

John Birrenbach  
15509 Henriette Rd  
Pine City, MN 55063

May 1, 2026

Administrator, Drug Enforcement Administration  
Drug Enforcement Administration, Attn: Administrator  
8701 Morrissette Drive, Springfield, VA 22152.

Dear Sir: The undersigned John Birrenbach hereby petitions the Administrator to initiate proceedings for the issuance (amendment or repeal) of a rule or regulation pursuant to section 201 of the Controlled Substances Act.

Attached hereto and constituting a part of this petition are the following:

(A) The proposed rule in the form proposed by the petitioner, to be added to Title 21, Code of Federal Regulations, Part 1307.

(B) A statement of the grounds on which the petitioner relies for the issuance of the rule.

All notices to be sent regarding this petition should be addressed to:

John Birrenbach, Petitioner  
15509 Henriette Rd  
Pine City, MN 55063  
320-591-0699  
john@birrenbach.com

Respectfully yours,

\_\_\_\_\_ (Signature of petitioner)

# Proposed Rule

## **§ 1307.32 Homegrown Cannabis for Medical Use.**

The listing of marijuana as a controlled substance in Schedule I does not apply to the cultivation of marijuana for personal medical use pursuant to a state medical marijuana law, and such persons cultivating marijuana for their own personal medical use are exempt from registration. Any person who commercially manufactures marijuana for or commercially distributes marijuana to persons enrolled in a state medical marijuana program, is required to obtain registration and to comply with all other requirements of [21 C.F.R. § 1301.13\(k\)](#).

## Grounds for Issuance

A new rule based on 21 U.S.C. §§ 811(a), 811(b), and 811(d), [21 C.F.R. § 1301.13\(k\)](#), authorizes commercial cultivation and distribution of marijuana for medical use by state-authorized entities and exempts personal medical use from registration requirements, but does not protect personal cultivation of medical marijuana in the 24 states that currently authorize homegrown for medical use.

Congress has been suspending federal criminal enforcement against state medical marijuana laws, including homegrown in these 24 states in annual budget appropriations for the U.S. Department of Justice for the past eleven years.<sup>[1]</sup>

This proposed rule fills the gap in [21 C.F.R. § 1301.13\(k\)](#) providing complete protection of state medical marijuana laws consistent with the new classification of marijuana in Schedule 3, the intent of Congress, [21 U.S.C. § 822\(d\)](#), [21 U.S.C. § 903](#), and Article 36, Section 2 of the [Single Convention](#).

[\[1\]](#) Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, § 538, 128 Stat. 2130, 2217 (2014); Consolidated Appropriations Act, 2016, Pub. L. No. 114-113, § 542, 129 Stat. 2242, 2332-33 (2015); Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, § 537, 131 Stat. 135, 228 (2017); Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, § 538, 132 Stat. 348, 444-45 (2018); Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, § 537, 133 Stat. 13, 138 (2019); Consolidated Appropriations Act, 2020, Pub. L. No. 116-93, § 531, 133 Stat. 2317, 2431 (2019); Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 531, 134 Stat. 1182, 1282-83 (2020); Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, § 531, 136 Stat. 49, 150-51 (2022); Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, § 531, 136 Stat. 4459, 4561 (2022); Consolidated Appropriations Act, 2024, Pub. L. No. 118-42, § 531, 138 Stat. 25, 174 (2024); Commerce, Justice, Science; Energy and Water Development; and Interior and Environment Appropriations Act, 2026, Pub. L. No. 119-74, § 531, 140 Stat. 5, 57 (2026).

John Birrenbach, Petitioner  
15509 Henriette Rd  
Pine City, MN 55063  
320-591-0699  
john@birrenbach.com

Carl Olsen, Co-Petitioner  
130 E Aurora Ave  
Des Moines, IA 50313  
515-343-9933  
carl@carl-olsen.com