

# Unprecedented Support for Cannabis Scheduling Reform Revealed by Data from the DEA Comment Period

If there is one thing Americans can agree on, it is their overwhelming support for changing federal cannabis laws. The Drug Enforcement Administration's (DEA) comment period on the proposed rescheduling of cannabis from Schedule I to Schedule III has concluded, revealing an overwhelming tide of public support for the move. With over 42,000 comments submitted, the response was not only substantial but also decisively in favor of rescheduling.

## Background

In October 2022, President Biden made a groundbreaking announcement regarding marijuana reform:

"As I often said during my campaign for President, no one should be in jail just for using or possessing marijuana. Sending people to prison for possessing marijuana has upended too many lives and incarcerated people for conduct that many states no longer prohibit... Today, I am announcing three steps that I am taking to end this failed approach... Third, I am asking the Secretary of Health and Human Services and the Attorney General to initiate the administrative process to review expeditiously how marijuana is scheduled under federal law."

Now, nearly two years later in July 2024, we're seeing the fruits of this initiative. The lengthy process underscores the complexity of drug policy reform, but also highlights the administration's commitment to following through on its promises.

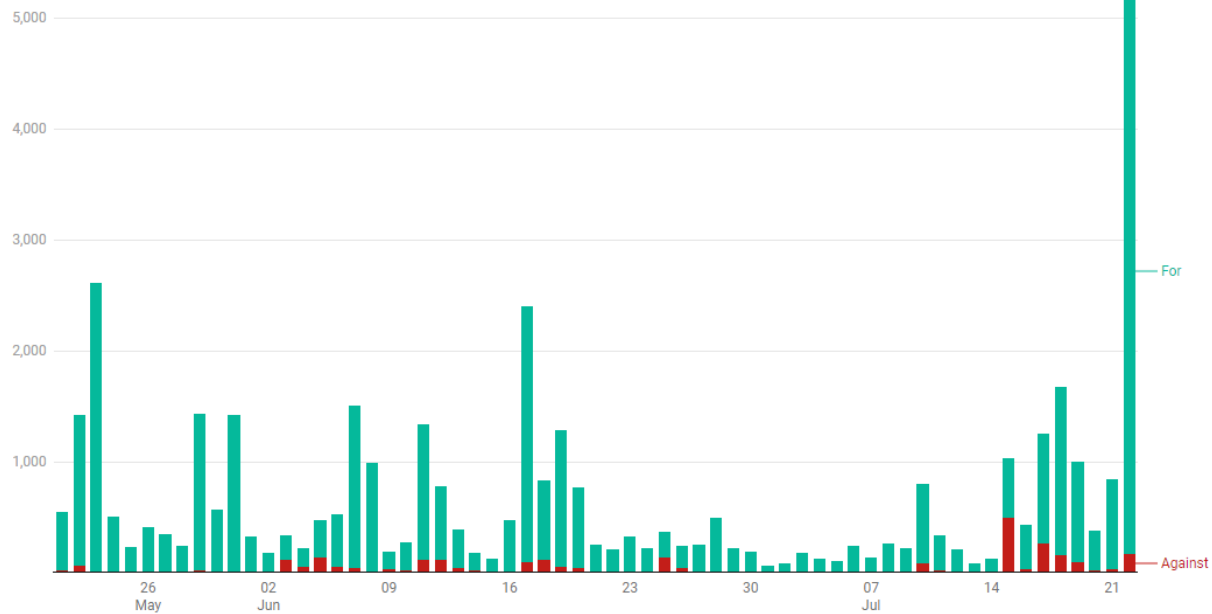
## Public Response

The DEA's call for public input on cannabis rescheduling garnered an impressive response, with over 42,000 comments submitted. To put this into perspective, that's roughly equivalent to the entire population of Juneau, the capital city of Alaska. It's as if every resident of a small state capital took the time to voice their opinion on this crucial issue.

