
May 24, 2026

Drug Enforcement Administration
Attn: Administrator
8701 Morrissette Drive
Springfield, VA 22152

**Re: Notice of Intention to Participate in the Matter of Marijuana Scheduling Review
Docket No. DEA-1362**

Introduction

The undersigned counsel, on behalf of Students for Sensible Drug Policy (“SSDP”), respectfully submits this Notice of Intention to Participate in the Drug Enforcement Administration (“DEA”) hearing on the proposed rescheduling of marijuana under the Controlled Substances Act (“CSA”), scheduled to commence on June 29, 2026.

SSDP submits this request as an interested person within the meaning of 21 C.F.R. § 1300.01(b), and in conformity with the requirements described in the Notice of Hearing, including the requirement that a request: (1) state with particularity the requester’s interest in the proceeding; (2) state with particularity the objections or issues concerning which the requester desires to be heard; and (3) state briefly the requester’s position regarding those objections or issues.

SSDP does not submit this request merely to support the proposed rule. SSDP seeks participation because it and its members will be adversely affected or aggrieved if DEA adopts a final rule that transfers marijuana to Schedule III while failing to address the continued federal criminalization, administrative burdens, collateral consequences, market distortions, and civil-liberties harms that flow from continued CSA scheduling, particularly as applied to adult-use cannabis and young people.

I. Particularized Interest of SSDP in This Proceeding

1. SSDP is a national, youth-led, student organization dedicated to ending the harms of drug prohibition and advancing evidence-based drug policy.
2. SSDP’s members include college students, graduate students, young workers, emerging professionals, researchers, patients, advocates, organization ambassadors, cannabis workers, prospective entrepreneurs, and people directly affected by federal cannabis policy.

3. SSDP and its members are adversely affected and aggrieved by federal cannabis scheduling decisions because federal cannabis prohibition and the federal enforcement posture uniquely burden students and young adults, including through:
 - a. educational access and retention consequences;
 - b. financial aid and scholarship impacts;
 - c. campus discipline and student conduct proceedings;
 - d. student housing and landlord-tenant consequences;
 - e. research barriers and institutional restrictions on cannabis-related academic work;
 - f. employment consequences, background checks, workplace discipline, and loss of professional opportunities;
 - g. professional licensing and credentialing consequences;
 - h. immigration consequences for noncitizen students and young adults;
 - i. criminal exposure and collateral consequences that can derail educational and early-career trajectories; and
 - j. exclusion from lawful state cannabis markets, including barriers to employment, entrepreneurship, ownership, investment, and professional development in the adult-use cannabis industry.
4. SSDP's members are not merely interested observers of federal cannabis policy. They are among the people most likely to experience the practical consequences of continued federal prohibition: students subject to campus discipline; young adults subject to employment screening and background checks; early-career researchers restricted by federal controls; noncitizen students exposed to immigration consequences; and young workers and future entrepreneurs whose professional opportunities are shaped by federal cannabis scheduling.
5. SSDP's members will be adversely affected if DEA adopts a final Schedule III rule that entrenches a bifurcated system under which certain medical or federally recognized cannabis activity receives more favorable treatment while adult-use cannabis remains subject to Schedule I treatment, federal criminalization, collateral consequences, and tax burdens. For SSDP's members, that structure would not merely preserve the status quo. It would deepen confusion, normalize unequal treatment, and risk channeling opportunity away from the adult-use markets in which many young workers, students, emerging professionals, and future entrepreneurs seek lawful participation under state law.

6. SSDP's members are also harmed by the federal tax and business consequences of continued Schedule I treatment for adult-use cannabis. So long as adult-use cannabis remains in Schedule I or II, businesses serving adult-use markets remain subject to Internal Revenue Code § 280E, which denies ordinary business deductions for businesses trafficking in Schedule I or II substances. Those burdens affect not only existing operators, but also the employment prospects, career pathways, wages, internships, business opportunities, and professional development of SSDP's members and similarly situated young adults. SSDP members' current business ventures will be directly impacted if adult-use cannabis remains in Schedule I or II.
7. SSDP's organizational mission and day-to-day work are directly implicated by this proceeding because SSDP advocates for reforms to federal cannabis policy and supports students and young adults navigating the harms of prohibition. A final rule that transfers marijuana to Schedule III without adequately addressing the continuing harms of CSA scheduling would directly affect SSDP's members and the communities SSDP exists to serve and require further administrative and operational expenditures.

