

Trends in drug law reform in Europe and Latin America¹



Martin Jelsma, Transnational Institute

*Presentation at the Thai Office of the Narcotics Control Board - ONCB
Bangkok, 26 January 2010*

This presentation gives a short overview of legislative reforms in Europe and Latin America that provide lessons learned in practice about less punitive approaches intended to reduce drug-related harm to the individual and society. Evidence suggests that fears that softening drug laws and their enforcement would lead to sharp increases in drug use, have proven untrue.

The center of gravity for these reforms has been Europe, as the European Monitoring Centre on Drugs and Drug Addiction (EMCDDA) sums up: *"The analysis of national drug strategies, legal literature, laws, and judicial practice, suggests that in several EU countries public action is based on a) a more powerful focus on treatment rather than on criminal punishment; b) on a sense of disproportion between custodial sentences (often involving a criminal record) and illicit use of drugs; and c) on the perception that cannabis is less dangerous to health compared to other drugs."*² Similar reforms have also taken place in Australia, Canada and within several states in the United States and increasingly in Latin America, the region potentially becoming a new center of gravity for advancing this type of reform in the near future.

Three important areas of reforms will be reviewed: 1) the decriminalization of drug use and of possession of drugs for personal consumption; 2) the proportionality of sentences; and 3) the reclassification of substances.

1. Decriminalization of Drug Users

The first type of legislative reform enacted in Europe, and recently gaining momentum in Latin America, is absolving drug users from arrest and prosecution for drug use and preparatory acts like acquisition, simple possession or cultivation for personal use. This decriminalization has not led to increased drug use, and has significantly lowered pressure on law enforcement agencies and on the judicial and penitentiary systems. It also removes barriers for users with problematic patterns of use to approach treatment and harm reduction services.

¹ This presentation is based on a paper Martin Jelsma wrote in October 2009 for the Latin American Commission on Drugs and Democracy, published under the title *Legislative Innovation in Drug Policy*. It also makes use of an unpublished overview compiled by Jelsma on the *Drug Law Reform Trend in Latin America*. Jelsma contributed a first support text to the Commission in April 2008 titled *The current state of drug policy debate. Trends in the last decade in the European Union and United Nations*, available at www.drugsanddemocracy.org or www.tni.org/drugs

² European Monitoring Centre for Drugs and Drug Addiction, *Illicit drug use in the EU: legislative approaches*, EMCDDA Thematic Papers, Lisbon 2005.

Harm reduction refers to policies and practices aimed to reduce adverse health and social consequences for drug users, their families and society as a whole, without necessarily ending drug consumption. The last decade was characterized by major advances in harm reduction programs, particularly among injecting drug users, aimed at decreasing the spread of diseases like HIV/AIDS and hepatitis and reducing deaths from overdose. Harm reduction practices are rapidly expanding and are endorsed by the UN agencies.

By now, there is a convincing body of evidence from evaluations about their effectiveness in HIV prevention, reducing overdose deaths, improved health conditions of heroin users, their low-threshold function bringing problematic users in touch with treatment options they would otherwise stay away from, and reduced rates of drug-related crime. Effective implementation of harm reduction services, however, is only possible within a legal environment in which drug users are not prosecuted, allowing them to enter services without fear of arrest.

Decriminalization raises policy dilemmas around the legal distinction between possession for personal consumption and possession with the intent to supply others. Some law reforms set quantitative thresholds; others define the distinction in terms of certain criteria and principles and leave discretion to the prosecutor and judge about their application to each specific case (see annexed scheme for examples). Some reforms remove all punishment while others only remove criminal sanctions and prison sentences while maintaining administrative penalties or referral to treatment or education. In Europe, *"the decisive determinant of the severity of an offence is the intention rather than the quantity possessed. The vast majority of countries have opted to mention 'small' quantities in their laws or directives, leaving it to the discretion of the courts (or police) to determine the type of offence (personal use or trafficking); no country uses quantity as the sole criterion to sharply distinguish between users and traffickers."*³

