



# TAKING THE WRONG ROAD

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## *THE LEGALIZATION OF MARIJUANA*

Office of Senator Betty Unger | October 5, 2016

### **A RESPONSE TO THE FEDERAL GOVERNMENT'S DISCUSSION PAPER:**

**"Toward the Legalization, Regulation and Restriction of Access to Marijuana."**

*The Liberal government's determination to legalize the recreational use of marijuana raises many concerns. Legalization will contribute to normalization, which will increase consumption, resulting in increased negative health impacts and increased impaired driving incidents. Gains made by a generation of efforts to reduce tobacco use amongst Canadians will be diminished. The government is headed in the wrong direction.*

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# TAKING THE WRONG ROAD: THE LEGALIZATION OF MARIJUANA

OFFICE OF SENATOR BETTY UNGER, OCTOBER 5, 2016

## INTRODUCTION

Earlier this summer, the federal government released a discussion paper entitled, "[Toward the Legalization, Regulation and Restriction of Access to Marijuana](#)".<sup>1</sup> Coinciding with the launch of the *Task Force on Marijuana Legalization and Regulation*, the purpose of the discussion paper was to "support consultations led by the Task Force."<sup>2</sup>

Regrettably, however, the Task Force will not be considering whether the government is moving in the right direction with the legalization of marijuana. In spite of the fact that "a federal bill to legalize marijuana would make Canada the first developed country to legalize marijuana in the world"<sup>3</sup> the government does not want to discuss whether they are taking the country down the right road. Rather, they are merely looking for advice on the best route to reach their intended destination.

This is unfortunate because there are many reasons to be concerned about legalizing recreational marijuana usage. In fact, as detailed in the following points, one needs to look no further than the government's own discussion paper to see this.

## 1. MARIJUANA USAGE CARRIES SIGNIFICANT HEALTH RISKS

The discussion paper repeatedly acknowledges that the use of marijuana carries significant health risks. For example:

*"In general, health risks associated with marijuana use can be acute (i.e., immediate and short-lived) or chronic (i.e., delayed and longer lasting)."*<sup>4</sup>

*"Marijuana is not a benign substance and the scientific evidence clearly demonstrates that young people are at a higher level of risk for experiencing negative impacts."*<sup>5</sup>

These concerns are [shared by the Canadian Lung Association](#), which warns that,

*"Despite what some people may say, marijuana is not harmless. Marijuana smoke contains over 400 chemicals; many of these are the same harmful chemicals found in tobacco smoke. Using marijuana can harm your lungs. It can also increase your risk for*

*these diseases: Chronic cough; recurring lung infections; cancer of the head and neck; heart disease; memory loss; learning problems; accidents; mental health problems.”<sup>6</sup>*

Additionally, the [Canadian Society of Addiction Medicine](#) notes the following:

*“Probably most physicians are aware of the impairment of learning, memory, alertness, reaction speed and judgment that are characteristic of acute intoxication with cannabis, and that result in impairment of school and work performance and of operation of aircraft and motor vehicles. Less well known is the inhibitory effect of chronic cannabis exposure on the maturation of neuronal pathways in the fetus and in childhood and early adolescence, with resulting mild but long-lasting impairment of so-called executive functions such as problem solving, comparative evaluation of alternative options, and working memory.”<sup>7</sup>*

The evidence overwhelmingly indicates that marijuana usage carries significant and proven negative health impacts.<sup>8</sup> It is difficult to comprehend why the Minister of Health would be overseeing a process to legalize a substance which she readily admits *“is not a benign substance”<sup>9</sup>*.

## **2. LEGALIZATION OF MARIJUANA USE WILL CONTRIBUTE TO ITS NORMALIZATION**

The legalization of recreational marijuana will contribute to its normalization. Normalization occurs when ideas or actions gain social acceptance and are seen as “normal”. When an act which was previously *illegal* becomes *legal*, it moves towards becoming an accepted social action. In other words, it is “normalized”.

