

By any measure, cannabis prohibition in Canada has failed to meet the stated objective of reducing demand. Despite extensive enforcement efforts, cannabis remains the most frequently used illegal drug in Canada; among youth, it is the second-most-used psychoactive substance, after alcohol.<sup>1</sup> Compared to other jurisdictions, rates of use among Canadian youth are high,<sup>2</sup> and a significant illegal market in cannabis production and distribution continues to flourish in Canada.

How countries deal with non-medical use of cannabis is at a crossroads, in Canada and internationally. The global consensus that cannabis must be criminally prohibited is breaking down. Public opinion, and the position of politicians, are shifting as the costs mount; resources are being wasted to stigmatize and punish what many see as conduct not deserving of such penalties.<sup>3</sup> The health harms of cannabis are significant but modest in comparison with other drugs such as alcohol.<sup>4</sup> New approaches are emerging that aim to address public health concerns while eliminating well-documented health and social harms related to criminally prohibiting cannabis.<sup>5</sup> These approaches include decriminalizing possession for personal use and creating legal, regulated markets with parameters aimed at controlling and monitoring cannabis production and sale.<sup>6</sup>

It is time to consider alternative strategies for controlling cannabis markets. Frightening claims have been made repeatedly about the health and social harms of creating a legal, regulated market for cannabis control — but a review of the actual evidence shows these claims have been overstated.<sup>7</sup> Now, Canadian public health organizations and others are calling for a comprehensive, public health approach to the production, distribution, product promotion and sale of cannabis.<sup>8,9,10</sup>

## PRIORITIES FOR ACTION

- The federal government should immediately amend the Controlled Drugs and Substances Act to decriminalize possession of cannabis for personal use, as well as production for personal use.
- The federal government should establish an expert commission to consult with provinces, municipal governments, First Nations, public health experts, civil society organizations (including groups representing people who use drugs), business and law enforcement with a mandate to propose a public health framework for the legal regulation of the non-medical cannabis market in Canada.
- Federal and provincial authorities should develop and implement monitoring and evaluation systems that can measure the health, economic and social impacts of a new regulated cannabis market. They should also provide support for social and clinical research that examines these impacts resulting from new and emergent regulations, in order to adjust regulatory schemes, if and when necessary, based on evidence.

## FACTS AND FIGURES

- Despite more than 90 years of criminal prohibition, Canada has one of the highest rates of cannabis use in the world. More than 40% of Canadians have used cannabis in their lifetimes, and a majority of Canadians favour changes to the prohibition model.<sup>11,12</sup> Additionally, despite all the anti-cannabis messages targeted at youth and their parents,<sup>13</sup> between 30% and 53% of Canadian students report having used cannabis by grade 12.<sup>14</sup>
- Criminal prohibitions do not deter drug use. Comparisons between states or regions with differing approaches to drug policy show no clear correlation between the toughness of laws and penalties and the levels of drug use.<sup>15</sup>
- On the other hand, criminal prohibitions *do* cause harm. In Canada in 2013, 58,965 incidents involving possession

of cannabis were reported to police.<sup>16</sup> Over 600,000 people in Canada currently hold a criminal record for cannabis possession charges.<sup>17</sup> Canadian research suggests that despite these enforcement efforts, a large percentage of people arrested for cannabis possession fully intend to keep using this substance.<sup>18</sup>

- Criminalization is a waste of resources. A recent study conservatively estimated that it costs about \$10 million annually, in British Columbia alone, to enforce criminal prohibition against cannabis possession. This does not include court or prison costs.<sup>19</sup>
- A significant illegal and untaxed market exists in Canada. A recent study estimated that annual retail expenditures on cannabis in BC alone was \$407 million.<sup>20</sup> Daily users account for the bulk of the cannabis revenue, with a median estimated expenditure of approximately \$357 million. Recognizing the possibility of a different, better approach, several US states have implemented market regulation schemes for cannabis at the state level, despite the fact that prohibition continues to be the federal law in the US.<sup>21</sup> And Uruguay has become the first country in the world to pass legislation allowing for a regulated market for cannabis.<sup>22</sup>

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CANADIAN HIV/AIDS LEGAL NETWORK  
[AIDSLAW.CA/DRUGPOLICY](http://AIDSLAW.CA/DRUGPOLICY)

## ENDNOTES

<sup>1</sup> Canadian Centre on Substance Use, *Cannabis Use and Risky Behaviours and Harms: A Comparison of Urban and Rural Populations in Canada* (Ottawa: Canadian Centre on Substance Use, 2014).