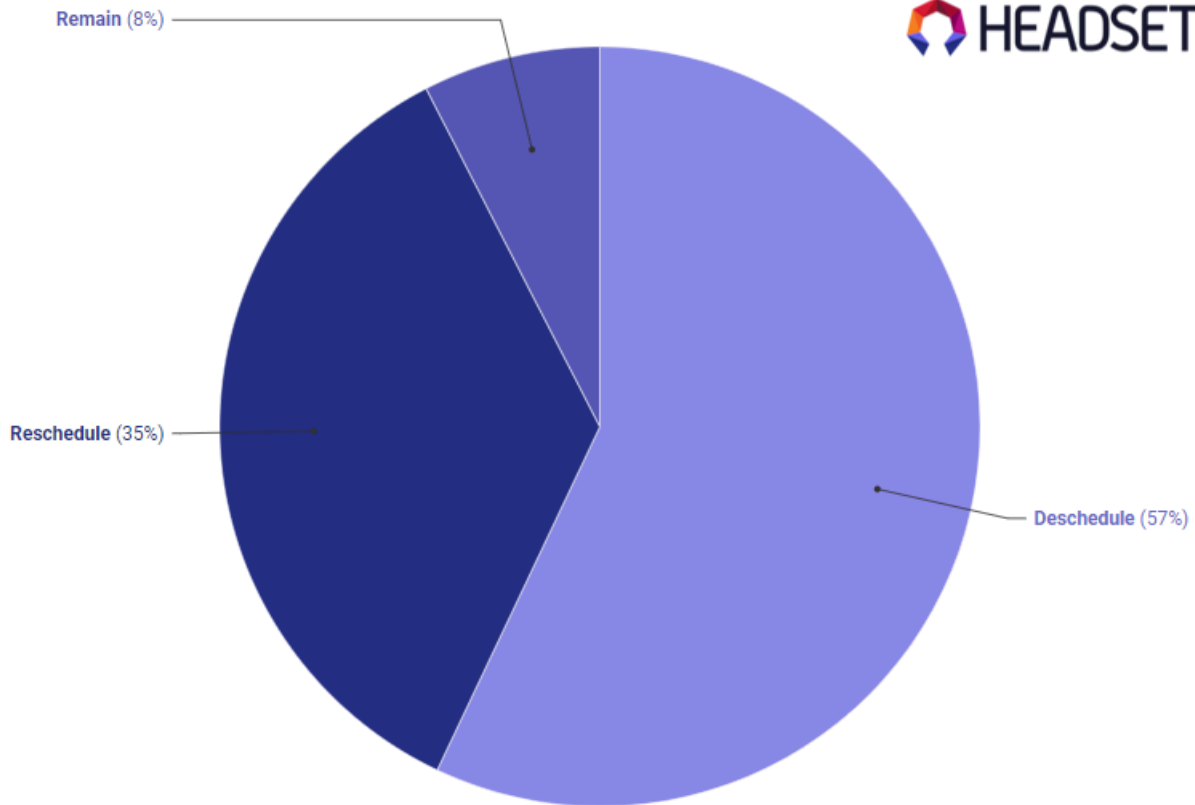
The unprecedented level of public engagement in this rescheduling proposal underscores the profound importance of cannabis policy reform in the United States. This comment period has shattered previous DEA records, surpassing even the highly contentious 2020 telemedicine rules that garnered approximately 38,000 comments. To put this into perspective, recent DEA proposals typically receive anywhere from a few hundred to around 1,500 comments, even on significant issues like scheduling new substances or adjusting production quotas for controlled substances. The sheer volume of responses – more than tenfold the usual engagement – sends a clear message about the centrality of cannabis policy in current public discourse. It reflects not just the medical and legal complexities surrounding cannabis, but also the deep-rooted social,

economic, and personal stakes involved for millions of Americans. This record-breaking participation emphasizes that cannabis rescheduling is not merely a bureaucratic process, but a pivotal moment in U.S. drug policy that has captured the nation's attention and mobilized an extraordinary level of civic engagement.

### Submissions by Day



This level of engagement underscores the significance of the cannabis rescheduling issue to the American public. Analysis of these comments reveals an overwhelming tide of support for changing cannabis's current status under federal law:



- 92.45% of comments were in favor of changing cannabis's schedule
- Only 7.55% were against any change

Among only those supporting a change:

- 61.7% advocated for complete descheduling of cannabis
- 38.3% supported rescheduling to a less restrictive category

These numbers paint a clear picture: over 9 out of 10 individuals who took the time to comment believe that cannabis should not remain a Schedule I substance. Moreover, the majority of commenters went beyond the proposed rescheduling to Schedule III, arguing for complete removal from the controlled substances list.

