Commentary on Lebanon's Medical Cannabis Law

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On 20 April 2020, the Lebanese Parliament passed a law permitting the cultivation, trade, research, and use of medical cannabis. The law covers an array of topics ranging from the types of licenses available to the prevention of monopolization in the industry. In providing a deeper look at the law, W&W has drafted a commentary on the articles therein.

Article 2: Definition of Terms:

Inter alia, the Article defines "Output", "Import", "Export", "Transport", "Medical Product", and "Pharmaceutical Product".

Each of these definitions utilizes the terms "controlled substance" or "controlled substances". The use of these terms under Lebanese law differs from the usage in the United States under federal law and the drug laws for the majority of the states. For instance, in the United States, the definition of "controlled substance" excludes most hemp or CBD derived from hemp. This is due to the fact that under federal law, certain hemp and CBD derived from it still remains illegal if it is not in complete compliance with various statutory and administrative requirements.

Definition of "International Agreements"

The three treaties mentioned under this definition have been signed by almost all of the nations across the world, including countries in which cannabis is already allowed in whole or in part. Thus, these treaties are somewhat vague in their implementation. These treaties may be cited by anti-drug

groups to stymie the implementation of the law.

Definition of "Law on Drugs"

Depending on specific provisions in the 1998 law, some complications may arise despite the moderate admonition in Article 3 of the law.

Article 4(5) and Article 4(8):

The use of the term "coordination" with "international bodies" may cause complications. Historically, such international bodies have tended to oppose efforts by countries to loosen restrictions on cannabis. We may be seeing a moderation in that opposition, as more jurisdictions permit legal cannabis (medical or otherwise), however, any significant changes will take time.

Article 4(9):

The Article specifies compliance "*with provisions of international treaties*" which could potentially cause the same complications as those mentioned under Article (4)(5) and Article (4)(8).

On 2 December 2020, the United Nations' Commission on Narcotic Drugs removed cannabis from the category of the world's most dangerous drugs. By a vote of 27 to 25, the Commission voted to follow the recommendation of the World Health Organization to remove cannabis and cannabis resin from Schedule IV of the 1961 Convention on Narcotic Drugs, where it had been listed alongside heroin and other highly addictive opioids.

Despite this reclassification, cannabis still remains subject to a high level of international control, however, the development could lead to further loosening of international restrictions on cannabis. Moreover, this downgrading of the perceived dangers of cannabis may open the field in adding countries for further research and for more recognition of the

medical benefits derived from cannabis.

Article 4(18):

Elsewhere, we have seen that the regulations governing testing laboratories can be an obstacle in the growth of successful cannabis programs. For example, the price of required tests, the percentage of product that must be subject to test, the test sample sizes, the number of chemicals that must be tested for, the allowable tolerances for the presence of those chemicals, and many other details related to testing protocols, can greatly delay – and in some circumstances, prevent – cannabis from successfully getting into the market.

Accordingly, when the specifications are developed for lab testing, it will be helpful if the operational philosophy is that the cannabis testing requirements should be no more onerous than the testing mandates for any other commercially cultivated product consumed by man.

Article 16:

The retention of electronic records of "*address[es]*" and the "*details of places and properties*" pursuant to Subsections (1) and (3) are vital, however, there may be safety or security issues if too much of such data is made publicly available. Thus, the Authority may want to keep this in mind, should it choose to publish the data when "*taking into consideration*" the protection of stakeholders under Subsection (4).

Article 18(4):

The definition of "*agricultural cooperatives*" may vary in Lebanon, however, in many states in the United States, they are a special kind of corporation subject to unique laws that may be useful for various agricultural businesses. Depending on the definition in Lebanon, this may be a beneficial option for some clients.

Conclusion

With the legalization of medical cannabis in Lebanon and the development of the new industry, it is likely that we will see growth in the Lebanese economy in the coming years, as we have seen in the United States and other nations that have taken the same route. In 2019, Colorado – a state with a slightly lower population than Lebanon – collected more than USD 302 million in taxes and fees on medical and recreational marijuana. Sales in the state totaled over USD 1.7 billion. As Lebanon implements the law and opens doors to foreign investors, the nation will potentially see a boom in its economic and business growth.

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