Justice Department Moves to Federally Reschedule State-Approved Medical Cannabis Products

Medical marijuana will be reclassified from Schedule III to Schedule I, facilitating clinical trials. But recreational use is not affected.

April 27, 2026 By NORML

The Justice Department and the Drug Enforcement Administration today [April 23] ordered that state-authorized medical cannabis products be reclassified under federal law from Schedule I to Schedule III.

The order, issued by Acting US Attorney General Todd Blanche, states that "marijuana in any form covered by a state medical marijuana license, be placed in schedule III" of the Controlled Substances Act.

Commenting on the order, NORML's Deputy Director Paul Armentano said: "Today's order marks a historical reversal in federal cannabis policy. It validates the experiences of tens of millions of Americans, as well as those of tens of thousands of physicians, who have long recognized that cannabis possesses legitimate medical utility, as well as the legitimacy of the longstanding medical cannabis access programs available in the majority of U.S. states."

He added: "It wasn't long ago that federal officials were denying that cannabis possessed any legitimate medical utility, threatening to seize doctors' medical licenses for discussing medical cannabis with their patients, and shutting down state-licensed marijuana dispensaries. Now the government is seeking to integrate these programs into the existing federal and international framework for regulating substances with accepted medical value."

While today's order specifically addresses policy changes for state-licensed medical cannabis, it also states that "unlicensed bulk marijuana" remains classified as a Schedule I controlled substance. This distinction departs from HHS's 2023 recommendation ordering that "botanical cannabis … be controlled in Schedule III of the CSA."

The Department also today announced that the DEA will initiate new administrative hearings "with respect to the proposed rescheduling of marijuana" beginning June 29, 2026. Prior hearings, scheduled for last year, failed to take place following the issuance of an interlocutory appeal.

Other policy changes outlined in today's order affirm that, going forward, state-licensed medical cannabis businesses will no longer be subject to federal tax penalties.

"This change levels the playing field and lowers these entities' costs of doing business," Armentano said. "This change also likely benefits patients by resulting in lower overall prices for state-licensed retail medical products."

The order also establishes "a new registration pathway for state-licensed medical cannabis entities seeking federal registration." It also clarifies that scientists can conduct clinical trials using state-licensed cannabis products (as opposed to exclusively relying on federally-grown cannabis.)

The order does not stipulate any immediate federal policy changes regarding the classification of cannabis for non-medical purposes, nor does it directly address the federal legal status of adult-use marijuana providers, which operate in nearly half of all states.

"While today's move is a historic step forward, it still falls well short of the comprehensive changes necessary to bring federal marijuana policy into the 21st century. Specifically, rescheduling fails to fully harmonize federal marijuana policy with the cannabis laws of many states, particularly the 24 states that have legalized its use and sale to adults," Armentano said. "In order to rectify this state/federal conflict, and in order to provide state governments with the explicit authority to establish their own cannabis regulatory policies — like they already possess with respect to alcohol — cannabis must be removed from the Controlled Substances Act altogether. Doing so would affirm America's longstanding principles of federalism and appeal to Americans' deep-rooted desires to be free from undue government intrusion into their daily lives."

Since 1970, cannabis has been classified federally as a Schedule I controlled substance, meaning it possesses a "high potential for abuse" and "no currently accepted medical use." In 2022, the Biden Administration initiated the regulatory process to review cannabis' federal classification—marking the fifth time that an administrative petition to remove cannabis from Schedule I had been filed, but the first time that the White House had ever led such an effort. The following year, the US Department of Health and Human Services recommended for the first time that the Drug Enforcement Administration reclassify cannabis from Schedule I to Schedule III of the Controlled Substances Act. Last December, President Trump issued an executive order directing federal agencies to "expeditiously" finalize the policy change.

Though the Attorney General's order is to take immediate effect, it is anticipated that opponents will seek to challenge its enactment in federal court.

Additional information on rescheduling and its implications for state and federal marijuana policies is available from the NORML Fact Sheet, Cannabis Rescheduling: Myths Versus Reality.

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