<sup>2</sup> UNICEF, *Child Well Being in Rich Countries: A Comparative Overview* (Florence: UNICEF Office of Research, 2013).

<sup>3</sup> "More than two-thirds of Canadians want marijuana laws softened, though a majority still against legalization: poll," *National Post*, January 4, 2014.

<sup>4</sup> Global Cannabis Commission, *Cannabis Policy: Moving Beyond Stalemate* (Oxford: Beckley Foundation, September 2008).

<sup>5</sup> Centre for Addiction and Mental Health, *Cannabis Policy Framework* (Toronto: Centre for Addiction and Mental Health, October 2014).

<sup>6</sup> Bewley-Taylor, D., Blickman, T., & Jelsma, M., *The Rise and Decline of Cannabis Prohibition* (Amsterdam: Transnational Institute, 2014).

<sup>7</sup> International Centre for Science in Drug Policy, *State of the Evidence: Cannabis Use and Regulation* (Toronto: International Centre for Science in Drug Policy, 2015).

<sup>8</sup> Canadian Public Health Association, *A New Approach to Managing Illegal Psycho-active Substances* (Ottawa: Canadian Public Health Association, May 2014).

<sup>9</sup> *Cannabis Policy Framework*, supra note 5.

<sup>10</sup> Canadian Drug Policy Coalition, *Getting to Tomorrow: A Report on Drug Policy in Canada* (Vancouver: Canadian Drug Policy Coalition, 2013).

<sup>11</sup> Health Canada, Controlled Substances and Tobacco Directorate (2013). "Canadian Alcohol and Drug Use Monitoring Survey (CADUMS)," detailed tables for 2012, online at [http://www.hc-sc.gc.ca/hc-ps/drugs-drogues/stat/\\_2012/summary-sommaire-eng.php](http://www.hc-sc.gc.ca/hc-ps/drugs-drogues/stat/_2012/summary-sommaire-eng.php).

<sup>12</sup> "Majority of Canadians want to loosen marijuana laws: polls," *Globe and Mail*, August 29, 2013.

<sup>13</sup> "Anti-marijuana ad's dubious claim a scary hit with parents," CBC News, December 18, 2014.

<sup>14</sup> Health Canada, "CADMUS," supra note 11.

<sup>15</sup> Degenhardt, L., Chiu, W.T., et al., "Toward a global view of alcohol, tobacco, cannabis, and cocaine use: findings from the WHO World Mental Health Surveys," *PLoS Med* 2008, 5(7): e141.

<sup>16</sup> Statistics Canada, "Table 252-0051 — Incident-based crime statistics, by detailed violations, annual," 2014, online at <http://www5.statcan.gc.ca/cansim/a26?lang=eng&id=2520051> (number unless otherwise noted).

<sup>17</sup> Ruth, D., "Canada," in *Substance Abuse: A Global View* (Westport: Greenwood, 2002), at 28.

<sup>18</sup> Erickson, P. & Hyshka, E., "Four decades of cannabis criminals in Canada, 1970-2010," *Amsterdam Law Forum* 2010, 2(4).

<sup>19</sup> Boyd, N., *The enforcement of marijuana possession offenses in British Columbia: A blueprint for change* (School of Criminology, Simon Fraser University, 2013).

<sup>20</sup> Werb, D., Nosyk, B., Kerr, T., Fischer, B., Montaner, J., & Wood, E., "Estimating the economic value of British Columbia's domestic cannabis market: Implications for provincial cannabis policy," *International Journal of Drug Policy* 2012, 23(6).

<sup>21</sup> US State Marijuana Laws Map (2015, June 19), online at <http://www.governing.com/gov-data/state-marijuana-laws-map-medical-recreational.html>.

<sup>22</sup> "Inside Uruguay's experiment in legalized marijuana," *Globe and Mail*, September 25, 2014.