DEA Marijuana Rescheduling Hearing

Research Thread — Questions & Answers

Subject: The administrative hearing that commenced June 29, 2026 on the proposed transfer of marijuana from Schedule I to Schedule III of the Controlled Substances Act.
Compiled June 30, 2026.

QUESTION

Can you find a detailed synopsis of what the DEA meeting will be discussing and considering in the June 29th hearings?

RESPONSE

The core question

The hearing is an administrative proceeding before a DEA Administrative Law Judge to receive factual evidence and expert opinion on whether marijuana should be transferred to Schedule III of the controlled substances list under the Controlled Substances Act. The ALJ will weigh evidence related to cannabis's medical utility, potential for abuse, and overall risk profile under federal law.

Importantly, the hearing does not cover all cannabis. In April 2026, an order already moved FDA-approved marijuana products and state-licensed medical cannabis to Schedule III. This hearing addresses the rest of the cannabis plant — essentially adult-use (recreational) marijuana, which remains in Schedule I. The question is therefore whether the remainder of cannabis should join medical cannabis in Schedule III.

The logistics

The hearing runs June 29, 2026, beginning at 9:00 a.m. ET at the DEA Hearing Facility, 700 Army Navy Drive, Arlington, Virginia, and is expected to conclude no later than July 15, 2026, with a recess July 3–6 for the Independence Day holiday. It is presided over by Chief Administrative Law Judge Derek C. Julius.

What is notable about the process

The government bears the burden, but the witness slate leans one way. The federal government bears the burden of proof, supported by binding HHS and FDA scientific findings that marijuana meets Schedule III criteria. Yet the participant selection has drawn criticism: on June 18, 2026, DEA announced seven selected participants, all of whom appear to be opposed to rescheduling. Some pro-rescheduling parties were rejected on the ground that they had not shown they were adversely affected by the proposed rule and thus did not qualify as "interested persons." On June 19, 2026, NORML — one such rejected party — sent a letter to the DEA Administrator seeking reconsideration, arguing it should qualify because it believes marijuana should be fully descheduled rather than merely rescheduled.

Anti-rescheduling briefs are already in. Going into the hearing, reform opponents — including three states — filed briefs previewing the arguments they plan to make against rescheduling, and DEA reiterated it does not intend to invite any supportive organizations to participate.

No live closing arguments. Instead, the designated parties will submit formal briefs after the hearing, after which the ALJ issues a recommendation to the DEA Administrator, who ultimately publishes a Final Rule.

Why it matters

If the broader rescheduling succeeds, the stakes for industry are significant. Adult-use operators would gain access to Section 280E tax deductions, which have long barred cannabis businesses from deducting ordinary business expenses, and a unified Schedule III framework could improve access to federal banking services and institutional capital.

The catch

Many observers think the hearing may not be where the issue is ultimately decided. The issues now before the D.C. Circuit involve statutory authority, constitutional structure, treaty obligations, due process, equal protection, and administrative law — questions only a federal court can resolve. SAM and the attorneys general of Indiana and Nebraska have already challenged the April 2026 order in the D.C. Circuit. History counsels patience: in a 1980s cannabis scheduling hearing, it took two years after the hearing for the judge to issue a recommendation, and another two years before DEA published its final order — and that recommendation to reschedule was ultimately rejected.

QUESTION

Yes, let's see any and all supporting documents. Also, are there any areas where the DEA is on record expressly stating they are not considering any aspect of rescheduling adult-use out of a Schedule I standing?

RESPONSE

The supporting documents

The DEA maintains the complete case file on its Notice of Proposed Rulemaking page. The foundational and procedural documents are listed below with links.

