

Why Rescheduling Cannabis Falls Short of Biden's Decriminalization Promise

Cannabis should have never been criminalized back in the 1970s. Even President Richard Nixon's own commission recommended decriminalizing marijuana use. However, Nixon aimed to criminalize and disrupt antiwar protestors and Black communities, leading to marijuana being placed on the Controlled Substances Act (CSA) in Schedule I. As a result, individuals and communities across America have been suffering the consequences of marijuana prohibition for over fifty years.

Cannabis Consumers Have "Significantly Decreased Odds" Of Cognitive Decline

Today, there's an unprecedented opportunity for the public to influence federal marijuana policy and demand an end to cannabis criminalization. Last month, the Biden administration's Department of Justice (DOJ) proposed a rule to reclassify marijuana from Schedule I to Schedule III under the CSA, initiating a crucial but time-sensitive public comment period for feedback on this proposal.

While rescheduling marijuana as a Schedule III drug is not insignificant, it would not end federal marijuana criminalization. To address the racist legacy of Nixon's criminalization and the ongoing war on drugs, marijuana must be decriminalized and removed from the schedules of the CSA, or descheduled.

The Limitations of Rescheduling

The public comment period ends on July 22, giving less than 30 days for individuals to provide their input on the proposed rule. Over the past year, United for Marijuana Decriminalization (UMD), a coalition of cannabis policy and industry advocates, has been educating the public and policymakers on the limitations of rescheduling marijuana. Rescheduling does not acknowledge or end the harms of criminalization or its disproportionate impacts on Black and Brown communities.

The Call for Decriminalization

In response to the proposed rule, UMD launched a tool to help individuals submit comments supporting federal marijuana decriminalization. The coalition is urging President Biden and his administration to fulfill his cannabis promises, highlighting the limitations of rescheduling and encouraging the public to voice their support for decriminalization.

President Biden's Cannabis Promises Remain Unfulfilled

During his 2020 presidential campaign, [President Biden pledged to decriminalize cannabis use](#) and expunge related criminal records. In 2022, when calling for the scheduling review, Biden acknowledged that criminalization has "failed" and disproportionately impacted Black and Brown communities. Despite his rhetoric, Biden's promises remain unfulfilled. Moving marijuana to Schedule III could still result in federal

criminalization for use and possession, and related harms and racial disparities would likely continue.

The Need for Comprehensive Legislation

While Biden has issued pardons for simple marijuana possession, many people, including immigrants and those with higher-level cannabis convictions, were excluded. To take meaningful action on marijuana reform, Biden should use his executive authority to mitigate criminalization's harms and urge Congress to pass comprehensive legislation, such as the Marijuana Opportunity Reinvestment and Expungement (MORE) Act or the Cannabis Administration and Opportunity Act (CAOA).

Why Schedule III Isn't Enough

Rescheduling marijuana to Schedule III would recognize its "currently accepted medical use" and lower abuse risk, but it would not end federal criminalization. The manufacturing, distribution, dispensing, and possession of marijuana would remain federally illegal. Rescheduling would not provide legal protection to cannabis patients, adult consumers, or state marijuana programs, nor would it address past arrests or prevent future ones.

The Power of Public Comment

According to a recent Gallup Poll, over 70 percent of adults support legalizing marijuana. Public comments submitted so far in response to the DOJ's proposed rule show broad support for decriminalization. Many comments highlight the need for federal marijuana policy to address past harms and racial disparities.

Taking Action to Support Federal Cannabis Decriminalization

Submit a Public Comment: Utilize UMD's tool or the Federal eRulemaking Portal to share your experiences and advocate for decriminalization.

Highlight the Need for Decriminalization: Emphasize that rescheduling is insufficient and advocate for comprehensive reform.

Spread the Word: Encourage others to participate in the public comment process.

Support Impacted Communities: Amplify the voices of those most affected by federal cannabis laws.

Cannabis should have never been federally criminalized, and it's time to acknowledge that rescheduling is not enough. By participating in the public comment process, the public can demonstrate to federal leaders that marijuana reform is an issue of significant concern.

Despite the limitations of rescheduling marijuana, the Biden administration and Congress have an opportunity and responsibility to take further actions on federal reform to end criminalization and its harms. Your voice matters—submit a public comment in support of federal marijuana decriminalization today. Let's show the Biden administration and federal leaders that Americans demand more than just rescheduling.

Cat Packer is the director of drug markets and legal regulation at the Drug Policy Alliance, vice chair of the Cannabis Regulators of Color Coalition, and a distinguished cannabis policy practitioner in residence at The Ohio State University Moritz College of Law's Drug Enforcement and Policy Center. From 2017 to 2022, Cat served as the first executive director of the City of Los Angeles Department of Cannabis Regulation.

Email: info@cannabisriskmanager.com | Phone: +415-226-4060

© Copyright 2025 Cannabis Risk Manager. All Rights Reserved