



## Drug Policy Alliance's Proposed Executive Order on Marijuana Reform

### Executive Order on Addressing the Harms of Federal Marijuana Criminalization and Advancing Equity and Public Health in Federal Cannabis-Related Policies and Programs

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

#### Section 1. Policy

It is the policy of my Administration that the Federal Government should pursue marijuana policies that advance equity and public health for all people—including communities that have long been underserved—and combat the systemic racism that infects our Nation's existing marijuana laws and policies.

#### Section 2. Establishing a National Advisory Council to Advance Equity and Public Health in Federal Cannabis Policy and Programs

(a) **Establishment of an Advisory Council.** Within 90 days of this order, the Domestic Policy Council shall establish a National Advisory Council (Advisory Council) to Advance Equity and Public Health in Federal Cannabis Policy and Programs.

(i) The Advisory Council shall consist of at least 15 members, appointed by the President, to include experts on cannabis public health impacts and health equity, individuals arrested and/or convicted of a marijuana offense, representatives of communities disproportionately impacted by marijuana criminalization and organizations serving these communities, as well as individuals with demonstrated expertise and experience in advancing equity in cannabis policies and programs. Appointments shall be made without regard to political affiliation. The President shall designate two members of the Council to serve as Co-Chairs.

(ii) Members of the Advisory Council shall serve without compensation or reimbursement.

(iii) The Domestic Policy Council shall designate a senior officer or employee to serve as Executive Director of the Advisory Council.

(b) **Functions.** The Advisory Council shall advise the President and federal government, through the Domestic Policy Council and the Assistant to the President for Domestic Policy, on

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#### DRUG POLICY ALLIANCE

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federal marijuana policies and programs, including but not limited to providing information, analysis, and recommendations that address the following:

(i) Strategies for the Federal Government to acknowledge, end, and repair harms caused by federal marijuana criminalization;

(ii) Strategies for the Federal Government to develop a whole-of-government approach to advance equity and opportunity in federal marijuana policy and programs;

(iii) Strategies for the Federal Government to advance public health and health equity in federal marijuana policy and programs;

(iv) Strategies for the Federal Government to support, work with, and encourage state, local and other jurisdictions to acknowledge, end, and repair harms caused by state marijuana criminalization; and

(v) Strategies for the Federal Government to examine other areas of federal drug policy and the criminalization of drug use that are leading to similar inequity and injustice as existing marijuana policy;

(c) The Advisory Council shall solicit public comment and engage in public and community education and engagement to ensure that its advice is informed by a broad spectrum of perspectives and experiences.

(d) The Advisory Council shall produce an annual report, to be delivered to the Domestic Policy Council, that details its findings and recommendations.

**(e) Administration.**

(i) The Domestic Policy Council shall provide funding and administrative support for the Advisory Council to the extent permitted by law and within existing appropriations.

(ii) The Advisory Council shall meet in plenary session on a quarterly basis, at a minimum, or more frequently as necessary.

(iii) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the Advisory Council, any functions of the President under the Act, except for those in Section 6 of the Act, shall be performed by the Director of the Domestic Policy Council in accordance with the guidelines issued by the Administrator of General Services.

### **Section 3. Roles of the White House Steering Committee on Equity, Domestic Policy Council, Office of Management and Budget, and Agency Equity Teams**

(a) **The White House Steering Committee on Equity.** The White House Steering Committee on Equity as established by Executive Order 14091 shall:

(i) Coordinate government-wide efforts to advance equity and public health in federal marijuana policies and programs, including but not limited to reparative action for the harms caused by the criminalization of cannabis;

(ii) Coordinate an annual process, with the Advisory Council, to consult federal agency heads on their respective agencies' Equity Action Plans regarding marijuana policies and programs;

(iii) Publish plans required through this order publicly, on an annual basis, as the National Cannabis Equity Action Plan; and

(iv) Monitor federal agencies' activities and annual evaluations to ensure that agencies undertake ambitious and measurable steps to deliver equitable outcomes in federal marijuana policies and programs.

(b) **Domestic Policy Council.** The White House Domestic Policy Council (DPC) shall, in consultation with the Advisory Council, coordinate efforts to embed equity and public health principles, policies, and approaches across the Federal Government, including federal marijuana policies and programs. These include efforts to identify communities the Federal Government has underserved and to develop federal marijuana policies designed to advance equity and public health for all by taking action to mitigate and reduce systemic barriers and disparities and to ensure the provision of equal access to opportunities, benefits, and health.

