
18 viduals or entities, who are not em-  
19 ployed by the Federal Government,  
20 and represent a State legal operation  
21 with a multi-State presence that is li-  
22 censed by such States to sell, manu-  
23 facture, produce, possess, distribute,  
24 administer, or deliver cannabis;

1 (III) an individual who was con-  
2 victed and incarcerated by the Federal  
3 Government for a non-violent offense  
4 with respect to cannabis; and

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

9 (ii) RULE OF CONSTRUCTION.—Noth-  
10 ing in this subparagraph shall be construed  
11 to limit the authority of the Commission to  
12 include additional participants at the pub-  
13 lic witness hearing if the participants re-  
14 ferred to under clause (i) are included.

15 (iii) PUBLIC AVAILABILITY.—Written  
16 and verbal testimony under clause (i) shall  
17 be made publicly available in the final rec-  
18 ommendations published under paragraph  
19 (5).

1 the regulation of alcohol with respect to the rights  
2 of States, Tribal Governments, and the Federal Gov-  
3 ernment, on the internet website of the Department  
4 of Justice.

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

22 (1) The majority leader of the Senate shall ap-  
23 point 1 member who is not employed by the Federal  
24 Government and was formerly incarcerated for a

1       non-violent crime with respect to cannabis use or  
2       possession.

3           (2) The minority leader of the Senate shall ap-  
4       point 1 member who is not employed by the Federal  
5       Government and is an expert in substance abuse  
6       prevention.

7           (3) The minority leader of the House of Rep-  
8       resentatives shall appoint 1 member who is not em-  
9       ployed by the Federal Government and is an expert  
10      in the history of cannabis criminalization and the  
11      impact of criminalization on various communities,  
12      particularly minorities, medical patients, and vet-  
13      erans.

14           (4) The majority leader of the House of Rep-  
15       resentatives shall appoint 1 member who is not em-  
16       ployed by the Federal Government and who is medi-  
17       cally licensed with substantial knowledge and dem-  
18       onstrated research into cannabis use and medical  
19       treatments.

20           (5) The Attorney General shall appoint 1 mem-  
21       ber from the Department of Justice, who is an ex-  
22       pert in the history of cannabis criminalization and  
23       the impact of criminalization on various commu-  
24       nities, particularly minorities, medical patients, and  
25       veterans.

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

(7) The Director of the National Highway Traffic Safety Administration.

5 (8) The Secretary of Education shall appoint 1  
6 member from the Department of Education who is  
7 an expert in prevention of youth access to alcohol  
8 and tobacco.

14 (11) The Commissioner of the Food and Drug  
15 Administration.

16 (12) The Director of the Alcohol and Tobacco  
17 Tax and Trade Bureau.

18 (13) The Commissioner of the Internal Revenue  
19 Service.

20 (14) The United States Trade Representative.

5 (17) The Director of the National Institutes of  
6 Health.

12 (19) The Deputy Secretary of the Interior.

18 (21) The Director of the National Institute of  
19 Standards and Technology.

20 (22) The Secretary of Housing and Urban De-  
21 velopment.

22 (23) The Secretary of Labor.

23 (24) The Secretary of the Treasury.

24 (25) The Director of the Office of National  
25 Drug Control Policy.

1 (26) The Director of the Office of Minority  
2 Health.

3 (27) The Director of Indian Health Service.

12 (d) LEADERSHIP.—

23 (e) MEMBERSHIP BY POLITICAL PARTY.—If after the  
24 Commission is appointed there is a partisan imbalance of  
25 Commission members, the congressional leaders of the po-

1 litical party with fewer members on the Commission shall  
2 jointly name additional members to create partisan parity  
3 on the Commission.

4 (f) APPOINTMENTS; REMOVALS; VACANCIES.—

5 (1) TIMING OF APPOINTMENTS.—Each initial  
6 appointment to the Commission shall be made no  
7 later than 30 days after the Commission is estab-  
8 lished. If any appointing authorities fail to appoint  
9 a member to the Commission, their appointment  
10 shall be made by the Attorney General.

11 (2) REMOVAL.—A member of the Commission  
12 may be removed from the Commission at any time  
13 by the appointing authority should the member fail  
14 to meet Commission attendance requirement pursu-  
15 ant to subsection (g).

16 (3) VACANCIES.—A vacancy in the Commission  
17 shall be filled in the manner in which the original  
18 appointment was made prior to the date of the Com-  
19 mission's next meeting.

20 (g) MEETING REQUIREMENTS.—

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

24 (2) QUARTERLY MEETINGS.—The Commission  
25 shall meet quarterly. In addition to all quarterly

1       meetings, the Commission shall meet at other times  
2       at the call of the Chairperson or as determined by  
3       a majority of Commission members.

4               (3) QUORUM; RULE FOR VOTING ON FINAL AC-  
5       TIONS.—A majority of the members of the Commis-  
6       sion constitute a quorum, and an affirmative vote of  
7       a majority of the members present is required to  
8       issue recommendations.

9               (4) ATTENDANCE BY MEMBERS.—Members are  
10      expected to attend all Commission meetings. In the  
11      case of an absence, members are expected to report  
12      to the Chairperson prior to the meeting and allow-  
13      ance may be made for an absent member to partici-  
14      pate remotely. Members are responsible for fulfilling  
15      prior commitments, regardless of attendance status.  
16      If a member is absent 2 times in a given year, he  
17      or she will be reviewed by the Chairperson and ap-  
18      pointing authority and further action will be consid-  
19      ered, including removal and replacement on the  
20      Commission.

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

1        (i) ADMINISTRATIVE REQUIREMENTS.—The Attorney  
2 General shall provide staff and administrative support to  
3 the Commission. All entities of the United States Govern-  
4 ment shall provide information that is otherwise a public  
5 record at the request of the Commission.

6        (j) NO RULEMAKING AUTHORITY.—The Commission  
7 shall not have rulemaking authority.

8        (k) PROHIBITION OF COMPENSATION.—

9            (1) FEDERAL EMPLOYEES.—Members of the  
10 Commission who are full-time officers or employees  
11 of the United States may not receive additional pay,  
12 allowances, or benefits by reason of their service on  
13 the Commission.

14           (2) OTHER MEMBERS.—Members of the Com-  
15 mission who are not full-time officers or employees  
16 of the United States may not receive additional pay,  
17 allowances, or benefits by reason of their service on  
18 the Commission.