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Room to Grow: A Comparative Analysis of Cannabis Regulation Models in Europe

Amanda H. Cronin
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ROOM TO GROW:
A COMPARATIVE ANALYSIS OF
CANNABIS REGULATION MODELS IN EUROPE

Amanda H. Cronin
SIT Spain: Policy, Law, and Regional Autonomy
May 2020

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Abstract

Debilitated by years of economic instability, the Spanish economy has not fully rebounded to its once strong place in the European market. And now, in the aftermath of a devastating pandemic, the nation will be searching for new sources of wealth. The lucrative market potential of controlled cannabis in medicinal and recreational settings is an attractive industry gaining popularity across Europe. This paper explores the various policy models and legal systems in Portugal, Germany, and the Netherlands. Combining a variety of sources, I seek to ascertain the best plan for Spain. Ultimately, analysis shows that a multi-pronged approach is the most shrewd way to introduce more progressive policy to Spain. This policy would include a fully integrated domestic cannabis industry, a cultural, non-partisan shift away from stigma, and market diversification. The best way forward is to continuously learn from mistakes.

Introduction

Humans have walked this earth in organized communities for two million years. Knowledge of cannabis cultivation dates back 12,000 years in China, where archeological records indicate that early human societies grew it as a remedy for aches and pains.¹ The plant originally evolved in Asia before being traded over into modern-day Europe, Africa, and finally, the Americas.

Most plant-based drugs can only be grown in a few specialized climates. “Weed” has earned its nickname for its resiliency, and can be found growing in just about every country in the world. If you closed your eyes, spun a globe, and pointed your finger at random, chances are that the drug policy in the country you landed on is unique from its neighbor. After thousands of years, humans still have not come to a consensus on the appropriate use and regulation of these reality-altering substances. Perhaps we can attribute our global political dissonance to just that: *Cannabis sativa* has the power to erase pain, cure ailments, decrease stress, improve our quality of life, and change our minds. Things that a complex, national governmental system promises to do can be achieved by a plant. It’s powerful.

Government treatment of the *Cannabis sativa* plant is a long and complex history including many twists and turns that sometimes evade scientific fact. One constant that has held true through time is cannabis’s tether to social norms. In studying this substance, one cannot ignore the strong correlation between its success with social acceptance.

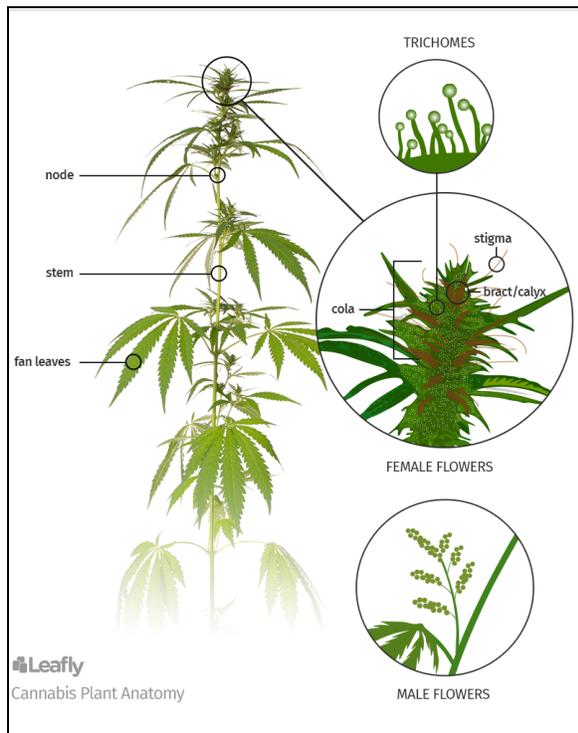
What complicates the academic study of cannabis regulation is that there is no one-size-fits-all regulation structure. The reason for this is that in every country, cannabis is rooted in a different social, cultural, and economic framework. However, the multitude of policy structures around the world offers an opportunity for analysis. International policy organizations can learn from this diversity of cases to draw blueprints for the appropriate management of cannabis in a particular country.

