

# Uruguay's Drug Policy: Major Innovations, Major Challenges

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Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016

## EXECUTIVE SUMMARY

### *Key Findings*

- Uruguay, the first country to legalize and regulate every level of the market for cannabis, will be an important example globally for political leaders contemplating whether and how to liberalize drug policies.
- Even before its return to democracy in 1985, Uruguay had traditionally adopted relatively liberal drug policies.
- A combination of political leadership by President José “Pepe” Mujica and public unease over rising criminality led Uruguay to pursue drug reform.
- Compared to similar cannabis laws in Washington and Colorado, the Uruguayan measure is more state-centered, with less emphasis on commercialization and greater restrictions on use.
- Uruguayan public opinion has remained opposed to—or at least skeptical of—the law.
- Uruguay will have to contend with international criticism and domestic political forces as it moves to implement enabling legislation in 2015.

### *Policy Recommendations*

- We recommend that the government of Uruguay:
  - Maintain flexibility regarding the cannabis law’s key variables, such as market price and potency varieties available to consumers;
  - Adjust the law based on thorough monitoring and evaluation, taking into account academic and civil society analysts;
  - Articulate an enforcement and inspection strategy for the relevant officials;
  - Implement a drug use prevention strategy aimed at youth that does not dissuade users and home-growers from registering with the government; and
  - Better educate the public on the reasoning behind the law and what it aims to accomplish.

## Introduction

José “Pepe” Mujica, Uruguay’s president from 2010-2015, became an international phenomenon during his time in office. The sandal-wearing, Volkswagen-driving guerrilla turned president made headlines around the world not only for his modest, plain-spoken image, but also for his support for cannabis legalization. Under his administration and with the support of lawmakers from his Broad Front coalition, Uruguay has become the first country in the world to legalize and regulate every aspect of the cannabis market.

Compared to the popular ballot initiatives that legalized recreational cannabis in the U.S. states of Washington and Colorado, the decision to legalize the drug in Uruguay was unique given the lack of public support for the measure. Polls have consistently shown that around two-thirds (60-66 percent) of the country is opposed to cannabis regulation.<sup>1</sup>

At the same time, the law is not drastically out of step with Uruguay’s historical approach to drug policy. Even under the civic-military dictatorship that ruled the country from 1973 to 1985, Uruguay adhered to the U.S.-led “war on drugs” while simultaneously fostering a more classically liberal, hands-off approach than Washington. Drug possession for personal use, for example, has been decriminalized in Uruguay since 1974.

And while Mujica certainly deserves credit for taking a leading role on the issue, it is worth noting that the groundwork for legalization had already been laid by the time he took office. Debate around the issue had been percolating since the country’s return to democracy, and the president’s initiative capitalized on several existing currents, including a broadly-supported home cultivation legalization bill, rising concerns over insecurity, and public alarm over increasing use of a crack-like cocaine paste drug known as *pasta base*.

Its December 2013 passage was an important step for drug policy reform, but a difficult path lies ahead for Uruguay’s cannabis law. The measure has been greeted skeptically at home and faces criticism abroad, and the government will have to implement the law carefully to ensure it meets its goal of undercutting the black market for the drug.

## Background: The Seeds of Uruguay’s Cannabis Movement

With a population of just 3.4 million, the tiny South American country of Uruguay is frequently overshadowed by its two larger neighbors, Argentina and Brazil. But Uruguay has consistently proven to be at the vanguard of social reform in the hemisphere. In a local plebiscite in 1927, Uruguay became the first country in Latin America where women exercised the right to vote, a right that was later enshrined in the 1932 constitution. Since then, Uruguay has also become one of only two countries in the region to decriminalize abortion nationwide (the other being Cuba), and became the first country in South America to legalize same-sex civil unions.

On drug policy, Uruguay has been no less progressive throughout its history. In fact, it has been argued that the current cannabis law’s establishment of a state-facilitated monopoly on commercial cannabis has a twentieth century precedent. In 1931, the country established a state liquor-distilling monopoly that continued until 1996.<sup>2</sup>

And even though Uruguay followed most of Latin America in joining the U.S.-led “war on drugs,” it did so on its own terms, maintaining a relatively liberal attitude toward substance use. In 1974, the civic-military dictatorship passed Decree Law 14294, which became the foundation for drug policy in the country for the next 30 years. Though the measure kept strict sentences in place for those who produced or sold illicit substances (three to fifteen years), it broke

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<sup>1</sup> “Los Uruguayos y la Marihuana,” CIFRA Consultoría Privada, <http://www.cifra.com.uy/novedades.php?idNoticia=205>.

<sup>2</sup> Leonardo Haberkorn, “Regulate Pot? Uruguay’s Been There, With Whisky,” *Associated Press*, September 1, 2013, <http://bigstory.ap.org/article/regulate-pot-uruguay-been-there-whisky>.

with the hardline prohibition promoted in the United States. The law allowed individuals to avoid prison as long as they possessed less than “a minimum quantity [of illicit substances], intended solely for personal use.”<sup>3</sup> Threshold amounts were not specified for any substance, leaving those decisions up to individual judges.

Uruguayan drug law specialists have pointed to the case-by-case discrepancies in this regime—under which judges would use differing, often uninformed, criteria to determine whether an illegal substance was meant for personal use—as a major flaw of the country’s approach to decriminalization.<sup>4</sup> Despite the fact that drug possession for personal use was effectively permitted by law, the continued persecution of cannabis cultivation and sale led to the development of a committed pro-cannabis movement in the country. When Uruguay returned to democracy in 1985, it created space for legalization activists to openly air their grievances for the first time.

In 1987, the Special Commission on Drug Addiction was created in the Chamber of Representatives, the lower house in Congress. The representatives on the commission began a thorough review of drug policy, motivated primarily by a significant rise in cannabis use in the country. The Addiction Commission proposed several changes to the law throughout its history, but it was not until 1999 that Uruguay’s drug policy was amended in Congress. The mandatory minimum sentences for production and sale were then lowered to 20 months, and the new law provided alternatives to low-risk offenders, allowing them to serve their terms in rehabilitation centers. The law also changed the phrase “minimal quantity” to “reasonable quantity,” an explicit

recognition of the leeway given to judges to determine quantities of personal use on a case-by-case basis.<sup>5</sup>

During this period cannabis use became more common, and grassroots pressure for its legalization began to grow. In 1998, just 3 percent of Uruguayans reported having tried cannabis,<sup>6</sup> but by 2006 this figure had risen to 12.2 percent.<sup>7</sup> Younger Uruguayans became increasingly frustrated by the fact that while they were essentially free to consume small amounts of cannabis under the law, cannabis cultivation was still heavily penalized. Because of this contradiction, they were forced to purchase low-quality cannabis imported from Paraguay, largely from the same criminal actors who sold more dangerous drugs like cocaine paste, or pasta base.

