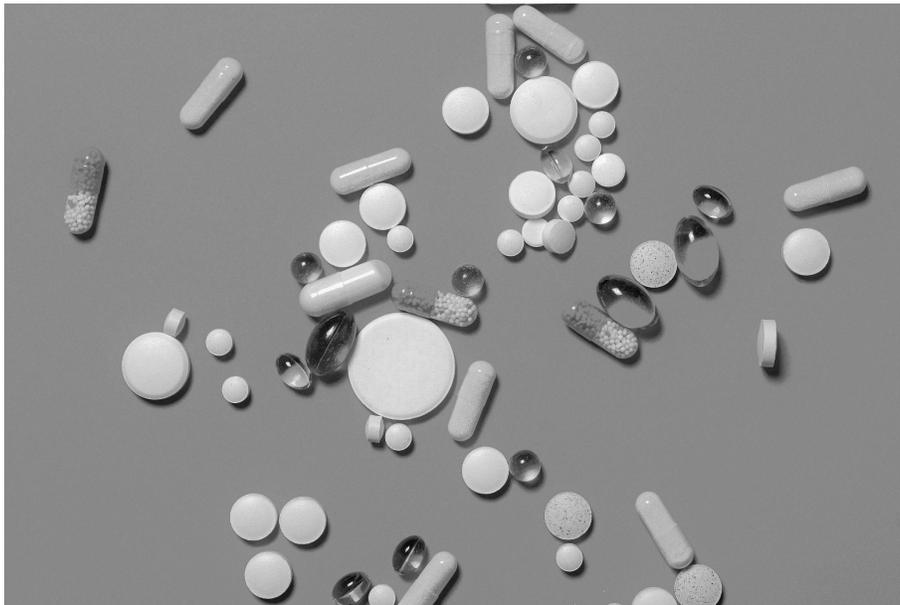


Drug Policies in Canada: Towards decriminalization and legalization

A Science & Policy Exchange Café Discussion



REPORT

Science & Policy Exchange (SPE) is a student led non-profit organization that aims to assemble students and leaders in government, industry, research, and the community for an exchange of ideas on science and policy issues. To learn more, visit: <http://www.sp-exchange.ca>.

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Science & Policy Exchange (SPE) is based in Tiohtiá:ke/Montreal, the traditional and unceded territory of the Kanien'keha:ka (Mohawk) - a place which has long served as a site of meeting and exchange amongst many First Nations including the Kanien'kehá:ka of the Haudenosaunee Confederacy (also referred to as the Iroquois or Six Nations Confederacy), Huron/Wendat, Abenaki, and Anishinaabeg. We further acknowledge the deep ties between colonialism and modern western science and research. At SPE, we strive to support indigenous students and researchers by actively reaching out to and working with the Indigenous STEM community to collaboratively advocate for their inclusion in evidence-informed decision-making.

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SCIENCE & POLICY EXCHANGE

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Executive Summary

On March 31, 2022, Science & Policy Exchange (SPE) conducted a virtual SPE Café event that included roundtable discussions with the community to: 1) understand current gaps in drug policies in Canada; 2) discuss recommendations for more constructive drug policies. The Café also included presentations from Kira London-Nadeau and Sara Guzman to share their experiences and opinions in the field. In this report, we summarize the discussion of the guest speaker presentations and roundtable discussions. SPE Café attendees recommend the following policies:

Key Policy Recommendations:

- 1** Bring more varied perspectives in decision making table
 - Follow leadership from drug users in policy
 - Amplify voices from different socio-cultural groups
 - Use guidance from scientific standpoint
- 2** Focus on harm reduction approaches
 - Increase availability of treatment sites, consumption spaces, overdose reversal kits
 - Advocate for safe drug supply that can be quality-controlled and regulated
 - Improve access to care for people who use drugs, particularly in remote communities with poor infrastructure
 - Increase housing support
- 3** Reduce stigma surrounding people who use drugs
 - Educate public evidence-based and harm reduction centered education, and about the effects of different drugs and drug policies
 - Avoid using language that blames users for addiction, and recognize the sociohistorical systems of oppression that create conditions for addiction
 - Re-evaluate how we conceptualize drugs and addiction (i.e. blaming the user versus blaming the drug or the system)
- 4** Shift away from the punishment-based war on drugs model and towards a biopsychological, health-based, and human rights-based approach
 - Decriminalize drug possession and expunge criminal records