About 188 million people around the world are cannabis users.² In Europe, 26.3 percent of adults have ingested cannabis at some point in their lives. These numbers have seen a net increase over the last 20 years. Over the past 20 years, Europe has been washed over with a tidal wave of progressive cannabis policy. In 2017 alone, five countries legalized

¹ From “Cannabis: Evolution and Ethnobotany,” by R. Clarke and M. Marlin, 2013, pp. 13 - 28, www.jstor.org/stable/10.1525/j.ctt3fh2f8.9

² From “World Drug Report,” by the United Nations Office on Drugs and Crime, 2019, p. 17.

medical cannabis. This moment in time is a watershed for the cannabis industry. Industry analysts have dubbed the excitement swirling around the potential of cannabis “The Green Rush” to draw connections to the California Gold Rush. While “weed” is gaining acceptance worldwide as an essential good, it seems appropriate to investigate the policy models undergirding cannabis.



As a commodity, cannabis has endured punishing policies for decades. This survival is a testament to its undeniable impact on humans recreationally and medicinally. It seems that we cannot live with it or without it.

Botany & Biology

The plant *Cannabis sativa* has one of the worst and longest-running P.R. campaigns. We know it by many other nicknames and slang words, so let’s define it here.

Cannabis is a prolific plant that grows in a variety of climates, and can be genetically bred into many different strains. The two main varieties are known as marijuana and hemp.

The *Cannabis Sativa* plant is a deep vibrant green, with palmate leaves that fan into seven-lobed fingers with pronounced serrated edges. Depending on the genetic origin of the plant, the leaves can be arranged in opposite, alternate, or spiral placement on the stem. These leaves, achieving 2 - 5 inches in length, shoot off from a stiff central stem (*cannabis* translates to “cane-like”), which transports carbon, nitrogen, minerals and other nutrients between soil and plant. The stem can soar to twenty feet in height, and burrow roots down into the soil up to approximately eight feet deep.³

Cola refers to bunches of flowers growing closely together on several locations along the stem. *Cannabis sativa* reproduces through stigma, bract/calyx, Trichomes are structures that dot the top of the plant, or the female flower. These tiny filaments

³ From “Handbook on Cannabis and Related Pathologies,” S. Farag and O. Kayser, 2017, pp. 3-12, *Technical University Dortmund*, <https://doi.org/10.1016/B978-0-12-800756-3.00001-6>

manufacture the strong compounds that cannabis is known for: terpenes, cannabinoids, and flavonoids.

Marijuana vs. Hemp

The two strains of cannabis appear to be identical phenotypically and are genetically similar. Marijuana contains high levels of THC, a psychoactive chemical that stimulates a depressant response in the body. Hemp is marijuana's twin sister. It contains very low levels of THC, and high levels of CBD. CBD, or cannabidiol, is a natural compound that can be extracted as an oil and infused into tinctures, balms, foods — just about anything. Both hemp and marijuana can be processed and used both medicinally and recreationally. In order to be consumed, the flower (or “bud”) must first be harvested, dried, and cured. For use in informal settings, the processed product is typically ground up, burned, and the psychoactive ingredients are inhaled as smoke. However, there are many alternative ways that people choose to ingest the herb or resin to get the desired mind-altering effect.⁴

Scientists understand that CBD reduces bodily inflammation by acting on the endocannabinoid system. To date, the European Medicines Agency has approved few CBD medications. One of them, Epidiolex, is the only FDA approved CBD drug in the United States, and is prescribed to treat epileptic patients. However, the CBD market is bursting with products boasting health claims ranging from calming menstrual cramps to reducing cancer risk. The EMA has clearly indicated their curiosity in cannabinoid-based medicines and has assigned orphan designation — usage to treat a rare disease or condition upon request of a sponsor — for many medicines over the past few years.⁵

