



Manifesto on the Legalisation and Regulation of Cannabis in Malta



Six Major Short-Term Objectives

1. The establishment, control and regulation of the Maltese cannabis industry by the Government of Malta
2. The assurance of access to medicinal cannabis to those who need it
3. The removal of punitive measures and criminalisation of drug users in Maltese society
4. The allowance of Maltese citizens to partake in a legal, regulated cannabis industry, and boost the economy through job creation and taxation
5. The establishment of quality testing facilities, harm reduction policies being implemented, and an updated drug education policy
6. The eradication of the criminal networks and weakening of the black market currently present in Malta

“ Drugs have destroyed many lives - but wrong government policies have destroyed many more.

Kofi Annan, former Secretary-General of the United Nations

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Progress in Malta

The Maltese government took the courageous step of decriminalising cannabis for personal use in 2013, a step towards de-stigmatizing cannabis users and medicinal users here in Malta. However, this did not decrease the scale or invasiveness of the black market, and as the Maltese police force themselves admit, there is no real way to know just how large the Maltese drug black market is.

With Maltese citizens' demand for medical and recreational cannabis growing by the year, the black market will remain unchecked until a policy of legalisation and regulation is put in place. Until then, the black market will continue to grow and profit from this demand, directly putting Maltese citizens' hard-earned money into the hands of criminal networks and organisations.

Below are statistics for how much cannabis was confiscated by the Maltese Police force over the last decade. As can be seen from the variances year by year, the Maltese black market is flooded with cannabis brought in through criminal means - and the police have been unsuccessful in even denting the market, let alone knowing the true extent of how much cannabis is in Malta.

Amount of cannabis confiscated by the Maltese police

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Cannabis Grass (kgs)	1.8	2.8	0.048	0.0016	458.3	0.755	1.5	2.785	9.739	69.5	4.031
Cannabis Resin (kgs)	19.6	45	2.2	23.4	23.4	42.7	89.5	16.460	0.535	42	69.9

Statistics obtained with the cooperation of the Police Headquarters in Floriana.

Proposed Recommendations for the Control and Regulation of Cannabis in Malta

The legalisation of medical and personal cannabis for adults over the age of 21 is an essential step for Malta in its drive as a morally compassionate and an economically growth-driven country. At the bare minimum, cannabis should be legal to obtain medicinally, legal to obtain recreationally from a licensed vendor, be fully decriminalised for personal use, and legal to grow for personal use in a limited and private manner.

As a naturally growing, hardy weed, the cannabis plant is easy to grow and has many profitable applications beyond its typical medicinal and personal drug use. Industrial hemp, which is the non-psychoactive part of the cannabis plant, can be used to make extremely durable fibers, as well as in construction material, in plastic production, as food for humans and livestock, and even as a biofuel source.

And the potential profit from a regulated recreational cannabis industry goes without saying, with the state of Colorado amassing over \$1 billion in sales in 2016 alone, accumulating over \$70 million in taxes for the state in less than 10 months.

Below are the recommendations best suited for Malta after taking into account other successful countries' models and the local Maltese context. (See annex 1 and 2)

Medicinal

Medical cannabis must be treated as a medicine on par with other prescription medicines, meaning users will have access to cannabis as a medicine at pharmacy level with a doctor's prescription.

Patients must be able to access the appropriate doctors for prescription with ease, and access the prescribed medicine with ease - and if out of stock, the government must find a way to provide it when possible.

Any trained doctor should be allowed to prescribe cannabis as a medicine when suitable to the medical condition being treated.

Medical cannabis must be made legal and allowed in its various forms (Vapor/Oil/Flower/Edibles/Extracts). These must be obtained from licensed medicinal growers/distributors, grown locally and treated locally, or obtained from licensed foreign manufacturers.

To purchase medical cannabis legally, one must be in possession of a medical cannabis prescription from a doctor.

Medical cannabis will be taxed in line with other medicines.