1. Introduction

Current drug policies in Canada take an unreasonably harsh stance on illicit drug offenses. Canada's criminalization of drugs disproportionately affects racialized groups and marginalized communities. Unregulated illicit supply chains also increase risks of contamination and toxicity of these substances, further harming drug users. In acknowledgment of these issues, the Federal Canadian Government has introduced more inclusive policies in recent years, such as the legalization (i.e. the establishment of government control over the drug, including management of production and supply) and decriminalization (i.e. the removal of criminal penalties for personal use and possession of drugs with illegal production and sales) of cannabis in 2018.

As Canadian drug policies start moving towards inclusive and harm reductionist approaches, this café aims to understand the current gaps in drug policies in Canada and to discuss recommendations for more constructive drug policies. On March 31, 2022, SPE held a virtual roundtable discussion event entitled "Drug policies in Canada: towards decriminalization and legalization".

We invited guest speakers Sara Guzman and Kira London-Nadeau. Sara Guzman is a chemist from Health Canada who analyzes controlled substances and identifies new psychoactive compounds. Kira London-Nadeau is a Vanier Scholar pursuing her PhD at the Université de Montréal examining the relationships between cannabis use and mental health in sexual and gender diverse youth.

2. Current overview

Illegal substance use is a complex issue for multiple reasons. Contrary to popular belief, users of illegal substances experience health, social, and personal benefits from their consumption.

The Canadian government is currently taking a punitive approach to address drug use, as opposed to implementing evidence-based strategies such as the key harm reduction service. As a result, the government has significantly failed to meet the needs of the people who use these drugs for health benefits. For example, the **Controlled Drugs and Substances Act** (1996) has regulated the production, import/export, distribution, and use of controlled substances filed under the act. The **National Anti-Drug strategy** (2007 - 2016) propelled Canada into a "war on drugs", which included harsh policies for controlled substances, with prolonged jail timelines for possession and trafficking of schedule 1 substances (e.g. cocaine, meth).

Under these policies, the sentencing for illegal possession of controlled substances became disproportionately high relative to violent crimes. For example, possession is punishable by monetary fines or prison sentencing for 6 months to 7 years, compared to arson which carries a

5 year sentence. In addition, such sentencing can create limitations, vulnerabilities, or precarity in structural systems related to housing, employment, and/or treatment. Overall, these issues will exacerbate the systemic socio-economic issues for populations that have experienced persistent and systemic barriers.

More recently, cultural recognition has shifted from viewing drug use as a legal/criminal issue to a public health issue. This change in perspective has led to significant incorporation of inclusive policies at the different levels of the Canadian government. These include the **Canadian Drugs and Substances Strategy** (2016), which includes an approach of harm reduction, prevention, treatment, and enforcement as its four key pillars. British Columbia is also moving towards decriminalizing certain drug possessions for personal use starting in 2023 [1].

3. Panelists' opinions

Kira London-Nadeau

The current drug policies in place try to prohibit and criminalize drug use, which increases risks and drug toxicity. This harms everyone, in particular populations that face intersecting oppressions. It also leads to violent interaction with police and law enforcement, putting drug users at increased risk. Due to Prohibition, drug supply chains are unregulated and lead to increase in toxicity. In order to develop drug use policies that are actually beneficial to society, we need to follow drug users' leadership in decision-making while implementing harm reduction and Prohibition-ending policies.

Sara Guzman

The current scenario of prohibition and criminalization of drug use is similar to the past history of policies surrounding alcohol consumption when it was illegal. Just as consumers now have access to safe supply and safe purchase of alcohol, the same policy and principle should be extended to drugs. Due to the unregulated and prohibitive laws surrounding drug use, users do not know what they are consuming and its appropriate dosage levels. Access to a safe supply of drugs is a must. The current status quo has created an environment where the lack of safe supply increases the risk of toxicity and cross-contamination that causes overdose and fatalities. Our policies should focus on harm reduction by advocating for safe supply of drugs that can be quality controlled so that we can prevent overdose and death amongst drug users.