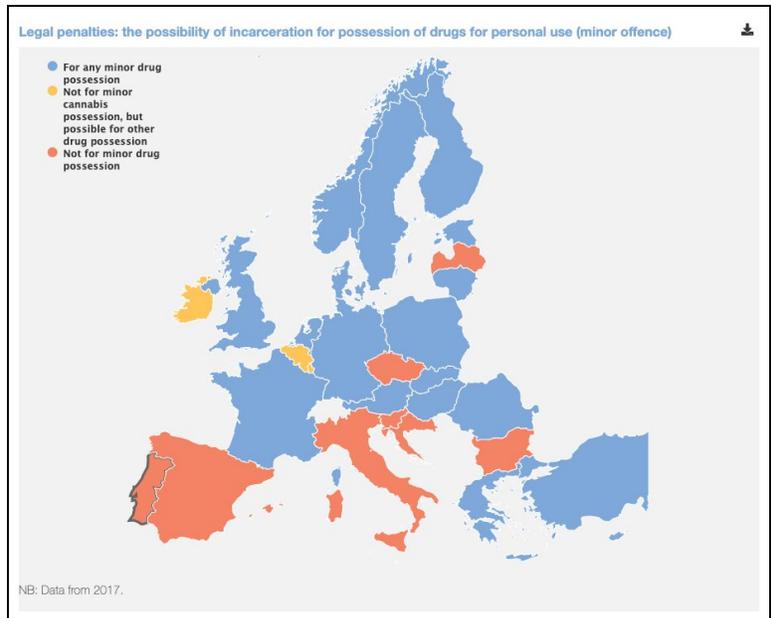
The CBD industry is still in its *bildungsroman* (as they say in Germany) in Europe, however, according to population surveys, the substance is already gaining popularity among consumers. In one poll by New Frontier Data, more than 50 percent of consumers responded that CBD has improved their quality of life. Seventy-two percent of consumers and 17 percent of nonconsumers said that they were likely to buy a CBD product in the next six months.⁶ Although medical research is still preliminary, there is promising evidence that this substance can be very beneficial.

⁴ From “Defining Hemp: A Fact Sheet,” Congressional Research Service, 2019, crsreports.congress.gov

⁵ From “Designating an Orphan Drug or Biologic,” U.S. Food and Drug Administration, 2020, www.fda.gov/industry/developing-products-rare-diseases-conditions/designating-orphan-product-drugs-and-biological-products.

⁶ From “The EU CBD Consumer Report Series: Segmentation and Archetypes,” New Frontier Data, 2020, <https://newfrontierdata.com/eucbdpt2>

According to industry analysis reports from 2019, all the active cannabis markets in Europe sum to 240 million euros. This number accounts for sales of every derivative of cannabis; CBD to pharmaceuticals to flower.



This paper will determine what obstacles and circumstances have obstructed the realization of this potentiality. A desired result of this paper is to determine standardized criteria to assess “cannabusiness” infrastructure readiness within Spain. Policymakers in Spain can learn from the successes and failures of cannabis regulation models in other European countries to apply to their own market. In doing so, the nation can avoid being left behind in this lucrative, fast-growing market.

Literature Review

Much has changed since 2001 — many more European countries and U.S. states have legalized or decriminalized — but Robert MacCoun and Peter Reuter’s study of “legal regimes” to control cannabis published that year provides key insights. In reviewing the existing models in the U.S., Australia, and the Netherlands, the authors found that “A

⁷ From “Portugal: Country Drug Report 2019,” European Monitoring Center for Drugs and Drug Addiction, 2019, www.emcdda.europa.eu/countries/drug-reports/2019/portugal/drug-laws-and-drug-law-offences_en

model of depenalised possession and personal cultivation has many of the advantages of outright legalisation with few of its risks.”⁸

Disclaimer: This paper centers on a highly controversial substance. Even presenting it in a positive light connotes political bias. I acknowledge that this paper cannot achieve a conclusive, multi-faceted view of the cannabis policy debate. One example is how the legality of this substance is disproportionately enforced. Under alternate research circumstances, I would have included interviews with people of varying identities to address this inequity.

Legal Models

Legalization

Removing all punishable offenses from the consumption, cultivation, sale, prescription, and other manner of distribution of a substance. Legalization does not mean unregulated free use, and partial legalization of a substance is not uncommon.

Marijuana legalization activists promote that enacting this kind of policy reduces harm on those charged (sometimes disproportionately across a population) and prevents gang violence, decreases unemployment, boosts the economy, and creates safety standards for regulated products. Legalization of medicinal forms of marijuana looks different than commercial forms for recreational use — they have to abide by different baseline measures.

Legalization does not mean immediate, certain success. A country cannot one day go from arresting people smoking on the sidewalk and seizing unapproved medicines to a harmonious society of free use. The principles of economics do not allow it. There must be some preparation in order to transition to that kind of society. However, some countries that have embraced legalization do not adequately prepare, and suffer the consequences. European Cannabis watchdog group Prohibition Partners dubbed this the “Legal Lag” — without the construction of infrastructure and steady growth and processing of cannabis products to supply a newly robust industry, that newly legalized country would soon face an embarrassing shortage.

