

December XX, 2022

The Honorable Joseph R. Biden
President of the United States of America
The White House
1600 Pennsylvania Ave
Washington, D.C. 20200

Dear President Biden:

On October 6th, you took a crucial and overdue step in the work to end the federal government's failed and discriminatory prohibition of cannabis. The instruction for the U.S. Departments of Health and Human Services and Justice to review the scheduling of marijuana in the Controlled Substances Act was necessary and welcome. However, it is time to deschedule marijuana. While Congress works to send you a comprehensive legalization bill, the administration should recognize the merits of full descheduling.

To date, 37 states have enacted medical marijuana programs, including 21 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 prohibition, and hold cannabis businesses to the highest standards. Following the lead of these states, members from both parties have introduced legislation to fully legalize marijuana and help remedy the failed war on drugs.

During the 117th Congress, the Democrat-led House of Representative voted for the second time to pass a proposal to legalize marijuana and correct the injustices and harms of federal prohibition. Meanwhile, House Republicans and Democratic Senate leadership have introduced a number of their own bills aimed at doing the same. While we do not always agree on specific measures, we recognize across the aisle that continued federal prohibition and criminalization of marijuana does not reflect the will of the broader American electorate. It is time that your administration's agenda fully reflect this reality as well.

Marijuana does not belong in Schedule I of the Controlled Substances Act, a classification intended for exceptionally dangerous substances with high potential for abuse and no medical use. The decision to schedule marijuana was rooted in stigma rather than an evidence-based process, and it is time to fully remedy this wrong. Descheduling marijuana can uphold federal and state authority to regulate cannabis, while also authorizing states that wish to continue to prohibit cannabis production and sales the right to do so.

Additionally, unjust scheduling of marijuana and normalizing federal cannabis regulation go hand-in-hand – like ending restrictions placing disproportionate burden on researchers seeking to study marijuana compared to other Schedule I substances. The federal government must correct this prohibition and the continued criminalization of otherwise legal marijuana – allowing research to meaningfully advance, creating legal job opportunities, promoting public safety not unjust incarceration, and upholding established state regulation of cannabis production, taxation,

and sales. We cannot negate the need for legislative action and federal guidance on many of these components, but all branches of the federal government must recognize the need for the descheduling of marijuana and in a manner that protects the will of each state and the markets and regulations that are within their authority to establish.

Law enforcement, our small businesses, and medical practices are also caught in the federal-state policy gap on cannabis. 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. Over 400,000 employees are supported by the legal cannabis industry¹ and estimates suggest an employment potential of approximately 1.5 million to 1.75 million workers in a mature US legal cannabis market.² The industry also sold a combined \$24.6 billion worth of cannabis products last year³ and generated over \$3.7 billion in tax revenue from sales.⁴ These numbers suggest that descheduling cannabis will have positive economic and employment benefits for millions of people. Descheduling will also help advance medical marijuana's potential as a therapeutic option for conditions such as chronic pain, insomnia, and anxiety,⁵ which over 60 U.S. and international health organizations support patient access to.⁶

We expect the Departments of Health and Human Services and Justice to continue to expeditiously conduct your directed review of marijuana's scheduling. While Congress works to send you comprehensive cannabis legislation, the urgency of full descheduling should inform the Administration's position on overall cannabis reform. Marijuana's continued inappropriate scheduling is both arcane and out-of-touch with the will of the American people. We look forward to your Administration working transparently and proactively with Congress to enact this crucial step.

Sincerely,
[Signatures]

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

¹ Leafly and Whitney Economics, "Jobs Report 2022," Bruce Barcott, Beau Whitney, Max Savage Levenson, and Chris Kudialis, September 22, 2022, p. 4, <https://leafly-cms-production.imgix.net/wp-content/uploads/2022/02/22132544/LeaflyJobsReport2022.pdf>.

² Leafly and Whitney Economics, "Jobs Report 2022," Bruce Barcott, Beau Whitney, Max Savage Levenson, and Chris Kudialis, September 22, 2022, p. 7, <https://leafly-cms-production.imgix.net/wp-content/uploads/2022/02/22132544/LeaflyJobsReport2022.pdf>.

³ Leafly and Whitney Economics, "Jobs Report 2022," Bruce Barcott, Beau Whitney, Max Savage Levenson, and Chris Kudialis, September 22, 2022, p. 4, <https://leafly-cms-production.imgix.net/wp-content/uploads/2022/02/22132544/LeaflyJobsReport2022.pdf>.

⁴ Marijuana Policy Project, "Cannabis Tax Revenue in States Regulate Cannabis for Adult Use," 2022, <https://www.mpp.org/issues/legalization/cannabis-tax-revenue-states-regulate-cannabis-adult-use/>.

⁵ AARP, "What Medical Marijuana Works For," Sari Harrar, September 3, 2019, <https://www.aarp.org/health/drugs-supplements/info-2019/cannabis-for-medical-conditions.html>.

⁶ NORML, "Health Organizations Endorsements," <https://norml.org/marijuana/library/health-organizations-endorsements/>.