In certain cases, it should be legal to prescribe medical cannabis to people under the age of 21, if the doctor believes this is needed in their case.

Qualifying Conditions

Subject to addition of further conditions

- Cachexia
- Cancer
- Chronic pain
- Chronic nervous system disorders
- Social Anxiety Disorder
- Glaucoma
- HIV or AIDS
- Nausea
- Persistent Muscle Spasms
- Post Traumatic Stress Syndrome
- Insomnia
- Seizures
- Fibromyalgia
- Alzeihmers

Personal Use and Growing

Adults aged 21 or older will be allowed to grow up to six marijuana plants per person (with four or fewer being mature), legally possess all cannabis from the plants they grow, legally possess up to 30 grams of cannabis on their person while in public, and give as a gift up to 30 grams to other citizens 21 years of age or older if there is no financial consideration.

Adults will be allowed to purchase cannabis from a licensed, taxable vendor with a limit of 5 grams of cannabis per commercial outlet.

The growing must take place in a locked space, is not conducted openly or publicly and can not be made available for private sale. Anyone not licensed to sell or trade cannabis or any derivative products in person or online is subject to punishment.

The number of plants that can be possessed or grown on a residential property is 12 plants (assuming there is more than one person who wants to grow), unless a medical or judicial authority permits possessing or growing more than 12 plants. A person may seek an exception from the authorities to grow up to 24 plants with a valid reason.

A 'social club licence' could be created for any persons who are unable to grow in their own home to waive their right to grow to the social club, with the social club growing the plants on the person's behalf for them. A social club could be formed by two people or more.

Industrial hemp should be regulated separately from strains of cannabis with higher Delta-9 Tetrahydrocannabinol (THC) concentrations.

All industrial and commercial growers must abide by any and all current environmental regulations and recommendations to become licensed to grow cannabis.

Licensing Schemes and Quality Control

A ministry/regulatory department within a ministry should be created to handle both license issuance as well as testing and quality control. Licensing of this type would be the first of its kind in the world, and would cover a number of licences:

Licence A

Commercial Licence to sell Cannabis in a specific venue

Licence B

Growing Licence to grow cannabis on an industrial level for commercial/medical purposes

Licence C

Distributor Licence to transport cannabis between institutions/commercial establishments.

Licence D

Small Business Licence to grow up to 150 plants for sale in own commercial establishment

Licence E

Social Club Licence to grow plants on behalf of those who cannot grow themselves.

Licence F

Research and Development Licence for academic and scientific use

Criminal

It is recommended that anyone found selling cannabis to minors be harshly punished.

Anyone found personally growing over the legal amount would also be liable to a fine or punishment.

An amendment should be made to parole laws stating that the use of cannabis while under parole is no longer punishable.

Consumption is permitted in a manner similar to alcohol, with equivalent offenses prescribed for driving under the influence of cannabis.

Public consumption is permitted in a manner similar to both alcohol and smoking cigarettes. Anyone caught smoking cannabis in a public or unpermitted area is liable to a fine.

People who were convicted of crimes such as possession or trafficking that would not have been a criminal offense following legalisation are to have their sentences removed and amnesty given to said persons. The continued imprisonment of an individual for an offense that would then become legal would be unethical and would not be observing the law in a just and compassionate way.

Commercial

Cannabis-related businesses are only allowed to operate:

1. In commercial zones
2. At least 100m away from:
 - Schools
 - Community centers
 - Youth facilities that serve vulnerable youth
3. With a business licence
4. With a commercial cannabis licence

Cannabis-related store times will be from 8am until 12am.

Any individual(s) who would like to open a cannabis-related business is subject to the same requirements and conditions as they would be if they were to open any comparative commercial outlet (such as a pharmacy, restaurant or bar). They cannot have ever committed a violent crime or any crime related to children.

Recreational cannabis stores or dispensaries cannot advertise on any media that is accessible to minors nor any venues or locations visited by minors, and cannot use any materials, colours or themes in their products that may be attractive to minors.

