

New Zealand's Cannabis Legalisation and Control Bill: a viable approach to drug law reform

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In 2017 the New Zealand Government announced a referendum in 2020 on the legalisation of cannabis for personal use. The Ministry of Justice developed the Cannabis Legalisation and Control Bill, which provided a framework for the control, sale and supply of cannabis in New Zealand. Although it appears that the Bill has failed to gather sufficient public support, it is still worth considering key aspects of the draft legislation that might be used in future drug law reform.

The primary goal of the Bill is in its name – control. New Zealand ranks ninth in the world for cannabis consumption,¹ and cannabis is easily available for purchase from the black market. This is illustrated by findings from two of New Zealand's major longitudinal studies, which found that 80% of each cohort has tried cannabis on at least one occasion.² Both studies reported on a range of harms associated with cannabis use, particularly among those who begin using at earlier ages. These findings imply that reducing harms associated with cannabis use requires control of the supply of cannabis, which prohibition has never achieved.

Under the Bill, cannabis could be grown at home in a limited manner or purchased by adults aged 20 years and over from licenced premises, with a purchase limit of 14 g per day. Licensees would be required to report on the tetrahydrocannabinol (THC) and cannabidiol (CBD) content in cannabis available for purchase, as well as provide guidelines for health and for safer consumption. These steps were adopted to reduce access to cannabis for adolescents, reduce high levels of consumption, and increase product safety and consumer knowledge. Overseas research suggests that this level of control does reduce levels of use in younger people.^{3,4}

Another feature of the Bill is that it was designed to restrict growth of the cannabis industry, pre-emptively addressing the possibility that large corporations would attempt to grow the market and predate on new and existing users, which drives substance-related harm.⁵ The Bill introduced a cap on the total annual supply of cannabis and prohibited vertical integration in the cannabis industry, restricting licenced operators to a single level of involvement. These features reflect the goal of moving the current illicit cannabis market into a legal market, without growing the market in the process.

Given the merits of the Bill, it is unfortunate that it was presented to the public as a referendum rather than through the normal parliamentary process. No doubt there were political considerations underlying this process, but direct engagement with the voting public via referendum is certainly a risky enterprise in terms of harm reduction and improving public health and safety.⁶

Although it is disappointing that the referendum is unlikely to pass, the draft legislation contains important features that will undoubtedly one day be used to protect the health of people who use cannabis or other drugs. Public health advocates will continue to press the government to move forward with drug law reform and improving health, justice and social outcomes for all of society.

Competing interests

The author declares no competing interests.

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