(c) **Office of Management and Budget.**

(i) The Office of Management and Budget (OMB) shall provide consultation to federal agencies on best practices to assess whether agencies' policies and actions create or exacerbate barriers to full and equal participation by all eligible individuals, as well as on best practices to develop actionable steps to address any barriers identified.

(ii) The Director of OMB shall review and update internal processes, directives, and government-wide guidance (such as OMB Circulars and Memoranda) to support equitable decision-making, promote equitable deployment of financial and technical assistance, and assist

agencies in advancing equity and public health in federal marijuana policy and programs, as appropriate and wherever possible.

(d) **Agency Equity Teams.** Agency Equity Teams within each federal agency as established by Executive Order 14091 shall coordinate the implementation of equity initiatives in federal marijuana policy and programs and ensure that their respective agencies are delivering equitable outcomes.

**(E) Office of National Drug Control Policy.** As the agency responsible for the development of the Nation's drug control strategy, ONDCP shall be responsible for ensuring the Nation's drug control strategy for cannabis advances equity and health equity as defined under this executive order, including the office's policies, budgets, regulations, grants, or programs, to include areas of drug prevention, harm reduction, substance use disorder treatment and recovery, the illicit drug supply, criminal justice, and related data collection and research.

## **Section 4. Conducting a Cannabis Equity Assessment in Federal Agencies**

The head of each federal agency, or designee, shall, in consultation with the Director of OMB and the Advisory Council, review the agency's programs and policies to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs as a result of federal marijuana policies, including criminalization under the Controlled Substances Act (CSA), in addition to systemic barriers in accessing federal benefits and opportunities resulting from state marijuana arrests and convictions. The head of each agency, or designee, shall conduct such review and, within 200 days of the date of this order, provide a report to the Steering Committee reflecting findings on the following:

- (a) Potential barriers that underserved communities and individuals may face as a result of federal marijuana laws and policies;
- (b) Potential barriers that underserved communities and individuals may face to enrollment in and access to benefits and services in federal programs because of federal marijuana laws and policies, or resulting from state law marijuana related arrests and convictions;
- (c) Whether new policies, regulations, or guidance documents may be necessary to advance equity in agency actions and programs;

(d) Inadequacies in existing federal data collection programs, policies, and infrastructure across agencies—including data collection by race, ethnicity, gender, sex, disability, income, veteran status, geographic areas, immigration status, tribal status or other key demographic variables—and strategies for addressing those deficiencies; and

(e) Whether similar barriers and inequities exist in federal policy for controlled substances other than marijuana.

## **Section 5. Promoting Equitable Delivery of Government Benefits and Equitable Opportunities**

Government programs are designed to serve all eligible individuals. To meet these objectives and to enhance compliance with existing civil rights laws:

(a) Within 1 year of the date of this order, the head of each agency shall consult with the Steering Committee, Advisory Council, and the Director of OMB to produce a plan for addressing:

(i) Any barriers to full and equal participation in programs identified pursuant to Section 4(a) of this order;

(iii) Policies, regulations, or guidance documents necessary to advance equity in agency actions and programs identified pursuant to Section 4(c) of this order; and

(iv) Deficiencies in existing federal data collection programs, policies, and infrastructure across agencies—including data collection by race, ethnicity, gender, sex, disability, income, veteran status, or other key demographic variables—identified pursuant to Section 5(d) of this order.

(b) The Administrator of the U.S. Digital Service, the United States Chief Technology Officer, the Chief Information Officer of the United States, and the heads of other agencies, or their designees, shall take necessary actions, consistent with applicable law, to support agencies in developing such plans.

## **Section 6. Delivering Equitable Outcomes Through Government Policies, Programs, and Activities**

Each federal agency head shall support ongoing implementation of a comprehensive strategy to advance equity in federal cannabis policy that uses the agency's policy, budgetary, programmatic, service-delivery, procurement, data-collection processes, grantmaking, public engagement, research and evaluation, and regulatory functions to enable the agency's mission

and service delivery to yield equitable outcomes for all Americans, including underserved communities.

(a) In September 2026, and on an annual basis thereafter, concurrent with the agencies' submission to OMB for the President's Budget, agency heads shall submit a Cannabis Equity Action Plan to the Steering Committee.