“With legalisation nearly always implemented ahead of domestic cultivation schemes, European programmes are initially reliant on international supply from countries like the Netherlands and Canada until such time that they can draw from their own domestic cultivation. Anticipating patient numbers and creating a sustainable supply, both

⁸ From “Evaluating alternative cannabis schemes,” by R. MacCoun and P. Reuter, 2001, *The British Journal of Psychiatry*, 178(2), 123-128. Cambridge University Press. doi:10.1192/bjp.178.2.123

internationally and domestically, have proven to be persistent stumbling blocks for burgeoning patient programmes and should serve as a lesson to those countries about to embark on their own legalisation journey.”⁹

Decriminalization

Decriminalization is characterized by three main models. Removing criminal consequences for drug use and possession, sales in small amounts, and possession of drug paraphernalia, like syringes. The advantages of decriminalization are: freeing up money and resources to attend to more dire government duties, decrease prison population density, emphasizing cautious use of drugs over penal punishment, removal of stigma from the issue of drug use and addiction, among others.¹⁰

Defelonization

This is a precursor to decriminalization. In Europe, it is also referred to as “depenalisation.” In effect, this minimizes drug law transgressions from felonies to misdemeanors on an offender's record.

Policy Models

This is not a complete, comprehensive review of every existing policy model; there are too many to tackle in this paper. This presents the most common models: coffeeshops, social clubs, and licensing.¹¹

Coffeeshops are legal oases. These stores are allowed to sell small amounts of cannabis, as long as they abide by firm rules. Government supervisors check to see whether the stores are obeying the law at regular intervals. If there are any infractions, depending on the gravity of the situation, the store can face temporary closure or permanent shutdown.

Cannabis Social Clubs operate much in the same way that co-operative grocery stores do. In order to purchase any products, one must register to be a member of the club, often at yearly intervals to discourage the membership of short-term tourists. One's duties as a member include contributing to the cultivation of the plants. These clubs restrict usage to within the indoor area of the club, and the amount which a patron can consume per day.¹² The main difference between a social club and a coffee shop is the

⁹ From “The European Cannabis Report - 5th Edition,” by Prohibition Partners, 2020.

¹⁰ From “Drug Decriminalization” by Drug Policy Alliance, 2020, *The Drug Policy Alliance*.
<https://drugpolicy.org/issues/drug-decriminalization>

¹¹ From “Cannabis policy, status and recent developments,” by European Monitoring Center for Drugs and Drug Addiction, 2020, www.emcdda.europa.eu/publications/topic-overviews/cannabis-policy/html_en.

¹² From “The Spanish Cannabis Social Club Model, Explained,” by C. Hudock, 2019,
www.newfrontierdata.com/cannabis-insights/the-spanish-cannabis-social-club, New Frontier Data.

collective aspect. If a club starts to stray away from this, it makes competition more difficult for those clubs that do adhere to this structure. Because clubs are highly exclusive, many believe that they cannot be the only solution, or else the black market will continue to propagate.

The treatment of marijuana and hemp for medical purposes is vastly different from recreational models. Use of cannabis as medicine depends on the laws and healthcare system of a given country. The typical system is predicated on licensing of pharmaceutical companies. Before a company is awarded a license, they must be thoroughly vetted and agree to a series of legal conditions; agreeing to use their crop strictly for healthcare. This system is flawed because large, already wealthy pharmaceutical companies can obtain this approval more easily than smaller businesses.

Methods

Due to the unexpected circumstances of removal from the originally intended place of study, the initial methods plan has to be shifted considerably. Interviews with local people and advocates in the European countries studied in this paper were attempted, but due to the chaotic situation at hand, requests for correspondence were ignored. In the process, this study unfortunately lost some nuance and depth. However, this paper still attempts to achieve a sophisticated analysis of policy through the review of primary and secondary sources within and without the subject nations. A variety of periodical articles, journal articles, biological context, demographic data and statistics, and anecdotal evidence comprise the sources of this paper. This paper does not use any set system of numerical analysis. The legalization of recreational marijuana is a larger focus of this paper than the medical system.

