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ASAM Statement on Marijuana Rescheduling Executive Order

Rockville, MD – In response to the Executive Order “[Increasing Medical Marijuana and Cannabidiol Research](#),” which aims to expedite the rescheduling of marijuana from Schedule I to Schedule III, Stephen M. Taylor, MD, MPH, DFAPA, DFASAM, president of the American Society of Addiction Medicine (ASAM), issued the following statement:

“Federal marijuana scheduling merits reevaluation, but a wholesale transfer of marijuana to Schedule III fails to account for potency differences. Higher-potency marijuana is associated with a greater likelihood of adverse health reactions. ASAM has called for a more nuanced approach that limits down-scheduling to lower-potency marijuana and enforces Schedule III requirements for entities receiving any new tax benefits as a result. Such a targeted approach would open doors to new research opportunities while mitigating public health harms.”

In 2024, ASAM provided [comments](#) to the Drug Enforcement Administration (DEA) on a proposed rule to reschedule marijuana to Schedule III.

In the comment letter, ASAM recommended that the DEA consider the possible failure of marijuana with higher tetrahydrocannabinol (THC) concentrations to meet HHS’ new, alternative test for currently acceptable medical use. Further, significant, negative public health ramifications are likely to result if Internal Revenue Service Code Section 280E no longer applies, and thus marijuana companies/dispensaries were allowed to take advantage of various federal tax deductions and credits due to a transfer of marijuana to Schedule III.

For these reasons, ASAM’s letter noted that it could support a final rule that transfers only marijuana with lower THC concentrations to Schedule III, so long as any such final rule clearly states that (1) the Food, Drug, and Cosmetic Act (FDCA) will continue to apply, and (2) Schedule III requirements/controls will be enforced for those who take advantage of federal tax benefits due to 280E no longer being applicable after such a rescheduling. Higher potency marijuana would remain in Schedule I in the absence of Congressional action.

ASAM’s [Public Policy Statement on Cannabis](#) is supportive of rescheduling cannabis used for medical purposes to promote more clinical research and Food and Drug Administration oversight typical of other medications.

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About the American Society of Addiction Medicine

The American Society of Addiction Medicine (ASAM), founded in 1954, is a professional medical society representing over 8,000 physicians, clinicians, and associated professionals in the field of addiction medicine. ASAM is dedicated to increasing access and improving the quality of addiction treatment, educating physicians and the public, supporting research and prevention, and promoting the appropriate role of physicians in the care of patients with addiction. For more information, visit www.ASAM.org.