Products

Licensed venues may sell the following types of products:

- Flower and resin (hash) forms of cannabis
- Concentrates: the essential oils of the plant or terpins
- Edibles: Cannabis infused foods, candies, or drinks.
- Transdermal Products (Topicals): creams, lotions, massage oils and such infused with cannabis. These products are not psychoactive.
- Seeds: Seeds that can be used to grow a cannabis plant.
- Clones: Healthy seedlings that are ready be grown.

Edibles are defined as 8g of retail concentrate that is equal to 1oz of flower, and therefore 800mg of THC in the form of retail edibles will be equal to 1oz of retail flower.

Any commercial establishment may apply for a cannabis sales licence (Licence A) as long as they do not sell alcohol as well and are not accessible to minors. All commercial establishments must verify their patrons' age before entry to their establishment to ensure the availability of their products only to adults.

Flowers or resin and oil shall remain illegal to export and import. The importation of ungerminated seeds and growing products shall remain legal for importation.

Tourism

Visitors and tourists to Malta can use and purchase cannabis recreationally, but face prosecution if they attempt to travel abroad with the cannabis on their person.

Research

Malta would benefit from a creation of a cannabis research and development licence or endorsement to an existing licence that allows the production and processing of cannabis for research purposes. The applicant would need to submit with the licence application a description of the research to be conducted, and if the research involves a public entity or public money, then a scientific advisory commission shall review and assess the research project. A cannabis research and development licensee may only sell the cannabis it grows to other cannabis research and development licensees. A cannabis research and development licensee may contract with a public research institution of higher education or another cannabis research and development licensee.

Research into cannabis applications would also put Malta on the forefront of this research, alongside other medical pioneers such as Canada, USA, or even Israel, a country Malta has a commercial Memorandum of Understanding with.

Taxes

A commission should be issued to study the best tax level to be levied on all cannabis sales on top of any pre-existing sales taxes. The commission should be wary with over-taxation as users would turn to the black market, as well as creating a tax bracket that is competitive for small and medium sized businesses.

Safety

A government run or private run testing facility must be set up to ensure the quality and purity of all products, with regular, mandatory testing of the product of all cannabis related commercial businesses.

Heavy fines and jail sentences should be given to people caught selling to children.

A percentage (20 - 30%) of the generated income of the new taxes should be by law allocated to the improvement of our education and drug rehabilitation. Also, a percentage would be given to the police force to increase roadside enforcement.

A factual, balanced and unprejudiced drug education program should be created to inform youths about the dangers of drugs and the consequences of drug use and abuse.

All merchandising regulations concerning tobacco should be carried to cannabis to ensure the public understands that this is a psychoactive soft drug. This would mean that any distributed/packaged flower/oil/resin and edible product would be marked with a health warning and clearly marked as containing marijuana.

Any form of the distribution of illicit cannabis should be enforced with severe punishments to minimise the availability of black market product.

Hemp

Issuance of licences for the industrial cultivation and processing of hemp. Hemp is defined as any form of the cannabis plant which has less than “3/10’s of one percent” delta-9-THC. The Ministry for the Environment, Sustainable Development and Climate Change or a newly set up Cannabis Authority would regulate hemp production.

Those who wish to cultivate industrial hemp need to apply to the appropriate ministry for registration. If applicants wish to cultivate industrial hemp for commercial purposes they must provide the name and address of the applicant and the legal description, global positioning system location, and map of the land area on which the applicant plans to engage in industrial hemp cultivation or research and development growth operations.

The application must identify by name each officer, director, member, partner or owner of at least 10 percent of the entity and any other person who has managing or controlling authority over the entity. Applicants for a registration may be denied registration for up to three years if any individual or entity listed in the application was previously subject to discipline, or the individual or entity was previously listed by an entity that was subject to discipline. When a registration is suspended, revoked, or relinquished, a new application for registration may be denied for up to three years after the effective date of discipline.

