

## **White Paper :** **On Legalizing of cannabis in Greece**

*« Will the legalization of soft drugs in Greece also affect shipping interests? »*

### ***A general comment.***

*“The below expressed opinions are those of the author as a parent and do not necessarily represent the views of ELSSI.”*

The legalization/ depenalizing of soft drugs in Greece will, hopefully, not have any effect on the coastal shipping community. There is however concern, based on the fact, that currently there is no EU legislation binding the member countries and Greece to implement D/A policies for workplace safety, even in the sensitive transportation business.

By depenalizing soft drugs, the availability, purchase and growing of marihuana for “own use” is now legal in Greece. **Subsequently drugs will be more easily available in port Piraeus. Presently , it is not required by law for coastal shipping to implement d/a policies .**

The IMO Revised STCW Convention and Codes adopted at the Manila Conference will enter into force on 1 January 2012. This includes revised requirements on hours of work and rest and new requirements for the prevention of drug and alcohol abuse, as well as updated standards relating to medical fitness standards for seafarers. Drug/alcohol testing will most likely become compulsory for all types of ships (?) See below recent study on drugs found in waste water .

### **Executive summary**

This article gives an overview of the current situation regarding cannabis use in Greece. Recently, legislation on legalizing /depenalizing of soft drugs was approved by the council of ministers and now it has become law. The article discusses certain negative aspects of the government’s legislation that should be amended. In view of the existing miserable economic situation in Greece it should perhaps be totally scrapped. Good points of the legislation are also discussed.

### **Recent Study :Drug use found in waste water treatment plant in Psitalia**

Based on a statement made by the president of EYΔΑΠ water company in Athens –Piraeus ,Professor Themistocles Lekkas of the Aegean University ,“The concentrations of the well known substances are substantial”. In cooperation with Dr. K Thomaidis assistant professor at the University of Athens, a research project was conducted, and their

concentrations as “daily substances used were determined” . The waste by-products were referred to as “emerging pollutants”.

**Table: Drugs found in liquid sewage**

<b>Substance</b>	<b>Test Results- in grams/day</b>
Cocaine	500 – 600
Heroin	1000 ( 1Kg)
Cannabis	2000 (2 kg)
Ecstasy (pills)	10 - 20

### ***The author's views***

As a business man and a parent concerned for the well being of his family, I am against the Greek government's legislation for depenalizing the use of mild narcotics: cannabis also known as marihuana or “chassis” and the legalizing of growing the marihuana plant for “own use” in one's home garden .

### **On legalization/depenalizing of soft drugs**

As a chemist and consultant for D/A testing for ELSSI a drug testing company offering services to international shipping and to keep pace with developments, I have done considerable reading for and against legalization of “soft drugs”.

The experts opinions do not coincide. Each side determines its objectives depending on its beliefs and what it wants to achieve, presents its arguments and supports its side. Opinions are so “diversified” that one wonders if there are no common points to agree on.

**What I have acquired is that , ‘there is no solid conclusion based on evidence that soft drugs are not harmful. Alternatively there is sufficient evidence that they are harmful.**

***There are currently discussions in the USA and UK on road side testing by the authorities to set limits for drug use to avoid car accidents .***

***Perhaps more honesty is required from all of us'. Additionally, medical use of marihuana should be permitted under the supervision of a physician.***

Another most interesting fact is that in the American medical associations, there is a controversy in permitting marihuana for even medical use and the recommendation is that further study is necessary.

These enlightened organizations know more and choose to tread very carefully.

Therefore the purpose of this article is to inform objectively and without bias, every family, the parents, of the dangers to our society and to our children resulting **by depenalizing the use and legalizing the growing of marihuana for self use**. To be more specific, as a parent, I totally oppose both measures. However the depenalizing of use has certain favorable measures. As we say in Greek” there is no bad without some good”. **On a question and answer basis, in this legislation, do the favorable measures outweigh the unwanted bad results? The answer is definitely no!**

### **General observations on the legalization law.**

The Greek government has its supportive arguments and claims that the regulation is **for the benefit of users and to our society**. We are all entitled to express our arguments, therefore I will comment on certain points of the legislation:

- The objective of the legislation is not to stop the traffic of drugs and the reduction of use. Its motives are clearly economic, the reduction of penal expenses. Jails are overcrowded.
- It is nonsense to believe that a penal code by itself can solve the problem of substance abuse.
- **Yes** to better prevention measures, therapy for the user, rehabilitation and to even providing his dosage through hospitals, so that he/she will not be forced to become a hardened criminal by stealing to secure his/her dosage, or becoming a “ vaporaki” (selling small quantities).
- Absolutely **No**, to growing your own “pot” at home or ones garden.

Cultivating marihuana and limiting the quantity for own use cannot be controlled and it is not only totally unrealistic, but **it will open Pandora’s Box**.

