

## **Regulating the Swiss cannabis market**

Written by Francois Reusser  
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In Switzerland there is a very strange situation with cannabis. There are hemp shops that sell 'smelly packs'. These cannot be over certain strengths or the police will raid the shop. There are many discussions, and the Drugs Commission of the Socialist Party, and the parliamentary Drugs Commission are making propositions. Then there is a proposal from the people who work in the hemp business, who either own shops or are producers of hemp.

The Swiss Hemp Coordination had a conference in January 1999 in Berne where working groups worked out various different models, and the ideas were put into concrete proposals. These included how cannabis could be used in many ways, such as for raw materials for clothes, for food, as a mild stimulant and as a medicine.

## **Proposals for the regulation of cannabis**

### **1. Cultivation**

The Hemp Coordination proposed how cannabis could be regulated. The cultivation of cannabis for self-consumption does not need to allow everybody to grow plants in his or her garden. If someone wanted to cultivate cannabis to produce marijuana or hashish, he would need a concession or a license. Linked to these concessions, the Swiss Hemp Coordination will accept

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contingents, which means that the Federation could decide to allow a limited number of concessions to be given out. This would be necessary as long as neighbouring countries have different regulations on cannabis, because if everybody can produce it then no restrictions are needed, and you can then have a free market for cannabis that will regulate itself.

## 2. Commerce and trade

Commercial production of hashish and commercial packing of marijuana should be controlled by the Federal Health Department, so there would be clear directions to ensure quality. This is a very important point, as it is irresponsible to decriminalise a substance if its quality is not controlled to ensure that people really are consuming that substance and not something else. You would not need a concession to produce for self-consumption and there is a distinction between wholesale trade and retail trade.

The Federal Health Office works out quality prescriptions, which are controlled by laboratories. They consider the content and purity, especially of hashish, restrict the use of fertiliser, prohibit mildew, etc., and declare origin markings of bio-products. All of these things need more research Unfortunately Holland, in legalising cannabis, completely missed out the control of its quality. Producers and wholesale traders should be able to test their products in Federal institutions; where and how they test would need to be decided by the Federal Health Department.

Businesses for hashish and hemp flowers should be licensed by the Federation. Retail trade should take place in hemp shops and other licensed premises such as bars. The wholesale trade would need the permission of the Health Department or the Agriculture Department of the Federation, while retail sales licenses would be given out. Individual counties of Switzerland could not forbid trade. The trade of potent seed and cuttings does not need a license.

### 3 Possession and consumption

Regulation for possession and consumption of hashish and marijuana would become legal basically everywhere where smoking and drinking alcohol is allowed. In practice responsible persons, like landlords, would decide whether to allow consumption. There would be 'no smoking areas' and 'smoking areas', and people could choose freely where to go. A person who consumes cannabis normally possesses some as well, so possession should be legalised as well. The definition of personal need is problematic because of the differing consuming habits. While 10grams of consumption a year might be a lot for some, others consume the same amount in one week. It would be interesting to define personal need for consumption not always in specified amounts, but to let continents have the freedom to regulate it, because it differs so much. On the other hand, it makes sense to restrict the amount of plants cultivated for self-consumption to 10 or 20 plants, so one cannot grow for export using the factor of cultivation for self-consumption. It would be wrong if there were limited amounts for hemp farmers, while private persons can grow as much as they liked for personal need.

### 4. Taxation

Taxes should not be too high for the first two years in order to really be able to stop the black market. Within 10 years, cannabis tax could be adjusted to tobacco tax, which is 50% at the moment in Switzerland. Taxes would be levied by the existing Federal Tax Control Office, in Switzerland for pensions, social insurance, alcohol and tobacco. Within a few years, tax income could work out at several hundred million Swiss francs a year. The basis for this calculation is 600,000 Swiss people, spending on average 1,500 Swiss francs only on cannabis, would produce a turnover of 900,000,000 Swiss francs. If taxes are taken step by step to 50%, the social income would be 450,000,000 Swiss francs a year. In Switzerland the number of elderly people is rising and there are fewer young people paying the pensions. So in the next 5 or 10 years financing social insurance like the pension will really start to be a problem.

### 5. Prevention and information

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More money is needed to help prevent the possible negative consequences of cannabis use. The negative consequences need to be explored. Various universities and research laboratories could carry out studies, and the Federal Health Department and the cannabis traders could publish the results. Research could possibly lead to further quality prescriptions as cannabis consists of more than 400 substances, which are not yet researched. Protection measures could be similar to that of tobacco and beer: age limitations and prohibition of advertising. Cultivation for self-consumption, buying, possessing and consuming would be allowed from 16 years onwards, and commercial cultivation and trade from 18 years. Prohibition of advertising could mean a ban on mailing to youngsters under 16 or a ban on adverts in the media for under-16s, for example in school newspapers.