



Navigating Cannabis Regulation in Morocco: Historical Context, Socio-Economic Impact, and Policy Gaps

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POLICY COMMENTARY



ABSTRACT

In Morocco, the 2021 legalization of medical and industrial cannabis represents a significant policy shift in a long history of cannabis cultivation, prohibition, and partial legitimization. The law, however, fails to address cannabis consumers, focusing instead on socio-economic benefits for producers and industrial actors. This omission is particularly striking given the longstanding cultural, medicinal, and social role of cannabis in Moroccan society. Through a critical examination of the recent legal framework (Law 13–21), this policy commentary explores the socio-economic implications of cannabis legalization for different stakeholders—local consumers, producers, and exporters—while also highlighting the law’s failure to consider the rights and needs of consumers. The absence of consumer inclusion in this process raises important social justice concerns, as it disregards a segment of the population that has historically been integral to the cannabis culture. This commentary further discusses the tension between economic liberalization in the cannabis sector and the restrictive, conservative elements of the law that limit access to cannabis for non-medical use. Ultimately, it argues for a more inclusive cannabis policy that recognizes the cultural and health-related needs of Moroccan consumers while ensuring that the economic benefits are equitably distributed across all affected groups.

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INTRODUCTION

In August 2021, Morocco adopted Law 13–21, authorizing the medical and industrial uses of cannabis. This new law marks a break from the prohibitionist drug policy and the successive failures of alternative development programs in the country, which have been conducted since independence. While this legalization occurs in Morocco at a time when several countries around the world have legalized cannabis for medical use, twenty years ago, the idea of legalizing cannabis in the country was inconceivable.

The Ministry of Interior, which leads the fight against drugs, drives this legislative change. Since the extent of cultivated areas and the scale of hashish production were revealed in official reports by the Moroccan Agency for the Development of the North and UNODC in the mid-2000s, the stated aim of the last twenty years was to eradicate cannabis production to reduce the figures of cultivated areas and production volume.

This article explores the objectives of the recent legalization of medical and industrial cannabis use by analyzing three different categories of affected populations: local consumers, producers, and exporters. While the law targets the socio-economic needs of small farmers and caters to private industrial actors in the cannabis sector, local consumers and patients are overlooked in the legalization process. Therefore, this article examines the absence of consumers and patients in the development of Moroccan cannabis law.

METHODOLOGY AND APPROACH

This policy commentary employs a qualitative, comparative analysis approach to assess Morocco's cannabis policy reform (Law 13–21) within the broader context of global cannabis legalization trends. It draws from secondary data, including legal texts, academic literature, and policy reports, as well as a comparative review of cannabis laws from various jurisdictions, particularly those in the United States (New York, Massachusetts, and California), which have integrated social justice frameworks into their cannabis legalization strategies. This comparative approach is designed to highlight gaps in Morocco's policy and offer concrete recommendations for enhancing its socio-economic and equity outcomes. The focus is not on primary data collection or field research but rather on the evaluation of policy outcomes based on existing data. The analysis addresses three key areas: 1) the socio-economic effects of cannabis legalization in Morocco, particularly on small-scale farmers in the Rif region; 2) the legislative gaps related to consumers and marginalized communities; and 3) the potential for Morocco's cannabis policy to incorporate broader social equity measures, inspired by existing international models.

CONTEXT AND EVOLUTION OF CANNABIS LEGISLATION IN MOROCCO

Cannabis has already been legally produced in Morocco and has experienced successive periods of prohibition and legalization. The emergence of kif (cannabis in Morocco), widely used in the 16th and 17th centuries during the Saadian era, left the Sultans embarrassed between prohibition and legal monopoly. The spread of kif among all social strata sparked debate among the ulemas (scholars of Islamic law), between those who saw no harm in the use of tobacco and kif and those who perceived it as a moral danger (Mouna, 2018). Under pressure from the ulemas who wanted to prohibit the monopoly on tobacco and kif, Sultan Hassan I (1873–1894) sent a letter to the ulemas of Fez to solicit their opinion on the use and trade of drowsy and spoiled herbs (tobacco and kif). He also asked for their opinion on the monopoly of these two products by the makhzen (sultan's administration). The Sultan's letter suggests that Hassan I did not want a ban but rather an invitation to legitimize and find a religious solution to create a kif monopoly. By the end of the 19th century, cannabis trade had become profitable in Moroccan international trade (Ibn Al-Nasiri Khalid, 1997). Around the same period, 90% of pharmaceutical cannabis used in France came from Morocco's Rif region (Afsahi, 2009).