II. Issues and Objections on Which SSDP Seeks to Be Heard

SSDP seeks participant status to address the following issues within the scope of the hearing, which is to receive factual evidence and expert opinion regarding whether marijuana should be transferred to Schedule III.

1. Whether transferring marijuana to Schedule III is supported by the CSA's statutory scheduling criteria and the administrative record.
2. Whether Schedule III placement, without more, adequately addresses the factual and legal findings that marijuana no longer satisfies the predicates for Schedule I treatment.
3. Whether a final rule transferring certain cannabis activity or cannabis products to Schedule III while leaving adult-use or non-medical cannabis in Schedule I would be legally coherent under the CSA's text, structure, and scheduling criteria.
4. Whether the factual predicates advanced to support Schedule III placement also undermine continued Schedule I treatment of adult-use cannabis.
5. Whether continued Schedule I treatment of adult-use cannabis perpetuates criminal penalties, campus discipline, immigration consequences, employment harms, professional licensing risks, and other collateral consequences that disproportionately affect students and young adults.

6. Whether continued Schedule I treatment of adult-use cannabis imposes federal tax and business consequences, including § 280E burdens, that directly affect SSDP's members as students, young workers, emerging professionals, researchers, and future entrepreneurs seeking lawful participation in state-regulated cannabis markets.
7. Whether a partial or bifurcated scheduling regime would distort opportunities for SSDP's members by privileging certain medical or federally recognized cannabis pathways while leaving adult-use businesses, workers, consumers, and future market participants exposed to federal illegality and § 280E burdens.
8. Whether continued Schedule I treatment of adult-use cannabis suppresses employment opportunities, limits entry by young professionals and future entrepreneurs, discourages small-business formation, and concentrates opportunity in better-capitalized or federally advantaged channels.
9. Whether Schedule III placement would expand or entrench DEA control over cannabis production, research, distribution, registration, quotas, and lawful participation in ways that may restrict students, early-career researchers, academic institutions, young professionals, and future entrepreneurs.
10. Whether the administrative record should be developed regarding the agency's reliance on treaty obligations, including the Single Convention on Narcotic Drugs, in connection with any partial or bifurcated rescheduling framework.
11. Whether treaty considerations are being used to justify limiting the scope of rescheduling, maintaining adult-use cannabis in Schedule I, or rejecting less restrictive alternatives, and whether the record adequately supports such reliance.
12. Whether the timing and procedural posture of the proceeding permit meaningful record development where the government has already taken action with respect to certain marijuana-containing products and state medical cannabis activity while also convening a hearing on broader marijuana rescheduling.
13. Whether a final Schedule III rule would adequately consider the real-world consequences of continued federal prohibition for students, young adults, campus communities, academic research, early-career workers, and future and current market participants.
14. Whether the proposed rule should be modified, narrowed, clarified, or rejected to the extent it would entrench continued Schedule I treatment of adult-use cannabis or otherwise fail to account for the harms identified above.

SSDP does not seek relief outside the scope of this rulemaking hearing. SSDP recognizes that the noticed hearing concerns whether marijuana should be transferred to Schedule III. SSDP nevertheless seeks to develop and preserve the administrative record on whether Schedule III placement is legally and factually supported, whether continued Schedule I treatment of adult-use cannabis is coherent, and whether the agency has adequately considered the consequences of partial or bifurcated rescheduling. SSDP also preserves its broader position that cannabis should be descheduled through appropriate administrative, legislative, or judicial channels.