(b) Each Cannabis Equity Action Plan, which shall be made public at the time it is submitted to OMB, shall include:

(i) An update on the progress made by the agency on the actions, performance measures, and milestones highlighted in the preceding year's Cannabis Equity Action Plan;

(ii) Potential barriers that underserved communities may face in accessing and benefitting from the agency's policies, programs, and activities, including procurement, contracting, and grant opportunities;

(iii) Strategies, including new or revised policies and programs, to address the barriers described in subsection (b)(ii) of this section and to ensure equitable access and opportunity for underserved communities; and

(iv) A description of how the agency intends to meaningfully engage with underserved communities, including through accessible, culturally and linguistically appropriate outreach and the incorporation of the perspectives of those with lived experiences into agency policies, programs, and activities.

(c) Starting with the formulation of the Fiscal Year 2026 Budget and for each subsequent year, the Director of OMB shall consider how the President's Budget can support the Cannabis Equity Action Plans described in subsection (a) of this section to reinforce agency efforts to meaningfully engage with and invest in underserved communities and advance equitable outcomes.

(d) To ensure effective implementation of Cannabis Equity Action Plans and to strengthen the Federal Government's equitable delivery of resources and benefits to all, agency heads shall:

(i) Prioritize and incorporate strategies to advance equity, including by pursuing evidence-based approaches, reducing administrative burdens, increasing access to technical assistance, and implementing equitable data practices, consistent with applicable law and Executive Order 13895 Section 3(d)(i);

(ii) Identify opportunities, as appropriate and consistent with applicable law, to incorporate into new regulations and to modify their respective agencies' regulations, internal- and public-facing guidance, and other policies to include advancing equity as part of their respective agencies' missions; and

(iii) Promote coordination within and among their respective agencies concerning the elements of their respective Equity Action Plans and the recommendations of the Interagency Working Group on Equitable Data established in Executive Order 13985.

## **Section 7. Specific Agency Directives to Advance Equity and Public Health**

Federal agencies should take immediate actions to mitigate and address the harms of federal marijuana policies and drug policies, including harms associated with criminalization and related collateral consequences such as its impacts in civil systems. Federal agency heads shall work in coordination with the White House Steering Committee on Equity and the Advisory Council to conduct directives consistent with this section.

(i) **The Attorney General** shall:

(a) Issue updated guidance regarding marijuana enforcement and federal enforcement priorities. This guidance should reinstate protections provided in the Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement issued by the Department of Justice in 2013 and expand to protect individuals engaging in personal cannabis activities and those acting in compliance with state and tribal laws, including individuals and state-authorized businesses, by clarifying that federal enforcement and prosecution priorities do not include low-level marijuana offenses, personal activity including but not limited to possession and use, paraphernalia, and low-level distribution and manufacturing, from federal prosecution. This guidance should also expressly include, 'preventing further inequities in arrests, convictions and prosecutions in the enforcement of federal marijuana laws and policies' as a federal enforcement priority. This guidance should clarify that it shall not be an enforcement priority of the Department of Justice to seek prosecution or for any federal agency to take any punitive or retaliatory measures against a federal agency or employee acting in good faith for

- (i) acting in accordance with this executive order,
- (ii) developing policy under the scope of this executive order, or
- (iii) acting in accordance with policy implemented under this executive order.

(b) Assess and develop a plan to mitigate barriers and inequities that individuals experience in the legal and criminal justice system due to federal marijuana policies and their enforcement

(including arrest rates, prosecutions, sentencing, asset forfeiture and post-incarceration impacts) stemming from the scheduling of marijuana and tetrahydrocannabinols under the Controlled Substances Act and other relevant laws.

(c) Assess and develop a plan to address inequities in immigration enforcement related to marijuana convictions and barriers to receiving immigration benefits, including clarifying that marijuana-related convictions that have been expunged, sealed, deferred, annulled, invalidated, withheld, vacated, or pardoned, or where charges have been otherwise been dismissed, should not be considered a “conviction” for purposes of immigration grounds of deportability or inadmissibility.

(d) In coordination with Drug Enforcement Administration, shall assess, and develop a plan to address, barriers to DEA registration and permitting related to previous violations for marijuana-related conduct, if such conduct involves low-level offenses, is compliant under state law, or has been pardoned or expunged.

