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Drug-Free or Drug-Conscious Policy

*– An analysis of the motivations behind marijuana legalization
in Europe and Latin-America*

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1. INTRODUCTION

There is no doubt that psychoactive substances and related policies are important social, political, legal, economic, and scientific issues at both national and international levels. Nowadays an increasing number of reports and articles are published about the latest cannabis trends, which have become a hotly debated topic in recent years. Marijuana has been widely used as an illegal mind-altering drug by many through the black market even though cannabis cultivation, supply, and possession should be restricted exclusively to medical and scientific purposes under international law.¹ To discourage personal usage most nations make it punishable by jail. However, in recent years there have been some developments in this field. In 2013, the news that the government of Uruguay had fully legalized the use of marijuana for its residents, subject to certain conditions, caused a huge international stir.² Since then, numerous jurisdictions have lessened their punishments for cannabis users and some of them have allowed the supply of marijuana. As a result, complicated regulatory structures that differ by nation have emerged, raising several questions and concerns allowing us to observe them. Consequently, I think it is worthwhile to study this subject.

As for my motivations, I am eager to research a current issue so that recently emerged questions could be answered. The continuously evolving world entails the changing culture and legal status of marijuana, which creates a very complex area to be studied. For me, the complexity of drug policy is also a motivating factor since it is a core issue for the international community and its countries; it affects many fields of life and it will continuously evolve as globalization intensifies. Consequently, it is indispensable that this complex area receives more attention to lessen its negative impact on future generations. Finally, I am motivated because no previous research on this selected comparative topic has been conducted.

The title chosen for the study accurately describes the subject matter and the regions to be examined. My work focuses on the two emerged drug policy approach: drug-free and drug-conscious strategy, which allows for a broad examination of this topic. In this paper, the international legal frameworks surrounding marijuana policy are accurately described, along with the basic regulatory models developed recently, and the selected countries' situations concerning cannabis policy. I wish to examine nations where the legality of the drug in question has a different status highlighting the controversiality of this topic: Uruguay is a pioneer in the

¹ EMCDDA. (2016. May 31). Models for the legal supply of cannabis: recent developments. Retrieved 2022. September 22. from <https://www.emcdda.europa.eu/topics/pods/legal-supply-of-cannabis>

² Maybin, B. S. (2019. April 4). Uruguay: The world's marijuana pioneer. BBC News. Retrieved 2022. September 25. from <https://www.bbc.com/news/business-47785648>

full legalization of marijuana, setting an example for countries considering any form of decriminalization. Germany where medical marijuana is legal and there is an ongoing debate over allowing non-medical cannabis. Last but not least Hungary where both medical and recreational cannabis is strictly prohibited. From the analysis of the national drug policies, I would like to reveal the causes for and interests in changing cannabis policy. The conflicting verbs of forbid and allow, as well as drug-free or a potential replacement for a drug-conscious policy, are the core concepts and elements of this study. In this discussion, I will not cover the impact and consequences of drug-awareness drug rules as such dimensions of the area are not yet sufficiently developed due to little time since the first legalization occurred to form an integral part of my research.

1.1. Goals

As the question of marijuana legalization is moving into the mainstream, the main objective of my research paper is to provide a concise overview of cannabis policy and related questions. Moreover, my aim is to show the diversity of the regulatory frameworks through the example of Uruguay, Germany, and Hungary. In addition, policy discussions are complicated by conflicting claims such as depenalization, decriminalization or legalization, and medical or recreational use, therefore the paper intends to clarify them. Drug-free or drug-cautious policy from the perspective of the examined substance identifies several areas and questions that are worth examining and I selected the following research questions to be answered:

- 1. Why did the green wave start globally? – Why are some nations changing their drug policy concerning marijuana?**
- 2. What are the interests and arguments that might lead a country to follow a drug-conscious drug policy? – What are the reasons behind the prohibition of marijuana?**
- 3. Who stands behind the policies that allow the legalization of marijuana? – Who stands behind the decisions that define the legal status of cannabis?**

Due to the transnational nature of this topic, I would like to analyze the fields designated by the questions with the help of local press media to reveal the most recent conditions. In my view, it is important that drug policy is given the attention it deserves and that up-to-date information is available to individuals to help them formulate their views in this area. I aim to write a paper that is scientific meanwhile easily understandable to increase individuals' knowledge on this global subject.

2. METHODOLOGY

My scientific thesis is developed in an inductive way since in my research I am observing different phenomena, then looking for patterns from which theories are concluded and developed. I intend to evaluate the reviewed literature, with increased attention to the international conventions in order to reveal the motivations and interests behind changing the drug policy approach globally and then focus on the behavior of the countries under investigation. I would like to address the issues of drug-free or drug-aware policies by examining the national regulatory frameworks and conditions surrounding marijuana. Finally, I aim to examine in the countries selected who stands behind those policies that would change a country's drug policy toward marijuana.

I have also used the texts of international conventions and legislations, national official documents, articles, scientific reports, videos, podcasts, news portals, and press media, which contribute to qualitative research. The novelty of the topic requires reviewing the most recently published media reports and using evidence from a series of interviews made with policymakers, political actors, scientists and doctors working in this field. The transcontinental nature of the topic allows for the study of the latest local news, and literature from authors from different countries of the world, which may help to gain a broader understanding of the current issue through different worldviews.

3. LITERATURE REVIEW

3.1. General information on cannabis

Hemp, cannabis, marijuana, and other confusing terms associated with them are globally used often without being aware of their real meaning. Some facts are worth remembering to have a better understanding of the ongoing debates over cannabis and its legalization.

1. Hemp (*Cannabis sativa*) is an ancient crop that has been a valuable species to humans for much of our history due to its wide adaptation and multiple uses. It has been utilized as a source of fiber, textiles, and medicine. However, research on the uses of this plant slowed to a halt in the mid-twentieth century, when the species and its variations were declared illegal in most Western nations, regardless of the levels of psychotropic chemicals.³

³ Rull, V. (2022. June 25). Origin, early expansion, domestication, and anthropogenic diffusion of *Cannabis*, with emphasis on Europe and the Iberian Peninsula. *Perspectives in Plant Ecology, Evolution, and Systematics*, 55, Article 125670. Retrieved 2022. September 20. from <https://doi.org/10.1016/j.ppees.2022.125670>

2. Cannabis sativa is a natural, psychoactive plant containing hundreds of different chemicals. Its most well-known compound is delta-9-tetrahydrocannabinol (Δ -9-THC) being responsible for its intoxicating effects. It also includes a variety of other cannabinoids, such as cannabidiol (CBD), which have no mind-alerting effects on the brain.⁴
3. Over time this plant was divided into three sub-species based on the concentrations of psychoactive compounds. Since then, “industrial cannabis” (hemp) that contains a negligible amount of THC is differentiated from “herbal cannabis” varieties, which have high THC levels.⁵

3.2. Applications and general uses of marijuana

Marijuana is one of the most popular drugs among youngsters and adults alike and it is broadly used for both social and medical purposes. To begin with social use, there are different forms of applications of herbal cannabis, which are mainly connected to the **recreational use of marihuana**. It is mostly consumed for socializing, having fun (‘getting high’), and generally enhancing one's quality of life, for example, reducing stress or improving sleep.⁶ Marijuana is often referred to as **medical cannabis** when it comes to utilizing it as a medicine. It is mostly used to preserve health, treat mental and physical problems, and relieve pain. Recent studies have shown that both THC and CBD have some health benefits therefore, certain products are provided through dispensaries in some countries. For example, the mouth spray Sativex®, which combines THC with CBD to treat neuropathic pain associated with multiple sclerosis is currently available in Canada and numerous European countries.⁷

⁴ National Institute on Drug Abuse. (2019. December 24). Cannabis (Marijuana) DrugFacts. Retrieved 2022. September 21. from <https://nida.nih.gov/publications/drugfacts/cannabis-marijuana>

⁵ Colbert, M. (2015. January 27). Indica, Sativa, Ruderalis – Did We Get It All Wrong? The Leaf Online. Retrieved 2022. October 10. from <https://www.theleafonline.com/c/science/2015/01/indica-sativa-ruderalis-get-wrong/>

The Editors of Encyclopaedia Britannica. (2022. August 31). hemp | Description, Products, Seeds, Fiber, & Uses. Encyclopedia Britannica. Retrieved 2022. October 10. from <https://www.britannica.com/plant/hemp>

⁶ NIDA. (2019. December 24. Cannabis (Marijuana) DrugFacts. Retrieved 2022. October 14. from <https://nida.nih.gov/publications/drugfacts/cannabis-marijuana>

Frysh, P., and Casarella, J. (2008. August 26). How Pot Affects Your Mind and Body. WebMD. Retrieved 2022. September 20. from <https://www.webmd.com/mental-health/addiction/marijuana-use-and-its-effects>

⁷ NIDA. (2021. April 13). Is marijuana safe and effective as medicine?. National Institute on Drug Abuse. Retrieved 2022. October 19. from <https://nida.nih.gov/publications/research-reports/marijuana/marijuana-safe-effective-medicine>

EMCDDA. (2014. May 27). Developments in Europe's cannabis market, 2014 [Video]. YouTube. Retrieved 2022. October 20. from https://www.youtube.com/watch?v=74Qf8V3_cWk

U.S. Food and Drug Administration. (2020. March 5). What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD. Retrieved 2022.

