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## The role of political elites in changing the perception of social threats. The case of Tomasz Kalita and the legalization of medical marijuana in Poland

### Abstract

The article analyzes the impact of the actions of a member of the Polish political scene, Tomasz Kalita, representing the left-wing, on changing the perception of medical marijuana in Poland. It outlines the role of a politician who has used his personal experience of cancer and his media positioning to bring about regulatory change in this area. The article pays particular attention to legislative initiatives for legalizing marijuana for medical purposes and the socio-political perception of this issue in the context of the religious-cultural homogeneity of Polish society. The discussion proves that Kalita has contributed to the redefinition of medical marijuana as a medicine, rather than a drug, in the Polish public debate.

**Keywords:** medical marijuana, legislation, political activism, social order

### Streszczenie

Artykuł prezentuje wpływ działań przedstawiciela polskiej sceny politycznej, Tomasza Kalitę, reprezentującego środowisko lewicowe, na zmianę postrzegania medycznej marihuany w Polsce. Charakteryzuje rolę polityka, który wykorzystał osobiste doświadczenie choroby nowotworowej oraz pozycję medialną w celu promowania zmian regulacji prawnych w tym obszarze. W artykule szczególną uwagę zwrócono na inicjatywy legislacyjne dotyczące legalizacji marihuany do celów medycznych oraz społeczno-polityczny odbiór tego zagadnienia w kontekście homogeniczności religijno-kulturowej

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społeczeństwa polskiego. Rozważania dowodzą, że Kalita przyczynił się do redefinicji medycznej marihuany jako leku, a nie narkotyku, w polskiej debacie publicznej.

**Słowa kluczowe:** marihuana medyczna, ustawodawstwo, aktywność polityczna, ład społeczny

## Purpose and Scope of Considerations

Social order is based on the stable functioning of a community guaranteed by a consensus resulting from the dominant value system. It is shaped by religion, the moral system, tradition, and law. The modernization of this consensus, being a long and difficult process, can occur as an effect of the efforts of individuals or social groups that undertake to contest it. The considerations outlined the social activity of Tomasz Kalita, involved in the work on the amendment of the Act on Counteracting Drug Addiction, the so-called „Kalita Act,” as a result of which, from November 1, 2017, the trade of medical marijuana as a pharmaceutical raw material was decriminalized. One of the most important, if not the most important challenge during this period was changing the negative public opinion regarding controlled access to this product and the process of broadly educating society to counteract harmful stereotypes. These considerations capture Kalita's activity from one side – from the perspective of his involvement as a representative of the political elite holding prominent and substantively significant functions in the Democratic Left Alliance (Sojusz Lewicy Demokratycznej – SLD), and from the other – as an ambassador of the postulate to enable legal access to medical marijuana for sick people, of whom he became an informal advocate. An essential element of the considerations is the analysis of the evolution of the perception of access to this substance based on media materials and comments (appearing in the public domain from May 2016 to January 2017), which were the result of this politician's actions.

## Post-War Polish Legislation Regulating Access to Narcotic Substances

Regulations concerning cannabis were essentially introduced in international legislation from the second half of the 20th century (Hordowicz 2022: 32). Referring to post-war legislation in Poland, it is worth mentioning the Act of January 8, 1951, on narcotic substances, which mainly dealt with pharmaceutical and narcotic products and sanitary articles, imposing the obligation to punish illegal trade in these sub-