### **Certain other desirable objectives**

- Make available at the hospitals the drug methadone as a substitute to heroin users. Methadone does not cure, it is strong narcotic and issued under controlled conditions.
- To provide medical check up to addicts during their visit to the hospital for their dosage.
- **To stop the current horrible economic exploitation of addicts and their families by “certain members of our society”**.

The application of these desirable measures is targeted to reduce: violence, crime, the spread of AIDS to addicts, etc. They will help to upgrade the quality of life of the addicts and will alleviate the economic burden to their families.

### **Probable negative results of legislation**

- Legalizing the use of marihuana will definitely result in a multiple increase of new addictions. Although one cannot be certain, because each country has different, social, ethnic, economic, civil rights of the individual and temperaments, estimates are between 2 and 10 times increase. A conservative estimate for Greece would be a five fold increase.
- In the USA, a 1994 article in the *New England Journal of Medicine* stated that it was probable, that if cocaine were legalized, the number of cocaine addicts in America would increase from 2 million to at least 20 million. One could argue that cocaine is a rich man's drug. And what is marihuana, a poor man's substitute? As a cheaper drug it is available to more people.
- An estimate survey of users (2004, EMCDDA) shows that 8.6 %, or 86000 of the Greek population aged 12–64 reported lifetime use of illicit drugs, mainly marihuana (**Note:** The EMCDDA is discussed later in the article)
- If we consider the very high rate of unemployment today in Greece (officially 850,000, **unofficially 1,300,000**), users will increase, because now they can grow their own. Un-employment brings misery, poverty, a lack of enthusiasm, insecurity, prostitution ,a road that leads to drug use in order to find a false happiness and a few moments of pleasure.
- The legalization is not a prevention measure, but a means of reducing the government's suppression expenditures. **Greek jails are overcrowded. (Let's make room for tax evaders!)**
- Have the government economic advisers considered that, if the number of drug abusers only tripled, (86000 X3 = 256000 addicts), **what would be the increase in social costs and where are the benefits to society?**
- Additionally, there is no supporting evidence to the assertion that by legalizing marijuana, it will help to regulate marijuana use, and stop the sale of the substance.

- Perhaps the Government is not aware, or has failed to mention that, unless drugs are made available to teenagers, extensive law enforcement will still be needed to deal with the sale of drugs to our children.
- A vast black market will still exist. Young people are often the primary target of pushers.
- The criminal organizations that now profit from illegal drugs would continue to do so.”
- There is evidence to support and confirm “ the tendency of Greeks to turn to drug use to escape from the reality/ of everyday routine ...”
- We should not under estimate one of the best organized businesses in the world using modern marketing methods for sales and distribution and scientific methods to produce new synthetic high powered drugs even more addictive new species marihuana.
- The narcotics trade with astronomical profits was compared by the UN as representing 8% of the world trade. Drug producers will not sit with “crossed hands”.
- Legalization would result in an increase in the number of traffic accidents and fatalities. Marijuana impairs the ability of drivers to maintain concentration and show good judgment.
- A study by NIDA- the National Institute on Drug Abuse surveyed 6,000 teenage drivers. It studied those who drove more than six times a month after using marijuana. The study found that they were about two and-a-half times more likely to be involved in a traffic accident than those who didn’t smoke before driving. To begin with, Greek drivers are not experienced drivers. They are rated as the worse drivers in Europe. ***This legislation does not protect our teenagers.***

### **Parent vigilance is needed**

We as parents should be in vigilance, worried and afraid that with the legalization of use and the cultivating of marihuana, *it will be more easily available to our children.* There are supporters of legalization, those that believe in the freedom of “self –endangerment”, to do as they like to their bodies. Do they also believe that our teenagers are in need of a few moments of false euphoria and relaxation?

### **The timing of the legislation**

The government has chosen the worst possible period to introduce this legislation. Greece is facing a devastating economic crisis. We wake up every morning expecting the worst, repeated salary cuts, young people are unemployed, professional people are leaving Greece to seek jobs elsewhere , middle age employees are losing their jobs, tens of thousands of small shops are closing, companies are relocating because of high taxes and the pensioners cannot now cover even their basic needs. **When a country is close to default and we are in extreme danger of been forced out of the Euro group, we do not need legislation for legalizing drugs.** For globalization, must we sacrifice everything, even our children?

