

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.

IN THE SENATE OF THE UNITED STATES

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

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:

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

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

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

9 (4) 38 States and the District of Columbia have
10 legalized cannabis for medical purposes.

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.

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

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,
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 (b) PURPOSE.—The [purpose of this Act is to permit]
14 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 advise
17 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:

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

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

8 (3) STATE CANNABIS CONTROL COMMISSION.—
9 The term “State cannabis control commission”
10 means any State commission, bureau, board, depart-
11 ment, office, agency, division, or authority respon-
12 sible for the regulation of the legal medical and rec-
13 reational cannabis program of the State.

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).

20 (3) INITIAL REPORT AND RECOMMENDA-
21 TIONS.—Not later than 120 days after the date of
22 the enactment of this Act, the Commission shall
23 publish initial findings and recommendations, includ-
24 ing an identification of barriers to and suggestions
25 for regulating cannabis in a way that is similar to

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.

5 (4) ADDITIONAL PUBLIC COMMENT PERIOD.—
6 Beginning 120 days after the date of the enactment
7 of this Act, the Commission shall solicit additional
8 public comment from stakeholders identified pursu-
9 ant to paragraph (2)(A) with respect to the initial
10 recommendations published pursuant to paragraph
11 (3).

12 (5) FINAL RECOMMENDATIONS.—Not later than
13 1 year after the date of the enactment of this Act,
14 the Commission shall publish a report including
15 findings and recommendations, including an identi-
16 fication of barriers to and suggestions for regulating
17 cannabis in a way that is similar to the regulation
18 of alcohol, on the internet website of the Department
19 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.

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

3 (7) The Director of the National Highway Traf-
4 fic 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.

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

11 (10) The Secretary of Agriculture shall appoint
12 1 member from the Department of Agriculture who
13 is an expert on cannabis and hemp cultivation.

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.

21 (15) The Secretary of Commerce shall appoint
22 1 member from the Department of Commerce who
23 is an expert on regulated goods in interstate com-
24 merce.

1 (16) The Secretary of Health and Human Serv-
2 ices shall appoint 1 member from the Department of
3 Health and Human Services who is an expert on
4 medical cannabis use and access.

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

7 (18) The Secretary of the Veterans Affairs shall
8 appoint 1 member from the Department of Veterans
9 Affairs with knowledge of treatments for pain man-
10 agement and post-traumatic stress disorder and for
11 providing patients with affordable treatment options.

12 (19) The Deputy Secretary of the Interior.

13 (20) The Administrator of the Small Business
14 Administration shall appoint 1 member from the
15 Small Business Administration who is an expert in
16 creating industry access for historically marginalized
17 communities.

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.

4 (28) One representative from a trade organiza-
5 tion or other non-profit entity with members from
6 multiple, highly regulated adult goods and consumer
7 package goods, appointed by the Attorney General.

8 (29) Two representatives who have worked on a
9 State cannabis control commission to develop 2 suc-
10 cessful, separate, and unique State-level regulatory
11 systems, appointed by the Attorney General.

12 (d) LEADERSHIP.—

13 (1) CHAIRPERSON.—The Chairperson shall be
14 elected by the members of the Commission at the
15 first meeting of the Commission.

16 (2) SECRETARY.—The Secretary shall be elect-
17 ed by the members of the Commission at the first
18 meeting of the Commission.

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

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.