The pasta base argument has resonated strongly with pro-legalization advocates in Uruguay, and even former President José Mujica used it to justify his cannabis regulation proposal.<sup>8</sup> The crack-like drug pasta base is relatively new to the country, and its use has spread rapidly in low-income urban neighborhoods, similar to the U.S. “crack epidemic” of the 1980s. Thus, limiting the spread of pasta base use by minimizing ways in which marijuana users come into contact with the drug had a great deal of policy attractiveness. This mimicked the arguments made for the legal sale of marijuana in the so-called coffee shops in the Netherlands.

In the early 2000s, heightened restrictions on precursor chemicals and an increased focus on seizures made it costlier and riskier for drug trafficking organizations in Colombia, Peru, and Bolivia to process cocaine hydrochloride and ship it to the United States and Europe. As a result, dumping unrefined pasta base on

<sup>3</sup> Decreto Ley N° 14.294, Pub. Registro Nacional de Leyes y Decretos, No. 19396 (1974) (Uruguay), [http://www.infodrogas.gub.uy/html/marco\\_legal/documentos/02-DecretoLey14294.pdf](http://www.infodrogas.gub.uy/html/marco_legal/documentos/02-DecretoLey14294.pdf)

<sup>4</sup> Martín Fernández (legal advisor to the Uruguayan Association of Cannabis Studies), interview by Geoff Ramsey, Montevideo, May 28, 2013; and Gianella Bardazano (legal specialist with the Institute for Legal and Social Studies), interview by Geoff Ramsey, Montevideo, August 28, 2013.

<sup>5</sup> Ley N° 17.016, Pub. Registro Nacional de Leyes y Decretos, No. 25142 (1998) (Uruguay), <http://www.parlamento.gub.uy/leyes/ AccesoTextoLey.asp?Ley=17016&Anchor>.

<sup>6</sup> Guillermo Garat, *Marihuana y otras yerbas: prohibición, regulación y uso de drogas en Uruguay* (Montevideo, Uruguay: Random House Mondadori, Editorial Sudamericana Uruguay, 2012), 175.

<sup>7</sup> Junta Nacional de Drogas, *Informe Anual: Situación y tendencias del consumo de drogas en Uruguay* (Montevideo, Uruguay: Dirección Nacional de Impresiones y Publicaciones Oficiales, 2007), [http://infodrogas.gub.uy/html/ informes-documentos/docs/anuario\\_final\\_2007.pdf](http://infodrogas.gub.uy/html/ informes-documentos/docs/anuario_final_2007.pdf).

<sup>8</sup> “Chala madre,” *Montevideo Portal*, July 19, 2012, <http://www.montevideo.com.uy/ auc.aspx?172766.1.1149>.

the South American market became a more lucrative option, and use of the drug began to rise throughout the Southern Cone.<sup>9</sup>

Despite the increased prevalence of crack cocaine, Uruguay saw no dramatic surge in violence. In fact the issue of insecurity is something of a political paradox in the country. Considering that it is one of the safest countries in the Americas, the perception of insecurity among Uruguayan citizens is surprisingly high. The 2012 AmericasBarometer survey found that Uruguay has one of the highest gaps in Latin America between the level of perceived insecurity and the actual victimization rate.<sup>10</sup> This may partially be explained by the fact that while its homicide rate of six per 100,000 is among the lowest in the region, 2012 saw a total of 265 homicides, a record number for the country. This number has remained stable since then (dropping to 258 in 2013), but both violent and non-violent robberies have increased in recent years.<sup>11</sup>

In addition to low levels of crime, Uruguay boasts a famously transparent government, especially in comparison with its neighbors. Since its return to democracy, Uruguay has re-earned its past reputation as “the Switzerland of Latin America,” with far lower levels of corruption and a higher degree of effective state presence than other nations in the region. Uruguay tied with Chile for twenty-first place in Transparency International’s 2014 Corruption Perceptions Index, receiving the best score in Latin America.<sup>12</sup>

In this light, the connection between the perceived increase in crime and the drug trade is unclear. Law

enforcement officials have expressed increasing concern in recent years about a supposed growth of organized crime groups,<sup>13</sup> but Uruguayan crime syndicates do not match those in neighboring countries in either size or influence. According to Douglas da Silva, an officer for the National Police’s Organized Crime unit, the biggest criminal structures operating in the country are foreigners, namely Colombian and Peruvian groups. Da Silva has also claimed that these organizations cannot be linked to insecurity in the country, as they keep a low profile and are mostly interested in using Uruguay as a transshipment point for European-bound cocaine.<sup>14</sup>

Also in the mid-2000s, the country began to embrace other harm reduction approaches to drug policy. In 2004, the government approved measures designed to provide injectable drug users with easier access to clean needles, and over the next decade made increasingly explicit references to harm reduction in national policy documents.<sup>15</sup>

These changing attitudes toward drug policy and insecurity, combined with the Broad Front’s success in obtaining a slim but controlling congressional majority in the 2009 elections, succeeded in placing cannabis legalization on the policy table. Suddenly, the Addictions Commission was filled with lawmakers who were all surprisingly open to ending marijuana prohibition. Congressmen Sebastian Sabini and Julio Bango of the Broad Front, Fernando Amado of the Colorado Party, and Daniel Radio of the Independent Party began to study the specifics of cannabis policy in Uruguay, with a view toward legalizing home cultivation for personal use.

<sup>9</sup> Fernando Olivera (coordinator of National Drug Council’s Drug Supply Program), interview by Geoff Ramsey, Montevideo, April 23, 2013.

<sup>10</sup> Rosario Queirolo, María Fernando Boidi, and Mitchell A. Seligson, *Cultura política de la democracia en Uruguay y en las Américas, 2012: Hacia la igualdad de oportunidades* (Nashville: Vanderbilt University, 2013), [http://www.vanderbilt.edu/lapop/uruguay/Uruguay\\_Country\\_Report\\_2012\\_W.pdf](http://www.vanderbilt.edu/lapop/uruguay/Uruguay_Country_Report_2012_W.pdf).

<sup>11</sup> “En 2013 las rapiñas aumentaron 8,3%,” *El País*, March 2, 2014, <http://www.elpais.com.uy/informacion/rapinas-aumentaron.html>.

<sup>12</sup> See “Corruption Perceptions Index 2014: Results,” Transparency International, <http://www.transparency.org/cpi2014/results>.

<sup>13</sup> Geoff Ramsey, “Uruguay’s Marijuana Bill and Organized Crime,” *InSight Crime*, July 23, 2013, <http://www.insightcrime.org/investigations/uruguay-s-marijuana-bill-and-organized-crime>.

<sup>14</sup> Douglas da Silva (Officer, National Police’s Organized Crime Unit), interview by Geoff Ramsey, Montevideo, April 29, 2013.

<sup>15</sup> Junta Nacional de Drogas, “Se pliegan así a campaña de lucha nacional,” news release, June 1, 2004, [http://www.infodrogas.gub.uy/html/prensa/noticias/20040601-prevencion\\_programa\\_farmacias-u-noticias.htm](http://www.infodrogas.gub.uy/html/prensa/noticias/20040601-prevencion_programa_farmacias-u-noticias.htm).