One of the best-documented examples of decriminalization of drug use is the case of Portugal. In July 2001 the acquisition and possession of drugs for personal consumption was reduced from a criminal offence to a misdemeanor, punishable by fine or other administrative measure. The new law adopted the norm of *"the quantity required for an average individual consumption during a period of 10 days."* Indications are given for what constitutes an average 10-day use, for example 25 grams for cannabis or 2 grams for cocaine. Also in this case, these thresholds are indicative as opposed to determinative; as long as there is no additional evidence implicating the drug user in more serious offences, drug possession is dealt with as an administrative violation, not as a criminal offence.

Decriminalization in Portugal led to a reduction in the number of prisoners sentenced for drug offences. By 2005 the number of prisoners no longer exceeded the official prison capacity. There also was a significant 60 percent decrease in drug-related deaths between 1999 and 2003. Heroin use went markedly down in the years directly following the decriminalization as more users entered treatment. Cocaine and cannabis use did go up, especially among the young, but that occurred in several other European countries as well

³ European Monitoring Centre for Drugs and Drug Addiction, *Illicit drug use in the EU: legislative approaches*, EMCDDA Thematic Papers, Lisbon 2005.

in that period, and Portugal is still markedly below the EU average. Overall, as the Cato Institute concluded, “*judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success. ...Drug policymakers in the Portuguese government are virtually unanimous in their belief that decriminalization has enabled a far more effective approach to managing Portugal’s addiction problems and other drug-related afflictions.*”⁴

Last year the decriminalization trend gained momentum in Latin America (see the overview of the *Drug Law Reform Trend in Latin America*). While some countries -like Uruguay and Colombia- had decriminalized possession for personal use before, last year several countries took major steps to review their drug control legislation. Mexico enacted in August a decree, approved by Congress in April last year, that removes all penal sanctions for the possession of certain quantities of drugs for personal use: for example, 5 grams of cannabis, 2 grams of opium, 500 milligrams of cocaine, 50 milligrams of heroin, and 40 milligrams of methamphetamine or ecstasy. The new law strictly defines personal dosage and establishes very low amount thresholds. There are several problems with these strict quantity divisions because they can result in heavy prison sentences for those caught with just a little bit more, as they will be assumed to be small traffickers even if there are no other indications that the amount in possession was meant for selling. The details of the ‘narcomenudeo’ decree as it is referred to in Mexico, for that reason are not a good example, and other countries reviewing their drug law have recognized the weakness of the Mexican decriminalization model.

Also in August last year, the Supreme Court in Argentina ruled that imposing penal sanctions for drug consumption is unconstitutional. Drug law reform proposals are now being elaborated to decriminalize the possession of all drugs for personal use. The new legislation is expected to be presented to Congress in the next months, and will not set strict quantity thresholds as is the case in México.

Ecuador adopted a new Constitution end of 2008 that states about drug users: “Under no circumstance shall they be criminalized nor their constitutional rights violated.” This obliges the country to reform its very punitive drug law, and the proposals including a decriminalization of simple possession, with the lessons learned from the restrictive Mexican model, are expected to be presented within a month.

In Brazil, a partial decriminalization was already passed through in 2006, but now the Ministry of Justice and members of Congress are preparing various proposals for further drug law reform. These are expected to include total decriminalization of possession of drugs for personal use and the lowering of sentence levels for small-scale trafficking.