The Sultan's letter emphasized the moral and economic consequences of potentially liberalizing kif to benefit Europeans. The ulemas, viewing kif as a continuous source of societal immorality, ultimately decided to permit a makhzen monopoly due to its financial benefits, provided it was banned for the public and gradually phased out to prevent citizen revolt (Mouna, 2018).

During this era, Jewish and Greek merchants were legal traffickers specializing in exporting kif to neighboring countries. These traders possessed significant capital, allowing them to purchase ships to transport large kif shipments. Import and export activities were conducted through various Moroccan ports, particularly Agadir (Mouna, 2010).

In this context of trade freedom, in 1910, just before the start of the Protectorate, the French administration established a monopoly on kif tobacco, through the ‘Société internationale de Régie co-intéressée des tabacs et du kif au Maroc’ for 40 years, with an option for the Moroccan government to buy it back after 20 years. This development led to the creation of a cultivation zone under the French protectorate, around 1926, where kif was authorized on the outskirts of Ouezzane. However, cannabis cultivated in the mountainous regions of the Rif, located in the Spanish colonized areas, remained beyond the control of the Régie.

When Paul Bowles first arrived in Tangier in the 1930s, ‘kif was still freely sold in tobacco shops. It was a government monopoly. Since kif was a very volatile product, Moroccans preferred to prepare it themselves, as it had to be smoked as quickly as possible’ (Rondeau, 1997). At this time, there were two products: an official less consumed manufactured product and a highly demanded smuggled product (Afsahi, 2017). France, bound by the pre-UN international conventions it had signed, continued to profit from the kif market but gradually limited production areas until cannabis was banned just before Morocco’s independence. These laws were extended post-independence, prohibiting its cultivation, commercialization, and consumption nationwide (Afsahi, 2017). Cannabis, once legal, tolerated, and legitimized with therapeutic, social, and religious virtues, became an illegal and illegitimate product (Afsahi, 2017). Most health professionals still view it solely through the lens of pathology, focusing on addiction and other related psychotic disorders.

Fast-forward to 2021, a landmark year in Morocco’s history with cannabis. The legal landscape of cannabis in Morocco is now experiencing a significant transformation with the passing of Law 13–21, which legalizes cannabis for medical and industrial purposes. This marks a profound shift from the nation’s long history of criminalizing cannabis and reflects a willingness to reconsider the plant’s role within society. However, this new law, while progressive in some aspects, is not without its limitations. As demonstrated by historical context, where cannabis was once legalized, monopolized, and later banned, the 2021 reform could be considered a hybrid approach—both conservative in its restrictions and liberal in its attempts to develop the cannabis industry.

While the law primarily targets the socio-economic needs of small farmers and the growth of the cannabis industry, it overlooks the role of local consumers and patients who were, at times, the very drivers of this plant’s cultivation. In light of this oversight, the article delves into these gaps within the legalization process and examines how such exclusions could affect the future of Moroccan cannabis policy.

LAW 13–21 ON THE LEGAL USES OF MEDICAL AND INDUSTRIAL CANNABIS EXPLAINED

Medical uses refer to regulated and controlled applications where standardized medications undergo processes including double-blind clinical trials and require market authorization from health authorities. In this context, patients or doctors request these prescribed medications within controlled dosage therapies. Under Moroccan law, these products can contain more than 1% THC.

Industrial uses of cannabis are varied and span numerous sectors, including construction (such as acoustic and thermal insulation), textiles, cosmetics, paper, human and animal food, among others. These applications typically use cannabis strains with low THC content, utilizing other cannabinoids like CBD or different parts of the plant such as stems for fibers, hurd, or seeds. According to Moroccan law, these products must contain less than 1% THC.

A unique aspect of Law 13–21 in Morocco is its primary motivation to develop Moroccan cannabis for medical and industrial uses, with promises of social, economic, and environmental benefits for the Rif region. The law outlines specific rules and guidelines for this sector, covering cultivation, processing, transportation, security, product traceability, and the roles of economic

(farmers and industrials) and institutional (public agencies, authorities) actors, but it does not address consumers (MoI, 2021).