### **EU legislation**

The EU does not seem to have the legal basis to regulate the legal framework for the possession and use of drugs of member countries .Each EU member countries has its own laws. What is needed is a standard unified law on drugs to be adopted by the EU and all EU member countries to adopt these laws within their legal systems. This unified legislation must also include the EU's decision on legalization of soft drugs. **But, in politics decisions also have a political cost and do nothing is a safe decision.**

### **EU unification of analytical D/A test methods**

Another sector that is not regulated by the EU is standardized methods and procedures for the operation of forensic laboratories, for drug testing to be used by all member countries. **Unfortunately the quality of analyses by the laboratories is a mess. The analysis performed by the laboratories is “not legally defensible”.**

### **Opinions On legalization**

Certain groups claim and believe, determinedly, that the problem of substance abuse, existing from antiquity is a question of public health and not of suppression “ We have more jailed (one out of two are jailed on the narcotics law )” with the overwhelming majority of these as addicts , more deaths from opiate use and more reduced to poverty that are prompted to crime in order to ensure their dosage . ...” **“An addict under treatment costs 10 times less vs. an addict on the street, or in prison. The savings from the depenalisation is indeed enormous.”**

### **Comments**

As to the statement that substance abuse is a question of public health and not of suppression, I tend to disagree. Substance abuse can be attributed as a failure of our society to provide to the user an environment, a sense of values, a reason for his existence.

That addicts should not be in jail together with hardened criminals, especially in young ages, makes good sense. Appropriate measures should be taken by the authorities for treatment and the penal code must be lenient with users.

However, for possession of “small quantities” with intent to sell should constitute a crime. If it’s cheaper to have them on the street, sentence them to treatment and to hard labor i.e. to reforest work, plant the thousands of acres of trees burned by fire. Provide a reason for their existence.

### **The legislation**

The legislation revolves on three axes:

- **The depenalisation, of use and the cultivation of marihuana for self use.**
- **Rationalization of sentences for offenders selling drugs.**
- **And the right to therapy.**

### ***The axis, depenalisation of use .***

“When the quantity is intended exclusively for self use, the drug addict is not prosecuted ...”

### **Comments**

*(on the quantity)*

The quantity of the dosage can be determined, even if it is subject to the tolerance of each person, that is to say, two users, can have different needs as to the quantity of the dosage to attain the same “ high feeling”. An average dose is about 10 mg.

*The determination for self use.*

Here things become complicated. If a suspect is caught with drugs in his possession:

- How is it diagnosed that he is an addict and not a drug dealer?
- What test method for confirmation is used to diagnose use?

### **The blood test**

The analysis of blood for detection of various drugs ,especially on marihuana , should not be used because the metabolites (degradation

products ) remain in the blood stream a maximum of 36 hours, afterwards they are not detected.

#### Test on urine

The screen test:

Is a sensitive, drug class selective method (EMIT) - Enzyme Multiplied Immunoassay Technique and is used as the initial screening process. It's a go, no go process, negative samples are discarded and positive samples from this test must be further confirmed.

The confirmation test:

Is a highly specific analytical fingerprinting technique (GC/MS-Gas Chromatography/Mass Spectrometry) that confirms the positive result from The (EMIT) and gives both quantitative and qualitative results. It absolutely identifies the drugs metabolite.

This analytical procedure is known as the gold standard and is accepted internationally by the forensic experts and the courts. It can be supported legally.

Will the government's forensic service, make routine such a time consuming and expensive determination, in view of a five fold increase? The hospitals are not equipped with the necessary analytical instruments and don't have any expertise on the method. Additionally some (perhaps all) of the therapeutic centers where users found refuge and possible cure are been closed down for economy reasons.

The task has been given to the hospitals. Our state hospitals today, due to the economic crisis, are in dire need of common consumables .What health care will they be able to offer to an exponential growth of addicts?

In this forensic test category there is no margin for errors. Greek law stipulates, tests for drugs are permitted only by the university hospitals and the forensic services. As far as I know Greece does not have legislation determining how an analytical forensic laboratory should function and stipulating procedures and methods of analysis for the control of narcotics. As mentioned above unified action is required by the EU.

#### *The offence*

Today, the offence for use was a punishable crime and the sentence for the users was imprisonment up to one year. With the depenalisation of the offence, the addict is punished, but the offence is a misdemeanor, with a maximum sentence up to 3 months.

#### *The growing of marihuana*

“The extent of the culture of cannabis in number of saplings must be justified for the exclusive use of the offender. A deviation from this self use has inherent dangers of third person’s ventures .....”

*Comments*

Who are the third persons referred to in the draft bill? Relatives, small dealer’s, new users? Why not teenagers willing to try new things out of curiosity, or to conform to the group? The beginning of marihuana use today, starts at a very young age. According to official statistical data from (OKANA the Greek organization for combating use), in the area of Volos, teenagers start use at 14 and by 19 years old they use heroin.

Let’s suppose that an addict grows his own marihuana and plants saplings at

3-4 locations, it is guaranteed that the police will not be able to find all of them.

**The rationalization of sentencing for offenders selling drugs.**

By increasing gradually the penal sentencing, the law makers are attempting to apply in practice a more fairer - lenient treatment for small drug dealers. Presently the courts do not differentiate the jail sentencing and there is a phenomenon of disproportionate maximum decisions for the same offence. For this reason the legislators are changing the degree of sentencing from today’s 10 to 20 years to the new 5 up to 20 years imprisonment.

