

In June 2003, Senator Nelson Ávila [presented a bill](#) to modify Clause 1 of Article 2 in Law 19.366. This bill would have decriminalised the planting, cultivating or harvesting of the cannabis plant and its derivatives, given that they are intended for personal use/consumption.

Senator Ávila argued that instead of combatting the sale and trafficking of narcotics, the existing system served to promote it. “Legalising cultivation for personal use or consumption would allow users access to supply without having to depend on drug trafficking networks” and “our legislation allows for individual and private use, but at the same time penalises cultivation and (users) have no option but to turn to drug traffickers. In other words, what we are doing is ridiculous,” said Senator Ávila at the time. His initiative was met with strong opposition in Congress, particularly from Senator Jaime Orpis (UDI), who has become known for his fierce opposition to liberalising of cannabis.

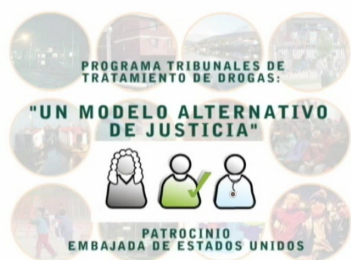
Senator Ávila presented [another bill](#) in March 2005 to authorise “personal cultivation of plant species from the cannabis family with therapeutic ends.” The bill was shelved.

In June 2007, Chile enacted Law 20.084, the Adolescent Criminal Responsibility Law (*Responsabilidad Penal Adolescente – LRPA*) that lowered the age limit for criminal responsibility of minors from 16 to 14. This law established maximum sentences of 5 years for minors between the ages of 14 and 16. Sentences could be as long as 10 years in prison for minors over the age of 16.

Several years later, in May 2008, Senator Ávila, now a member of the Radical Party (*Partido Radical – PRSD*), questioned the government’s decision to include marijuana on the list of dangerous drugs. In Article 1 of Decree 867 (February 2008) cannabis is categorized as part of a list of narcotic or psychotropic drugs that include heroin, methamphetamines, opium, and cocaine. This classification has significant legal consequences, as it deprives judges of the power to reduce penalties for charges related to the sale of cannabis. The sale of small quantities of marijuana now carries a sentence of 18 months - 5 years in prison.

In September 2009, several members of Congress presented a [bill that would authorise therapeutic use of cannabis](#), “allowing patients to possess a plant for these effects and increasing the penalties for micro-trafficking.”

In March 2011, a private company, *Agrofuturo*, obtained a license from the SAG (Agriculture and Livestock Service, *Servicio Agrícola Ganadero*) to grow cannabis for medicinal and research purposes. The SAG resolution was based on the drug law (Law 20.000), which states in Article 9 that authorisation for growing cannabis species will be awarded by this agency. Decree 867, which regulates the norm, also establishes mechanisms for this authorisation. The Public Health Institute (*Instituto de Salud Pública – ISP*) forced the agency to revoke its ruling, because the law prohibits the development of any pharmaceutical product using cannabis. The National Council for Narcotics Control (*Consejo Nacional para el Control de Estupefacientes – CONACE*), now known as SENDA, also reacted against this measure, calling for a review of the drug law “with the goal of finding a formula to block these kinds of permits.”



In November 2011, the government adopted Drug Treatment Tribunals (*Tribunales de Tratamiento de Drogas – TTD*) as national policy. The objective of these [tribunals](#) is to provide mechanisms for defendants with drug problems to avoid prison (given that the sentence is less than three years.) Treatment is voluntary and rehabilitation is done under the direct supervision of a judge. The use of these Tribunals has been advocated in Latin America by the Inter-American Drug Abuse Control Commission (CICAD, a branch of the Organisation of American States), as a

solution to problems related to drugs. Chile is one of the OAS members with TTD programs in several cities. The U.S. Embassy in Chile has also played an important role in the TTDs since their

inception. One of the most [serious criticisms](#) of the program is that it requires abstinence as a condition for participation. This requirement excludes a significant number of people who would be interested in reducing consumption or consume in conditions that pose fewer risks for their health and social context.

In May 2012, former President Ricardo Lagos publicly expressed his position in favour of decriminalising drug consumption “given that the war against drugs is being lost and it is necessary to find new alternatives.” Lagos has reiterated this position several times since then.