III. SSDP's Position Regarding the Issues Identified

1. SSDP's position is that the record should be developed to determine whether Schedule III placement is supported by the CSA's scheduling criteria and whether the proposed rule adequately addresses the harms caused by continued federal cannabis scheduling.
2. SSDP objects to any final rule that treats Schedule III placement as a sufficient remedy while leaving students, young adults, adult-use consumers, workers, researchers, and future entrepreneurs exposed to continuing Schedule I consequences.
3. SSDP's position is that a bifurcated approach that places certain medical cannabis or marijuana-containing products in Schedule III while leaving adult-use cannabis in Schedule I raises substantial legal and practical concerns. Those concerns include incoherence in application, unequal treatment, continued criminal exposure, market distortion, and the perpetuation of administrative and collateral consequences.
4. SSDP's position is that adult-use cannabis cannot be treated as an irrelevant or secondary issue. For students and young adults, adult-use cannabis is often the primary context in which criminalization, campus discipline, employment screening, housing consequences, professional exclusion, immigration consequences, and lost economic opportunity arise.
5. SSDP's position is that § 280E consequences are directly relevant to the real-world impact of scheduling because they shape the employment, professional, and entrepreneurial opportunities available to SSDP's members. A partial rescheduling framework could reduce tax burdens for certain medical or federally recognized cannabis activity while leaving adult-use businesses and workers subject to severe federal tax consequences. For SSDP's members, this is not an abstract industry concern; it affects access to jobs, internships, research pathways, ownership opportunities, wages, and future participation in state-regulated cannabis markets.

6. SSDP's position is that continued Schedule I treatment of adult-use cannabis harms business growth in ways that directly affect students, young workers, emerging professionals, and future entrepreneurs. These harms include reduced hiring, suppressed wages, fewer entry-level opportunities, diminished access to capital, increased business failure risk, and fewer realistic pathways for young people to participate in lawful state cannabis markets.
7. SSDP's position is that Schedule III placement may also increase or entrench DEA's administrative control over cannabis production, research, registration, quotas, and distribution. The hearing record should address whether those controls would create new barriers for students, researchers, academic institutions, young workers, and future market participants.
8. SSDP's position is that the hearing record should be developed regarding the agency's reliance on treaty obligations in structuring any rescheduling outcome. SSDP does not seek to convert this participation request into a collateral treaty challenge. Rather, SSDP seeks to preserve and develop issues concerning whether treaty considerations are being used to justify partial rescheduling, continued Schedule I treatment of adult-use cannabis, or rejection of less restrictive alternatives without adequate record support.
9. SSDP's position is that any approach treating Schedule III placement as predetermined would be inconsistent with the purpose of a formal hearing on the record. The hearing should meaningfully test the factual and legal premises for any final scheduling outcome.

IV. Expected Testimony and Evidence SSDP Intends to Offer

If granted participant status, SSDP expects to offer testimony and supporting evidence addressing:

1. The concrete, real-world impacts of federal cannabis prohibition and scheduling on students and young adults, including educational, economic, professional, housing, immigration, and collateral-consequence harms.
2. The ways in which continued Schedule I treatment of adult-use cannabis perpetuates criminal exposure and administrative penalties for students and young adults, even if certain medical cannabis pathways are moved to Schedule III.

3. The impact of federal scheduling on research access and academic inquiry, including barriers faced by student researchers, early-career researchers, universities, and academic institutions.
4. The practical consequences of a bifurcated scheduling approach for campus communities, young adults, patients, consumers, workers, and state-regulated market participants, including confusion, uneven enforcement, and continued punitive outcomes.
5. The economic consequences of maintaining adult-use cannabis in Schedule I, including § 280E burdens, reduced employment opportunities, barriers to entry, diminished professional pathways, and lost entrepreneurial opportunities for students, young workers, emerging professionals, and future entrepreneurs.
6. The risk that partial rescheduling will distort opportunities for SSDP's members by privileging certain medical or federally recognized cannabis pathways while leaving adult-use businesses, workers, consumers, and future market participants in a disadvantaged federal tax and enforcement posture.
7. The implications of Schedule III for DEA registration, production quotas, research controls, and federal administrative oversight over who may lawfully produce, study, distribute, or participate in cannabis markets, including how those controls may affect students, early-career researchers, academic institutions, young professionals, and future entrepreneurs.
8. The need to develop and preserve the administrative record regarding treaty-based rationales for any partial or bifurcated rescheduling framework, including whether treaty considerations are being used to limit the scope of rescheduling, maintain adult-use cannabis in Schedule I, or avoid consideration of less restrictive alternatives.
9. The perspective of students and young adults harmed by prohibition, which is distinct from the perspectives of large commercial market participants, medical operators, law enforcement entities, government agencies, and anti-cannabis advocacy organizations.