*Comments*

This is a logical decision. However, where does one objectively draw the line, small quantity, medium, large dealer? How impartial can the courts be? Will the 20 year maximum sentencing apply to all large drug dealers? It reminds me of the old saying, “he who has money has power”.

*The right to treatment.*

The approach for confrontation of the addict is dependent on his own consent to accept therapy. For this reason the law extends the beneficial measures “guaranteeing” the right of the addict to complete therapy.

*Comments*

To seek therapy is an inalienable right for all sick persons and to be given a guaranteed choice, jail unless you agree to therapy is well intended. The question is where will these cured persons find employment to support themselves after treatment? The return to drugs is a one way street.

Yes, addicts should be given a second chance and the government must guarantee employment. Don’t put them on the street again to empty the jails.

Has the state and our society, alleviated the problems that push young persons to drug use? Drug use is not only a problem of the state; it should be a collective effort, state, society, private enterprise and the family. In this effort, Greece's private enterprise is totally absent. At the family level, Greek parents are good providers and both, must of necessity, work. The actual time spent to discuss the problems of our children is on an average 15 minutes per day .We are not protecting sufficiently our children.

### **The drug Marihuana**

The chemical drastic substance in cannabis responsible for the physical and mental consequences is known with the abbreviation (THC).

The quantity of THC varies, marihuana has the lowest content. Hashish contains more THC content, but varies depending on its composition.

The THC is released and it reaches the brain much faster when it is heated and smoked.

Marijuana is a very "sneaky" drug. Another study using air line pilots was conducted and financed in 1985 by NIDA. Ten experienced pilots were examined in a flight simulator before and after smoking a marihuana cigarette. On the repeated test after 24 hours, the entire group showed a substantial decline of their performance: *a tendency of deterioration on all variables, a substantial disturbance – reduction in their capability ...* However of most importance, *no one in the group felt that he had reduced capability.*

In sensitive job positions i.e., the public transportation industry, trains, bus driver's school buses, taxis, how will use be controlled? In Greece current legislation does not exist to control substance abuse, with the exception of the alcohol test for drivers.

EU legislation is needed and necessary for safety reasons. Each member country acts on its own. It is imperative that E.U. should act on this matter and pass a law defining clearly the responsibility and duties regarding drug/alcohol testing in the sensitive transportation industries, binding all member countries.

### *Medical use of Marihuana*

All the narcotics are dangerous and should not be legalized. Marihuana is frequently used in the medical profession in cases of, asthma, glaucoma, epilepsy and the tendency for vomiting after chemotherapy treatment. Any medical use of cannabis -marihuana should be prescribed by a physician. A similar chemical substance is produced by our organism for relief of pain.

### **Opinions supporting the legislation**

“I do not support the use of psychotropic substances (Note: marihuana, chassis), but I support their legalization. First, for ethical reasons, no one except me has the right to decide what substance I will consume and what not. Secondly, for political reasons, our society is not threatened by the psychotropic substances. It is in danger only from the repressive policy of the governmental authority against the substances. The right to vote and the right to dominate my body constitute the substantial elements of my freedom”.

#### *Comments*

I do respect the opinion of the gentleman, that he has the right to dominate his body, but I totally disagree that our society is not threatened by the use of these substances. By legalizing these substances, in essence the government is exercising “a form of control” and we and our children will become zombies.

To dominate our bodies must we also condone the restriction on alcohol and cigarette use by teenagers? Alcohol is classified as a powerful narcotic and our society regards it and cigarettes as socially acceptable. Nicotine is also a strong habit forming drug comparable to heroin. This is the reason why we cannot stop smoking.

### **The opinion of an employer**

*A USA employer's view concerning substance abuse.* “As members of our society and directly involved citizens, we all have an ethical responsibility to participate and contribute towards reducing the risks of drug abuse. As business men, we must accept that the economic costs involved as a result of ignoring substance abuse and permitting it to continue are unbearable. To ignore this existing problem, represents not only a bad business decision but also a neglect of managerial duties.”

### **International shipping**

The confrontation of the narcotics plague, presupposes serious study and effective action that will take into consideration the developments of science, the experience of other countries, as an example the USA. IMO, the legislative body for international shipping, has managed through prevention, by implementing drug/alcohol policies, to substantially reduce the abuse of drugs on ships. This is a fact and cannot be disputed.

### ***Acknowledgements***

I have chosen not to write the source for the various opinions, because I do not want to provoke a dialogue with these persons. I respect their opinion and I wish to offer my sincere thank you for the use of their material. My criticism is for the legislation. I recognize that without their opinions, my criticism would not be possible. Thank you to the Wikimedia org., for the use of their map.

Respectfully,

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