A note about policy analysis: it is easy to conduct a rudimentary analysis of the impact of a policy by observing the situation before and after those particular regulations were passed in a government, and then inferring and attributing that any changes in statistics correlate with the policy implementation. It is more difficult to take a more holistic approach and assess all the factors surrounding the possible impacts of a policy — not just the before and after snapshot numbers. This paper will attempt to do the latter, however any failings in a sophisticated analysis can be attributed to lack of in-situ study and elementary familiarity with European regulatory practices.

Results

Portugal

Spain's neighbor on the Iberian peninsula, Portugal, has seen immense drug policy reform over the last two decades. In 2001, they were the first country in the world to decriminalize possession and consumption of illicit substances. This radical step — after 40 years of an iron dictatorship — triggered a culture shift in the traditionally conservative country.

However, this sea change did not happen overnight. It took years for widespread social acceptance to take hold. Institutions like medical centers, housing agencies, mental health organizations, and educational organizations aided in altering the conversation surrounding drug use. The connotation of drug-related words in Portuguese shifted from “delinquent” to a more sympathetic “people who have drug addiction disorders/use drugs.”¹³

The Portuguese case of decriminalization and cultural integration has been lauded by many drug reform advocates as a success story and the gold standard model. Assuming the “Domino Effect” is true in this case, Portugal was highly influential in the Spanish government's decision to decriminalize. While it is true that statistics show that the policy has been successful in decreasing drug related fatalities, imprisonment, and disease, the policy did not eradicate all drug-related problems. Portuguese activists are still fighting for additional reforms and without a zealous government, the movement has stalled.

Despite the Cato Institute's celebration of Portugal's drug reforms, the reforms were not a move toward liberty, but a shift from one arena of government involvement to another. Portugal's Decriminalization Act is not based on a principle of an individual's right to consume drugs free from state intrusion. The Act still prohibits drug use subject to citation, and cultivation for personal use remains criminally prohibited. Instead, Portugal's Decree Law 30/2000 explicitly seeks to extend the protective function of the state by replacing criminal sanctions with the invitation to seek treatment.¹⁴

With a population of a little more than ten million, and borders that encapsulate only 91,470 square kilometers, Portugal is one of the smaller countries in the European

¹³ From “Portugal's radical drugs policy is working. Why hasn't the rest of the world copied it?” by S. Ferreira, 2017, *The Guardian*.
www.theguardian.com/news/2017/dec/05/portugals-radical-drugs-policy-is-working-why-hasnt-the-world-copied-it

¹⁴ From “Uses and Abuses of Drug Decriminalization in Portugal,” by H. Lacquer, 2014, *Journal of the American Bar Association*.

Union.¹⁵ While they follow a parliamentary government system similar to other European countries, because of these demographic and other sociocultural differences, one cannot assume that copy and pasting the Portuguese model of drug decriminalization will result in the same radical results. However, policy experts can learn from the triumphs and hiccups of their implementation of these laws to improve upon them in other settings.

Germany

Germany is the most populous European country, with about 80 million citizens spread across a land area of 357,022 square kilometers.^{16,17} The legalization of marijuana strictly for medicinal use came about in March of 2017. To manage oversight, Germany then established its own domestic organization in charge of overseeing the licensing of new cannabis businesses and growers. The Cannabis Agency of BfArm recently approved growing licenses for three companies — Aphira, Aurora, and Demecan. These companies will complete their first harvest cycle this year and sell exclusively for German markets. This addition will decrease Germany's reliance on other countries for stock and allow the country to cater to the approximately 50 thousand patients seeking these medicines.

¹⁸

“The planned quantity in Germany will not be enough to avoid further supply bottlenecks. We expect three things: a fast start to cultivation, further licensing and, above all, falling prices for cannabis flowers in pharmacies.” said German Hemp Association CEO, Georg Wurth in an interview.¹⁹

Germany passes every country in the E.U. in being the largest and fastest-growing market for marijuana. In 2019, collective sales totaled to 170 million euros (\$185.4 million), accounting for nearly three quarters of retail cannabis sales in Europe.²⁰ One of

¹⁵ From “Portugal” by CIA World Factbook, 2020, *CIA World Factbook*.
<https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

¹⁶ From “Germany” by CIA World Factbook, 2020, *CIA World Factbook*.
<https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

¹⁷ From “Living in the EU,” *European Union*, 2020.
www.europa.eu/european-union/about-eu/figures/living_en

¹⁸ See 14.