At the cultivation stage, various legal articles specify the conditions under which cannabis must be grown. For example, farmers must adhere to a set of norms, including WHO's guidelines on good agricultural and collection practices (GACP). Farmers must comply with rules regarding seed use, fertilizers, pesticides, and crop rotation (Afsahi, 2022). Similarly, processing rules are stringent concerning manufacturing, inputs used, packaging, storage, transportation, technical standards, quality control, and product efficacy, as well as production quantities and traceability (ANRAC, 2022). These standards stem from international norms, employing sophisticated tools and processes that require formal knowledge and equipment like trichome extraction machines and cannabinoid analysis laboratories (Afsahi, 2022). Additionally, the law includes articles on the organization of cooperatives and their contracts with industrials, residency conditions for farmers, and new standards for stock control and security, transportation, and destruction (ANRAC, 2022). The legal cultivation of cannabis also depends on the existence of a market and demand, referring to those who will distribute the product.

Although the law does not mention consumers, it does introduce new stakeholders such as breeders, medical, cosmetic, or food industry professionals, transport companies, import and export firms, researchers from public or private institutions, and the national state agency for the regulation of cannabis regulated activities (ANRAC).

This exclusion of consumers is especially striking given the long-standing role of cannabis in Moroccan culture and society. Despite being ignored in the legal framework, cannabis consumers have historically been an integral part of the cannabis ecosystem in Morocco, spanning not only economic but also cultural and medicinal dimensions. The social justice implications of their exclusion are significant, as they highlight the disconnect between the law's socio-economic focus and the broader, more complex role of cannabis in Moroccan life.

SOCIAL JUSTICE FRAMEWORK IN CANNABIS LEGALIZATION

Law 13–21 makes no mention of cannabis consumers, nor does it highlight any health arguments regarding harm reduction, prevention, or prevalence rates, not even during the parliamentary debate ahead of its adoption. The primary arguments for regulating the market are socio-economic, focusing on benefits for cultivators (Afsahi, 2021) and economic opportunities for industrial stakeholders.

Despite the absence of cannabis consumers in the current debate and legislation, cannabis has been entrenched in Morocco's medicinal, nutritional, technical, spiritual, and social practices for centuries (Afsahi, 2022; Bellakhdar, 2013). Today, the scientific research on cannabis consumers in Morocco is negligible, with very few studies dedicated to this population.

In the 20th century, kif consumption was widespread among artisans, known as 'N'chaoui,' who prepared their own kif to suit their tastes (Afsahi, 2009; Mouna, 2016). These artisans, along with merchants and other professionals in the imperial cities' medinas, consumed cannabis in a ritualistic manner, often accompanied by tea or coffee. Smoking cannabis in small pipes called 'Sebsi' was a well-established cultural practice dating back several centuries. This behavior was not widespread and did not lead to significant medical or social complications, nor was it socially condemned. During the 1960s and 1970s, the Sebsi gradually gave way to joints (cannabis cigarettes), and cannabis use became fashionable with the rise of psychedelic music (Afsahi, 2009).

Despite the traditionally regulated and non-problematic use of cannabis, the legislator enacted the law of May 21, 1974 (MoJ, 1974), which, inspired by French law of December 31, 1970, criminalized all drug use. Article 8 of this law punishes the use of any substance or plant classified as a narcotic with imprisonment ranging from two months to one year and/or a fine of 500 to 5,000 dirhams (50 to 500 USD). However, the second paragraph allows judicial authorities to suspend criminal proceedings if the drug consumer consents to undergo detoxification treatment, which must be carried out in a therapeutic facility or a private clinic approved by the Ministry of Health. If a user commits another drug-related offense within three years of beginning their medical treatment, they face cumulative penalties for both the old and new offenses.

The 1974 law does not differentiate between cannabis and other drugs, marking a shift in the perception of cannabis consumers resulting in increasing stigma and marginalization. Therefore, categories of cannabis use evolved based on economic, political, and social considerations, effectively creating legitimate and illegitimate users (Beauchesne, 2021; Beauchesne 2022).

Studies on the evolution of drug consumers in Morocco are mainly conducted by the Ministry of Health, through the National Observatory on Drugs and Addiction (ONDA), in collaboration with the Mohammed V Foundation for Solidarity (Charrad, 2015). It was not until 2008 that the first official addiction survey was conducted, notably in Tangier (MoH, 2018). These surveys, primarily led by psychiatrists, reveal a health and moral perspective in managing drug use. According to the latest ONDA survey in 2015, there are approximately 800,000 cannabis consumers in Morocco. Current trends indicate a younger demographic of cannabis consumers, particularly among high school and middle school students, for whom hashish (cannabis resin) use is a means of socialization (El Omari, Sabir and Toufiq, 2017).

