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Civil Society insights on German Cannabis Law for recreational use (CanG)

In a collective effort to address shared concerns and advocate for common goals, three distinguished organizations join forces to issue this shared statement about *Cannabisgesetz* (CanG). United by a commitment to adapt the text to the reality and experiences abroad that transcend individual boundaries, our collaboration seeks to amplify our impact and bring attention to critical issues in the text the German Cabinet proposed. By pooling our resources, expertise, and perspectives, we aim to boost meaningful change. This statement results from our collaboration and shared dedication to making a positive and lasting impact on the challenges the German society collectively faces with this innovative regulation.

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1. Introduction

The narcotic law failed in its goals. It has not decreased consumption, the price of Drugs has not risen significantly, and it has neither reduced the illicit markets. We embrace the political will to open the debate and try to implement the new approach to the drug policy of the German government. With the Konsumcannabisgesetz, there will be 180.000¹ fewer penalties each year related to targeted cannabis consumers, according to Bundespolizei. We consider this progress a step in the right direction to transform drug policy sustainably.

The failed war on drugs² has been characterized by decades of aggressive law enforcement, punitive measures, and an overwhelming focus on criminalization rather than addressing the root causes of substance abuse. Despite substantial financial investments and numerous arrests, the war on drugs has not succeeded in significantly curbing drug production, distribution, or consumption. Instead, it has led to the incarceration of countless individuals, disproportionately impacting marginalized communities and fueling a cycle of violence in drug-producing regions.

Furthermore, the emphasis on criminalization has hindered public health approaches, stopping the implementation of harm reduction strategies that could offer more effective solutions to the complex issue of drug misuse. As societies reevaluate drug policies, there is a growing recognition of the need for a more holistic and compassionate approach that prioritizes public health, harm reduction, and addressing the social factors contributing to drug-related challenges.

2. Consumption within Cannabis Social Clubs

The prohibition of consumption within cannabis associations, as outlined in Article 1, chapter 2, paragraph 5.2.6 of the bill is against health protection. In the drug policy area, straightforward reasoning does not ever pursue the intended goal; it is a complex matter that requires factual evidence. The implementation of safe and accompanied consumption rooms has proven to be effective in this field. Therefore, we consider the prohibition of consumption in cannabis associations as a disruptive element for the priority achievement of any regulation on cannabis: preventing and reducing risks and harms associated with consumption.

a. Rights, free development of personality, and stigma

The cannabis association as a legal entity is also a subject of rights. Therefore, as a group, it is entitled to decide if members can consume cannabis at their headquarters. The individuals who are part of the group have the right to jointly decide it based on the right to free development of personality contemplated in Article 2 of the Basic Law of the Federal Republic of Germany. Besides, the association headquarters is a private place where there must not be interference from the State.

¹ Bundeskriminalamt. (2023). Auswirkungen der Legalisierung von Cannabis zu Genusszwecken auf die Strafverfolgungs- und Ordnungsbehörden. Available here:

https://www.lto.de/fileadmin/files/artikel/2024/Januar/Auswirkungen_Cannabislegalisierung.pdf

² Global Commission on Drug Policy. (2011). The war on drugs. Available here:

<https://www.globalcommissionondrugs.org/reports/the-war-on-drugs>

Firstly, as consumption is going to occur in any case, it would be better that it stands in a safe environment. This fact connects with the Right to Health and Safety. It reduces consumption in prohibited places and other associated health and legal risks. Also, the peer-to-peer strategies demonstrated their effectiveness in terms of destigmatizing users.

Secondly, that consumption should happen with the support of people trained in risk and harm reduction, being able to give information or to recommend alternative ways of administration than smoking, the use of filters to retain the maximum number of carcinogenic particles as possible, making available vaporization devices and a long list of attending functions for cannabis consumption are open to members and facilitate the exchange of experiences between members.

Thirdly, following the Broken Mirror Theory, If there is no allowance for consumption within Cannabis Social Clubs (CSC), the individuals may resort to creating makeshift environments, potentially exacerbating safety concerns. If the law forbids safe consumption sites, it could lead to consumers seeking out other places to consume cannabis, ultimately leading to the creation of more illegal consumption sites.