4. Roundtable Discussion Summary

4.1 Barriers to decriminalizing and legalizing drugs

There is still a lot of misinformation, fear, and stigma surrounding people who use drugs – not only perpetuated by the general population, but also law enforcement, healthcare professionals, politicians, social workers. Education is needed to reduce this stigma. We must also change

how we conceptualize people who use drugs. There is often misuse and co-opting the language of harm reduction. Instead of using the term “drug toxicity”, our use of the term “overdose” puts the responsibility and blame on the user rather than the system or the drug itself. Systemic racism and systemic violence (such as police violence and medical violence) are also societal issues that work against people who use drugs. Voices from different socio-cultural groups need to be heard for large-scale change to occur. Not enough attention is paid to prevention and asking why people use drugs in the first place. We need to better understand why people gravitate towards drugs such as heroin and opioids over other drugs to understand and treat the issue. Lastly, there is a lack of political will to decriminalize and legalize drugs. Politicians may be hesitant to take a stance on drug policies that are not popular with the public and may even shift the blame to certain communities.

Although drug policies and our attitude towards drugs and addiction have not changed much in the past few decades, our society is shifting towards acceptance of harm reduction strategies as beneficial. Harm reduction strategies used to be seen as “enabling” users but nowadays, more people and organizations base their judgment on research that shows the benefits of harm reduction strategies.

4.2 Policies changes needed to enable decriminalization and legalization

Changes of policy needed were identified as: education, changes in the health system, a more biopsychological perspective, a reflection on the penal system in general and on the role of race. Finally, the need to have guidance from a scientific standpoint was stressed by academic participants. “However, this is not a reason to not decriminalize, rather this is a point to continue monitoring”.

4.3 Effect of decriminalizing and legalizing drugs on other policies

The discussion was centered on the benefits of decriminalization and the apparent dichotomy about acting now or waiting for more research. In addition to saving lives, a regulated and accessible drug supply would produce broader public good, reducing crime, high risk drug use in youth, and economic burden, thus strengthening our shared future in BC [2].

Policies that may be affected by decriminalizing and legalizing drugs include trafficking policies (such as the quantity threshold in possession for criminal charges) and health policies (availability of safer drugs, treatment sites, and overdose kits). We might be able to move away from punishment-based approaches and towards increasing the availability and types of consumption space, access to immediate access to detox and treatment clinics and improved housing support.

One example that was brought up was Bill C-216, a Health-based Approach to Substance Use Act [3] which, if passed, would have affected many of the other drug policies in Canada. The Bill sought to: 1) repeal a provision that makes possession of certain substances an offence; 2)

establish a procedure to expunge certain drug-related convictions; and 3) require the Minister of Health to develop a national strategy to address the harm caused by problematic substance use. Bill C-216 was a project that was presented in front of parliament by Member of Parliament Gord Johns but defeated in the House of Commons in June 2022.

4.4 Implementing and harmonizing policies at different levels of government

To implement drug policies within the Canadian context, approaches at different levels of government need to be employed with a user-driven perspective, since people who use drugs are the ones who experience drug use problems and its consequences. Because of their lived experience, people who use drugs should be involved in every step of the process to enact meaningful changes on all levels of government. The oppression of people who use drugs is a barrier that must be overcome to address the problem with an appropriate solution.

In general, policies to be implemented must combine drug decriminalization and legalization approaches from both social and political perspectives. An issue spanning national and local levels, the expungement of criminal records is a critical step to improving the outcome of people who use drugs. Currently, having a criminal record is a barrier to significant life changes, as it can prevent people from getting employment and can reinforce the drug use cycle. In short, the war-on-drugs model has to go – we need to work alongside populations impacted by drugs rather than against them. Another critical issue is the need for dramatic improvements in accessing care for people who use drugs - particularly in remote communities or communities with poor infrastructure. In Newfoundland (NL), “detox centers” will care for patients for a maximum of 7 days before patients are sent home - this model is neither sufficient nor helpful. To access longer treatment, patients require medical referrals, which are already difficult to access. Moreover, since NL does not have a suitable infrastructure, patients may be sent to different provinces, taking them away from their support systems, including families, friends and communities. As a result, the difficulty in accessing care is compounded by the expense of the process and its time-consuming delivery.