Besides the availability of high THC content cannabis products, there has been an increasing interest in developing and offering commercial products containing cannabidiol (CBD) with very little THC level. A study conducted by European Monitoring Centre for Drugs and Drug Addiction found that in Europe wide ranges of retailers are productive in the market of **low-THC cannabis products** offering cannabis-infused edibles (candy, coffee, beers), food supplements (oils), and cosmetics (creams, balms) in everyday retail outlet or dedicated shops.⁸

3.3. International Regulatory Framework

Currently, three United Nations conventions lay out the fundamental principles for regulating the production, trade, and possession of cannabis along with more than 240 psychoactive substances. The goal of these accords is to develop globally applicable regulatory models to ensure that psychoactive drugs are available for medicinal and scientific purposes while preventing their diversion into criminal channels.

The **1961 Single Convention on Narcotic Drugs** incorporates additional measures not included in previous treaties resulting in creating a unified, global system of drug control. The following provisions apply for cannabis:

1. The Convention recognizes **only the medical and scientific uses** of narcotic drugs, in this sense, *Article 49 2(f)* established a 25-year goal for outlawing cannabis' traditional uses expired in 1989 since the Convention came into force in 1964. *Article 36. 49* also states that unauthorized actions with “cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes” should be subject to criminal penalties.
2. *Article 28(1)* of the Convention compels countries to establish a **"government agency"** that is responsible for regulating licit cannabis growing, in which horticultural and industrial purposes are also included besides medical and scientific purposes.
3. **Four Schedules** of controlled substances were established by the treaty in which chemicals are categorized according to the degree of control that must be applied to them when it comes to legal trade. As for the status of cannabis, “cannabis and cannabis resin and extracts and tinctures of cannabis” are included in Schedules I and IV. Drugs deemed to be the most addictive and dangerous are listed in Schedule I and Schedule IV comprises a small number of drugs having “particularly dangerous properties” (*Article 2 5(a)*). However, substances in Schedule IV shall also be included in Schedule I according to the

October 20. from <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis>

⁸ EMCDDA. (2020. December). Low-THC cannabis products in Europe, Publications Office of the European Union. Luxembourg. doi:10.2810/69625

Convention. *Article 3* describes the opportunities for rescheduling if a country or the World Health Organization (WHO) has sufficient information on the rearrangement. In such a case, the initiator can propose reviewing a chemical to consider its removal from the Schedules or moving it to another one.⁹

The **1971 Convention on Psychotropic Chemicals** was negotiated with the intention of reacting to the diversification of drug use by controlling the wide variety of psychoactive substances that gained popularity in the 1960s. These chemicals were also divided into four Schedules. The delta-9-THC (dronabinol), was originally listed in Schedule I (chemicals having a serious health risk), but the Commission on Narcotic Drugs moved it to Schedule II (substances having limited therapeutic values) on the basis of a WHO recommendation.¹⁰

More than 10 years later another UN document was signed in 1988 titled **Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, which has been negotiated to resolve some international problems by implementing more repressive policies. By the late 20th century, the non-medical demand for cannabis had skyrocketed in developed countries resulting in a significant increase in illicit production. As a consequence, international illegal drug trafficking grew into an extremely lucrative market controlled by criminal groups. In response, President Richard Nixon declared “war on drugs” in 1971, by making drugs “public enemy number one” to the U.S., and a few years later mandatory minimum penalties and mass imprisonment were implemented in the country to reduce illegal trade. The great power placed pressure on the rest of the world to join the “war on drugs” and soon the 1988 UN conference was organized to discuss the illicit traffic of narcotic drugs and psychotropic substances.¹¹

The purpose of the UN Convention of 1988 was to support cooperation among Parties so that they could handle the various aspects of an illicit international narcotic drug and psychotropic substance trafficking more effectively.

1. The treaty outlines that Parties shall adopt all necessary actions, including legislative and administrative ones, following the fundamental principles of their respective domestic legal systems to fulfill their obligations under the Convention.

⁹ United Nations Single Convention on Narcotic Drugs. (1961).

¹⁰ United Nations Convention on Psychotropic Substances. (1971).

The UN Drug Control Conventions. (2022. July 29). Transnational Institute. Retrieved 2022. October 22. from <https://www.tni.org/en/publication/the-un-drug-control-conventions>

¹¹ Britannica, T. Editors of Encyclopedia. (2022. September 20). War on Drugs. Encyclopedia Britannica. 2022. October 22. from <https://www.britannica.com/topic/war-on-drugs>

2. It requests countries “subject to constitutional principles and basic concepts” of their legal systems, to handle “as a criminal offense [...] the possession, purchase or cultivation of drugs [...] for personal consumption”. (*Article 3 (2)*). It states that unauthorized conduct must be a punishable offense, which should result in some form of deprivation of liberty.
3. The treaty provides comprehensive measures to combat the illegal actions of drugs, for example, the Convention urges nations to take necessary action to stop the illegal production of cannabis and to get rid of all cannabis plants on their territory (*Article 14*).
4. What is more the treaty calls for international cooperation and mutual legal assistance in areas such as the extradition of drug traffickers, regulated delivery, and the transfer of procedures related to activities in connection with illicit substances.¹²

3.4. Models for Cannabis Policy and recent developments

Cannabis has been the most widely consumed illicit drug for years and this position was held in the year 2021 as well since over 22 million European adults reported its use last year.¹³ Even though international law requires governments to apply criminal sanctions for non-medical and non-scientific marijuana cultivation, production, distribution, and possession, certain countries are making exceptions. In 2013, the news that the Uruguayan government had fully legalized the recreational use of marijuana for its citizens, subject to certain conditions, provoked a huge international controversy. Since then, several US states and European countries have permitted some forms of marijuana use, which has fueled a renewed debate regarding the national laws which may depenalize, decriminalize, legalize, or regulate cannabis use and supply. Clarifying these terms is essential due to their frequent use in the marijuana control debate. They are differentiated as follows:

- **Depenalization** refers to the reductions in sanctions in the sense that an act remains a criminal offense but is no longer punished, because of the introduction of an option or policy to close a case without imposing a penalty. Finland and Egypt are a few examples.
- **Decriminalization** is a term used to denote the reclassification of the status of an offense from criminal to non-criminal. It does not mean that the action is legal since it remains a prohibited behavior (offense), which may be punished by the police rather than a court. Portugal and Croatia for example have decriminalized drug use or personal possession.

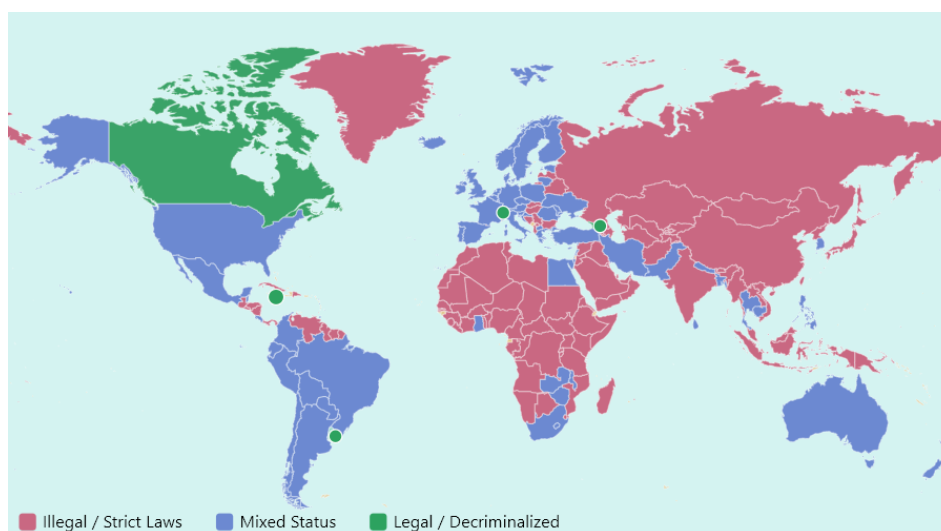
¹² United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. (1988).

¹³ European Monitoring Centre for Drugs and Drug Addiction. (2022). European drug report 2022: trends and developments. Luxembourg: Publications Office of the European Union. DOI: 10.2810/75644.

