

Controlled cannabis legalisation – Leaving hypocrisy behind to better tackle the cannabis issue

This report on cannabis legalisation was produced by a working group of the French National Assembly presided by Daniel Vaillant, former Minister of Home Affairs. The report calls for the controlled legalisation of cannabis in France in order to better control the production and distribution of cannabis in the country and address efficiently the harms associated with its use.

This executive summary was translated by the International Drug Policy Consortium (IDPC) and includes the recommendations and conclusions of the report.

The full report in French is available online at:

http://idpc.net/sites/default/files/library/Legalisation_controllee_du_cannabis_full_0.pdf

Recommendations: « the controlled legalisation of cannabis »

A – For a rapid recognition of cannabis therapeutic use

Cannabis has been used for its therapeutic properties for centuries. While widespread prohibition has progressively taken it out of the pharmacopeia, its effectiveness has been proven, and prolonging its ban deprives medicine of a useful tool.

Cannabinoids have a large range of therapeutic applications to treat a multitude of diseases and symptoms. As the United States Institute of Medicine has observed in a large-scale study on the effects of cannabis in 1998, cannabinoids are often able to treat simultaneously many symptoms of the same disease: “For example, people living with HIV who have lost some weight could benefit from this treatment, which would simultaneously relieve their anxiety, pain and nausea, and, at the same time, would stimulate their appetite”.

Cannabis can also be used to supplement other medications with the goal of reducing prescribed doses and their side effects, and even possibly act directly on the latter. Cannabis shares analgesic properties with opiates in particular, for example morphine.

In the past 15 years, many countries have started reintroducing this substance by allowing its medical use. Germany, Italy, Finland, Canada, Israel, the Czech Republic, and about a dozen American states now allow prescriptions of therapeutic cannabis. Since 2003, the Netherlands has allowed the Bedrocan Laboratory to produce cannabis of standard quality, which is controlled by the Office of Medical Marijuana (BMC). This means that it is now entirely possible to grow plants with specified levels of Tetrahydrocannabinol (THC)¹.

Since the active ingredients in cannabis can be absorbed in different ways, patients can use other modes of consumption besides smoking. For example, while some people choose inhalation, others prefer to absorb it orally, mixed with a hot drink. Legalisation would permit the use of cannabis in more conventional medical forms, such as pills.

¹ Note from the translator: Tetrahydrocannabinol, or THC, is the main psychoactive substance found in the cannabis plant.

Because our country does not allow therapeutic cannabis use, French patients are doubly punished as criminalisation of cannabis use adds to the suffering related to their illness. The authors of this report call for the rapid adoption of a full-fledged law to tackle this issue.

The issue of therapeutic cannabis use needs to be distinguished from the broader issue of controlled legalisation to supervise recreational use.

The idea here is to offer new medical treatment opportunities, and this cannot be dismissed on the basis of pure ideology. To do so, would condone, with a certain cowardice, a refusal to provide adequate healthcare, and the failure to relieve pain.

B – Principles for the controlled legalisation of cannabis

The conclusions drawn in the first part of the report² lead us to recommend the establishment of a more realistic and effective policy when it comes to prevention and supervision of cannabis use. The framework for the “controlled legalisation of cannabis”, formalised by Francis Caballero and supported in this report, seems to offer the best available response if supported by strengthened prevention measures.

« **Control** » – This is the elusive issue at this time – to deny reality and refusing to review our drug policy strategy is tantamount to giving in to drug trafficking and to ignore the difficulties faced by an increasing number of French citizens (consumers, parents and communities). We consider that choosing to maintain the status quo today is irresponsible.

1. A stronger prevention policy and tackling youth unrest

« **To prevent is to heal** » – Contrary to prohibition theories, we do not consider the consumer as a sick person. However, some forms of problematic drug use, especially among teenagers, are “symptoms” of psychological issues that require vigilance and care.

On the one hand, we need to strengthen our range of prevention measures in order to reach out to children at an early age and cover every period of life, including adulthood. To meet this objective, we propose to model the Dutch method by creating a specific, fully trained body of experts. These professionals will need to use messages adapted to every context, every targeted group, and a range of risks from which French citizens should be protected – drugs, alcohol, tobacco, sexuality, violence within and outside of the family, difficulties in school and at work, gambling, etc.

On the other hand, one should not confuse cause and effect. As we have consistently heard during interviews with specialists (psychologists, specialists in drug dependence, sociologists), a young person who begins their day by smoking a joint (followed by a number of other joints throughout the day) is usually unwell, just like a person who needs a drink from daybreak. One would therefore need to consider why the person has chosen to use drugs and what needs this use fulfils. If such an approach is adopted, the care provided can only be more effective.

