

# **Green Party Cannabis Policy Document**



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## 1. Summary & Key Points

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The Green Party believes the criminalisation of cannabis consumption is a counter-productive policy that perpetuates business models of organised crime and fails to address the public health impact of cannabis. We suggest there is a more compassionate policy based on international best practice that could be introduced within existing constraints under international law. In government, the Green Party would introduce the following changes to our laws around cannabis:

1. Amend the Misuse of Drugs Act to reschedule cannabis and its derivatives from a Schedule I drug to a Schedule IV drug
2. Criminal offences would be removed for persons over the age of 18 consuming cannabis or possessing less than five grams of cannabis
3. Patients of all ages who have a medical need for cannabis products should be able to access them through a supervised system along the lines of Germany's recent reforms
4. Cannabis "coffeeshops" should be introduced to Ireland as a venue for cannabis consumption by legal residents of Ireland over the age of 18
5. These stores must restrict customers' procurement at five grams per day and can help the monitoring of valuable public health data on cannabis consumption
6. Cannabis intended for procurement in these stores, and the stores themselves, must satisfy health inspections by the Health Products Regulatory Authority (HPRA)
7. Cultivation of cannabis plants should be licensed by the government when providing cannabis products to a specified medical supplier, research institution or coffeeshop
8. Cannabis strains sold in Ireland should have an upper limit on the THC content, which will be determined by the HPRA

9. Cannabis coffeeshops will be prohibited from providing “edibles” or any cannabinoid-infused food or alcohol products

## 2. Policy Outline

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### 2.1 Policy Introduction

The Green Party acknowledges the prevalence of cannabis in illicit drug use in Ireland and calls for a compassionate policy that reduces the harm of its social impact. Rather than penalising users of cannabis, we would provide a safe alternative to the criminal market by allowing for access through medical prescription, restricted personal cultivation and cannabis coffeeshops.

### 2.2 Policy Details

The Green Party sees drug abuse as a public health issue rather than a criminal justice issue. We believe, as part of broader moves towards reforming our drug laws, the legal status of cannabis must reflect a compassionate policy of harm reduction.

Cannabis is a special case to consider given its medical properties (2) and its prevalence as the most consumed illicit drug in Ireland and globally (6). The EU's European Drug Report 2016 records a lifetime usage rate for Irish adults at 25.3% with use among Irish adults over a 12 month period at 10.3% (6). The report also found that cannabis products accounted for 78% of drug seizures by European law enforcement, comprising over 744,000 operations. In spite of the strain placed on law enforcement and the criminal justice system in enforcing cannabis prohibition, cannabis use remains widespread and its production and sale are controlled by criminal organizations. Their operation outside the law leaves them unbound to any regulatory framework, meaning there is no quality control for cannabis products. This presents a potential public health risk in metals, pesticides or other harmful chemicals present in their preparation of cannabis.

The ongoing prohibition of cannabis not only tolerates this risk, it also makes it difficult to conduct research into the health impact of cannabis itself. While there is a growing body of evidence for its medicinal benefits, there are also concerns over its potential impact on mental health, particularly on those with a genetic predisposition towards psychosis (2). There has however been no correlation between rates of schizophrenia diagnosis and

increased cannabis consumption. Clarity on such matters would be aided by broader samples of research, which is difficult owing to its illegality in most countries.

Its criminalisation under international law would complicate efforts to legalise its sale and use. However, many countries have been exploring how to reach a middle-ground that would end the harsh penalization of cannabis users and minimise its adverse social impact while honouring international obligations (10). Where EU member states have depenalised the possession of cannabis consistent with amounts for personal use, there can be tolerance of consumption and cultivation for personal use under Article 2 of European Council Framework Decision 2004/757/JHA. Regulating this consumption and cultivation would be a more effective means of disrupting the criminal supply chain, minimising health risks and monitoring the impact of cannabis on society (4).

We shall therefore seek to implement the following policies to establish a regulatory framework for Ireland's cannabis market.

## **2.2.1. Cannabis Law Reform**

The Green Party supports reclassifying cannabis as a Schedule IV drug (under The Misuse of Drugs Act 1977, 1984 and 2015, and the Criminal Justice (Psychoactive Substances) Act 2010). We would remove the criminal offence from sections 4 and 5 of the Misuse of Drugs Act for any person over the age of 18 to have less than five grams of cannabis, cannabis resins or cannabis-infused products in their personal possession.

It shall remain an offence to cultivate and/or sell cannabis outside of the framework outlined below. It shall also remain an offence to provide minors with cannabis or for minors to possess or consume cannabis. Driving under the influence of cannabis shall remain an offence if blood-THC content exceeds more than 7 nanograms per millilitre.

Consumption of cannabis products by adults aged 18 and over shall be tolerated on private property with the expressed consent of the owner and on coffeeshop premises (see below).

## **2.2.2. Cannabis for Medical Patients**

The Green Party recognises that cannabis-based medicines may be effective for the treatment of severe medical conditions (2). We support expanding the Compassionate Access Scheme to patients who have the written recommendation of a medical professional to access cannabis-based medicines. In the long-term, Ireland should move towards a system of providing medical cannabis to patients along the lines of Germany's model (1) (11). Under this model, patients' use would be prescribed and monitored, pharmacies would act as dispensaries and health insurance companies would cover the cost. It would be in the interests of public health to then facilitate medical research into cannabis that the HPRA or another appropriate body could monitor and to which medical professionals could provide anonymised data.