The government’s discussion paper on marijuana suggests this is already happening, noting that young people underestimate the risk of harm associated with marijuana usage:

*“Despite increased risks for adolescents who use marijuana, the 2015 Ontario Student Drug Use and Health Survey reported that, among adolescents, the perceived risk of harm associated with marijuana use is actually decreasing.”<sup>10</sup>*

[A 2013 study on the normalization of marijuana among Canadian university students](#) came to the same conclusion, stating:

*“Not only has the use of drugs in certain contexts increased, but socio-cultural attitudes regarding use, they argue, have shifted “from the margins toward the center of youth culture”. The use of marijuana in particular no longer can be described as marginal or deviant in the sense of denoting membership in a distinctive subculture.”<sup>11</sup>*

This trend toward portraying marijuana as mainstream and harmless should alarm Canadians, considering the irreversible negative impact that marijuana consumption has on the brain

development of adolescents. Yet even the Prime Minister has added his tacit endorsement of marijuana use when [he admitted using it himself repeatedly and insisted it was not a mistake to do so](#).<sup>12</sup>

The misguided insistence that recreational use of this drug is harmless and should be legalized reinforces a grave misunderstanding. It will result in the normalization of marijuana usage for which our young people will pay dearly.

### 3. NORMALIZATION OF MARIJUANA USAGE WILL CAUSE INCREASED CONSUMPTION

The inevitable outcome of normalization will be increased consumption; marijuana usage will increase. This fact has been confirmed in a study by the American Society of Addiction medicine which showed that consistently over decades, *“when the perception of harm from marijuana use was high, marijuana use was low and when the perception of harm from marijuana use was low, the use was high.”*<sup>13</sup>

The government’s discussion paper acknowledges this, noting that:

*“...there is an inverse relationship between perception of risk and actual use (i.e., use of marijuana would go up as more people perceive it to be low risk).”*<sup>14</sup>

In another place, the paper notes,

*“Since marketing, advertising and promotion of marijuana would only serve to “normalize” it in society and encourage and increase usage, it has been proposed that these should be strictly limited so as to dampen widespread use and reduce associated harms.”*<sup>15</sup>

Apparently the government is oblivious to the amount of *“marketing, advertising and promotion of marijuana”* that it is doing through advocating legalization. The government has effectively launched a national campaign which will result in the normalization of the recreational use of marijuana. This, by its own admission, will result in increased usage. It will create the perception of decreased risk and contribute to increased societal acceptance which will result in increased consumption.

[Marijuana use by adolescents in Canada is already the highest in the world](#), with *“about one quarter of Canadian youth aged 15–24 reported using cannabis in 2013, making it the most commonly used illegal drug among this age group.”*<sup>16</sup> By legalizing marijuana, the government will foolishly contribute to this normalization causing consumption to increase even further amongst our youth.

#### 4. INCREASED CONSUMPTION WILL INCREASE NEGATIVE HEALTH IMPACTS

Increased consumption of marijuana for recreational purposes will result in increased negative health impacts. While the government acknowledges this to be true for tobacco consumption, they appear to be ignoring this fact for marijuana consumption.

For decades, governments across Canada have been consistently sending a clear public message that reducing tobacco usage reduces health impacts. And yet even after admitting the health risks of recreational marijuana use, the discussion paper indicates that marijuana usage will be treated *more lightly* than tobacco use.

It notes that while the overall public policy objective concerning tobacco has been *“to reduce or even eliminate use for all Canadians”*, the public policy objectives regarding recreational marijuana usage would not be this strict. Instead, the government would incorporate the approach used in regulating alcohol consumption which is to, *“promote responsible use amongst adults, and to prohibit use amongst youth”*.<sup>17</sup>

The discussion paper notes that the Task Force will be trying to figure out how to *“identify those system features that will best reduce the risks of health and social harms associated with use”*. So while increasing access on one hand, they are – on the other hand – struggling to figure out how to contain the harm which will result.

