








# Current Status of Cannabis Legalization and Decriminalization Efforts in Nepal

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**Abstract:** The unique historical and cultural background of Nepal has shaped its perspective on cannabis usage. Narcotic Drugs Control Act 1976 of Nepal prohibits the cultivation, production, manufacture, sales, and distribution of narcotic drugs, which also include various forms of cannabis. With proponents for cannabis legalization increasing in the country, it is equally crucial to analyze context and practices in countries already adopting legalization. As such, this article contextualizes the current debates in Nepal with global policies and practices and talks about the possible impacts of changing the laws on society, the economy, and public health. Policymakers in Nepal must make decisions based on evidence and facts when deciding how to regulate cannabis.

**Keywords:** cannabis, legalization, decriminalization, Nepal

## Introduction

According to the World Health Organization (WHO), about 147 million people worldwide consume cannabis, accounting for more than 2.5% of the world population.<sup>1</sup> Cannabis sativa has a long history of human use for medicinal, shamanic, and recreational purposes.<sup>2,3</sup> The versatility of cannabis has grown over time due to its abundant chemical constituents, phytochemicals, and lignocellulosic biomass, making it valuable for various health-related and non-health-related applications.<sup>4</sup> The cannabis plant contains around 570 different chemicals, with the most important ones being Tetrahydrocannabinol (THC) and Cannabidiol (CBD), according to the United States (US) National Center for Complementary and Integrative Health (NCCIH).<sup>5</sup> THC is found to have psychoactive effects,<sup>6</sup> and CBD is found to have more of a relaxing effect.<sup>7-9</sup> The level of abuse is associated with a higher level of THC than CBD.<sup>10</sup>

## History and Use of Cannabis as a Crude Drug

Traditionally, in Nepal, different parts of cannabis are utilized for food, fiber, and medicinal purposes.<sup>11</sup> Ethnomedical practices in Nepal involve the use of cannabis for treating conditions such as diarrhea, constipation, and snake bites.<sup>12</sup> Within the hilly regions of Nepal, cannabis was also used as a food for cattle and fibers, whereas few people used it for psychotropic effects.<sup>13</sup> In a study conducted to find medicinal weeds in the rice field of Kathmandu Valley, cannabis leaves were also found to have medicinal effects.<sup>14</sup>

Mainly, the sale of cannabis was legal in the early 1970s in Nepal, where people from the western part of the world came to enjoy cannabis for recreational purposes.<sup>13</sup> Apart from Nepal, indigenous communities in the Bajaur Agency of

Pakistan use cannabis leaves for their sedative, analgesic, diuretic, antispasmodic, astringent properties, and even as a narcotic. While the locals used the entire plant's decoction as a cooling agent, the fruit was used to treat children's intestinal pain and alleviate body pain, constipation, and fever.<sup>15</sup> In India, cannabis has been used for a wide range of medicinal purposes, including treating exhaustion, inducing euphoria, stimulating appetite, relieving pain, and managing various ailments such as asthma, diarrhea, and dysentery.<sup>16</sup> However, there are also beliefs that the inappropriate use of cannabis can lead to insanity, weight loss, and diminished semen production.<sup>17</sup> Cannabis seeds have been used as a significant part of the human diet throughout Asia and are consumed in various ways, such as raw, pickled, roasted, and even grounded.<sup>18</sup> This may be attributed to the fact that the seeds of non-psychoactive cannabis served as a potential source of oil, protein, dietary fibers, and a considerable amount of omega-6 and omega-3 fatty acids.<sup>19</sup>