stances by appropriate institutions and prohibiting the use of narcotic substances without a doctor's recommendation in the company of another person. Less than two years later, the Ministry of Agriculture and Food Economy in Poland issued a regulation on October 29, 1952, regarding the registration of medicinal poppy cultivation and the purchase of poppy straw. In turn, the Penal Code of 1969 in Poland, in Article 161, differed from the previous version and provided for imprisonment for anyone „*who, not being authorized to do so, provides another person with a narcotic substance or incites to use such a substance*” (Morawska 2001: 211). The next step in Polish legislation was the adoption of the Act on Preventing Drug Addiction of January 31, 1985 (DzU 1985: 4/15). It was based on three main assumptions: it imposed on state authorities the obligation to undertake comprehensive actions aimed at preventing drug addiction and supporting social organizations, churches, and religious associations in this regard, implemented educational and didactic activities, and control over substances that may lead to drug addiction, provided access to rehabilitation, readaptation, and socialization of addicted persons, and created the Drug Addiction Prevention Fund to ensure infrastructure in this area and finance necessary needs, including providing assistance to addicted persons and their families. The Act on Preventing Drug Addiction caused a certain degree of limitation in the supply of addictive substances. It allowed the cultivation of poppy and hemp by individuals and economic entities upon meeting certain conditions. The 1990s brought new types of narcotic substances (including amphetamine). Therefore, new regulations were needed, tailored to the times and ongoing changes, particularly the diversification of the narcotic substances market. The response to this need was the Act of April 24, 1997, on Counteracting Drug Addiction (DzU 1997: 75/468). This act defined the principles of counteracting drug addiction, which included: educational and preventive activities, treatment and rehabilitation of addicted persons, supervision over substances whose use may lead to drug addiction, combating illegal trade, production, processing, and possession of substances whose use may lead to drug addiction, and supervision over the cultivation of plants containing narcotic substances. Unlike the previous act, the tasks in the field of counteracting drug addiction were entrusted not only to government administration bodies but also to local government units. At the same time, schools, universities, healthcare facilities, military units and police, sports clubs, correctional facilities, detention centers, and prisons in Poland were authorized to undertake these actions within the appropriate scope. The most important change introduced by the legislator, unlike the previous legal state, was the penalization of the mere possession of narcotic substances and psy-

chotropic substances: “whoever possesses such substances is subject to imprisonment for up to 3 years” (Morawska 2001: 213). In the case of lesser severity, the perpetrator was subject to a fine, restriction of liberty, or imprisonment for up to one year. If the subject of the act was a significant amount of narcotic substances or psychotropic substances, the perpetrator was subject to a mandatory fine and imprisonment for up to 5 years. The currently applicable legal act in Poland is the Act of July 29, 2005, on Counteracting Drug Addiction (DzU 2005: 179/1485).

Summarizing this section, it is worth emphasizing that after World War II, cannabis was legal in Poland, but it began to gain increasingly pejorative connotations as a „mind-altering drug”. It wasn't until the second half of the 20th century that cannabis was added to the list of controlled substances under international drug control conventions (Hordowicz 2022: 32). In 1985, its cultivation was banned in Poland without the appropriate permit and possible only for industrial purposes<sup>2</sup>.

### Kalita's personal example as a politician – an opinion leader and a patient fighting for access to cannabis therapy

Tomasz Kalita said about himself that the two words that best characterize him are „homo politicus” (*Pamiętamy* 2017), which was often quoted during his illness and in numerous publications shortly after his death. He became involved in politics in 2003 on the occasion of the referendum campaign regarding Poland's accession to the European Union. In 2005, he led the SLD program team and co-created the Program Constitution „SLD Democratic and Social Poland”. In 2008, he became the SLD spokesperson and held this position until 2011, when he returned to program work and founded the left-wing think tank: Ignacy Daszyński Center, which operates to this day and has organized several thematic conferences and publications. Since 2011, he also served as the head of the advisory team of the former Prime Minister and then SLD chairman Leszek Miller, as well as the advisor to the Deputy Speaker of the Sejm Jerzy Wenderlich. On behalf of the SLD, he also served as the vice-chairman of the TVP Program Council. For many years, he functioned in the media space as a person holding significant positions in the

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<sup>2</sup> The „old hemp” almost completely disappeared from Polish villages. It was replaced by monoecious, artificially bred and released on the market only in the second half of the 20th century, fiber hemp, characterized by low THC content and high CBD content. This plant was commonly used for fiber production. However, in the second half of the 20th century, demand for it gradually declined

political party, but in the face of illness and - as it turned out, at the end of his life - he became an ambassador for legal access to medical marijuana for sick people. He educated on his own example what therapeutic significance it can have and how it can affect the quality of functioning. What seems particularly difficult is the fact that Adam Bodnar, the then Ombudsman (current Minister of Justice Prosecutor General), pointed out in an interview for TVN 24 that Kalita *„did not hide behind his illness, did not close himself in privacy, but decided to use it for the public good”* (*Medyczna marihuana: Bodnar – Kalita nie schował się za swoją chorobą* 2017). His testament, as former Prime Minister Leszek Miller said at the funeral, was not only the project concerning medical marijuana but also a call for a different quality of public life (*Ostatnia droga Tomasza Kality. Pożegnanie byłego rzecznika SLD* 2017).