TABLE 1: PROPOSALS IN THE  
MUJICA ADMINISTRATION'S 2012  
"STRATEGY FOR LIFE AND COEXISTENCE"  
(Translated from the original Spanish)

- Providing reparations to victims of crime through a compensation fund.
- Raising penalties for police corruption and for trafficking pasta base.
- Making more punitive adjustments to the current legal code pertaining to juvenile offenders.
- Abandoning policies which criminalize behavior, seen as a "failure," and maintaining policies which impact insecurity.
- Providing attention to people affected by problematic drug use, particularly of pasta base and cocaine.
- Creating specialized judicial mechanisms to target the small-scale illicit drug trade.
- Legalizing and controlling marijuana sales, as well as state production of the drug.
- Extending restrictions on exposing children to violence in news media programs.
- Promoting dialogue with the media to self-monitor information on violence and safety.
- Creating a specialized laboratory for drug testing and improving police efficiency.
- Strengthening a conflict mediation system in certain areas and schools in parts of Montevideo.
- Training youth mediators to effectively deal with internal problems in schools.
- Designating new public areas aimed at fostering coexistence through sporting, cultural and recreational activities.
- Creating a database of domestic violence incidents.
- Improving education and enforcement of safe driving in all major cities.

Their proposal eventually garnered considerable support among lawmakers in the Broad Front, as well as among several opposition legislators in the Colorado and National parties. By early 2012, Uruguay looked set to pass a bill that would legalize the domestic cultivation of up to eight plants and the possession of up to 25 grams of cannabis.

### Beyond Legalization to "Regulation": How and Why Did Uruguay Legalize Cannabis?

In 2012, momentum was building in Uruguay around the legalization of home-growing cannabis. Abroad, the winds of change were blowing as well. In the previous year the Global Commission on Drug Policy had published a landmark report condemning the drug war as a failure and calling for an end to the criminalization of non-violent drug users.<sup>16</sup> In the states of Colorado and Washington, campaigns were being launched to build support for ballot initiatives that would eventually pass in November. And at the April 2012 Summit of the Americas in Colombia, several heads of state—most notably Colombian President Juan Manuel Santos—called for a region-wide debate on alternatives to the decades-old drug war.

It was in this context—as well as with a desire to capitalize on his party's congressional majority—that President Mujica's administration surprised the world by announcing it would seek to make Uruguay the first country to legalize the cultivation, distribution, and consumption of cannabis. The measure was formally proposed as part of a 15-point plan to address insecurity in the country, known as the "Strategy for Life and Coexistence," which included other proposals like raising mandatory sentences for corruption and narcotics trafficking, and expanding treatment for people whose drug use has become problematic.<sup>17</sup> Aside from the language on marijuana legalization, the plan (see Table 1) was relatively vague, with some elements (like

<sup>16</sup> Global Commission on Drug Policy, *Report of the Global Commission on Drug Policy* (2011), <http://www.opensocietyfoundations.org/sites/default/files/global-commission-report-english-20110624.pdf>.

<sup>17</sup> "Vea el documento completo: 'Estrategia por la vida y la convivencia,'" *El País*, June 21, 2012, <http://www3.elpais.com.uy/120620/ultimo-647381/ultimomomento/Vea-el-documento-completo-Estrategia-por-la-vida-y-la-convivencia-/>.

“creating specialized judicial mechanisms to target the small-scale illicit drug trade”) appearing unfocused.

The plan was presented in a joint press conference held by Interior Minister Eduardo Bonomi, Social Development Minister Daniel Olesker, Defense Minister Eleuterio Fernández Huidobro, and Secretary of the President Alberto Breccia. Fernández, who presented the provisions on cannabis to the press, explained that while Mujica was inclined to support the home-growing initiative already in the works, more strict control of the substance was needed.

“We agree with the idea of the [cannabis] bills,” Fernández said. “But we disagree with the issue of home cultivation so long as it remains illegal internationally. We lean more toward strict state control of production and distribution.”<sup>18</sup>

Regardless of the Mujica administration's policy aims, it did not help the president's cause that a bill he sent to lawmakers included only one article outlining the implementation of the proposal.<sup>19</sup> It simply called for the state to directly assume the production and commercialization of the drug, which generated a flurry of media attention worldwide. The lack of specifics in the bill fueled criticism from the opposition, and opposition legislators accused the ruling coalition of using its majority in Congress to steamroll controversial legislation without consulting them.

The Broad Front coalition felt vulnerable, and a poll by leading pollster CIFRA showed 66 percent of the public was opposed to Mujica's initiative.<sup>20</sup> As a result, the president put the measure on hold, calling for a sustained period of debate in the country.

In the meantime, lawmakers Sabini and Bango revised their bill to fit the president's general vision. In

contrast to Mujica's initial proposal, their version incorporated home cultivation of up to six plants per household, as well as collective cultivation by cannabis clubs and state-licensed cultivation. Cannabis cultivation would be authorized and monitored by a federal regulatory organization—this would become the Institute for Regulation and Control of Cannabis (IRCCA)—and individuals' retail purchases of the drug would be capped at 40 grams per month.

The specifics of the law would vary over the next several months, as it was amended and re-amended while the Broad Front leadership marshaled the necessary votes. During this time a pro-regulation civil society campaign emerged, coordinated by domestic human rights and drug policy non-governmental organizations with the help of international allies. The “Responsible Regulation” coalition, as it came to be known, sought to flesh out the Mujica administration's security-heavy arguments by promoting more developed, well-tested reasons for cannabis legalization via advertisements and public forums.

The three main arguments used by the campaign were that the law would: (1) address insecurity and reduce users' exposure to more harmful drugs; (2) fix hypocrisy in the existing legal framework to enable users to grow the drug; and (3) improve public health by increasing access to medicinal cannabis.

The efforts by the government and civil society to increase support for the law had a limited impact, according to surveys of public opinion. Seven consecutive CIFRA polls conducted from late 2012 to mid-2014 repeatedly found that between 61 and 66 percent of the country opposed the law, and other pollsters found similar results.<sup>21</sup>

<sup>18</sup> Mauricio Erramuspe, “Un paquete ‘por la vida y la convivencia,’” *Portal 180*, June 21, 2012 [http://www.180.com.uy/articulo/26964\\_Un-paquete-por-la-vida-y-la-convivencia](http://www.180.com.uy/articulo/26964_Un-paquete-por-la-vida-y-la-convivencia).

<sup>19</sup> Presidencia de la República Oriental del Uruguay, “Proyecto de Ley,” CM/534, August 8, 2012. [http://archivo.presidencia.gub.uy/sci/proyectos/2012/08/cons\\_min\\_534.pdf](http://archivo.presidencia.gub.uy/sci/proyectos/2012/08/cons_min_534.pdf).

<sup>20</sup> “Los Uruguayos y la Marihuana,” CIFRA Consultoría Privada.