## Status of Cannabis Use, Policies, and Research in Nepal

Cannabis production and its use has been well-documented since the 19th century.<sup>11,13</sup> Nepal saw a surge in tourism during the 1960s-70s as the government permitted legal cannabis shops. However, the movement slowed down in the early 1970s due to Nepal's adoption of stricter regulations, influenced by the US government.<sup>20</sup> Because of the surge of tourists, the influence was heavily seen among Nepalese youth following the lifestyles of hippies along with the use of recreational cannabis.<sup>13</sup> It was under this directive that the back-then monarchical government of Nepal banned the production and sales of hashish and marijuana with the introduction of the Narcotic Drugs (Control) Act 1976 (NDCA).<sup>21</sup> Few factors that may have promoted the slowing of the hippie movement and the initiation of NDCA could have been the wide use of cannabis among Nepalese youth, the pressure from the UN to join and collaborate with nations in outlawing cannabis, and the pressure from US government for control of narcotics.<sup>13,22</sup> The act afterward prohibited the cultivation, production, manufacturing, sales, distribution, import, and export of narcotic drugs too.<sup>21</sup> Despite this, presently, the status of cannabis use, policies, and research in Nepal is growing. Even though cannabis consumption is prevalent in Nepal, particularly in rural areas where it is used for medicinal and religious purposes,<sup>13</sup> it is deemed illegal under the NDCA. Within Hindu mythology, cannabis was found to be a revered substance by Lord Shiva (a Hindu deity). People smoke and consume cannabis and its related products (grounded leaves, drinks from cannabis products) during Maha Shivaratri, which is one of the major festivals celebrated in the name of Lord Shiva. For many people, consuming cannabis in these religious contexts shows their way of admiring the deity. At the same time, for sadhus (holy men), it is a means of connecting with the Lord himself physically and spiritually.<sup>22</sup>

The act categorizes cannabis/marijuana and medical cannabis/marijuana all under Narcotic drugs, where Chapter 2, section 4, "Prohibited Acts" of the act makes it clear that no person is allowed in the process of cultivation, production, or trading of cannabis or any of the categorized products.<sup>21</sup> Chapter 3, Section 14, "Penalties" of NDCA, defines and sets out the criteria for penalties and punishment regarding the consumption, cultivation, and anyone who produces, purchases, and is involved in the selling, distributing, importing, and exporting cannabis products.<sup>21</sup> According to the National Master Plan on Prevention and Control of Narcotic Drugs report issued by the Ministry of Home Affairs, Nepal it shows that among the narcotic drug users, cannabis was the most widely used (80.4%) drug as an early narcotic. The report also showed that there had been a 5.06% annual increase in the number of narcotic drug users over the course of 7-year (2012 to 2019).<sup>23</sup> Likewise, different cross-sectional studies conducted on medical students in Nepal also reported the prevalence of cannabis use ranging from 7.9% to 35%.<sup>24-29</sup> Likewise, a study conducted in Dharan, Nepal, reported that about 51% of drug users and adolescents consume cannabis.<sup>30</sup> This showed that the enforcement of this law is often lax, as cannabis is frequently sold and consumed throughout the country and is illicitly traded.<sup>13</sup>

Research on potential benefits and risks of cannabis use and the economic implications of legalization or decriminalization have been undertaken internationally. However, Nepal still lacks context specific research to inform cannabis policy development. NDCA of Nepal does not contain any specific provisions regarding the medical processing of cannabis.<sup>31</sup> Only registered medicated narcotics can be sold under a legal prescription written by a registered medical practitioner in the presence of a registered pharmacy professional. However, the use of Narcotic drugs in making medicine is only possible through the confiscated or seized narcotic products but not through the cultivated goods as it is prohibited under the act.<sup>21</sup> NDCA has been amended five times over the period. However, no conclusive statements are available on the legal status of medical cannabis processing.

## Legalization of Cannabis

The legalization of cannabis refers to a system where cannabis production and sales are no longer considered a crime, and the activities are regulated by some laws,<sup>32</sup> while decriminalization means removing criminal sanctions against an act, article, or behavior. Decriminalization of cannabis means it would remain illegal except for possession of and under a specified amount. The penalties for such offences may vary from civil fines to imprisonment, drug treatment, and education.<sup>32</sup> There are three common beliefs regarding the legalization of medical cannabis, which is the therapeutic belief of cannabis, addiction and abuse potential, and spillover effects leading to increased recreational use and potential black market diversion.<sup>33</sup> There has been considerable debate on these issues in many countries, including high and low-income countries. Many countries are even considering changing or updating their law regarding the matter. The first point stresses the therapeutic values of cannabis and how it should be treated as any other psychotropic drug or active pharmaceutical ingredient. The second point mainly focuses on the abuse potential of cannabis and how dangerous the negative impacts of the legalization of cannabis could be. The UN Convention in 1961 openly discussed the harmful effects of cannabis on health,<sup>33</sup> while on the contrary, the opponent groups openly emphasized how cannabis is far less addictive and harmful than other prescription medicines. The third one, however, seems unconvinced if legalizing cannabis freely would have more effect on recreational than medicinal purposes. The doors to open and accessible black marketing of cannabis for medical purposes are of significant concern. Hence, there is a high chance that a thin line between the use of cannabis for medicinal purposes and the use of cannabis for recreational purposes could slowly fade away.<sup>33</sup>