As the exception to the rule, and counter to the trend in Latin America, President Uribe had been trying for several years to re-penalize possession for personal use in Colombia, where it had been decriminalized since 1994. In December, Congress indeed amended the Constitution to prohibit drug use and possession again, but the original attempt to re-

⁴ Glenn Greenwald, *Drug Decriminalization in Portugal*, Cato Institute 2009.

introduce criminal sanctions was rejected. Only administrative sanctions will be applicable and no forced treatment can be imposed.⁵

2. Proportionality of Sentences

Experimentation with less repressive measures is being applied to people arrested not just for simple possession, but also for offences like street dealing, shoplifting, burglary and street theft. A significant number of those arrested suffer from problematic patterns of drug abuse and resort to micro-trading or petty crime to finance their drug use. Locking up the offenders does not solve the underlying cause and leads to revolving doors for multiple offenders, and is responsible for a significant proportion of petty crime. Several countries have therefore introduced referral schemes or specialized drug courts to deal with drug-related offences, offering offenders a choice between prison and treatment. The main objective is crime reduction by providing nonviolent offenders the chance to escape the vicious drugs-crime-prison cycle. *“This development is consistent with the evolution of more humanitarian paradigms in legislation and criminal justice systems as well as with more advanced psychosocial and medical models of addiction”*, according to the European Monitoring Centre. *“This shows a legislative will to avoid prison for the offender, increasing the chances of successful treatment and limiting the chances of recidivism.”*⁶

The issue of human rights in drug control and proportionality of sentences has received little legislative attention to date. In fact, when it comes to trafficking offences the trend has been to toughen drug laws and sentencing guidelines, setting mandatory minimums, disproportionate prison sentences and even death penalties in several countries. This increasingly punitive approach has made no impact on the availability of drugs or on prevalence figures. Studies undertaken in this field reveal the ineffectiveness of long prison sentences, most notably for nonviolent drug law offenders. In general, those given longer prison sentences are more likely to go back to crime after serving their term than those with lower sentences.⁷ At the same time the capacity of the judicial system is stretched far beyond its limits, resulting in slow procedures, lengthy pre-trial custody and overcrowded prisons.

One of the more positive developments is the growing recognition that greater distinction is required regarding the level of involvement in drug trade. Small-scale cultivation of coca and opium poppy is increasingly seen more as a developmental challenge than one for law enforcement. For trading levels, more jurisdictions acknowledge that ‘user-

⁵ As approved on December 9, 2009, Article 49 of the Colombian Constitution will be amended to include the phrase: *“Possession and consumption of narcotic and psychotropic substances is prohibited, with the exception of medical prescriptions. Focusing on prevention and rehabilitation, the law will provide for educational, preventative and therapeutic measures and treatments for those who use such substances. Being subjected to those measures and treatments requires the addicts’ informed consent.”*

⁶ EMCDDA, *Alternatives to imprisonment - targeting offending problem drug users in the EU*, Selected issues 2, Lisbon, November 2005. <http://www.emcdda.europa.eu/html.cfm/index34889EN.html>

For an overview of available alternatives to prison in EU countries, see:

<http://eldd.emcdda.europa.eu/html.cfm/index13223EN.html>

⁷ Gendreau, P., Goggin, C. and Cullen, F.T., *The Effects of Prison Sentences on Recidivism*. Ottawa: Solicitor General Canada, 1999.

dealers' should be dealt with as a separate category of offenders. Legislation or jurisprudence is more frequently establishing criteria to distinguish between micro-trade, transport/courier, mid-level trading and organized trafficking, taking into account the level of responsibility the offender has in the trafficking chain, earnings and reasons why he/she became involved. Such criteria vary wildly at the moment and inevitably will remain subject to differences in national legal principles.

Two recent examples point to more radical changes in how to deal with lower-level trading. At the end of 2008 and early 2009, between 2,000-3,000 persons incarcerated in Ecuador for drug trafficking were released. This "pardon for mules" singled out a specific group of prisoners who were victims of the disproportionate laws in effect for many years. The release criteria were: no prior conviction under the drug law; arrest for possession of a maximum of two kilograms of any drug; either ten percent of the sentence or a minimum of one year served. With this measure, the Ecuadorian government took a major step toward reforming draconian laws and solving the prison crisis.⁸ The new sentencing guidelines are expected to be presented to Congress very soon and will have to consider the judicial precedent of the pardoned drug mules.