The [American Society of Addiction Medicine has noted](#) that *“the anticipated public health costs of marijuana legalization are significant and are not sufficiently appreciated by the general public or by policy makers.”*<sup>18</sup> The same is true in Canada: The fact that the legalization of marijuana will increase negative health impacts appears to have been lost on our federal government.

#### 5. INCREASED MARIJUANA USAGE WILL INCREASE IMPAIRED DRIVING INCIDENTS

The discussion paper notes that in 2013, 97% of police-reported driving incidents involved alcohol while only 3% involved drugs.

*“Police and the court system must also deal with individuals who drive while impaired by marijuana. In 2013, 97% of police-reported impaired driving incidents involved alcohol and 3% involved drugs (including marijuana), an increase from the reported 2% in 2011.”*<sup>19</sup>

There will be a number of reasons for the higher incidence of alcohol impairment versus drug impairment (including the fact that drug impairment is more difficult to prove than impairment due to alcohol). But one significant contributing factor is clear: Alcohol consumption is legal while drug use is not. This makes alcohol more accessible and socially acceptable than drug use.

The legalization of marijuana will change this. Legalization will increase usage, which will increase DUI incidents.

In the US, studies have shown that marijuana-related [DUI cases spiked in both Colorado and Washington state after marijuana was legalized](#).<sup>20</sup> After legalization in Washington, the percentage of drivers in fatal crashes who recently used marijuana [more than doubled between 2013 and 2014](#).<sup>21</sup> Additionally, the AAA Foundation discovered that [the level of impairment was unrelated to the amount of THC found in the driver's blood](#),<sup>22</sup> suggesting that even minimal levels of marijuana consumption impaired driving.

The legalization of marijuana will make it more accessible and more socially acceptable, causing consumption to increase. This increased consumption will result in increased incidences of driving while impaired due to marijuana use.

## 6. LEGALIZATION WILL IMPACT PROGRESS IN THE DE-NORMALIZATION OF SMOKING

The proposed legalization of marijuana flies in the face of efforts to reduce or eliminate tobacco use amongst Canadians. The discussion paper notes that:

*“[The] overall objective of the legal and regulatory framework for controlling tobacco use is to reduce or even eliminate use for all Canadians”.*<sup>23</sup>

It goes on to say that:

*“[A] key measure underpinning the success of Canada's tobacco control efforts has been the way smoking has become socially unacceptable, or 'denormalized', particularly among youth.”*<sup>24</sup>

The government's insistence on legalizing marijuana undermines decades of public policy efforts aimed at reducing or eliminating smoking. Legalizing marijuana not only fails to heed the successful strategy utilized to de-normalize smoking, it erodes the impact of these efforts by sending contradictory and conflicting messages to Canadians.

## CONCLUSION: LEGALIZING MARIJUANA TAKES CANADA DOWN THE WRONG ROAD

There are many reasons to be concerned about the Liberal government's determination to legalize the recreational use of marijuana. Among them are the facts that legalization will contribute to normalization, which will increase consumption, which will result in increased negative health impacts and increased impaired driving incidents. Furthermore, gains made by a generation of efforts to reduce tobacco use amongst Canadians will be diminished by the contradictory message suggesting tobacco smoking should be eliminated while marijuana use should not. We are clearly headed in the wrong direction.