Foundational documents

- Notice of Proposed Rulemaking — Proposed Rescheduling of Marijuana (May 2024)
- HHS Basis for the Recommendation to Reschedule Marijuana into Schedule III
- 2026 Notice of Hearing — Federal Register, 91 FR 22777 (Docket DEA-1362)

Procedural framework for the current hearing

- Preliminary Order (restates the issue and the ALJ's authorities)
- Prehearing Ruling

- Supplemental Prehearing Ruling
- Notice to the Parties
- Full archive of ALJ orders (NPRM page)
- Marijuana Rescheduling Regulatory Actions (participant list)

Participants and schedule. The Government presents first on June 29, followed by the seven selected opponents in this order: National Drug & Alcohol Screening Association (July 2); Smart Approaches to Marijuana (July 6); DUID Victim Voices (July 7); Kenneth Finn, M.D. (July 8); Tennessee Bureau of Investigation (July 10); Phillip A. Drum, PharmD (July 13); and the States of Nebraska, Idaho, Indiana, and Louisiana (July 14).

The government's own evidence. DEA's witness list includes Corey Burchman, a New Hampshire physician of more than 30 years who will testify as a medical expert in pain management about medical marijuana's benefit to pain patients, and Dominic Chiapperino, director of the controlled substance staff at FDA's Center for Drug Evaluation and Research, who will testify about the eight-factor analysis used to assess marijuana's currently accepted medical use. Notably, DEA stated that Chiapperino is not authorized to testify to matters outside those three designated topics.

The opponents' opening briefs, filed the week before the hearing, largely focus on cannabis's alleged health and safety harms. SAM has sought to call a DEA pharmacologist, Luli Akinfiresoye, who in the earlier cancelled Biden-era hearing had submitted a report attempting to link cannabis consumption to psychosis, depression and impaired cognitive functioning — a move DEA has resisted.

The scope question

The premise here is worth examining closely, because the reality is almost the inverse of what the phrasing implies.

The June 29 hearing is precisely the proceeding that considers moving adult-use marijuana out of Schedule I. The April 2026 order already moved medical / FDA-approved cannabis to Schedule III; this hearing addresses the rest of the cannabis plant — i.e., adult-use marijuana — which remains in Schedule I. So DEA is not on record refusing to consider adult-use; the opposite is true. Adult-use is the entire point of this hearing.

What DEA has expressly and narrowly limited is the destination and the framing, in two documented ways:

- First, the issue is confined to a single binary. The governing orders state the question is whether marijuana should be transferred to Schedule III. It is a Schedule I → Schedule III question only. The proceeding does not entertain Schedule II, IV, or V, and it does not entertain descheduling (removing marijuana from the CSA entirely). That limitation is exactly what tripped up reform advocates: DEA rejected NORML's participation and argued that calls for removing cannabis from the CSA entirely are outside the purpose of

this hearing. In that sense, DEA has on-record narrowed what it will consider: Schedule III or nothing, not full removal from control.

- Second, DEA has on record limited its own witness's testimony — Chiapperino is boxed to three topics.

There is a further wrinkle on adult-use specifically. The April order's language carved adult-use out of the immediate relief: any other form of marijuana — unlicensed crops, bulk marijuana, and any extract or derivative not in an FDA-approved drug product — remains in Schedule I pending this rulemaking. So adult-use's Schedule I status is the status quo the hearing exists to revisit, not a position DEA has foreclosed.

In short: there is no DEA statement refusing to consider adult-use rescheduling — that is the hearing's core purpose. There are express limits on record narrowing the question to a straight Schedule I → III transfer (foreclosing descheduling) and limiting the government's witness scope. One nuance worth flagging from the procedural record: although the proposed rule is framed as Schedule III, the Administrator could ultimately issue a final rule for Schedule II or keep the Schedule I status quo following the proceedings.

Note on sources

This thread was compiled from primary materials published by the DEA and the Federal Register, together with contemporaneous reporting and legal analysis (including Marijuana Moment, Vicente LLP, Ropes & Gray, Gibson Dunn, Greenspoon Marder, Cannabis Business Times, and NORML). Direct links to the underlying DEA filings appear in the document list above. Quoted phrases in the original responses were brief excerpts attributed to their sources; this document restates the substance in plain prose.