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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 HOUSE OF REPRESENTATIVES

Mr. JOYCE of Ohio introduced the following bill; which was 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
6 Environment Act of 2022” or the “PREPARE Act of
7 2022”.

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) Cannabis was federally prohibited to codify discriminatory practices against minority communities.

(3) Medical cannabis prohibition was established despite objection from the American Medical Association.

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

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

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

(7) Cannabis research, including research on medical uses, product safety, and impairment standards, is severely hindered and made nearly impossible by its schedule 1 classification.

(8) Cannabis should remain an adult product aside from the physician prescribed treatment of minors.

(9) Cannabis has proven medically beneficial for patients suffering from pain, cancer, post-traumatic
stress disorder, seizure disorders, multiple sclerosis, among other diseases.

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

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

SEC. 3. PURPOSE.

The President and Congress shall prepare the Federal Government for an inevitable and prompt end to Federal marihuana prohibition by establishing a commission to advise on the development of a regulatory framework with respect to marihuana regulation, including accounting for the different characteristics of communities, agencies, and industries impacted by Federal marihuana prohibition. Such regulatory framework shall be modeled after Federal and State regulatory frameworks with respect to alcohol.
SEC. 4. COMMISSION ESTABLISHMENT AND MEMBERSHIP.

(a) Establishment.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish a commission to be known as the “Commission on the Federal Regulation of Cannabis” (in this Act referred to as the “Commission”) to study a plausible and prompt pathway to cannabis regulation.

(b) Duties of Commission.—

(1) Proposal of Measures.—The Commission shall propose measures to alleviate and remedy the:

(A) Impact of cannabis criminalization, particularly on minority, low income, and veteran communities.

(B) Lack of access to the financial service sector for cannabis entrepreneurs and their affiliated industries.

(C) Lack of access to cannabis related research, including research on medical uses and the effects of impairment.

(D) Lack of access to medical cannabis and research, particularly with respect to Federal agencies.

(E) Lack of medical cannabis training at publicly-funded medical training centers.
(F) Lack of consistent regulations for cannabis product safety, use, and labeling requirements.

(G) Lack of efficient cannabis revenue reporting and collecting, including efficient and tenable Federal revenue frameworks.

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

(I) Lack of guidance regarding the successful coexistence of individual hemp and cannabis industries, including prevention of cross pollination of cannabis and hemp products.

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

(2) Public comment; public witness; reports.—

(A) Comment period.—Not later than 60 days after the date of the enactment of this Act, the Commission shall solicit comment with respect to the regulation of cannabis from industry stakeholders, criminal justice reform advocates, substance use advocates, healthcare experts, State cannabis regulators, and the De-
partment of Justice of each State or Tribal government.

(B) Public witness hearing.—

(i) In general.—Not later than 180 days after the date of the enactment of this Act, the Commission shall convene a public witness hearing and solicit written or verbal testimony from:

(I) Not less than two unique individuals or entities, who are not employed by the Federal Government, and represent a State legal operation that is licensed by a single State to sell, produce, manufacture, process, cultivate, or transport cannabis.

(II) Not less than two unique individuals or entities, who are not employed by the Federal Government, and represent a State legal operation with a multi-State presence that is licensed by such States to sell, produce, manufacture, process, cultivate, or transport cannabis.

(III) An individual who was convicted and incarcerated by the Federal
Government for a non-violent offense with respect to cannabis.

(IV) An individual who was convicted and incarcerated by a State for a non-violent offense with respect to cannabis.

(ii) Public availability.—Written and verbal testimony under clause (i) shall be made publicly available in the final recommendations published under paragraph (5).

(3) Initial report and recommendations.—Not later than 120 days after the date of the enactment of this Act, the Commission shall publish initial findings and recommendations pursuant to section 4(b), including an identification of barriers to and suggestions for regulating cannabis in a way that is similar to the regulation of alcohol with respect to the rights of State, Tribal, and the Federal government, on the internet website of the Department of Justice.

(4) Additional public comment period.—Beginning 120 days after the date of the enactment of this Act, the Commission shall solicit additional public comment from stakeholders identified pursu-
want to paragraph (2)(A) with respect to the initial recommendations published pursuant to paragraph (3).

