Cannabis policy in The Netherlands: rationale and design of an experiment with a controlled legal (‘closed’) cannabis supply chain

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Committee members:

• Tom Blom, Professor of Criminal (Procedural) Law,
• Sanne van Eerden, Public sector consultant.
• Jan Mans, Former Mayor of Meerssen, Kerkrade, Enschede, Venlo, Zaanstad, Maastricht, Moerdijk, Gouda
• Dike van de Mheen, Professor of Transformations in Care
• Nico de Neeling, Senior scientific officer, Ministry of Health, Welfare and Sport
• David Schelfhout, Public sector consultant,
• Jaap Seidell, Professor of Nutrition and Health.
• Wim van den Brink, Em. Professor of Psychiatry and Addiction
• Karin van Wingerde, Professor of Corporate Crime and Governance
• Albert van Wijk, Chairman Board IJsselland Hospital, former Attorney General
Background and general approach

- The Dutch tolerance policy since 1970s

  • Associated with public order and safety problems and additional health risks for consumers
  • Long debate about legalisation of cannabis production and supply.
  • 2017: agreement to conduct an experiment with a controlled legal ('closed') cannabis supply chain for recreational use; in 2020 established by law
  • Independent expert committee elaborated how the closed chain will operate and be evaluated
  • Experience with the medicinal cannabis chain, round table discussions with stakeholders (mayors, coffeeshop owners, cannabis consumers, growers, regulators, scientists, and addiction experts)
  • Production and supply of cannabis to the coffeeshops in 10 intervention municipalities, with product quality control, law enforcement, and preventive efforts to reduce health risks
  • No changes in the cannabis supply to the coffeeshops in participating control municipalities
  • Process evaluation to assess whether the chain from production to sale in intervention municipalities was really closed
  • Quasi-experimental study comparing intervention and control municipalities, to assess the chain’s effects on public health, cannabis-related crime, safety and public nuisance
  • The experiment takes 4 years, including reporting to government/parliament, who will then decide on possible further steps towards legalisation of cannabis production and supply
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The ‘back door’ (illegal)
- Production
  - Cultivation
  - Storage
  - Testing
  - Packaging

The ‘front door’ (tolerated)
- Distribution
  - Transport to point of sale
- Sale
  - Storage
  - Sale to consumer
  - Use by consumer

‘AHOJG’ criteria

THE CURRENT ‘CANNABIS CHAIN’
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![Diagram of cannabis supply chain process]

- Interference of (products from) criminal circles
- Production: Cultivation, Storage, Testing, Packaging
- Distribution: Transport to point of sale
- Sale: Storage, Sale to consumer, Use by consumer

- ‘Leakage’ of cannabis to the criminal circuit
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- Experience medicinal cannabis chain, round tables with stakeholders (mayors, coffeeshop owners, cannabis consumers, growers, regulators, scientists, and addiction experts)
- Production and supply of cannabis to the coffeeshops in 10 intervention municipalities, with product quality control, law enforcement, and preventive efforts to reduce health risks
- No changes in the cannabis supply to the coffeeshops in participating control municipalities
- Process evaluation: was the chain from production to sale in intervention group really closed?
- Quasi-experimental study comparing intervention and control municipalities, to assess the chain’s effects on public health, cannabis-related crime, safety and public nuisance
- The experiment takes 4 years, including reporting to government/parliament, who will then decide on possible further steps towards legalisation of cannabis production and supply
Overview of the closed cannabis chain (1)

- **Production**
  - 10 contracted growers
  - Strict criteria:
    - Sufficient variation of cannabis products
    - Accurate product information (e.g., % THC, CBD, health risks, use)
    - Secure packaging
    - Secure storage
    - Track & trace system and transparent records to monitor closed chain products
    - Directors have passed an integrity (BIBOB) screening; certificate of conduct for personnel
  - Exclusively growing cannabis for the experiment
  - Testing/quality control (e.g., THC and CBD levels, pesticides) in independent dedicated lab
  - Safe working & living environment
  - Random sample of 10 growers if more than 10 candidate growers meet criteria
Overview of the closed cannabis chain (2)

• Distribution
  o Growers responsible for secure transport/distribution, transport companies special license

- Sale
  o All coffeeshops in the intervention municipalities must participate
  o Strict criteria:
    ▪ Products purchased exclusively from designated growers
    ▪ Maximum permitted trading stock sufficient for one week
    ▪ Professional responsibilities and skills with regard to product information and prevention
    ▪ Directors have passed integrity (BIBOB) screening; certificate of conduct for personnel
    ▪ Prohibited: advertising, trading hard drugs, causing nuisance, people under 18 in the coffeeshop, selling more than 5 grams at a time, selling to non-Dutch residents (AHOJG)
Overview of the closed cannabis chain (3)

Preventive measures
- Health education, early recognition and referral of problematic use

Surveillance and enforcement
- *Production, quality and distribution*: Justice and Security Inspectorate, Netherlands Food and Consumer Product Safety Authority
- *Coffeeshops and sales*: mayor of the municipality, Justice and Security Inspectorate
- *Detecting/prosecuting criminal offences*: Police and Public Prosecution Service.
- *Sanctions* for non-compliance with regulations or violation of law, respectively
  - Withdrawal of grower designation or closure of coffeeshop
  - Warning, financial/administrative sanctions; criminal sanctions.
Selected municipalities for participation in the experiment with a closed cannabis chain
- Red: intervention group
- Yellow: control group
Overview of evaluation of process & effectiveness (1)

- **Process**
  - Key questions to be answered:
    - Is the chain really closed (e.g., do intervention municipalities successfully eliminate supply and sale of illegally produced cannabis)?
    - How are the processes within the chain doing (e.g., quality and efficiency of the processes of cultivation, storage and supply to the points of sale)?
    - How is the sale of the delivered cannabis going (e.g., turnover, providing health information and prevention, buying behaviour)?
    - User experiences and perceptions regarding product quality and variety?
  - Data sources: surveys, interviews, focus groups
Overview of evaluation of process & effectiveness (2)

- **Effectiveness**
  
  - Quasi-experimental evaluation: intervention and control municipalities
  
  - Outcome measures: cannabis use, other substance use, driving under influence of cannabis, cannabis-related crime, dependency and addiction, (short term) health effects, safety, nuisance
  
  - Data sources: surveys, registries, incident-related data

- **Follow-up**
  
  - Four years, including reporting, with a possible extension of up to 1.5 years

- **Independent scientific evaluation and guidance**
  
  - Independent research team
  
  - Independent Guidance and Evaluation Committee
Appropriate international alignment

• Accurate effect measurements given possible overflow problems in Belgium, Germany and Northern France
• Relevant UN conventions on drugs and EU legislation
• Also other countries are searching for better cannabis policies; international comparative learning
• Facilitating international cooperation aimed at revising international treaties and agreements, given developing knowledge, opinions and experiences