The second example is the way The Netherlands tried to deal from 2003 to 2005 with a massive increase of cocaine couriers (the majority swallowers) arriving at Schiphol Airport from the Dutch Antilles. In response to the increase, pre-flight checks at Curacao were intensified and passengers, luggage, freight and crews were systematically searched with the help of scanners and dogs. When the full magnitude of the courier trade was revealed the Minister of Justice soon acknowledged logistical and financial resources of the judicial system had been exceeded, that simply too many couriers were detained and prison capacity was insufficient.⁹ Initially, new sentencing guidelines were established for the airport under which couriers carrying less than 1.5 kg would be sentenced rapidly to a maximum of 12 months imprisonment. But still the justice system was unable to cope. The Minister then proposed a "substance-oriented approach". Focus shifted to confiscation of the drugs, rather than prosecution or detention of the courier. Subsequently, couriers carrying less than 3 kg of cocaine on their first offense were not prosecuted at all. Only the drugs were confiscated and the couriers were registered on a blacklist (in cooperation with airlines) to prevent them entering The Netherlands for a period of three years. By 2006 the Caribbean-Dutch trafficking lines were effectively incapacitated,¹⁰ basically without putting anyone in prison. When the number of couriers dropped back to a level the judicial system could cope with, the substance-oriented approach and special sentencing guidelines were abandoned due to political pressure. Small couriers are once again imprisoned in The Netherlands.

⁸ See: *Pardon for Mules in Ecuador, a Sound Proposal*, Series on Legislative Reform of Drug Policies Nr. 1, TNI/WOLA, February 2009. <http://www.tni.org/policybriefings/dlr1.pdf>

⁹ Between January 2004 and April 2006 complete passenger and baggage checks were carried out on almost 4,000 flights from the Dutch Antilles, Surinam and Venezuela to The Netherlands. More than 60,000 couriers were stopped (an average of 15 per plane; in the early stages sometimes more than half of the passengers were carrying cocaine), and in total 76.5 tons of cocaine were seized (an average of 1.275 kg per courier).

¹⁰ UNODC and the World Bank, *Crime, Violence and Development: Trends, Costs, and Policy Options in the Caribbean*, March 2007.

3. Reclassification of Substances

There is growing recognition that talking about “drugs” is too often a not very helpful generalization and that a more refined distinction is required to define appropriate control measures according to the specific characteristics of substances, their health risks, the dynamics of their markets and their user groups. The classification schedules attached to the UN 1961 and 1971 Conventions do not provide sufficient differentiation to enable more targeted policy interventions. The consideration of such diverse substances as coca, cocaine, cannabis, opium and heroin in the same schedule, has hampered the development of more targeted and effective responses that take account of their completely different properties and the reasons people use them.

The most obvious issue is how to deal more effectively with cannabis, quantitatively the vast majority of “illicit drugs”. A wealth of scientific studies clearly indicates there are long-term health risks associated with high-intensity use, but equally clearly points to undeniable medicinal merits. Not a single expert in the field would still argue that it belongs in the same category as heroin, where it was placed in the 1961 Convention, in schedules I and even IV, the latter reserved for just a few substances with “particularly dangerous properties” and no medicinal benefit. And few recognized experts would still argue it not be controlled under similar schemes as have been developed for alcohol or tobacco. Many countries have already introduced legislation or prosecutorial guidelines distinguishing cannabis from other drugs, with the Dutch coffeeshop system and the medical marijuana model applied in California approaching a situation akin to a regulated market.¹¹ An interesting initiative is developing in Spain, where cannabis users have established producer cooperatives, a first attempt to organize a legally regulated supply for recreational use.

The reality is that law enforcement and criminal sanctions seem to have hardly any impact on rates of cannabis use. Trends in consumption appear to be more influenced by poorly understood social, cultural and economic factors than cannabis control laws.

