



## Research Paper

## An analysis of Belgian Cannabis Social Clubs' supply practices: A shapeshifting model?

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## ABSTRACT

**Background and research questions:** Cannabis Social Clubs (CSCs) are associations of cannabis users that collectively organize the cultivation and distribution of cannabis. As this middle ground supply model has been active in Belgium for over a decade, this paper aims to examine CSCs' supply practices, noting any shifts from previously reported features of the model.

**Methods:** We draw on interviews with directors of seven currently active Belgian CSCs ( $n = 21$ ) and their cannabis growers ( $n = 23$ ). This data was complemented by additional fieldwork, as well as a review of CSCs' key internal documents.

**Results:** Most Belgian CSCs are formally registered non-profit associations. One of the Belgian CSCs has developed a structure of sub-divisions and regional chapters. The Belgian CSCs supply cannabis to members only, and in some cases only medical users are admitted. CSCs rely on in-house growers, ensuring supply in a cooperative and closed-circuit way, despite changes to the distribution methods. The associations are relatively small-scale and non-commercially driven. The introduction of formal quality control practices remains challenging.

**Discussion:** As the CSC model is often included in discussions about cannabis policy, but remains in most cases driven by self-regulatory efforts, it is important to take stock of how CSCs' supply function has been implemented in practice – as doing so will improve our understanding of the model and of the wider range of cannabis 'supply architectures'. This paper highlights the continuity and changes in CSC practices, noting the emergence of several different variants of the CSC model, which are classified in a first CSC typology.

## Introduction

In the last two decades, a diverse range of cannabis supply laws for both medical and non-medical purposes has emerged (Kilmer & Pacula, 2016). At the same time, drug analysts have considered additional ways in which the supply of cannabis could be organized, especially pursuant to public health goals (Caulkins & Kilmer, 2016; Caulkins et al., 2015b; Pacula, Kilmer, Wagenaar, Chaloupka, & Caulkins, 2014). These cannabis supply models foresee different arrangements with regards to the production and/or distribution of cannabis (e.g. who is producing and supplying cannabis and under which conditions) and access to the product (e.g. age, quantity limits, etc.), as well as to other technical aspects such as the price of cannabis, eventual taxation, quality control requirements, and the possibility of advertisement, among others (Kilmer, 2014; Kilmer, Caulkins, Pacula, & Reuter, 2012; Kleiman & Saiger, 1989; Neustadter, 1998). For instance, under a 'grow your own' model adults are generally allowed to cultivate cannabis for their own consumption. This model has been introduced in several jurisdictions on the basis of decriminalization or depenalization policies or as a

result of formal legalization processes (Caulkins, Hawken, Kilmer, & Kleiman, 2012; EMCDDA, 2013; MacCoun, 2013; MacCoun & Reuter, 2011; Pardo, 2014; Room, Fischer, Hall, Lenton, & Reuter, 2010). Differently, under a government monopoly model (Caulkins et al., 2015a; Duke & Gross, 1998; Room et al., 2010) the state would monopolize one or multiple stages of the cannabis supply chain, and quality control practices as well as restrictions to commercial advertisement could be introduced (Caulkins et al., 2013; Fijnaut & de Ruyver, 2014). Several variants of a license-based model have also been discussed in the literature: e.g. allowing non-profit vs. for-profit licenses, granting licenses for production and/or distribution, or allowing a small number of licenses vs. increasing the size of the market (Caulkins et al., 2015a; Duke & Gross, 1998; Kleiman, 1992; MacCoun, Reuter, & Schelling, 1996). Beyond these 'middle-ground' models (Caulkins & Kilmer, 2016; Caulkins et al., 2015a), competitive commercial options have also been discussed and introduced in a number of jurisdictions, particularly in the US (Caulkins et al., 2013; Crick, Haase, & Bewley-Taylor, 2013; Kilmer, Kruithof, Pardal, Caulkins, & Rubin, 2013; Marshall, 2013; Room, 2014). In addition, variants of these models or other specific

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medical programmes designed to address patients' needs have also been designed (Belackova, Shanahan, & Ritter, 2017; Clarke & Mentkowski, 2015; Feldman & Mandel, 1998; Pacula, Powell, Heaton, & Sevigny, 2015; Penn, 2014).

Cannabis Social Clubs (CSCs), as formally registered non-profit associations of adult cannabis users collectively organizing their own supply of cannabis (Arana & Montañés, 2011; Barriuso, 2011; Decorte et al., 2017; EMCDDA, 2013), constitute another 'middle-ground' model for the supply of cannabis (Caulkins & Kilmer, 2016; Caulkins et al., 2015a). A key feature of this model is its typically non-profit ethos, with the cannabis produced by those associations being supplied close to/at cost price (Barriuso, 2011; Caulkins et al., 2015a; Decorte et al., 2017). Similarly to a 'grow your own' model, within CSCs the cultivation of cannabis is also generally ensured by (a group of) the members themselves. CSCs typically ensure vertical integration of the supply chain, as distribution of cannabis to the registered members is organized by the CSCs as well. Membership is open to adult users, typically residents/nationals, but additional requirements may apply (Decorte & Pardal, 2017; Decorte et al., 2017). As such, the model has the potential to weaken a segment of the illegal market by ensuring supply to regular cannabis users, though arguably not creating significant incentives for consumption due to its non-profit character, small-scale production, closed-supply system, as well as the absence of advertisement or other marketing strategies (Caulkins & Kilmer, 2016; Caulkins et al., 2015a; Decorte, 2015; MacCoun, 2013; Transform, 2013). CSCs play also a social role, as they allow for interaction among members, and may also help minimize some of the risks associated with cannabis use, for instance by educating the members about the effects associated with cannabis use, with particular strains or consumption methods (Belackova, Tomkova, & Zabransky, 2016). In addition, the European Coalition for Just and Effective Drug Policies (ENCOD), an organization which aims to mobilize and represent European CSCs, produced a CSC Code of Conduct. These (non-binding) guidelines highlight indeed that within CSCs supply should follow demand, that these organizations should operate in a non-profit manner, remain transparent and health-oriented, while open to dialogue with local authorities and supportive of (inter)national cannabis activism (ENCOD, 2011).