Annex 1: Pioneering Global Models

There are various frameworks within which cannabis legalisation can be attained, depending on the government's goals. Explained in brief, below are some of the most effective models found in five other countries, ranging from pro-medical, to pro-business, to pro-health.

Colorado (USA)

It is legal to buy, possess, and consume cannabis for recreational use in Colorado, as well as obtain a medical cannabis card.

Anybody over the age of 21 (with a valid government-issued photo identification) can walk into a licensed dispensary and purchase cannabis. In 2015, the cannabis industry in Colorado created 18,000 full-time jobs. In 2016, the cannabis industry in Colorado generated a record \$1.3 billion in sales. Over \$150 million dollars of that revenue came in the form of Colorado state sales taxes, tens of millions of which go directly to the funding of projects for the public school systems.

Due to legalization, there are fewer cannabis-related arrests in the state of Colorado. In fact, between legalisation in 2012 and 2014, arrests related to cannabis fell by almost half. Teenager use of cannabis in Colorado has also dropped since legalisation.

It is legally mandated that 20% of the income generated from cannabis taxation must be used in educational or sports programs within the state.

There are over 2,500 cannabis related stores, with 900 of them being dispensaries in a population of 5.5 million.

Around 130,000 people have a medical marijuana card, with over 94% of them being treated for pain relief among their ailments. Medical marijuana is not subject to the same 25% in additional excise and sales taxes as recreational cannabis is. Under the current laws of Colorado, all of the marijuana sold in the state must be grown there as well.

Public consumption is treated in the same way as alcohol, with “private” cannabis clubs opening to answer for this.

Spain

It is legal to possess cannabis in Spain, but technically illegal to sell cannabis, and legal to grow a plant in a private, non-visible area. However, users can join a private cannabis club and acquire cannabis.

Barcelona's private cannabis clubs are only open to new members via referrals through existing members. When you become a member of a cannabis club in Barcelona, you are essentially part of a coalition that grows and distributes marijuana among its members. Therefore, the marijuana that is grown belongs to all members, including you.

You are required to pay for your share of what it costs to grow the marijuana and pay for the building space and other facilities, utilities, etc. In order to get a membership at a cannabis club, you must present a valid passport, ID or NIE card. You must also register using an address in Spain. The fee ranges from 10 euros to 50 euros.

All use of cannabis must remain indoors or on private property.

Uruguay

Possession for personal use is not penalized and the law does not specify the quantity for "personal use". In August 2014, Uruguay legalized growing up to six plants at home, as well as the formation of growing clubs, a state-controlled marijuana dispensary regime, and the creation of a governmental Cannabis Regulatory Institute (IRCA in Spanish). However, this is not a free market.

The government controls the entire production and determines the price, quality, and maximum production volume. People are allowed to buy up to 40 g (1.4 oz) of cannabis from the Uruguayan government's pharmacies each month. Users have to be 18 or older and be registered in a national database to track their consumption. Cultivators are allowed to grow up to 6 plants at their homes each year and shall not surpass 480 g (17 oz) per year. Registered smoking clubs will be allowed to grow 99 plants annually. Buying cannabis will be prohibited to foreigners.

Only two types of cannabis can be bought, with a government mandated THC content.



Holland

The drug policy of the Netherlands is based on two major principles:

1. Drug use is a public health issue, not a criminal matter
2. A distinction between hard drugs and soft drugs exists

Cannabis remains a controlled substance in the Netherlands, and both possession and production for personal use are still misdemeanors, punishable by fine. Cannabis coffeeshops are also technically illegal according to the statutes.

However, a policy of non-enforcement has led to a situation where reliance upon non-enforcement has become common, and because of this the courts have ruled against the government when individual cases were prosecuted.

As such, cannabis and coffeeshops remain in a legal grey area, not officially permitted yet tolerated, to the profit and success of local business owners and joy of cannabis enthusiasts.



