

# Opponents Condemn FDA's Cannabis Rescheduling Process, Citing Poor Study Quality

Leaders of a prohibitionist group publicly criticized the government's planned rescheduling of marijuana to Schedule III of the Controlled Substances Act, calling it a politically motivated move unsupported by scientific evidence. They are now considering "all legal options" to challenge the proposed cannabis move while encouraging supporters to oppose the pending change.

## Criticism of the FDA Process

Kevin Sabet, president and CEO of Smart Approaches to Marijuana (SAM), expressed his discontent during an online meeting on Wednesday. He accused federal health officials of using outdated research for the rescheduling recommendation.

"This is something that, you know, you could imagine a legalizer in their basement doing in 1978 based on research then," Sabet said. "This is not 2024. This is not how it's done. This is not what it is."

## Legal and Advocacy Actions

Sabet indicated that SAM is exploring all legal options to contest the rescheduling. "Obviously we're not gonna reveal the whole legal strategy here in public, but we're definitely considering all those options," he said.

SAM staff also urged reform opponents to contact policymakers to express their concerns about the scheduling move. Luke Niforatos, the group's executive vice president, mentioned that the Drug Enforcement Administration (DEA) has requested more data and feedback on the proposed change.

## Concerns Over Cannabis Rescheduling

Since the rescheduling plan was announced in April, SAM has suggested that DEA officials might oppose the proposed change. In early May, Sabet mentioned rumors that DEA Administrator Anne Milgram did not sign off on the decision, which was ultimately signed by Attorney General Merrick Garland.

GOP lawmakers in Congress questioned Milgram about the matter, but she declined to comment.

## Acknowledgment of Medical Use

Sabet acknowledged that any substance with accepted medical use should not be in Schedule I, the most restrictive category. However, he criticized the Department of Health and Human Services' review process, claiming it relied on "a few very bad studies."

## Potential Impacts of Rescheduling

Sabet highlighted uncertainties regarding the consequences of rescheduling marijuana to Schedule III. While this move could allow state-legal marijuana firms to claim standard tax deductions, Sabet and other panelists warned it might lead to increased marijuana use and associated risks.

### **Research and Criminal Penalties**

Sabet downplayed the assertion that rescheduling would ease research restrictions on marijuana. “It’s true that research would be a little bit easier, but funding is the number one reason why there’s research into any drug,” he explained.

He also argued that rescheduling would not significantly impact criminal penalties for marijuana offenses, contrary to some claims that it would reduce penalties.

### **Future Steps**

SAM hopes that DEA might reject the rescheduling recommendation or consider moving marijuana to Schedule II. Sabet noted interpretations of international law that might prohibit any move outside of Schedules I and II.

Niforatos called on supporters to urge the federal government to use rescheduling as a basis to enforce federal laws against state-legal cannabis operations.

### **Public Comment Period**

The proposed rule to reschedule marijuana was officially posted last month, initiating a public comment period expected to generate a substantial response. Advocates for marijuana reform and prohibitionists like SAM are expected to actively participate, offering competing perspectives on the proposed change.

While the Department of Justice will consider all public comments submitted by July 22, it has expressed particular interest in the “unique economic impacts” of the rescheduling proposal, given the multibillion-dollar cannabis industry that stands to benefit from potential federal tax relief.

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