

Cannabis FAQs



Cannabis FAQs (Frequently Asked Questions) was prepared by the Canadian Centre on Substance Abuse to provide current, objective information to guide the debate on the decriminalization of cannabis for personal, non-medical use in Canada.

What is cannabis?

- Cannabis is a tobacco-like greenish or brownish material consisting of the dried flowering, fruiting tops and leaves of the cannabis plant, *Cannabis sativa*. Hashish or cannabis resin is the dried brown or black resinous secretion of the flowering tops of the cannabis plant. Delta-9-tetrahydrocannabinol (THC) is the principal psychoactive ingredient in cannabis.

What is the current legislation governing cannabis use and possession in Canada?

- The *Controlled Drugs and Substances Act* (CDSA) provides that a person charged with simple possession of 30 grams or less of cannabis or 1 gram or less of cannabis resin may be prosecuted summarily and provides for a maximum term of six months' imprisonment, a maximum fine of \$1,000 or both. Provisions of the CDSA apply to both adults and youth.

What is prompting cannabis law reform?

- Cannabis is the most widely used illicit drug in Canada.
- Each year, many Canadians are charged and prosecuted for cannabis possession and experience the adverse effects of a criminal record, such as restrictions on employment and international travel, and family discord caused by arrest.
- It has been argued that the harms from a criminal conviction are disproportionate to the harms associated with cannabis use.
- Economic costs associated with enforcing laws prohibiting cannabis possession are significant; yet, the level of detection and apprehension of offenders, as a percentage of cannabis use prevalence rates, is extremely low.¹
- The Senate Special Committee on Illegal Drugs and the House of Commons Special Committee on Non-Medical Use of Drugs released reports in 2002.²
 - The Senate Committee called for an amendment to the *Controlled Drugs and Substance Act* to permit persons over the age of 16 to procure cannabis and its derivatives from licensed distribution centres.
 - The House of Commons Committee recommended decriminalizing the possession and cultivation of not more than thirty grams of cannabis for personal use.

How prevalent is cannabis use among adults and youth? ³

- In the Alcohol and Other Drugs Survey conducted in 1994, 28.2% of Canadians (aged 15 years or older) reported consuming cannabis at least once in their lifetime and 7.4% in the past year.
- The Senate Special Committee on Illegal Drugs reported that general population surveys conducted in 1998 in Québec and in 2000 in Ontario suggest that the lifetime prevalence rate for consuming cannabis at least once is in the order of 30% to 35%.
- Increases in cannabis use among students during the 1990s have been found in Newfoundland, Nova Scotia, Québec, Ontario, Manitoba and British Columbia, with recent signs of stabilization in some provinces.

What does decriminalization of cannabis possession mean?

- There is no universally accepted definition of “decriminalization.” As the term is used in the US and elsewhere, it does not mean the removal of criminal sanctions against cannabis use. Rather, it has generally been used to describe measures that eliminate jail as a sentencing option in cannabis cases. In jurisdictions that have “decriminalized” cannabis possession, key features include:
 - A civil penalty model replaces the penalty of imprisonment and imposition of a criminal record for possession of a specified amount of cannabis for personal consumption.
 - Possession remains illegal and subject to a fine or other sanction.
 - Fines are usually imposed through ticketing as in some states in the U.S. and Australia.⁴
- Decriminalization for simple possession in the Canadian context could involve:
 - Converting possession of specific amount (e.g., 30 grams or less) of cannabis or 1 gram of hashish to a civil offence, which could be dealt with by a ticket under the *Contraventions Act*.

How does legalization of cannabis possession differ from decriminalization?

- Strictly speaking, there is no cannabis legalization model anywhere in the world.
- Legalization could involve replacing existing prohibitions of cannabis possession by regulation.
- One model could involve the adoption of a “drug control board” to eliminate cannabis possession laws and regulate cannabis manufacture, distribution, sale and production, similar to alcohol control boards.⁵

Decriminalization in practice: U.S. and Australian – what are the impacts?⁶

- In the 1970s, 11 U.S. states introduced decriminalization reducing the penalties of cannabis possession to a fine, typically for first-time offenders only.⁷
- In the 1990s, similar measures were enacted in two Australian jurisdictions:
 - Cannabis possession remains a criminal offence.
 - Penalties for possession of small amounts of cannabis for personal use are subject to a fine only.
- Research on the US and Australian decriminalization measures by a CCSA associate in collaboration with Australian researchers shows that in both countries:⁸
 - Decriminalization did not appear to have a major impact on rates of cannabis use.
 - Lack of interest and/or perceptions of the negative health effects of cannabis were reported by young people as reasons for not using the substance rather than availability or fear of criminal prosecution.
 - Decriminalization led to savings in drug enforcement costs and other social costs.

