

LEGAL UPDATE

Trump Signs Executive Order to Reschedule Marijuana to Schedule III Drug



On Dec. 18, 2025, President Donald Trump signed an [executive order](#) (EO) calling for marijuana to be rescheduled from Schedule I to Schedule III of the Controlled Substances Act (CSA). Schedule III drugs are considered less dangerous and are much less strictly controlled than Schedule I drugs.

Background

Historically, marijuana has been controlled under Schedule I of the CSA. In general, drugs, substances and certain chemicals used to make drugs are classified under five distinct schedules depending on the drug's acceptable medical use or dependency potential. Schedule I drugs are defined as drugs with no currently accepted medical use and a high potential for abuse.

EO Overview

The Trump EO states that, per recommendations from the Department of Health and Human Services (HHS), medical marijuana has a currently accepted medical use. The EO further noted the potential medical benefits from cannabidiol (CBD) and tetrahydrocannabinol (THC) hemp-derived cannabinoid products. In light of this, the EO states the administration's policy to increase medical marijuana and marijuana and CBD research.

To achieve this policy, the EO calls for the U.S. Attorney General to take all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III under the CSA in the most expeditious manner in accordance with federal law. Unlike Schedule I drugs, Schedule III drugs are classified as having a lower potential for abuse than drugs or other substances in Schedules I and II, a currently accepted medical use in treatment in the United States, and a potential for moderate or low physical dependence or high psychological dependence in the event of drug abuse.

The EO also calls for the Deputy Chief of Staff for Legislative, Political, and Public Affairs to work with Congress to update the statutory definition of final hemp-derived cannabinoid products to allow Americans to benefit from access to appropriate full-spectrum CBD products while still restricting the sale of products that pose serious health risks.

Employer Takeaways

The EO does not have an immediate effect on federal marijuana scheduling; rather, it calls for the initiation of the federal rulemaking process. However, if the rescheduling takes effect, it may have implications for employers, particularly those with employees in safety-sensitive roles, such as drivers of commercial vehicles. Therefore, employers should monitor for updates on the rulemaking process and potential effects on workplace operations.

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