- **Legalization** denotes making a previously prohibited conduct legal. With regard to the drug debate, a transition from a banned action to a lawful one refers to removing all criminal and non-criminal sanctions. Legalization has occurred in Uruguay and some states in the USA.
- **Regulation** is closely linked to the concept of legalization, implying that sets of rules limit the supply and use of legal substances. In countries where cannabis has been legalized, regulations may place restrictions on the scope of the permission, as is the case with alcohol and tobacco. Regulatory systems often impose limits on access, such as age limits and outlet control, and on advertising. Systems in Uruguay and the Netherlands serve as examples.¹⁴

The following map depicts the most recent status of cannabis legality in the world, which may help in understanding and obtaining a more accurate picture of this multifaceted and complex area. As the map's colorful nature indicates, different regulatory models and responses exist when it comes to the legal status of cannabis products. Regarding the cultivation, possession, distribution, and medical usage in terms of how it may be consumed and what health problems it can be used for, the legality of cannabis for both medicinal and recreational use differs by country.

Figure 1. World map of Cannabis Legal Status



Source: World Map of Cannabis Legality. (2022, October 5). Cannabis Affiliate & Business Resources. Retrieved 2022, October 22, from <https://thcaffiliates.com/legal-status-maps/world/>

¹⁴ UNODC. (2022). World Drug Report 2022. United Nations publication. ISBN: 9789211483758
 EMCDDA. (2015, June 4). What is decriminalisation of drugs? [Video]. YouTube. Retrieved 2022, September 23, from <https://www.youtube.com/watch?v=9NKhpujqOXc>

Basically, three cases can be distinguished:

1. There are countries where marijuana usage is **illegal** for both medical and non-medical purposes and controlled by strict laws. The vast majority of countries follow such policies, including Hungary.
2. On the other hand, there is an increasing number of countries where **mixed** legal status has been adopted, meaning that different forms of medical use are permitted, while recreational cannabis is still illegal. However, depenalization and/or decriminalization policies may be introduced regarding cannabis control. In Germany, for example, some therapeutic forms are permitted, but recreational use is illegal, and the penalties for consumption are often mild.
3. The full **legal** status of cannabis has been accepted only by Uruguay and Canada (and some US states, which are not yet illustrated), where cultivating, possessing, and selling marijuana for medical and recreational uses are legal. On the map below there are some countries marked by green also, showing the decriminalized status of cannabis products. However, I think that they should not be combined together, since decriminalization does not equal legalization.¹⁵

4. ANALYSIS

Examining the different cannabis policy models may raise the question of why is there such a huge differentiation among nations if international law put it in a framework. The United Nations conventions specify that all drugs under control must be used only for medical and scientific purposes and criminal sanctions should be applied to criminal offenses.¹⁶ Contrary to popular belief, none of the restricted substances were deemed 'illegal' because drugs were only subjected to varying levels of regulation depending on which Schedule they were assigned to. The treaties only provide a strict legal control system for the production and supply of all regulated drugs for medical and scientific reasons, as well as sanctions to combat the illicit production and trade of these substances for other uses. Consequently, no relationship is made between the type of substance and the punishments set in national law by the conventions. Given that, the different national interpretations of a criminal offense and the applicable sanction resulted in developing a wide range of responses across the world. New cannabis regulatory models emerging internationally, which can provide policymakers with valuable

¹⁵ Legal Status Update. (2022, October 5). THC Affiliates.com. Retrieved 2022. October 22. from <https://thcaffiliates.com/legal-status-maps/world/>

¹⁶ United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances. (1988).

information on the benefits and downsides of various regulatory options, as well as their potential influence on responses to cannabis challenges.¹⁷

4.1. Uruguay

In 2013 Uruguay became the first country in the modern era to enact laws establishing a legal, controlled market for non-medical marijuana, and after the recreational cannabis law was approved it started to develop its medicinal cannabis program as well.

4.1.1. Regulatory framework

State-licensed medical cannabis manufacturing is legal under National Law and patients with a prescription can buy extracts in pharmacies. Currently, a variety of illnesses may be treated with medications that include minimal amounts of THC and CBD. As for the non-medical usage of cannabis, the Uruguayan National Law (No. 19.172) permits the state to regulate the supply and consumption of cannabis for registered adult users through one of three channels: **grow at home** up to six plants in flower, belong to a **cannabis social club** of 15-45 members and may cultivate a maximum of 99 plants, or purchase up to 40 grams government-regulated cannabis per month from a **licensed pharmacy**.¹⁸ Retail Pharmacies sales are limited to only a few strains and regulators have aimed to maintain THC potency below 10%. Moreover, a track sale system has been developed, which limits and monitors individual purchases made in participating stores up to 10 g per person per week by requiring registered consumers to submit a fingerprint before making a purchase via a biometric system. As the pharmacy receives an immediate response from the government database on whether the buyer is permitted to complete a transaction, this system ensures that consumers do not exceed the given limitations.¹⁹

Under National Law, local adults aged over 18 have to **register** with the state regulating body called the **Institute for the Control and Regulation of Cannabis** (IRCCA, in Spain: Instituto de Regulación y Control del Cannabis) to gain access to cannabis through one of three accessible supply channels. Users are basically restricted to obtaining 480 g annually, regardless of which supply stream they choose.²⁰ As for the **penalty**, only illegal cultivation or

¹⁷ EMCCDA. (2018). Cannabis legislation in Europe: an overview. Publications Office of the European Union. Luxembourg. doi:10.2810/566650

¹⁸ EMCDDA. (2020). Monitoring and evaluating changes in cannabis policies: insights from the Americas. Technical report. Publications Office of the European Union. Luxembourg. doi:10.2810/151487

¹⁹ Marijuana legalisation in Uruguay. (2018. November 23). Centre for Public Impact (CPI). Retrieved 2022. October 19. from

<https://cpi-rwr-master.production.parallax.dev/case-study/marijuana-legalisation-in-uruguay>

²⁰ En Uruguay existe una ley para la regulación y control del cannabis y control del cannabis. (2013. December 20). IMPO - Centro De Información Oficial. Retrieved 2022. October 17. from

<https://www.impo.com.uy/regulacioncannabis/>

supply is penalized ranging from twenty months to ten years in jail, while the law specifies the acceptable amount of marijuana possession at 40 grams up to no one being decriminalized.²¹

As for the **price** of marijuana, there is a government price control, but no tax has been imposed on it so far by the IRCCA. According to *Felix Abadi*, who is responsible for developing Uruguay's marijuana taxation system, “*The principal objective is not tax collection. Everything has to be geared toward undercutting the black market, so we have to make sure the price is low.*”²²

4.1.2. Conditions in Uruguay

The marijuana policy has been changed under the presidency of *José Mujica*, who called the choice of legalization an “intellectual experiment” in contrast to the U.S. 's “war on drugs” standpoint.²³ *Mujica* intended to create a more egalitarian and productive alternative to the methods used by the majority of Western nations since the former president thought that the practices used to tackle drug-related crime had failed. Uruguay's strategy has attempted to present itself as a human right and forward-thinking country on a global scale, reported *Milton Romani*, former secretary of the Uruguayan National Council on Drugs to a local newspaper. He added that the war on drugs and repression has only led to generating new problems instead of solving the difficulties, which is manifested by the fact that violence is increasing and neither production, trafficking nor consumption is ceasing.²⁴

In addition, the Uruguayan marijuana policy with legalization has sought to establish circumstances in which marijuana usage is not pervasive. The policymakers’ goal was to make marijuana affordable, procedural, and standardized with the help of the limitations imposed on cannabis demand and supply. “*To us, marijuana is a vegetable substance with a capacity to generate addiction, so what we’re trying to do is control the production, distribution, and consumption of that substance as effectively as possible.*” – that is how *Julio Calzada* shared the standpoint of the government with the media, who is a public health officer and has

²¹ Brodie, L. (2014. November 1). Critical Analysis: Uruguay’s New Law to Legalize Marijuana of International Law & Policy. Denver Journal of International Law & Policy. Retrieved 2022. September 29. from <http://djilp.org/critical-analysis-uruguays-new-law-to-legalize-marijuana/>

Regulacion y Control el Cannabis, Ley N° 19172. (2013. December 20). Retrieved 2022. September 29. from Centro de Información Oficial.

