

PREPARE ACT

U.S. SENATOR JOHN HICKENLOOPER

Why this bill?

While cannabis is still illegal federally, states across the country have thriving, legal cannabis industries. That expertise will be invaluable when (if) the federal government follows suit and legalizes cannabis. This bill would create a Commission to allow for a fair, honest, and publicly transparent process for stakeholders across the spectrum to help inform federal efforts to establish effective regulation and ensure that we are prepared when the federal government ends its long prohibition on cannabis. With a regulated cannabis market in place for nearly a decade, Colorado and several states across the nation have developed a wealth of expertise. This bill will ensure that existing knowledge is leveraged in designing a federal regulatory framework.

The Commission's goal is to help develop a federal regulatory framework that ensures safety, accountability, and economic growth across the United States.

Bill Summary

The Preparing Regulators Effectively for a Post-Prohibition Adult Use Regulated Environment (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 successful Federal and State regulatory frameworks, including considering the parallels to alcohol regulation. The framework would 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 regulatory agencies for the eventual descheduling of cannabis at the federal level.

The regulatory framework would include ways to remedy the disproportionate impact cannabis prohibition has had on minority, low-income, and veteran communities; encourage research and training 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**, and its only role would be to develop proposals and make policy recommendations.

Details

Commission membership structure

The **30-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 is not employed by the federal government and has been formerly incarcerated for a nonviolent cannabis crime, and the **Senate Minority Leader** must appoint one member who is not employed by the federal government and is an expert in substance abuse prevention.
- The **House of Representatives Majority Leader** must appoint one member who is not employed by the federal government and is medically licensed with substantial knowledge and demonstrated research into cannabis use and medical treatments.
- The **House of Representatives Minority Leader** must appoint one member who is not employed by the federal government and is an expert in the history of cannabis criminalization and the impact of criminalization on various communities, particularly minorities, medical patients, and veterans.
- The Attorney General must appoint one member from the Justice Department that is an expert in the history of cannabis criminalization and the impact of criminalization on various communities.
- Other members reflect the wide array of relevant stakeholders, regulators, and experts, including representatives from:
 - The Department of Veterans Affairs
 - The Department of the Interior
 - The Department of of Education
 - The Department of Labor
 - The Department of Commerce
 - The Department of Agriculture
 - The Department of Housing and Urban Development
 - Two representatives who have worked on a State cannabis control commission to develop two successful, separate, and unique State-level regulatory systems.

Commission Proposals

The Commission is required to propose measures addressing:

- The impact of cannabis criminalization, particularly on minority, low-income, and veteran communities;
- The prevention of youth use and access;
- 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; and
- Lack of guidance regarding the successful coexistence of individual hemp and cannabis industries, including prevention of cross pollination of cannabis and hemp products.

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 criminal justice officials of 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 180 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 the cannabis industry;
- 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.

Supporters

National Hispanic Cannabis Council, Partnership to End Addiction, Veterans Cannabis Coalition, NORML, US Cannabis Council, Minorities for Medical Marijuana, National Cannabis Industry Association, Coalition for Cannabis Policy, Education and Regulation, Colorado Association of Ski Towns. Colorado Municipal League, Rocky Mountain Farmers Union.