<sup>21</sup> “Los Uruguayos y la Regulacion de la Produccion, la Venta y el Consumo de Marihuana,” CIFRA Consultoría Privada, <http://www.cifra.com.uy/novedades.php?idNoticia=233>; and “Dos de cada tres uruguayos en contra de la regulación de la marihuana,” Equipos MORI, November 23, 2013, [http://www.equipos.com.uy/noticias\\_despliegue.php?i=135](http://www.equipos.com.uy/noticias_despliegue.php?i=135).

But widespread public opposition to cannabis regulation did not prevent the Broad Front majority in the Chamber of Representatives and Senate from voting for the measure. It took some arm-twisting by party leadership, but the bill finally passed the lower house in July 2013, and in December the Senate sent it to President Mujica to be ratified.

### Uruguay's Cannabis Law: The Fine Print

The cannabis regulation bill was signed into law on December 24, 2013, but it was not until May 2, 2014 that the executive branch released the regulations accompanying the law. The cannabis regulation initiative lays out three legal methods of accessing the drug, open to all Uruguayan citizens and permanent residents over the age of 18. These are:

1. **Individuals can purchase up to 40 grams of the drug** (10 grams per week, according to the regulations) in licensed pharmacies with or without a prescription, which is to be produced by a handful of commercial growers who are specifically approved by the state to do so. To access the drug, users must first register with the IRCCA.
2. **Users can grow up to six female flowering cannabis plants** per household for their own consumption, so long as they have first registered their plants with the IRCCA. The total annual production of the drug must not exceed 480 grams.
3. **Cannabis enthusiasts can join cooperatives to collectively grow cannabis** with others. These "cannabis clubs" must first be registered with the IRCCA and other authorities, and must have between 15 and 45 members. The clubs may plant up to 99 plants in the same space, but cannot dispense more than 480 grams of the drug to each of their members per year. Any surplus yield must be turned over to the IRCCA.

Perhaps the most important change between the text of the law as it was passed in December 2013 and the executive branch's regulations has to do with the mutual exclusivity of each of the three options above. After the law was passed, the administration concluded that it would be unfeasible to allow drug users to access cannabis from more than one option, at least at first. As such, the regulations specifically state that "acquiring psychoactive cannabis from more than one of the above sources is prohibited."<sup>22</sup> They also require the IRCCA to destroy excess yield of the drug received by clubs and home-growers alike. However, these regulations do not provide a clear mechanism of enforcement. In theory, the IRCCA is given authority to monitor compliance, but it has not announced a clear plan to do so, nor has the Interior Ministry developed any kind of inspection unit for this purpose.

While the regulations were released in May 2014, the IRCCA did not launch its registry of individual home-growers until August 27, 2014. Under the terms of the regulations, Uruguayans can register up to six domestic plants for up to six months (180 days) after the registry's launch. This means that as of February 23, 2015, the IRCCA will only take applications seeking prior permission to grow psychoactive cannabis.

On October 30, 2014, the IRCCA announced that it would begin registering cannabis clubs, the second separate method of accessing the drug under the law. In order to register, prospective club organizers are required to first register as civil associations with the Ministry of Education and Culture. Then they need to obtain the space which will be used to grow plants, taking into account IRCCA guidelines on infrastructure, security and club operations. Among other things, these rules state that all activities must be contained on club property, and that clubs cannot be opened within 150 meters of schools or drug rehabilitation centers.<sup>23</sup>

<sup>22</sup> Decreto del 6 de mayo de 2014: Reglamentación de la Ley 19.172 sobre marihuana y sus derivados, CM/847 (2014) (Uruguay), [http://www.ircca.gub.uy/wp-content/uploads/2014/06/Decreto\\_reglamentacion\\_ley\\_19.172.pdf](http://www.ircca.gub.uy/wp-content/uploads/2014/06/Decreto_reglamentacion_ley_19.172.pdf).

<sup>23</sup> Instituto de Regulación y Control del Cannabis (IRCCA), "Guía de condiciones mínimas para la habilitación de Clubes de Membresía," R.29/2014, October 13, 2014, <http://www.ircca.gub.uy/wp-content/uploads/2014/10/Gu%C3%ADa-de-condiciones-m%C3%ADnimas-para-la-habilitaci%C3%B3n-de-Clubes-de-Membres%C3%ADa.pdf>.

Uruguay's law gives a significant role to the state on matters of drug regulation and commercialization. Authorities in the country have vowed to make cannabis available in pharmacies at a price equal to the black market rate, which is around 25 Uruguayan pesos (one U.S. dollar) per gram. In August 2014, 22 companies responded to a call for proposals to grow the drug commercially. Of these, a maximum of five companies will obtain licenses, and will at first be tasked with producing 5 to 10 tons of cannabis annually. Eventually, commercial production will rise, as officials have placed the annual demand for the drug at around 18 to 22 tons per year.

While medical cannabis is also specifically authorized in the law, it has not received as much public attention as the provisions relating to the recreational cannabis market. The guidelines for medical cannabis were released on February 5, 2015, and authorize physicians to prescribe the drug in monthly doses.<sup>24</sup>

### The Uruguayan Model: A Comparative Analysis

Uruguay's cannabis law was approved following the passage of legalization initiatives in Colorado and Washington, and many analysts have drawn comparisons between the three. Compared to the two state measures, Uruguay's initiative stands out for many reasons, both in terms of how it became law and its contents. What follows is a rough comparison of the defining traits of Uruguay's law compared to the U.S. states' measures. For a more thorough side-by-side comparison, please refer to "Comparison of Marijuana Laws/Regulations: Colorado,

Washington, Uruguay, Oregon, Alaska and District of Columbia," compiled by the Inter-American Drug Abuse Control Commission of the Organization of American States (OAS).<sup>25</sup>

There are essentially two main procedural differences between the Uruguay, Colorado, and Washington laws:

- **A national law:** The most obvious defining feature of Uruguay's law is the fact that it is a piece of national legislation. The government of Uruguay has legalized the cultivation, distribution, and use of cannabis across the country. This has added a political dynamic that the state authorities of Colorado and Washington have not had to face. Not only have bordering Argentina and Brazil expressed concern about the potential for cross-border spillover (like neighboring states have in the U.S.),<sup>26</sup> but Uruguayan authorities have run afoul of international narcotics treaty monitoring agencies as well.<sup>27</sup>
- **Popularity:** Despite the committed activism of civil society groups, Uruguayan public opinion has remained opposed to the law, or at least skeptical. This stands in stark contrast to the Colorado and Washington laws, which were both passed by popular vote. But while roughly two-thirds of Uruguayans say they oppose the measure, there is evidence that public attitudes toward the law are somewhat flexible. An October 2013 survey conducted by Factum found that the vast majority (78 percent) of those surveyed say that, if given the choice, they would

<sup>24</sup> Decreto del 4 de febrero de 2015 de reglamentación del cannabis para uso medicinal y terapéutico, CM/959 (2015) (Uruguay), [http://www.infodrogas.gub.uy/images/stories/pdf/000\\_Decreto\\_Reg\\_Marihuana\\_medicinal.pdf](http://www.infodrogas.gub.uy/images/stories/pdf/000_Decreto_Reg_Marihuana_medicinal.pdf).

