

Summary of important pronouncements, initiatives and proposals to reform the law, 1999-2013

1999 - "Legalisation." Although speaking in a personal and not official capacity, then-President [Jorge Batlle](#) created an international stir in 1999 when he said he favoured legalization of "soft" drugs. Batlle would not only ratify this position in 2006, but would go a step further, saying that all drugs should be legalized. At the same time, the Socialist Party (Partido Socialista) and the Artiguista Current (Vertiente Artiguista), members of the ruling Broad Front (Frente Amplio), were taking steps designed to wean problematic users away from hazardous substances such as cocaine-based paste and incline them to eventually opt for marijuana instead.

2010 - A recently-formed congressional Special Commission on Addiction began examining the possibilities of reforming the drugs law as a result of the arguments and proposals put forth by different organizations of marijuana users and growers, such as the Association for the Study of Cannabis of Uruguay (Asociación de Estudios del Cannabis del Uruguay - AECU), Prolegal and Plant your Plant (Planta tu planta). These organizations argued that the "current law permits consumption and possession, but does not facilitate channels for acquiring marijuana."

November 2010 - The issue of decriminalization was entered into the congressional docket at the end of 2010 with the presentation of a bill by Congressman Luis Lacalle Pou, of the White/National Party (Partido Blanco/Nacional), which called for legalization of cultivation by authorizing the cultivation and harvesting of cannabis for personal consumption. The goal of this bill is to separate users from illicit markets in an attempt to combat drug trafficking. The bill also establishes more severe penalties for drug trafficking. According to the bill, all unauthorized plants should be immediately destroyed with the intervention of a judge from the First Instance Criminal Court. It also calls for jail sentences between two and ten years for anyone who "without legal authorization, produces any kind of raw materials or substances, depending on the case, capable of producing psychological or physical dependency." According to some activist organizations, the problem with Lacalle's

bill is that while it decriminalizes cultivation it also increases penalties for drug trafficking without making any distinction between small-scale sellers and big-time drug traffickers.

December 2010 - Regarding decriminalization of cannabis cultivation for personal use, there were also other bills drafted at the end of 2010. One bill was sponsored by Socialist Party Congressman Nicolás Núñez, a second by Congressman Fernando Amado of the Colorado Party (Partido Colorado), and a third by Congressman Sebastián Sabini, a member of the Popular Participation Movement (Movimiento de Participación Popular— MPP), the largest party in the Broad Front. Sabini's bill, the most sweeping of the three, called for the legalization of cultivation for personal use, allowing an individual to have up to 25 grams of cannabis and eight plants.

February 2011 - Authorities arrested and imprisoned two people for growing cannabis for personal consumption (Argentine writer [Alicia Castilla](#), 66, who had 15 plants, and craftsman Mauricio B., 39, who had seven plants), sparking a wave of protests throughout the country at the start of 2011. A large number of marijuana growers demanded legal reform to decriminalize cultivation for personal use. See the video, "[The Alicia Castilla Case.](#)"

March 2011 - Negotiations among different parties to reach consensus on a single bill regarding cultivation and possession of cannabis led to a unified proposal that brought together elements of the bills mentioned earlier. The only one who did not participate in the negotiation was Congressman Lacalle Pou, who withdrew his bill from the talks. Although there is widespread recognition of Lacalle Pou as the first lawmaker to table a bill, he was unwilling to accept modifications of his original proposal.

May 2011 - Legislation was finally submitted to Congress to decriminalize cultivating and harvesting up to eight cannabis plants. The [bill](#) was signed by nine lawmakers representing the Broad Front, one from the Independent Party (Partido Independiente) and one from the Colorado Party. According to the bill, it is illegal to plant, cultivate, harvest or sell any plant from which a narcotic drug can be produced. However, any individual can plant, cultivate and harvest in his or her

home up to eight cannabis plants for personal use and be in possession of up to 25 grams of marijuana. The legislation states that “the executive branch can allow for the aforementioned activities to be carried out by associations of users under strict controls determined by the regulation prepared in this respect.” Approval of the legislation, which is meant to reduce the risks of criminalization and improve the quality of the controlled substance, would allow for the formation of cooperatives of cannabis users who can organize to grow plants in a collective manner like the “social clubs” in Spain. The backers of this legislation maintain that cultivation of eight plants is considered the appropriate amount for habitual personal consumption, and constitutes a point of reference. In the meantime, the legislation presented by Congressman Lacalle Pou, which addresses the same issues but differs from the multi-party bill by not setting amounts and increasing penalties regarding drug trafficking, is still pending debate. [Regarding the bill for personal cultivation, it is important to note that it will be considered within the light of a new bill, presented in August 2012 to the Congressional Drugs and Addiction Committee, concerning state regulation of the cannabis market].



May 2011 - Argentine writer Alicia Castilla is released from prison, a move seen as a victory for the proposal for personal cultivation.