In general terms, the law is very concerned about minors and young people but lacks specific articles on reducing health risks among consumers, which also denotes an underlying stigma³. In summary, there is no proven causal correlation between establishing safe consumption rooms and the increase in consumption; on the contrary, the available studies that monitored cannabis consumption at CSC indicated a clear trend: it helps to reduce consumption and acquire better habits related to it.⁴

b. Health, Prevention and Harm Reduction

Instead of achieving the goal pursued, this prohibition promotes consumption in unexpected places or at places created *ad hoc*, which can have more harmful than desirable effects on consumer's health. Rather than what may seem a priori, associations are not spaces where consumption is encouraged. Those are spaces where consumption should ensue as safely as possible.

Cannabis associations have a fundamental role in preventing and reducing risks and harms. They are themselves harm reduction stakeholders, contributing to increasing the knowledge about cannabis and its effects, ensuring the quality of the substance and its traceability, avoiding harm to the health of members, reducing their contact with illicit markets, and reducing legal damages. In addition, universal prevention tasks are carried out, such as preventing minors from accessing the substance or decreasing consumption in public places where it is not permitted.

³ Strategic Priority 6.4 at the EU Drugs Strategy Estigma (2021 - 2025). Available here: <https://www.consilium.europa.eu/media/49194/eu-drugs-strategy-booklet.pdf>

⁴ New approaches in Harm Reduction practices and policies. Available here: <https://www.fuoriluogo.it/ricerca/nahrpp-nuovi-approcci-riduzione-del-danno/>

In addition, many of these avoided risks concern the 'social' component of the CSC through informed⁵, private, and safe consumption sites. The social nature of the CSC guarantees certain aspects of harm reduction by design, such as the non-profit nature of economic activity. Therefore, if we consider that consumption may occur in specialized places having a lucrative activity, the capacity of the regulation itself to reduce harm may decrease.

The safe consumption room guarantees an increase in the capacity to influence the target population, which favors the dissemination of information on reducing risks associated with cannabis consumption, the promotion of vaporizers, and other ways of administration that are less harmful than the route of inhalation by combustion or the transmission of knowledge about the detection of samples in poor condition, among other issues. Additionally, avoid consumption in unhealthy, unsafe, or prohibited spaces.

Consumption in the company of others favors the exchange of experiences between consumers and promotes support among equals. It avoids loneliness due to belonging to a community, which destigmatizes users by breaking the invisibility of consumption, which has always been a stigma. And it enables the implementation of peer-to-peer strategies. In short, it is not only a pleasant place to consume cannabis in the company of equals, but it is also a necessary site to give tools on risk and harm reduction to consumers and, therefore, to access the target population by risk and harm prevention and reduction services⁶.

c. Measure implementation

Cannabis consumption rooms must meet certain conditions to enhance the effectiveness of harm reduction. Primarily, the staff associated with these facilities should undergo specialized training in harm reduction, with a focus on cannabis consumption contexts. This training can be provided institutionally or by accredited trainers specialized in harm reduction for cannabis use. It ensures the staff is well-equipped to address consumption-related issues knowledgeably and effectively.

Secondly, smoking consumption rooms must have proper facilities for this purpose. These must be hygienic and sanitary, with fire-fighting and pest-control devices. It must have smoke extraction adapted to the cubic meters of the association. Also, headquarters should have smoke-free rooms. It is imperative in places where employees are working. In addition, all this economic activity can benefit society as a whole. Recommendations on some versatility in the characteristics of these facilities, like location issues, are practical for adapting it to different municipalities and their needs.

The implementation of measures necessitates the compilation of harm reduction tools accessible to professionals in CSC. These guidelines should be disseminated to relevant entities in a standardized and regulated format. Furthermore, organizations and institutions involved in drug-related matters should ensure the proper functioning of these mechanisms.

⁵ Obradors, A. et al. (2021). Harm reduction and cannabis social clubs: Exploring their true potential. Available here: <https://www.sciencedirect.com/science/article/abs/pii/S0955395921002632?via%3Dihub>

⁶ Velackova, V. et al. (2023). Cannabis Social Clubs in Contemporary Legalization Reforms: Talking Consumption Sites and Social Justice. Available here: [https://www.clinicaltherapeutics.com/article/S0149-2918\(23\)00129-7/fulltext](https://www.clinicaltherapeutics.com/article/S0149-2918(23)00129-7/fulltext)

In conclusion, since CSC naturally originated as a safe consumption site, before the first common crops within these entities appeared⁷, paragraph 5.2.6 of article 1 has no coherent purpose relating to rights and freedoms, health and harm reduction, and common sense. Further, it is a demand of civil society stakeholders in Germany. The reinterpretation of drug policies through the prism of human rights⁸ includes adequate and pleasant places for consumption provision, thus guaranteeing the well-being of users.