For a low and middle-income country like Nepal, campaigners have argued that cannabis could be a potential medium for economic benefits. Literature highlights that legalization could reduce the government's costs associated with enforcing anti-cannabis laws and the number of incarcerations for cannabis-related offences.<sup>34</sup> It further reduces the violence and illicit drug trafficking, thus reducing the power and wealth of drug traffickers and cartels, too.<sup>35</sup> Despite calls and proposals for legalizing or decriminalizing cannabis in Nepal, the government has yet to take concrete steps towards legalization. However, the success of cannabis legalization in generating economic benefits will depend on implementing appropriate policies and regulations to minimize adverse consequences and should be driven through science and evidence.

## Status of Legalization of Cannabis in the International Contexts

Internationally, the legal status of cannabis varies among countries, with some implementing multiple forms of legalization.<sup>36</sup> Though chemical moiety obtained from the cannabis plant, CBD, and other synthetic THC or analogs are approved for medical use in the US, the cannabis plant products are not approved for medical use. In the US, dietary or food products containing THC and CBD are not allowed to be sold in interstate commerce; however, the laws and regulations of a particular state determine whether it is legal to sell these products within the state.<sup>5</sup> As per the Federal Substance Control Act of 1970, the Federal Drug Enforcement Agency classified Cannabis as a Schedule I substance, which means that it has a high potential to be abused without any acceptable medical use.<sup>37</sup> As a result, possession of cannabis was then regarded as a federal crime.<sup>32</sup> However, most states have permitted the medical use of cannabis by enacting Medical Marijuana Laws (MML), starting with California in 1996.<sup>38</sup> The number of states permitting the recreational use of cannabis by passing Recreational Marijuana Laws (RML) is also increasing.<sup>39</sup>

Along with the District of Columbia (DC), 25 states in the US have legalized the medical and recreational use of cannabis for adults, with possession limits varying across the states. Five states have passed the MML and decriminalized possessing a small amount of marijuana. In the other 15 states, cannabis is legalized for medical purposes only. In the remaining 6 states, the consumption and trade of cannabis are still illegal; in 19 states, people can get jail time for possessing cannabis.<sup>40,41</sup> In the UK, cannabis can be produced, supplied, imported, exported, and included or cultivated after obtaining a relevant license issued by the UK Home Office. However, in the UK, recreational use and unlicensed production, trade, and possession are subject to discipline with jail time, penalties, or both. Cannabis-based products for medicinal use, which may be a medicinal or investigational medicinal product, can be used and possessed by a patient with a prescription from an authorized healthcare practitioner. The UK also authorizes the industrial use of "industrial hemp" under a license issued by the UK Home Office.<sup>42</sup> Medicinal use of cannabis under the official prescription of the

authorized clinician is authorized throughout Australia following specified procedures by the State or Territory. Federal law of Australia considers the recreational use of cannabis as an illegal act. However, state-wise laws differ on the recreational use of cannabis. Recreational use of cannabis is illegal in all 6 states with varying punishment, while it is primarily decriminalized in the Northern Territory and is legalized in the Australian Capital Territory.<sup>43</sup>

In India, a neighboring country with an open border with Nepal, cultivation, manufacture, sale, and possession of different forms of cannabis, viz. charas (resin), hasis (liquid form), and ganja (flowering tops), is prohibited under the Narcotic Drugs and Psychotropic Substances Act, 1985 except for leaves or seeds (Bhang). However, cultivation of cannabis exclusively for research and medical purposes is allowed after getting a license from state governments in India. Medicinal use of cannabis in India is primarily confined to traditional systems of medicine such as Ayurveda and Homeopathy.<sup>44,45</sup> In China, though industrial cannabis can be cultivated and produced, medicinal and recreational use and possession of cannabis are illegal.<sup>46</sup> Leaves and roots of industrial cannabis can be used without processing in Chinese traditional medicine.<sup>47</sup> While there is a growing trend toward cannabis legalization, significant variation exists in the legal status of cannabis (Table 1) across different countries and regions.

## Arguments Around Legalization and Decriminalization Status of Cannabis in Nepal

The debate over the legalization and decriminalization of cannabis in Nepal is multifaceted and influenced by religious, cultural, economic, and political factors.

