

Current status of cannabis regulation in Morocco

Soukaina BENNIS *, Majda HEDDATE and AMAL AIT HAJ SAID

Laboratory of Drug Science, Biomedical Research and Biotechnology, Faculty of Medicine and pharmacy, Hassan II University-Casablanca, Morocco.

World Journal of Biology Pharmacy and Health Sciences, 2023, 15(02), 151–156

Publication history: Received on 01 July 2023; revised on 14 August 2023; accepted on 17 August 2023

Article DOI: <https://doi.org/10.30574/wjbphs.2023.15.2.0350>

Abstract

Cannabis sativa L. is known for its psychotropic properties as well as therapeutic benefits, which have been exploited since ancient times. These are due to molecules synthesized within the plant known as cannabinoids, with tetrahydrocannabinol (THC) being responsible for the main effects. These products have significant therapeutic advantages related to relieving nausea and vomiting, as well as stimulating appetite. Recent evidence clearly demonstrates analgesic and antispasmodic effects that will prove clinically significant.

The global regulatory landscape regarding the medical use of cannabis is rapidly evolving, as seen in the case of Morocco, which has given the green light for cannabis use through the adoption of a new law, 13.21, that will regulate the entire production chain by establishing a national regulatory agency. It is within this context that our work is framed, with the primary objective is to providing an overview of the new cannabis regulation in Morocco. This regulatory framework will oversee all operations related to cannabis use, from production to commercialization

Keywords: Cannabis; Regulation; Law; Morocco; National Agency

1. Introduction

Cannabis, or hemp, whose scientific name is Cannabis sativa, is the most widely consumed drug in the world. This plant has been known and cultivated by humans since ancient times. It was used for its nutritional qualities (seeds), its fibers (textiles), and also for its therapeutic effects.

The introduction of cannabis to Morocco dates back to a period between the 7th and 15th centuries, following successive Arab conquests in North Africa [1], and according to the 2021 annual report conducted by UNODC, Morocco remains the main source of cannabis resin, notably supplying the European market [2].

In recent years, scientific literature has been closely studying the therapeutic properties of cannabis, a plant that contains over 489 chemical compounds, including cannabinoids, which interact with the human body through an endogenous system: the endocannabinoid system. The cannabinoids that garner the most interest are tetrahydrocannabinol (THC) and cannabidiol (CBD). A number of medications based on these two substances can be found on the international market with marketing authorizations or temporary use authorizations [3].

In order to harness the therapeutic potential of cannabis, legislation is adapting in many countries, including Morocco. It is therefore important for pharmacists as healthcare professionals to be aware of the therapeutic properties, as well as the new regulations regarding cannabis in Morocco.

* Corresponding author: Soukaina BENNIS

The aim of this work is to provide an overview of the regulations surrounding Cannabis in Morocco, especially after the official publication of Law 13-21 "Regarding the Legal Uses of Cannabis."

2. Cannabis around the world

2.1. Regulatory history

The 19th century marked the emergence of international laws pertaining to cannabis, largely driven by the United States, which initiated an extensive anti-drug campaign during that period [4]. Following World War II, under the auspices of the United Nations, two treaties focusing on narcotics were ratified

- The 1961 convention : Cannabis is currently ratified by 149 out of the 184 states registered with the United Nations, including Morocco. [5].
 - The 1971 convention : Concerning THC, in 1961 and 1971, the therapeutic use of cannabis was not recognized, and this substance, considered dangerous, was prohibited. [6].
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3. Current status of cannabis regulation in Morocco

3.1. History of the regulatory evolution of cannabis

3.1.1. Before the protectorate

The cultivation of cannabis dates back to the arrival of Arab immigrants in the region, starting from the 7th century. Much later, Sultan Moulay Hassan (1873 - 1894) granted permission to cultivate cannabis in five douars of Kétama and Beni Khaled in the Senhaja country.