3. Distances between nurseries, schools, youth facilities, and Cannabis Social Clubs (CSC)

The federally established distances look arbitrary given the varying spatial relationships between nurseries, schools, youth facilities, and CSC across different municipalities in Germany. In examining the city of Berlin as an illustrative example, adherence to these distance requirements would severely limit the feasible locations for establishing CSC. Consequently, a considerable number of consumers may be left without access, potentially leading to their engagement in unregulated, informal, or criminal markets.

Given the absence of explicit indicators, such as advertising or visible consumption in the vicinity, that would signify the presence of a CSC, the imposed distances are perceived as disproportionately restrictive. A reconsideration of these parameters, with a suggested minimum distance of 50 m would allow for adaptability by the competent administration. Any adjustments should be made based on rigorous justifications within a specific municipality, primarily in the pursuit of safeguarding the legal interest at hand—specifically, public health, with a particular emphasis on the well-being of minors.

4. Privacy

The legislative objective to prevent the diversion of cannabis to third parties is well-noted, reflecting a commitment to accountability within CSC. The focus on preserving the privacy of club members is crucial, as highlighted by the potential misuse of information. The emphasis on data protection is a paramount consideration for policy making. However, centralizing administrative processes within CSC raises valid concerns within the broader political landscape. The apprehension stems from the potential weaponization of data against users, particularly during shifts in political climates.

In this light, data protection in Germany is not only governed by European Union regulations like GDPR but also by specific national laws, such as the Federal Data Protection Act (Bundesdatenschutzgesetz or BDSG)⁹. The combination of EU and German laws provides a comprehensive framework for justifying and ensuring data protection practices in organizations and governments.

⁷ Parés, O. (2015). Innovation Born of Necessity: Pioneering Drug Policy in Catalonia. Available here:

<https://www.opensocietyfoundations.org/publications/innovation-born-necessity-pioneering-drug-policy-catalonia>

⁸ Council of the European Union conclusions on human rights-based approach in drug policies. 8 December 2022. Available here: <https://data.consilium.europa.eu/doc/document/ST-15818-2022-INIT/en/pdf>

⁹ German Federal Data Protection Act (Bundesdatenschutzgesetz). Available here:

https://www.gesetze-im-internet.de/englisch_bdsge/

First, the right to privacy is constitutionally protected and recognized in the European Convention on Human Rights. The GDPR, reflecting these foundational rights, sets clear guidelines to protect individuals from unwarranted intrusions into their private lives. The GDPR outlines principles such as lawfulness, fairness, and transparency, ensuring that any processing of personal data is rooted in a legitimate and justifiable basis. This legal framework establishes the necessity of processing for specific, explicit purposes, discouraging indiscriminate use of personal data. It prevents data from being repurposed in ways incompatible with the original intent, underscoring the importance of ensuring that any disclosure of data to governments aligns with the initially stated objectives.

Security is another critical aspect of data protection. GDPR mandates organizations to implement strong technical and organizational measures to safeguard personal data from unauthorized access, disclosure, and breaches. This emphasis on security is particularly critical when considering sharing data with governmental entities, as it ensures the integrity and confidentiality of sensitive information.

Data minimization, as advocated by GDPR, encourages organizations and institutions to collect and process only the data strictly necessary for the intended purpose. It minimizes the risk of excessive or irrelevant data, reinforcing the need for a focused and targeted approach when providing information to governments. A valid legal basis is a prerequisite for any processing of personal data under GDPR.

GDPR grants individuals certain rights over their data, such as the right to access, rectify, and erase their information. Restricting the disclosure of data to governments without proper justification helps safeguard these rights and empowers individuals to maintain control over their personal information. Enforcement mechanisms, established through independent data protection authorities in each EU member state, further strengthen the data protection framework.

In the broader context of political science and human rights, it is crucial to strike a delicate balance between club autonomy, individual freedoms, and data protection. The underlying question revolves around finding alternative, privacy-preserving mechanisms that respect the principles of freedom of association while still allowing for meaningful contributions to scientific research. Solutions such as anonymized data, anonymous data collection, and aggregated data can be explored to ensure a nuanced and respectful approach to both individual rights and collective objectives. The overarching aim is to uphold the principles of human rights and political integrity within the unique context of cannabis regulation.