(d) If marijuana is rescheduled under the CSA, coordinate with the Administrator of the Drug Enforcement Administration to issue guidance on any updated regulatory controls applicable to marijuana;

(f) Explore opportunities to amend charging and sentencing policies and prioritize Bureau of Justice Assistance funding to address barriers and inequities and mitigate harms of federal criminalization;

(g) Assess and develop a plan to issue guidance to federal agencies regarding federal enforcement priorities for marijuana, consistent with this Executive Order, to promote further executive action by federal agencies to mitigate the harms of federal criminalization and to deprioritize related enforcement actions;

(h) In consultation with the U.S. Parole Commission, develop a plan to no longer consider a positive drug screening for marijuana to be a reportable parole violation.

(i) In consultation with the director of the Federal Bureau of Investigations, develop and implement improved reporting and data collection requirements of the Uniform Crime Reporting (UCR) Program in order to produce more consistent and better detailed state, local, and tribal arrest data pertaining to marijuana and other controlled substances.

(j) Research and develop best practices for data gathering and reporting detailed data, including demographic data, regarding the use of criminal enforcement tools to enforce cannabis policies for jurisdictions responsible for the enforcement of cannabis laws, including best practices for gathering and reporting data related to arrests, sentences, incarceration (pre- and



post-adjudication), and diversion programs (e.g., drug courts, law enforcement–assisted diversion, treatment programs).

(k) Research and report best practices for cannabis-related criminal justice reform, including expungement, record sealing, and clemency at the federal, state and local level.

(l) Research and report best practices for state and local cannabis equity policies and programs.

(m) Research and report other areas of drug policy and drug law enforcement that are driving or exacerbating inequities in the criminal legal system.

**(ii) The Secretary of Health and Human Services shall:**

(a) Coordinate with the National Institutes for Health and the Centers for Disease Control and Prevention to develop and support a research agenda focused on public health outcomes of different approaches to cannabis regulation, efficacy of tests used to determine cannabis impairment, health effects of cannabis use (by product, amount, and frequency) by specific populations, health effects of emerging cannabis products, and harm reduction.

(b) Coordinate with the Centers for Disease Control and Prevention to develop and evaluate public information and resources regarding cannabis, including the effects of cannabis on humans, prevention of sales to minors, warnings about cannabis-impaired driving, cannabis use in pregnancy, high-concentration or high-potency products, and how to identify signs of impairment, targeted public health campaigns regarding potential risks, how to identify risky behavior, and harm reduction strategies.

(c) Coordinate with Centers for Disease Control and Prevention to conduct research on and develop best practices for protecting public health for states that have legalized cannabis, drawing from existing policies, including lessons learned from existing state cannabis regulatory programs and tobacco and alcohol policies. These best practices should encompass marketing restrictions (e.g., on advertising and packaging), age restrictions, physical retail and retail operating restrictions, taxation, price restrictions, product design, measures to limit youth access, measures to reduce cannabis impaired driving, and policies that encourage cultivation practices that limit contamination of both products and the environment.

(d) Coordinate with the Centers for Disease Control and Prevention and the National Institutes of Health to direct a study by the National Academies of Science, Engineering and Medicine on the public health outcomes, harms, and disparities associated with cannabis criminalization.

(e) Coordinate with the Centers for Disease Control and Prevention to develop a plan to provide technical assistance and guidance to states, tribes, and other government jurisdictions on best practices to identify and address public health outcomes, harms, and disparities associated with marijuana consumption.

(f) Coordinate with the Centers for Disease Control and Prevention to create an adaptable public health surveillance system for cannabis. This surveillance system should include, at a minimum, cannabis cultivation and product sales, use patterns, and health impacts.

(g) Issue guidance regarding federal health and enforcement priorities for marijuana as it relates to the Federal Food, Drug, and Cosmetic Act (FDCA) in order to protect individuals engaging in activities authorized under State and tribal laws.

(h) If marijuana is designated to a schedule other than Schedule I under the CSA, in consultation with the National Institute on Drug Abuse and the Food and Drug Administration, and in coordination with the Drug Enforcement Administration, issue guidance on any updated research protocols. This guidance should clarify the impact of this regulatory change, if any, on research restrictions, including those for academic institutions that receive federal funding.

(i) Assess, and develop a plan to address, barriers and inequities related to prior marijuana convictions affecting eligibility for financial supports for low-income families, including Temporary Assistance for Needy Families (TANF), and provide guidance to states for increasing eligibility for individuals previously convicted for marijuana-related conduct, including state law marijuana-related violations.

