

PRESS RELEASE

# Justice Department Submits Proposed Regulation to Reschedule Marijuana

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For Immediate Release

Office of Public Affairs

## Proposed Rule Seeks to Move Marijuana from Schedule I to Schedule III, Emphasizing its Currently Accepted Medical Use in Treatment in the United States

The Justice Department today announced that the Attorney General has submitted to the Federal Register a notice of proposed rulemaking initiating a formal rulemaking process to consider moving marijuana from a schedule I to schedule III drug under the Controlled Substances Act (CSA).

Marijuana has been classified as a schedule I drug since Congress enacted the CSA in 1970. On Oct. 6, 2022, President Biden asked the Attorney General and the Secretary of Health and Human Services (HHS) to launch a scientific review of how marijuana is scheduled under federal law. After receiving HHS's recommendations last August, the Attorney General sought the legal advice of the Justice Department's Office of Legal Counsel (OLC) on questions relevant to this rulemaking. In light of HHS' medical and scientific determinations, and OLC's legal advice,

the Attorney General exercised his authority under the law to initiate the rulemaking process to transfer marijuana to schedule III.

The rescheduling of a controlled substance follows a formal rulemaking procedure that requires notice to the public, and an opportunity for comment and an administrative hearing. This proposal starts the process, where the Drug Enforcement Administration will gather and consider information and views submitted by the public, in order to make a determination about the appropriate schedule. During that process, and until a final rule is published, marijuana remains a schedule I controlled substance.

The notice of proposed rulemaking submitted by the Department can be viewed [here](#), and the OLC memorandum regarding questions related to the potential rescheduling of marijuana can be found [here](#).

Learn more about the rulemaking process [here](#).

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