5. Infeasibility of measures related to the growing cycle

Understanding the cultivation cycles of the cannabis plant is an essential aspect when formulating and implementing effective regulations, which was really well addressed in Canada. The regulation of cannabis necessitates a deep understanding of its cultivation cycles, enabling policymakers to craft nuanced and responsive regulatory frameworks that align with societal values, economic considerations, and public health goals. This knowledge addresses key issues, such as ensuring product safety, preventing illegal activities, and promoting sustainable cultivation practices.

a. Association locations

The obligation to use cultivation areas as meeting points for members of the CSC does not consider several factors that could impact the feasibility of the crop and the security of members, especially in urban areas. A provision allowing CSC to have multiple cultivation sites but limiting them to a single social headquarters reflects a strategic balance between individual freedom and regulatory control. Allowing multiple cultivation sites enables flexibility in cannabis production, accommodating variations in cultivation conditions, security against robberies, and safety against plagues or other common inclemencies that can emerge.

However, restricting the number of social headquarters centralizes the organizational and administrative aspects, potentially easing regulatory oversight and ensuring the impact of harm reduction. This regulatory approach demonstrates an attempt to harmonize the decentralized nature of cultivation with the need for centralized governance, underscoring a slight understanding of the organizational dynamics and regulatory challenges associated with Cannabis Social Clubs.

The stipulation that the cultivation site cannot serve as the social headquarters is a security-driven regulatory measure, particularly concerning the potential risks associated with indoor crops. By segregating the cultivation space from the meeting point of members, policymakers aim to mitigate security concerns, particularly those related to the inherent dangers associated with indoor crop cultivation, such as fire risk, electrical hazards, or other safety issues. It reflects a thoughtful approach to balancing the autonomy of Cannabis Social Clubs with the imperative to safeguard against potential challenges.

Further, thinking in general terms, about how society organizes, each activity needs a specific license. An organization or company cannot hold more than one license in the same place. Then, the CSC cannot accomplish the criteria for social headquarters activity and agronomic criteria for successfully overcoming a cannabis crop. May there become exceptions in rural areas.

b. Security of crops: § 17

The vulnerability of cannabis associations to thefts and robberies, particularly in cultivation or storage locations, underlines the complex security dynamics enveloping cannabis regulation. The inherent value of cannabis products and the cash-based nature of many transactions create an environment where these associations become targets for criminal activities. Policymakers may address these security concerns comprehensively, developing regulations taking into account strong security measures to safeguard the communities in which they operate.

The restriction on the active participation of all members in the growing tasks is a measure for enhancing security within the cultivation arrangement. Concerns related to regulatory compliance, risk management, or safeguarding the integrity of the cultivation process could drive it. By legally requiring each member to sign a cultivation contract, policymakers seek to establish a formal framework that outlines roles, responsibilities, and participant's limitations. This contractual approach allows the establishment of duties, ensuring that only individuals who have formally agreed to abide by specified terms actively participate in the collective cultivation tasks and, therefore, the authorized people to access the cultivation site.

c. Indoor - Outdoor

The legislative obligation to confine cannabis cultivation indoors raises questions about its justification within the legal framework. A more profound examination reveals two primary concerns: the potential absorption of heavy metals by cannabis plants from the soil and the visibility of cultivation from external perspectives. In both instances, viable solutions exist to mitigate these perceived dangers.

Cannabis plants have phytoremediator properties. The cannabis plant possesses the capacity to accumulate heavy metals, such as lead, cadmium, and mercury, between other soil-contained particles. It enhances inherent risks, as the consumption of cannabis contaminated with elevated levels of these heavy metals can result in adverse health effects for consumers.

A practical solution involves adopting alternative cultivation methods, such as growing in plant pots or designated vegetable patches. These systems prevent cannabis from absorbing heavy metals from the soil, and flushing with clean water further reduces contamination risks. For CSC, implementing soil testing measures can contribute to a safer cultivation environment.

Additionally, the government is concerned about the visibility of cannabis plants to minors and youth. Several regulations established rules to avoid this danger. One of the more commonly used is the prohibition of third-person view cultivation, a practice exemplified in other jurisdictions. For example, in British Columbia¹⁰, cannabis homegrown should not be visible in public spaces. Other regulations like Massachusetts or Luxembourg applied similar restrictions.

