

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1301

[Docket No. DEA-1362]

Schedules of Controlled Substances: Rescheduling of Marijuana

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of hearing on proposed rulemaking.

SUMMARY: This is notice that the Drug Enforcement Administration (DEA) will hold a hearing with respect to the proposed rescheduling of marijuana into schedule III of the Controlled Substances Act beginning June 29, 2026. The proposed rescheduling of marijuana was initially proposed in a Notice of Proposed Rulemaking published in the *Federal Register* on May 21, 2024. In accordance with Executive Order 14370, DEA is completing this process in the most expeditious manner in accordance with Federal law.

DATES: Interested persons desiring to participate in this hearing must provide written notice of desired participation as set out below, on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION].

To be considered by DEA as part of this rulemaking, requests to participate in the hearing must be submitted within the timeframe specified above, regardless of whether the person previously submitted either a request for a hearing in response to the notice of proposed rulemaking that DEA published in the *Federal Register* on May 21, 2024 (89 FR 44597), or a request to participate in the hearing in response to the notice of hearing that DEA published in

the *Federal Register* on August 29, 2024 (89 FR 70148), the latter of which was subsequently withdrawn.

The hearing will commence on June 29, 2026, at 9 a.m. ET at the DEA Hearing Facility at 700 Army Navy Drive, Arlington, VA 22202. The hearing will conclude not later than July 15, 2026. To allow all parties to celebrate 250 years of American Independence, the hearing will recess on July 3 and reconvene on July 6. The hearing may be moved to a different place and may be continued from day-to-day or recessed to a later date without notice other than announcement thereof by the Administrative Law Judge at the hearing pursuant to 21 CFR 1316.53.

ADDRESSES: To ensure proper handling of notification, please reference “Docket No. DEA-1362” on all correspondence.

- *Electronic notification* should be sent to *nprm@dea.gov*.
- *Paper notification* sent via regular or express mail should be sent to Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette 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:

Background

On May 21, 2024, the Department of Justice published a notice of proposed rulemaking (NPRM) to transfer marijuana from schedule I of the Controlled Substances Act (CSA) to schedule III of the CSA, consistent with the view of the Department of Health and Human

Services (HHS) that marijuana has a currently accepted medical use, has a potential for abuse less than the drugs or other substances in schedules I and II, and that its abuse may lead to moderate or low physical dependence or high psychological dependence.¹ The CSA requires that such actions be made through formal rulemaking on the record after opportunity for a hearing.² The NPRM invited interested persons to participate in the rulemaking effort by submitting written comments on the proposal or by requesting a hearing.³

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, 2024.⁴ The *Federal Register* notice announced that the hearing would commence on December 2, 2024.⁵ DEA later withdrew the notice of hearing, which can be found elsewhere in this issue of the *Federal Register*. The hearing on the proposed rule was cancelled, and all proceedings related thereto were terminated.

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,

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

² 21 U.S.C. 811(a).

³ *Id.* at 44598–99.

⁴ *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).

⁵ 89 FR 70148.

including 21 U.S.C. 811.”⁶ To comply with the directive in E.O. 14370, while simultaneously conducting an expeditious hearing that fully complies with all applicable provisions of the Administrative Procedure Act (5 U.S.C. 551-559), the CSA (21 U.S.C. 811, *et seq.*), and DEA regulations, DEA is issuing this new notice of hearing on the proposed rule. DEA is committed to accelerating the rulemaking process from this point forward.

Hearing Notification

Pursuant to 21 U.S.C. 811(a) and 21 CFR 1308.41, DEA will convene a hearing on the NPRM. The hearing will commence on June 29, 2026, at 9 a.m. ET at the DEA Hearing Facility, 700 Army Navy Drive, Arlington, VA 22202. The hearing will conclude not later than July 15, 2026. The hearing may be moved to a different place and may be continued from day to day or recessed to a later date without notice other than announcement thereof by the Administrative Law Judge (ALJ) at the hearing.⁷ The hearing will be conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and 21 CFR 1308.41-1308.45, and 1316.41-1316.68. DEA is committed to conducting a transparent proceeding. As such, DEA will provide updates on the DEA website, <https://www.dea.gov>, regarding public access to the hearing.

In accordance with 21 U.S.C. 811 and 812, the purpose of the hearing is to “receiv[e] factual evidence and expert opinion regarding” whether marijuana should be transferred to schedule III of the list of controlled substances.⁸

Every “interested person”—defined in 21 CFR 1300.01(b) as “any person adversely affected or aggrieved by any rule or proposed rule issuable” under 21 U.S.C. 811—who wishes to participate in the hearing shall file a written notice of intention to participate. Electronic filing

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

⁷ 21 CFR 1316.53.

⁸ *See also* 21 CFR 1308.42.

may be made as a PDF attachment via email to the Drug Enforcement Administration, Attn: Administrator at *nprm@dea.gov*, on or before 11:59 p.m. Eastern Time on May 24, 2026. If filing by mail, written notice must be filed with the Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, VA 22152, and must be postmarked on or before May 20, 2026. Paper requests that duplicate electronic submissions are not necessary and are discouraged.

Each notice of intention to participate must be in conformity with the requirements of 21 CFR 1308.44(b) and in the form prescribed in 21 CFR 1316.48. Among those requirements, such requests must:

- (1) state with particularity the interest of the person in the proceeding;
- (2) state with particularity the objections or issues concerning which the person desires to be heard; and
- (3) state briefly the position of the person regarding the objections or issues.

Following the Agency's assessment of the notices of intention to participate submitted by interested persons, on June 22, 2026, I will notify the interested persons selected to participate in the hearing. I also will designate an ALJ to preside over the hearing. The ALJ's functions shall commence upon designation, as provided in 21 CFR 1316.52. The ALJ will have all powers necessary to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. The ALJ's authorities include the power to hold conferences to simplify or determine the issues in the hearing or to consider other matters that may aid in the expeditious disposition of the hearing; require parties to state their position in writing; sign and issue subpoenas to compel the production of documents and materials to the extent necessary to conduct the hearing; examine witnesses and direct witnesses to testify; receive, rule on, exclude, or limit evidence;

rule on procedural items; and take any action permitted by the presiding officer under DEA's hearing procedures and the APA. In accordance with E.O. 14370 and the Attorney General's directives, it is DEA's expectation that the ALJ will expedite proceedings in a manner compliant with Federal law and commensurate with the gravity of the matter.

Comments on or objections to the proposed rule submitted under 21 CFR 1308.43(g) will be offered as evidence at the hearing, but the presiding officer shall admit only evidence that is competent, relevant, material, and not unduly repetitive.⁹



Todd Blanche,

Acting Attorney General.

⁹ 21 CFR 1316.59(a).