

Congress of the United States
Washington, DC 20515

October 27, 2023

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

Dear Administrator Milgram:

The ongoing formal review of the scheduling of marijuana is a necessary step in the work to end the federal government's failed and discriminatory prohibition of cannabis. While Congress works on a comprehensive legalization bill, the administration and relevant agencies such as yours should recognize the merits of full descheduling and work with congressional leaders to ensure this happens. Continued federal prohibition and criminalization of marijuana does not reflect the will of the broader American electorate – it is time that the Drug Enforcement Administration's (DEA) work fully reflects this reality as well.

To date, 38 states have enacted medical marijuana programs, including 23 states that have also decriminalized adult use of marijuana. Many of these reforms have been adopted through ballot measures and center public health and safety, prevent the distribution of marijuana to minors, invest in communities most harmed by the prohibition, and hold cannabis businesses to the highest standards. Following the lead of these states, members from both parties have introduced legislation to fully decriminalize marijuana and help remedy the failed war on drugs.

During the 117th Congress, the House of Representatives voted for the second time to pass a proposal to legalize marijuana and correct the injustices and harms of the federal prohibition. Meanwhile, House Republicans and Democratic Senate leadership have also introduced several of their own bills aimed at doing the same.

The decision to schedule marijuana was rooted in stigma rather than an evidence-based process, and it is time to fully remedy this wrong. Moving marijuana to Schedule III would be an important step in the right direction, but it is not sufficient to correct the wrongs of federal prohibition or to meaningfully address the federal-state gap on cannabis policy.

Additionally, ending the unjust scheduling of marijuana and normalizing federal cannabis regulation go hand-in-hand. The federal government must correct this prohibition and the continued criminalization of otherwise legal marijuana – creating legal job opportunities, promoting public safety not unjust incarceration, and upholding established state regulation of cannabis production, taxation, and sales. We do not negate the need for corresponding legislative action on many of these components, but all branches of the federal government and relevant

agencies must recognize the need to deschedule marijuana to protect the will of each state.

Law enforcement, small businesses, and medical practices are also caught in the federal-state policy gap on cannabis. Moving marijuana to Schedule III would only start to remedy this disconnect for Food and Drug Administration-approved drugs, failing to address the federal-state gap for all other state- and tribe-regulated marijuana businesses, patients, and consumers. Descheduling is necessary to end the harmful federal marijuana prohibition and help our law enforcement officers appropriately prioritize public safety. Descheduling also provides the clearest path to address the legal uncertainty facing small businesses in states with regulated cannabis markets by creating opportunities for regulating and taxing commercial marijuana activities. More than 400,000 employees are supported by the legal cannabis industry and estimates suggest an employment potential of approximately 1.5 to 1.75 million workers in a mature U.S. legal cannabis market.

The industry also sold a combined \$24.6 billion worth of cannabis products last year and generated more than \$3.7 billion in tax revenue from sales. These numbers suggest that descheduling cannabis will have positive economic and employment benefits for millions of people. Descheduling will also allow more patients to access medical marijuana as a therapeutic option for conditions such as chronic pain, insomnia, and anxiety, which more than 60 U.S. and international health organizations support.¹ We encourage your agency to recognize the benefits of fully descheduling.

While Congress works to send the President comprehensive cannabis legislation, the urgency of full descheduling should inform DEA's position on overall cannabis reform and appropriate enforcement centered on advancing public safety, not unjust criminalization. Marijuana's continued inappropriate scheduling is both arcane and out-of-touch with the will of the American people. We look forward to your response and the Drug Enforcement Administration working transparently and proactively with Congress to adopt this crucial step.

Sincerely,



Earl Blumenauer
Member of Congress

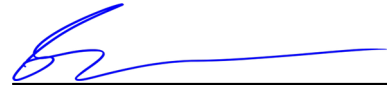


David P. Joyce
Member of Congress

¹ Leafly and Whitney Economics, "Jobs Report 2022," Bruce Barcott, Beau Whitney, Max Savage Levenson, and Chris Kudialis, September 22, 2022, p. 4-7.



Barbara Lee
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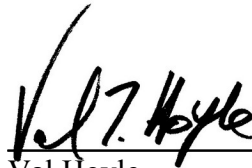
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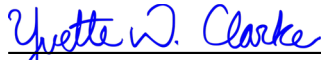
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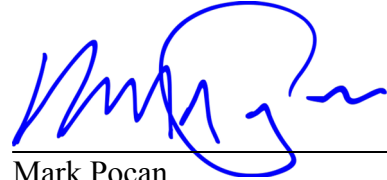
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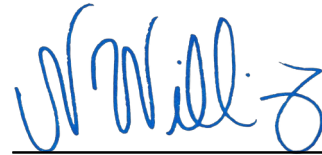
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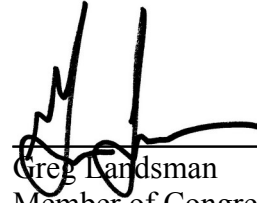
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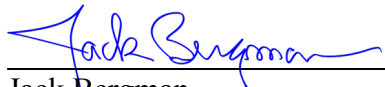
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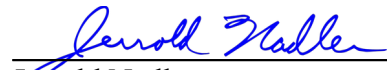
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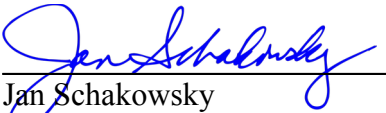
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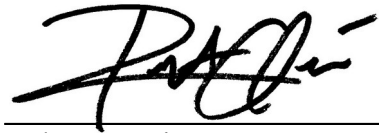
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Jared Huffman
Member of Congress



J. Luis Correa
Member of Congress

CC: The Honorable Xavier Becerra, U.S. Secretary of Health and Human Services
The Honorable Merrick Garland, U.S. Attorney General