Arguments favoring outdoor cultivation are multifaceted. Firstly, indoor cultivation is criticized as unsustainable, contrasting with more environmentally friendly outdoor methods¹¹. Secondly, monetary considerations are imperative, particularly the high electricity costs associated with indoor cultivation, further supporting the case for outdoor alternatives.

In conclusion, the legislative insistence on indoor cannabis cultivation lacks clear justification when considering the potential risks and practical solutions available. The comprehensive analysis above advocates for a balanced approach and considers outdoor cultivation methods and regulatory frameworks oriented toward environmental sustainability and economic efficiency.

¹⁰ British Columbia website. Growing Cannabis at home. Available here: <https://www2.gov.bc.ca/gov/content/safety/public-safety/cannabis/growing-at-home#:~:text=Growing%20cannabis%20plants%20at%20home,and%20K%20I%20school%20properties>.

¹¹ United Nations Office on Drugs and Crime [UNODC]. World Drug Report 2022 Booklet 5: Drugs and Environment. Available here: https://www.unodc.org/unodc/en/data-and-analysis/wdr-2022_booklet-5.html

d. Destroying the substance

The destruction of the substance is unsustainable. It is mandatory when police seize cannabis in an illegal context. But, in a decriminalized context, it is not the way to control the demand. The number of members can vary depending on several factors, for example, leaving the consumption, nearest location of home, harvesting of homegrown, etc. It is too difficult to calculate the exact quantities. Cannabis also loses weight after the drying process.

The Spanish CSC realizes the production under demand, which means that each member signs a contract with a foreseen amount of consumption (how much each member will consume in the next six months, for example). The sum of the foreseen consumption of all the members is the amount of the forecast of cultivation of the association, the maximum quantity a CSC can grow. The foreseen member's consumption could be adjusted every three months, coinciding with the cultivation cycle approximately.

Then, the CSC uses this amount left over to cover the next season's needs. It rests on the forecast of cultivation of the coming year. For example, a CSC with 20 members consuming 50 gr per month needs 12 kg a year. After the year, the CSC shared with members 8 kg. Then, this CSC can cultivate $(n=12\text{kg}-8\text{kg}= 4\text{kg} / n_2=12\text{kg}-(n)= 8 \text{ kg})$ 8kg the following year. At the same time, the law can contain a limit for the maximum yearly production¹².

e. Three-month waiting period for getting cannabis

An objective of the regulation of cannabis is to channel the majority of users towards controlled and regulated collection channels. In this context, imposing a three-month waiting period to become a club member introduces a potential disincentive. Introducing a waiting period for club membership may discourage individuals from opting for regulated collection channels. Users can perceive the delay as an obstacle, potentially steering users towards unregulated or informal sources for quicker access. This unintended consequence undermines the regulatory goal of directing users towards controlled and monitored collection networks. Regulatory measures should balance between control and accessibility. Imposing barriers, such as lengthy waiting periods, should be carefully evaluated to avoid unintended consequences, such as those that throw tourism.

The initial three-month waiting period may be justified for the first cultivation cycle, possibly as a measure to ensure a thorough screening of applicants and promote compliance. However, in subsequent cycles, maintaining such an extended waiting period becomes impractical and may hinder the overall efficiency of the regulatory framework. To address concerns about cannabis tourism, a more pragmatic approach could involve reducing the waiting period to 15 days¹³ and mandating in-person membership registration. This adjustment aims to strike a balance between regulatory control and practicality, ensuring that the regulations remain effective while minimizing unnecessary barriers to entry. It reflects an understanding of the evolving dynamics in the regulated industry and the need for adaptable policies to achieve the desired outcomes.

¹² Repealed Catalan law on cannabis associations. Llei 13/2017, del 6 de juliol, de les associacions de consumidors de cànnabis del Parlament de Catalunya. Available here: <https://portaljuridic.gencat.cat/ca/document-del-pjur/?documentId=792564>

¹³ Ibid

f. Transporting more than 50 grams

Addressing the transport of cannabis within the regulatory framework is required for practical and logistical reasons. Recognizing the potential need for CSC to relocate or transport cannabis, it becomes imperative to include provisions in the law that specifically account for such scenarios. It entails crafting regulations that ensure secure, transparent, and complaint procedures for the transportation of cannabis.