<sup>25</sup> "Comparison of Marijuana Laws/Regulations: Colorado, Washington, Uruguay, Oregon, Alaska and District of Columbia," Inter-American Drug Abuse Control Commission, Organization of American States, [http://www.cicad.oas.org/Main/Template.asp?File=/drogas/cannabis/comparativeLegalAnalysis\\_ENG.asp](http://www.cicad.oas.org/Main/Template.asp?File=/drogas/cannabis/comparativeLegalAnalysis_ENG.asp).

<sup>26</sup> "Preocupa a la región el proyecto de legalización de la marihuana," *El País*, December 9, 2013, <http://www.elpais.com.uy/informacion/preocupa-region-proyecto-legalizacion-marihuana.html>.

<sup>27</sup> Raymond Yans (president of the International Narcotics Control Board) accused Uruguay of having a "pirate attitude." Mujica responded, "Tell that guy to stop lying. Anyone can meet me in the street. He should come to Uruguay and come meet me anytime." See "La legalización de la marihuana en Uruguay es una actitud de 'piratas,'" *El País*, December 12, 2013, <http://www.elpais.com.uy/informacion/onu-califica-actitud-uruguay-pirata.html>; and "Mujica pide 'que no mienta' a jefe antinarcóticos de la ONU," *BBC Mundo*, December 13, 2013, [http://www.bbc.co.uk/mundo/ultimas-noticias/2013/12/131213\\_ultnot\\_uruguay\\_marihuana\\_mujica\\_responde\\_vp](http://www.bbc.co.uk/mundo/ultimas-noticias/2013/12/131213_ultnot_uruguay_marihuana_mujica_responde_vp).



prefer users of cannabis to have access to the drug through the state, compared to just 5 percent who said they would prefer that the drug continue to be sold on the illegal market.<sup>28</sup>

On substance, Uruguay's law is similar to the Colorado and Washington initiatives in some regards, while unique in others. This is in line with Mujica's own vision, which he has demonstrated in remarks to the press. In a widely-circulated *Associated Press* interview in May 2014, Mujica described Colorado's law as a regulatory "fiction" for allowing Coloradans to repeatedly purchase up to 28 grams (one ounce) at a time, and was very critical of medicinal marijuana initiatives which he sees as creating the potential for "brutal hypocrisy."<sup>29</sup>

- **State-heavy:** Uruguay's law gives an expansive regulatory role to the state. The government, via the IRCCA, will be responsible for overseeing every step of the cannabis production chain, from seed to sale. Commercial cultivators will be contracted directly by the state to produce the drug, which can only be sold in licensed pharmacies.
- **Exclusive methods of access:** To regulate the three methods of access (home growing, clubs, and commercial purchases) the IRCCA will establish separate registries of prospective users. As mentioned, combining these methods of access will be prohibited, according to the regulations released in May 2014. In effect, this means that cannabis users will be forced to choose a single form of obtaining the drug and stick with it.
- **Home-growing:** Uruguay's law allows registered individuals to cultivate plants in their own homes. Uruguayans can grow up to six flowering female plants per household, as long as they have first obtained permission of the IRC-

CA. Colorado's law also allows home-growing up to six plants (only three in flower at any given time), but Colorado's home-growers are not required to register with the state.

- **Commercially restrained:** Unlike with the U.S. state laws, there is little interest in spurring a commercially-driven cannabis-based economic boom in Uruguay. The law expressly forbids advertising the drug, and the regulations prohibit "contests, tournaments or public events that promote the consumption of psychoactive cannabis." To prevent cannabis tourism, only Uruguayan citizens and permanent residents can lawfully purchase the drug.
- **Minimal taxes:** One of the most salient arguments for cannabis legalization in Washington and Colorado was that the associated taxes would provide much-needed revenues to state budgets. Both states levy between 10 and 25 percent excise taxes at various stages of cultivation and sale. Uruguay's law was not passed with this end in mind, however. Cannabis will be exempt from taxes otherwise laid on agricultural goods, though its sale can be subject to value-added taxes. And while the IRCCA has also been tasked with charging potential commercial cultivators a "variable fee," this will be used to keep the price competitive with the black market, not to maximize state income.
- **Health-focused:** Uruguay's law is explicitly aimed at improving public health. In its preamble it contains a provision explaining that the guiding principle of the law is to "promote and improve the health of the general population" through reducing the harms associated with cannabis use. The law also orders the public health system to prevent and treat problematic cannabis use, and commits the national education system to developing a new strategy to

<sup>28</sup> "Marihuana: 78% prefiere que se obtenga en comercio legal," *El Espectador*, October 1, 2013, <http://www.espectador.com/sociedad/275059/marihuana-78-prefiere-que-se-obtenga-en-comercio-legal>.

<sup>29</sup> Leonardo Haberkorn, "Uruguay Leader Calls Colorado Pot Law 'a Fiction,'" *Denver Post*, May 2, 2014, [http://www.denverpost.com/marijuana/ci\\_25684993/uruguays-president-calls-colorado-pot-law-fiction](http://www.denverpost.com/marijuana/ci_25684993/uruguays-president-calls-colorado-pot-law-fiction).

inform schoolchildren of the harms of using the drug.

- **Public use and transit:** Smoking cannabis in enclosed public areas like restaurants and bars—all the same places where it is illegal to smoke cigarettes—is forbidden. On driving under the influence, Uruguay's law adopts a “zero tolerance” policy. The U.S. state laws each set a limit of less than five nanograms of tetrahydrocannabinol (THC) per milliliter of blood to drive, but in the South American country any level of detectable THC in the body is enough to deem a motorist impaired.

## Uruguay's Uncharted Future: Key Challenges to Cannabis Regulation

Getting Uruguay's law through Congress in spite of public opposition proved to be only the first step in a long, difficult process. The hard part—implementing the law—is just now beginning, and the law is already facing obstacles. On top of the unfavorable public opinion climate, Uruguay must respond to international critics and ensure that the law meets its goal of undercutting the black market.

### Variable 1: Domestic Politics

In the general elections on October 26, 2014, Uruguay's ruling Broad Front coalition managed to keep its slim majority in both houses of Congress for the 2015-2020 term, becoming the country's first party to hold onto a legislative majority for three consecutive terms since the 1940s. In a November 30 runoff, Broad Front candidate and former President Tabaré Vázquez beat his National Party challenger Luis Alberto Lacalle Pou by 53.6 to 41.1 percent. While the election results ensure the law's safety in the short term, on the campaign trail Vázquez made it clear that he has some reservations about it.

