

**Beth McCann**  
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Second Judicial District



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July 9, 2024

Drug Enforcement Administration  
Attn: DEA Federal Register Representative/DPW  
Drug Enforcement Administration  
U.S. Department of Justice  
8701 Morrissette Drive  
Springfield, VA 22152

RE: Docket No. DEA-1362

I have served as the elected District Attorney of Denver, Colorado, since 2017, and prior to that, I served as a state representative in the Colorado House of Representatives from 2008 to 2017, representing central and northeast Denver. I submit this comment in response to the Drug Enforcement Administration's (DEA) Notice for Proposed Rulemaking as published in the Federal Register on May 21, 2024, FR Vol. 89, No. 112, pages 44597–44622, in support of the reclassification of marijuana ("cannabis") from schedule I to schedule III under the Controlled Substances Act (CSA) schedule. I believe that reclassification under schedule III would mark an important step to help federal and state law enforcement better prioritize the use of public safety resources.

Public opinion on how the federal government should treat cannabis has dramatically shifted away from historic punitive approaches to cannabis use. Thirty-eight states have established a form of legalized framework — medical, adult-use, or both — with strong voter and/or legislative support.

As you know, Colorado was one of the first states to decriminalize recreational marijuana use. We did not see a sharp increase in crimes associated with marijuana dispensaries and the decriminalization. As the D.A.'s office in Denver, we had to consider how to resolve state/federal conflicts in law. Essentially, in Denver, the federal government has not pursued simple possession cases involving marijuana as there is a recognition that the voters of Colorado have spoken with respect to marijuana possession for personal use.

I am concerned about how the direct conflict between state and federal laws that currently exist regarding the handling of cannabis makes it difficult for law enforcement to respond effectively to pressing public safety challenges. This conflict between federal and state laws has also allowed an unregulated cannabis market to gain footing across the United States. The unregulated market cultivates, manufactures, distributes, and sells cannabis without a government-issued license, permit, or approval. It effectively operates in the dark, outside of state-imposed guardrails and oversight.

Alarming, we have seen cases in states like California and Oklahoma where sophisticated yet unlicensed operations are tied to organized criminal enterprises. This unregulated commerce thus poses a serious risk to public safety in communities around the country through such connections to organized crime and the absence of oversight.

Rescheduling cannabis to schedule III would allow law enforcement to focus efforts on combatting the harms that arise from unregulated cannabis markets. Moreover, rescheduling would allow legal markets to compete on a level playing field, potentially leading to greater reinvestments in critical programs, including public safety.

Therefore, I strongly urge the DEA to follow the Department of Health and Human Services' recommendation and reclassify marijuana as a schedule III substance under the CSA. Such a move would advance public safety and promote more efficient and effective use of law enforcement resources nationwide. It would also more closely reflect the public's view of cannabis regulation.

I would be happy to answer any questions or provide more information if you wish.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth McCann", with a long horizontal flourish extending to the right.

Beth McCann  
Denver District Attorney