



ReLeaf Malta: A Maltese Legalised and Regulated Cannabis Market 2020

Proposals for Cannabis legalisation and regulation in Malta.



Back in 2017, the Government of Malta recognised the need to revise existing cannabis policy in Malta and declared that the legalisation and regulation of cannabis, framed within harm reduction policy and principles, is required to promote the health and well-being of cannabis consumers whilst better protect youths and the most vulnerable.

This proposal aims to provide local authorities with a brief over view of a regulated cannabis market for adult use and highlights the importance to enact legislative changes based on human rights and harm reduction principles.

ReLeaf underlines the importance of a multidisciplinary approach, therefore the need to include legal, social, economic, educational and health considerations when drafting a national framework regulating the cultivation, consumption and sale of the cannabis plants and its derivatives. As already proven by countries legislating and regulating cannabis for personal use, cannabis policy is best implemented through a balanced, evidence based and inclusive legislative framework.

“After decades of repressive policies, we have acknowledged that this policy does not work, that it did not meet expectations. So it’s time to change mindsets, change our concepts and try something else.”

Etienne Schneider,
Luxembourg vice Prime Minister.
22 August 2019



“The time has come for New Zealand to face up to the widespread use and supply of cannabis in the country and to legalise it and regulate it accordingly. No useful purpose is served by maintaining its illegal status”

Helen Clark,
Former Prime Minister of New Zealand and
member of the Global Commission on Drug Policy
4 September 2019

The 8 point proposal

- 1** The right to personal cultivation and consumption of all parts of the cannabis plant by adults in the privacy of their own home
- 2** The establishment, control and regulation of the Maltese cannabis market by the Government of Malta by not later than 31 December 2020
- 3** The removal of all punitive and criminal laws for cannabis consumers in Malta and the right to consume cannabis in designated public spaces
- 4** The possibility for Maltese citizens to partake in a legal and regulated cannabis market, including also Hemp
- 5** Introduce preferential access schemes to ensure local farmers have access and reap benefits from the emerging cannabis market
- 6** Include amnesty and expungement of criminal records for non-violent cannabis convictions, and through a social equity¹ program ensure their participation in the legalised and regulated cannabis market
- 7** Promote holistic harm reduction tools² and encourage a more open dialogue with cannabis consumers
- 8** The creation of a national cannabis seed bank, protection of newly created local hybrids and promotion of a sustainable and environmentally conscious cannabis market

¹ Promoting equitable ownership and employment opportunities in the cannabis industry in order to decrease disparities in life outcomes for marginalized communities and to address the disproportionate impacts of the war on drugs in those communities

² Harm reduction tools aim to minimise negative health, social and legal impacts associated with drug use, drug policies and drug laws. Whilst abstinence and reduction of consumption is one of the goals, it is not the main and sole focus of harm reduction policy.

The Details

A legalised and regulated market should place the well-being of cannabis users at the helm of every decision. It is imperative that cannabis consumers are consulted and included at all levels of the discussion. A functional cannabis market needs to ensure it promotes public health without introducing an invasive and over-regulated scenario incapable of competing with and effectively eradicating the illegal market. Therefore, the type of cannabis strains available, pricing and accessibility need to reflect local and regional trends, whilst the highest standard of privacy and protection of personal rights need to match those of already established markets in Europe and around the world.

Cannabis for Personal Use (CPU)

- Grow up to 6 cannabis plants per person and up to 12 per household
- Legally possess all parts of the plant grown and right to share (at no profit) with other adults
- Legally possess up to 30grs of cannabis in public
- Legally purchase up to 30grs of cannabis from CSC and/or CD

Growing

- Locked and kept in an odourless space
- Conducted privately or by licensed farmer in designated places
- Cannot be sold without a license
- More than 12 plants permitted for CPU if warranted by medical or judicial authority

Purchase and Retail

- Not for profit Cannabis Social Club (CSC)
- Cannabis Dispensary (CD) selling only cannabis and related products
- Promote training and continuous professional development for workers
- Do not allow marketing and promotion of cannabis use

Testing and Health

- Regular and mandatory testing and certification of cannabis sold by CSC and/or CD
- Clear labelling including name of strain, THC:CBD levels, packaging date, expiry date, certification free from pesticides, fungal bacteria and heavy metals and identification of grower and seller.
- Sold in child proof packaging and including health warnings (ex. Risks of smoking, impaired driving etc)
- Affordable prices for personal growers wanting to test their product and the creation of an online one stop shop providing information related to organic and health and safety cultivation practices (ex. Best soil, water PH levels, fertilizer etc)

Taxes

A commission should be issued to study the best tax level to be levied on all cannabis sales and create a tax bracket that is competitive for small and medium sized business. The Commission should be wary with over taxation as this would fail to be competitive with prices offered by the black market.

