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Marijuana Not Reclassified on Controlled Substance List

By Andrew Siddons, CQ Roll Call

The Drug Enforcement Administration on Thursday declined to reclassify marijuana on its schedule of controlled substances, keeping the drug in the most restrictive category with heroin, LSD and ecstasy.

Instead, the agency said it was ending a policy that restricts growing of marijuana for research purposes to a single institution, a move that could broaden the ability of universities and other institutions to develop new drugs. Expanding the supply could enhance research by providing access to marijuana of higher quality, with varying potency.

“Under the new approach, should the state of scientific knowledge advance in the future such that a marijuana-derived drug is shown to be safe and effective for medical use, pharmaceutical firms will have a legal means of producing such drugs in the United States,” the DEA stated in a Federal Register notice.

The policy took effect immediately, allowing researchers to register with the DEA as registered growers who will be subject to quota and record-keeping requirements and will be required to seek further approval to distribute their product for research or processing.

The DEA does not have a specific number of approved growers in mind. It is bound by statute only to approve a number “necessary to provide an adequate and uninterrupted supply of marijuana” to researchers in the United States. The agency will consider whether new growers are needed as it evaluates applications.

Current growers of medical marijuana or marijuana for recreational use in states where it is legal might run into problems becoming registered. Even if production is legal under state law, the DEA still considers it an illegal activity, which “may weigh heavily against granting the registration,” according to the agency notice.

For years, state officials and members of Congress have been calling on the DEA to make it easier to conduct research on the medical uses of marijuana. Though the agency did not change marijuana’s classification, which deems it a drug with no accepted medical use and a high potential for abuse, lawmakers who have pressed the Obama administration for liberalized controls still praised Thursday’s announcement.

“This is an important first step toward helping countless children who suffer from seizures get the medicine they need. It’s past due that we expand opportunities for medical research,” said Sen. Kirsten Gillibrand, D-N.Y., part of a bipartisan group of lawmakers who sent the DEA a letter on marijuana scheduling in June. She expressed disappointment that the decision leaves marijuana in a category more dangerous than cocaine, a position she described as “antiquated.”

But experts in drug policy maintain that simply moving marijuana from the most restrictive category to one below it wouldn’t have much of a practical effect. Scheduling changes would have forced changes to certification and security rules governing researchers but would have

been largely symbolic, according to John Hudak, who researches marijuana policy at the Brookings Institution.

“Despite reformers’ discontent, this decision may be more meaningful than the ultimate goal of rescheduling for both policy and political reasons,” Hudak said in a blog post.

The DEA and the Department of Health and Human Services both argued against rescheduling marijuana, saying that it has no currently accepted medical use. Hudak noted, however, that expanding access to marijuana for research purposes could help provide the evidence needed for policymakers to eventually make the scheduling change.

Republicans, wary of being soft on drugs, similarly support expanding research access to marijuana and its cannabinoid-derivatives before any decision is made about a schedule change. The chairmen of the House and Senate Judiciary committees, Rep. Robert Goodlatte of Virginia and Sen. Charles Grassley of Iowa, both praised the administration's cautious approach.

"Research is necessary to determine the potential medical value of cannabidiol, and wherever possible, the government should help facilitate the scientific research needed to give these parents the answers they need," Grassley said.