

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA-1362]

Schedules of Controlled Substances: Rescheduling of Marijuana

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Withdrawal of notice of hearing.

SUMMARY: The Department of Justice published a notice of proposed rulemaking in the *Federal Register* on May 21, 2024, which proposed to transfer marijuana from schedule I of the Controlled Substances Act to schedule III. The Drug Enforcement Administration (DEA) published a notice of hearing on the proposed rule in the *Federal Register* on August 29, 2024. Upon further review, DEA is withdrawing the notice of hearing and terminating the pending hearing proceedings. As directed by Executive Order 14370, DEA has determined that the most expeditious manner of completing the rulemaking process in accordance with Federal law is to terminate the pending hearing proceedings and initiate new hearing proceedings. DEA is publishing a new notice of hearing elsewhere in this issue of the *Federal Register*.

DATES: Effective as of [INSERT DATE OF PUBLICATION], the notice of hearing that was published in the *Federal Register* on August 29, 2024 (89 FR 70148), is withdrawn, and all hearing proceedings related thereto are terminated.

ADDRESSES: 8701 Morrisette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Drug and Chemical Evaluation Section,
Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362-3249.
Email: nprm@dea.gov.

SUPPLEMENTARY INFORMATION:

On May 21, 2024, the Department of Justice published a notice of proposed rulemaking (NPRM) in the *Federal Register*, which proposed to transfer marijuana from schedule I of the Controlled Substances Act to schedule III pursuant to the procedures defined in 21 U.S.C. 811(a).¹ Interested persons were invited to participate in the rulemaking effort by submitting written comments on the proposal or by requesting a hearing.²

In response to the NPRM, the Drug Enforcement Administration (DEA) received numerous comments and requests for hearing from interested persons. DEA scheduled a hearing on the NPRM and published a notice to that effect in the *Federal Register* on August 29, 2024.³ The *Federal Register* notice announced that the hearing would commence on December 2, 2024.⁴ The then-Administrator of DEA designated an administrative law judge (ALJ) to preside over the hearing. The presiding ALJ conducted significant prehearing activity, including holding a preliminary hearing, taking and ruling on motions, ordering and receiving prehearing statements, and issuing a comprehensive and detailed hearing schedule delimiting the permissible number of witnesses and the timing of presentations. The presiding ALJ also

¹ *Schedules of Controlled Substances: Rescheduling of Marijuana*, 89 FR 44597 (May 21, 2024).

² *Id.* at 44598–99.

³ *Schedules of Controlled Substances: Rescheduling of Marijuana*, 89 FR 70148 (Aug. 29, 2024). After considering more than 160 individuals and entities that requested to participate in that hearing, the then-DEA Administrator designated 25 persons and entities (in addition to the Federal Government) permitted to give live testimony, present argument, and conduct cross-examination as part of the hearing. As of Nov. 19, 2024, five of the 25 participants had either withdrawn their requests to participate, signaled their intent to waive participation, or failed to respond to the tribunal's orders. Order Regarding Standing, Scope, and Prehearing Procedures, DEA Docket No. 1362, Hearing Docket No. 24-44 (Nov. 19, 2024).

⁴ 89 FR 70148.

independently reviewed the “standing” of all interested persons that had been selected by the then-Administrator to participate in the hearing, requiring each selected participant to assert again their interest in the proceeding. The presiding ALJ then ruled that certain interested persons selected by the Administrator “may not independently continue to participate” in the proceedings because they did not demonstrate standing.⁵ In short, the presiding ALJ indelibly imprinted the proceedings. On January 13, 2025, the presiding ALJ issued an order, staying the hearing proceedings pending resolution of an interlocutory appeal filed by two parties to the proceedings. The proceedings remain stayed to the current day. In the intervening period, the presiding ALJ retired from Federal service.

On December 18, 2025, President Trump issued Executive Order (E.O.) 14370, entitled “Increasing Medical Marijuana and Cannabidiol Research,” which directs the Attorney General to “take all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III of the CSA in the most expeditious manner in accordance with Federal law, including 21 U.S.C. 811.”⁶ To comply with the directive in E.O. 14370, the Administrative Procedure Act (5 U.S.C. 551-559), the CSA (21 U.S.C. 811 *et seq.*), and DEA regulations, and to best ensure fairness and transparency, DEA has determined that the most expeditious manner of completing the rulemaking process is to terminate the hearing that was initiated pursuant to the August 29, 2024, *Federal Register* notice and to initiate new hearing proceedings. DEA has concluded that a new hearing is likely to result in a more expeditious conclusion to the rulemaking process, even in light of the time required to publish this notice, receive notices of intention to participate from interested persons, assess such notices, and assign a DEA ALJ to

⁵ Order Regarding Standing, Scope, and Prehearing Procedures (Nov. 19, 2024).

⁶ Executive Order 14370, Increasing Medical Marijuana and Cannabidiol Research, 90 FR 60541, 60542 (Dec. 23, 2025).

preside over the proceedings. DEA is committed to accelerating the rulemaking process from this point forward.

DEA, therefore, withdraws the notice of hearing. The hearing on the proposed rule is cancelled, and all proceedings related thereto are hereby terminated. DEA is publishing a new notice of hearing elsewhere in this issue of the *Federal Register*.



Todd Blanche,

Acting Attorney General.