(j) Assess, and develop a plan to address and prevent, barriers in federal laws and regulations, including the FDCA, that hinder businesses, especially small, minority-owned, women-owned, veteran-owned, and tribal owned- businesses from federal compliance.

(k) In consultation with the National Institute on Drug Abuse, Drug Enforcement Administration, and FDCA, lift barriers to studying the health impact, including potential benefits and harms, of state-regulated cannabis products.

**(iii) The Secretary of Housing and Urban Development shall:**

(A) Assess, and develop a plan to address, barriers to federal housing benefits related to marijuana convictions, including state law convictions. This plan shall include updating 2014 guidance regarding 'Use of Marijuana in Multifamily Assisted Properties' aimed at reducing and mitigating the harms of evictions for marijuana use and possession. This plan shall also explore opportunities to restore such benefits to those previously evicted for personal use and possession and other marijuana-related conduct.

(B) Assess, and develop a plan to address, barriers related to personal cannabis activity, past marijuana arrests and convictions, state-compliant activity and other marijuana conduct and provide guidance to increase access to housing benefits and reduce evictions in accordance with state and tribal laws.

(iv) **The Secretary of Veterans Affairs** shall:

(a) Assess, and develop a plan to address, barriers for veterans seeking access to state-regulated medical marijuana programs, including reducing out-of-pocket costs and streamlining access. This assessment and plan should seek to eliminate any barriers that may prevent Department of Veterans Affairs (VA) providers from recommending medical marijuana to treat a condition when they feel their veteran patients could potentially benefit from such a treatment option or completing forms in compliance with state medical marijuana programs. This assessment and plan should also seek to reduce barriers for health care providers in VA medical centers related to counseling patients on evidence-based risks and benefits of cannabis use and counseling on harm reduction when using cannabis.

(b) Not punish its providers for recommending marijuana for therapeutic purposes or for completing state medical marijuana forms when the provider does so in compliance with state law and in their sound medical opinion.

(c) Assess, and develop and plan to address, barriers to veterans' benefits related to marijuana violations after active duty, including less than honorable discharges.

(d) Within one year of issuance of this order, conduct and issue public reports:

- (1) Examine any association between medicine prescribed by a VA physician and adverse health outcomes over the past 20 years, including but not limited to suicide and overdose, and evaluate whether marijuana may have been a viable treatment alternative had the VA permitted its physicians to complete state medical marijuana forms for such patients, and
- (2) Investigate public health impacts, including potential benefit and harms, of cannabis currently being consumed by veterans, opportunities to expand access and research of existing Food and Drug Administration-approved cannabinoids (e.g. dronabinol, nabilone, and Epidiolex), and opportunities to create the foundations to develop a standard of care for cannabis and cannabinoids within the Veterans Health Administration.

(v) **The Secretary of Homeland Security** shall:

(a) In consultation with the Attorney General, assess and develop a plan to address inequities in immigration enforcement and barriers to receiving immigration benefits related to marijuana convictions and conduct, including developing guidelines to clarify that marijuana-related conduct or convictions should not be prioritized for immigration arrest, detention, deportation, denial of immigration status.

(b) Prohibit the authorization of state and local law enforcement officers to enforce federal marijuana laws when no violations of state law are present.

(c) Prohibit agents from seizing marijuana from state-licensed businesses when no violations of state law are present.

(vi) **The Secretary of Defense** shall:

(a) Update its policies across military services to permanently allow cannabinoid waivers to allow otherwise eligible recruits to apply.

(b) In consultation with the Secretary of Veterans Affairs, assess and develop a plan to restore veterans' benefits impacted by marijuana violations during active duty, including housing, education, health care, and compensation assistance. This plan shall also create a process that allows for the consideration of upgraded discharges.

(c) Assess, and develop a plan to address, barriers to enlistment and officer candidacy for individuals with past records of marijuana use and possession or activities that are authorized under state law. This plan shall allow questions related to marijuana use to be asked and recorded, but this information shall not be considered disqualifying or negative for purposes of enlistment and officer candidacy. This plan shall permit the Department of Defense to restrict marijuana use for active members.

(vii) **The Secretary of Agriculture** shall:

Assess, and develop a plan to address, barriers to SNAP benefits related to previous drug convictions, including state law convictions, and provide guidance to states to increase eligibility for individuals previously convicted under state law for drug-related conduct.

(viii) **The Secretary of Education** shall:

(a) Assess, and develop a plan to address, barriers to education related to marijuana violations, including reducing suspensions, expulsions, and school-based arrests as well as how to minimize disruptions to education for individuals with marijuana-related conduct or charges.

