DEA Medical Marijuana Timely Applicant Information

Title: Activities of Entities Holding State Medical Marijuana Licenses Who Applied for DEA Registration under the April 28, 2026 Final Rule between April 28, 2026, to June 26, 2026, under 21 CFR 1301.13(k)(7).

Summary: This information addresses the permissible activities that applicants for DEA registration to handle schedule III medical marijuana—who submitted complete applications to DEA between April 28, 2026, to June 26, 2026—may continue to engage in while their DEA applications remain pending. Applicants who submitted complete applications within 60 days of publication of the April 28, 2026 Final Rule can continue dispensing ("Timely Dispenser Applicants"), manufacturing ("Timely Manufacturer Applicants"), or distributing schedule III medical marijuana ("Timely Distributor Applicants" and, collectively with Timely Dispenser Applicants and Timely Manufacturer Applicants, the "Timely Applicants") pursuant to their state medical marijuana license during the pendency of their application before DEA, and may distribute schedule III medical marijuana to and obtain schedule III medical marijuana from Timely Applicants and DEA registrants.

To Whom it Applies: Entities that submitted complete applications pursuant to 21 CFR 1301.13(k) for a DEA registration to handle schedule III medical marijuana, marijuana extract, and/or naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4) (collectively, "schedule III medical marijuana"), between April 28, 2026 to June 26, 2026—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—and therefore have been granted special authorities by 21 CFR 1301.13(k)(7).

Question: What activities may Timely Applicants engage in while their applications before DEA are pending?

Answer:

1. Under 21 CFR 1301.13(k)(7), any applicant that submitted a complete schedule III medical marijuana registration application between April 28, 2026, to June 26, 2026, (i.e., within 60 days of the publication of the April 28, 2026 Final Rule) can dispense, manufacture, or distribute schedule III medical marijuana, marijuana extract, and naturally-derived delta-9-tetrahydrocannabinols, each as defined in 21 CFR 1308.13(g)(2)–(4), as applicable (collectively, "schedule III medical marijuana activities") pursuant to its state medical marijuana license during the pendency of the application before DEA.

2. To have submitted a complete schedule III medical marijuana application and be considered a "Timely Applicant," the applicant must have submitted payment of the applicable registration fee as well as a completed application between April 28, 2026, to June 26, 2026.

3. Sub-paragraph 21 CFR 1301.13(k)(7) allows Timely Applicants to engage in regulated activities "notwithstanding" the requirement in 21 CFR 1301.13(a), which states, "No person required to be registered shall engage in any activity for which registration is required until the application for registration is granted and a Certificate of Registration is issued by the Administrator to such person."

4. Therefore, all Timely Applicants—other than those applicants (a) whose application is no longer pending before DEA because the applicant has withdrawn the application or because the Administrator has issued a Final Order denying the application, or (b) who lack the requisite state medical marijuana license—can engage in schedule III medical marijuana activities, as defined above, that otherwise would require a DEA registration.

5. Accordingly, Timely Applicants can engage in schedule III medical marijuana activities with other Timely Applicants. For example, a Timely Distributor Applicant can distribute schedule III medical marijuana to a Timely Dispenser Applicant and can obtain schedule III medical marijuana from a Timely Manufacturer Applicant.

6. Timely Applicants can also engage in schedule III medical marijuana activities with DEA registrants that hold a registration to handle schedule III medical marijuana. For example, a DEA-registered dispensary can continue receiving schedule III medical marijuana from a Timely Distributor Applicant.

7. Timely Applicants and DEA registrants may not lawfully engage in any schedule III medical marijuana activities with entities that did not complete an application for DEA registration between April 28, 2026, to June 26, 2026, or that have not applied for a DEA schedule III medical marijuana registration, until those entities become DEA registrants. As specified in 21 CFR 1301.13(k)(7), those entities remain subject to the prohibition under 21 CFR 1301.13(a).

