

Legislative evolution of cannabis, from prohibition to its return to industry

During the 20th century, the industrial cannabis plant was prohibited in many countries because the law did not distinguish it from psychoactive cannabis.

Its return became possible when regulation was based on measurable THC thresholds, certified varieties, and institutional oversight.

INTRODUCTION

For centuries, the industrial *cannabis* plant was a common agricultural crop in Europe and beyond. During the 20th century, its cultivation declined significantly, due to legal restrictions on drugs and economic changes that affected fiber production. In recent decades, the crop has been returning to production within regulatory frameworks.

This article examines the major changes in the regulation of the industrial *cannabis* plant, from the prohibitions of the 20th century to the return of cultivation, with a focus on the European Union and Albania.

FROM COMMON CROP TO PROHIBITED PLANT

The decline in cultivation began before prohibitions were introduced. From the 17th century onward, cotton and, later, synthetic fibers gradually replaced *cannabis* fiber in textile production. The weakening of its economic competitiveness made the crop more vulnerable to subsequent legal restrictions.

Legal changes played a decisive role in this process. The International Opium Convention (1925) introduced controls on “Indian hemp”, while many European countries adopted laws that affected all varieties of *Cannabis sativa* L. In the United States, the Marihuana Tax Act (1937) provided exemptions for fiber and seeds, but administrative requirements made cultivation more difficult. During World War II, the “Hemp for Victory” campaign temporarily encouraged cultivation for military needs.

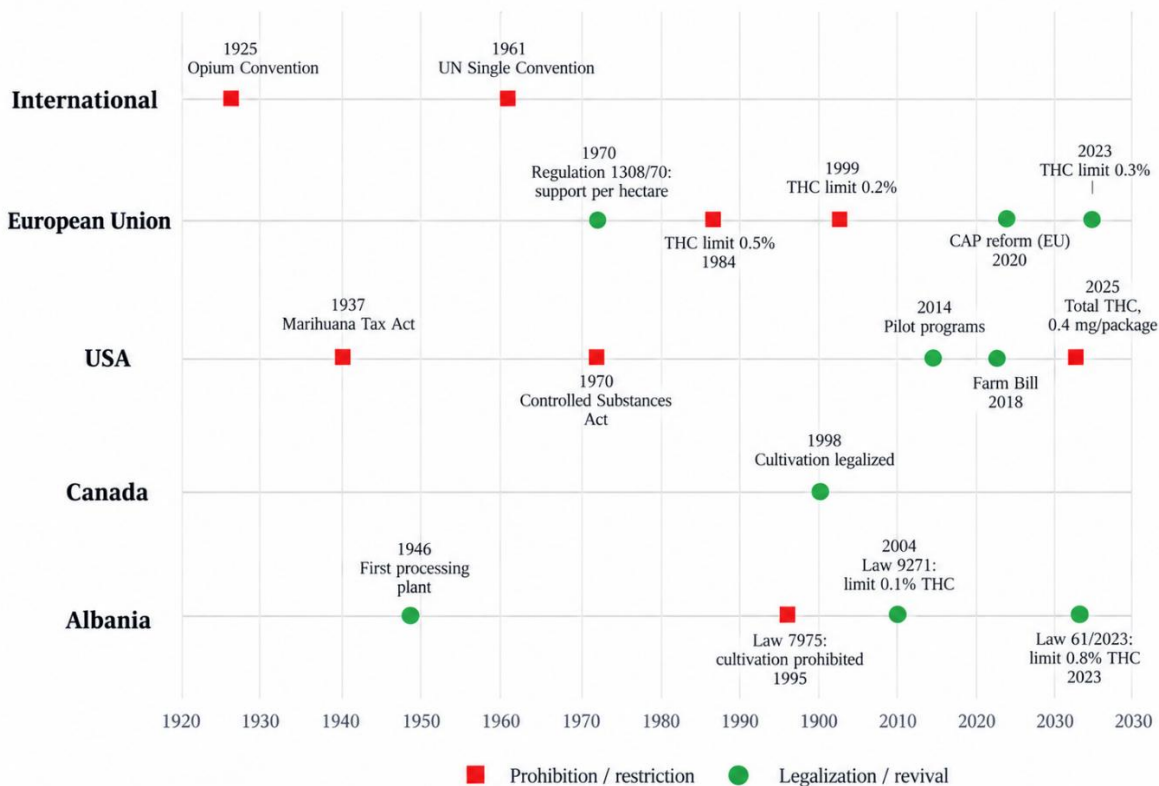
The United Nations Single Convention on Narcotic Drugs (1961) strengthened international controls. Article 28 exempted cultivation for fiber and seed, but many states did not reflect this distinction in national legislation. In the United States, the Controlled Substances Act (1970) kept cultivation under control without creating a separate category for industrial *cannabis* based on THC content. The consequences continued for decades and included the loss of varieties, agronomic knowledge, and processing capacity.