As indicated at the outset, an essential element of the considerations is the analysis of the evolution of the perception of access to this substance based on media materials and comments in the period from mid-2016 to early 2017. Kalita – as he said in interviews - learned that he had a brain tumor at the end of May 2016. On one of the social media platforms, he wrote about undergoing surgery to remove the tumor and raised the topic of medical marijuana. As repeatedly cited in various publications, in his post, he stated that perhaps marijuana oil would help him, which, however, is not allowed for trade in Poland: *„Since I know I have glioblastoma multiforme, life has completely changed. I appreciate it like never before. Apparently, marijuana oil helps. It's terrible that to do everything possible in my situation, I would have to break the law. May my post make the rulers think”* – the politician wrote at the time. At the end of August 2016, SLD politicians submitted a petition to the Sejm, in which they appealed to MPs for a quick change of regulations to enable treatment with medical marijuana and substances containing hemp oil (*Polityk SLD Tomasz Kalita zmarł*, 2017). The petition was accompanied by the project of the so-called „Kalita Act” (allowing such treatment). At the end of October 2016, Kalita met with the President of the Republic of Poland, with whom he talked about oncology in Poland and the legalization of the cannabinoid oil.

## Changing the perception of public order threats – the role of media and political attention

Civilizational development continuously generates new threats, and their exhaustive and comprehensive analysis is conducted, among others, by Brunon Hołyst (2013: 19–20), who addresses them in various contexts: moral and ethical, psychological, biological, legal, and socio-cultural. The

author pays special attention to manifestations of social pathology, including those resulting from armed conflicts and threats from the media. The topics of consideration seem to justify the focus on the importance of addressing certain topics by the media, since it is through them that the „threat” posed by medical marijuana can be „domesticated” or, on the contrary, „demonized” in the public space. However, one cannot overlook the fact that the accompanying fears could (and still can) stem from the stratification of social groups in the area of access to information, the source of which is confinement in worldview, age or subcultural bubbles, and the ally of this stratification is technological development (Walek 2015:190–202).

Addressing the topic of changing the perception of social threats, I used the definition proposed by Stanisław Ossowski, who among the four types of social order indicates – as the first – the order of collective representations. It involves „unreflective subordination of individuals and social groups to traditional customs and norms of conduct. This is most often conformity motivated by religion or referring to values and patterns entrenched in culture” (Ossowski 1967: 193). This seems particularly relevant in the context of the considerations taken up here, since in 2015, Polish society was predominantly catholic in terms of religion – according to data provided by the Central Statistical Office (GUS: *Religious Denominations in Poland in the Years 2015–2018*, Warszawa, 2019). The office's report notes that survey studies allow estimating (in a way satisfactory to researchers) only the percentage share of Catholics. Sometimes fractions of a percent of declarations of Orthodox, Protestants, or Jehovah's Witnesses are also revealed, which belong to the Christian family.” Nevertheless, according to the research of the Institute of Statistics of the Catholic Church, in 2015, 35.5 million people lived in Catholic parishes in Poland, including 32.7 million Catholics (92% of Catholics), which – considering the fact that the total population of our country was almost 38.5 million at that time, still gave an impressive share of 84 percent (*Ilu Polaków chodzi do kościoła?* 2017). Catholicism opposes access to drugs, including marijuana, which belongs to this catalog. Despite clear indications from the Bible, e.g.: „Everything is permissible for me, but not everything is beneficial. Everything is permissible for me, but I will not be mastered by anything” (1 Cor 6, 12), there were publications in the Catholic press that allowed the use of drugs in exceptional medical indications, (*Katolicyzm a uzależnienia* 2014)<sup>3</sup>.

Nevertheless, it should be noted, that the Church's teaching on stimulants takes into account the context in which they were used and the

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<sup>3</sup> They derive directly from the Catechism of the Catholic Church (Point 2291), which states: *The use of drugs inflicts very serious damage on human health and life. It is a grave offense unless it is prescribed by strictly medical indications.*

intention of the user, so it was difficult to expect that any attempts to violate the existing status quo would not meet with the reservation of the broadly understood public opinion. This also applies to politicians who are afraid of making changes in the law in areas that touch on worldview issues in a religiously (worldview) homogeneous society. Among the legal changes that arouse the greatest social emotions, one can point to, for example, the violation of the so-called „abortion compromise" or regulations concerning the conclusion of partnerships, including the right to adoption by same-sex couples (on July 8, 2024, the legislative work plan of the Council of Ministers published the assumptions of the Act on registered partnerships and the Act introducing it); it should be noted that it does not equate the rights of persons entering into such a partnership with the rights of spouses, e.g. in terms of surname, ceremony at the Civil Registry Office (USC) or adoption, and the regulations are the result of the judgment of the European Court of Human Rights of December 12, 2023 in the case of *Przybyszewska and others v. Poland* (European Court of Human Rights (11454/17, 11810/17, 15273/17, 16898/17, 24231/17, 24351/17, 25891/17, 25904/17, 30128/18, 30340/18,...)).