It is notable that despite the unpopularity of the cannabis law, it did not become a primary campaign issue. This was likely because of the unique drug policy position of Lacalle Pou, who in November 2010 presented the first bill in Uruguayan history that would have legalized home-growing cannabis for personal use. His bill was surprisingly lenient considering it had come from one of the country's leading conservatives; it did not specify a limit on the number of cannabis plants one could have in the home, nor did it place any limit on how much cannabis could be considered intended for “personal use.” Yet while Lacalle Pou supported home-growing, he swore to work to repeal Uruguay's cannabis law if victorious, and said the commercial sales and cannabis clubs would not move forward under his administration.<sup>30</sup>

The incoming president's concerns, by contrast, appear to stem from his medical background. Vázquez, a trained oncologist, has expressed doubts about spurring problematic use of the drug as well as the plans to sell it in pharmacies. In a September 2014 interview, he proposed using the registry of buyers and home-growers as a way to expose them to drug treatment. His remarks were widely circulated in local press, and many local drug policy reformers saw them as a sign Vázquez would implement a heavy-handed approach to the law if elected, which could in turn discourage users from joining the registry.<sup>31</sup>

Weeks later, he questioned the law's reliance on pharmacies to sell the drug. In a series of statements to the press in October 2014, Vázquez described its provisions regarding pharmacy sales as “unusual” and “incredible,” and said he would be “strictly and closely evaluating” the law if elected.<sup>32</sup> When pressed, the then presidential candidate said he was concerned that pharmacists could fall victim to the “relentless” violence of drug traffickers as a result of economic

<sup>30</sup> “Lacalle Pou fustigó al gobierno por norma que reguló la marihuana,” *El País*, August 21, 2014, <http://www.elpais.com.uy/informacion/lacalle-pou-fustigo-ley-marihuana.html>.

<sup>31</sup> Geoff Ramsey, “Uruguay Presidential Candidate Proposes Rehab for Marijuana Users,” *InSight Crime*, September 26, 2014, <http://www.insightcrime.org/news-analysis/Vazquez-floats-using-marijuana-registry-for-drug-treatment>.

<sup>32</sup> “Vázquez considera ‘insólito’ que farmacias deban vender marihuana,” *El País*, October 16, 2014, <http://www.elpais.com.uy/informacion/Vazquez-considera-insolito-que-farmacias.html>.

competition. “Surely they will come and tell [pharmacy owners], ‘we will set fire to your pharmacy or you will have some kind of accident,’” Vázquez told an interviewer on the public television channel Televisión Nacional de Uruguay.<sup>33</sup>

Fortunately for supporters of Uruguay’s drug policy innovation, Vázquez has consistently maintained that he will implement the law to the letter in spite of his doubts. And in the weeks following his electoral victory, Vázquez adopted a subtle but important shift in his public position on the issue. In a December 4, 2014, interview on VTV talk show *En la Mira*, Vázquez said he did in fact support selling the drug in pharmacies, at least “in principle,” and promised to roll out the law as planned, albeit under a “strict monitoring process.”<sup>34</sup>

Another boost for the continuity of the cannabis law was that in the October 2014 balloting, Mujica, the out-going president, was elected to serve as a senator. Having stepped down from the presidency on March 1, Mujica can be expected to use his elder statesman status to continue speaking up for the law. In fact, he has already shown a willingness to challenge his successor on the issue. When asked about Vázquez’s concerns regarding cannabis legalization, Mujica reminded reporters that the law had passed Congress by a majority vote, and pointedly said that Vázquez should “take it up with them.”<sup>35</sup>

On balance, Uruguay’s domestic political landscape appears to be less of a threat to the future of cannabis regulation than it had seemed before the election. Still, Vázquez has made his message clear: he will only support the law as long as it works, and will not hesitate

to propose changes if necessary. This exponentially increases the amount of pressure on policymakers to ensure that the law is carefully implemented.

## Variable 2: International Pressure

While the law’s short term future is secure at home, the government of Uruguay will face skepticism and criticism from some quarters of the international community. The measure has already come under fire from officials in neighboring Brazil and Argentina, who have both publicly and privately expressed alarm about the potential of cross-border spillover of the drug.<sup>36</sup>

Moreover, the International Narcotics Control Board (INCB, the United Nations’ drug treaties compliance monitoring body) has condemned the law as a breach of Uruguay’s international treaty obligations.<sup>37</sup> Officials in Uruguay have responded by insisting that the law is in line with the country’s fundamental international human rights treaty obligations, which take precedence over drug control, and that the contradictions between the two are a matter for the international community to resolve.<sup>38</sup> With the transition in government, it remains to be seen whether Uruguay will hold to its current position.

At the same time, however, Uruguay has enacted its cannabis law at a time of growing political space for drug policy innovations. The OAS drug policy report that was mandated at the April 2012 Cartagena summit was issued in May 2013, as Uruguay was debating the proposed law. The OAS called for flexibility for states to experiment with new approaches, and was perceived in Uruguay as a boost for the bill.

<sup>33</sup> Tabaré Vázquez, interview by Ana Maria Mizrahi, *MásInfo*, Televisión Nacional de Uruguay, October 23, 2014, <https://www.youtube.com/watch?v=PLQuaTrAZ3k&t=8m22s>.

<sup>34</sup> Tabaré Vázquez, interview by Gabriel Pereyra, *En la Mira*, VTV Uruguay, December 4, 2014, <https://www.youtube.com/watch?v=Y3oJfQWoJaU&t=52m50s>.

<sup>35</sup> “Mujica le sale al cruce a Tabaré Vázquez,” *El País*, October 22, 2014, <http://www.elpais.com.uy/informacion/mujica-le-sale-cruce-Tabaré.html>.

<sup>36</sup> “Preocupa a la região el proyecto de legalización de la marihuana,” *El País*; and “‘Uruguai Não Terá Fumo Livre,’ diz Mujica,” *Folha de S. Paulo*, December 1, 2013, <http://www1.folha.uol.com.br/mundo/2013/12/1379208-uruguai-nao-tera-fumo-livre-diz-mujica.shtml>.

<sup>37</sup> International Narcotics Control Board (INCB), “INCB is Concerned About Draft Cannabis Legislation in Uruguay,” press release, November 19, 2013, [http://www.incb.org/documents/Publications/PressRelease/PR2013/press\\_release\\_191113e.pdf](http://www.incb.org/documents/Publications/PressRelease/PR2013/press_release_191113e.pdf).

<sup>38</sup> “Bien Plantado,” *Montevideo Portal*, March 13, 2014, <http://www.montevideo.com.uy/auc.aspx?228901.1.1149>.

Perhaps most importantly, because of the Colorado and Washington initiatives, the United States is no longer in a position to oppose cannabis legalization internationally without opening itself to charges of hypocrisy. Indeed, the INCB has also criticized the United States as “not in conformity” with the drug treaties.<sup>39</sup>

### Variable 3: Implementation and Evaluation

Beyond the political considerations around Uruguay's cannabis law, the biggest threat to the future of the law stems from its own implementation. However skeptical about the law Uruguayans may be, the government has at least succeeded in suspending a more concerted push-back as the public awaits the full impact of cannabis regulation.