### Historical Context

Historically, cannabis has been used in Nepal for religious and cultural purposes.<sup>13</sup> It is traditionally consumed during festivals like Shivaratri (*one of the major festival of Hindus*), where devotees of Lord Shiva use cannabis as an offering and as part of their spiritual practice.<sup>22</sup> The cultural acceptance of cannabis in certain contexts has been longstanding, which complicates the purely legal and health-focused arguments against its use.

**Table 1** Status of Legalization of Cannabis in Different Countries

Country	Current state of cannabis practice and forms of legalization	Legalization dates reported in the literature	Positive/favorable impact reported in the literature	Adverse impact/health burden reported in the literature
United States	Mixed: Recreational and medical use legalized in 22 states; decriminalization in others <sup>48</sup>	Law issued in 1993, <sup>49</sup> First enacted in California in 1996 <sup>38</sup>	Generation of tax revenue and job opportunities <sup>50</sup>	Increased cases in hospitals related to abuse, dependence, case of hyperemesis syndrome, crashes, and accidental injuries (eg, Colorado) <sup>51</sup>
Canada	Nationwide: Recreational and medical use legalized <sup>52</sup>	October 17, 2018 <sup>52</sup>	Increase in employment and financial opportunities among Canadians <sup>53</sup>	Increased cases of cannabis poisoning in children resulting in seizures, trouble breathing, or, in severe cases, coma as well <sup>53</sup>
Uruguay	Nationwide: Recreational and medical use legalized <sup>54</sup>	Dec 2013 <sup>54</sup>	Elimination of illicit market and public health risks, <sup>55</sup> lower drug trafficking rates, and increased GDP helped impoverished people <sup>56</sup>	No significant increase in frequency of use <sup>55</sup>
South Africa	Decriminalized: Private use and cultivation decriminalized <sup>57</sup>	Sep 2018 <sup>57</sup>	Encouragement in the industrial sector to make processed hemp fiber products like textiles, bricks, ceiling boards, etc. <sup>58</sup>	Increase in the number of cannabis users, concerns about readiness to handle financial and infrastructural consequences <sup>57</sup>
India	Prohibited: Cannabis use is illegal, with some exceptions for traditional and religious purposes	NA	NA	NA
China	Prohibited: Cannabis use is illegal, with strict penalties	NA	NA	NA

**Notes:** The term “current practice” refers to the existing legal status and regulatory framework governing cannabis use in each country, including whether it is fully legalized, decriminalized, or prohibited. Justification: We included these countries as the concept of legalization is heavily influenced by the people of these countries. Similarly, in comparison to several other countries, long-term benefits and risks of cannabis legalization have also been documented within these countries, which acts as concrete evidence for countries like Nepal while formatting any cannabis-related laws in the coming future.

## Political Landscape

Political parties in Nepal are divided on the issue. Some major political parties oppose legalization, citing concerns over public health and the potential for increased addiction and social problems. They argue that cannabis, like other drugs, can have detrimental effects on individuals and society, contributing to mental health issues and other social problems.

Conversely, other political factions support legalization and decriminalization, emphasizing the potential economic benefits. They argue that legalizing cannabis could create new economic opportunities through the cultivation, processing, and export of cannabis products. This perspective highlights the potential for job creation, increased agricultural productivity, and significant revenue from exports, particularly in the context of Nepal's struggling economy.<sup>59,60</sup>

## Economic Considerations

Economically, proponents of legalization point to the success of cannabis industries in other countries. For example, states in the US that have legalized cannabis have seen substantial tax revenues and economic growth in related sectors.<sup>61</sup> Legalization could provide a similar boost to Nepal's economy, particularly through regulated cultivation and export. There is also the potential for developing a medicinal cannabis industry, which could attract international investment and expertise.

## Legal and Policy Developments

In 2020, a private bill entitled "Marijuana Cultivation Regulation and Management in Nepal" was registered with the parliament secretariat of the House of Representatives. The bill proposed the legalization of cannabis cultivation for economic benefits, primarily through export. However, it did not propose the legalization of public consumption of cannabis though there were discussions about allowing medical use for patients.<sup>62</sup> The recent budget speech for the 2081/82 fiscal year of Nepal also mentioned developing acts and policies for the commercialization of cannabis, aiming to promote its medical use.<sup>63</sup>

## Health and Social Implications

The health implications of cannabis use are also a major point of contention. Critics argue that increased availability could lead to higher rates of consumption, particularly among young people, and potential increases in mental health issues and substance abuse disorders.<sup>64,65</sup> However, supporters argue that regulated legalization could ensure safer consumption, reduce the black market, and provide better access to medical cannabis for patients who need it.<sup>34</sup>

## Comparative Perspectives

Looking at global trends, countries like Canada and several US states have shown that legalization can be managed to maximize economic benefits while minimizing social harm.<sup>50,53</sup> These examples provide valuable lessons on regulation, enforcement, and public education that could be adapted to the Nepalese context.

