



Cannabis Control Division

June 16, 2026

INDUSTRY BULLETIN: 26-07

Updates on Federal Rescheduling of Cannabis

The Cannabis Control Division (CCD) of the New Mexico Regulation and Licensing Department (RLD) is issuing this update to Industry Bulletin 25-20, titled "Executive Order Increasing Medical Marijuana and Cannabidiol Research Issued by the White House on December 18, 2025," which can be found on the CCD's website here: [Industry Bulletin 25-20: Industry Bulletin 25-20](#).

On April 22, 2026, the United States Department of Justice (DOJ) and the Drug Enforcement Administration (DEA) issued a federal order concerning the rescheduling of certain cannabis products under the federal Controlled Substances Act (CSA) and announced additional administrative proceedings related to the broader federal cannabis rescheduling effort, including a hearing currently scheduled for June 29, 2026.

Since the issuance of the federal order, several legal challenges have been filed in the United States Court of Appeals for the District of Columbia Circuit. Three petitions for review under 21 U.S.C. § 877 are currently pending and have been consolidated for consideration by the court:

- i. SAM, Inc. and NDASA v. DOJ, No. 26-1106 (filed May 4, 2026);
- ii. Nebraska, Indiana, and Louisiana v. DOJ, No. 26-1130 (filed May 22, 2026);
and
- iii. New Directions Addiction Recovery Services, et al. v. Trump, No. 26-1136 (filed May 28, 2026).

Louisiana has since moved to withdraw from Case No. 26-1130, leaving Nebraska and Indiana as petitioners in that matter.

On June 2, 2026, SAM, NDASA and related petitioners filed an unopposed motion seeking additional time to determine whether to pursue a stay of the federal rescheduling order while the consolidated litigation proceeds.

On June 9, 2026, the petitioners filed an emergency motion in the D.C. Circuit seeking a stay of the Acting Attorney General's April 2026 rescheduling order pending judicial review.

The D.C. Circuit has not yet ruled on the pending motion for injunction pending review. Pursuant to the court's June 11, 2026 order, respondents' response to the motion is due July 2, 2026.

As of the date of this update, the DEA administrative hearing related to the marijuana rescheduling proceeding remains scheduled to begin on June 29, 2026. The D.C. Circuit's June 11, 2026 order addressed only the briefing schedule for the pending motion for injunction and did not alter the administrative hearing schedule.

CCD will continue to monitor developments related to federal cannabis rescheduling, including pending litigation, federal administrative proceedings, federal registration processes, and other implementation measures that may affect state-licensed cannabis businesses.

At this time, New Mexico's cannabis laws and regulations remain in full effect and unchanged. All licensees are expected to continue operating in compliance with the Cannabis Regulation Act (CRA), applicable provisions of the Lynn and Erin Compassionate Use Act, and all rules administered by the CCD. Nothing in the recent

federal action should be interpreted as independently authorizing interstate transport or distribution of cannabis products in violation of existing state or federal law.

Licensees should also be aware that the CRA contains provisions addressing interstate and international cannabis commerce under certain circumstances. See NMSA 1978, § 26-2C-37 and 26-2C-38. The State has not issued any determinations regarding the applicability, activation, or implementation of those provisions.

Federal actions related to rescheduling do not automatically modify New Mexico licensing requirements, packaging and labeling standards, testing requirements, transportation restrictions, enforcement authority, or other obligations established under state law. Unless otherwise communicated by the CCD, all existing state regulatory requirements remain fully applicable and enforceable.

The DEA's federal order outlines registration and administrative processes that may apply to certain state-licensed medical cannabis entities. Licensees are responsible for independently evaluating any potential federal obligations, opportunities, or risks associated with participation in such processes and are encouraged to consult qualified legal, tax, and regulatory professionals regarding business-specific compliance questions or operational decisions.

The CCD will continue to assess the potential impacts of these federal developments on New Mexico's regulated cannabis industry and will communicate any future guidance, rulemaking, or operational changes through official agency channels. The CCD appreciates the continued cooperation of licensees and stakeholders as these federal developments continue to evolve.

Additional Resources

[DOJ and DEA order on rescheduling](#) (external link)

U.S. Department of Justice, Drug Enforcement Administration

April 22, 2026

[Treasury, IRS Announce Process for Tax Guidance Following DOJ Final Order on Medical Marijuana Rescheduling](#) (external link)

U.S. Department of the Treasury

April 23, 2026

[CANNRA Overview of DOJ Final Order on Marijuana Rescheduling](#) (external link)

Cannabis Regulators Association

April 27, 2026

New Mexico Regulation & Licensing Department

The New Mexico Regulation and Licensing Department regulates more than 400,000 individuals and businesses in 35 industries, professions and trades across the state. Its mission is to ensure qualified professionals provide quality care and services to all people of New Mexico.



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