Finding itself in uncharted territory, the government has moved cautiously, implementing the law in stages. The first provision to take effect—the home-growers registry—was also among the least controversial. The official guidelines regarding medicinal cannabis were released in February 2015, but the commercial cannabis market was not set up before the March 2015 transition.

Allowing time for cultivation, harvest and processing, and then for packaging and shipping the product to sales points, it is safe to assume cannabis will not be commercially available through participating pharmacies until mid-2015 at the earliest.

As the government makes deliberate progress on this timeline, a number of questions have emerged. Most of these have to do with the primary goal of the law: undercutting the country's estimated \$20-\$40 million per year black market for cannabis. Among them:

- **Will the existence of the user registry dissuade consumers from going legal?** The debate over the law in 2013 was marked by persistent complaints from cannabis users and privacy advocates questioning the existence of a registry of individuals who hope to access the drug legally. In response to their criticism, the bill was amended to state that the registries of potential buyers, home-growers and cannabis club members will be “sensitive data,” which in Uruguay means that they cannot be revealed to employers or anyone else “without the individual's express written consent.” Even so, skepticism toward the registry persists, and has been fueled by Vázquez's campaign trail comments on using it for “rehabilitation.”<sup>40</sup>
- **Will the restriction to one source of cannabis and/or lax enforcement discourage users from going legal?** As noted above, the regulations released in May 2014 specify that acquiring cannabis from more than one of permitted sources is prohibited. While this makes sense from the perspective of wanting to keep individual consumption below the 480 gram annual limit, it raises questions of feasibility. While many users do in fact grow their own supply, it is odd to assume they would not want to at least sample the available product in pharmacies. Ultimately, this could pose a significant obstacle to the goal of encouraging registration of home cultivation with the IRCCA. The requirement that they select and “stick to” a single method of access could dissuade many from registering their plants. Another variable that could impact registration is how strictly the IRCCA and police officials enforce the law and punish violators in the initial stages of the law, which could also dissuade registration.

<sup>39</sup> INCB, *Report of the International Narcotics Control Board for 2013* (Vienna: United Nations, 2014), 96, [https://www.incb.org/documents/Publications/AnnualReports/AR2013/English/AR\\_2013\\_E.pdf](https://www.incb.org/documents/Publications/AnnualReports/AR2013/English/AR_2013_E.pdf).

<sup>40</sup> In a September 18, 2014, interview with local press, Vázquez proposed to use the registry of marijuana buyers and cultivators created by the law as a way to expose them to drug treatment, to “rehabilitate them at an earlier stage.” The remark was disparaged by marijuana activists, who pointed out that the law itself caps consumption at 40 grams per month. See Ramsey, “Uruguay Presidential Candidate Proposes Rehab for Marijuana Users.”

- **How will the potency of commercial cannabis compare with the black market drug?** Uruguayan authorities are not entirely sure about the THC content of the mostly Paraguayan product that is sold on Uruguay's black market. According to IRCCA officials, the first academically rigorous studies of seized cannabis samples are only now being carried out.<sup>41</sup> For now, the only data authorities have comes from a questionable study by the Interior Ministry, which found that the Paraguayan THC content was less than 1 percent THC. This is implausibly low—indeed, lower than what the law's regulations consider as psychoactive cannabis—and without any other reference it is difficult for officials to know precisely what kind of properties they must compete with in offering regulated cannabis.
- **What will the price of the drug be, and how will it be competitive?** Ever since Uruguayan officials first floated one U.S. dollar per gram as the intended price of the drug in pharmacies, this number has been criticized in Uruguay and abroad as being impossibly low. While it would certainly compete with the lesser-quality Paraguayan cannabis, many believe it would simply be unfeasible for commercial growers to sell it at this price.<sup>42</sup> National Drug Secretary Julio Calzada, however, says that his office has conducted a market study outlining the investments and overhead needed to profit from this price, and that every prospective commercial grower has submitted a plan to make it viable. According to Calzada: "The cannabis sold in pharmacies will definitely be competitive with the black market. That much is certain."<sup>43</sup>
- **If the price is competitive, what impact will it have on use trends?** The potency of the cannabis to be sold in pharmacies has not yet been formally announced. Nevertheless, Uruguayan authorities are outlining a plan for commercial growers to provide between three and five different strains, with THC contents ranging from 5 to 15 percent. This is beneficial in offering a variety of options for users, but it is not yet clear whether all of these strains—regardless of THC levels—will be sold at the planned price of one dollar per gram. Some have warned that doing so would effectively steer users to higher-potency products. However, IRCCA authorities have indicated that there is some flexibility on this issue, and that the government is open to considering offering a range of prices based on potency.
- **Price aside, will the new legal status of cannabis increase problematic use, or use among youth?** This is an important question, and the answer is difficult to predict. Official survey data suggest that the percentage of those who have ever tried cannabis is around 30-35 percent for those Uruguayans between the ages of 18 and 35, while for those over 35 the figure is half that, at 15 percent.<sup>44</sup> New survey data will need to be collected and examined with great care; for example, if the new law reduces the stigma associated with cannabis use, more people may become willing to report using cannabis, thereby artificially inflating survey estimates of the prevalence of use. Since 1994, the National Drug Council (JND) has been carrying out regular studies of drug use, with the two most recent studies published in 2006 and 2011. Another national survey is currently being organized, but repeated time-series data collection will be crucial before for any meaningful conclusions can be drawn.

<sup>41</sup> Augusto Vitale (president of the Institute for Regulation and Control of Cannabis), interview by Geoff Ramsey, Montevideo, September 25, 2014.

<sup>42</sup> Will Carless, "The Two Big Lies About Pot in Uruguay," *Global Post*, August 11, 2014, <http://www.globalpost.com/dispatch/news/regions/americas/140807/uruguay-pot-price-marijuana-tax>; and "Marihuana: cuestionan precio fijado por el gobierno," *El País*, September 7, 2014. <http://www.elpais.com.uy/informacion/marihuana-cuestionan-precio-fijado-gobierno.html>

<sup>43</sup> Julio Calzada (Uruguay's National Drug Secretary), interview by Geoff Ramsey, Montevideo, September 10, 2014.

<sup>44</sup> Junta Nacional de Drogas, *Quinta Encuesta Nacional en Hogares sobre Consumo de Drogas*, 2011, [http://www.infodrogas.gub.uy/images/stories/pdf/enc\\_hogares\\_2011.pdf](http://www.infodrogas.gub.uy/images/stories/pdf/enc_hogares_2011.pdf).

