

Cannabis legislation in EU and beyond

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Governmental Commission on Drugs Slovenia

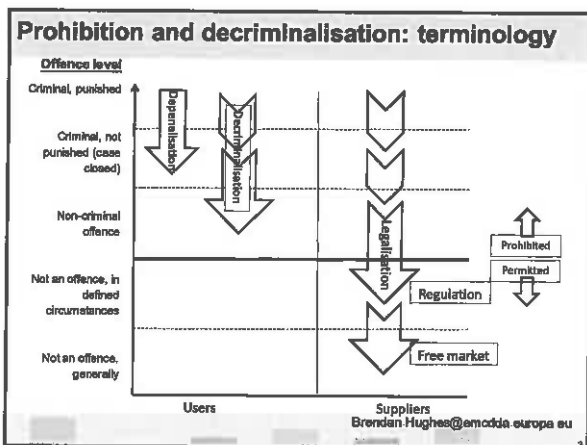
UN Convention 1961: Preamble

The Parties,
Concerned with the health and welfare of mankind,


Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

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Portugal: Decriminalisation



Up to 10 doses, no supply ⇒ **Administrative offence**
⇒ CDT (**Ministry of Health**)

More than 10 doses, no supply ⇒ **Criminal offence**
⇒ Court (Ministry of Justice)

CDT (Comissão para a Dissuasão da Toxicodependência):
Exist in **every** district, see **every** user
3 members (**Ministries of Justice and Health**), plus support team.
Aim: treat any addiction and rehabilitate the person using the most appropriate interventions

Options: warnings; banning from certain places or from meeting certain people; obligation of periodic visits to a defined place; removal of professional licence or firearms licence; fines (not for addicts), which may vary by drug involved.

Regulating – which type of “cannabis”?

“Cannabis” = the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves)....
 “Cannabis resin” = the separated resin, whether crude or purified, obtained from the cannabis plant.

[Single Convention On Narcotic Drugs, 1954, Art.1]

Sativex is a peppermint-flavoured mouth spray... This pump delivers a precise amount of medicine... The medicine in Sativex is extracted from cannabis plants that have been selected and grown to produce a constant amount of active ingredients.... that have been shown to help improve the symptoms of MS spasticity.
<http://sativex.co.uk/patients-and-carers/sativex/what-is-sativex/>

1. Areas used for the production of hemp... only be eligible if the varieties used have a tetrahydrocannabinol content not exceeding 0.2%.

[Council Regulation (EC) 73/2009, Art.39]

As regards flax and hemp grown for fibre... Regulation shall cover...

True hemp (*Cannabis sativa* L.)... shall be covered but not spun...

[Council Regulation (EC) No 1234/2007, Annex 1]

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Medicinal cannabis and derivatives

USA

Federal classification: no medical use

1985: Marinol (synthetic D9-THC) approved by FDA as antiemetic
 State laws (by ballot): California 1996, AK, OR, WA 1998...

2014: 23 states and DC, by doctor's recommendation

Often for “chronic pain” – unprovable...

EU

NL – 2003 Herbal “Bedrocan” etc; prescription via pharmacies

CZ – 2013 herbal(?); prescription via pharmacies; for cancer, Parkinson's disease, multiple sclerosis or psoriasis

Sativex spray (nabiximols) – full marketing authorisation in UK (2010), EMA mutual recognition procedure (2011), approved for sale in 18 European countries (2012), available in 10 countries in EU

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Models of regulation for non-medical use

1. Production without retail sale: Cannabis social clubs

Principle: “If one person will not be prosecuted for cultivating one cannabis plant in private for his or her own use, then 20 people should not be prosecuted for cultivating 20 plants together in private for their own use.” No national government agrees to this. Promoted in a few European countries; now law in Uruguay.

2. Retail sale without production: Dutch Coffeeshops

Since 1970s. Now n=650.

Production is a crime. Retail is officially a crime, but Prosecutor Directive (“expediency principle”) says to give low priority if certain criteria are met.
 2012: proposal that 15% THC is “hard” drug – but enforcement issues...

3. Production and retail sale: Legalisation in the Americas

EMODDA Perspectives on Drugs (2014)
 Models for the legal supply of cannabis: recent developments
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Legalisation regimes – brief comparison

	Netherlands	Washington State	Colorado State	Uruguay
Level of law	National prosecutor guidelines	State law (conflict with federal law)	State constitution (conflict with federal law)	National law
Regulatory Body	Municipality	Washington State Liquor Control Board	Colorado Department of Revenue	National Cannabis Institute
Age limit for possession	18	21	21	18
Growing at home	Yes, 5 plants if for own use	No	Yes, 6 plants, 3 in flower (cannot be sold)	Yes, 6 plants / 480 g
Personal possession quantity	5 g (limit for investigation) 30 g (limit for prosecution)	1 oz (28.5 g)	1 oz (28.5 g)	40 g

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New 2014 legalisation regimes (Pardo, CICAD)

	Oregon State	Alaska State	District of Columbia
Regime and Regulatory Body	Commercial Oregon Liquor Control Commission (LCC)	Commercial Alcoholic Beverage Control Board	Non-commercial grow at home and give (pending Congressional action and City council modifications)
Age limit for possession	21	21	21
Growing at home	Yes, 4 plants	Yes, 6 plants	Yes, 6 plants
Personal possession quantity	1 oz (28.5 g)	1 oz (28.5 g)	2 oz (57 g)
Taxes	\$35/oz	\$50/oz	N/A

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When considering USA, remember:

- Those states had well established medical cannabis distribution already (cf. pre/post evaluations...)
- USA allows Direct To Consumer advertising of medicines
- USA has legal doctrine "corporate freedom of speech" (makes regulating advertising VERY difficult)
- Cannabis regulatory models borrow heavily from alcohol/tobacco framework (= negotiated with powerful industry: health/profit compromise)
- Federal law (includes banking) vs state law: tolerance [Dutch?]

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EU: Non-governmental proposals

1. General society votes / signatures (petitions to governments)
2. Local or regional initiatives (Copenhagen, Berlin, regions in Spain...)
3. Minority political initiatives
4. Other influential public statements (newspapers, professionals, scientists...)

► To date, no national government has expressed interest in legalising cannabis for non-medical use.

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European Commission

Thank you for listening

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