

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SAM, INC. and NATIONAL DRUG  
AND ALCOHOL SCREENING  
ASSOCIATION, INC.,

*Petitioners,*

v.

U.S. DEPARTMENT OF JUSTICE;  
TODD BLANCHE, in his official  
capacity as acting Attorney General;  
DRUG ENFORCEMENT  
ADMINISTRATION; TERRANCE C.  
COLE, in his official capacity as  
Administrator of the Drug Enforcement  
Administration,

*Respondents.*

**Case No. 26-1106**

Consolidated with Case  
Nos. 26-1130 and 26-1136

**PETITIONERS SAM, INC. AND NATIONAL DRUG  
AND ALCOHOL SCREENING ASSOCIATION, INC.'S  
STATEMENT OF ISSUES TO BE RAISED**

Pursuant to the Clerk's Order of May 5, 2026, Petitioners submit the following preliminary statement of issues to be raised in this petition for review:

On April 28, 2026, the Attorney General signed an order entitled Schedules of Controlled Substances: Rescheduling of Food and Drug Administration Approved Products Containing Marijuana From Schedule I to Schedule III; Corresponding Change to Permit Requirements, published at 91 Fed. Reg. 22714 (Apr. 28, 2026)

(Rescheduling Order). The Rescheduling Order transferred (i) marijuana in FDA-approved drug products and (ii) marijuana subject to a state-issued license for medical purposes from Schedule I to Schedule III under the Controlled Substances Act. The issues presented are:

1. Whether the Rescheduling Order violates the rulemaking requirements of the Administrative Procedure Act and section 201 of the Controlled Substances Act, 21 U.S.C. § 811.
2. Whether the Rescheduling Order exceeds the statutory authority of the Attorney General under the Controlled Substances Act.
3. Whether the Rescheduling Order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

June 4, 2026

/s/ Patrick F. Philbin  
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Marijuana and National Drug and  
Alcohol Screening Assoc., Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of June, I caused the foregoing document to be electronically filed with the Clerk and served on the parties using the Clerk's electronic filing system.

June 4, 2026

/s/ Patrick F. Philbin  
Patrick F. Philbin