To harmonize potential policies, a synergy of regulations between and across different levels of government is required. At both national and local levels, there must be a call of action to change laws on drug possession for housing and traveling, educate the public on drugs in order to change its surrounding stigma and culture, and discuss the outcomes of people who have had issues with the justice system because of drug use. These policies need to be driven by people who use drugs to create a meaningful and conducive change for those most impacted by the problem.

4.5 International ramifications of drug decriminalization and legalization

Drug decriminalization and legalization will have a broadly positive impact on reducing the illicit drug trade and lead to a more equitable and safer access to a global supply of drugs. It could lead to an international solidarity based system for obtaining drug supplies. International activism groups like PANDA (Pan-American Network of Drug-User Activists) and INPUD (International Network of People who use Drugs) are instrumental in vocalizing the need for change against global oppressive drug use policies and abolishing drug prohibition that causes harm to society.

Decriminalization policies will also help regulate and quality-control the drug market as well as provide access to safe drugs by creating quality standards. Moreover, having a global solidarity alliance for drug use can address the current problems with drug trafficking. Decriminalization laws could initiate worldwide educational programs about safe drug use and champion cross-border research collaborations to study the effects of different families of drugs. Having a global platform that legalizes drug use can lead to changes in international policies like usage of drugs for non-medical purposes, updating illegal substances lists used for drug testing by sports/industries and regulating traveling with drugs.

The current laws and policies that highlight the decriminalization of drug use efforts of Canada can be used as a global case study where we can study the effect of decriminalization and legalization on societies. The inferences drawn from this case study can be used to guide the implementation of global decriminalization of drug use policies and help shift the existing “war on drugs” attitude towards a more compassionate, inclusive and harm-reduction oriented global legalization efforts

5. References

- [1] “B.C. receives exemption to decriminalize possession of some illegal drugs for personal use”. Government of B.C. <https://news.gov.bc.ca/releases/2022MMHA0029-000850>. 2022. <https://csuch.ca/resources/national/>. 2017.
- [2] “We Could Change BC’s Drug Policies and Save Six Lives Today”. Karen Ward. <https://thetyee.ca/Opinion/2021/06/10/We-Could-Change-BC-Drug-Policy-Save-Six-Lives-Today/>. 2021.
- [3] “BILL C-216. An Act to amend the Controlled Drugs and Substances Act and to enact the Expungement of Certain Drug-related Convictions Act and the National Strategy on Substance Use Act. First Reading, DECEMBER 15, 2021”. <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-216/first-reading>. 2021.

Resources

1. Canadian Drug Policy Coalition: <https://www.drugpolicy.ca/>
2. Canadian Students for Sensible Drug Policy (CSSDP): <https://cssdp.org/>
3. Drug User Liberation Front (DULF): <https://opencollective.com/dulf>
4. International Network of People who use Drugs (INPUD): <https://inpud.net/>
5. Moms Stop The Harm: <https://www.momsstoptheharm.com/>
6. Pan-American Network of Drug-User Activists (PANDA):
<https://filtermag.org/panda-pan-american-drug-user-alliance/amp/>
7. VoxCann: <https://www.voxcann.org/>

Appendix

Panelist Biographies

Kira London-Nadeau (she/her) is passionate about connecting research, policy and grassroots organizing in order to further sensible drug policy and education. She is currently pursuing her PhD as a Vanier Scholar at the Université de Montréal, examining the relationships between cannabis use and mental health in sexually and gender diverse youth. Kira has chaired the national board of CSSDP since September 2018 and is involved locally in Montréal both with CSSDP Tiohtià:ke/Montréal and VoxCann, a bilingual cannabis education initiative for youth, which she co-founded in 2018.

Sara Guzman currently works at Health Canada as a chemist, analyzing controlled substances and elucidating new psychoactive compounds. She is passionate about reaction monitoring and is planning to pursue graduate studies in organic chemistry this fall. Before joining Health Canada, she was one of the first drug checking technicians at BCCSU in their pilot drug checking project, which has now expanded across BC.