In this context, the comparison of a sample of the then public opinion (mostly positive) expressed in two independently conducted studies commissioned by the „Rzeczpospolita" daily and Radio TOK FM – with the radical tone of politicians' statements from that period (2015) and – illustratively – with the position of Izabela Leszczyna, currently (2025) serving as the Minister of Health, seems surprising.

### Legislative initiatives in the light of the 2015 guidance of the Constitutional Court

For the mere possession of marijuana, the currently applicable regulations impose a penalty of up to 3 years of imprisonment, while the sale of marijuana to another person is punishable by up to 10 years of imprisonment. However, the sale to a minor is a crime punishable by 3 to 15 years of imprisonment. On May 26, 2011, changes were introduced, giving prosecutors the possibility of not filing charges for possession of small amounts of cannabis for personal use if it is the first offense or if the person is addicted to drugs. On April 17, 2015, the Constitutional Court signaled the need for legislative actions aimed at regulating the issue of medical marijuana use. There were noted, that, in light of scientific research, marijuana can be used for medical purposes, especially to alleviate the negative symptoms of chemotherapy used in cancer treatment. Since then, the few initiatives have taken place. On June 16, 2015,

United Right MP Patryk Jaki announced the submission of a parliamentary bill to amend the Act on Counteracting Drug Addiction (bill no. 3668), whose signatories were MPs from various political groups present in the Sejm. As he admitted, „there is no chance for a government bill legalizing medical marijuana” (*Jaki walczy o medyczną marihuanę* 2015). Then, on February 1, 2016, Kukiz'15 MP Piotr Liroy-Marzec submitted a bill to the Sejm of the Republic of Poland to legalize medical marijuana. The bill included a postulate that, after obtaining the appropriate permit, patients could independently cultivate marijuana and prepare products for therapy based on it. To expand the knowledge of parliamentarians in this area, MP P. Liroy-Marzec previously organized a conference on this subject, unfortunately, the attendance among parliamentarians was surprisingly low. The symposium „Medical Marijuana – Opportunities and Limitations” was attended by, among others, Dr. Marek Bachański, who was the first in Poland to start medical marijuana therapy, Dr. Jerzy Jarosz, the founder of the first consultation point for those interested in this substance, as well as parents of children treated with marijuana; along with other specialists in this field, they presented MPs with knowledge about medical marijuana, supported by research and experiences from other countries that had previously gone through the process of legalizing it<sup>4</sup>. In March 2016, the Ministry of Health decided to fully refund the targeted import of drugs containing medical marijuana. The adopted regulations allowed the patient to apply for a refund, provided that the attending physician deemed it the most effective of the available therapies. The second bill that was submitted for parliamentary work at the time was the one so-called *Kalita Act*, which provided for the treatment of medical marijuana and products containing hemp oil. As many experts, including Dr. Mariusz Gujski, emphasized, the topic of legalizing medical marijuana aroused many emotions. *However, it is necessary to separate the use of this substance for medical purposes from aspects related to addictions. In the discussion about marijuana, one can use the example of another substance – morphine. It is used to relieve pain, especially very severe cancer pain, and has been available to patients for many years. It would be completely pointless to combine the medical use of this substance with its narcotic, psychoactive properties. These are two different matters, and similarly, marijuana should be approached. The state's consent to the use of substances con-*

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<sup>4</sup> In the Column Hall of the Sejm, where the symposium was held on January 28, 2016, only representatives of the Kukiz'15 Movement and the then Deputy Minister of Justice Patryk Jaki (PIS), who had already been involved in building the availability of medical marijuana, were present. Among the experts was also Dr. Marek Bachański, who dealt with the use of medical marijuana in the treatment of people with drug-resistant epilepsy and who argued that the use of medical marijuana for such conditions is justified.



