

AG Marshall Joins Multi-State Opposition to Cannabis Rescheduling

AG Marshall Joins Effort Opposing Cannabis Rescheduling: ‘A Cheap Ploy to Desperately Score Some Points with Voters’

Alabama Attorney General Steve Marshall has aligned with attorneys general from ten other states to oppose the Biden administration’s proposed rescheduling of marijuana from a Schedule I to a Schedule III substance. The classification shift is under consideration following recommendations from the Department of Health and Human Services (HHS) and consultation with the Department of Justice’s Office of Legal Counsel (OLC).

Background and Context

Since the enactment of the Controlled Substances Act in 1970, marijuana has been classified as a Schedule I drug, a category reserved for substances considered to have “no currently accepted medical use and a high potential for abuse.” Schedule I drugs include heroin and LSD. In contrast, Schedule III drugs are defined as substances with “a moderate to low potential for physical and psychological dependence.”

In 2022, President Joe Biden requested a scientific review of marijuana’s status from Attorney General Merrick Garland and HHS Secretary Xavier Becerra. The review led to the initiation of a rulemaking process to potentially reclassify marijuana to Schedule III, a move that has sparked significant debate.

Opposition and Concerns

In a detailed 40-page letter, Marshall and his counterparts argue that rescheduling marijuana would have broad and negative societal impacts. They assert that the push by the [Biden administration](#) to reclassify marijuana is an overreach of the DOJ’s authority and is politically motivated, intended to gain favor with voters rather than based on sound science.

AG Marshall stated, “The Biden-Harris administration’s rush to legalize marijuana is outside the bounds of the DOJ’s authority and will lead to disastrous consequences. This is not the first time this Administration has failed to ‘follow the science’ in favor of a cheap ploy to desperately score some points with voters before November.”

The letter outlines concerns that increasing access to marijuana could result in higher rates of motor vehicle accidents, complicate the enforcement of intoxicated driving laws, and be associated with issues such as rising homelessness, decreased workplace productivity, and an increase in anxiety and suicidal ideation. Additionally, the coalition argues that rescheduling marijuana would not address the consumption of opioids or other more dangerous drugs.

Legal and Regulatory Implications

The attorneys general also challenge the legality of rescheduling marijuana, highlighting that the Drug Enforcement Administration (DEA) has consistently rejected petitions to reclassify marijuana, citing insufficient evidence to support such a change. They argue that the facts surrounding marijuana's effects and risks have not changed significantly to warrant a different classification.

Furthermore, the coalition criticizes HHS's role in the process, accusing the department of advocating for a less stringent standard for rescheduling, which they believe undermines the integrity of the federal regulatory system.

State-Level Involvement and Broader Implications

The states joining Alabama in this coalition include Arkansas, Indiana, Iowa, Kansas, Louisiana, Mississippi, Montana, Nebraska, South Carolina, and South Dakota. This collective stance reflects broader regional and political divisions on the issue of marijuana legalization and regulation.

As the debate over marijuana's legal status continues, the outcome of this rescheduling consideration could have significant implications for federal and state cannabis policies. The discussion also highlights the ongoing tension between evolving public opinion, scientific research, and regulatory frameworks in the U.S.

The Biden administration and supporters of rescheduling argue that such a move could facilitate medical research, provide economic benefits, and align federal policy with the growing number of states that have legalized marijuana for medical or recreational use. However, opponents like AG Marshall maintain that any such change should be approached with caution and grounded in rigorous scientific evidence and legal scrutiny.

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