²² Castaldi, M. (2014. May 19). Uruguay to sell marijuana tax-free to undercut drug traffickers. Reuters. Retrieved 2022. October 19. from <https://www.reuters.com/article/cnews-us-uruguay-marijuana-idCABREA4I0CJ20140519>

²³ Tzanis, Z. (2021. August 29). Benefits of Legalizing Marijuana in Uruguay. The Borgen Project. Retrieved 2022. October 2. from <https://borgenproject.org/legalizing-marijuana-in-uruguay/>

²⁴ Goobar, T. (2019. August 13). El experimento de Uruguay que asombró al mundo. Info Cannabis. Retrieved 2022. October 2. from <https://infocannabis.com.ar/experimento-uruguay-asombro-al-mundo/>

participated in developing Uruguay's regulatory framework after the parliament passed the bill in 2013.²⁵

Despite the positive governmental perspective toward cannabis control, the opposition, workers in drug recovery, and the public have had conflicting feelings about the possible dangers and advantages of legal cannabis. ²⁶*“The opposition was saying, marijuana is very bad for you physically and mentally, and must be banned,” said Julio Bango who was one of the law's creators and a member of the General Assembly from the Socialist Party. “We said, okay, but then ban alcohol and tobacco. We’re not disputing that it’s not beneficial for health, but we’re saying, treat it like alcohol and tobacco.”*²⁷

There is no doubt that the regulatory framework around cannabis is quite controversial in Uruguay. On the other hand, people who cannot see marijuana as a business have concerns regarding the law. Decades of repression have led to a high level of mistrust, which is why most users do not like the fact that state registration is now mandatory. *“Consumers don't like to be registered, especially those of a certain age who lived through the dictatorship (1973-1985),”* explains the eldiario.es Pablo who lives in Montevideo with his three children.²⁸ People fear that a conservative change of government could lead to the repeal of the law regulating the marijuana market, leaving their data on a kind of blacklist. Martín Fernández, a human rights attorney in Montevideo working for the Association of Cannabis Studies reported the following: *“A lot of consumers here don't like the fingerprint system and point out that they don't have to do anything like that to buy a bottle of wine. But we see it as something transitional that could disappear with time.”*²⁹

Julio Bango, an author of cannabis law has also emphasized that the question of legalization is not only going to be controversial at the national level because of the divided public opinion

²⁵ Margolin, M. (2017. July 11). Weed's Legal in Uruguay, But It Looks Nothing Like Colorado. Jane Street. Retrieved 2022. October 3. from

<https://janest.com/article/2017/07/11/weeds-legal-uruguay-looks-nothing-like-colorado/>

²⁶ Moore, J. (2013. October 12). Uruguay Set to Legalise Cannabis as Senate Votes on Historic Law. International Business Times UK. Retrieved 2022. October 3. from

<https://www.ibtimes.co.uk/uruguay-set-legalise-cannabis-senate-votes-historic-528999>

²⁷ Nolen, S. (2014. September 25). Inside Uruguay's experiment in legalized marijuana. The Globe and Mail. Retrieved 2022. October 3. from

<https://www.theglobeandmail.com/news/world/the-uncharted-territory-of-how-uruguay-legalized-marijuana/article20781037/>

²⁸ Arenales, M. G. (2019. July 6). Uruguay: el experimento legal con marihuana que asombra a todo el mundo. elDiario.es. Retrieved 2022. October 7. from

https://www.eldiario.es/internacional/uruguay-experimento-legal-asombra-mundo_1_1451247.html

²⁹ Parfitt, S. (2017. July 13). In Uruguay, the Government Will Be the Medical Marijuana Dealer. AZ Marijuana. Retrieved 2022. October 7. from

<https://azmarijuana.com/marijuana-news/in-uruguay-the-government-will-be-the-medical-marijuana-dealer/>

toward marijuana law but at the international scene as well. *"We know this [marijuana legalization] has generated an international debate and we hope it brings another element to discussions about a model [the drugs] that has totally failed and that has generated the opposite results from what it set out to achieve."*³⁰

4.2. Germany

Since 2017 cannabis is lawful in Germany for some medical reasons but banned for recreational use, however possession of small amounts is not generally punished. Despite these conditions, the potential legalization of cannabis for recreational use is on the horizon.³¹

4.2.1. Regulatory framework

Since 2017 with the Act on the Amendment of Narcotic Drugs Act medical cannabis is allowed to grow, to be sold and imported but all types of commerce require authorization in accordance with the **German Federal Narcotics Drugs Act**. In addition to narcotics legislation, the **German Medicinal Product Act** (Arzneimittelgesetz) must also be followed, which regulates the trade of medicinal products. Moreover, Germany has complied with the demands of *Article 28(1)* of the 1961 United Nations Single Convention as a contracting state. and established the **Cannabis Agency** (Cannabisagentur), which is responsible for regulating the distribution of medicinal cannabis to pharmacists, and manufacturers. As for the financial aspects, in Germany there are no specific tax laws that apply to the commercial distribution of (medical) cannabis but fixed prices are set.³²

It is important to remark that **violations of the German Narcotics Drugs Act** are penalized by criminal penalties. On the other hand, the prosecution may be avoided in case of the possession of "a small amount" of cannabis.³³ The exact amount of this little amount was determined by the Supreme Court as 7.5 grams of THC. However, the states have the final say

³⁰ Watts, J. (2013. December 11). Uruguay legalises production and sale of cannabis. Support the Guardian. Retrieved 2022. October 9. from

<https://www.theguardian.com/world/2013/dec/11/uruguay-cannabis-marijuana-production-sale-law>

³¹ Sabaghi, D. (2021. November 22). Germany's New Coalition Wants To Legalize Recreational Cannabis. Forbes. Retrieved 2022. October 10. from

<https://www.forbes.com/sites/dariosabaghi/2021/11/22/germanys-new-coalition-wants-to-legalize-recreational-cannabis/?sh=5bacc504832e>

³² Yzer, C. (n.d.). German narcotic drugs law - current legal situation. LUTHER Rechtsanwaltsgesellschaft mbH. Retrieved 2022. September 26. from

<https://www.luther-lawfirm.com/en/competences/consulting-fields/detail/german-narcotic-drugs-law-current-legal-situation>

³³ Schuster, K. (2018. February 23). 5 facts about cannabis laws in Germany. dw.com. Retrieved 2022. October 8. from <https://www.dw.com/en/5-facts-about-cannabis-laws-in-germany/a-42709969>

Gesetz über den Verkehr mit Betäubungsmitteln – Betäubungsmittelgesetz. (1981). Bundesministerium Der Justiz. Retrieved 2022. October 8. from https://www.gesetze-im-internet.de/btmg_1981/index.html

and while most states allow up to 6 grams of marijuana, some, like as North Rhine-Westphalia, allow up to 10 grams.³⁴

4.2.2. Conditions in Germany

Since 2017, an increasing number of people have benefited from **medicinal marijuana** therapy, which is stuck to certain criteria. Only for serious illnesses are allowed patients on the basis of a doctor's prescription to access medical cannabis only in certain cases, for example if generally accepted standard therapy does not exist. If these conditions are met, health insurers are required to cover the cost of cannabis therapy.³⁵ Despite making medical marijuana more accessible, the Merkel government was quite explicit in stressing that this law is not to be seen as a step toward legalizing recreational usage.³⁶ *"The use of cannabis as a medicine within narrow limits is useful and should be explored in more detail. At the same time, cannabis is not a harmless substance; legalization for private pleasure is not the aim and purpose of this. It is intended for medical use only,"* said Marlene Mortler, who was the country's federal drug commissioner (2014-2019).³⁷

When it comes to **recreational cannabis**, Germany prohibits it in its current documents, however, the new administration, led by *Chancellor Olaf Scholz* intends to implement a controlled dispensing approach. Following the 2021 German federal election, the resulting coalition (Social Democrats, Greens, and Free Democrats) announced in their coalition agreement that they are planning to legalize cannabis for recreational reasons.³⁸

Péter Sárosi, the author of the Drogrporter blog said in a recent radio report that the question of marijuana is becoming a less party-political issue since for example, in Germany an increasing number of politicians and experts regardless of party affiliation, do not consider the current prohibitionist policy appropriate.³⁹ It was a great surprise in Germany when *Karl*

³⁴ Rechtsanwälte, R. (2018. September 13). Drug use in Germany: Narcotic Criminal Law. Criminal Law Germany. Retrieved 2022. October 10. from <https://criminal-law-germany.lawyer/drug-use-in-germany/9>

³⁵ Lips, J., Witt, J., Pech, S., Pulst, P., & Zezschwitz, F. (2022. May 19). Cannabis Law and Legislation in Germany. CMS.Law. Retrieved 2022. October 12. from <https://cms.law/en/int/expert-guides/cms-expert-guide-to-a-legal-roadmap-to-cannabis/germany>

³⁶ Here's Everything You Need to Know About Germany's New Weed Laws. (2017. February 17). Highsnobiety. Retrieved 2022. October 10. from <https://www.highsnobiety.com/p/germany-marijuana-laws/>

³⁷ Tatera, K. (2016, May 9). Germany Is Heading Towards Legalizing Marijuana for Medical Use in 2017. The Science Explorer. Retrieved 2022. October 10. from <http://thescienceexplorer.com/brain-and-body/germany-officially-legalizing-marijuana-medical-use-2017>

³⁸ Sague, M. (2021. November 19). Future German coalition agrees to legalize cannabis. POLITICO. Retrieved 2022. October 10. from <https://www.politico.eu/article/future-german-coalition-agrees-to-legalize-cannabis/>

³⁹ Sárosi, P. (2022. Augustus 29). A marihuána teljes körű legalizálására készül Németország. Klubrádió. Retrieved 2022. October 11. from <https://www.klubradio.hu/adasok/a-marihuana-teljes-koru-legalizalasara-keszul-nemetorszag-128740>