V. Relevance and Material Assistance to the Tribunal

1. SSDP's participation will materially assist the Administrative Law Judge and the agency by providing a perspective that is directly affected and underrepresented in typical scheduling proceedings: the perspective of students, young adults, academic researchers, emerging professionals, cannabis workers, and future entrepreneurs navigating the consequences of federal cannabis policy.

2. SSDP's perspective is distinct from that of commercial market participants. SSDP does not seek participation as an industry trade association and does not seek to advance a generalized commercial interest. Its interest is grounded in the direct educational, professional, civil-liberties, research, and economic harms experienced by students and young adults.
3. SSDP's perspective is also distinct from the medical-access, law-enforcement, public-safety, and anti-cannabis-prevention perspectives represented by other potential participants. SSDP's participation would assist the tribunal in evaluating the real-world consequences of Schedule III placement and continued Schedule I treatment from the standpoint of the young people most affected by cannabis enforcement, campus discipline, employment screening, and early-career exclusion.
4. SSDP's participation will assist in developing a complete record on the practical, economic, administrative, educational, and civil-liberties harms that flow from continued federal prohibition and Schedule I treatment, including harms not captured by narrow discussions of medical use, pharmaceutical regulation, commercial compliance, or public-safety enforcement.
5. SSDP's participation will also assist the tribunal in evaluating whether a partial or bifurcated rescheduling framework creates unequal treatment, market distortion, and arbitrary enforcement consequences that should be considered before the agency adopts any final scheduling rule.

VI. Request for Participant Status and Scope of Participation

SSDP respectfully requests that DEA grant SSDP participant status in this proceeding and permit SSDP to:

1. Present live testimony and argument;
2. Submit documentary evidence and written submissions for inclusion in the record;
3. Conduct cross-examination to the extent permitted under the governing hearing procedures; and
4. Otherwise participate fully as permitted by the Administrative Procedure Act and DEA hearing regulations governing this proceeding.

SSDP also states that it is prepared to comply with reasonable procedural limitations imposed by the tribunal, including limits on duplicative testimony, witness disclosures, documentary evidence, and coordination or consolidation where appropriate. SSDP's

requested participation is focused on its distinct student, youth, research, civil-liberties, and early-career economic perspective.

VII. Reservation of Rights and Preservation of Objections

1. SSDP respectfully preserves all objections to any process that treats Schedule III placement as predetermined or constrains meaningful development of the record on whether marijuana should be transferred to Schedule III.
2. SSDP preserves objections concerning any final rule that transfers marijuana to Schedule III while failing to address the continued Schedule I treatment of adult-use cannabis, the consequences of bifurcated scheduling, or the harms to students, young adults, researchers, workers, and future entrepreneurs.
3. SSDP preserves objections and record-development issues concerning the agency's reliance on treaty obligations in connection with any partial or bifurcated rescheduling framework, including whether treaty considerations are used to justify continued Schedule I treatment of adult-use cannabis or to avoid meaningful consideration of less restrictive alternatives.
4. SSDP preserves objections concerning any failure to consider the economic consequences of continued adult-use Schedule I treatment as they affect SSDP's members and similarly situated young people, including § 280E burdens, reduced employment opportunities, barriers to professional development, diminished business growth, and lost entrepreneurial pathways for students, young workers, emerging professionals, and future entrepreneurs.
5. SSDP preserves objections concerning any failure to consider the collateral consequences of continued federal cannabis scheduling, including campus discipline, housing consequences, immigration consequences, employment screening, professional licensing risks, and academic research barriers.
6. SSDP submits this request without waiver of any rights to seek administrative or judicial review of final agency action, consistent with applicable law.

Conclusion

For the foregoing reasons, SSDP respectfully requests that DEA designate SSDP as a participant in the hearing commencing June 29, 2026, and allow SSDP to present testimony, submit evidence, cross-examine where permitted, and otherwise participate under the governing procedures to develop the record on the legal, factual, economic, educational, research, and practical consequences of the proposed rescheduling framework.

Dated: May 24, 2026

Respectfully submitted,

/s/Robert T. Rush

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Certificate of Service

I certify that on May 24, 2026, I served this Request to Participate by electronic mail to:
nprm@dea.gov.

/s/Robert T. Rush

Robert T. Rush
Attorney for Students for Sensible Drug Policy