Canada

Medical cannabis is legal in Canada by prescription. There are at least 36 licensed medical cannabis growers in Canada, with over 100,000 Canadians making use of medical cannabis.

Upon the election of Justin Trudeau as Prime Minister in 2015, plans to legalise cannabis nationally are in place, with recreational sales planning to begin in January, 2018.

The substance will remain controlled: sold only at government licensed retailers, and grown only by licensed producers. There will also be “new, stronger laws” against sales to minors, driving while impaired and sales through channels not specifically authorized to do so.

The revenue from taxes from recreational cannabis is expected to be at least \$618 million per year initially, and eventually over a billion a year once the proper structure is in place.

Annex 2: The Failed War on Drugs

The global war on drugs has failed, and the social and economic costs of this impossible war are being felt today. All around the world, criminal elements have infiltrated society, taking advantage of an unregulated global industry that is worth billions, and accounts for about 1% of total global trade.

From the poor farmers forced to grow the illicit crops to the drug mules swallowing packets of drugs to the young drug dealers on the streets all the way to the sharks getting extremely rich off of the government's unregulated and averted eyes, decades of failed national policy has wrought untold misery on countless people, most of whom are guilty of nothing more than a personal choice, and sometimes even less than that.

A War on People

Globally, the “war on drugs” has not succeeded. Some estimate that enforcing global prohibition costs at least \$100 billion (€90.7 billion) a year, but as many as 300 million people now use drugs worldwide, contributing to a global illicit market with a turnover of \$330 billion a year, one of the largest commodity markets in the world.

Malta itself spent 0.08% of its GDP in 2012 - 5.5 million euros - on drug-related expenditure.

Prohibition has had little impact on the supply of or demand for drugs. When law country enforcement succeeds in one area, drug production simply moves to another region, or drug trafficking moves to another route and drug users switch to a different drug. Nor has prohibition significantly reduced use. Studies have consistently failed to establish the existence of a link between the harshness of a country's drug laws and its levels of drug use.

This has been also true in Malta where we have seen that the war on drugs has failed, with drug availability still being highly prevalent and drug use figures remaining nearly unchanged, with Malta registering the second highest use of heroin in Europe as reported in the European Drug Report of 2015.



It's Time to Prioritise Health Over Punishment

It's time for regulations that put lives and safety first, and not dogmatic morality and stigmatization. Policy based on common ethical assumptions and popular sentiments can become a recipe for mistaken prescriptions and misguided interventions.

By looking carefully at the evidence from the United States, we now know that legalizing the use of cannabis for medical purposes has not, as opponents argued, led to an increase in its use by teenagers, but indeed remained at a steady level, sometimes even decreasing in certain demographics.

By contrast, there has been a near tripling of American deaths from heroin overdoses between 2010 and 2013, even though the law and its severe punishments remain unchanged.

Cannabis was just fully legalised in Uruguay, with the small South American country becoming a global pioneer with their unique framework. Canada is expected to legalise cannabis use in 2018, which would make it the first Western nation to do so. With more and more countries looking to change their drug policies for more sensible and rational laws, Malta is now perfectly placed to become the first nation in the European and Mediterranean region to legalise, allowing Malta to consolidate its hold as a medical centre of excellence in the region, adding to its allure as a popular tourist destination as well as confirming itself as a democratic and free country for its citizens to live in.

A Brighter Future

With the tides of public perception changing, and an increasing amount of foreign countries amending their laws to reflect this change in ideology, now is the time for Malta to confirm its political will and create a more equal, compassionate country. Implementation of these above recommendations will not be an easy, overnight affair. However, once in place, it would decimate the black market, decrease the amount of prisoners locked up, increase job creation and tax revenue, broaden Malta's healthcare system, provide even more reason for tourists to visit the country, and most of all, treat Maltese cannabis users as fair and equal citizens in the eyes of the law.

Now is the time to accept the reality of modern Maltese society, take advantage of it, regulate it, and create a better society for the citizens of Malta.

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