A few countries (like The Netherlands, the United Kingdom, Cyprus) maintain national schedules that explicitly place cannabis in a different category of less harmful substances, diverging from the UN classification system. Quite a few other countries, like Belgium, Ireland, Luxembourg and Greece, have not classified cannabis differently from drugs like cocaine or heroin, but made a specific distinction in their laws for cannabis that render prosecution or sentencing more lenient than for other drugs. In Spain, classification of drugs is also analogous to the UN schedules, but there is a distinct lower penalty range for trafficking in drugs that are not considered “very dangerous

¹¹ Tom Blickman and Martin Jelsma, *Drug Policy Reform in Practice, Experiences with alternatives in Europe and the US*, Nueva Sociedad, July 2009.
<http://www.tni.org/archives/archives/jelsma/drugsalternativesuseurope.pdf>

substances” and jurisprudence shows this to be interpreted as cannabis.¹² Similarly, some other national laws (as in the Czech Republic) and also the European Union sentencing guidelines refer to the “dangerous nature” of the substance being one of the criteria (together with the quantity, previous criminal record, and so on) to take into consideration when deciding penalty levels. All these cases defy the all-encompassing nature of the schedules attached to the UN conventions and reflect the reality that cannabis should be treated as a special case.

In Latin America, Parliamentary proposals have been tabled or are being elaborated to consider a different status for cannabis in Brazil, Mexico, Chile and Paraguay. These include proposals for a legally regulated cannabis market even though politically this is a sensitive and controversial step to take because it would directly violate the obligations of the 1961 and 1988 UN drug control treaties. In the case of Brazil and Mexico such proposals are directly related to the dramatically high levels of violence and corruption associated with the drugs market. The criminal groups involved, the Mexican cartels and the Brazilian *comandos* in the *favelas*, all rely heavily on the cannabis trade to finance their power base, to corrupt officials and to purchase weaponry. The situation in these countries has gone so out of hand that radical measures such as regulating the cannabis market are starting to become politically viable alternatives to reduce the unmanageable level of violence that is undermining the fabric of society.

Another urgent re-classification issue appearing on the international agenda this year is the legal status of the coca leaf. The inclusion of the coca leaf as a narcotic drug in Schedule I of the 1961 Convention and the treaty article demanding that the chewing of coca leaf must be abolished was a blatant example of Northern values being imposed upon the South.¹³ The Bolivian government has initiated UN procedures to delete the article and announced it may soon initiate the WHO procedure to “unschedule” the coca leaf. This would restore respect for cultural and traditional rights, as well as allow an international market of natural coca products to develop. At national levels, the Bolivian and Peruvian legislation have maintained the legal status of coca domestically, in spite of being treaty-bound to abolish coca chewing. Colombia introduced a legal exemption for indigenous groups who have used coca traditionally. Argentina is the only other country that by law allows possession and consumption of natural coca, one more example of a state challenging the wisdom of the UN treaty classification system.

¹² EMCDDA, *A Cannabis Reader; global issues and local experiences, Perspectives on cannabis controversies, treatment and regulation in Europe*, EMCDDA Monograph 8, Chapter 7: Cannabis Control in Europe, Lisbon 2008.

¹³ Anthony Henman and Pien Metaal, *Coca Myths*, Drugs & Conflict Debate Paper 17, TNI, June 2009.

An example here in Thailand could be the status of *kratom* leaves placed under national control even though it is not included in the UN Schedules. Similar to coca leaves in the Andes or *khat* in some African countries, *kratom* is a locally used mild natural stimulant. In all these cases it may be unwise to try to ban such mild natural stimulants from the market, as the illicit market tends to be dominated by the more concentrated, more powerful and more dangerous substances.