¹⁹ From “German Cannabis Cultivation Licenses Awarded to Aphira, Aurora, and Demecan,” by Prohibition Partners, 2019,
www.prohibitionpartners.com/2019/04/05/germany-awards-domestic-cultivation-licences-to-aphria-aurora-and-demecan.

²⁰ From “Medical Cannabis in Europe: The Markets and Opportunities,” by A. Pascual, 2020, *Marijuana Business Daily International*, mjbizdaily.com/intl.

the biggest business victories happened recently in 2019, when one of the most powerful cannabis companies in the world, Canopy Growth, acquired Germany's preeminent pharmaceutical cannabinoid company, C3 for 226 million euros.²¹

All this rapid growth could come to a screeching halt. The future of cannabis's place in Germany is riding on the next federal election in 2021. Even before coronavirus spread across the world, the split parties of the German national government were in a state of upheaval.²² The progress of the last few years may meet an untimely fate if the next leader is unfavorable towards cannabis.

Netherlands

The Netherlands evokes images of a laid-back, happy-go-lucky populace, strolling on canal-lined streets, marijuana joints in-hand. While the stereotype is accurate — people smoking cannabis in public is highly common — there is more than meets the eye. The nation filigreed with canals is one of the wealthiest countries in the E.U., with one of the smallest land areas. It is home to 17 million people, who are known for their chill attitude towards social pastimes considered anathema in more conservative countries.

For the average consumer, buying marijuana in a coffeeshop is as easy as buying a muffin. However, behind the ruse of open display cases, there are tons of rules controlling that purchase. One cannot buy more than five grams per person, the store cannot have more than 500 grams worth of inventory, the coffeeshops cannot advertise their products, one must be more than 18 years of age to purchase, and no coffeeshops can be located within 250 meters of a school. That last regulation is responsible for the recent demise of many coffeeshops, as residents file more complaints with the government. In the last 30 years, the number of coffeeshops in the country has fallen from 1,200 to 500.²³

The few coffeeshops remaining have to keep up with high demand. For very popular establishments, 500 grams sells out quickly. So where does the stock come from? In many cases, black market wholesalers are the ones hustling more merchandise from nearby warehouses. Beyond the back door of the shop, the legality of the business becomes murky. Over time, businesses have become more furtive and tricky, and it is hard for the Office of Cannabis Management to enforce the law. This 'grey market' status quo is unsustainable.

²¹ See 14.

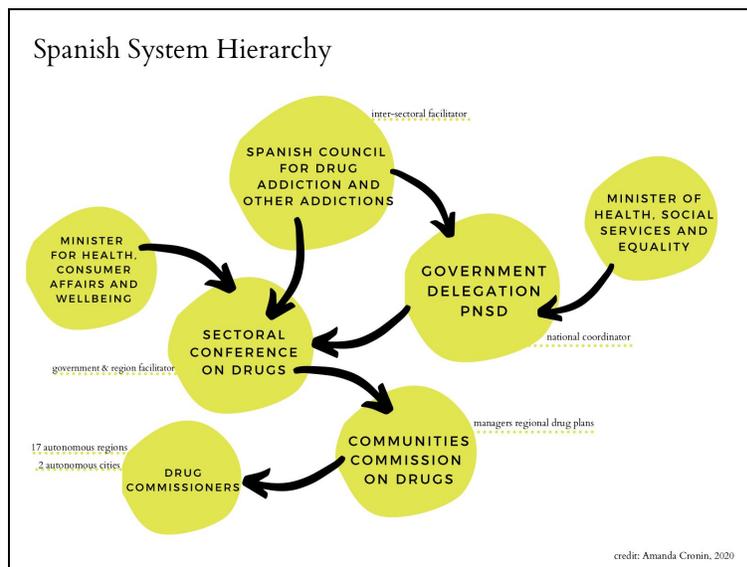
²² From "Why Angela Merkel's successor resigned," by J. Kirby, *Vox Media*, www.vox.com/2020/2/10/21131546/angela-merkel-successor-resigned-germany-chancellor.

