Nine Bills Aimed at Legalizing Pot Await Legislative Action, with Costa Ricans Disagreeing as Smoking Increases

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Nine bills aimed at legalizing marijuana, written by citizens, have been waiting in line, some for as long three years, at Costa Rica’s unicameral Asamblea Legislativa (AL) for legislators to look into and promote them. So far, the 57 AL deputies have ignored the initiatives.

In this Central American nation whose population is just over 4.3 million, smoking marijuana, despite being illegal, is not punished, unlike producing, selling, or trafficking the drug. National authorities are waging a relentless, all-out war—within the general anti-drug effort—on the latter three, a combat that consists of arresting local growers and pushers as well as catching international traffickers.

On Aug. 27, the influential Costa Rican morning daily La Nación reported on the bills, which have landed at the Asamblea’s Oficina de Iniciativa Popular.

"The bills' proposals range from allowing marijuana production for medicinal use only to a full opening," said the national newspaper. "One bill, for example, only seeks home production. Seven others justify the plant’s legalization with the argument that it helps treat illnesses. Other texts add economic and social arguments, such as tax payment, producing funds for treating addicts, and fighting against the illegal-drugs trade."

The paper also reported that, in the 2010 National Poll on Drug Use carried out by the Instituto sobre Alcoholismo y Famracodependencia (IAFA), some 7% of the country’s population has tried marijuana at least once, and another 2%—mostly men aged 20 to 35 and women aged 12 to 20—uses it on a regular basis.

The trend to use marijuana is on the upswing, unlike the age of those experiencing the drug for the first time, which dropped from 19.1 to 16.7 years in the 1990-2010 period, according to the IAFA poll quoted by La Nación. "IAFA attributes the trend to an increasing abundance of the drug, the discourse on its benefits, and ‘the boom of cultural youth groups where cannabis (marijuana) is a part of the life style.’ It is the largest-selling illegal drug most used in the country."

Institute researcher Ernesto Cortés told La Nación, "We could say for sure there are persons who abuse or use it daily. There’s a close relation between marijuana and youth. An example of this is that people have the first contact with this narcotic at 16.5 years of age. Using this type of drug at an early age is quite risky, because it can cause addiction. Besides, youngsters’ conduct may change if certain brain structures are affected. Marijuana users also risk suffering respiratory problems, mental disorders, and low academic performance."

Experts warn of consequences of legalization

Referring to this, IAFA psychologist Margarita Odio told the newspaper that early use of the narcotic could be because "young people see cannabis as a low-risk drug. Some don’t think about the effects
it can have on the body, and they ignore the consequences of its use. Marijuana is a drug with psychoactive effects."

The La Nación article said, "Many young people who try cannabis do it as a means of socializing, just as happens with other drugs, with alcohol and tobacco."

Referring to the nine bills on legalizing marijuana, Costa Rican Security Minister Mario Zamora told NotiCen that, in the department he heads, "We rather believe that if the line has been to control the use of tobacco—which is a legal drug—we don’t imagine that regarding the use of cannabis sativa—meaning marijuana—we go in the opposite direction."

Zamora referred to the recently passed Ley General de Control del Tabaco y sus Efectos Nocivos en la Salud—better known as "la ley antitabaco," which sets fines starting at 36,06 colones (some US$72) for smokers violating it and imposes penalties such as closing buildings—including work centers—where it is not complied with. The bill, which bans smoking in public places, allows for what it calls "tobacco-smoke-free areas" in buildings and other spaces.

"In our criterion, the use of marijuana should have more restrictions than the use of tobacco," said Zamora, who suggested that "we must increase penalties threefold, and, for us, that [the anti-tobacco law] should be the legislation to refer to."

On the aim of the nine bills bogged down in Congress, the official said that, according to rulings by the Sala Constitucional of the Corte Suprema de Justicia (CSJ), "What’s punished is trafficking and selling" marijuana, while "the use…is not legally punished. Thus, for us, marijuana use should be regulated under the same rules and parameters as the use of tobacco, but with a threefold increase in penalties…and submitting users to detoxification processes paid for by the state."

Public opposes drug legalization

Earlier this year, La Nación published the results of another survey, this time on legalization of drugs in general. Figures released on May 21 showed that 80% of Costa Ricans oppose it, especially for cocaine (90%). On potential consequences of eventual drug legalization, 68% said, "It increases drug use," followed by 51% who warned, "It increases drug trafficking."

But not all opinions were against legalization, as 5% said, "It decreases the use of drugs," and 11% said, "It reduces drug trafficking."

As part of its effort to combat drug trafficking, Costa Rica is set on hitting the marijuana component of that illegal trade (NotiCen, June 21, 2012).

Recent US Drug Enforcement Administration (USDEA) figures for last year placed Costa Rica among the countries that destroyed more marijuana plantations, totaling almost 3 million plants. And Costa Rican Ministerio de Seguridad figures show that from January through June this year more than 4.1 million plants were destroyed.

But illegal plots and plantations of marijuana keep appearing, many in remote and inaccessible mountain areas, while authorities are simultaneously intercepting increasing numbers of shipments of the stronger and more expensive "high-red" variety, smuggled in via the Caribbean Sea from Jamaica.
In 2003, the cultivation of hydroponic marijuana was first detected by authorities in this Central American nation. This variety, whose production is locally on the rise, is grown in sand, gravel, or water, with added nutrients, a process which, with no need of soil, does not require major land surfaces or large spaces.

Home gardens or garages, among other reduced spaces, have become favorite spots for growing this variety of marijuana, which, according to Costa Rican security authorities, is more expensive on the local market than the land-grown product. Local officials estimate the price of a joint of the new variety of mecha—as marijuana is commonly known in Costa Rica—at 4,000 colones (US$8), while a common variety could cost around 1,500 colones (about US$3).

Meanwhile, the IAFA poll showed that the proportion of marijuana users in Costa Rica skyrocketed in the 2006-2010 period, from 0.6% to 2.0%.

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