Despite cannabis being a low-cost product, problematic use is linked to poly-consumption, which is prevalent among the youth, including the recent surge in 'l'poufa,' a form of crack cocaine. In the Moroccan context, the fight against drug use has a significant security dimension, causing concern and unease among public authorities. Drug use is associated with insecurity, juvenile delinquency, mental illness, and prison overpopulation (Lazreq, 2022). Although there is a notable presence of poly-consumption and problematic drug use in Morocco, there is a lack of regular studies. This absence is not due to a lack of resources but rather to the political and security approach to drugs in Morocco. It has been reported that the number of arrests of young drug consumers increases during political unrest, such as the February 20 Movement that emerged with the Arab Spring uprisings (Lazreq, 2022).

Furthermore, law 13–21 highlights that the international consumer market for legalized cannabis is the priority, as the market is open to foreign industries. The call for foreign investors has drawn interest from German, Israeli, South African, and American companies, all seeking opportunities to produce or process in a country known for its favorable outdoor growing climate and low-cost labor (Afsahi, 2022). However, the development of a Moroccan market is also advancing, as the law permits it. Since June 1, 2024, a range of food and cosmetic products has appeared on pharmacy shelves in Morocco (Kharroubi, 2024). This enthusiasm for legal cannabis is also revitalizing the informal market for cannabis for legal uses. As observed locally, cannabis-derived products like soap, massage oil, and organic-labeled moisturizing cream—products that existed before legalization and for which there is no traceability—have proliferated in the medinas of major cities.

Discussions surrounding the legal regulation of the cannabis market in Morocco evolved around addressing the socioeconomic needs of traditional farmers in the Rif. By limiting the legal production zones, promoting farmer cooperatives and supporting indigenous seeds, the legal approach seemed to focus on a social justice framework concerned by supporting these farming communities. This could be interpreted as a willingness to preserve and enhance the local savoir-faire, develop an industrial local cannabis infrastructure, and remove criminal justice and law enforcement repression on traditional and small-scale cannabis farmers (Afajdar, 2021). The idea is that instead of allowing criminal organizations to dominate the cannabis market, and to empower farmers' livelihoods against emerging legal medical markets in Europe and Africa, the Moroccan government offers them a viable and legal economic outlet. While the policy framework is a positive step for cannabis farmers, it does not extend to non-violent offenders, consumers, or other marginalized groups. To build a truly inclusive policy, the government should also focus on providing opportunities for these groups to transition to the legal cannabis market, ensuring broader access to both economic opportunities and social justice.

Such social justice-driven regulation should set the rules that govern the Moroccan legal cannabis market itself from production to sale, and not solely focus on production. This regulation encompasses a broader context, beyond the binary relationship of the state as regulator and private entities as the regulated, to include other stakeholders that exert social control over the regulated entities. These stakeholders, such as farmers and their cooperatives, pressure groups, medical and health sector, civil society, financial institutions, and self-regulation within

industries, significantly influence the Moroccan regulatory model and its outcomes (Drahos and Krygier, 2017).

COMPARATIVE ANALYSIS OF INTERNATIONAL EQUITY MODELS

Best practice examples from other jurisdictions that legalized cannabis around the world provide social justice models aimed at addressing the harm caused to specific communities, which could be adapted to the Moroccan local social, economic, and cultural context. These include a large range of components, including expungements of criminal records or cannabis tax revenue-based equity programs (Garriott and Garcia-Fuerte, 2023). Nevertheless, only a few of these policy innovations are being implemented in developing economies, often due to the repressive nature of the drug market, corruption, and political priorities and preferences. Best practice examples are mainly from developed economies that are building emerging cannabis industries and attempting to design social justice inclusive regulatory models. American states (including California, New York and Massachusetts among 15 with social equity programs) provide interesting case studies through their innovative and emerging recreational cannabis laws incorporating a social justice framework, which can be adapted and restricted to medical and industrial uses in Morocco.