CONCLUSIONS

After decades of mass incarceration and ever-increasing sentencing levels (stiffened by the 1988 Convention requirements), evidence indicates that law enforcement measures are not an effective means of reducing the extent of the illicit drugs market.¹⁴ The overly repressive enforcement of drug laws has caused much human suffering, disrupting family lives and subjecting those convicted to disproportionate sentences in often abominable prison conditions. It has overburdened the judicial system and prison capacity and has absorbed huge resources that could have been made available for more effective treatment, harm reduction and crime prevention programs, as well as allowing law enforcement to focus on organized crime and corruption. Some summarizing conclusions:

1. The removal of criminal sanctions for the possession of drugs does not lead to a significant increase in drug use or drug-related harm. Criminalizing users pushes them away from health services out of fear of arrest, drives them into the shadows, and locks them up in prisons, which serve as schools for crime. This cycle derails lives even more than drug dependence itself and diminishes chances of recovery. This also applies to the way drug users are treated when committing nonviolent property crimes to sustain their habit. As Michel Kazatchkine, director of The Global Fund, said last year here in Bangkok: *“We must continue to show why drug use is most effectively addressed as a public health challenge, and why punitive approaches that criminalize users, drain the resources of law enforcement agencies and overburden judicial and penal systems, are futile and counter-productive”*.¹⁵

2. Regarding illicit trafficking offences, the few existing examples of significantly lowered sentencing levels applied to the lower parts of the chain merit consideration and international debate about delimitations in trading levels and proportionality of sentences. There is a strong case to make for substantially revising sentencing guidelines, reducing penalties for those involved at lower levels, with no organizing responsibility, low earnings, and connected to the illicit market due to economic necessity. Existing evidence indicates that harsher penalties fail as a deterrent to the individual and have no discernible impact on the way the illicit market operates.

¹⁴ Dave Bewley-Taylor, Chris Hallam, Rob Allen, *The Incarceration of Drug Offenders: An Overview*, Beckley report 16, London March 2009.

¹⁵ Keynote address by Michel Kazatchkine, Executive Director, The Global Fund to Fight AIDS, TB and Malaria, Opening Session of the 20th Conference of the International Harm Reduction Association, Bangkok, 20 April 2009.

3. There is no evidence that more lenient approaches in cannabis policy have led to increased levels of cannabis use. The urgency to initiate experiments with models for a legally regulated cannabis market is clear when one considers that the cannabis market represents roughly half of the global illicit drugs trade, including all the criminal earnings, related violence and corruption, as well as the law enforcement resources devoted—unsuccessfully—to suppress it. Countries wishing to take this market out of criminal hands should invest the time and effort to experiment. Those preferring to maintain the status quo of strict cannabis prohibition can do so, in the same way several Islamic countries maintain strict alcohol prohibition.

4. A more rational listing of psychoactive substances according to their health risks, a better understanding of the variety of drug submarkets and the difference between recreational use and more problematic patterns of abuse should be the cornerstones for developing more adequate policy response. Two recent attempts have been undertaken by scientific panels to develop a rational scale to assess the harmfulness of drugs, looking at the toxicity (acute or chronic physical harm), the potential for dependency and the social harm at individual, family and society levels (see annexed box), providing food for thought.¹⁶ In spite of differences between the two rating systems, one commonality is that legal drugs like alcohol and tobacco are in the upper rank of harmfulness along with heroin, cocaine/crack and methamphetamine, and that natural drugs like cannabis and khat (but also ecstasy) are placed lower on the scale of harmfulness. One of the strong arguments in favour of a more differentiated control system is that it has more potential to manage the drugs market, to steer it in the direction of less harmful drugs. Treating all drugs as the same and trying to ban them all with a zero-tolerance approach, in practice leads to an illicit market dominated by the most harmful concentrated substances.