Nevertheless, and despite several calls and attempts to develop regulation in different jurisdictions (for an overview of such efforts please see: Decorte & Pardal, 2017; Kilmer, Caulkins et al., 2013), the CSC model has to date only been formally (nationwide) allowed and regulated in Uruguay, following the passage of Law 19.172 in December 2013 (Decorte et al., 2017; Queirolo, Boidi, & Cruz, 2016). In most other jurisdictions, CSCs (or supra-organizations such as CSC Federations) have thus developed their own body of self-regulatory practices, often risking infringement of domestic cannabis laws (Belackova & Wilkins, 2018; Decorte & Pardal, 2017; EMCDDA, 2013; Kilmer, Kruthof et al., 2013; Pardal, 2016a). As a result, different practices may have been adopted within and across the various contexts where the model is present (Decorte et al., 2017), and these may have also changed through time.

In fact, in Spain – the setting where the CSC model (also known as 'the Spanish model') first emerged during the 1990s, important deviations from some of the key features of the CSC model as described above have been documented. These changes have been particularly evident in Catalonia, where the number of CSCs has increased exponentially over the last few years, and where larger Clubs (enrolling several thousand members, including foreign tourists) have appeared (Barriuso, 2012b; Bewley-Taylor, Blickman, & Jelsma, 2014; Decorte et al., 2017; Martínez, 2015; Parés & Bouso, 2015). It has also been noted that the cannabis distributed by Spanish CSCs might in some cases not have been produced by the CSCs themselves, but purchased in bulk from the illicit market (Barriuso, 2012a, 2012b; Decorte et al., 2017). What is more, there have also been accounts of CSCs operating in a commercial way and/or not pursuing formal registration (Bewley-Taylor et al., 2014; Decorte et al., 2017; Martínez, 2015). Such CSCs

function very similarly to 'membership-only coffee shops', and have been termed as 'Cannabis Commercial Clubs' (Barriuso, 2012a; Bewley-Taylor et al., 2014; Martínez, 2015; Parés & Bouso, 2015). While it remains unclear how widespread these practices are, this development suggests that the (unregulated) CSC model may be somewhat vulnerable to illegal producers and other cannabis entrepreneurs, who might utilize the CSCs to develop large plantations and create profitable enterprises (Alvarez, Gamella, & Parra, 2016; Caulkins & Kilmer, 2016; Decorte et al., 2017).

This issue has also been identified as a potential risk in an earlier analysis of the CSC model in Belgium (Decorte, 2015). In that country, CSCs have not been formally recognized by the legislature, thus operating away from government oversight (Pardal, 2016a). Cannabis possession, cultivation and trade remain prohibited in Belgium (Drugswet van 24.2.1921), although a 2005 Ministerial Guideline assigned the lowest priority for prosecution to the possession of cannabis when a 'user amount' (corresponding to up to 3 g or one cannabis plant) is not exceeded, and in the absence of other aggravating circumstances or public disturbance (Kilmer, Caulkins et al., 2013; Pardal, 2016a). While the Ministerial Guideline did not address the supply of cannabis, the Belgian CSCs have built their practices upon their interpretation of that document, cultivating one plant per member only, for instance. Many of the CSCs have nevertheless encountered legal issues, and a recent public statement by the College of Public Prosecutors has clarified that the provisions of the 2005 Ministerial Guideline do not cover cases of cannabis cultivation and/or possession in the context of an association (College van Procureurs-Generaal, 2017).

The CSC model has been present in Belgium for over a decade, with at least three phases of renewed activity, shaped by the contributions of multiple CSCs and the groups of users/activists driving those (Pardal, 2016b, 2018a). To date, Belgian CSCs' practices have only been analysed circa 2014, in the context of an exploratory study by Decorte (2015) published in this journal. Our analysis builds on that knowledge, and aims to examine the ways in which the Belgian CSCs currently organize the supply of cannabis. Furthermore, based on the insights from the Belgian CSC context and a review of the literature on the CSC model, we aim to develop a first CSC typology in order to capture CSCs' diverse practices.

By taking stock of the current practices of Belgian CSCs as cannabis suppliers and noting whether these have deviated from the core features typically associated with the model we hope to contribute to a more nuanced understanding of the CSC model (and by extension to the knowledge of broader 'supply architectures' – e.g.: Caulkins et al., 2015a). Such analysis may be informative for the development of future policies in this area.

## Methods

Seven active Belgian CSCs participated in the study. The CSCs were identified firstly on the basis of a previous list of CSCs included in Decorte (2015). As the Belgian CSC landscape has been characterized by some degree of volatility (Pardal, 2018a), some of the CSCs identified in that previous exploratory study were no longer active when we initiated data collection. Those that remained active were included in our analysis, and through snowballing and further fieldwork, we were able to map and reach out to the new active CSCs (Pardal, 2018a). We did not apply any specific inclusion/exclusion criterion beyond CSCs' own self-representation as such. To gain rich insights into the functioning of the CSCs, data collection included a total of 44 qualitative interviews, observations, and documentary materials produced by Belgian CSCs.

During the initial field visits to the active Belgian CSCs, their key internal documents were collected, including the CSCs' bylaws, membership forms, house-rules, code of conduct and protocol for plant caretakers, etc. These documents constitute important sources of complementary information as to CSCs' own self-stated goals and codes of

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