Cannabis has properties similar to antidepressants. French youth have been showing signs of « social pessimism », which could explain the current increase in risky behaviours (drug use, binge drinking, ‘skins’ parties).

² Note from the translator: For more information, please see the full report in French, at: <http://idpc.net/publications/controlled-legalisation-of-cannabis-in-france>

Young people usually explain their drinking or smoking habits by a need to forget, at least for a while, the world they live in and the gloomy future that lies ahead of them.

We cannot simply deplore this discontent among young people. Instead, we must go back to analysing the policies currently in place to remedy this situation. Our proposals need to be more ambitious and encompass health, education, employment, housing, reducing discrimination, culture and sports – all to ensure that young people stop feeling insignificant in society. We should not forget that we are talking about citizens in the making (for minors), and potential abstainers (for adults). The youth's growing distrust for the political structures constitutes a danger for democracy in the long term. To ignore it is to accept it has already happened.

2. Control of cannabis production

The framework of the « controlled legalisation of cannabis » requires that the State supervises the production and importation of products that will be sold. To this end, it will be necessary to create an approved form of horticultural and labelled production, as opposed to models of extensive (large parcels) and intensive (artificial hyper-production under sodium lamps) agriculture.

The creation of small production units must satisfy two objectives: secure growing areas and controlling the quality of products destined for sale.

With contractual agreements between the State and cannabis growers, it would be possible to define the nature of cultivated plants, and limit their number, their stocks, and possibilities of transformation in order to avoid any adulteration.

During the interviews, we were warned against the possible risks of theft or “raids” on the crops. To avoid tempting criminals, we propose to favour small-scale plantations in secure greenhouses. We should also point out that greenhouse cultivation will need to respect a strict organic charter (no fertilizers, sodium lamps, etc.). These plantations will only be able to hold a limited stock to avoid attracting unwanted attention from potential thieves.

Regarding the control of products certified for sale, it will be necessary to impose a limit on the products' THC levels by imposing scales (6 to 15%) for the plants' quality in order to prevent cross-breeding and the importation of genetically modified organisms. Such measures would ensure the creation of a diversified range of products, as is the case for wine (THC level, price, taste, effects).

Imports should be controlled. We cannot stop imports without depriving some countries, where local populations that have become dependent on the illicit economy (for example, in Rif in Morocco). Moreover, such a ban would necessarily end up creating a parallel economy, since 80% of the cannabis currently consumed in France originates from Morocco.

To this end, we suggest the development of a fair trade charter transposing the norms to which French crops would be submitted (THC levels, GMO ban).

3. A Secure delivery system

Legal sales could be controlled, with the creation of official administrative licenses. This system, inspired by those already existing for the sale and consumption of tobacco and alcohol, would protect minors for whom buying would be forbidden, would enable the control of marketing conditions as well as the quality of the products, and would limit illegal distribution.

Two types of dispensing facilities could be created, simple retail stores and shops authorising use onsite. The number of licenses and their geographical distribution would have to be defined (including restrictions to protect school perimeters) and no other facility would be able to

legally sell cannabis. The retailer would have to make sure that his/her activities are not a source of trouble for the neighbourhood (comings and goings, rubbish, noise).

These two types of establishments would forbid sales to minors. No advertising would be tolerated. The buyer would have to show identification to the seller and purchases would not exceed a certain amount.

Each sale could be accompanied by prevention messages, and information pamphlets could be made available to the clients. To ensure that the rules are being enforced, controls should be put in place for all eventualities, and sanctions should be applied if the rules are violated.

Our goal for establishing these facilities for the sale and use of cannabis is to find a solution to the problems linked to the use of cannabis in public locations, such as cannabis smoking in building entrance halls by young people who have nowhere else to go. Alcohol sale and use would be prohibited in these facilities.

These facilities would also enable consumers looking for a social and convivial space outside of their homes (similar to bars) to use cannabis without bothering non-users.

4. Punishing risky behaviours more severely

Just as with alcohol, excessive cannabis use leads to intoxication, sometimes causing public disorder and the adoption of risky behaviours. Intoxication is even more severe when these two drugs are used at the same time.

It is therefore necessary to resort to the same mechanisms of sanctions for cannabis as for alcohol use.

With respect to cannabis intoxication, more efficient testing systems are already used abroad than those currently in use in France, while additional systems are still being studied. These testing mechanisms would provide more precise measurements of the THC levels present in the blood, as well as an indication of when it was consumed.