Lauterbach, the Social Democrat Health Minister, who was absolutely against marijuana legalization previously openly admitted in the Heute Show (which is a popular German television program) that he had used marijuana and enjoyed it. *Lauterbach* also said that strict drug policy has failed since criminalization has only led to the fact that four million Germans consume cannabis and every three minutes a police officer stops a cannabis user.⁴⁰

The German government's standpoint is that decades of prohibition have only intensified drug-related problems, and that legalization will better **safeguard youth and health**. “*Because too restrictive conditions for the legal market only promote the black market for particularly strong cannabis*” – that is how the Greens’ lawmaker, *Kirsten Kappert-Gonther* shared the standpoint of the party with CNBC.⁴¹ *Prof. Dr. Kirsten Müller-Vahl*, a Physician at the Medical University of Hannover also thinks that the previous prohibition policy has not achieved its goal since consumption is not reducing. According to her, the right way is education and information-providing programs that all drugs have risks, including alcohol, nicotine, and cannabis, and responsible use of them is needed. She added that it is time to take a more realistic approach because there will never be a drug-free world.⁴²

The government also promotes cannabis legalization because of the **appearance of synthetic cannabinoids**, which imitate the effects of THC, the substance primarily responsible for the psychoactive effects of cannabis. As the European Drug Report of 2022 writes it is likely that criminals are counterfeiting cannabis products to maximize profits, as low-THC industrial hemp is cheap and has a similar appearance to the illicit cannabis plant. This makes it easier to deceive dealers and users, while only a small amount of synthetic cannabinoid powder is needed to induce strong cannabis-like effects. The report also stresses that three countries reported deaths related to synthetic cannabinoids in 2020, including Germany.⁴³ According to *Professor Volker Auwärter*, Head of the Department of Forensic Toxicology at the University of Freiburg consumers cannot detect the difference between 'regular' cannabis and this modified product,

⁴⁰ ZDF heute-show. (2022. August 12). Cannabis-Legalisierung: Fabian und Lutz kiffen (für die Wissenschaft) | heute-show[Video]. YouTube. Retrieved 2022. October 13. from <https://www.youtube.com/watch?v=ztJcZsXy0TQ>

⁴¹ Germany to legalize cannabis use for recreational purposes. (2022. October 26). CNBC. Retrieved 2022. October 27. from

<https://www.cnbc.com/2022/10/26/germany-to-legalize-cannabis-use-for-recreational-purposes.html>

⁴² Steinhauer, G. (2022. November 5). Legalisierung von Cannabis - Überfällig oder gefährlich? Deutschlandfunk Kultur. Retrieved 2022. November 7. from

<https://www.deutschlandfunkkultur.de/cannabis-legalisierung-ueberfaellig-oder-gefaehrlich-100.html>

⁴³ European Monitoring Centre for Drugs and Drug Addiction (2022). European Drug Report 2022: Trends and Developments, Publications Office of the European Union, Luxembourg. doi:10.2810/75644

because they do not differ in look, smell, or taste. Volker thinks that this problem could be eliminated by a regulated market.⁴⁴

German politicians also stress the fact that a regulated market could **reallocate state resources** as well. According to a poll conducted in 2021, legalizing marijuana could bring Germany yearly tax income and cost savings of around 4.7 billion euros (\$4.7 billion).⁴⁵

On 26 October 2022 Federal Health Minister Karl Lauterbach has already presented the key points of the draft law on the legalization of cannabis at a press conference. The main idea of the proposal is to create a regulated cannabis market in order that the state have more control over it. *Lauterbach* said that legal consumption could become possible in 2024 at the earliest if all goes according to the plan.⁴⁶ Despite the future plans, there are still many uncertainties and questions with respect to recreational cannabis in Germany and the draft law has already triggered a variety of reactions and intense debates in Europe's largest economy.⁴⁷

Despite the number of statements said in favour of cannabis legalization, many still argue in Germany that it may cause more harm than good in many fields of life. *Thomas Preis*, president of the North Rhine Pharmacists' Association warned of the **health consequences** of legalizing cannabis and reported that it would place pharmacies in a difficult legal and ethical position because pharmacists are healthcare professionals who are skeptical of marijuana.⁴⁸

Moreover, not all federal states have supported the legalization idea, for instance, the health minister of Bavaria issued a warning against **drug tourism** to Germany. According to the Bavarian Health Minister, *Klaus Holetschek* said that any attempt to trivialize it is totally irresponsible and legalization may make Germany a European drug tourism destination.⁴⁹ *Dr. Klaus Reinhardt*, the President of the German Medical Association, for example, said in the Deutschlandfunk Kultur's podcast that it is shocking that the health minister who is also a

⁴⁴ Weidt, E., & Simon, V. (2022, October 27). Geplante Cannabis-Legalisierung: Welche Folgen Kiffen haben kann. tagesschau.de. Retrieved 2022, October 28. from <https://www.tagesschau.de/wissen/cannabis-legalisierung-medizin-103.html>

⁴⁵ Alkousaa, R. (2022, October 26). Germany to legalize cannabis use for recreational purposes. Reuters. Retrieved 2022, October 28. from <https://www.reuters.com/world/europe/germany-legalize-cannabis-use-recreational-purposes-2022-10-26/>

⁴⁶ Simon, V., Weidt, E., & Till, U. (2022, October 27). Cannabis legalisieren? – Pro und Contra. swr.online. Retrieved 2022, October 29. from <https://www.swr.de/wissen/artikel-cannabis-legalisierung-100.html>

⁴⁷ BBC News. (2022, October 26). Germany plans to legalise recreational cannabis. Retrieved 2022, October 28. from <https://www.bbc.com/news/world-europe-63404181>

⁴⁸ Drebes, J., & Höning, A. (2022, October 26). Cannabis-Legalisierung - so soll die Freigabe ablaufen. RP ONLINE. Retrieved 2022, October 29. from https://rp-online.de/panorama/cannabis/cannabis-legalisierung-so-soll-die-freigabe-ablaufen_aid-78896911

⁴⁹ Pohl, M. (2022, October 26). Ampel-Pläne: Führt die Cannabis-Legalisierung zu Drogentourismus nach Deutschland? Augsburger Allgemeine. Retrieved 2022, October 30. from <https://www.augsburger-allgemeine.de/ampel-plaene-fuehrt-die-cannabis-legalisierung-zu-drogentourismus-nach-deutschland-id64362431.html>

doctor is in favour of legalizing a drug. He has drawn attention to the negative effects of marijuana, which is known to increase psychosis, depression, anxiety disorders, and cognitive impairment. He added that it causes brain changes in people who have not yet reached the age of 21 therefore, in his opinion it has nothing to do with youth protection. The expectation that legalization and regulation would reduce harm is also unproven so the aim should rather be to limit the spread of addictive substances, said *Reinhardt* in the report.⁵⁰ Other skeptics, like *Rainer Thomasius*, an addiction physician at the Hamburg-Eppendorf University Medical Centre emphasized in ZDFheute Live that legalization of cannabis would inevitably lead to an **increase in marijuana consumption**, which enhances the risk of addiction and cannabis use as a gateway drug, which is a theory that young people who have tried cannabis have been using opioids (more dangerous substances) alongside cannabis products.⁵¹

4.3. Hungary

The Hungarian legal system is in contrast to previous examples since it follows a complete prohibitionist drug policy meaning that both medical and recreational cannabis is illegal.

4.3.1. Regulatory framework

In general, it is illegal to cultivate, import, or sell cannabis for medicinal purposes and the **Hungarian Criminal Code** strictly prohibits producing, selling, purchasing, trafficking, or importing cannabis containing THC for recreational use as well. THC strains may only be used for research or industrial purposes, according to Hungarian law, but all such activity requires a license from the **National Institute for Pharmacy and Nutrition** (Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet – OGYÉI).⁵²

As for the **penalization** of taking illegal substances the Hungarian Criminal Code distinguishes the behavior of drug trafficking, punished imprisonment between two to eight years by and possession of narcotic drugs, which entails imprisonment between one to five years. (*Criminal Code*, 176. § (1) and 178. § (1)). In Hungarian legislation, the term “a small quantity” may mitigate the punishment (*Criminal Code*, 180. § (1), (2)), which is determined

⁵⁰ Steinhauer, G., Müller-Vahl, K., & Reinhardt, K. (2022, November 5). Legalisierung von Cannabis - Überfällig oder gefährlich? Deutschlandfunk Kultur. Retrieved 2022, November 6. from <https://www.deutschlandfunkkultur.de/cannabis-legalisierung-ueberfaellig-oder-gefaehrlich-100.html>

⁵¹ ZDF heute-show. (2022, August 12). Cannabis-Legalisierung: Fabian und Lutz kiffen (für die Wissenschaft) | heute-show [Video]. YouTube. Retrieved 2022, October 13. from <https://www.youtube.com/watch?v=ztJcZsXy0TQ>

