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REGULATING ADULT-USE CANNABIS

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Several countries have adopted a regulation-based adult-use cannabis policy. This paper highlights key areas where public authorities need a clear positioning when designing such regulations.

Cannabis is the most used drug worldwide, with an estimated 219 million users (4.3% of the global adult population), in 2021 (UNODC, 2023). Despite being a controlled substance within the United Nations Single Convention on Narcotic Drugs of 1961 and Convention on Psychotropic Substances of 1971, during the last decade several jurisdictions adopted some form of adult-use cannabis regulation (often referred to as recreational cannabis). Adult-use cannabis regulation is a public policy that involves the establishment of a system of state regulation of cannabis cultivation, use and sale, like that which in many countries is applied to tobacco and alcohol (Gama, 2022). Thus, it does not equate to liberalisation.

Several jurisdictions have opted to regulate adult-use cannabis: Uruguay, more than 20 USA states, Canada, Czech Republic, the Netherlands, Malta, Luxemburg and, more recently, Germany. Their legal frameworks show considerable difference in policy decisions: for instance, online distribution is only permitted in Canada; in jurisdictions that allow home plant cultivation, the allowance ranges from four plants per household to 12; there is variance regarding the allowance for cultivation and distribution within cannabis social clubs; and the allowance for the maximum quantity to be possessed in a public place and a place of private residence also differs significantly. However, there are also some parallels across policies, such as the prohibition to consume near schools and health facilities, and to operate vehicles when under the influence of cannabis; the establishment of potency limits; and restrictions on advertising. In general, the regulation of adult-use cannabis involves the establishment of rules and controls for the entire production chain of the substance, and consideration for the interaction between its stages, economic agents, and social contexts.

Lourenço et al. (2021) intended to contribute to this debate by performing a scoping review of 531 scientific articles and 40 documents of grey literature in the field of cannabis, published between 1 January 2016 and 30

June 2020ⁱ (an update of the time frame to include literature published until 30 June 2024 is under way). The review aimed at identifying how research is conducted in this field and uncovering knowledge gaps, and it was implemented with the qualitative analysis software Nvivo[®].

The scoping review of literature, despite limitations regarding the short period considered and the focus on higher ranked journals (among others), led to the following conclusions:

1. The literature assessing the impact of adult-use cannabis regulation is scarce. Nonetheless, the available evidence shows that judicial/criminal, economic and social areas are those which are the most positively impacted. Health, mental health, and markets are the areas where the negative effects of regulation are most salient.
2. Research that adopts a clear positioning in favour or against adult-use cannabis regulation is limited, but within the literature that adopts a positioning, the dominant one favours adult-use cannabis regulation.
3. Recommendations for policies based on regulation point to the need for prevention and intervention planning (particularly regarding youth); development of a flexible data collection and performance monitoring system to support policy assessment; and specific attention to be paid to the risk of driving under the influence of cannabis.
4. Scientific evidence lacks sufficient specificity, quality, and rigour to support public policy. Key aspects of cannabis such as extractions (e.g., flowers, resin, oils), components, types of use (e.g., smoking, vaping, edibles), potency and quantities, which have implications on user experience and associated risks, are not adequately reported. Moreover, there is scarce literature using the strongest types of methods (e.g., randomized controlled clinical trials). However, these limitations have not impaired the adoption of adult-use cannabis regulation in several countries.
5. There are significant asymmetries in the scientific domains reviewed. Only 20% of publications are centred on the legal, economic, and social justice dimensions of cannabis (but this may be due to the search criteria, which included only Q1 and Q2 journals in these fields, leaving aside niche journals); research is clearly dominated by the clinical/medical aspects associated with cannabis use. There is a focus on the individual effects of consumption, and the social effects are largely neglected, although they may have a considerable impact on communities, such as those related to economic inequality, criminality and stigmatisation. The literature also reveals a stronger focus on risk-related effects than on potential benefits.

ⁱ The review considered scientific articles full-text in English retrieved from the EMCDDA and ISAJE directory of peer-reviewed journals, the PubMed database Q1 journals for 'core clinical journals' and 'humans', and JCR Q1 and Q2 journals in the fields of Psychology, Sociology, Law, Criminology, Penology, Economics, Health Policy, Business, Finance and Public Administration. Several exclusion criteria applied: (a) studies conducted exclusively on animal models; (b) studies considering only synthetic cannabinoids; (c) studies focused exclusively on medical cannabis; (d) studies examining different treatments for cannabis use disorders (CUD), or the impact of cannabis in the treatment of particular diseases (e.g. "impact of cannabis use in the outcome of HIV treatment"); (e) studies comparing cannabis health-effects with those of other illicit substances (of note, studies evaluating the impact of cannabis on the use of other substances were not excluded). Articles corresponding to case reports, letters of opinion or criticism, comments and editorials were also excluded.

Regarding grey literature, the review included documents produced by governmental entities, health commissions and/or parliamentary commissions from countries or regions that implemented some form of cannabis regulation, presented in the first two Google results search pages according to the retrieval keywords: country/region + cannabis + regulation + report + evaluation + impact. Several exclusion criteria applied: (a) documents exclusively focused on medicinal cannabis; (b) documents focused on presenting regulation models without presenting evidence on their respective impact and/or effects.

Implications for public policies

Notwithstanding the need for more and higher quality scientific evidence, the literature reviewed points that public policies of adult-use cannabis regulation must assume a clear positioning on the following aspects:

6. Prevention of cannabis use (especially by children, adolescents and young adults) and corresponding funding.
7. Cultivation and production of cannabis (regulation of self-cultivation, especially small-scale cultivation and home growth; regulation of industrial production; regulation of collaborative production, such as cannabis social clubs, cooperatives and other types of local communities; regulation of the transformation process, such as regarding licences to import cannabis plants, to manipulate plants and to produce edibles, extracts, and flowers).
8. Possession and use (especially regulation of minimum age to buy, possess and use cannabis; allowance for quantities possessed in public; location-related restrictions; and rules on driving under the influence of cannabis).
9. Distribution and sale (regulation on types and location of retailers such as licensed establishments, pharmacies, cannabis social clubs, and state dispensaries; regulation of information on potency, other product characteristics and mandatory disclaimers; rules on marketing, advertising, and sales, especially including positioning on youth-targeted advertising; regulation on labelling and packaging; price-setting regime; and rules on the training of retailers' staff).
10. Tax policy, especially rules regarding tax incidence and allocation of tax revenue.
11. Data collection, monitorisation and reaction system to the new cannabis market, with particular attention to responses at street level (e.g., price dynamics and substance substitution; protection of vulnerable groups) and at business level (e.g., market entry by small and medium-sized firms).
12. Expungement of criminal records.

References

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