The current screening tests have been strongly criticised. Although the legal offense provided by the Highway Code is defined as « *Driving under the influence of substances or plants classified as narcotics* », the screening protocols in place lead to the indiscriminate punishment of all regular cannabis users. For example, a person having smoked a joint in the evening and who drives the next day runs the risk of receiving a penalty of two years' imprisonment and a fine of € 4,500, even though the effects have already disappeared.

In addition, people working in certain professions where intoxication will create risks for others will need to be screened accurately and regularly. We cannot afford their perceptions and judgment to be altered. This type of safety protocol already exists for bus drivers and air traffic controllers.

C – Controlled legalisation of cannabis: a solution to fight against drug trafficking

One of the main objectives of controlled legalisation is to undermine criminal networks working in cannabis trafficking, by eliminating their *raison d'être*. It is prohibition that gave them the opportunity to thrive, since they are the only ones willing to take the risk to meet this very large illegal demand. Once it is possible to legally buy certified quality products, in safe locations from honest people, and at good prices, consumers will have no reason to get involved with drug dealers.

This is a real priority as we cannot keep allowing a situation where citizens are held hostage by drug dealers. For a very long time, local government officials have denounced the degradation of these communities' living conditions, but they are powerless against the level of violence used by the mafia.

The police and the justice system are doing their best to tackle the issue, but they cannot work miracles based on the orders they have to follow, the limited resources at their disposal, and the large illicit market that supplies 4 million regular consumers.

Controlled legalisation is often caricaturised as surrendering in the war against crime. On the contrary, it is the current policies that abandon whole populations, leaving them totally helpless against the violence created by drug trafficking. In this report, we are offering a solution that tackles the very roots of the problem by removing a whole market from the mafia's grasp.

In many ways, the current situation is similar to that of alcohol prohibition in the United States between 1919 and 1933. It was at that time that the mafia got richer and better organised. As soon as alcohol was licensed again, they were quickly swept away from the market. We could obtain the same result with cannabis, as M. Caballero believes:

“We would ‘steal’ their business within eight days in the same way that Distillers & Co, the American alcohol producers, put the American Chicago mafia and the bootleggers out of business three weeks after the prohibition’s abrogation”.

Drug dealers have much more to lose with controlled legalisation than with the status quo.

In addition, the police and justice system currently waste an enormous amount of resources to tackle cannabis-related cases. The amount of time gained if they no longer have to do so would enable them to concentrate their efforts on those who truly undermine our society, the ‘hard drugs’ dealers.

Cannabis is the most popular illicit drug, with 160 million consumers in the world (United Nations). A move towards controlled legalisation at the international level would result in immense financial and political losses for mafia networks. It is the path that the Global Commission on Drug Policy is encouraging us to undertake. The Commission is composed of high level policy officials, such as the former General Secretary of the United Nations, Kofi Annan, former heads of states and Ministers from Brazil, Colombia, Mexico and Greece, and recognised experts in drug dependence. The Commission concluded that the « drug war has failed » and has led to « devastating consequences for individuals and societies around the world ». The report specifically recommends cannabis legalisation. In the United States, several republicans and democrats from the House of Representatives have recently proposed a bill towards that end.

The international consensus is weakening and we are likely to be on the verge of a global ideological reformulation of drug policy. Our proposals would allow France to be a leader in this field.

Conclusions

It is not the intention of this report to make an apology for cannabis use. This report recognises it as a socially accepted practice, and addresses the issues related to widespread cannabis use and how they can be addressed.

The numerous interviews conducted over the past fifteen months have allowed us to observe several elements.

Cannabis consumption is a concern for French citizens. Let us make no mistake here – if the phenomenon seems particularly visible in urban areas, rural France is just as affected. In our country, the number of users has kept increasing over the past 20 years and has now reached 4 million users. Yet, our legislation has remained unchanged since 1970 and we persist in criminalising cannabis use. This prolonged inaction has resulted in the State becoming an objective ally of drug traffickers.

It is a fact – the police and criminal justice staff spend a lot of their time and resources on repression without being able to curb the phenomenon. Even though we have some of the most repressive laws in the European Union, the level of use among the population aged 15 to 24 remains one of the highest in Europe, far ahead of the Netherlands. Fear of the police has never been a good policy for providing safety! In order to be recognised and legitimate, the authority must be fair and efficient.

Local officials look in vain for solutions that can guarantee, and even restore, tranquillity in certain neighbourhoods of their cities.

But what can we do when faced with a State who is pulling away a little more every day?

