



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

July 17, 2024

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The Honorable Anne Milgram
Administrator
U.S. Drug Enforcement Administration
Attn: DEA Federal Register Representative/DPW
8701 Morrisette Drive
Springfield, Virginia 22152

Re: *Docket No. DEA-1362: Kentucky Support for Rescheduling of Marijuana to Schedule III*

Dear Administrator Milgram:

I write to express my support for the United States Department of Health and Human Services' ("HHS") recommendation that the Drug Enforcement Administration ("DEA") reschedule marijuana from Schedule I to Schedule III under the Controlled Substances Act.

As Governor of the Commonwealth of Kentucky, my job is to move our state forward. Rescheduling marijuana to Schedule III is a significant, common-sense step forward for all Kentuckians, especially those with serious medical conditions.

Rescheduling marijuana from Schedule I to Schedule III will have substantial and meaningful impacts:

For patients, rescheduling destigmatizes medical marijuana, confirms medical freedom, provides an alternative to deadly opioids, and ensures continued access to safe products.

For communities, rescheduling means legal medical cannabis programs continue to provide a secure alternative to illicit and unregulated markets, further reducing crime and abuse.

For businesses, rescheduling means fair markets – placing cannabis businesses on the same economic footing as any other business.

For the scientific community, rescheduling means real opportunities for research on marijuana.

As a Schedule I drug, marijuana is currently in the same classification as heroin and LSD, which means it has "no current accepted medical use." This also means marijuana is considered more dangerous than Schedule II drugs, such as fentanyl, oxycodone, methadone, methamphetamine, and Vicodin.

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The jury is no longer out on marijuana: it has medical uses and is currently being used for medical purposes. This recognition is overwhelming – and bipartisan. In Kentucky, for example, I signed a medical marijuana law that passed with support from Republican legislative supermajorities and a Democratic Governor.

Kentuckians know exactly how dangerous other Schedule I and II drugs are. When I served as Attorney General, I held Big Pharma accountable for how they devastated our communities. Kentucky led the nation then in the number of individual opioid lawsuits filed by an attorney general. From our lawsuits, we ultimately secured over \$900 million in funds from pharmaceutical companies who preyed on Kentucky’s communities.

We saw the devastation these supposedly “less harmful” drugs caused to our families and communities. From 2012 to 2016, Kentucky experienced more than 1,250 opioid overdose deaths in four counties alone. During the same time period, over 5,800 Kentuckians died from opioid abuse. However, according to Kentucky’s Office of Drug Control Policy, during that same period we experienced *no* marijuana overdose deaths. Nationally, opioid use killed 80,000 Americans in 2022. In the same year, marijuana use alone killed zero Americans. That is why Kentucky’s Office of Drug Control Policy, the Cabinet for Health and Family Services, and the Department for Behavioral Health, Developmental and Intellectual Disabilities all support rescheduling.

Thankfully, a well-regulated medical marijuana market provides an alternative to opioids. Our sister states have shown that medical marijuana programs are safe. With age-restrictions, rigorous testing standards, packaging and labeling requirements, and advertising restrictions, state medical marijuana markets have provided safe, effective medical products to millions of Americans. We look forward to seeing how safe medical marijuana products will reduce the suffering and improve the lives of tens of thousands of Kentuckians when our Program launches in 2025.

As Governor, I will continue to put the health and safety of Kentuckians first. That means supporting sensible drug policies like rescheduling marijuana to Schedule III. For these reasons, I support the HHS recommendation to reschedule marijuana from Schedule I to Schedule III.

Thank you for your time and consideration. I look forward to your attention and prompt action on this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Andy Beshear". The signature is fluid and cursive, with the first name "Andy" and last name "Beshear" clearly legible.

Andy Beshear
Governor