

U.S. Drug Policy Director Addresses Cannabis Rescheduling Impact

Dr. Rahul Gupta, the Director of the Office of National Drug Policy (ONDCP) and President Joe Biden's appointed "drug czar," recently commented on the ongoing discussion of rescheduling cannabis. In a recent interview with Star Tribune on May 24, Gupta discussed both the promising progress made so far and a misleading statement that rescheduling would significantly impact racial disparities.

The Importance of Federal Rescheduling

In the interview, the first question inquired about Gupta's "main takeaway" regarding federal rescheduling. "We've had a policy for over half a century where so many lives have been upended because of our failed approach to marijuana," Gupta responded. "We've had so many people arrested, prosecuted, and incarcerated. We know white, Black, and brown people use marijuana at similar rates, but Black and brown incarceration rates are higher."

He highlighted President Biden's October 2022 announcement to pursue pardoning cannabis offenses and instructing the Department of Justice (DOJ) and Department of Health and Human Services (HHS) to review the current schedule category of cannabis. Now that request has been acted upon by the HHS in August 2023, with recent progress within the Drug Enforcement Administration as well. Gupta commented on the importance of the next steps, stating, "This is going to be really important to remove barriers to critical research and perhaps drug development, and it could also lead to more research into the benefits of medical marijuana. Clearly, this decision is going to have a historic and long-lasting impact."

Federal Law Enforcement and Cannabis Prioritization

When asked about how federal law enforcement might alter their prioritization of cannabis, Gupta referred to other substances included in the Schedule III classification, such as Tylenol with codeine and testosterone, which have much lower enforcement priority. "It will have an impact on racial disparity, incarceration, and prosecutions," he said. "And whether in Massachusetts or West Virginia or Texas, Americans should be able to get treatment for their condition."

Misconceptions About Rescheduling and Legalization

It's important to note the differences between rescheduling cannabis and federally legalizing it. Rescheduling cannabis doesn't include approval from the U.S. Food and Drug Administration (FDA), which means that cannabis-related prosecution can still occur. Furthermore, as cannabis remains a federally illegal substance, incarcerations and prosecutions will continue even if cannabis is rescheduled to a Schedule III substance.

In another interview with WGCU on May 20, Gupta suggested that Schedule I substances have no approved medical use, whereas anything categorized between Schedule II-V "can be prescribed when appropriate by a licensed provider who has a DEA registration." However, the FDA hasn't approved cannabis as a medicine

overall, with only a few exceptions for drugs derived from cannabis.

The Commercial Process and Interstate Commerce

When the Star Tribune shifted the topic to banking, Gupta preferred to defer the question to others more closely involved in that discussion. “We do know the drugs that are Schedule III are in legitimate interstate commerce within the federal system. I’ll leave it to others to talk about the commercial process,” he said. “The focus for the president has been making sure Americans are able to get the help they need no matter where they live, and on the other side making sure we’re not [harming] people.”

Potential Impact of Political Changes

One of the final questions in the interview asked if a new president elected later this year could pause, cancel, or reverse the entire rescheduling process. “The president has given the opportunity to Congress to take action; he did because he could wait no longer,” Gupta said. “The independent reviews of these agencies followed established processes and procedures in getting to this result. That process is driven through science. I can’t provide any hypothetical answers to what may happen. This is a change that is driven by policy, by science, by data, regardless of the political process.”

Commitment to Science and Policy

Gupta concluded the interview by reiterating the president’s commitment to helping people avoid incarceration for cannabis use. “The president has been very consistent: No one should be in jail for using or possessing marijuana,” Gupta said. “These steps to move marijuana from Schedule I to Schedule III is a policy that is consistent with science in the 21st century.”

Contrasting Views on Rescheduling

Former ONDCP Director Gil Kerlikowske, who served under former President Barack Obama between 2009-2014, recently expressed a more negative view on Biden’s approach to rescheduling cannabis. Speaking on the podcast Sagely Speaking with Mary Bono on May 13, Kerlikowske said, “It’s not medicine. This is all Big Cannabis. This isn’t people my age that are just old hippies that want to open up a pot shop somewhere. This is a huge business like Big Tobacco. Absolutely.”

He explained that the HHS decided not to reschedule cannabis due to no evidence of health benefits three years ago, but now has changed its tune, with the DOJ expected to follow suit. Later in the discussion, Kerlikowske compared the rise of cannabis to the rise of Big Tobacco.

In summary, the federal rescheduling of cannabis represents significant progress amid misconceptions, with Dr. Rahul Gupta emphasizing the importance of scientific and policy-driven decisions while addressing the potential impacts and limitations of this change.

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

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