²³ From "As Dutch Coffeeshops Decrease, Illicit Demands Persist in the Netherlands," by New Frontier Data, 2019, www.newfrontierdata.com/cannabis-insights/decline-in-dutch-cannabis-coffeeshops.

In the world of healthcare, about ten thousand patients are currently taking medical marijuana prescriptions in the Netherlands. The government legalized medical use in 2003, and has since seen the popularity of such drugs to treat a diversity of ailments skyrocket. The company Bedrocan has monopolized the growth of the plant for use in medicines for years. A new law will hopefully open more space in the market for smaller farms to take a meaningful slice of the pie.²⁴

Spain

The Spanish cannabis industry is still in its adolescence. Although progress in this industry has been slow, it does not mean it is not occurring. Recreational marijuana usage is most common among young people, with reports enumerating young men's usage at 25 percent and that of young women at 11.5 percent. More than fifty million people call themselves Spaniards.²⁵



The government hierarchy of drug management in Spain consists of the following. La delegación gubernamental por el Plan Nacional sobre Drogas (PNSD) is in charge of coordinating the national response to drug usage. This group renews their initiatives every few years based on changes in data over time. The delegation is supervised by the Minister of Health, Social Services and Equality. The Spanish Council for Drug Addiction and Other Addictions oversees the actions of the delegation and monitors the implementation of the policies. The Sectoral Conference on Drugs fosters cooperation

²⁴ See 14.

²⁵ From "Spain" by CIA World Factbook, 2020, *CIA World Factbook*.
<https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

between the central government and 17 autonomous communities and two autonomous cities. The drug commissioners in each autonomous determine the appropriate drug plan for their region. Each commissioner works with the Government Delegation through the sector conference. It is through this food chain that drug policy in Spain operates.²⁶

The consumption of drugs in public places and establishments is considered a grave offense, warranting a fine of up to 30,000 euros, according to the 2015 Law on the Protection of the Citizen's Security law.²⁷ Companies must be authorized by the Spanish Agency for Medicines and Medical Products (AEMPS). The agency has approved eight licenses. Five went to raising crops for research purposes, two went to cultivation for medicinal purposes (one for education and training, one for production and manufacture), and one went to a company cultivating hemp for CBD products. Social clubs are the main system of recreational marijuana sale in Spain. If the country were to legalize, it would mean the certain death of these social clubs.

There are not many instances of commentary on the drug situation in Spain from the royal family. One stands out: former King of Spain Juan Carlos I awarded the Order of Merit to the agencies handling drug control in 1996. The Gold Medal went to the head of the Ministry of Health, Consumption and Social Welfare, and Silver Medal and White Cross, to the head of the Government Delegation for the National Plan on Drugs. This type of public support is rare.²⁸

Ciudadanos has voiced support for continuing to fund research for cannabis-based medicines. One of their party members, Congressman Francisco Egea, brought the issue to the parliament and helped advocate for research into this area. He was one of the reasons why the Congressional Health and Social Services Commission finally created a subcommittee to explore the possibilities of regulating cannabis for therapeutic use in April of 2016. However, progress was slow to start, and frustrated many patients seeking immediate relief from these unconventional sources. Today, there are many clinical studies currently being conducted in Spain to determine the effect of marijuana-based

²⁶ From "Spain: Country Drug Report 2019," European Monitoring Center for Drugs and Drug Addiction, 2019,

www.emcdda.europa.eu/countries/drug-reports/2019/spain/national-drug-strategy-and-coordination_en

²⁷ Ley de protección de la seguridad ciudadana, Noticias Jurídicas § Section 2, Article 35. (2015).

www.noticias.juridicas.com/base_datos/Penal/549725-lo-4-2015-de-30-mar-proteccion-de-la-seguridad-ciudadana.html#c5s2

²⁸ Real Decreto, Disposiciones generales § Artículos 1 - 5. (1995).

medicines on a number of illnesses and disorders, such as cancer, multiple sclerosis, and arthritis.²⁹