By incorporating these considerations into the legal framework, policymakers aim to mitigate potential challenges associated with the moval of cannabis, lining up the regulations with the evolving needs and circumstances of CSC. There are some options for encompass the internal legislation on cannabis transportation with international and European law:

- Responsible transportation: The transport of cannabis could be under the association's responsibility. The association can transport the substance in a sealed and stamped container, labeled with the specified data. So nobody can open it until the destination. The association has to record each transport in the association's control documents for possible inspections. (medium control)
- The tracking number of transport: an authorization with a tracking number that you ask for to the competent authority, and if the police stops you, with the documentation of the association and the tracking number authorizing the transport, they let you pass. It should be in a private vehicle. There should be a prohibition on doing it in public or collective transport. The system to dispense the tracking number should be fast. Policymakers could implement it through software that controls the transport of cannabis. The association has a limited amount for transporting in a month, and the association downloads the authorization and keeps it registered. (high control)
- Specialized company: a company could make transports of all the cannabis associations. For example, the bank system uses this mechanism to move money physically. (medium control)

It is necessary to note here that corruption and abuse of power could emerge in all of these formulas. Then it is mandatory to regulate the transport to prevent it. For example, in the second proposal, the police agent cannot access the whole transportation data. They only require to know that there is authorization for this tracking number at a certain time and place. In the third case, it may hinder the control of corruption and criminal influences in a company.

This approach reflects a pragmatic understanding of the practicalities involved in cannabis operations and underscores the importance of comprehensive and adaptable legislation in the governance of cannabis-related activities. The regulation of cannabis brings to the forefront the critical consideration of transportation logistics, emphasizing the need for slight policies to address the challenges associated with the transport of cannabis products.

g. Minimum quantities of storage

There exists a notable bias in the current quantitative calculations, particularly concerning the permissible stockpile quantities in the realm of cannabis regulation. A critical observation reveals that the prescribed stockpile limit, when juxtaposed with the maximum possession threshold in public spaces, introduces an incongruity. There should be a difference in the limits set for the quantity one can store at home when personally cultivating in comparison to the quantity allowed for personal possession in public areas. It is contemplated in most cannabis regulations worldwide.

This discrepancy arises from the calculations regarding individual possession limits being predominantly short for users' necessities. However, it is imperative to acknowledge that regular users typically abstain from acquiring their cannabis through CSC channels due to financial constraints, preferring instead to engage in personal cultivation practices.

Moreover, the arbitrary nature of numerical specifications introduces a fundamental relativity concern, notably exemplified by the cultivation of cannabis plants. The yield from three cannabis plants, a common limit, can significantly fluctuate, upon various cultivation conditions. Therefore, the current imposition of a 50-gram stockpile limit for home growers appears grossly inadequate and impractical.

The limitation on the possession in public places and the quantity of personal stockpile differs in all these regulations where personal growth is allowed. Cannabis plants should be cut and dried at one time. Therefore, the allowance of a higher stockpile quantity is mandatory for plant cycle reasons. If there should be limitations, policymakers have to look abroad¹⁴.

The specific regulation of cannabis cultivation in Uruguay, where individuals are allowed to grow six plants and keep up to 480 grams at home¹⁵, can be analyzed in the context of political objectives and social considerations. In Canada, there is a calculator to achieve the limited quantities¹⁶. There are other examples, such as New York. The home grow act proposal¹⁷ allows up to 5 pounds of storage. In exchange, these are approximately 2.27 kg. This proposal includes the cultivation of six mature plants and six immature plants. Under Spanish criminal law, the limitation for atypical behavior is the amount the individual can prove is for its own consumption.

¹⁴ Decorte, T., Lenton, S. and Wilkins, C. (2020). Legalizing Cannabis; Experiences, Lessons and Scenarios. Available here: <https://cannalib.eu/wp-content/uploads/2022/04/Legalizing-Cannabis-Experiences-lessons-and-scenarios-2020.pdf#page=446>

¹⁵ Instituto de Regulación y Control del Cannabis (IRCCA). Website (Uruguayan regulation and control institute for cannabis). Ways of access. Domestic cultivation: Available here: <https://ircca.gub.uy/vias-de-acceso/>

¹⁶ Calculator for the production of a limited amount of cannabis for medical purposes. Government of Canada. Available here: <https://health.canada.ca/en/health-canada/services/drug-health-products/buying-using-drug-health-products-safely/cannabis-medical-purposes/accessing-cannabis-medical-purposes/production-cannabis-medical-purposes/calculator.html>

¹⁷ New York prepares to let residents grow marijuana at home: Find out if you qualify. Fox 5. 24/01/2024. Available here: <https://www.fox5ny.com/news/new-york-marijuana-grow-at-home-rules>

Other examples could be the tranche limits, which consist of a limit for a free stockpile, like this 480 gr of Uruguay. Then, a higher limit for a probationary, for example, between 480 gr and 960 gr, the individual enters a process to highlight if the individual intended for a third party or not. So, it is for trafficking or smuggling. If it is not, the individual could get a proportional fine. Then, after this 960 gr, they get the established sanction directly.

