UNIVERSITI TEKNOLOGI MARA

MEDICO-ETHICAL CONSIDERATIONS FOR LEGALISATION OF MEDICINAL CANNABIS IN MALAYSIA

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ABSTRACT

There is an abundance of international studies that have lauded the benefits of medicinal cannabis for various illnesses. Likewise, local studies on cannabis in Malaysia that initially revolve around the harmful effects of cannabis misuse are increasingly shifting towards the benefits of medicinal use. Pursuant to scientific discovery of the medicinal benefits of cannabis, a myriad of literature begins to focus on the legality of utilising cannabis for medicinal purposes. Whilst many countries around the world, some of those including South East Asia countries have legalised medicinal cannabis, Malaysia is still lagging behind. As of now, there is no local study focusing on the legalisation of medicinal cannabis, leaving a gap in providing a reference to Malaysia's way forward on this issue. Under the current legislative regime, the use of cannabis is prohibited under the Dangerous Drugs Act (DDA) 1952 *[Act 234]*. However, the recent case of *Muhammad Lukman Mohamad* has sparked national interest that triggered calls for decriminalisation and legalisation of cannabis for medical reasons. Following these calls, it is pertinent to examine and critically analyse the medical, ethical, and legal considerations on the legalisation of medicinal cannabis in Malaysia. Such consideration is deemed necessary to protect the health and safety of patients. This research adopts an exploratory research design and employs a qualitative research approach in examining medical, ethical, legal, and theological considerations towards the legalisation of medicinal cannabis. Comparative legal analysis covers substantive and procedural components of jurisdictions in selected countries that have legalised medicinal cannabis such as the United Kingdom (UK), Canada, and Thailand. Examination of medico-ethical considerations is done using Biomedical Ethics Theory and Philosophical Theory. These considerations provide a comprehensive analysis of the legalisation of medicinal cannabis in Malaysia that will contribute to the current body of knowledge. This research proceeds to make several recommendations deemed relevant towards the legalisation of medicinal cannabis in Malaysia.

ACKNOWLEDGEMENT

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CHAPTER ONE
INTRODUCTION

1.1   Research Background

1.1.1   Cannabis

Cannabis, which is the subject matter of this research, is a genus of flowering plants in the *Cannabaceae* family. It has several species namely *Cannabis sativa*, *Cannabis indica*, *and Cannabis ruderalis* (Clarke & Watson, 2007). The cannabis plant has a wide range of compounds such as cannabinoids, terpenoids, carbohydrates, flavonoids, and nitrogen-containing compounds (Brenneisen, 2007). The two most widely studied cannabinoids are delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). Within the endocannabinoid system, these cannabinoids affect the user's physiological and cognitive activities (Qatanani, Umar, & Padela, 2021). THC is the primary psychoactive cannabinoid in cannabis and is intoxicating while CBD is mildly psychoactive but not intoxicating (Shirah & Ahmed, 2020).

Extensive research on cannabis has been conducted following the discovery of THC molecular structure by Gaoni and Mechoulam in 1964 (ElSohly, 2007). THC has a significant impact on cognitive functions such as thinking, memory, attention, and time perception (Qatanani et al., 2021). Most of the medicinal benefits of cannabis are associated with CBD. As opposed to THC, CBD is non-psychoactive and has no harmful effect on memory or motor functions (Pisanti & Bifulco, 2017). CBD has no effects indicative of any abuse or dependency and is *"generally well tolerated with a good safety profile"* (World Health Organization, 2017, p. 1). It is proven that CBD has a protective effect against some negative psychological effects related to THC (Almogi-Hazan & Or, 2020). Cannabinoids concentrations in different cannabis breeds may vary and the THC:CBD amounts in a cannabis product can be genetically modified (Qatanani et al., 2021). Since THC concentration mainly determines the potency, the adverse effects of acute or regular cannabis usage are directly related to THC concentrations in the product. In general, the higher the THC content of a product, the greater the risks (Lafaye, Karila, Blecha, & Benyamina, 2017).

There are a lot of debates on the taxonomic interpretations in which some