No sector is spared, and public policy is increasingly broken down. It is sabotaged to the detriment of the common good and to the benefit of a small number of selected individuals. Public health, security and justice – which are at the heart of the issue – do not possess the appropriate means to get us out of the dead end in which we find ourselves. We must admit that the prohibitionist policy which has been in place for the past 40 years has failed. Worse, it assists the current government in achieving a « policy based on numbers » and its stigmatisation of working class communities.

Contrary to decriminalisation, which hypocritically proposes to allow drug use, the « controlled legalisation of cannabis » offers a real, lucid, serious and efficient response. Indeed, decriminalisation does not tackle the way consumers purchase the drugs they will use! As it happens in the Netherlands, decriminalisation ignores drug trafficking despite the negative impacts it has had on the lives of many residents, a problem to which local and national government officials have no solution.

Clarity on the matter does not mean that we should give up. It is a fact, cannabis has become a product as common, for some, as wine and cigarettes. Just like alcohol, it can be used without excess. In contrast, just like for alcoholism and smoking, we must develop a public health policy focusing on people of every age.

To justify their inaction, some people hide behind the excuse that cannabis legalisation would be harmful for the people who make a living out of dealing and, at the same time, to the need to maintain a certain « social peace » in working class communities involved in the illicit drug market. Now, *this* would be wrong and irresponsible! As members of the socialist party, we cannot tolerate that some of the youth are reduced to this type of activity to survive. As for the interests of those getting richer from this business – drug traffickers, not small-scale dealers – these people clearly

oppose the interests of our Republic. More than that, they deny these interests, incrementally transforming whole neighbourhoods into no-go zones!

The Socialist Party has the duty to respond to the difficult challenge of improving the lives of our fellow citizens, young and old, who live in fragile communities. The State must re-conquer these territories so that they can stop being unsafe spaces and become peaceful living areas offering opportunities for the future. Security is a right for all, not just for a minority. As stated before, controlled legalisation offers a solution to both drug trafficking.

For all these reasons, the authors of this report believe that there should be a paradigm shift and recommend an evolution towards legalisation according to four principles:

- 1- Better prevention for all and efforts to delay the age of first use.
- 2- Legalise adult consumption under specific conditions, and control cannabis production, importation and distribution.
- 3- Criminalise and impose gradual sanctions on risky behaviours and relapse.
- 4- Punish more severe drug trafficking offences.

In politics, patience remains a virtue. For this reason, we do not propose the adoption of a “controlled legalisation of cannabis” at the opening of the 147th legislative session. Rather, we urge you all to participate in a public debate, overseen by a temporary State mission, chaired by an indisputable personality, and including parliamentarians from all sides (deputies, senators, and European representatives), magistrates, police and customs officers, public health and education experts, NGOs, doctors, etc.

Following this work, a report highlighting a method, an orientation and an agenda for action could be presented to the Prime Minister and the Parliament.

As far as the therapeutic cannabis issue is concerned, its medical properties are historically and scientifically proven and we hope to move forward much faster on the matter. We suggest that a law proposal from the SRC³ group be presented in 2011-2012. In the light of the suffering and distress of patients, their families and caretakers, a political consensus is possible and this bill can be successful.

At the European level, with 75.5 million consumers, it has become necessary to promote and support this approach to harmonise the 27 Member states’ laws. We should note that many of our partners have already widely opened the way to political change on this matter. The Netherlands do not complain about its citizens’ consumption, but rather about the « narco-tourism » and trafficking that has failed to be curbed for lack of legislation controlling modes of production.

Outside Europe, it will be up to the French President to promote all of the stakes of this debate during international summits.

It is also with great interest that we have read the findings, published on June 2nd 2011, of the Global Commission on Drug Policy, a body made up of several personalities, including the former presidents of Brazil (Fernando Enrique Cardoso), Colombia (Cesar Gaviria), and Mexico (Ernesto Zedillo), as well as the former General Secretary of the United Nations (Kofi Annan). Just like us, the authors of this report agree that the “war on drugs” has failed, and support an approach similar to the one we are promoting here. They recommend the “experimentation by governments with models of legal regulation of drugs to undermine the power of organized crime and safeguard the health and security of their citizens. This recommendation applies especially to cannabis”.

³ Note from the translator: SRC stands for the Group “Socialist, Radical, Citizen”

We suggest that this report be passed on to the Socialist Party in order to assist the future socialist candidate to the presidential elections, as well as any future socialist candidates to the local elections.

With these recommendations, rather than simply refuting the arguments of our adversaries, the Socialist Party will have the opportunity to open the debate by proposing realistic, responsible and efficient solutions.

Confronted with this reality, maintaining the status quo is pure negligence.