Ironically, while the federal government appears to believe it is championing a novel idea, governments have headed this direction before, only to make an abrupt U-turn later. Consider the following:

*“Marijuana prohibition was universal across the United States through the 1960s, and those convicted of growing, possessing, or selling marijuana could receive sentences of incarceration. Then, in the 1970s, 12 states removed or substantially reduced criminal penalties for possession of small amounts of marijuana. Many observers then believed that it was just a matter of time until the nation legalized the drug. Instead, the movement toward liberalization came to a sudden halt in 1978. One state (South Dakota) reversed its decriminalization, and no state initiated decriminalization in the subsequent 20 years. The end of the 1970s liberalization is often associated with the so-called parents’ movement, itself a response to the rapid rise in frequent marijuana use among junior and senior high school students and the associated harms; in 1979, about one out of every ten high school seniors reported daily use of marijuana.”<sup>25</sup>*

Today, the number of adolescents using marijuana in Canada is about one out of every four<sup>26</sup> – more than twice the amount that caused a reconsideration of the trend toward legalization in 1978. According to a [2013 UNICEF report](#), Canada’s youth are now the top users of marijuana in the world and yet the federal government is plunging ahead with plans for legalization.<sup>27</sup>

In 2003, [the UK began moving toward reducing the seriousness of marijuana offenses](#). It lessened the maximum penalties for possession and made it a non-arrestable offense. Then, in 2008, Prime Minister Gordon Brown suddenly reversed the decision after research findings demonstrated that marijuana usage contributed to mental health issues.<sup>28</sup>

These same findings are well known to our Prime Minister today. And yet despite the many and repeated warnings, he continues to march unflinchingly toward the goal of marijuana legalization under the mistaken belief that it will make it harder for young people to access marijuana and will remove the criminal element from the sale of marijuana.

These intentions are misguided and Canadians should be alarmed. While the polls indicate support for the legalization of marijuana, moving in this direction sends Canada down the wrong road. It is a course which needs to be carefully examined and reconsidered.

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<sup>1</sup> Government of Canada. (2016) “Toward the Legalization, Regulation and Restriction of Access to Marijuana.” <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/legalization-marijuana-legalisation/alt/legalization-marijuana-legalisation-eng.pdf>.

<sup>2</sup> Ibid. Page 3.

- <sup>3</sup> Hajizadeh, Mohammad. "Legalizing and Regulating Marijuana in Canada: Review of Potential Economic, Social, and Health Impacts." *International Journal of Health Policy and Management* 5.8 (2016): 453–456. p.454. PMC. [http://www.ijhpm.com/pdf\\_3208\\_35275c05312a123630205db0eae53265.html](http://www.ijhpm.com/pdf_3208_35275c05312a123630205db0eae53265.html).
- <sup>4</sup> Ibid. Page 6.
- <sup>5</sup> Ibid. Page 12.
- <sup>6</sup> Canadian Lung Association. (2016) "Facts About Smoking: Marijuana Smoke". [http://sct.poumon.ca/protect-protegez/tobacco-tabagisme/facts-faits/marijuana-marijuana\\_e.php](http://sct.poumon.ca/protect-protegez/tobacco-tabagisme/facts-faits/marijuana-marijuana_e.php).
- <sup>7</sup> Kalant H. "Marihuana: Medicine, addictive substance, or both? A common-sense approach to the place of cannabis in medicine". *Canadian Journal of Addiction Medicine* 2013;4(3):p5. [http://www.csam-smca.org/wp-content/uploads/2013/09/CJA\\_Journal\\_September\\_2013.pdf](http://www.csam-smca.org/wp-content/uploads/2013/09/CJA_Journal_September_2013.pdf).
- <sup>8</sup> For more information, see "What do the experts say about marijuana". <http://bettyunger.ca/what-do-the-experts-say-about-marijuana/>.
- <sup>9</sup> Government of Canada. (2016) "Toward the Legalization, Regulation and Restriction of Access to Marijuana." <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/legalization-marijuana-legalisation/alt/legalization-marijuana-legalisation-eng.pdf>. Page 12.
- <sup>10</sup> Ibid. Page 7.
- <sup>11</sup> Mostaghim, Amir, and Andrew D. Hathaway. "Identity Formation, Marijuana and 'The Self': A Study of Cannabis Normalization among University Students." *Frontiers in Psychiatry* 4 (2013): 160. PMC. Page 1. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3847659/pdf/fpsyt-04-00160.pdf>.
- <sup>12</sup> Canadian Press. (2013) "Justin Trudeau says he smoked marijuana, makes no apologies". Global News website: <http://globalnews.ca/news/795772/justin-trudeau-says-he-smoked-marijuana>.
- <sup>13</sup> American Society of Addiction Medicine (ASAM). (2012). White Paper on State-Level Proposals to Legalize Marijuana. Retrieved from <http://www.asam.org/advocacy/find-a-policy-statement/view-policy-statement/public-policy-statements/2014/07/24/white-paper-on-state-level-proposals-to-legalize-marijuana>. Page 10.
- <sup>14</sup> Government of Canada. (2016) "Toward the Legalization, Regulation and Restriction of Access to Marijuana." <sup>14</sup> <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/legalization-marijuana-legalisation/alt/legalization-marijuana-legalisation-eng.pdf>. Page 7.
- <sup>15</sup> Ibid. Page 13.
- <sup>16</sup> Canadian Centre on Substance Abuse. (2015) The Effects of Cannabis Use During Adolescence. <http://www.ccsa.ca/Resource%20Library/CCSA-Effects-of-Cannabis-Use-during-Adolescence-Summary-2015-en.pdf>
- <sup>17</sup> Government of Canada. (2016) "Toward the Legalization, Regulation and Restriction of Access to Marijuana." <sup>17</sup> <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/legalization-marijuana-legalisation/alt/legalization-marijuana-legalisation-eng.pdf>. Page 11.
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- <sup>20</sup> SAM: Smart Approaches to Marijuana. (2016) <https://learnaboutsam.org/wp-content/uploads/2016/02/SAM-report-on-CO-and-WA-issued-17-February-2016.pdf>
- <sup>21</sup> AAA Foundation for Traffic Safety. "Impaired Driving and Cannabis." <https://www.aaafoundation.org/impaired-driving-and-cannabis>

