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Roughly one in three (32%) cannabis consumers nationwide would revert to the black market if cannabis were rescheduled in a way that did not preserve state-legal marketplaces, according to a new consumer poll from [NuggMD.com](https://nuggmd.com), the largest telehealth platform for cannabis.

Last year, federal health regulators recommended that the Drug Enforcement Administration move cannabis from a Schedule I controlled substance to a Schedule III controlled substance under the Controlled Substances Act, an action that in isolation may cause consumers to need prescriptions and to have to shop at pharmacies to purchase federally legal cannabis.

Nobody knows for sure whether, under rescheduling, Congress would need to pass new laws to preserve the existing state-legal marketplaces for both medical and recreational cannabis. What is known is that, in 2023, Congress was [the least productive it has been](#) in modern U.S. history.

The NuggMD.com poll is the first one to examine how regular, active cannabis consumers would behave if cannabis were regulated like other Schedule III substances. These substances generally have prescription requirements and need to be purchased at pharmacies or used under the strict supervision of a doctor. Codeine, ketamine, anabolic steroids, and testosterone are examples of Schedule III drugs.

According to the poll, 69% of cannabis users would prefer for states to control separate cannabis markets and 77% prefer to use botanical products sold at traditional dispensaries, as opposed to FDA-approved cannabis products sold at pharmacies. More than 80% say they trust existing state testing controls to provide clean cannabis that's safe to consume and accurately labeled.

The [full poll is available](#) on the company's website.

Policy analysis

Deb Tharp, head of legal and policy research for NuggMD who recently [authored an op-ed](#) expressing concerns about rescheduling, issued the following comments about the poll's findings.

"There is a lot of speculation and conjecture about the fate of state-legal marketplaces, but no real guidance from regulators. Some observers believe that states could simply continue

to run their markets as they please, without Congressional action, in light of rescheduling. Others speculate an executive order could preserve those markets.

“I don’t think it will be that easy. If and when cannabis is moved to Schedule III, pharmaceutical companies will have a lot of power to lay pressure on what would become their competition. There would be lawsuits over orphan drug status and attempts to steer patients toward FDA-approved single-compound drugs instead of whole-herb products that have worked for consumers for years. The pharma sector will use many tactics, including regulatory capture, to siphon market share. But, as the polling shows, many consumers would resist them because consumers prefer the botanical form of cannabis.

“I believe that if regulators do move to Schedule III instead of descheduling, then Congress will need to pass something, like the STATES Act, or MORE Act, to preserve the state markets. Most don’t realize that only FDA-approved products will be allowed for interstate trade. Traditional cannabis products won’t get this approval. Some view the lack of interstate trade as good because they wish to preserve state equity efforts, as do I, but will those efforts survive the onslaught of pharmaceutical lawsuits and regulatory pressures?

“Really, almost anything could happen if regulators and elected officials don’t get together and decide to listen to what consumers want.”

Methodology

NuggMD.com conducted the poll from Dec. 11 to Dec. 18 using first-party data. The company contacted 19,335 cannabis consumers and 795 responded, resulting in a margin of error of 3.5% at a confidence level of 95%. The full data set is available upon request.

About [NuggMD](#)

NuggMD is the nation’s leading medical marijuana technology platform, serving patients in Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, Vermont, Virginia, Washington, and West Virginia. They’ve connected over 1,000,000 patients face-to-face with their new medical marijuana doctors via their state-of-the-art telemedicine platform. They believe every human being has the right to explore the potential benefits of medical cannabis and are fully committed to helping each patient explore every option in their journey to wellness. For further information, visit <https://www.nuggmd.com>.



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