

16th November 2021

AN APPEAL FOR A MATURE, SERIOUS AND RESEARCHED DEBATE ON CANNABIS LEGISLATION

- Present draft bill will normalise substance use while not protecting society and users
- Reaction to the Cannabis Draft Bill from Caritas Malta, Church Homes for the Elderly, Church Schools' Association, Dar tal-Providenza, Fondazzjoni Sebħ, Justice and Peace Commission, Kummissjoni Djoċesana Djakonija, Malta Catholic Youth Network (MCYN), Mater Dei and Sir Anthony Mamo Oncology Centre Chaplains, Millenium Chapel, Oasi Foundation, Paulo Freire Institute Foundation, Peace and Good Foundation, Secretariat for Catholic Education, Social Assistance Secretariat (SAS), Society St Vincent de Paul, SOS Malta, St Jeanne Antide Foundation, The Conference of Religious Major Superiors (KSMR), The Good Shepherd Sisters - Merħba Bik Foundation, Uffiċċju Ħidma Pastoral mal-Persuni Separati and YMCA Malta.

The Church Schools' Association and the Secretariat for Catholic Education represents all church schools in Malta and Gozo working with thousands of students in the educational field. Caritas Malta and Oasi Foundation are the main players in Malta and Gozo in the fight to alleviate the harm that drug abuse brings about on hundreds of children, youths and adults. The Church Homes for the Elderly, Dar tal-Providenza, Fondazzjoni Sebħ, Justice and Peace Commission, Kummissjoni Djoċesana Djakonija, MCYN, Mater Dei u Sir Anthony Mamo Oncology Centre Chaplains, Millenium Chapel, Paulo Freire Institute Foundation, Peace and Good Foundation, Social Assistance Secretariat, Society St Vincent de Paul, SOS Malta, St Jeanne Antide Foundation, the Conference of Religious Major Superiors, The Good Shepherd Sisters - Merħba Bik Foundation, Uffiċċju Ħidma Pastoral mal-Persuni Separati and YMCA Malta are all voluntary organisations working with some of the most vulnerable members of our society.

With our different but complementary experiences in mind, we have come together to express our serious concern about the short and long term effects on society of the proposed legislation on the recreational use of cannabis.

While clearly we are in favour of all necessary safeguards in order to stop any criminalization of the personal use of cannabis or the stigmatizing of cannabis users, we are not in favour of a law which will normalise cannabis use, thereby directly or indirectly promoting its use among the most vulnerable members of our society, particularly children

and youth. Multiple studies have demonstrated that repetitive use of cannabis limits cognitive functioning while increasing the risk of mental health issues.

The timing of the proposed law is also of concern. The bill is being rushed through at the tail end of this legislature and very close to a general election. Government has given very little indication of what type of feedback was received after the publication of a white paper on the subject last March. Public reactions to the White Paper indicated that the majority of feedback was highly critical of the proposal and the negative impact this would have on children and youth. This reaction was particularly clear from expert professionals working in the area of substance abuse and health. Instead of listening to this reaction, in particular from the experts in this field, Government has not given any information about this feedback and is insisting on rushing through legislation on the eve of an election without considering these responses.

Following the publication of the white paper there was a strong call made by many for a researched study on the impact of such a proposal on our society. This was ignored and the bill is being introduced in a rushed manner. Such a draft bill should not be introduced a few weeks or months before an electoral campaign and at the end of a legislature but merits a serious, mature and detailed national discussion. Such a discussion should help our country to learn from the experiences of other countries who have opted to develop strong protective measures to reduce substance abuse, particularly among youths, instead of introducing measures which will normalise substance use.

The bill barely addresses concerns raised following the publication of the White Paper. The Bill also includes new proposals which were not in the White paper which have far reaching implications. For example, the draft bill proposes the possibility of associations to grow and distribute cannabis. The possibility of having cannabis clubs mushrooming in each town and village is a real one. We are therefore appealing to Government to put **the draft bill on hold until a serious, independent and researched study is carried out about the social impact of the proposals in the bill.**

Detailed reaction to the draft bill

While we therefore clearly do not agree with the manner in which this legislation is being introduced, a close examination of the bill shows that the draft text proposes to legalise cannabis without putting in the necessary strong safeguards in place. **The risk is that the draft bill creates a very weakly regulated model with huge loopholes for abuse.** The below points give some detailed feedback in this regard:

- **Need for stronger control and registration**

The age limit under which the consumption of cannabis for recreational purposes becomes legal should be set at 25 and not 18 as proposed. This will mitigate the enormous risk of a negative impact brought about by the normalisation of cannabis use through allowing its use for older adults only

and not allowing its use for youths. This is even more crucial given the proven harm cannabis can cause to the brain when professionals worldwide state that the brain continues to develop till around the age of 25.

