

Marijuana Policy in Canada¹

The newly elected Prime Minister of Canada, Justin Trudeau, has decided that he wants to legalize marijuana (cannabis).

Background

Marijuana policy has always been a contentious issue in Canada. Both the sale and possession of marijuana are currently illegal under the Criminal Code. Many stakeholders, including the previous federal government led by Stephen Harper, vehemently oppose either decriminalization or legalization of marijuana for a variety of reasons to do with health and public safety. Other stakeholders maintain that marijuana is a fairly harmless recreational substance compared to other substances such as tobacco and alcohol, and believe that the social and financial benefits of legalization far outweigh the current costs associated with keeping it illegal.² Recent polls show the public to be in favor of changes to current cannabis policy; almost 60% of Canadians support the legalization of marijuana, which has steadily increased over the past two decades.³

Recent reports released by the Globe and Mail show that marijuana laws are not consistently and uniformly enforced across the country.⁴ It has been proposed that marijuana policy has experienced “policy drift” over time due to changing public sentiment toward the drug coupled with unequal enforcement from “street-level bureaucrats” (e.g., police and judges) across jurisdictions.

The previous Harper government was considered to be tough on crime. It tried to create tighter enforcement of drug laws by increasing budgets for drug enforcement, and introducing greater penalties for individuals convicted of drug offences. At the same time, American states like Colorado legalized marijuana due to changing public sentiment about the drug, though they

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² For a review of the different arguments for and against changing marijuana policy in Canada, see <http://www.macleans.ca/news/canada/why-its-time-to-legalize-marijuana/>.

³ Angus Reid Global. 2014. “Six-in-Ten Canadians Support Legalizing Marijuana, but Say It’s Not a Top Justice Priority.” Angus Reid Global. <http://www.angusreidglobal.com/wp-content/uploads/2014/08/ARG-Marijuana-Opinions2.pdf>; Grenier, Eric. 2013. “Majority of Canadians Want to Loosen Marijuana Laws: Polls.” *The Globe and Mail*. August 29. <http://www.theglobeandmail.com/news/politics/majority-of-canadians-want-to-loosen-marijuana-laws-polls/article14010389/>.

⁴ Offman, Craig, and Ann Hui. 2014. “Where in Canada You’re Least Likely to Be Charged for Pot Possession.” *The Globe and Mail*, January 17. <http://www.theglobeandmail.com/news/politics/canadas-patchwork-pot-policy-how-possession-charges-vary-from-city-to-city/article16377021/>.

have faced some challenges in implementation.⁵ In the early 2000s, a few high-profile reports and commissions recommended decriminalization, and potentially even outright legalization and regulated distribution, of marijuana. The Le Dain Commission released a report as far back as 1972 on the Non-Medical Use of Drugs, which recommended the decriminalization of cannabis. The federal government tried to decriminalize marijuana in 2003, but faced opposition from the United States at the time.

Prohibition of marijuana for medical purposes was deemed to be unconstitutional in Canada in 2000, after an epileptic patient challenged it under the Charter of Rights and Freedoms. Further court cases forced the government to create better access to medical marijuana, which led to the development of the highly regulated medical marijuana program in effect today.

The newly elected Liberal government would like to legalize marijuana, but is unsure about how to implement this change in drug policy. There are a number of issues to consider, and they want to make sure that they do it right.

Task

Devise and propose a policy and approach to implementation of the plan to legalize marijuana. You will make your presentation or prepare your written brief for the Minister of Public Safety, the Minister of Justice, and the Minister of Health.

⁵ CBC News. 2015. "Legalizing Marijuana Won't Be Easy for Trudeau, Says Colorado Regulator. October 25. <http://www.cbc.ca/news/canada/trudeau-marijuana-colorado-1.3287747>.