In 2021, the same year Morocco introduced its Licit Cannabis Uses Act 13–21, New York State legalized recreational cannabis through the Marihuana Regulation and Taxation Act, which includes a Social and Economic Equity program. This program aims to support individuals disproportionately affected by cannabis prohibition by expunging past cannabis convictions and allocating 40% of cannabis tax revenue to rebuilding impacted communities, with up to USD 140 million tax-funded reinvestments in communities each year (Morris, Hudak and Stenglein, 2021). The law also seeks to award 50% of all cannabis licenses to equity populations, including those from impacted communities, minority-owned businesses, women-owned businesses, distressed farmers, and service-disabled veterans, with additional priority for those with lower incomes and past cannabis-related convictions or family members with such convictions (New York Senate 2021). Similarly, Massachusetts introduced in 2017 the first social equity program in a cannabis regulation, aiming to reduce disparities for affected individuals and improve quality of life in impacted areas. The Massachusetts Cannabis Control Commission set eligibility criteria for the Social Equity Program, focusing on residents from heavily impacted areas, those with past drug convictions, or their family members. The Commission grants licenses for cannabis delivery services exclusively to those meeting these social equity requirements (Commonwealth of Massachusetts 2017). California's 2018 cannabis legislation also targets repairing the harms of past repressive policies. The state imposes a 15% tax on cannabis cultivators and a 10% excise tax on sales, using the revenue for community reinvestment, job training, mental health services, legal services for the formerly incarcerated, and economic development in marginalized areas. California also allocates funds for research, youth treatment, local governments, and environmental restoration. The state provided USD 50 million last year to its community reinvestment grants program, up from USD 30 million in 2021 (Morris, Hudak and Stenglein, 2021).

POLICY GAPS AND RECOMMENDATIONS

Despite the promising shift in Morocco's cannabis policy, significant gaps remain. The law does not address the needs of local consumers, nor does it provide for reintegration of individuals with past cannabis-related convictions.

Learning from best practices in these jurisdictions and despite the difficulties in implementation (Hendy, Mauri and Creary, 2023), Morocco can adopt social justice models that address the harms caused to specific communities beyond farmers, including consumers and communities that suffered most from repressive cannabis law enforcement. For instance, programs that expunge past cannabis convictions and criminal records for traditional farmers and consumers must be considered. Cannabis tax revenue allocations must be targeted to rebuild impacted communities, including educational, health and labor infrastructure. Similarly, equity programs focused on reducing disparities in affected areas by setting specific eligibility criteria to access licenses for those from heavily impacted communities should be established.

Beyond Rif farmers who get licenses for cultivation of cannabis through cooperatives, other former non-violent stakeholders of the illegal cannabis market should be supported to transition toward the legal one. Reinvestments must also target repairing past harms through specific support for formerly incarcerated individuals and their reintegration. By integrating these elements, Morocco can review its policy toward a regulatory model that not only supports traditional farmers but also promotes broader social equity, ensuring that the benefits of legalization are widely and fairly distributed.

CONCLUSION

The enactment of Morocco's Law 13–21 represents a significant, yet incomplete, shift from a prohibitionist drug policy to a framework permitting the medical and industrial use of cannabis. This legal transformation aligns Morocco with global trends, while focusing on the socio-economic needs of small farmers in the Rif region and private investors in the cannabis industry. However, the law's focus on socio-economic benefits for cultivators and industrial stakeholders overlooks local consumers and patients, reflecting a limited scope in addressing the full spectrum of cannabis use and its historical, cultural, and social contexts in Morocco.

Historically, cannabis in Morocco has oscillated between periods of legalization and repression, influenced by both economic interests and moral considerations. The recent legalization primarily aims to integrate cannabis into regulated medical and industrial sectors, emphasizing strict cultivation, processing, and quality control standards. However, the exclusion of local consumers from the law's considerations signals a gap in a holistic approach to cannabis regulation.

Despite the potential economic benefits for farmers and industrial actors, the absence of consumer-oriented provisions and health-focused harm reduction strategies highlights a need for broader regulatory inclusivity. The experiences of other jurisdictions, particularly those incorporating social justice frameworks into their cannabis legislation, offer valuable lessons. Programs addressing the expungement of past cannabis convictions, equitable distribution of licenses, and targeted community reinvestment can serve as models for Morocco.

Adopting such social justice-driven regulatory models can help Morocco transition from punitive to supportive policies, ensuring that the benefits of cannabis legalization extend beyond producers to include consumers and communities historically marginalized by repressive drug laws. By learning from global best practices, Morocco can develop a comprehensive cannabis regulatory framework that promotes social equity and justice, supporting a more inclusive and sustainable cannabis industry.

COMPETING INTERESTS

The authors have no competing interests to declare.

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