## **2.2.3. Cannabis Coffeeshops**

In the Netherlands, cannabis is not formally legalised but the police are instructed to tolerate its sale and consumption when following certain guidelines. Cannabis "coffeeshops" are venues for cannabis consumption which follow such guidelines as set by local and national government. This had the impact of separating the drug market between users of cannabis and users of more dangerous drugs. The Dutch are now exploring whether to outline regulations for the tolerated cultivation of cannabis such that criminal suppliers can be removed from the cannabis market and health standards introduced. This is to remedy the contradiction in their policy where the supply of cannabis was tolerated under law but not its cultivation.

In Ireland, a regulated cannabis market from seed-to-sale would make coffeeshops an opportunity to steer users away from criminal suppliers and minimise the harmful impacts of cannabis consumption (8). This would also generate tax revenue from the



consumption of cannabis which seems to persist with or without costly criminalisation policies.

The Green Party supports the toleration of cannabis coffeeshops in Ireland once they adhere to the following guidelines. It may be worth allowing only a limited number of coffeeshops on a pilot scheme basis at first. This would allow for a more contained and closer look at their initial impact, to inform policy going forward. The staff of a coffeeshop must have a clean criminal record. The premises of a coffeeshop must have ventilation adhering to the Public Health (Tobacco) Acts 2002-2015. Coffeeshop premises cannot operate within 500 metres of a primary school, secondary school, or day care centre.

Customers over the age of 18 who can present valid I.D. and proof of legal residence in Ireland may acquire cannabis over a counter from a coffeeshop. Transactions shall include an excise duty determined by the government. Revenue raised from this excise duty could be ring-fenced for funding addiction services and for monitoring the policy impact of cannabis coffeeshops. The rate of excise duty may also be tiered based on THC content, to discourage the use of higher-THC strains. However, additional taxes on cannabis must not become so high that the criminal market is able to compete by lowering prices.

Customers' acquisition of cannabis is capped at no more than 5 grams per day. Consumption data is tracked on an anonymous basis so that figures on cannabis sales can be monitored by public health officials. Coffeeshops must maintain financial records and anonymised data on consumption rates. Coffeeshops acquire cannabis from a licensed offsite cultivator (see below). The Health Products Regulatory Authority (HPRA) must inspect and approve cannabis intended for consumption in these coffeeshops, to ensure that the content level of psychoactive THC and other cannabinoid chemicals is compliant with limits set by the HPRA and that certain pesticides, metals, and other health hazards were not present in the cultivation process.

When operating premises, cannabis coffeeshops must be subject to ongoing, unannounced inspections and observe the following restrictions:

- no entry for minors
- no other illicit substances onsite
- no alcohol or nicotine products sold or consumed on-site
- no cannabis product provided without HPRA approval
- no cannabis-infused “edible” products

## **2.2.4. Regulating Cultivation**

Government licences will be required to commercially cultivate cannabis plants. Retention of these licences is contingent on satisfying regular inspections by the HPRA for standards in health & safety, cultivation, product quality, labour rights and cultivating within limits specified below. A designated seed supplier will be established or appointed by the government to provide cannabis seeds to cannabis cultivation licence holders. These seeds will be limited to strains with THC content below the limit set by the HPRA.

Personal cultivation shall be restricted to two plants per private residence. Two or fewer plants and their resulting flower shall be tolerated when cultivated out of public sight and secured from access by minors. This can be tolerated on top of the five grams possession limit as long as cannabis from personal cultivation is not sold. Regulation of personal cultivation may be revised when there has been more time to measure the impact of commercial cultivation. At first, the number of permissible plants for personal cultivation should be restricted in order to minimise diversion to the black market. It shall be an offence to cultivate three or more cannabis plants without a cultivation licence.

Cultivation licences will require a clean criminal record and specified premises cultivating specified quantities ordered by one or more of the following:

- a specified cannabis coffeeshop
- a specified research project from an accredited institution

-a specified licensed supplier of medical cannabis products e.g. a pharmacy

## **2.2.5. Transporting Cannabis**

Exporting cannabis products shall be a criminal offence unless one can acquire end-to-end approval from the Irish government and the government of the territory to which the product is being exported. Transporting cannabis products above the personal possession limit of five grams shall be an offence. It will not be an offence if the driver of the vehicle can produce a validated order certificate from a cannabis coffeeshop, research institution or medical supplier.

## **2.2.6. Harm Reduction Safeguards**

Advertising or promotion of cannabis coffeeshops shall be restricted to adult-oriented publications and websites. Any cannabis flower, oil or tincture provided by licensed coffeeshops must come in plain packaging with a symbol, sticker or other certification verifying the product has been deemed fit for consumption by the HPRA. It must also state the following information about the product:

- the name and classification of the cannabis strain

- THC content and CBD content (and other cannabinoids as directed by the HPRA)

- name and address of the manufacturer of the product

- a list of pesticides, herbicides, fungicides, solvents or other chemicals present in its production

- date of production

- use-by date

- health warnings against driving or operating machinery under the influence of cannabis

-health warnings against the use of cannabis while pregnant or under the age of 18

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