

Recreational cannabis: an overview of proposed changes to the current regulatory framework

A bill (the "Proposal") was submitted in June under the government's initiative to regulate access to recreational cannabis set out in the 2018-2023 Joint Agreement. The initiative follows research showing that cannabis remains the most commonly used illicit drug in Luxembourg. Based on this observation, the proposal has a dual purpose: reducing the risks associated with cannabis origin, and preventing crime by cracking down on the illicit cannabis market. The government's goal is to create a nationwide chain of recreational cannabis production and distribution that will combat the illegal import and sale of cannabis, thereby guaranteeing the quality of the product available on the national territory.

More specifically, the proposal would amend the Sale of Medicines and Combating Drug Addiction Act (as amended) of February 19, 1973 (the "1973 Act") to allow for recreational access. In particular, acceptance of the proposal would amend the 1973 Act as follows: i). Each person over the age of 18 may grow up to 4 cannabis plants entirely from seeds per household (but these plants may not be visible in or out of public spaces); ii). Allow personal consumption of marijuana at home, while the consumption of marijuana in public places will still remain prohibited; iii). Legalize the possession of small amounts of marijuana in public places, possession of any amount above the legal threshold (i.e. 3 grams) will be prosecuted.

Failure to comply with the requirement to grow cannabis only in the home or to limit the number of plants to a maximum of 4 per household will result in criminal sanctions (i.e. 8 days to 5 years imprisonment and/ or a fine ranging from €500 to €250,000).

Regulating home cultivation and consumption of marijuana is a first step toward the government's goal of combating the illicit market and marijuana trafficking. Luxembourg would become the first EU country to legalize the domestic production and consumption of cannabis.