- Clause 3(d), clause 7 and clause 7 A (2): The two ways the draft bill proposes cannabis can be consumed legally is (i) through growing at home or (ii) through cannabis associations. However, while the draft bill describes the manner in which the regulatory authority is being tasked with regulating cannabis associations, there is no mention whatsoever of how cannabis which is grown at home will be regulated. For example, persons cultivating cannabis at home do not need to register with the regulatory authority in any way. How can this clause of the draft bill be regulated and controlled if the regulatory authority and government have no oversight over who is growing cannabis at home? This is not the case in a country, such as Uruguay, which has followed a similar model of cannabis legalisation. In Uruguay, both home growers and associations are registered with the State and the State has added a third legal way of acquiring cannabis, through the acquisition of state produced cannabis through registered pharmacies. In all three cases, Uruguay keeps a strict record of registered users.

- **Need for more safeguards with regards to Home Use**

Furthermore, while the draft bill mentions some minimal safeguards with regards to the location and premises to be used by cannabis associations, there are no safeguards in place with regards to home use. Thus, home cultivation can be carried out next to schools, youth clubs and other clubs. It can also be carried out even though home cultivation and use may seriously disturb other persons such neighbours and tenants of the same block of apartments. Moreover, clause 31 (7) allows for the cultivation of four plants and the possession of up to 50g of cannabis in a residential unit. It seems that the intention of the legislator is that the 50g limit is per household and not per individual within the household. This needs to be made clear in the text of the bill since the wording at present is unclear.

- **Need for stronger safeguards and controls with regards to Associations**
 - With regards to cannabis associations, the minimal safeguards put in place with regards to locations and health and safety do not offer adequate safeguards to residents in any locality in Malta and Gozo, who may see an association or more sprouting up in a residential area with no limits. The maximum number of 500 members for each club is also excessive. Has Government studied whether the Planning Authority process needs to be involved in zoning areas where such clubs can be located given their impact on residents and given the impact of the possible daily transit of 500 persons in a residential locality? Has any consideration been made of what type

of premises would be adequate for such an activity while safeguarding health and safety legislation as mentioned in the draft bill? We also feel that the 250-metre distance limit away from schools, youth centres and clubs is not adequate to safeguard such institutions and the children and youths attending them. The distance limitation should be increased further to at least 1km. It also needs to be clarified that this distance limitation refers to all educational institutions including those catering for students aged over 18 such as the University of Malta, MCAST and ITS.

- Furthermore, the only limitation to membership of such associations is the age of the person who needs to be an adult. There is no mention of any safeguards to avoid membership of persons who may exacerbate existing conditions through the use of cannabis, e.g. person suffering from specific mental health issues. In this regard, the bill should require the need for a medical or psychological assessment prior to approval of membership. There is also no mention of any safeguard to avoid short-term membership by tourists, thus minimising the risk of reputational damage to the tourism industry of our country. The need for stronger and stricter regulatory safeguards for these associations, the number of members and the way membership is regulated is very clear.
- The amounts of cannabis which are permitted to be consumed by members of the associations on a daily or monthly basis are high and should be revised downward. Furthermore, the amounts of cannabis which can be stored by the associations as mentioned in the bill do not add up. The bill mentions that an association can have up to 500g of dried cannabis at any one time stored on site (clause 7 A 2 k) while the association can only allow a member to purchase up to 7g daily (clause 7 A 2 r). However, the Association can have up to 500 members. This means that, if all members had to come to the association daily, the association would need 3.5kg of cannabis available on site daily to offer each of them 7g. The only way that the association can abide by the requirements of the law is if it only allows 70 members daily to purchase 7g. Clearly, the aim of placing limits to the amounts available look good on paper but would be very difficult to implement realistically and as is often the case in Malta, would end up being overlooked.
- A limit on the amount of THC in the cannabis supplied at social clubs should be set in any bill immediately. It should not be a matter left to the Cannabis Authority.

school should become a compulsory part of the curriculum. As the situation stands today, the PSCD teacher can cover the topic of drugs in one or two lessons or else opts to liaise with SEDQA or Caritas to organise a seminar on prevention. Such prevention programmes should become compulsory for all students in middle and secondary school to partly mitigate the normalisation of cannabis use the implementation of this law will inevitably create.

- **Need for clarification of composition of Regulatory Authority**
If the bill is approved, there should be an interim period for the regulatory authority to be appointed. Apart from the bill, the regulatory authority should have the legal backing of a statute which includes the eligibility criteria of the board members, who nominates such board members and by whom they are approved. The statute should also clearly indicate the legal autonomy of such an independent authority and a structure for appeals to this decision-making body.
- **Need for warning introductory statement**
The risk that this law will contribute strongly to the normalisation of a dangerous practice such as cannabis use is very high. The draft law should therefore open with a strong and clear statement that: "Cannabis use is not a healthy practice and may be dangerous. Prevention is the best way forward. This law is being drafted to ensure that adults who are 25 years of age or older and who choose to smoke cannabis, should have access to 'safer' forms of cannabis."

On a final note, we reiterate our strong appeal to Government to take a mature and serious position when proposing a reform which has real and clear risks of creating serious damage and harm to our society. We feel that Government should hit the pause button on this bill when we have arrived at such a late point in the present legislature. This will give Government time to commission a serious, independent and researched study about the social impact of the proposals in the bill.