8. If a Timely Applicant or DEA registrant engages in schedule III medical marijuana activities with someone other than a Timely Applicant or DEA registrant, such conduct could be potential grounds for denial of a Timely Applicant's application or revocation of a certificate of registration, respectively. Timely Applicants and registrants therefore should take adequate steps to confirm the status of all entities with which they will conduct schedule III medical marijuana activities. During this transitional period, adequate due diligence steps generally would include, at a minimum:

    - Obtaining from Timely Applicants (if dispensers) a copy of the "Marijuana Dispensary Information Submission" confirmation received from DEA at the time of application submission and verifying the Timely Applicant's document control number (DCN) via the DEA Diversion Control Website;

- Obtaining from Timely Applicants (if manufacturers or distributors) a copy of the submission confirmation provided by DEA at the time of application submission and verifying the Timely Applicant's DCN via the DEA Diversion Control Website;
- Obtaining from DEA registrants a copy of the registrant's DEA certificate of registration;
- Obtaining a copy of the entity's relevant state license and verifying its status is active; and
- Maintaining records of all due diligence conducted.

9. Entities that hold a DEA registration to handle schedule III medical marijuana must maintain all records required for schedule III controlled substances pursuant to 21 CFR part 1304, as the Administrator has concluded that all such records are necessary to comply with federal statutory and treaty obligations. If a DEA registrant engages in a transaction with a Timely Applicant, records maintained pursuant to 21 CFR part 1304 can include the Timely Applicant's DCN number where a DEA registration number would otherwise be required.

10. DEA recognizes that some states require entities holding state medical marijuana licenses to send *de minimis* quantities of schedule III medical marijuana to state-licensed third-party laboratories for testing. Such testing can help protect public safety and prevent unlawful products from entering the market. DEA further recognizes that, at this time, some Timely Applicants and registrants may not have access to analytical laboratories that are DEA-registered to handle schedule III medical marijuana. Therefore, to the extent such laboratories are unavailable and notwithstanding paragraph 8 above, DEA does not intend to penalize registrants and Timely Applicants for sending *de minimis* quantities of schedule III medical marijuana to a laboratory that is not DEA-registered to conduct analytical testing of schedule III medical marijuana, provided that (1) the analytical laboratory is located in the same state, and (2) the Timely Applicant/registrant retains detailed records of all such distributions.

    Because the closed system of distribution established by the Controlled Substances Act and 21 CFR 1301.13(a)[1] generally require Timely Applicants and DEA registrants to use a DEA-registered analytical laboratory, this exercise of the Administrator's discretion applies only when the use of a DEA-registered laboratory would violate state law. Specifically, it applies only to the extent that either (1) no entities anywhere in the United States are registered with DEA to conduct analytical testing of schedule III medical marijuana, or (2) state law prohibits the Timely Applicant/registrant from sending schedule III medical marijuana to an analytical laboratory in a different state, and no entities in the Timely Applicant/registrant's state are registered with DEA to conduct analytical testing of schedule III medical marijuana.

[1] Analytical laboratories are not covered by 21 CFR 1301.13(k)(7) and therefore remain subject to 21 CFR 1301.13(a).

Note that this information does not permit Timely Applicants and registrants to receive schedule III medical marijuana from non-DEA-registered analytical laboratories.

11. DEA recognizes Timely Applicants may require additional time to verify the status of their existing trading partners as Timely Applicants or registrants and to make necessary adjustments to their supply chain to comply with this information. Accordingly, Timely Applicants are expected to complete these activities and establish compliant supply chains no later than November 29, 2026.

    Timely Dispenser Applicants and Timely Distributor Applicants may continue to possess, dispense, and distribute existing inventories of schedule III medical marijuana acquired prior to the issuance of this information, including inventory previously obtained from entities that do not qualify as Timely Applicants or DEA registrants. Such inventory may continue to be used in otherwise authorized activities.

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