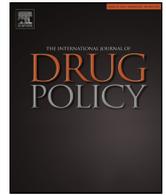




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Viewpoint

Uruguay's middle-ground approach to cannabis legalization

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Cannabis legalization is a serious topic of discussion in the Western Hemisphere. Since 2012, voters in eight U.S. states have passed laws to legalize large-scale cannabis production and allow profit-maximizing companies to grow and sell it for nonmedical purposes. Voters in Washington DC also approved legalization, but supply is limited to home production and gifting—retail sales are not allowed. In 2013, Uruguay's President José Mujica ratified a legalization bill that is noteworthy for at least three reasons. Most importantly, it made Uruguay the first *country* in the world to remove the prohibition on cannabis supply for nonmedical purposes. Second, Uruguay's middle-ground approach to cannabis supply falls in between the two options commonly discussed in the United States: prohibition versus the standard commercial model. Third, the law was approved by politicians, not the voters.

Jurisdictions considering alternatives to prohibiting supply have a number of options to consider (See Fig. 1; Caulkins et al., 2015); Uruguay chose three middle-ground options. Uruguayan citizens who are 18 years and older and want legal cannabis can either (1) grow cannabis at home (similar to Washington DC); (2) join a cannabis social club (CSC; similar to some European countries); or (3) purchase cannabis from a pharmacy (not yet operational). Adults are only allowed to choose one supply mechanism and there are limits to the amount grown (six plants) or purchased (no more than 40 g per month, 10 g per week).¹ The government will tightly control the cannabis produced for the pharmacies and advertising is prohibited.

Unlike the United States, Uruguay's law did not pass because of popular opinion; it passed in spite of it. Following increasing international support for alternatives to cannabis prohibition, and national momentum for the legalization of home-grown cannabis, President Mujica announced a plan in 2012 to legalize the cultivation and distribution of cannabis.² The specific regulations were developed by the legislature (of the same political party that

elected Mujica) and the bill was ratified in December 2013. Although pro-legalization activists played a role in advocating for legalization, this process was largely a top-down effort (Cruz, Queirolo, & Boidi, 2016). In fact, there was widespread opposition to the regulation of cannabis: 61–66% of Uruguayans in 2012–2013 opposed it (Walsh & Ramsey, 2016).

Implementation of legalization has been slow. While considerable progress has been made in setting up a very complex system, key gaps remain unaddressed. This is likely partly due to resources: 2015 was the first year the IRCCA had its own budget to hire personnel and carry out its functions. In May 2014, the government published regulations associated with the law. The registry for home-growers started in August 2014, but it only allowed Uruguayans who started to grow cannabis in the six months following the registry's launch to register plants, leaving growers who started after February 2015 outside the system (Walsh & Ramsey, 2016). In October 2014, the government started to register cannabis clubs. Club organizers must register as civil organizations with the Ministry of Education and Culture, then register with the IRCCA, following a lengthy process of documentation of club infrastructure, security, and operations (Queirolo, Boidi, & Cruz, 2016; Walsh & Ramsey 2016). Cannabis clubs face several challenges, including difficulties complying with the regulations, financial sustainability,³ theft, and a high degree of variation in crop yield (Queirolo et al., 2016).

Finally, the pharmacy system shows promise, but it has not been formally established. Two suppliers have been licensed by the state to produce the cannabis that will be supplied to the pharmacies; but as of March 2017 cannabis is still not available for purchase in the pharmacies. The delay may be due to a combination of factors. First, setting up a new distribution system from seed production to retail sales is complex, and the government is exercising caution to make sure they get it right (Vitale, 2016). Second, some pharmacists object to selling cannabis – so far, only 50 out of 1200 pharmacies have registered (Haberhorn, 2016). Some of the reasons pharmacists object include a lack of communication and understanding about the process involved in the setup of pharmacy sales, concerns about

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¹ The Institute for Regulation and Control of Cannabis (IRCCA) tracks the supply mechanisms chosen by users. Those joining CSCs sign up with club and the membership list is submitted to the IRCCA. Those choosing home production or wishing to purchase cannabis from pharmacies register at the post office and those lists are submitted to the IRCCA.

² President Mujica served as president until 2015. He was replaced by President Tabaré Vázquez.

³ The cost of setting-up, administering, and securing a club can be expensive with a limited member base. Currently, only 45 members are allowed per club.