

# Policy Brief: CSAM–SMCA in Support of the Decriminalization of Drug Use and Possession for Personal Use

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**CSAM SMCA**

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**INTRODUCTION**

Current Canadian drug policy reflects an antiquated understanding of substance use as originating from moral failure. Although substance use disorder is now better understood as a neurobiological chronic relapsing and remitting disease defined in the DSM-5, existing policies continue to criminalize drug use, further exacerbating existing health inequities. This policy brief will summarize the resulting harms from the criminalization of drug use and the available evidence of an increasingly supported alternative referred to as decriminalization. Based on this growing body of evidence, the Canadian Society of Addiction Medicine (CSAM) endorses the decriminalization of drug use and possession for personal use.

**EVIDENCE THAT CRIMINALIZATION IS INEFFECTIVE**

Current Canadian drug policy originates with the Controlled Drugs and Substances Act of 1986 which categorizes various substances by corresponding punitive consequences implemented through the criminal justice system. It is noteworthy that this delineation between legal and illegal drugs does not correspond with their associated harms. A meta-analysis decision analysis determined that the most harmful drug is alcohol (which remains legal) and that some drugs with minimal harms such as CBD or mushrooms remain illegal. Nevertheless, the policy's stated purpose of protecting it to contribute to the maintenance of a just, peaceful and safe society while encouraging rehabilitation, and treatment in appropriate circumstances.<sup>1</sup> However, this policy is neither maintaining public safety nor is it encouraging rehabilitation and treatment.

First, consider the criminal justice system's ineffectiveness in mitigating the prevalence and associated harms of drug use. The rate of offences for drug possession has remained relatively steady from 2014 to 2020 (48.1% to 48.1 per 100,000).<sup>2</sup> Yet the Canadian Tobacco, Alcohol and Drugs Survey reported an increase in past-year illegal drug use including cocaine from 19,200 in 2018 to 191,300 in 2021.<sup>3</sup> A majority of drug users in Vancouver have reported most illegal drugs were readily available within 20 minutes, despite a renewed emphasis on drug law enforcement at that time. The opioid crisis—first declared a public health emergency in British Columbia in 2016—continued to worsen, with 14,700 opioid-related deaths between 2016 and 2020 despite significant resource allocation toward the criminal justice system. The costs of illegal substances (including cannabis) on the Canadian criminal justice system were approximately \$4 billion in 2016.<sup>4</sup>

Second, consider the harms associated with a criminal conviction according to the Canadian Bar Association: challenges with housing, employment, inability to volunteer or travel, and possible deportation for immigrants. Persons with a history of imprisonment are half as likely to obtain an appointment with a family physician than controls (single a universal health care system).<sup>5</sup> Proactive benefits have also been reported to provide criminal records, which is a discriminatory practice. For those in social welfare to prime working age, a criminal record is cited the "second biggest" as a critical barrier to employment.<sup>6</sup>