

The criminalization of non-psychoactive cannabis in Italy: Meloni's gift to the drug Mafia

Stop the Italian government's insult to science, people's rights and the legal economy!

The Italian Government of Giorgia Meloni has introduced, with an amendment to the "Security bill" under discussion in the Parliament, new rules that would prohibit hemp inflorescences regardless of whether or not they contain THC, the psychoactive ingredient of cannabis. The text still has to be definitively approved by the Parliament, but it is likely that in September it will become a state law.

The amendment aims to make illegal the market of so-called 'cannabis light' (cannabis with low levels of THC, non-psychoactive for the Italian law and jurisprudence) developed in Italy following Law 242 of 2016. This law, approved unanimously by the Parliament, wanted to support the national hemp supply chain. 'Cannabis light' produced from varieties certified by the European Union, can have traces of THC (according to the law, a maximum of 0.6% in the field and 0.2% in products) and significant percentages of other active ingredients, such as cannabidiol (CBD), which have no psychotropic effects and no significant side effects, as reported by the WHO following the 2016–2019 scientific review.

Meloni's text approved in a contested night session of the Justice Committee of the Chamber explicitly excludes from the application of law 242/2016, "products consisting of inflorescences of hemp (*Cannabis sativa* L.), even in semi-finished, dried or shredded form, or containing such inflorescences, including extracts, resins and oils derived from them." This intervention would therefore aim to restrictively redefine not only the uses of the plant's products, but also which parts of it could be used legally, excluding the inflorescences.

The law specifies that the consumption of inflorescences and derivatives is also excluded. Cultivation, distribution, sale and possession of 'cannabis light' would therefore be regulated by the Consolidated Law on Drugs which provides for substances in Table II (cannabis plant and its derivatives) penalties of up to 6 years in prison (art. 73, DPR 309/90). For consumption, the administrative sanctions provided for would therefore be equally applicable, such as the withdrawal of a person's driving license, passport, gun license and residence permit for tourism (art. 75, DPR 309/90).

An insult to common sense and science with grave consequences

To justify its inclusion in the "Security bill", the Government had to reformulate the amendment originally presented, justifying it in the introduction with possible "alterations of the psychophysical state" resulting from the consumption of hemp inflorescences that could put "public safety or security or road safety at risk". An insult to common sense and even more so to science.

The text would:

- produce the paradoxical legal effect of also punishing with the criminal and administrative sanctions provided for psychotropic substances those who produce or use inflorescences without any psychoactive effects.
- This would mean an evident violation of the principles of proportionality, reasonableness and offensiveness of Criminal Law, especially by virtue of the draconian penalties still reserved in Italy for cannabis derivatives (from 2 to 6 years, from 6 months to 5 years for a minor offense).
- The connection with European legislation raises further doubts of applicability, given the regulation and Community jurisprudence on the free circulation of goods legally produced within the Union.
- By banning 'light cannabis' in Italy, the Meloni Government outlaws over 13 thousand workers - mostly young - employed in the sector, sends 3 thousand companies bankrupt and causes the closure of hundreds of shops in Italian cities. This is one of the few agricultural sectors that is growing, despite interpretative doubts and periodic political denigratory campaigns that have also led to numerous trials against growers and traders.

- By preventing farmers from having an income from the entire plant, the other production chains of hemp will also be in difficulty: food, textile, green building, energy. In fact, the other components of the plant, from the fiber to the seed, alone could not guarantee profitability and therefore lead to an abandonment of the crop.
- If approved, the measure would risk consigning 'light cannabis' users to the drug mafias. As demonstrated by some studies, the market of industrial inflorescences is a market that significantly replaces that of illegal cannabis. Regulatory experiences demonstrate that it is better to regulate a market rather than keep it - or make it - illegal. Illegality does nothing but cause more damage: it does not guarantee the quality of the substances and it brings consumers closer to the criminal environment.
- This attack on legal commercial chains would have a negative impact on the many people who today turn to 'light cannabis' and its derivatives to improve their health and well-being, escaping the illegal market. An attack on their rights and a gift to the drug mafias.

For all these reasons we ask the Italian Government to remove this provision from the 'Security bill' and not to proceed with its approval.

Signed in agreement

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3. Lígia Parodi, CASO Portugal, Porto
4. Judy Chang, International Network of People who Use Drugs (INPUD), London, United Kingdom
5. Jiří Richter, Association of Providers of Addiction Services, Czechia
6. Milutin Milošević, Drug Policy Network South East Europe, Belgrade, Serbia
7. Daphne Chronopoulou, EuroNPUD Chairwoman, PeerNUPS founding and exec member. Mykonos, Greece
8. Steve Rolles, Senior Policy analyst, Transform Drug Policy Foundation, UK
9. Recovering Nepal, National Federation of PUD and Drug Service Organization
10. Iga Jeziorska, Correlation - European Harm Reduction Network, Amsterdam, The Netherlands
11. Ann Fordham, International Drug Policy Consortium (Global)
12. Ruby Lawlor, Youth RISE International
13. Nazlee Maghsoudi, Centre on Drug Policy Evaluation, Canada
14. Romain Bach, Groupement Romand d'Études des Addictions (GREA), Switzerland
15. Peter Sarosi, Rights Reporter Foundation, Hungary
16. Joana Canedo, EuroNPUD/ Manas/ PhD candidate at Institute of Social Sciences - University of Lisbon, Portugal
17. Kenzi Riboulet-Zemouli, FAAAT-Forum Drugs Mediterranean (Paris and Barcelona) and Cannabis Embassy (international).
18. Sérgio Rodrigues Drug User Activist, member of INPUD, EuroNPUD, CASO - Consumidores Associados Sobrevivem Organizados , GAT - Grupo de Ativistas em Tratamentos. Porto, Portugal.
19. Lukas Hurt, manager of CzechHemp cluster, co-founder of NGO Rational Regulation, co-founder of medical cannabis patient association KOPAC, co-founder of citizen initiative Families Against Prohibition, vice president of NGO Legalizace.cz. Prague, Czech Republic
20. EuroNPUD, European Network of People who Use Drugs, [signed by Daphne Chronopoulou, Chairwoman]
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22. Aurélien BERNARD, Newsweed, Paris, France
23. Katrin Schiffer, Correlation-European Harm Reduction Network (C-EHRN), Netherlands
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25. Hana Gabrielová, president of Czechemp cluster, Co-funder of KonopiUS - hemp seed company, founder of Hempoint - hemp trading company, co-founder of HempTheClimate - NGO working on introduction of hemp into the climate mitigation
26. ConFAC, Confederation of Spanish Cannabis Social Clubs
27. ENCOD, European Coalition for Just and Effective Drug Policies