<sup>22</sup> AAA Foundation for Driving Safety. (2016) "An Evaluation of Data from Drivers Arrested for Driving Under the Influence in Relation to Per se Limits for Cannabis."

<https://www.aaafoundation.org/sites/default/files/EvaluationOfDriversInRelationToPerSeReport.pdf>.

<sup>23</sup> Government of Canada. (2016) "Toward the Legalization, Regulation and Restriction of Access to Marijuana."

<http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/legalization-marijuana-legalisation/alt/legalization-marijuana-legalisation-eng.pdf>. Page 11.

<sup>24</sup> Ibid. Page 12.

<sup>25</sup> Caulkins, Jonathan P., Beau Kilmer, Mark A. R. Kleiman, Robert J. MacCoun, Gregory Midgette, Pat Oglesby, Rosalie Liccardo Pacula and Peter H. Reuter. Options and Issues Regarding Marijuana Legalization. Santa Monica, CA: RAND Corporation, 2015. Page 2. <http://www.rand.org/pubs/perspectives/PE149.html>.

<sup>26</sup> Canadian Centre on Substance Abuse. "Canadian Drug Summary". April 2016. Page 3.

<http://www.ccsa.ca/Resource%20Library/CCSA-Canadian-Drug-Summary-Cannabis-2016-en.pdf>

<sup>27</sup> UNICEF Office of Research (2013). 'Child Well-being in Rich Countries: A comparative overview', Innocenti Report Card 11, UNICEF Office of Research, Florence. [https://www.unicef-irc.org/publications/pdf/rc11\\_eng.pdf](https://www.unicef-irc.org/publications/pdf/rc11_eng.pdf)

<sup>28</sup> Reuter, Peter H.. Marijuana Legalization: What Can Be Learned from Other Countries?. Santa Monica, CA: RAND Corporation, 2010. [http://www.rand.org/pubs/working\\_papers/WR771.html](http://www.rand.org/pubs/working_papers/WR771.html). Page 10.