

Marijuana Legalization In Uruguay

May 2014



Summary

On December 23, 2013, Uruguay became the first country in the world to fully legalize the production, sale and consumption of marijuana for personal use when President José Mujica signed law 19.172. The stated goals of the law are:

- To improve public health and reduce the risks and harms associated with the use of marijuana
- To promote the dissemination of information, education, and prevention for the consumption and negative consequences of problematic drug use
- To protect the population from the risks associated with illegal drug trafficking, and specifically to “attack the devastating social, health, and economic consequences of psychoactive substance abuse,” thereby reducing illegal drug trafficking and organized crime

Ratification and Enactment

The bill passed the House of Representatives on July 31, 2013 with a vote of 50-46. It was then sent to the Senate, where it passed with a vote of 16-13 on December 10, 2013 before being signed by President Mujica on December 23, 2013. The law went into effect on May 6, 2014.

History

Unlike most other countries, it has long been legal to possess an undefined “reasonable quantity” of any drug for personal consumption in Uruguay. However, production, transportation and sale remained illegal. This meant that illicit drug traffickers supplied the marijuana that was then legally possessed by Uruguayans, creating profit for organized crime. The new law lays out a legal system for producing and distributing marijuana for adult use, as well as for medical and industrial purposes.

Impact

With this law, Uruguay aims to remove the marijuana market from the hands of illicit drug traffickers and use tax revenue from marijuana sales to invest in social programs such as education, treatment and prevention of problematic drug use.

What Does the Law Do?

The law creates a new state agency called the Institute for the Regulation and Control of Cannabis (IRCCA). The IRCCA has three primary responsibilities:

- Regulate the growing, harvesting, distribution, preparation, sale and use of all marijuana in Uruguay used for commercial, medical or non-medical purposes
- Promote campaigns that provide educational information about the risks and harms of marijuana use and abuse, in coordination with the National Drug Agency and other governmental agencies and departments
- Ensure compliance with the law

There are four forms of access to marijuana under the new system:

- Medical marijuana, which requires both a doctor's prescription and approval from the Ministry of Public Health
- Personal cultivation of up to 6 plants per household with a maximum annual yield of 480 grams
- Marijuana membership clubs where between 15 and 45 members can collectively grow up to 99 plants, proportional to the number of members, with the maximum annual allotment of 480 grams of dried product per year per member
- Sales in licensed pharmacies where registered Uruguayan adult residents can purchase up to 10 grams per week

Restrictions

The law contains a number of restrictions:

- Smoking in closed, public spaces, in the workplace, and at health establishments, schools and sports institutions is prohibited
- Non-medical use is limited to Uruguayan residents over the age of 18
- Non-medical users must choose between acquiring marijuana through personal cultivation, a membership club, or sale in pharmacies, and must register with the IRCCA for one of the three means of access. The registry data will be confidential and protected
- Non-medical users are able to have up to 40 grams on their person at any time for personal use
- All forms of advertising for psychoactive marijuana products (defined as any plant or product with greater than 1% THC) is prohibited
- There will be similar penalties to alcohol for driving while under the influence of marijuana
- Marijuana for sale in pharmacies cannot be displayed to the public and must be kept in maximum 10 gram containers

- Consumption of marijuana in the workplace is prohibited

Educational and Health Aspects

- The new law mandates that all educational institutions (K-12, technical, and university) include curriculums on preventing problematic drug use, including specific courses aimed at preventing intoxicated driving.
- Tax revenue will be distributed to several areas, including enforcing the new law, education, addiction treatment, and social services. The government will create centers for drug information, assessment, diagnosis, referral, care, rehabilitation, treatment and integration in any city with a population of 10,000 or more
- While educational centers may ban people who are impaired from marijuana consumption from entering the premises, they are then obliged to offer support and information on marijuana use
- Marijuana membership clubs must educate and inform their members about responsible marijuana consumption
- The IRCCA must promote harm and risk reduction strategies related to problematic use of marijuana

The full text of the bill is available at:

http://www.infodrogas.gub.uy/images/stories/pdf/ley_19172_cannabis.pdf