

Nearly 43,000 Comment on DEA's Cannabis Reclassification

DEA Cannabis Rescheduling: Public Comments Favor Decriminalization

The U.S. Drug Enforcement Administration (DEA) recently concluded a two-month public comment period on its proposed rule change to reschedule cannabis from a Schedule I to a Schedule III substance. The process garnered unprecedented public engagement, with nearly 43,000 comments submitted by citizens, organizations, and researchers. Analysis of these comments reveals a significant public push for broader cannabis reform, beyond the DEA's current proposal.

Unprecedented Public Engagement

The volume of responses underscores the high level of public interest in cannabis policy. Cat Packer, director of drug markets and legal regulation at the Drug Policy Alliance, highlighted the significance of this engagement, noting that it represents an “unprecedented opportunity” for the public to voice their opinions on federal marijuana scheduling. The DEA's solicitation of public comments marks a notable instance of involving the American public in the federal decision-making process regarding cannabis.

Key Findings from Public Comments

Preliminary analyses conducted by various organizations, including the Drug Policy Alliance and the cannabis data platform Headset, indicate a strong preference among commenters for more extensive cannabis reform. Specifically, 59% of commenters expressed a desire for cannabis to be decriminalized or completely descheduled, which would align its legal status with substances like alcohol and tobacco. This sentiment is consistent with broader public opinion trends, as reflected in recent Pew Research findings, which show that a majority of Americans support legalizing cannabis for both medical and recreational use.

The Headset analysis, which utilized advanced AI technology to summarize and categorize the comments, found similar results: 57% of respondents supported descheduling cannabis, 35% supported rescheduling to Schedule III, and 8% favored maintaining its current Schedule I status.

Concerns and Implications of Rescheduling

While rescheduling cannabis to Schedule III would recognize its medical utility and allow for FDA regulation, it would not fully legalize cannabis under federal law. This leaves a legal gray area, particularly in states where cannabis is already legal for medical or recreational use. Critics argue that rescheduling does not adequately address the disparities between state and federal cannabis laws or the socio-economic and racial disparities resulting from cannabis criminalization.

Packer emphasized that rescheduling “doesn't address the conflict between federal laws and state laws” and fails to acknowledge the historical and ongoing impacts of marijuana criminalization on marginalized

communities. The lack of alignment between federal and state laws continues to pose challenges for consumers, medical patients, and businesses involved in the legal cannabis market.

Broader Public Sentiment and Political Context

The public's preference for more comprehensive legalization measures reflects a growing consensus that federal cannabis policy is outdated and misaligned with contemporary societal norms and medical understandings. This public sentiment has been partly influenced by political discourse, including statements from President Joe Biden, who has previously expressed support for decriminalizing marijuana.

However, despite this apparent public mandate for more significant reform, the DEA's final decision remains uncertain. Aaron Smith, co-founder and CEO of the National Cannabis Industry Association, acknowledged the complexities and potential delays in the rescheduling process. He noted that while rescheduling would be a positive step, it would not satisfy the majority of commenters advocating for complete descheduling.

Future of Federal Cannabis Policy

The DEA's upcoming review of the public comments will be a critical next step in determining the future of cannabis policy in the United States. The agency could opt to hold a public hearing, which might further delay the process. Additionally, legal challenges to any rescheduling decision could prolong the current status quo, wherein cannabis remains federally illegal despite widespread state-level legalization.

Packer and other advocates caution that without comprehensive reform, federal criminalization will continue to have detrimental effects on individuals and businesses involved in the cannabis industry. They argue that the federal government's position needs to evolve to reflect the realities of the legal cannabis markets that have emerged across many states.

As the DEA deliberates its next steps, the overwhelming public support for decriminalization and broader legalization presents a clear message: Americans are ready for more progressive cannabis policies. Whether the DEA will align with this public sentiment or maintain a more conservative approach remains to be seen. The decision will have far-reaching implications for the cannabis industry, public health, and social justice in the United States.

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

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