⁵² 66/2012. (IV. 2.) Kormányrendelet a kábítószerekkel és pszichotróp anyagokkal, valamint az új pszichoaktív anyagokkal végezhető tevékenységekről, valamint ezen anyagok jegyzékre vételéről és jegyzékeinek módosításáról. Engedélyek, engedélyezési és nyilvántartásba vételi eljárás. 3. § (1). Nemzeti Jogszabálytár. Retrieved 2022, September 30. from <https://net.jogtar.hu/jogszabaly?docid=a1200066.kor>

in a maximum of 6 grams of total THC or in up to 5 cannabis plants. (*Criminal Code*, 461. § (1) (c), (2)). As an alternative to criminal proceedings in case of possessing “a small quantity”, consumers may choose a six-month diversion program. This generally entails participation in individual or group consulting at a drug treatment center, which does not show on any criminal records.⁵³

4.3.2. Conditions in Hungary

The Hungarian government has been fighting for a drug-free country for years. Its own solution attempt is the so-called **National Anti-Drug Strategy** that set objectives for the period 2013-2020, however, it is still in force. The main aim of the strategy is to reduce illicit drug use through targeted, community-based interventions. It also set a long-term goal of a drug-free Hungary by 2020, which had not been reached by that time.⁵⁴ The Hungarian Annual Report 2021 to European Monitoring Centre for Drugs and Drug Addiction revealed that in 2020 – as in previous years, the majority (67.2%; 2,876 people) started a treatment program for cannabis use.⁵⁵ Additionally, the fact that in 2020 several deaths related to synthetic cannabinoids were reported in Hungary along with Germany, and Turkey is also alarming and these facts are urging the question of cannabis policy.⁵⁶

The Hungarian government has no intention of changing its present drug policy, which **publicly opposes the legalization** of both medicinal and recreational cannabis. According to the Minister of Foreign Affairs of Hungary, *Péter Szijjártó* drug legalization is a threat to Europe and at the opening ceremony of the Pompidou Group's 50th anniversary in Paris he called the strategy of certain liberal European countries that legalize drug usage harmful. He claims that such policies endanger society's health and raise the demand for narcotics, leading to increased organized crime.⁵⁷

However, the **opposition** has a different point of view, and the majority of them would favour the legalization of medicinal marijuana while opposing the criminalization of "smoking.". Károly Nagy, the leader of the Momentum Movement's youth group, argued that

⁵³ 2012. évi C. törvény a Büntető Törvénykönyvről. Nemzeti Jogszabálytár. Retrieved 2022. September 20. from <https://njt.hu/jogszabaly/2012-100-00-00>

⁵⁴ 80/2013. (X. 16.) OGY határozat a Nemzeti Drogellenes Stratégiáról 2013–2020. (2013, October 18). Nemzeti Jogszabálytár. Retrieved 2022. October 1. from <https://njt.hu/jogszabaly/2013-80-30-41>

⁵⁵ Nemzeti Drog Fókuszpont. (2021). 2021-es ÉVES JELENTÉS (2020-es adatok) az EMCDDA számára. Magyarország. Retrieved 2022. October 2. from https://drogfokuszpont.hu/wp-content/uploads/EMCDDA_jelentes2021_HU_2021_final.pdf

⁵⁶ European Monitoring Centre for Drugs and Drug Addiction. (2022). European drug report 2022: trends and developments. Luxembourg: Publications Office of the European Union. DOI: 10.2810/75644.

⁵⁷ Szijjártó, P. Együtt, a kábítószer ellen - 50 éves a Pompidou Csoport! (2021. October 28). [Video]. Facebook. Retrieved 2022. October 22. from <https://www.facebook.com/unsupportedbrowser?t=16>

Hungary lacks an effective drug strategy and that criminalizing drug users is not the right way to eliminate drug-related problems because the consumption of illegal substances is not decreasing.⁵⁸ Hungary's Green Party (Lehet Más a Politika) reported to the Mandiner that a social debate should be opened on the liberalization of light drugs. The party added that they would develop a new drug strategy and action plan, in which they would change prevention and the social and health care of addicts. Although some of the left-wing parties would support the use of medical cannabis, none of them can show a viable system behind the sound bites. Moreover, no political party in Hungary would legalize the recreational use of marijuana, as well as its cultivation and distribution in a regulated environment so far.⁵⁹

When it comes to medicinal marijuana, it can be said that Hungary does **not** have a cannabis **medical program**. Therefore, no therapeutic product is authorized for commercialization that contains cannabis or its derivatives as an active component. On the other hand, medicinal drugs containing cannabis that have been approved for sale in another country are available to Hungarian patients under exceptional circumstances. If patient care interests justify it, the National Institute for Pharmacy and Nutrition may provide authorization.⁶⁰ That was the case for example when the OGYÉI permitted the use of Sativex, a cannabis-derived medication that is useful in treating multiple sclerosis symptoms. According to a 2019 article on a Hungarian news website, theoretically, cannabis is allowed for medicinal use in Hungary but it is very difficult to access since doctors seldomly prescribe it and if it is prescribed the medicines are very expensive to buy from the country that had approved them for sale.⁶¹

In spite of the clear standpoint of the country's leadership toward prohibitionist drug policy, there have been a number of recent **initiatives** from civil sectors such as the Hungarian Medical Cannabis Association (Magyar Orvosi Kannabisz Egyesület) aimed at achieving full legalization of medical cannabis, or at least the introduction of those pharmaceuticals into the Hungarian healthcare system that contain marijuana or its derivatives that are already approved for marketing and are successfully used abroad. However, Hungary does not show any

⁵⁸ A marihuána legalizálásának élharcosai. (2019. August 2). vasarnap.hu. Retrieved 2022. October 22. from <https://vasarnap.hu/2019/08/02/a-marihuana-legalizalasanak-elharcosai/>

⁵⁹ Baranya, R. (2021. November 3). Szigor helyett a szabályok enyhítésének nyitna utat a baloldali drogpolitika, Mandiner. mandiner.hu. Retrieved 2022. November 5. from https://mandiner.hu/cikk/20211102_szigor_helyett_a_szabalyok_enyhitesenek_nyitna_utat_a_baloldali_drogpolitika

⁶⁰ Ormai, G., Kohl, J., & Fuchs, M. (2022, May 19). Cannabis Law and Legislation in Hungary. cms.law. Retrieved 2022. October 21. from <https://cms.law/en/int/expert-guides/cms-expert-guide-to-a-legal-roadmap-to-cannabis/hungary>

⁶¹ Horváth, B. (2019. October 15). Legális az orvosi marihuána Magyarországon, csak nagyon nehéz hozzájutni. 444. Retrieved 2022. October 22. from <https://444.hu/2019/10/15/legalis-az-orvosi-marihuana-magyarorszagon-csak-nagyon-nehez-hozzajutni>

aspiration to change its laws toward medical cannabis. *Miklós Kásler* oncologist and Minister of Human Resources of Hungary (2018-2022) declared the Hungarian legal settlement on medical cannabis is simple, the government's position is pure and clear, and no change is planned in that field, wrote the *hvg.hu*.⁶²

In 2019 an opinion poll was conducted by the Hungarian Liberal Party in order to reveal how many people would support easy access to cannabis-containing medicines for seriously ill patients. The Závecz Research's survey found that a majority of Hungarians (61%) would support medicinal marijuana legalization.⁶³ Despite the public opinion, the Hungarian government did not vote in accordance with the EU Member States' shared position on the UN resolution, which would have helped boost medical cannabis legalization efforts also in Hungary. The vote was made at the December 2020 meeting of the UN Commission on Narcotic Drugs (CND), which aim was to reschedule cannabis and cannabis resin upon the WHO recommendation from Schedule IV to Schedule I of the 1961 Single Convention on Narcotic Drugs. It was a significant improvement since the UN recognized marijuana's therapeutic potential. Before the voting, a representative of the Orbán government called the suggestions a severe step towards drug liberalization and, at the same time, a disgraceful intervention in national drug policy.⁶⁴ As only the Hungarian delegation cast a vote against the suggestions, an infringement procedure was implemented against Hungary. The European Commission claimed that the European Council approved a binding unified position in November 2020 and Hungary should have voted accordingly.⁶⁵

It might be interesting to look at the perspectives of professionals involved in drug research in Hungary to see how they assess the nation's present cannabis laws. In the Reaktor Podcast *Noémi Emőke Baráth*, sociologist and criminologist at the Institute for Drug Research (Droghutató Intézet) said that because scientists are currently debating whether marijuana may be recommended for the treatment of various diseases, it is hard to determine if it is dangerous

⁶² Egy ideig nem lesz legális az orvosi kannabisz Magyarországon. (2019. November 7). *hvg.hu*. Retrieved 2022. October 22. from

https://hvg.hu/élet/20191107_Egy_ideig_nem_lesz_legalis_az_orvosi_kannabisz_Magyarorszagon

⁶³ Gergő L. (2019. June 25). A magyarok 60 százaléka egyetért az orvosi kannabisz legalizálásával.*index.hu*. Retrieved 2022. October 23. from

https://index.hu/belfold/2019/06/25/a_magyarok_60_szazaleka_egyetert_az_orvosi_kannabisz_legalizalasaval_z_avec_z_research/

⁶⁴ Gov't Still Opposes Medical Marijuana Despite European Tendencies. (2021. March 11). *Hungary Today*. Retrieved 2022. October 24. from

<https://hungarytoday.hu/govt-medical-marijuana-cannabis-cbd-hemp-drug-law-legalization-un-eu/>

⁶⁵ European Commission. (2021. February 18). February infringements package: key decisions. Brussels.