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

(c) **Membership.**—The Commission shall be composed of the following members:

(1) The majority leader of the Senate shall appoint one member who is not employed by the Federal Government and was formerly incarcerated for a non-violent crime with respect to cannabis use or possession.

(2) The minority leader of the Senate shall appoint one member who is not employed by the Federal Government and is an expert in substance abuse prevention.

(3) The majority leader of the House of Representatives shall appoint one member, who is not
employed by the Federal Government, and is a medical cannabis patient or advocate.

(4) The minority leader of the House of Representatives shall appoint one member, who is not employed by the Federal Government, and who is medically licensed with substantial knowledge and demonstrated research into cannabis use and medical treatments.

(5) The Attorney General shall appoint one member from the Department of Justice, who is an expert in the history of cannabis criminalization and the impact of criminalization on various communities, particularly minorities, medical patients, and veterans.

(6) The Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

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

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

(9) The Director of Occupational Safety and Health Administration.
(10) The Secretary of Agriculture shall appoint one member from the Department of Agriculture who is an expert on cannabis and hemp cultivation.

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

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

(13) The Commissioner of the Internal Revenue Service.

(14) The United States Trade Representative.

(15) The Secretary of Commerce shall appoint one member from the Department of Commerce who is an expert on regulated goods in interstate commerce.

(16) The Secretary of Health and Human Services shall appoint one member employed by the Department of Health and Human Services who is an expert on medical cannabis use and access.

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

(18) The Secretary of the Veterans Affairs shall appoint one member from the Department of Veterans Affairs with knowledge of treatments for pain-management and post-traumatic stress disorder and
for providing patients with affordable treatment options.

(19) The Deputy Secretary of the Interior.

(20) The Administrator of the Small Business Administration shall appoint one member employed by the Small Business Administration who is an expert in creating industry access for historically marginalized communities.

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

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

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

(d) LEADERSHIP.—

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

(2) SECRETARY.—The Secretary shall be elected by the members of the Commission at the first meeting of the Commission.
(3) VACANCIES.—A vacancy in the Chairperson or Secretary position shall be filled in the manner in which the original appointment was made by the remaining members of the Commission.

(e) MEMBERSHIP BY POLITICAL PARTY.—If after the Commission is appointed there is a partisan imbalance of Commission members, the congressional leaders of the political party with fewer members on the Commission shall jointly name additional members to create partisan parity on the Commission.

(f) APPOINTMENTS; REMOVALS; VACANCIES.—

(1) TIMING OF APPOINTMENTS.—Each initial appointment to the Commission shall be made no later than 30 days after the Commission is established. If any appointing authorities fail to appoint a member to the Commission, their appointment shall be made by the Attorney General.

(2) REMOVAL.—A member of the Commission may be removed from the Commission at any time by the appointing authority should the member fail to meet Commission attendance requirement pursuant to subsection (g).

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original
appointment was made prior to the date of the Commission’s next meeting.

(g) MEETING REQUIREMENTS.—

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

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

(3) QUORUM; RULE FOR VOTING ON FINAL ACTIONS.—A majority of the members of the Commission constitute a quorum, and an affirmative vote of a majority of the members present is required to issue recommendations.

(4) ATTENDANCE BY MEMBERS.—Members are expected to attend all Commission meetings. In the case of an absence, members are expected to report to the Chairperson prior to the meeting and allowance may be made for an absent member to participate remotely. Members will still be responsible for fulfilling prior commitments, regardless of attendance status. If a member is absent twice in a given year, he or she will be reviewed by the Chairperson
and appointing authority and further action will be considered, including removal and replacement on the Commission.

(h) MINUTES.—Minutes shall be taken at each meeting by the Secretary, or in that individual’s absence, the Chairperson shall select another Commission member to take minutes during that absence.

(i) ADMINISTRATIVE REQUIREMENTS.—The Attorney General shall provide staff and administrative support to the Commission. All entities of the United States Government shall provide information that is otherwise a public record at the request of the Commission.

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

(k) PROHIBITION OF COMPENSATION.—

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

(2) OTHER MEMBERS.—Members of the Commission who are not full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.
(1) DEFINITIONS.—In this Act:

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

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

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