EUROPEAN UNION

In Western Europe, regulatory development followed a different trajectory. With Regulation (EEC) No 1308/70, the European Economic Community established the common market organization for flax and industrial hemp, providing financial support for each hectare planted. This mechanism contributed to maintaining cultivation, particularly in France. However, some Member States retained national prohibitions; Germany, for example, re-legalized cultivation in 1996.

Eligibility for support was made conditional on the use of varieties with low THC content. The threshold was set at 0.5% in 1984 and was subsequently lowered to 0.3%. In the late 1990s, concerns about misuse of subsidies and illegal cultivation led to stricter measures: in 1999, the threshold was lowered to 0.2%, while the 2000 reform shifted support from farmers to fiber processors.

A further change came with the reform of the Common Agricultural Policy (CAP) for 2023–2027. Regulation (EU) 2021/2115 restored the 0.3% threshold from 1 January 2023. Eligibility for direct payments for the cultivation of industrial *cannabis* plant is conditional on the use of certified seeds of varieties registered in the EU Common Catalogue. The area cultivated for fiber in the EU increased from around 20,500 ha in 2015 to around 33,000 ha in 2022, with France as the leading producer.



RETURN TO THE GLOBAL MARKET

Outside the EU, the return of cultivation began in the late 20th century. Canada re-legalized commercial cultivation in 1998. In the United States, the 2014 Farm Bill allowed pilot research programs with a 0.3% THC threshold, while the 2018 Farm Bill removed industrial *cannabis* from the list of controlled substances and placed its production under the regulatory oversight of the Department of Agriculture. In Switzerland, the relevant threshold is 1.0% THC.

The return is linked to interest in the bioeconomy, sustainable materials, and diversification of farmers' incomes. The development of the sector also faces common challenges, including a lack of adapted varieties, limited processing capacity, and regulatory uncertainties.

NEW REGULATORY CHALLENGES

The contemporary debate is not limited to the authorization of cultivation, but also includes the conditions for marketing products. The marketing of CBD lawfully produced in another Member State is protected by internal market rules, while restrictions for the protection of public health must be justified and proportionate. However, national rules for flowers, extracts, and food products differ among Member States.

In the United States, legal changes adopted in November 2025 narrowed the legal definition of industrial *cannabis*. They include the assessment of total THC rather than delta-9-THC alone, and a threshold of 0.4 mg for the sum of total THC and other specified cannabinoids with similar effects in finished products.

ALBANIA

In Albania, industrial *cannabis* has a long tradition of cultivation for the production of textiles and ropes. During the communist period, cultivation and processing were organized at an institutional level. The first processing factory was built in 1946 and closed in the early 1990s, following the change in the political and economic system.

Law No. 7975, dated 26 July 1995, “On Narcotic Drugs and Psychotropic Substances” prohibited the cultivation of “Indian hemp”, including cultivation for industrial purposes, for fiber and seed.

Subsequently, Law No. 9271, dated 9 September 2004, amended Article 9 and allowed the cultivation of *Cannabis sativa* L. for fiber and seed, for varieties with a THC content not exceeding 0.1%, with an import permit issued by the Minister of Agriculture. This threshold was lower than the EU threshold, which at that time was 0.2%.

Currently, Law No. 61/2023 has raised the threshold to 0.8% THC and established the National *Cannabis* Control Agency (AKKC) as the supervisory authority.

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