

Federal Cannabis Policy Shift Delayed Until Post-Election

Delayed Decision on Cannabis Reclassification Could Impact 2024 Presidential Election

A long-anticipated decision on whether to reclassify cannabis as a less dangerous drug in the United States will not be made until after the November presidential election, a development that could turn the issue into a significant political battleground in the closely contested race.

DEA Hearing Set for December

The U.S. [Drug Enforcement Administration \(DEA\)](#) has scheduled a hearing for December 2 to gather public comments on the proposed reclassification of marijuana. This hearing date suggests that a final decision may not come until after a new administration is potentially in office, though there is still a slim chance it could be resolved before the end of President Joe Biden's term. Cannabis lawyer Brian Vicente noted that issuing a decision before Inauguration Day "would be pretty expedited."

The timing of the decision could put the spotlight on the positions of presidential candidates regarding marijuana. Vice President Kamala Harris, the Democratic nominee, has supported decriminalization and criticized marijuana's current classification as a Schedule I drug, a category that includes heroin and LSD. Harris's stance has evolved over time; she previously enforced cannabis laws and opposed legalizing recreational use while running for California Attorney General in 2010.

On the Republican side, former President Donald Trump, who is also a candidate in the 2024 election, recently expressed support for a Florida measure to legalize marijuana. Trump has previously stated that he believes people should not be jailed for marijuana possession, given that it is already legal in many states.

A Historic Shift in U.S. Drug Policy

The Justice Department proposed reclassifying marijuana in May, suggesting that the drug should be moved to a less restrictive category, recognizing its medical uses and lower potential for abuse compared to Schedule I drugs. This proposal, while significant, would not legalize recreational marijuana at the federal level. Instead, it would signal a monumental shift in U.S. drug policy, the most significant in 50 years.

The DEA has not yet taken a formal position on whether to proceed with reclassification, stating that it will continue to evaluate the issue as the rulemaking process unfolds. The proposed reclassification has generated both support and opposition, making it a potentially divisive issue in the upcoming election.

Political Implications and Public Opinion

As the hearing date approaches, the reclassification of marijuana is poised to become a key issue, particularly among younger voters. A Gallup poll from last year showed that 70% of American adults support marijuana

legalization, a significant increase from the 30% who supported it in 2000. This shift in public opinion is reflected in the growing number of states that have legalized marijuana for medical and recreational use—38 states have legalized medical marijuana, and 24 have legalized recreational use.

The marijuana industry, which has seen rapid growth in recent years, is keen on the potential reclassification, as it could open the door to federal business-expense tax deductions currently unavailable to companies involved with Schedule I or II drugs. Reclassification could also ease restrictions on research and pave the way for broader banking access for cannabis businesses, which have struggled to secure loans and basic banking services due to the drug's current legal status.

Opposition and Concerns

Despite the growing support for reclassification, opposition remains strong. Groups such as Smart Approaches to Marijuana, led by President Kevin Sabet, argue that there is insufficient data to justify moving cannabis to the less restrictive Schedule III category, which includes drugs like ketamine and some anabolic steroids. Sabet and 18 state attorneys general have voiced their concerns, emphasizing the need for the decision to be guided by medical science rather than politics.

Industry stakeholders have expressed disappointment over the delay, though they are not surprised by the DEA's decision to hold a hearing. Stephen Abraham, CFO of The Blinc Group, a supplier of cannabis vaping hardware, noted that the delay could benefit the illicit market by slowing down the legal market's growth.

Rescheduling and Its Broader Implications

The immediate impact of rescheduling on the criminal justice system may be limited, as federal prosecutions for simple possession have become relatively rare in recent years. However, the broader implications could be profound, potentially leading to the establishment of a national medical cannabis program and influencing Congress to pass legislation that would expand banking services for the cannabis industry.

Legalization advocates, including Steph Sherer, president of Americans for Safe Access, hope that rescheduling could be a step toward creating a dedicated medical cannabis office within the Department of Health and Human Services. Such a move would mark a significant advancement in the recognition and regulation of marijuana in the U.S.

As the nation awaits the DEA's decision, the issue of cannabis reclassification is likely to remain a contentious and pivotal topic in the 2024 presidential election, with both candidates' positions potentially swaying voters in an increasingly divided political landscape.

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