- **How will the law's "zero tolerance" approach to driving with detectable levels of THC impact driving under the influence arrests?** It stands to reason that the existence of new saliva THC tests will result in increased numbers of arrests. But whether this indicates a lowered perception of the risks associated with driving high, or is just a sign that the system is working, or some combination of the two, will require a deeper exploration of the data.
- **Will the law's proponents be able to prove that policy goals are being met?** The JND and the IRCCA seem fully aware of the importance of monitoring and evaluating the law. A "scientific committee," has been set up by the Council, chaired by academics and policy experts tasked with studying the impact of the law from health, security and legal perspectives. A parallel team of policy evaluators affiliated with the Uruguayan Friedrich Ebert Foundation and Catholic University of Uruguay, which also has considerable access to IRCCA and JND officials, will also be tracking implementation. This process is an undoubtedly positive contribution to the law's implementation, but it also creates vulnerability. In the future, an honest appraisal of the law could potentially find that the Uruguayan government has overstated the benefits and understated the risks of regulating the cannabis market. In that event, the question will be whether the government is capable of responding by adapting the law in way that copes with the problems that arise.

## Recommendations

With the wide array of challenges and questions that lie ahead of the new law, the government of Uruguay will have to plan its next steps very carefully. The international and domestic political variables of the future are settling, but uncertainty regarding the law's implementation appears to be growing. Even with the measure only partially implemented at the time of writing, it is becoming clear that there are issues on which Uruguay could improve its performance in

order to ensure that the world's first experiment with a fully regulated cannabis market goes as smoothly as possible. To address them, the Uruguayan government would do well to take the following five steps:

**Keep it flexible.** One of the strengths of the law is the fact that it has considerable regulatory flexibility built into it. At the time of publication, key variables to the law—such as the price of commercial cannabis and the potential potency varieties that may be available to consumers—are still being hammered out. Some have criticized this flexibility as a product of ambiguity in the initial legislation, but the government should put a premium on retaining flexibility as implementation unfolds. Over the course of his five-year term, President Vázquez should take steps to adjust the rules governing the newly-legal cannabis market in accordance with new insights gained from monitoring and evaluation.

**Listen to the experts.** Under the Mujica administration, the National Drug Council was committed to inviting international drug policy experts to weigh in on the fine points of cannabis legalization. It has done so domestically as well, creating an advisory group of academics and specialists, and entering into dialogue with civil society analysts (most notably at the Catholic University of Uruguay and the Uruguayan Friedrich Ebert Foundation) to track the rollout of the law at periodic benchmarks. Under the Vázquez administration, these experts should be given space to conduct unbiased investigation into the law's impact, and provided with a forum in which to make appropriate policy recommendations.

**Articulate an enforcement strategy.** In order for the law to be a success, the government will have to demonstrate its commitment to enforcing the new rules governing the legal cannabis market. The regulations issued in May 2014 charge the IRCCA with the daunting task of enforcing plant limits and 480-gram caps per person on annual cultivation yields for cannabis clubs and households, with any surplus supposed to be turned over to authorities. The government should present a plan for doing so, as well as a clear strategy for monitoring license-holders. The

incoming administration should consider establishing a specially-designed inspection unit within either the IRCCA or National Police to fulfill this role.

**Educate the people.** While the law has dominated headlines for two years, there has been such an overwhelming amount of commentary and information about it in the press that the average Uruguayan lacks a firm sense of the reasoning behind it. A Latin American Public Opinion Project survey conducted among Uruguayans in March and April 2014 found that 18.5 percent of Uruguayans said they did not know why the government was moving to regulate the cannabis market.<sup>45</sup> And despite efforts by drug policy reformers to promote the law as a public health measure, the largest bloc of respondents (37 percent) said they believe that the goal of the law is to prevent crime and combat drug trafficking, which was the narrative most commonly put forward by the Mujica administration. Meanwhile, 10 percent believed it was passed to bring in money, 5.5 percent said it was an attempt to get an electoral boost, and 12.3 percent gave other responses, which included “other interests” and that it “seeks to distract people from real problems.” All of this shows that the new administration would benefit from launching a coordinated communications campaign to better educate the public on what the law does, and does not, aim to achieve. If the public persistently misconstrues the law’s purposes, it will be difficult to demonstrate success, even with a sophisticated evaluation system in place.

**Ensure strategies to minimize use among youth, but do not alienate users.** The government of Uruguay should accompany the new law with a targeted drug use prevention strategy aimed at youth, while ensuring that users and home-growers are not dissuaded from registering with the IRCCA. Vázquez has already made it clear that he is interested in reducing (or at least maintaining) the prevalence of cannabis use, as illustrated by his campaign trail comments

on rehabilitation. He may have his work cut out for him. A November 2014 National Drug Council survey of high school students shows that for the first time, cannabis use has surpassed tobacco use among adolescents.<sup>46</sup> The government response maintains that this is due to massive drop in smoking, but the data show a slight bump in adolescent cannabis use (from 12 percent in 2011 to 17 percent in 2014). At the same time, care must be taken to ensure that cannabis users are not dissuaded from going legal.

## The Road Ahead

Despite all of the challenges to Uruguay’s cannabis regulation law, it is important to note that the country remains well-suited to becoming the first country in the world to legalize the production, distribution, and use of cannabis. Because of the reliability of the country’s institutions, plus its small size and relatively homogenous population, it is hard to imagine a better laboratory for cannabis legalization in the region.

On the international front, Uruguay has a clear advantage as well. Given developments regarding cannabis legalization in the United States, the U.S. government is not in a position to pressure Uruguay. As a result, with the world preparing for an assessment of the status quo at the 2016 Special Session of the United Nations General Assembly on the World Drug Problem (UNGASS 2016), Uruguay will likely remain in the forefront of the debate over drug policy alternatives. This is not because Uruguay will press other countries to follow its lead on cannabis policy, but rather because Uruguay will take advantage of the state of flux and flexibility in the international drug control regime to forge ahead with its new approach. Looking to UNGASS 2016 and beyond, Uruguay can be expected to argue for an open debate on drug policy alternatives, and for the thorough integration of human rights obligations into the UN drug policy system.

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<sup>45</sup> Maria Fernanda Boidi, “Uruguayos y marihuana: Una mirada a la opinión pública sobre la regulación del mercado” (presentation at the 5° Congreso Uruguayo de Ciencia Política, Montevideo, Uruguay, October 2014).

<sup>46</sup> “Entre jóvenes, marihuana supera al tabaco,” *El País*, December 10, 2014, <http://www.elpais.com.uy/informacion/jovenes-marihuana-supera-tabaco.html>.

While the public opinion climate remains unfavorable, domestically things have never looked better for Uruguay's drug policy experiment. The ruling Broad Front coalition has established a climate of continuity. Despite his doubts, Tabaré Vázquez has stated his commitment to implementing the law so that it meets its goals. This bodes well for the law's supporters, as it guarantees a government with a commitment to good implementation and openness towards adaptation. Still, the general population is unlikely to have endless patience for the unpopular measure, so the new administration will have to ensure that negative impacts of the law are minimized.

Ultimately, Uruguay's ambitious cannabis regulation initiative is in step with the country's historically progressive approach to social issues. This trend has persisted across several administrations, and there is no reason to expect it to fail under Vázquez. Even if the law's most vocal domestic opponents get their way and the measure is reduced to home-growing in the future, Uruguay will still be able to boast of having the most progressive drug policy regime in Latin America.

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