



CBCF EXECUTIVE ORDER TRACKER

Increasing Medical Marijuana and Cannabidiol Research

Executive Order #14370

Date Issued: December 18, 2025

Topic: Criminal Justice, Health

WHAT DOES THIS EXECUTIVE ORDER DO?

- This executive order reclassifies marijuana from a Schedule I drug, defined as having “no currently accepted medical use, a high potential for abuse, and a lack of accepted safety for use of the drug under medical supervision” to a Schedule III drug, which is accepted for medical use and considered to have less potential for abuse than other controlled substances.
- While the order does not decriminalize or legalize marijuana, it allows for more federally funded research on the use of cannabidiol (CBD) and tetrahydrocannabinol (THC) for medicinal purposes.

HOW WILL THIS EXECUTIVE ORDER BE ENFORCED?

- This executive order directs the Attorney General (AG) to initiate the rulemaking process to reschedule marijuana to a Schedule III drug under the Controlled Substances Act.
- The order also instructs the Assistant to the President and Deputy Chief of Staff for Legislative, Political, and Public Affairs to amend the definition of hemp-derived cannabinoid products to expand Americans' access to CBD products.
- The order acknowledges that Congress has a vested interest in restricting the sale of products that pose serious health risks. It instructs the Assistant to the President and Deputy Chief of Staff for Legislative, Political, and Public Affairs to collaborate with Congress and relevant executive departments and federal agencies to develop a regulatory framework for hemp-derived cannabinoid products.
- The order instructs the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare and Medicaid Services, and the Director of the National Institutes of Health to develop research methods to improve access to hemp-derived cannabinoid products.



HOW DOES THIS IMPACT BLACK COMMUNITIES?

- The reclassification outlined in this executive order alleviates financial burden from business owners that grow or sell cannabis. Section 280E of the U.S. tax code prohibits business that “traffic” Schedule I or Schedule II controlled substances from taking standard business deductions and receiving tax credits and raises the federal tax rates on licensed cannabis operators between 50% and 70%. Prior to this order, cannabis farmers and entrepreneurs were banned from accessing federal tax deductions for payroll, health insurance, and other professional expenses, even in states that have legalized marijuana. When the Department of Justice rulemaking process is complete, these business owners will be able to access the full tax benefits of entrepreneurship, which will also reduce the barriers to entry for prospective entrepreneurs. In the wake of President Trump dismantling the Minority Business Development Agency and eliminating DEIA policies in the federal government, this policy will support Black business owners seeking to stake a larger claim in an industry that has disproportionately impacted Black Americans.
- A 2020 study from the ACLU found that Black people are over three times more likely to be arrested for marijuana possession than their white counterparts, despite similar consumption rates. In 2023, Black Americans, who represent roughly 14% of the population, made up 41% of marijuana possession arrests. Because Schedule III drug charges carry a significantly smaller penalty than Schedule I drug charges, this reclassification will lead to a reduction in long-term incarceration for marijuana-related drug offenses. However, this executive order is not retroactive; thousands of Black Americans will serve lengthy federal sentences for marijuana possession because cannabis was a Schedule I drug at the time of their arrest.
- Over 40 states have legalized marijuana in some capacity, and nearly half have legalized medicinal marijuana. In addition, as a Schedule III drug, marijuana may now be studied in federally funded research projects and clinical trials. This executive order acknowledges the benefits of CBD and THC use in pain management and other medical contexts, makes it easier for Americans to access cannabis products, and will pave the way for the expansion of legal marijuana usage in the US. However, until cannabis use is legalized or decriminalized on the federal level, we will continue to see Black Americans arrested and incarcerated at inequitably high rates.

HOW ARE CBC MEMBERS RESPONDING?

- **Senator Cory Booker**, an impassionate advocate for criminal justice reform, issued a statement in response to this executive order:
 - “I am pleased that President Trump has directed the DOJ to complete the rulemaking process and implement this change. The change opens the door for expanded scientific research, allowing medical professionals and institutions to study its potential benefits and risks with far fewer regulatory hurdles. However, rescheduling cannabis alone will not eliminate the harms of federal prohibition. Millions of Americans, especially Black and Brown communities, will continue to face criminal penalties for recreational use or for using medical marijuana products that lack federal approval. Thousands will remain in prisons around the country for marijuana-related offenses. Nor will this change restore access to public housing or nutrition assistance for people who use marijuana recreationally.” [Full Statement](#)
- In 2025, **Rep. Yvette D. Clarke**, Chair of the Congressional Black Caucus, penned a letter to President Joe Biden asking him to reclassify marijuana to a Schedule III drug.
 - “This is an important step forward to resolve a critical issue that has had material consequences for Black Americans for far too long. The Congressional Black Caucus and scores of other Black leaders have been at the forefront of shaping the social and political discourse that has led to 39 legal state cannabis markets around the country. We have fought tirelessly for Black Americans, who have been the most harmed by the war on marijuana, to have a chance to participate in what is now a state-licensed industry.” [Full Statement](#)