(b) Assess, and develop a plan to address, barriers to education related to the Drug Free Schools and Communities Act. This assessment and plan should include strategies for youth prevention, and harm reduction strategies including education and resources related to responsible adult use, medical use, prevention, and treatment.

**(ix) The Secretary of the Treasury shall:**

(a) Direct the Financial Crimes Enforcement Network to update 2014 guidance regarding “BSA Expectations Regarding Marijuana-Related Businesses.” This guidance shall clarify that cannabis-related criminal records shall not automatically be considered “red flags” for the purpose of filing suspicious activity reports, including records that have been expunged or those that are associated with activity that has been pardoned or is no longer prohibited under state law or tribal law. Further, it shall clarify that providing payroll services to a marijuana-related business is a service that financial institutions can provide consistent with Bank Secrecy Act obligations.

(b) Assess, and develop a plan to address, barriers to financial services for state-regulated marijuana businesses and ancillary businesses, including guidance to reduce barriers for individuals with marijuana-related convictions and promoting equitable access to financial services for small, minority-owned, women-owned, veteran-owned and tribal-owned marijuana businesses and those owned by individuals directly impacted by federal marijuana criminalization and individuals from underserved communities and those disproportionately harmed by federal marijuana criminalization.

**(x) The Secretary of Labor shall:**

(a) In coordination with the Occupational Safety and Health Administration, assess, and develop a plan to address workplace safety for individuals in the marijuana industry, including establishing best practices around pesticide use in consultation with the Secretary of Agriculture and the Environmental Protection Agency.

(b) Conduct an assessment and report on the wages and benefits of employees participating in the marijuana industry and develop best practices related to labor and employee protections. This assessment shall analyze the impact of labor peace agreements on the cannabis industry with respect to such wages and benefits.

(c) Assess the prevalence and impact of marijuana-related drug testing on the economy and identify best practices to promote workplace safety and reduce barriers to employment for those who use marijuana.

**(xi) The Administrator of the Small Business Administration shall:**

Assess and report on the status of small, minority-owned, women-owned, veteran-owned marijuana businesses, as well as tribal-owned businesses participating as state-licensed marijuana businesses and ancillary businesses; identify barriers to obtaining Small Business Administration funding and services; and provide recommendations to address such barriers. This report should be informed by small, minority-owned, women-owned, veteran-owned, and tribal-owned marijuana businesses and community-based organizations that represent these constituencies and shall include recommendations to support small, minority-owned, women-owned, veteran-owned, and tribal-owned marijuana businesses in competition with larger businesses upon federal sanctioning of state-licensed operations and prevent anti-competitive practices and market monopolization.

**(xii) The Director of the Office of National Drug Control Policy shall:**

(a) Assess whether and to what extent the office's marijuana-related policy development process, drug budget review and certification processes, and grant administration programs perpetuate systemic barriers to opportunities for underserved communities and individuals from those communities.

(b) Assess, and develop a plan regarding, how its future proposed policies, budgets, regulations, grants, or programs might be more effective in advancing equity and public health in all drug policy and particularly in the context of marijuana policy reform.

(c) If marijuana is rescheduled under the CSA and no longer categorized as a Schedule I drug, study the impacts of cannabis legalization, research the impacts of changes in cannabis policy, and issue guidance on any updated policies regarding the applicability of 21 U.S.C. 1703(12)(b).

(d) Ensure its marijuana-related policies, programs, and expenditures promote equity and public health, are evidence-based, and promote harm reduction.

**(xiii) The Secretary of Transportation shall:**

(a) Assess and provide a report on drug testing requirements for marijuana, THC, and other cannabinoids facing commercial drivers and make recommendations to promote public health, public safety, and the economy.

(b) Conduct a study and report on best practices to prevent impaired driving, including an evaluation of existing education campaigns, cannabis-related driving laws and their enforcement, what technology is currently being used and developed to test for cannabis impaired driving, and any biases that may exist in related technology and enforcement.

**(xiv) The Director of the Office of Management and Budget shall:**

(a) Assess and develop a plan to address federal employment barriers related to marijuana's status as an illegal drug under the CSA.

(b) If marijuana is rescheduled under the CSA to a schedule other than Schedule I or Schedule II, issue guidance to clarify any updated policies related to federal employment, including a clarification that marijuana is no longer considered an illegal drug for the purposes of Executive Order 12564.