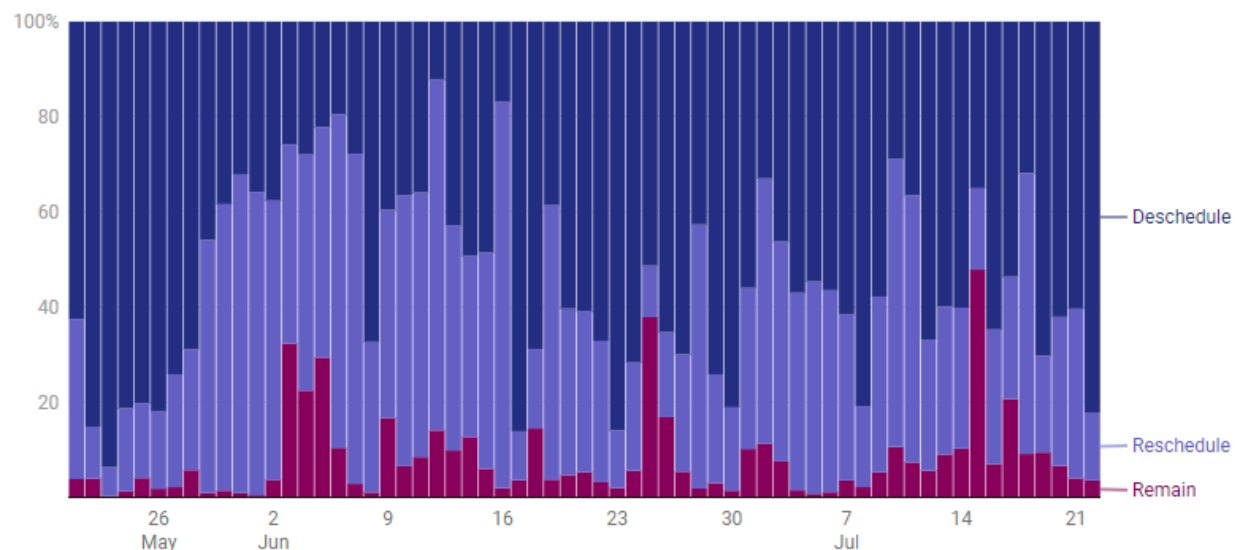
This overwhelming show of public support, equivalent to the unanimous voice of an entire state capital, sends a powerful message to policymakers. It suggests that not only is there broad backing for the proposed rescheduling, but there's also a significant push for even more comprehensive reform.

## Key Themes

The public comments on cannabis rescheduling revealed a diverse range of perspectives, with the majority favoring change. Those supporting rescheduling emphasized potential medical benefits, increased research opportunities, and alignment with state laws. Proponents of descheduling, the largest group, advocated for complete legalization, citing social justice concerns, economic opportunities, and personal liberty. They viewed rescheduling as insufficient progress. A smaller group opposed any change, citing health and safety concerns, the need for more research, and worries about youth protection. Across all groups, themes of social justice, medical use, research needs, and regulatory frameworks were prominent, reflecting the complex and multifaceted nature of the cannabis policy debate.

The comment period also drew input from state-level health departments, highlighting the complex interplay between federal and state regulations. A notable example is the [detailed response from Pennsylvania's Secretary of Health](#), Dr. Debra L. Bogen. The Pennsylvania Department of Health, which oversees the state's medical marijuana and related programs, raised critical questions about the proposed rescheduling. These concerns ranged from the impact on existing state medical marijuana programs and DEA licensure requirements to the FDA approval process for cannabis products, research implications, interstate commerce regulations, and reporting to prescription drug monitoring programs. This input underscores the far-reaching implications of the proposed rescheduling and the need for clear federal guidance to ensure a smooth transition that respects existing state programs while implementing new federal standards.

## Suggested Reform %



Our analysis of the comments also revealed interesting patterns in submission timing and content. While we observed a few duplicate submissions from form letters across all opinion groups, a notable phenomenon emerged regarding comments opposing rescheduling. There were distinct spikes in 'against' comments that appeared to correlate with coordinated efforts by opposition groups. A prime example of this occurred on July 15, when Smart Approaches to

Marijuana (SAM), an organization known for its stance against cannabis legalization, issued a call to action to its supporters. [SAM warned that only a week remained](#) in the comment period and provided a form letter for easy submission. This coordinated push resulted in a noticeable spike in submissions opposing rescheduling on that day. Such patterns highlight the role of organized advocacy groups in shaping public comment periods and underscore the importance of analyzing not just the content but also the timing and potential sources of comments to gain a comprehensive understanding of public sentiment.

## The Push for More Comprehensive Reform

While the proposed rescheduling of cannabis to Schedule III represents a significant step forward, it's crucial to note that merely rescheduling falls short of what the majority of respondents are calling for. The data reveals a stark reality: of those supporting change, over half (61.7%) of those are advocating for complete descheduling of cannabis. This means removing it entirely from the Controlled Substances Act, a far more comprehensive reform than the proposed rescheduling to Schedule III.