Retrieved 2022. October 24. from

https://ec.europa.eu/commission/presscorner/detail/en/inf_21_441?fbclid=IwAR37HHGOrB977ZhTVxz4uqYcEGhPaeKtShguj61FT7AitiK20tkPrVB7Atw

or beneficial. However, she stressed that in many circumstances, alternative medications can be used in place of medical marijuana and outlined that doctors should be asked whether they believe it is viable to legalize medicinal marijuana in Hungary within a controlled framework.⁶⁶

According to *Gábor Zacher*, a well-known toxicologist, medical cannabis should be allowed for certain diseases in Hungary; however, he stated in an interview that in the current situation, he is absolutely opposed to cannabis legalization, but he is also against leaving everything as it is forever, because only. The crucial words here are incremental and step-by-step.⁶⁷

5. RESULTS

5.1. Reasons behind the ‘Green wave’

There is no doubt that marijuana laws are one of the most complex and controversial dimensions of drug policy. Despite the fact that international law obliges states to prosecute non-medical and non-scientific marijuana growth, manufacturing, distribution, and possession, different regulatory models have been developed over the years. For example, some countries have depenalised, decriminalized, or even legalized recreational marijuana use (see Figure 1). It can be said that Uruguay launched the so-called ‘green wave’ in 2013 when it became the first country that made marijuana legal for non-medical purposes. This event hugely influenced the international community because since then an increasing number of countries took into consideration modifying their cannabis policy, for example, Germany as it can be read in the previous chapter. This may raise the question of why the ‘**green wave**’ started globally.

Countries that have changed or are taking into consideration altering their approach toward marijuana argue that practices in the fight against drug-related crime have failed. The notion of a "drug-free society" on which the global drug control system was built 61 years ago (UN Convention, 1961) is still in existence. However, globally sanctioned oppressive practices are increasingly being recognized as more harmful than occasional drug usage. Uruguay and Germany for example, argue that the repression brought about by the "war on drugs" approach has only created new issues rather than fixing them. As *Milton Romani* in Uruguay (see p. 13) and *Kirsten Kappert-Gonther*, the German politician (see p. 17) indicated violence is increasing while, the illegal production, trafficking, and consumption of narcotics are all continuing. The

⁶⁶ Papp, F. (2021. May 13). Baráth Noémi Emőke - A marihuána nagyon addiktív, ettől olyan veszélyes a legalizálása | Podcast #53. YouTube. Retrieved 2022. October 15. from <https://www.youtube.com/watch?v=o167rSc6ltU>

⁶⁷ Haiman, É. (2022. February 2). Zacher Gábor: Nyugtatókból félmillió dobozzal több fogyott a járvány alatt. *Növekedés.hu*. Retrieved 2022. October 18. from <https://novekedes.hu/interju/zacher-gabor-nyugtatokbol-felmillio-dobozzal-tobb-fogyott-a-jarvany-alatt>

Uruguayan and German local interviews imply that both countries accept that prohibition has had a negative influence on their societies while failing to fulfill its intended purposes.

Consequently, it can be said that the reason behind the ‘green wave’ is that certain countries believe that **strict drug policy has failed because the international conventions are outdated**. Therefore, they are convinced that reforms are needed to find more inclusive and efficient alternatives instead of the previous prohibitionist approach and establish drug laws and policies based on reason, scientific evidence, and human rights instead of prohibition.

5.2. Drug-free or drug-conscious society

What can be observed on the international scene is that the world become divided concerning drug policy as a consequence of the ‘green wave’: some nations consider the drug-conscious policy to be a better solution instead of the drug-free one, while the majority of countries still follow the original, prohibitionist strategy, which was made by the UN Conventions. As these important terms are conflicting with each other, it is worth it to reveal the motivations behind these policies and search for the interests that may incite a government to change its drug strategy.

Arguments behind the **drug-conscious approach** can be examined through the analysis of the Uruguayan media (the first country that legalized recreational cannabis) and the German local press (intends to legalize it). The basic idea of this approach is to make cannabis legal in a way that marijuana production and marketing are state monopolies, thereby, sale and consumption must meet certain rules as it is outlined in the case of Uruguay in chapter 5.1.1. As for the reasons and interests behind these policies and their changes, the following ideas can be concluded from the analyzed press media that I summarized in the following table:

Table 1. Motivations for a drug-conscious policy	
Reduce crime	The leaders of the country want to reduce organized crime and violence associated with the cannabis trade and trafficking. Their aim is to minimize the harm caused by the illegal market by decreasing the propensity to commit a crime.
Curb the black market	The government aims to shrink the black market’s size and to prevent organized crime groups from generating profits from the illegal cannabis trade. It is intended to achieve these goals by making lawfully buying substances more appealing (price and quality) than purchasing them on the criminal market.
Reallocate the resources	The political leadership goal is to minimize the expense of law enforcement and the costs of policing, freeing up resources that can be reallocated to substance abuse prevention and treatment to ensure public health and safety.

Improve public health	The leadership is motivated to create a state-controlled market that can allow for better safeguarding of youth by regulating marijuana availability and ensuring public health by guaranteeing product quality and THC content. A regulated market can also help to exclude the recently appeared synthetic THC.
Enhance public safety	It is intended to create such a strategy that protects citizens and combats the health, social and economic consequences of the problematic use of psychoactive substances by taking steps to educate, raise awareness, and warn about the health risks of cannabis use.

Although some countries argue that the drug-aware policy is the solution to tackle drug-related problems, the vast majority of countries still follow the **drug-free policy** in their current official documents. In Hungary, for example, the so-called National Anti-Drug Strategy represents the effort to be a drug-free country (see chapter 5.3.1.). The analyzed literature and media can be used to demonstrate the justifications for a drug-free society and the reasons for outlawing marijuana usage for recreational purposes.

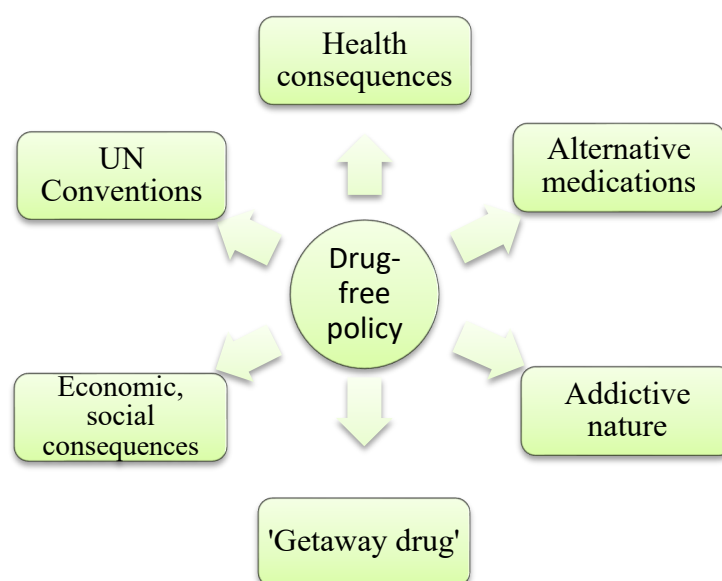


Figure 2. Ideas for the drug-free policy

Nations that are preferring to have a drug-free society still follow the main ideas of the three **UN Conventions'** provisions, under which unauthorized cannabis usage entailing non-medical and non-scientific are punishable offenses since they consider that way the most effective one when it comes to tackling drug-related harm. Countries following anti-drug strategies most often argue in favor of it because of the detrimental physical and mental **health consequences** that marijuana usage may entail. Specialists emphasize that ongoing clinical trials are still seeking to figure out how beneficial this mind-alerting substance is. Therefore, countries

prohibiting marijuana usage deny that legalization would improve public health and would protect youngsters. Another motivation behind following the drug-free approach is the fact that **alternative medications** are available on the market, therefore society does not suffer any lack of missing an active ingredient. Nations banning marijuana usage often refer to its highly **addictive nature** as well and argue that legalization would only lead to an increase in marijuana consumption. Cannabis is often thought to be a **getaway drug** (see p. 19) consequently, countries having prohibitionist drug policies believe that their strategy is the most appropriate to prevent citizens from trying out ‘harder’ drugs. Additional arguments supporting a drug-free society are the **negative social and economic consequences** resulting from the problematic use of cannabis that can only be eliminated with prohibition. Governments and specialists advocating for a drug-free approach argue that it is unproven that the other drug strategy would reduce harm. Such problems may include, failure to complete education, poor work performance, and involvement in the criminal justice system.