(c) Develop guidance for federal agencies regarding procurement and contracting to reduce barriers for non-employees due to past marijuana convictions and or current use and possession.

(xv) **The Chair of the Federal Trade Commission** shall:

Assess and develop a plan to monitor the cannabis industry for antitrust violations and promote consumer protection and shall develop strategies to monitor and prevent consolidation and monopolization in the cannabis industry.

(xvi) **The Executive of the Government Accountability Office** shall:

Produce a report to explore how differences in state laws impact individuals' access to federal benefits and penalties.

## **Section 8. Engagement with Members of Underserved Communities**

(a) In carrying out this order, agencies shall consult with a wide variety of stakeholders to ensure that its actions are well informed. Agencies shall consult with the Advisory Council, as well as advocacy and nonprofit groups, researchers, subject matter experts that represent and/or are members of communities that have been underserved by, or subject to discrimination in, federal marijuana policies and programs. The head of each agency shall evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with underserved communities and community-based organizations.

(b) Agencies shall, consistent with applicable law:

(i) Conduct proactive engagement, as appropriate, with members of underserved communities—for example, through culturally and linguistically appropriate listening sessions, outreach events, or requests for information—during their initial assessments of barriers and inequities associated with federal marijuana policy and their development and implementation of agencies' respective annual Cannabis Equity Action Plans, education campaigns to inform underserved communities about the goals of the Cannabis Equity Action Plans, annual budget

submissions, grants and funding opportunities, and other actions, including those outlined in Section 6(d) of this order;

(ii) Collaborate with OMB, as appropriate, to identify and develop tools and methods for engagement with underserved communities, including those related to agency budget development and rulemaking; and

(iii) Identify and address barriers for individuals with disabilities, as well as older adults, to participate in the engagement process, including barriers to the accessibility of physical spaces, virtual platforms, presentations, systems, training, and documents.

## **Section 9. Equitable Data**

(a) The Interagency Working Group on Equitable Data (Data Working Group) shall coordinate with Domestic Policy Council to ensure federal agencies utilize the best methods, consistent with applicable law, to assess equity in federal marijuana policy with respect to race, ethnicity, religion, income, geography, gender identity, sex, sexual orientation, veteran status, immigration status, tribal status and disability.

(b) The Data Working Group shall:

(i) Through consultation with agencies, the Advisory Council, and community-based subject matter experts, study and provide recommendations to the Assistant to the President for Domestic Policy identifying inadequacies in existing federal data collection programs, policies, and infrastructure across agencies, and strategies for addressing any deficiencies identified; and

(ii) Support agencies in implementing actions, consistent with applicable law and privacy interests, that expand and refine the data available to the Federal Government to measure equity, capture the diversity of the American people, and make the data publicly accessible and searchable.

## **Section 10. International Issues**

The Department of State, through the Office of Treaty Affairs and the Permanent Mission to the United Nations in Vienna, and related federal agencies shall take immediate actions to assess the harms, including disparate legal outcomes both domestically and internationally, from cannabis scheduling under the United Nations Single Convention on Narcotic Drugs and related drug control treaties. The Department of State shall work with counterparts from other member



states to mitigate the harms of controlling cannabis through multilateral treaties, including exploring options for modification or amendment of the treaties.

## **Section 11. General Provisions**

Any plans required under this order shall require agencies to examine available remedies under existing administrative and executive authority and shall cite reference to any statutory barriers that may prevent the agency from taking actions.

(a) Nothing in this order shall be construed to impair or otherwise affect the authority or ability of an executive department or agency to take immediate action to mitigate barriers associated with federal marijuana policy.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) The authority granted by law to an executive department or agency, or the head thereof; or

(ii) The functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

## **Section 12. Definitions**

(a) The term “equity” means the assuredness of consistent and systematic treatment of all individuals that is fair, just, and impartial, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; women; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality; and persons adversely affected by marijuana criminalization.

(b) The term “health equity” means the attainment of the highest level of health for all people, where everyone has a fair and just opportunity to attain their optimal health, prosperity, and wellbeing, including individuals who belong to underserved communities that have been denied

such treatment, such as Black, Latino, Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality; and persons adversely affected by marijuana criminalization.

(c) The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.”

(d) The term “equitable data” refers to data that allow for rigorous assessment of the extent to which Government programs and policies yield consistently fair, just, and impartial treatment of all individuals.