Members of the progressive sects Podemos and PSOE (now working in coalition) are supporters of decriminalization. Party leader Pablo Iglesias has been an enthusiastic backer of legalization. It is stated as a policy promise on the Podemos website, “We will decriminalize the cultivation and possession of cannabis at a personal and collective level, we will regulate the activity of cannabis social clubs and we will establish the role of the State in guaranteeing the safety of consumers and in the control of production, distribution and consumption.”³⁰ The conservative party, Partido Popular, and the new ultra-right wing group Vox are both decidedly against legalization. In 2017, legalization was not a popular policy direction among Spaniards. Only 33.8 percent responded in a survey conducted by the P.N.S.D. that legalization would be an appropriate measure to solve the nation’s drug issues.³¹

Spain has the most land area of any European country, second only to France. Out of the 505,370 square kilometers of land, 54 percent is designated for agriculture; sown with seeds of strawberries, grain, olives, and grapes. Agriculture related jobs employ about 4.2 percent of the workforce. Southern Spain has been called the breadbasket of Europe. Currently, there are 2,000 square kilometers of land dedicated to growing cannabis.³²

Spain is still emerging from a long economic recession that lasted from 2008 to 2013. The GDP per capita is far from the highest in the European Union, and the country exports much of the goods and services produced domestically. Cannabis is a lucrative cash crop. The current industry in Spain largely gleans profits from exports of the plant to countries with more solidified systems like Germany and the Netherlands.³³ If Spain grew, processed, and sold all cannabis products domestically, the nation would retain the profits and grow their own economy instead of losing that money to countries like Germany and the Netherlands.

²⁹ From “El Congreso pone a la cola la regulación del uso terapéutico del cannabis,” by A. Torices, 2017, *La Verdad*. www.laverdad.es/salud/congreso-pone-cola-20171203224046-ntrc.html

³⁰ From “Garantias Democraticas y la Ciudadania,” by Podemos, 2020, *Podemos*. www.podemos.info/medida/despenalizar-el-cannabis-y-legalizar-su-uso-con-fines-medicinales/?lang=en

³¹ From “Plan Nacional Sobre Drogas,” by Ministerio de Sanidad, Consumo, y Bienestar Social, 2017.

³² From “España tiene hasta 20.000 hectáreas para el cultivo legal de marihuana,” by D. Sanchez Caballero, 2018, *El Diario*.

www.eldiario.es/sociedad/oscur-mundo-cannabis-legal-Espana_0_727927479.html

³³ From “Medical Cannabis in Europe: The Markets & Opportunities,” 2020, *Marijuana Business Daily Journal* mjbizdaily.com/intl.

The main reasons why the regions of Spain have not yet moved to implement a more progressive policy model is that there has been a severe lack of unified momentum in el Congreso de los Diputados. Reform is either preceded by the pressure of the people, or the pressure of the market. In Spain's case, it may be the market that finally persuades the parliament.

Conclusion

With its huge agricultural industry and need for economic stability, Spain has the potential to be a leader in Europe, if not the world, in cannabis cultivation. After comparing the current function of cannabis industries and their regulation in various European countries to reach a conclusion about the most successful policy and business model for cannabis in Spain. Based on the cases observed in Germany, Portugal, and The Netherlands, the best model for Spain to strive for appears to be a combination. Spain should learn from the domestic vertical integration of Germany, the cultural shift in Portugal, and the tolerance and market diversification of the Netherlands. Combining these ingredients, the nation known for its pork can become famous for its cannabis market.

The Domino Effect has proven to be true. For countries hesitant on some form of legalization now, it is inevitable that they will embrace at least partial legalization over the next few decades. Now, especially in the aftermath of a pandemic, legalization in Spain is on the horizon.³⁴ The policy decisions made today will determine the success of cannabis in Spain tomorrow.

What was once considered mere fodder for the fringe, counter-culture is now flooding the mainstream market. The novel nature of this industry means innovation is occurring at all stages: genetic breeding, cultivation, processing and extraction, marketing, education, pharmaceutical development, and more. What is exciting about this area is that there is still so much we don't know. Researchers and policy makers can trial and error every system, but we still cannot know for certain every consequence of an alteration in cannabis policy. Harnessing that uncertainty and turning it into a learning experience is the biggest tool in our tool box. *Gobernar es prever. Nunca es tarde para aprender.*

³⁴ From "La legalización de la marihuana pide paso en la nueva realidad," by R. Ordoñez, 2020, *El independiente*.

www.elindependiente.com/economia/2020/05/09/la-legalizacion-de-la-marihuana-pide-paso-en-la-nueva-realidad/

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