When we look at the numbers closely, we see that the current rescheduling proposal would fully satisfy only about 35.4% of all respondents – those who explicitly supported rescheduling. In contrast, 57% are pushing for more aggressive change through complete descheduling. Add to this the 7.5% who oppose any change, and we're left with a sobering conclusion: the proposed rescheduling to Schedule III would leave over 60% of respondents unsatisfied, albeit for different reasons.

This data underscores a critical point: while rescheduling cannabis to Schedule III is a step in the right direction, it may be viewed by many as a half-measure that doesn't go far enough. The overwhelming support for descheduling suggests that public opinion has shifted dramatically, with a majority now viewing cannabis as a substance that shouldn't be federally controlled at all.

As policymakers move forward, they must grapple with this reality. The proposed rescheduling, while historic, may be just the beginning of a longer journey towards cannabis policy reform that truly reflects the will of the American people. The challenge now lies in bridging the gap between this incremental step and the more comprehensive reform that a majority of engaged citizens are calling for.

## Political Context

The timing of this public endorsement could not be more critical. With President Biden's recent announcement on July 21, 2024, that he will not seek reelection, the administration faces increased pressure to deliver on key promises before the end of its term. Rescheduling cannabis, a move that would significantly impact both criminal justice and healthcare sectors, could serve as a defining achievement for the outgoing administration.

# **The Rescheduling Process**

The Department of Justice's proposal to transfer marijuana to Schedule III comes after a recommendation from the Department of Health and Human Services, acknowledging marijuana's currently accepted medical use and reassessing its abuse potential and dependence levels. This shift in federal perspective, coupled with the outpouring of public support, could potentially expedite the typically lengthy rescheduling process.

Historically, drug rescheduling can take several years, with some cases stretching up to nine years. However, there are precedents for a quicker timeline. When HHS recommended rescheduling Marinol from Schedule II to Schedule III in 1998, the process took just 237 days from recommendation to final rule. Similarly, the rescheduling of hydrocodone combination products in 2013 was completed in 249 days.

## **Challenges and Opportunities**

Despite the clear mandate from public comments, challenges remain. The rescheduling process involves multiple steps, including a potential hearing phase and a final review by the Office of Management and Budget. Additionally, the DEA must ensure compliance with international treaty obligations, particularly the 1961 Single Convention on Narcotic Drugs.

However, given the current political climate and the overwhelming public support expressed through the comment period, there is a compelling case for accelerating the timeline for cannabis rescheduling. Doing so would not only fulfill a key campaign promise but could also provide a significant boost to the Democratic ticket in the upcoming presidential election.

## **Conclusion**

As the administration navigates its final months, fast-tracking cannabis rescheduling could serve as a powerful legacy, addressing long standing issues of social justice and medical access. The ball is now in the DEA's court. With public opinion firmly behind rescheduling, and the political stakes higher than ever, all eyes will be on the agency's next moves. Will they heed the call for swift action, or will the process continue at its traditional pace? The coming months will be crucial in determining the future of cannabis policy in the United States.

## **About This Report**



### **About Headset**

Headset is the leading data analytics company in the cannabis industry with a mission to help businesses make better-informed decisions through data. Headset focuses on collecting and analyzing consumer transaction information to help companies boost sales, slash stock-outs and cut down inefficiencies through real-time insights.

Our analysis leveraged cutting-edge Generative AI and the latest language models, setting us apart in the field of policy research. By harnessing these advanced technologies, we processed over 42,000 comments with unprecedented speed and accuracy, extracting key insights within hours of the comment period closing. This innovative approach not only saved time and resources but also uncovered nuanced patterns that traditional methods might miss. Our ability to rapidly deploy and effectively utilize these advanced tools demonstrates Headset's unique position at the forefront of policy analysis, offering unparalleled speed and depth in understanding public sentiment on critical issues like cannabis rescheduling.

Learn more at [www.headset.io](http://www.headset.io).



### **About Poseidon**

Poseidon is a leading investor in the legal cannabis and hemp industries with over \$100 million in assets under management. Poseidon and its affiliates have been active cannabis investors since 2013, deploying capital into nearly 200 businesses across various stages and verticals globally. The company has been actively involved in state and federal initiatives to drive reform in cannabis laws, including a recent judicial challenge to the Raich vs. Gonzalez SCOTUS case in partnership with [Boies, Schiller, Flexner LLP](#).

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