In the 20th century, starting from 1912, the Kingdom was divided into two zones, one under French administration and the other under Spanish control. Spain allowed certain tribes to continue cannabis cultivation. During the five years that Abdelkrim Al Khattabi maintained an independent state in the Rif (1921-1926), cannabis production significantly decreased under the influence of this Berber leader, who considered its consumption contrary to the precepts of Islam.

In 1906, the Algeciras Conference granted the monopoly of purchasing and selling tobacco and cannabis in the country to the Moroccan Régie of kif and tobacco.

The prohibition of cannabis production in Morocco under the French protectorate dates back to the decree of December 22, 1932. France, which had banned production and trafficking on its metropolitan territory in 1916, decided to enforce its legislation and international commitments on its colonies. The 1932 decree thus prohibited the cultivation of cannabis, except for that cultivated under the control of the Régie in Haouz and Gharb. Finally, the decree of April 24, 1954, extended the prohibition of cannabis cultivation and consumption to the entire Morocco under the French protectorate [7].

3.1.2. After the Protectorate

After Morocco's independence in 1956, this prohibition was extended to the entire national territory. This decision was met with strong resistance from the thousands of small-scale cultivators who had previously benefited from Spanish tolerance towards cannabis cultivation.

New legal norms, such as the decree of May 21, 1974, further expanded the cannabis prohibition in Morocco to cover the entire Moroccan territory. The criminalization of the entire cannabis market chain, from cultivation to consumption, imbued the product with a new symbolic weight, while various market actors were subject to bans and labeled as illegal [8,9].

It was only in 2009 that a decline in cannabis cultivation began to be observed, as a result of a change in government policy initiated by the PAM (Authenticity and Modernity Party), which proposed a national debate on "cannabis cultivation."

A few years later, in Parliament, both the PAM and the Istiqlal Party made the legalization of cannabis their rallying cry. In 2013, the Istiqlal Party organized a day of studies on cannabis and submitted a bill for its legalization in parliament.

Two years later, the PAM had submitted a bill aimed at "legalizing cannabis," but the bill was never put on the parliamentary agenda.

More recently, the question of legalizing therapeutic cannabis was once again brought up in Parliament, on Wednesday, May 26, with the adoption of the draft law 13.21 regarding the lawful uses of cannabis.

3.2. The Law N°13.21 "on the legal use of cannabis"

Law No. 13-21 of 3 Dhu al-Hijjah 1442 (July 14, 2021) regarding the lawful uses of cannabis was published in the Official Bulletin of the Kingdom of Morocco (BORM) No. 7006 of 11 Dhu al-Hijjah 1442 (July 22, 2021), in its Arabic version, and No. 7010 of 25 Dhu al-Hijjah 1442 (August 5, 2021), in its French version.

This law constitutes an exception to the legislative provisions prohibiting the use of cannabis, by legalizing its cultivation, production, exploitation, industrialization, import and export, subject to the conditions set out in law no: 13-21.

Objectives of the law 13.21

- Subject all activities related to the cultivation, production, processing, transportation, marketing, export and import of medical cannabis, hemp and their products to a system of authorizations and licenses.
- Enable farmers to join agricultural cooperatives that will supply cannabis to manufacturing and export companies.
- Creation of a national agency responsible for coordinating all government sectors, public institutions and national and international partners to develop a cannabis-related agricultural and industrial sector, while ensuring that control mechanisms are strengthened. [10].

3.2.1. Main chapters of law 13.21

Chapter I: Definition of notions related to the scope of application of the said law and establishment of an authorization system.

According to Article 2, the following terms are defined

- Cannabis
 - "Cannabis plant" refers to any plant of the cannabis genus, as defined by Article 2.;
 - The flowering or fruiting tops of the cannabis plant, excluding seeds and leaves not accompanied by the tops, from which the resin has not been extracted, whatever their name. The activities authorized as part of the legal uses of cannabis, as provided for in article 3 of the aforementioned law, may only be carried out if authorized by the National Cannabis Regulatory Agency.

