Decriminalisation policies and cannabis regulation policies

An overview of developments over the past 5 years
Legal status and international debate background

UN Drug Control Conventions
- Single Convention on Narcotic Drugs (1961)
- Convention on Psychotropic Substances (1971)
- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic substances (1988)

Obligations of the signatory states
- Criminalize drug supply (production, trafficking, transfer and possession) through criminal sanctions.
- The decision to directly criminalize cannabis use is state-determined.

First initiatives to decriminalize certain cannabis-related offences in the 1970s – “Medical cannabis” – Most radical reforms in the last decade
Developments through the 2010 decade

Changes in the international context
- A debate that has changed in nature
- Calls from the Global Commission on Drug Policy
- Mobilizations in Latin America and UNGASS 2016
- Local "exit from prohibition" experiments

Differentiation of product qualifications and types of use
- Legal recognition of "therapeutic" use
- Evolution of international standards
- "Rediscovery" of industrial hemp and rise of the CBD and low-THC markets
- First legalization reforms for "recreational" cannabis (2012-2021)
Increased access to "therapeutic" cannabis

- Legalization movement started in the 1990s
- Authorized in most EU countries in very different forms

Disparities in authorization rules and access conditions

- **Therapeutic indications** (at least cancer, AIDS, multiple sclerosis)
- **Authorized supply channels: sale** (pharmacy, "dispensary" or specialized store), **authorization for home growing**
- **Medical follow-up** (prescription or "recommendation", patient register)
- **Forms and methods of consumption** (natural, synthetic or medicinal cannabis; vaporized or smoked).
Overview of reforms allowing access to non-medical ("recreational") cannabis

Between 2012 and 2021, 18 out of 50 U.S. states allow regulated markets for adult non-medical cannabis use
+ 2 countries (Uruguay, Canada)

Emergence of new "tolerance" models
- Legalization of cannabis for religious purposes (Jamaica)
- Self-cultivation for private use
- Cannabis social clubs (CSC)

Local experiments of legal production and controlled sale in Europe (Denmark, Germany, Netherlands, Switzerland)

Legalization of non-medical use on the agenda
- Unsuccessful (New Zealand...)
- In progress (Mexico, Luxembourg, Germany, Malta...)
Adult non-medical use of cannabis in the United States in 2021

State Regulated Cannabis Programs

- Adult & medical use regulated program
- Adult use only no medical regulated program
- Comprehensive medical cannabis program
- CBD/Low THC program
- No public cannabis access program

Limited adult possession and growing allowed, no regulated production or sales: DC

Decriminalized
Regulating cannabis
Reform goals : differential expectancies

Common goals :
• Neutralise the black market and fight drug-related violence & criminality
• Make production, sale and purchase conditions safer
• Limit access to cannabis for young people (protection of minors)

Major differences :
• Fiscal interests & civil liberties / racial issues (US) vs Public health and risk education (Uruguay)
• For profit, business-friendly model (US) vs State control = demonetise the issue (Uruguay)
• Alignment of medical & recreational markets (US) vs eradication of ‘prensado’ & ‘pasta base’ among young people (Uruguay)
Differentiated models of supply

- Commercial legalization (United States)
- State monopoly (Uruguay)
- "Authorizing without promoting": a decentralized model (Canada)

Regulatory policies: convergences and disparities

- Regulation based on the North American alcohol model
- Differentiated practices and effects: future research (ASTRACAN)
- Regulatory policies: convergences and disparities
Conclusion

A growing variety of cannabis accounts, meanings and related policies
- Expanding access to medical cannabis
- Future directions of non-medical cannabis legalization initiatives
- Differentiation of definitions and uses (industrial, "wellness“, etc.)

Lingering issues
- Medium/long term effects of legalization reforms
- In the face of the opioid and methamphetamine overdose crisis, could cannabis work as a tool for harm reduction?
- A knowledge gap to be filled