## Discussion Around Favorable and Adverse Impact of Legalization

Literature highlighting both the favorable and adverse impact of cannabis legalization are available (Table 1). Those in favor of legalization have highlighted economic benefits to the broader community. As per the Washington Post, \$131.8 billion in federal tax revenue would be collected if cannabis was entirely legal in all 50 states of the US between 2017 and 2025.<sup>66</sup> However, since the US adopted the idea of legalization in 1996,<sup>38</sup> the rate of acute and chronic effects has also increased because of the consistent amount and diversified cannabis product supply chain being maintained without incarceration and due to the considerable reduction in retail prices as it all favored the frequent use of cannabis.<sup>51,67</sup> Recreational use of cannabis has been shown to be associated with depression and suicidality,<sup>64</sup> and the risk of psychosis is increased with heavy use of cannabis.<sup>68</sup> A systematic review conducted to find out the impact of recreational cannabis legalization also showed that there was a decrease in arrest rates following recreational cannabis legalization. However, the study also mentioned how the findings of the places practicing recreational cannabis legalization were not consistent and required further research.<sup>69</sup>

Regarding acute effects, cannabis users are more prone to car accidents and emergency visits with acute psychotic signs and symptoms.<sup>65,70</sup> With its chronic use, there are chances of increased dependence,<sup>71</sup> impaired cognitive abilities

reversed by abstinence,<sup>72</sup> poor schooling and educational status among youths,<sup>73</sup> hyperemesis syndrome,<sup>74,75</sup> and psychotic symptoms.<sup>65</sup> A case of cannabinoid hyperemesis syndrome was reported from Nepal in a 28-year-old male who consumed cannabis daily for more than 8 years.<sup>76</sup> A study conducted in Nepal to determine the effect of long-term cannabis use showed that cannabis use leads to poor social and family relationships, occupational performance, and decreased libido.<sup>77</sup> In Colorado, US, the number of cannabis-related hospitalizations for abuse, dependence, falls, injuries, car accidents, cyclic vomiting, and psychiatric illness has been reported to increase after the legalization of recreational cannabis.<sup>51</sup> Similarly, cannabis is regarded as the reverse gate drug, which leads to the use of addictive substances such as alcohol and nicotine, thus further leading to harmful public health implications.<sup>51,57</sup> A study conducted in 2019 examined the public health implications of cannabis legalization in South Africa. The study determined that the country would face challenges in managing the heightened health burden arising from legalization, primarily due to limited resources such as human capital, financial capacity, and healthcare infrastructure.<sup>57</sup> Reflecting on the benefits and risks of cannabis legalization is crucial for proponents and policymakers to prepare further plans and identify possible consequences such that it'd help in prioritizing harm reduction and effective public health outcomes.

## Way Forward

It is essential to undertake research regarding cannabis use and policies in Nepal, but securing funding for interventional and large population studies presents a major challenge.<sup>31</sup> It is important to identify research priorities and work together with stakeholders from agricultural sector, medical sciences, tourism, and public health. The western side of Nepal is favorable for cannabis crop and there has been demand from some local communities regarding the right to grow cannabis and cultivation as it would lead to increased jobs and industrialization. However, further evidence is needed to understand therapeutic benefits and risks of CBD and THC. If legalization is to be considered, the government must prioritize strict policies on trade, adulteration, smuggling, and illegal export to address concerns about an open border between Nepal and India<sup>78</sup> and to be able to ensure that any beneficial impact will outsize adverse outcomes in the population through appropriate surveillance and regulated supply. Policymakers in Nepal need a robust plan to utilise any economic benefits brought by possible legalization for patient benefits, and strategies to support ongoing research.

## Conclusion

With several proponents for cannabis legalization or decriminalization in the country, it is also crucial for policymakers to study experiences from the countries practicing legalization. Policymakers must look out for the consequences brought by cannabis legalization with a focus on harm reduction and effective public health outcomes. Research priorities to identify potential benefits and harm through high-quality research and in the context of established norm, cultural, religious and societal practices are essential to inform future practices.

## Disclosure

The authors report no conflicts of interest in this work.

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