*tained in marijuana for medical purposes – yes, but consent to their use for psychostimulation is excluded* – emphasized Dr. Mariusz Gujski (*Dwa projekty ustaw...* 2016). The bill was submitted to the Sejm on August 23, 2016 (*Petycja ws. dopuszczenia leczenia marihuaną...* 2016).

While the two aforementioned bills were already in the so-called parliamentary freezer, Law and Justice right-wing party (Prawo i Sprawiedliwość – PiS) proposed its own. It did not provide for the legalization of hemp cultivation in Poland but its purchase abroad: *„we will amend the law so that the patient can fulfill a strict narcotic prescription. It will be a prescription drug”*, indicated Deputy Minister of Health Jarosław Pinkas, listing the main assumptions of the PiS bill. The fact that it was a parliamentary bill allowed avoiding public consultations and quickly passing the bill through the Sejm. However, it was much more restrictive than the two previously submitted bills. It was presented to the health committee on December 1, 2016. *„This is not even a compromise, almost nothing remains of this bill (...). If the government decides to buy marijuana abroad and it will not be refunded, it will generate too high costs, unbearable for patients. It has absolutely nothing to do with increasing accessibility”*, said Anna Kalita, a political scientist and journalist, who naturally took over the mandate to assess legislative actions in this area after her husband's death (*„Anna Kalita: To nie jest ustawa Tomka”* 2017). This was an expression of disappointment that the original wording of the draft had been significantly „truncated”<sup>5</sup>. The medical use of cannabis was introduced by the Act of July 7, 2017, which came into force after three months from the date of announcement. Its content mentions products that patients can use, which are: herbs of non-fiber hemp and extracts, pharmaceutical tinctures, as well as all other extracts from non-fiber hemp and resin of non-fiber hemp, which now constitute a pharmaceutical raw material.

## Summary

Tomasz Kalita's illness and his decision to share it with the public, acknowledging and showing weakness and the pain associated with it, had the chance to become an impulse for verifying the Polish society's attitude towards medical marijuana and its role in the therapy of sick people. Kalita

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<sup>5</sup> The whole process boiled down to the practice, common in parliamentary reality, of introducing legal regulations in socially important areas in such a way that they go to the account of the coalition partner within the parliamentary majority or the ruling party. In this case, unfortunately, this happened to the detriment of patients, as a number of important provisions, affecting, for example, the availability of cannabis preparations, were simply removed or omitted from the PiS draft.

consciously used his entire arsenal of possibilities – as a public figure, political campaign strategist, media expert, and finally „homo politicus”, to provoke reflection and modernize the conservative public approach to medical marijuana and the perception of people using it as drug addicts or drug dealers. Moreover, with his example and testimony, he disarmed the arguments of politicians fearing attacks for „supporting drug addiction”. Opponents of medical marijuana legalization emphasized that it is a path to drug legalization (*Medyczna marihuana: droga do legalizacji narkotyków?* 2017).

It can be argued that everything that happened in Polish legislation after 2017 regarding facilitating and organizing access to medical marijuana, and thus improving the quality of life for suffering people, was made easier by the intensive eight-month media campaign conducted by Tomasz Kalita. Unfortunately, eight years after his death, the realities are still far from the effects he hoped for. Kalita certainly knew the methods of attracting media attention through emotions, ways of gaining the sympathy of viewers, listeners, and readers, as he had many campaigns behind him. Both, those that ended in success and those that ended in failure. Considering his intense fourteen-year experience in the political-media space, it is hard to imagine it being otherwise<sup>6</sup>. Nevertheless, these considerations focus on a very specific area of Kalita's activity – as a sick person and ambassador for the legalization of access to medical marijuana. A task difficult to accomplish in such a short, barely a few months' time frame, because there was simply not enough time, or rather, to put it bluntly – not enough life.

The indications that we find in the vast majority of internet sources relate to illness, medical marijuana, his wife Anna, their feelings and marriage, faith, death, funeral, and struggle. Searching the internet resources, we find both television materials documenting everyday life, interviews in printed magazines<sup>7</sup> and on Internet portals, or radio conversations. The information about Kalita's death, which occurred on January 16, 2017, appeared in all significant media in Poland, as well as the remembrance of him and the reminder of the most important, last political battle.

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<sup>6</sup> Kalita became politically engaged at the age of 24.

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