5.3. Legal aspects of national marijuana policies

The diversity of cannabis related-issues is manifested by that the question of marijuana, the regulatory framework around it, and the conditions describing its current status differ from nation to nation. The analysis of the official national documents and press media allows for comparing the conditions prevailing in countries under examination, which is summarized in the following table:

Table 2. The conditions of Marijuana in Uruguay, Germany, and Hungary

	Uruguay	Germany	Hungary
Legal status	Both medical and non-medical cannabis is legal	Medical cannabis is legal Non-medical one is illegal	Both medical and non-medical cannabis is illegal
Level of law	Law No. 19172 Regulation and Control of Cannabis	German Federal Narcotic Drugs Act and German Medicinal Product Act	Hungarian Criminal Code and 66/2012 (IV. 2.) Government Decree
Legal process	Government initiative, approval of the legislative body	Government initiative, approval of the legislative body	Government initiative, approval of the legislative body

First and foremost, it is essential to define the current **legal status** of medical and recreational cannabis in the selected countries: in Uruguay and Germany marijuana for medicinal purposes

is permitted with prescription, while Hungary does not have a medical cannabis program but there may be an opportunity to access some THC-infused medicine (see p. 21). As for recreational usage, Uruguay made it legal with a state-regulated retail market, while it is prohibited in the most recent records of the two European countries. Germany, on the other hand, aims to reform it soon (see p.18). This comparison shows that marijuana in Uruguay has legal and in Hungary has illegal status, while in Germany it has a mixture of the previous two.

Another important aspect is the **level of law**; in which legal document(s) the regulatory framework of marijuana is incorporated. All three countries regulate the cannabis market, control marijuana usage, and penalize wrongdoings under national law, however, there is a difference between Hungary and the rest of the two nations. In the case of Uruguay and Germany, cannabis-related regulations and penalties are incorporated in separate documents, which only contain the legal framework of the drug in question. In the Latin-American country, this official document is Law No. 19.172 – Regulation and Control of Cannabis (Ley N° 19.172 – Regulacion y Control el Cannabis,). Germany allows medical cannabis only in accordance with the German Federal Narcotic Drugs Act (Betäubungsmittelgesetz) and the German Medicinal Product Act (Arzneimittelgesetz), which is important when it comes to the trade of medicinal products. On the other hand, the Hungarian legal system does not have a single document summarizing and dealing with only the question of marijuana. Cannabis cultivation, supply, trafficking, etc. are regulated under the Hungarian Criminal Code and the 66/2012 (IV. 2.) Government Decree. It is important to remark that the Criminal Code handles marijuana along with other substances and drug-related issues.

During the 'green wave,' when certain countries seek to reform their drug policy on marijuana, it is crucial to evaluate the **legal process** of cannabis policies in order to examine who stands behind decisions that define the legality of this substance via the example of the designated countries. Changing a drug policy requires a government initiative, followed by approval of proposed legislation by the national parliaments in all three democratic nations. For example, most recently the German leadership proposed a bill, that would change the country's entire drug policy. These facts suggest that the government must be a key player in this field. There are some observable phenomena in the analyzed countries, which may help to prove this premise. This statement can be proven by some observed phenomena in the examined countries. The Hungarian government, for example, has been fighting for a drug-free country for years. However, the opposition has a different point of view, and according to the interviews, the majority of them would reform the present drug policy and favor the legalization of medicinal

marijuana as well (see p. 20-21). It implies that a change of government could lead to a new drug policy.

The observed phenomenon can be noticed in Germany as well. The approval of medical cannabis was enacted into the German Federal Narcotic Drugs Act by the Merkel center-right coalition government only with the aim of treating seriously ill people under certain circumstances on the basis of a doctor's recommendation. As I cited for example, on the (see p. 16) “(...) *legalization for private pleasure is not the aim and purpose of this. It is intended for medical use only,*” said *Marlene Mortler* drug commissioner at the Federal Ministry of Health in the government of Chancellor Angela Merkel. As the new center-left leadership took power in 2021, the country's stance changed. In the Scholz government's draft program it is explicitly written that they intend to introduce the controlled supply of cannabis for adult consumption in licensed shops and the draft law's key points have already been presented by Federal Health Minister *Karl Lauterbach* at a press conference on 26, October 2022.⁶⁸ Another example demonstrating the government's dominant influence in cannabis policy in Germany is the fact that several federal states, like Bavaria, which has a clear center-right political leaning and opposes the present leadership, do not accept the new drug policy. As I noted on the page 18, Bavarian Health Minister *Klaus Holetschek* stated that it is reckless to ignore marijuana's risks and emphasized that legalization might make Germany a popular European destination for drug tourists.

Consequently, what I am concluding from the analyzed local media is that the **government and its political affiliation are the most relevant variables in determining whether medicinal or non-medical cannabis should be authorized**. Therefore, I cannot agree with Péter Sárosi the author of the *Drogriporter* who said in a radio report that the idea of creating a state-regulated cannabis market is becoming a less party-political issue (see p.16). In my opinion, the fact that the current German coalition government's all three parties (who, by the way, are all center-left parties) support this new idea does not mean that other politicians regardless of their party affiliation also share this opinion as is shown above. These circumstances all prove the fact that **the government and the political position of the leadership stand behind those policies that may oblige a country to follow the drug-free approach or may make reforms and introduce a drug-conscious policy**.

⁶⁸ Koalitionsvertrag 2021 – 2025 zwischen der Sozialdemokratischen Partei Deutschlands (SPD), BÜNDNIS 90 / DIE GRÜNEN und den Freien Demokraten (FDP). (2021. December 7). Retrieved 2022. November 2. from https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf

6. CONCLUSION

Taking everything into account it can be said that the topic of marijuana policies that I have examined through many dimensions is an extremely complicated and controversial issue. The question of drug-free and drug-aware cannabis policy raise many questions at both national and international level, which incite countries to open debates on this multifaceted problem. I highlighted the fact in my research paper that the debate over marijuana, the legal framework around it, and the circumstances characterizing its current position vary from country to country illustrating the complexity of cannabis-related concerns. Throughout the analysis of local press media, I observe different phenomena developed around cannabis policies and I concluded some facts that can serve as a theory. Moreover, the investigation of official national papers and news allowed me also to compare the national situation of marijuana in the selected countries.

In my research paper, I managed to prove the following patterns:

1. What I found to answer the first question that was about why the **‘green wave’ started** on the international scene is that some nations contend that the outmoded nature of international accords is the reason why **strong drug control measures have failed**. Therefore, they are certain that changes are required to build drug laws and policies based on reason, scientific facts, and human rights rather than prohibition in order to discover more inclusive and effective alternatives to the prior prohibitionist approach.
2. Answering the question that what the interests and arguments might **incite a country to follow a drug-conscious policy** I found that governments consider this approach a more effective and efficient way compared to the previous prohibitionist strategy that can achieve developments in **reducing crime, curbing the black market, reallocating the resources, improving public health, and finally enhancing public safety**. In this section, I also analyzed the **banning, drug-free cannabis policy**, in order to reveal why some nations still prefer marijuana to have an illegal status. I have come to the conclusion that these countries must be satisfied with the **UN Conventions** as their national cannabis approach is built upon it. Furthermore, they are convinced that legal marijuana would only result in bigger **social, economic, and health consequences**, because of its highly **addictive nature** and because it is considered to be a **getaway drug**. Finally, countries opposing marijuana legalization emphasize that there are **alternative medications** that can be used instead of marijuana.

3. In the last part of my analysis, I contrasted the three selected countries' national legal aspects of marijuana with the intention to reveal **who stands behind drug policies** allowing for the legal status of marijuana. What I found is that the **government and its political affiliation** are the most important factors in determining whether medicinal or recreational cannabis should be legalized. The government and the political viewpoint of the leadership support those policies that may compel a country to pursue a drug-free approach or may make reforms and implement a drug-conscious policy.

Summarizing up, cannabis regulations are without a doubt one of the most intricate and divisive aspects of drug policy, and countries that have been facing drug-related crime and crime resulting in serious social, economic, and health problems strive to gain more and more valuable information on drug policy and about marijuana in order to create a reasonable standpoint on how it should be regulated in order to reduce the harm in their society.

What I think is that marijuana policy is an ever-changing field, that affects all fields of life, therefore well-founded research is needed to be conducted in order that individual countries could decide which drug policy would be the most appropriate one to use. I believe that this topic has much future relevance and it would be interesting to examine for example how drug-related measures are implemented in different countries; how drug-related actions are communicated between the leadership and the general public.

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