



The Honorable Merrick Garland
Attorney General
U.S. Department of Justice 950
Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

The Honorable Anne Milgram
Administrator
U.S. Drug Enforcement Administration
8701 Morrisette Drive
Springfield, Virginia 22152

Brian Patrick Kennedy
Speaker Pro Tempore
Rhode Island General
Assembly
President, NCSL

Sabrina N. Lewellen
Deputy Director - Senate
Assistant Secretary of the
Senate
Arkansas General Assembly
Staff Chair, NCSL

Tim Storey
Chief Executive Officer
NCSL

May 2, 2024

Dear Attorney General Garland and Administrator Milgram:

We write on behalf of the National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories and commonwealths, to urge you to prioritize the removal of cannabis from Schedule I of the Controlled Substances Act.

While NCSL supports a strong intergovernmental partnership to fight illicit drugs, we maintain that where states have made a policy choice to regulate cannabis, the federal government must respect those state decisions. Despite its Schedule I classification, states have moved forward with different variations on legalization. Currently 47 states, the District of Columbia and all U.S. territories except American Samoa have legalized cannabis for medical and/or adult recreational use.¹ We believe states are best able to determine what policies work best to improve the public safety, health and economic development of their communities.

The Schedule I status of cannabis has far-reaching negative effects on legitimate state-authorized cannabis use and businesses. Despite the majority of states and territories approving some form of cannabis use, as well as the Centers for Disease Control and Prevention estimating in 2019 that approximately 48 million people—15% of the United States population²—used cannabis, research on cannabis is still severely hampered by federal law. Health care providers are unable to advise patients on risks and benefits related to cannabis consumption without reliable peer reviewed research.³ Federal laws also restrict access to the financial system for legitimate, state-sanctioned cannabis businesses. As a result, state cannabis businesses are primarily cash-only businesses. This practice endangers both dispensary staff and patients, by requiring both to carry large amounts of cash, making them vulnerable to criminal victimization. These issues can be solved by removing cannabis from Schedule I.

We have seen much-needed reforms regarding the ways in which the federal government treats cannabis. The administration has already made needed strides in cannabis reform, for which NCSL is grateful. The administration's choice to pardon all prior federal offenses of simple possession of cannabis as well as its initiation of the administrative process of reviewing cannabis' classification under the Controlled Substances Act show the administration's commitment to making meaningful positive change.

¹ National Conference of State Legislatures, "State Cannabis Legislation Database", <https://www.ncsl.org/health/state-cannabis-legislation-database>

²Centers for Disease Control and Prevention, "Marijuana and Public Health", retrieved April 29, 2024, <https://www.cdc.gov/marijuana/index.htm#:~:text=Marijuana%E2%80%94which%20can%20also%20be,people%20using%20it%20in%202019.>


³ Marijuana Moment, "Bipartisan Lawmakers 'Deeply Troubled' By 'Unacceptable' Marijuana Research Barriers That Persist Under New Law", March 12, 2024, <https://www.marijuanamoment.net/bipartisan-lawmakers-deeply-troubled-by-unacceptable-marijuana-research-barriers-that-persist-under-new-law/>

In August, the Department of Health and Human Services recommended that the Drug Enforcement Administration move cannabis from a Schedule I to a Schedule III substance. The DEA has not yet acted upon this request. We humbly request the DEA to quickly finish its review of the August HHS report and remove cannabis from Schedule I, per HHS's recommendation.

Sincerely,



Representative Jennifer Bacon, Colorado
Law and Public Safety Standing Committee Co-Chair, NCSL



Senator Barry Usher, Montana
Law and Public Safety Standing Committee Co-Chair, NCSL