Chapter II: delimitation of the perimeter for the cultivation of legal cannabis.

According to articles 3 and 4 of the aforementioned law, the authorization to grow and produce cannabis, as well as the authorization to create and operate its nurseries, is granted only in areas under the jurisdiction of provinces, the list of which is set by decree, and within the limits of the quantities required to meet the needs of medical, pharmaceutical and industrial product manufacturing activities.

Authorization to grow and produce cannabis in accordance with article 7 is subject to the submission of a dossier demonstrating that the applicant meets the following conditions:

- To be of Moroccan nationality;
- Have reached the age of legal majority;
- Residing in one of the douars falling under the provinces mentioned in Article 4 above;
- Join one of the cooperatives specially created for this purpose in accordance with law no. 112-12 on cooperatives promulgated by dahir no. 1-14-189 of 27 moharrem 1436 (November 21, 2014), as amended;
- Be the owner of the parcel of land required for this purpose, or have the owner's agreement to cultivate cannabis on it, or have a certificate issued by the local administrative authority attesting to the fact that he or she is cultivating the said parcel.

Chapter III: Definition of conditions for obtaining authorization to set up and operate nurseries, export or import seeds and seedlings.

Holders of authorizations to create and operate cannabis nurseries, export authorizations and import authorizations for its seeds and seedlings under Article 13 must:

- Comply with the specifications drawn up by the Agency in coordination with the government authorities concerned, including in particular the standards to be observed in carrying out the said operations and the rules for storing cannabis seeds and plants, in accordance with the standards in force;
- Use or import seeds and seedlings certified by the Agency in accordance with article 8 above;
- Secure, supervised warehouses to store cannabis seeds and plants.

Chapter IV: definition of the terms and conditions for processing and industrializing cannabis and its derivatives.

According to article 14, in order to obtain an authorization to process and manufacture cannabis, or an authorization to transport cannabis and its products, the applicant must submit a dossier demonstrating that he or she meets the following conditions:

- To be incorporated as a company or other legal entity under Moroccan law;
- Have sufficient qualified material and human resources to carry out its activities;
- Have obtained the necessary authorizations to carry out activities regulated under current legislation;
- With the exception of medicinal and pharmaceutical products, the manufacture of products with a THC content exceeding the level set by regulation is prohibited (article 17).

Chapter V: Commercialize and export cannabis and its products, as well as import its products.

According to Article 20, the commercialization, export, and import of medicines and non-medicinal pharmaceutical products containing components of cannabis are subject to the provisions of Law No. 17-04 on the Pharmaceutical and Pharmacy Code, enacted by Dahir No. 1-06-151 of 30 Shawwal 1427 (November 22, 2006), as well as the provisions of the aforementioned Dahir of 12 Rabia II 1341 (December 2, 1922), unless they are in conflict with the provisions of Law No. 17-04 mentioned above.

Chapter VI: Granting, duration, refusal and withdrawal of authorizations.

The authorizations mentioned in Article 3 above are issued by the Agency to individuals who meet the conditions stipulated in Articles 7, 12, 14, and 21, as applicable in each case.

The procedures for issuing these authorizations are set out in regulations..

Each authorization is valid for a renewable period of 10 years..

The application for renewal of the authorization is subject to the same conditions as those required for granting the authorization for which renewal is requested.

Under article 30, authorization is withdrawn in the following cases:

- At the request of the interested party;
- On the Agency's initiative
 - In the event of the death of the authorization holder or a substantial change in his legal status, subject to the provisions of the second paragraph of article 29 above;
 - If the authorization holder no longer meets the conditions on the basis of which the authorization was granted;
 - If the licensee has not begun carrying out the activity covered by the authorization by the end of the period set for this purpose in the specifications;
 - In the event of suspension of the activity covered by the authorization, without valid reason, for a continuous period exceeding two years;
 - In the event of non-compliance with the provisions of the present law or other legislation relating to the use of narcotics, or in the event of failure to meet one of the obligations laid down by the present law or by the contract documents;

Chapter VII: Establishment of an agency responsible for implementing the state's strategy regarding the cultivation, production, processing, and commercialization of cannabis for medical, cosmetic, and industrial purposes.