August 2011 - Official sectors and civil society organizations publicly express the importance of the different bills under consideration. The JND's [Julio Calzada](#) highlighted the importance of the bill to decriminalize cannabis growing for personal use, noting that this "... is in line with regulation instead of prohibition and can facilitate use among cannabis users of the health care system." While recognizing positive aspects of the bills under discussion, there are some civil society groups that believe that they do not go far enough. [Agustín Lapetina](#), of the 'El Abrojo' non-governmental organization, said that while decriminalization of cannabis "will

apparently make important contributions” to reducing risks of criminalization and will improve the quality of the product “...it is only a partial response to an issue that requires a more integral approach. We are pushing for the discussion of a more current, modern and efficient law that will regulate different substances, not only marijuana.”

June 2012 - Legalization of Marijuana Bill. In June 2012, President José “Pepe” Mujica’s administration [announced that it would present to Congress legislation](#) to legalize the production, distribution and sale of marijuana. The government made the announcement by introducing a package of bills aimed at addressing public security concerns by launching a “war on base paste,” a substance that is blamed for contributing to a large number of the crimes committed in urban areas. The new security strategy includes several provisions that would reform the existing legal practice. The most noteworthy proposal regulates the cannabis market by putting production and distribution in the government’s hands.

There were many different reactions to the government’s proposal. While political sectors supporting the personal cultivation bill tend to look favourably on legalization, given that it would allow for total and regulated decriminalization, they are also concerned that the executive’s plan might do away with personal cultivation. These sectors would not support legalization of production and sale if it did not permit personal cultivation. According to [Congressman Sabini](#), President [Mujica](#)’s proposal changed the state of debate in the Uruguayan Congress. “Our proposal is aimed at reducing judicial interventions against growers and establishing some principles for community regulation, such as the case of the cultivation clubs. Now, the state would have a monopoly on production, distribution and sales.” If the President’s bill moves forward, Sabini and other lawmakers want it to include personal cultivation. At the same time, however, the personal cultivation bill needs to be adapted to include elements from the government’s new proposal for the legal regulation of marijuana.

Another concern for these sectors is that the President’s proposal falls under a larger package of security measures that differ drastically from the social spirit

behind the unified bill for personal cultivation that is conceived as a “strategy for life and coexistence.” Moreover, the President's proposal introduces the possibility of [compulsory treatment of dependent drug users](#) and increases some penalties, such as raising the minimum sentence for the trafficking of cocaine-base paste to three years of imprisonment. The compulsory treatment bill establishes the possibility of “special and specialized brigades for the task” and of “localizing people in public venues or private spaces not designated for this purpose who are consuming narcotic drugs or are presumed do have done so, or who are in possession of them in a such a situation that it is a risk to themselves or others.” It is, in the end, a progressive idea accompanied by a regressive measure. Finally, as Supreme Court Judge Ricardo Pérez Manrique points out, the government bill has “serious constitutional problems.” The constitution establishes that no one can be detained without a court order, and this is one of the faculties that the proposed legislation assigns to the special brigades.

Also on the domestic front, according to several polls taken in the country slightly more than 60 percent of Uruguayans are opposed to the legalization and sale of marijuana. The project could, as a result, remain frozen in place, because President Mujica has said that he would not move ahead with the idea unless it had the backing of 60 percent of the population.

August 2012 - The government remitted to Congress on August 8 the bill for regulation and state monopoly over cannabis. The [project](#) calls for “the state to assume control and regulation of the importation, production, acquisition, storage, sale and distribution of marijuana or its derivatives in the terms and conditions specified in the regulation.” The language maintains all of the terms in Decree Law 14.294, published in 1974, and subsequent modifications that prohibit the sales of marijuana among private citizens. It clarifies that the project’s use of the term importation refers to cannabis seeds. The central objectives are the separation of the cannabis market from the market for other drugs; normalization and full social inclusion of marijuana use; strengthening of the national system of treatment for people with problematic drug use; and a frontal assault on drug trafficking.

A working group of representatives of the Frente Amplio (FA) that integrates the Special Commission on Addiction attempted to modify the [bill's executive branch](#) to regulate the sale of marijuana. These amendments are contained in the [bill introduced in the Parliament by members of the Frente Amplio](#) in May 2011 and are related to the empowerment of self-cultivation of marijuana, the creation of cannabis clubs and a record of cannabis consumers. The Cámara de Representantes will most likely vote on November on an integrated text combining all the key elements from the governmental regulation bill and the parliamentary self-cultivation bill.

September 2012 - The Senate passed a bill that increases the minimum penalties for traffickers of cocaine base. This law introduces an article (35a) to the Narcotics Law (14294) and established three years minimum sentence for those who commit criminal activities described in Articles 30 to 34 of the narcotics law and aimed at cocaine paste (smokable cocaine). The law has yet to be debated in the House of Representatives. ([Related press article](#))

December 2012 - President Mujica wisely decided to postpone the vote on the cannabis law. Meanwhile the government issued a [new text of the bill](#).

In 2013 the debate continues to focus on "*Cannabis cultivation for personal consumption*" versus "*state control*". The Presidency and the deputies of the Frente Amplio (FA) have different strategies on decriminalizing the marijuana market. The differences are mainly to do with the choice between self-cultivation or crop state control. So far in 2013, the Junta Nacional de Drogas and the Presidency have been developing debates throughout the country on the proposed regulation of the marijuana market.