

## **BRIEFING NOTE**

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Policy Issue:

The new Trudeau government intends to legalize marijuana. The purpose of this briefing note is to establish the framework for legalizing marijuana and its implementation in order to support public health and safety while reducing excess burden on the justice system.

Background:

- **1922:** Prohibition of marijuana use
- **2000:** Court rules Canadians have a constitutional right to use cannabis as a medicine.
- **2003-** Fed Gov't sought to decriminalize but opposition from US concerned with border control and smuggling
- **1972** – De Lain Commission recommends decriminalizing simple cannabis possession and cultivation for personal purposes.
- **2001:** Canadian Medical Marihuana Access Regulations grant legal access to cannabis for individuals with HIV/AIDS and other illnesses. Authorized patients can grow their own pot or obtain it from authorized producers or Health Canada.
- **2013:** New regulations change the Canadian medical marijuana access rules, shifting to licensed commercial growers for supply and away from homegrown. Some 37,800 people authorized to possess marijuana under the federal program, up from fewer than 100 in 2001.
- Canada is a party to three major international drug control treaties:
  - o *Single Convention on Narcotic Drugs, 1961*
  - o *Convention on Psychotropic Substances, 1971*
  - o *Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988*

Current Status:

- Recreational use of marijuana is illegal under Bill C-51/S-10
- Over 60% of Canadians support legalization of marijuana (Angus Reid 2014)
- Current laws are not applied consistently and uniformly enforced across the country; unequal enforcement across jurisdictions

## **Key Considerations**

The key issues were divided into three categories and analysed in the preparation of the policy recommendations. We evaluated the issues and their impact on the issues of justice, public safety and health.

### Justice

A 2002 senate report stated that the costs of enforcing criminalization, “are disproportionately high given the drug’s social and health consequences” a cost which is estimated at \$300 - \$500 million annually.<sup>1</sup> Legalisation allows for resources to be more efficiently allocated to violent crimes and crimes against property<sup>2</sup>

### Public Safety

Open access allows regulation to ensure that users are not being put at risk by producers that have altered the drug. Further, it has been argued that “prohibition abdicated responsibility for regulating drug markets to organized crime and abandons public health measures like age restrictions and dosing controls.”<sup>3</sup> The legalisation of marijuana and regulation thereof allows the government to play a more direct role in protecting health and safeguarding users.

### Options

Several options for marijuana legalization are available, the first of which is strong federal regulation in line with control over alcohol and tobacco. The benefits of this policy to public health, safety, and justice include control over potential abuses of marijuana. The negative aspects however allow for the continued use of the established black market as well as political considerations between the provinces and municipalities. Furthermore, the benefits of taxation would be lessened, as well as the costs associated with the policy implementation would infringe on the economic benefits of legalization.

A more lenient option would include decriminalizes marijuana and supporting provincial decisions. According to the 2014 Angus reid poll there is a difference of almost 20% across the different provinces. Additionally, legal provincial precedence is set from province to province. Due to the difference in legality as well as public opinion, the federal government would be best suited to provide a broad framework which would include age and access restrictions, and illegal trafficking laws, and working with provinces to tailor fit policy goals and implementation.

### Recommendations

Recommended the lenient option due to the economic, justice, and public health considerations, whose positive benefits outweigh the negative of the more regulated approach which have high costs and implementation issues.

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<sup>1</sup> <http://www.macleans.ca/news/canada/why-its-time-to-legalize-marijuana/>

<sup>2</sup> [http://sos.wa.gov/\\_assets/elections/initiatives/i502.pdf](http://sos.wa.gov/_assets/elections/initiatives/i502.pdf)

<sup>3</sup> <http://www.macleans.ca/news/canada/why-its-time-to-legalize-marijuana/>