The Agency is subject to State supervision, the purpose of which is to ensure that the competent bodies of the Agency comply with the provisions of this law, in particular those relating to the missions assigned to it and, in general, to ensure the application of legislation and regulations concerning public establishments.

The Agency is also subject to State financial control applicable to public companies and other bodies in accordance with the legislation in force.

Here are some of the tasks assigned to the Agency under article 33

- Ensure the application of the provisions of this law in coordination with the competent public authorities;
- Ensure the maintenance of cannabis stock records and provide the competent international organization with the assessments and information requested in accordance with the international commitments of the Kingdom of Morocco, after consultation with various relevant governmental authorities;
- Monitor the cultivated plots, cannabis processing and manufacturing units, as well as storage warehouses, to ensure compliance with the provisions of this law;
- To help publicize the Kingdom's efforts in the field of the licit uses of cannabis and its derivatives and to strengthen bilateral, regional and international cooperation in this area.
- Field monitoring of all cannabis operations.

Chapter VIII: Control system

The Agency must monitor the traceability of cannabis during all stages of its production, processing, manufacturing, marketing and export and import of its products, in particular to ensure that it is not used in an illicit activity and that illicitly produced cannabis is not used in licit activities. (Article 44)

Any cannabis product intended for medical, pharmaceutical or industrial use must be labelled in accordance with article 46 with the following these information's

- Authorization number;
- Name and quantity of material used;
- Name of sender and recipient.

Chapter IX: Investigation and detection of offences, penalties and final provisions

The sanctions and security measures provided for in the aforementioned Dahir Law No. 1-73-282 of 28 Rabii II 1394 (May 21, 1974) are applicable in cases of cultivation, production, processing, manufacturing, transportation, commercialization, export of cannabis or its products, seeds, or plants, or their importation without a valid authorization issued by the Agency (Article 50).

According to Article 51, anyone who commits the following is punishable by imprisonment for three months to two years and a fine of 5,000 to 100,000 dirhams:

- Engages in the cultivation of cannabis outside the areas specified in Article 4 above or exceeds the authorized cultivation areas;
- Provides misleading data and information that led to the granting of authorization;
- Does not deliver the entirety of the harvest to the cooperatives mentioned in Article 7 of this law;
- Has not declared the damage to or loss of his cannabis crop within the time limit set out in article 9 of the present law;

4. Conclusion

In conclusion, this scientific article has provided a comprehensive overview of the new regulatory status of cannabis in Morocco, brought about by the enactment of Law 13-21 governing the lawful use of cannabis. Through a meticulous analysis, we have outlined the various aspects of this regulatory framework, spanning from production to commercialization, with a focus on the establishment of a national regulatory agency to oversee the entire process.

The evolution of the global regulatory landscape surrounding medical cannabis has been underscored by Morocco's proactive approach to adapting its legal framework. The adoption of Law 13-21 signifies a significant shift in policy, marking a transition from a previously restrictive stance towards a more comprehensive and controlled approach to cannabis use. This new regulatory landscape not only holds implications for the medical field but also presents opportunities for research, innovation, and economic growth.

As Morocco positions itself at the forefront of cannabis regulation in the region, it is anticipated that the findings and insights presented in this article will serve as a valuable resource for policymakers, researchers, and stakeholders alike. By understanding the nuances of this new regulatory paradigm, informed decisions can be made to harness the therapeutic potential of cannabis while ensuring public safety and responsible use.

In essence, this article has shed light on the intricate web of regulations that now govern cannabis in Morocco, setting the stage for a future where the plant's therapeutic benefits can be harnessed effectively and responsibly within a structured legal framework.

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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