

DEA: Cannabis Rescheduling on Hold Under Trump Administration

DEA Reports Continued Stalemate on Cannabis Rescheduling Effort Six Months Into Trump Administration

Cannabis Rescheduling Proceedings Remain Frozen Under New DEA Leadership

The Drug Enforcement Administration (DEA) has again informed its own administrative law judge that the proposed rescheduling of marijuana remains at a standstill, nearly six months into the Trump administration. The update, submitted jointly by DEA attorneys and proponents of rescheduling, underscores a growing sense of bureaucratic inertia that threatens to derail one of the most consequential federal cannabis reforms in decades.

In a new filing submitted to DEA Administrative Law Judge (ALJ) John Mulrooney on Monday, the parties reported that the interlocutory appeal to the DEA's acting administrator remains unresolved. "No briefing schedule has been set," the brief noted. This mirrors a virtually identical update submitted 90 days earlier—offering no new signs of progress.

Rescheduling Delay Centers on Pending Interlocutory Appeal and New DEA Leadership

The appeal stems from allegations that certain DEA officials engaged in inappropriate communications with anti-rescheduling witnesses prior to the scheduled hearings. These concerns prompted Mulrooney to cancel hearings that were set to begin in January and temporarily pause proceedings pending review of the complaint.

The decision now lies with DEA Acting Administrator **Robert Murphy**, whose appointment was not publicly announced and who replaced **Derek Maltz**, a vocal cannabis opponent known for endorsing the gateway drug theory.

Murphy's views on marijuana reform are largely unknown, though he did speak at a 2018 conference hosted by the prohibitionist group Smart Approaches to Marijuana. At that event, he reportedly emphasized the persistence of black markets despite state legalization efforts and reiterated the federal ban on cannabis.

Trump Nominee for DEA Administrator Has Offered Mixed Signals on Reform

As the Senate continues deliberations on **Terrance Cole**, President Trump's nominee to lead the DEA, uncertainty over the agency's direction persists. During his confirmation process, Cole told lawmakers that he would "carefully consider" the marijuana rescheduling proposal, though he has historically expressed concerns about cannabis and its potential links to mental health issues.

In April, Cole acknowledged that reviewing the rescheduling petition would be “one of [his] first priorities” upon confirmation, saying “it’s time to move forward”—though he stopped short of endorsing any specific policy outcome.

Judge Mulrooney Paused Hearings After Allegations of Bias in DEA Witness Selection

ALJ Mulrooney halted the rescheduling hearings in response to an interlocutory appeal filed by cannabis reform advocates, who alleged that the DEA’s interactions with certain witnesses compromised the integrity of the process. The parties claimed these ex parte communications “resulted in an irrevocable taint.”

Initially, hearings were scheduled to begin on January 21, 2025. Mulrooney canceled them and ordered all parties to submit periodic updates on the status of the appeal. Monday’s report marks the second such update with no movement, placing the next milestone 90 days from now—unless action is taken earlier by the acting administrator.

Tensions Mount Over DEA’s Handling of Rescheduling Process and Procedural Missteps

Judge Mulrooney has openly criticized the DEA for what he described as “astonishing” procedural lapses throughout the rescheduling process. In January, he condemned the agency for refusing to follow proper protocols for handling public comments and digital submissions related to the proposal.

In December 2024, Mulrooney also flagged a major legal “blunder” when the DEA attempted to subpoena FDA officials without meeting basic evidentiary standards. Though he ultimately allowed the DEA to revise its filing, the episode added to growing concerns about agency conduct.

Meanwhile, the Justice Department has asked a federal court to pause a separate lawsuit challenging the DEA’s rescheduling efforts while internal appeals are resolved.

Legal Battles Expand as Advocates Push for Fair Hearing and Transparency

Multiple legal and procedural challenges continue to unfold around the stalled rescheduling process. A coalition of cannabis health advocates has asked DEA to suspend hearings altogether until federal courts can weigh in on allegations of witness tampering.

Simultaneously, the cannabis research company at the center of the original rescheduling petition attempted to introduce a young medical cannabis patient as a witness—a request Judge Mulrooney denied.

Even leading marijuana industry associations have petitioned the court to clarify whether they will be allowed to cross-examine DEA officials once hearings resume.

Schedule III Status Would Provide Major Relief But Not Legalization

The proposed move to reclassify cannabis as a Schedule III substance would not legalize marijuana federally, but it would have important ripple effects. It would:

- Eliminate IRS code 280E restrictions that currently prevent cannabis businesses from deducting business expenses.
- Open the door to more scientific research by easing regulatory barriers.
- Reduce stigma for patients using cannabis for medical purposes.

The Biden administration initiated the rescheduling process in 2023, following a recommendation from the Department of Health and Human Services (HHS). However, it is now unclear whether the Trump administration will allow the process to proceed.

New Trump DOJ Appointees Could Shift Cannabis Policy Backward

Recent appointments by President Trump have also fueled concern among reform advocates. **Pam Bondi**, the former Florida attorney general and known opponent of cannabis legalization, has now been confirmed as Attorney General of the United States. During her confirmation hearings, Bondi refused to comment on how she would handle marijuana rescheduling, citing a need for further review.

Meanwhile, HHS Secretary **Robert F. Kennedy Jr.**, once outspoken in his support for medical cannabis and psychedelics, has indicated that he would now defer to the DEA on all matters related to marijuana policy.

Republicans Divided on Cannabis, But Grassroots Support Is Growing

Despite the administration's lukewarm stance, several Republicans continue to push for reform. In April, a GOP pollster aligned with Trump released a survey showing that most Republican voters support cannabis rescheduling and broader reforms, including ending federal interference in state-legal marijuana markets.

Rep. **Matt Gaetz (R-FL)**—a former congressman turned cannabis policy consultant—was recently seen reviewing a draft contract tied to a major marijuana company that hinted at substantial bonuses for achieving regulatory outcomes like rescheduling.

In a podcast interview last month, Gaetz suggested that Trump's support for moving marijuana to Schedule III was motivated by electoral strategy rather than a personal evolution on the issue. He argued that supporting cannabis reform could help Republicans win over younger voters in 2026 and 2028.

New Coalition of Athletes and Celebrities Urges Trump to Reschedule

Adding to the mounting pressure, a new coalition of athletes and entertainers led by former boxing champion **Mike Tyson** has sent a letter to President Trump. The group thanked him for his prior clemency actions and urged him to resume the cannabis rescheduling process, expand presidential pardons, and push for cannabis banking access.

The group positioned cannabis reform as a potential political advantage, suggesting that Trump could “outflank” Biden by embracing a more proactive stance on marijuana and criminal justice reform.

Congressional Researchers Reaffirm That Lawmakers Hold the Real Power

As administrative delays continue, a recent report from the Congressional Research Service reiterated that Congress itself has the power to enact rescheduling through legislation—an approach that could avoid many of the judicial and bureaucratic delays plaguing the DEA-led process.

Until lawmakers act, or the Trump administration resolves its internal disputes, the future of federal cannabis reform remains on pause.

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