Beyond these considerations, it is interesting to highlight that the law enforcement application to control both stockpile and plant number restrictions infringes upon core tenets of our democratic framework. Principles such as the inviolability of the home, personal integrity, and the right to free personal development are inherently compromised under the current regulatory framework proposed.

In light of these multifaceted concerns, we earnestly urge a comprehensive reassessment of the quantitative calculations underpinning stockpile and cultivation limits. Such a reconsideration is imperative for the formulation of policies that not only align with the genuine dynamics of cannabis consumption but also uphold the democratic principles that form the bedrock of our societies.

6. Proportionality of sanctions

The sanction code contained in Article 7, §34 raises concerns about potential unintended consequences. Restricting quantities could drive users to the illicit market, undermining the intended regulatory framework. Additionally, assessing the proportionality of the proposed sanctions is crucial; if penalties are disproportionately severe compared to perceived risks, questions arise about the fairness and effectiveness of the measures. The affected population needs incentives to pass to a legal framework. If the sanctions of the law are very high, these incentives decrease and could feed the illicit markets. The legislation should align with evolving societal attitudes towards cannabis, acknowledging the changing paradigm of acceptance for recreational use.

Moreover, the proposed sanctions contribute to the enduring stigma surrounding cannabis users. Harsh penalties can reinforce negative stereotypes, impeding individuals from seeking help and participating in open conversations about their cannabis use. Also, it is more struggling for the disadvantaged population. A balanced approach that considers the societal shift in perceptions and avoids reinforcing stigma is essential to foster a more informed and nuanced public discourse on cannabis regulation.

It is important to note that specific references to legal frameworks and established practices should be consulted for a more comprehensive and context-specific evaluation. Other aspects that have not been considered in the law, such as limitations from 18 to 21 that throw young to criminal markets, are deemed suitable for subsequent policy development, pending a thorough evaluation of existing deficiencies. Issues on the horizon, including the prohibition of specific extractions and derivatives, as well as certain quantity limits, could be more effectively addressed in a subsequent phase of policy evolution. This strategic approach acknowledges the evolving nature of cannabis regulations and the need for ongoing assessment to refine the legal framework in response to emerging challenges.

Annex I: Table of protection factors for shared consumption at the headquarters of the Cannabis Social Clubs

| | |
|-----------------------------|--|
| Universal prevention | No access of minors to CSC cultivation and consumption rooms |
| | Exclusive space for adult cannabis consumers |
| By context | Capacity to impact the target population |
| | Dissemination of information on risk reduction associated with cannabis consumption |
| | Awareness-raising on cannabis and its effects |
| | Promotion of vaporizers and other routes of administration that are less harmful than the combustion inhalation route |
| | Destigmatization of users by breaking the invisibility of consumption |
| | Avoid isolation due to belonging to a community |
| | Encourage peer support |
| | Promotes the exchange of experiences between consumers |
| | Avoid consumption in unhealthy, unsafe, or forbidden places |
| By substance | Promotes knowledge about the plant and its effects |
| | Teaching on the recognition of samples in poor condition through visual inspection or rudimentary methods (cannabis is an organic substance) |
| | Exchange of experiences in self-cultivation that favors more informed and ecological personal crops |
| By person | Personalized advice |
| | Detection of problematic consumption |
| | Derivation to entities or services specialized in addictions |
| | Self-control of consumption |
| | Substance custody system to avoid having to consume in other places if the partner does not want to |

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2. Global Commission on Drug Policy. (2011). The war on drugs. Available here: <https://www.globalcommissionondrugs.org/reports/the-war-on-drugs>
3. Strategic Priority 6.4 at the EU Drugs Strategy Estigma (2021 – 2025). Available here: <https://www.consilium.europa.eu/media/49194/eu-drugs-strategy-booklet.pdf>
4. New approaches in Harm Reduction practices and policies. Available here: <https://www.fuoriluogo.it/ricerca/nahrpp-nuovi-approcci-riduzione-del-danno/>
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