Revenues from taxation could be reinvested into the community and used in substance use education programs, but also for wider social and environmental projects.

Education

The key to every social, health and economic reform is a holistic approach to education, and therefore one that incorporates formal and non-formal means of learning and engages with the whole population.

Effective education requires age specific content and educators or community leaders trained to deliver factual and non-moralistic information, whilst provide a safe space for the students to speak up without criminal or school based repercussions. An open and frank dialogue with parents is also important and greatly compliments school based interventions.

Holistically, a functional national educational campaign needs to: (i) be grounded in strong evidence based research, (ii) provide clear information about the benefits and risks of cannabis consumption, (iii) be non-judgmental, and (iv) provide the necessary space for inter and intra-personal development of the individual.

When we look at cannabis education, it is imperative to:

- Promote a holistic approach to drug education, therefore ensure preventive measures are coupled with a more grounded dialogue how different consumption methods (smoking vrs. Vaping, edibles, use of tobacco etc) and different cannabis strains produce different benefits and health risks
- Ensure cannabis education is age appropriate and is not limited to school aged children, but includes a cross-generational dialogue
- Include Harm Reduction principles in mainstream educational material and community outreach programs and ensure cannabis consumption is no longer morally stigmatised, but is better understood through science and evidence based research
- Introduce the personal responsibility component and promote responsible adult cannabis consumption

Addressing UN International Drug Control Conventions

Engage with like-minded countries that have or will regulate cannabis for adult personal use and explore joint solutions grounded in International Law and European Union Treaties. A promising solution is through an inter-se modification of the relevant UN Drug Control Conventions. Through bilateral and multilateral agreements two or more countries can agree to modify a specific treaty between themselves. These modifications can be related, amongst other to: cultivation practices, international trade control regulation, and education and public health policies. Governments can latch regulation and reform with the UN Sustainable Development Goals and promote a more holistic approach to the cultivation, consumption and trade of the cannabis plant.

“Initial trends show us that where cannabis has been legalized, there has been no explosion in drug use or drug-related crime. The size of the black market has been reduced and thousands of young people have been spared criminal records”

– Kofi Annan,
former Secretary-General of the United Nations, Nobel Peace Prize recipient
22 February 2016



Annexes

Annex 1

Canadian Students for Sensible Drug policy; Sensible Cannabis Education: A Toolkit for Educating Youth, 2018

<https://cssdp.org/uploads/2019/08/Sensible-Cannabis-Education-A-Toolkit-for-Educating-Youth-1.pdf>

Annex 2

Global Commission for Drug Policy; The War on Drugs, 2011

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

Annex 3

TransNational Institute; Balancing Treaty Stability and Change: Inter se modification of the UN drug control conventions to facilitate cannabis regulation, 2018

<https://www.tni.org/en/publication/balancing-treaty-stability-and-change>

Annex 4

Transform Drug Policy Foundation; How to Regulate Cannabis: A practical guide, 2016

<https://transformdrugs.org/product/how-to-regulate-cannabis-a-practical-guide/>

Annex 5

European Coalition for Just and Effective Drug Policies (ENCOD); Cannabis Social Club Code of Conduct, 2011

<https://www.encod.org/en/cannabis-social-club/how-to-create-a-cannabis-social-club/code-of-conduct-for-european-cannabis-social-clubs/>

Annex 6

TransNational Institute; FairTrade Options for the Cannabis Market, 2019

https://www.tni.org/files/publication-downloads/fair_trade_options_for_the_cannabis_market.pdf

Annex 7

DrugScience: Input to the expert consultation by the Royal Collage of Psychiatry, Review of Cannabis: medicinal cannabis and cannabis for recreational use, 2019

https://drugscience.org.uk/wp-content/uploads/2019/06/RCPsych_Cannabis-call_DrugScience.pdf

Annex 8

Transform: Cannabis Legalisation in Canada; One year On, 2019

<https://transformdrugs.org/wp-content/uploads/2019/10/Canada-1-Year-on-Briefing-2019.pdf>

Annex 9

FAAT Think and Do Thank: Cannabis and Sustainable Development, 2019

<https://faaat.net/cannabisdg/>

Annex 10

Karen Mamo (2019): The Green Leaf: Cannabis Education in Malta

https://www.academia.edu/40810496/Cannabis_education_in_Malta

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