All these ongoing changes in legal practices provide evidence that a paradigm shift in drug control is starting to take root in legislative reforms around the world, especially in Europe and Latin America. Drug consumption is seen more and more as primarily a health issue and policy objectives are shifting from the unrealistic goal of a drug-free society toward more achievable goals of harm reduction and reducing drug-related violence. A more differentiated approach that treats milder less-harmful drugs with more leniency as compared to the most problematic drugs, is one promising path to explore further. Consideration of human rights and proportionality of sentences should become essential elements in drug control. Finally, today's trends are creating legal contradictions to the obligations set in the UN treaties. The resultant tensions and discord will only increase until the zero-tolerance and criminalizing model of the three conventions is readdressed. Political space needs to be found to openly challenge the most problematic articles and inconsistencies currently present in the treaty system. More room for manoeuvre is required for these promising legislative reforms to further develop.

¹⁶ **David Nutt** et al., *Development of a rational scale to assess the harm of drugs of potential misuse*, The Lancet, Volume 369, Issue 9566, Pages 1047-1053, 24 March 2007. And: J.G.C. van Amsterdam et al., *Ranking van drugs, Een vergelijking van de schadelijkheid van drugs*, Rapport 340001001/2009, Rijksinstituut voor Volksgezondheid en Milieu (RIVM) 2009.

Martin Jelsma - TNI
Bangkok, 26 January 2010

Ranking of Drugs According to Harm	
The Lancet (UK)	RIVM (NL)
1. Heroin	1. Crack
2. Cocaine	2. Alcohol
3. Barbiturates	3. Heroin
4. Street methadone	4. Tobacco
5. Alcohol	5. Cocaine
6. Ketamine	6. Methadone
7. Benzodiazepines	7. Methamphetamine
8. Amphetamine	8. Amphetamine
9. Tobacco	9. Benzodiazepines
10. Buprenorphine	10. GHB
11. Cannabis	11. Cannabis
12. Solvents	12. Ecstasy
13. 4-MTA	13. Buprenorphine
14. LSD	14. Ketamine
15. Methylphenidate	15. Methylphenidate
16. Anabolic steroids	16. Anabolic steroids
17. GHB	17. Khat
18. Ecstasy	18. LSD
19. Alkyl nitrates	19. Mushrooms
20. Khat	

Examples of Thresholds Used in Decriminalization of Possession for Personal Use		
Country	Quantity Threshold Defined by Law	Judicial Practice
Portugal	The quantity required for an average individual consumption during a period of 10 days	25 gr cannabis, 2 gr cocaine are used as an indication, but without additional evidence on the intent to supply, larger quantities are regarded as possession for personal use
Uruguay	Possession of "a reasonable quantity exclusively intended for personal consumption" is not punishable	Left entirely to the discretion of the judge to determine whether the intent was consumption or supply
Finland	15 gr cannabis, 1 gr heroin, 1.5 gr cocaine, 10 ecstasy pills only punishable with fine	100 gr cannabis, 2 gr heroin, 4 gr cocaine, 40 ecstasy pills only punished with fine
Spain		40 gr cannabis, 5 gr cocaine not considered supply
Netherlands	5 gr cannabis and 0.5 gr cocaine or heroin not punishable	5 cannabis plants permitted, possession up to 30 gr only small fine, up to 1 kg larger fine, more is punishable with prison sentence; small amounts of "hard drugs" in practice left to police, prosecution and eventually judicial discretion to determine whether the intent was consumption or supply
Mexico	5 gr cannabis, 2 gr opium, 0.5 gr cocaine, 0.05 gr heroin, 0.04 gr methamphetamine	Any amount above the thresholds is considered intent to supply
Paraguay	10 gr cannabis, 2 gr cocaine or heroin	

Czech Republic	15 gr cannabis, 1.5 gr heroin, 1 gr cocaine, 2 gr methamphetamine, 5 ecstasy pills	Anybody possessing less than these amounts can be charged for a misdemeanor but in practice receives a police warning only
Australia (states)	Four states in Australia have decriminalized cannabis possession of quantities of 15 to 50 gr	Administrative sanctions only
US (states)	13 states decriminalized cannabis possession, several using 28.45 grams (one ounce) as limit	Schemes differ per state or county, most only applying small fines