What are Canada’s international obligations regarding possession?

- Canada is signatory to three United Nations conventions – the Single Convention on Narcotic Drugs (1961); the 1972 Protocol amending the Single Convention; the Convention on Psychotropic Substances (1971); and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), which require that:
 - Illicit drugs, including cannabis, are subject to seizure and confiscation.
 - States adopt measures to make the personal possession of cannabis an offence, sanctioned with a form of legal punishment, except for medical or scientific purposes.
 - Punishment by criminal law can include fines, probation and conditional sentences.
 - Alternative measures to criminal law punishment can include education, treatment or social reintegration measures.
- Legalization of cannabis possession would put Canada in violation of its international obligations.⁹

Effects of cannabis: Is it a benign substance?

- Adverse effects of cannabis use include:
 - Respiratory damage, impairment of physical co-ordination, delayed fetal and post-natal development, reduced memory and ability to learn, and links to some mental disorders such as schizophrenia have been associated in varying degrees with heavy cannabis use.
 - Long-term effects can include increased risks of chronic cough, bronchitis and emphysema.
 - Cannabis dependence can occur, but is not a likely consequence of the usual patterns of social use.¹⁰

What is the evidence for the Gateway Effect?

- Proponents of the gateway effect posit that individuals who smoke cannabis at a young age are more likely to progress to stronger, more serious drugs, such as cocaine and heroin.
- There is an observed association between cannabis and hard-drug use:
 - Those who use cannabis and hard drugs, used cannabis first.
 - The greater the frequency of cannabis use, the greater the likelihood of using hard drugs later.
- However, the majority of young cannabis users:
 - Used licit drugs (tobacco and alcohol) before using cannabis.
 - Do not progress to harder drugs.
- An alternative explanation to the gateway theory is that opportunities to use drugs and individual inclination to engage in risky and illegal behaviour determine risk of progression to hard drug use.¹¹

What is known about driving under the influence of cannabis (DUIC)?

- Very little is known about the prevalence among the driving population of driving under the influence of cannabis.
- DUIC is not detectable by a roadside breathalyser test.
- Results from studies¹² reveal that the association between cannabis use and driver impairment is dose related.
 - The degrees of driving impairment associated with a high dose of cannabis are mild compared to a social dose of alcohol.
 - The concurrent use of cannabis and alcohol, even in low doses, has been shown to produce severe driving impairment and increase the risk of accidents.
- The Drug Recognition Expert System (DRE), a roadside test that relies mainly on visual examinations to detect driving impairment from psychoactive substances, is increasingly used by law enforcement:
 - DRE has been adopted in most U.S. states, as well as British Columbia, Australia, Norway and Sweden.¹³
 - The Canadian Association of Chiefs of Police, in partnership with Solicitor General Canada, initiated the first national DRE training course in 2003.

How could Canada approach the decriminalization of cannabis?

- Framing the cannabis decriminalization debate and legislative policy reform must be a comprehensive, integrated, balanced and sustainable National Drug Strategy.
- Any change in law should be subject to systematic evaluation of its impact on cannabis use and indicators of cannabis-related harm, as well as impacts on criminal justice practices and costs.¹⁴
- Such an evaluation would involve:
 - Identification of performance indicators.
 - Conducting regular national prevalence and attitudes studies.
 - Gathering treatment data.
 - Tracking cannabis offences with greater precision than at present.
 - Assessing cost impacts on the policing, justice systems, and treatment infrastructure.
- Any change in law should be accompanied by a strong public message that this does not signal less concern with the potential problems caused by cannabis use.
- Reducing the consequences for possession of cannabis for personal use should include prevention programs to:
 - Address potential problems.
 - Signal the government's continuing concern with prevention of cannabis use and problems associated with it.

Endnotes

¹ In 1999, there were about 21,000 charges for cannabis possession. Compared with estimates of cannabis use (2-3 million Canadians are categorized as current users, depending on which survey is used), it appears that far fewer than 1% of possessions result in charges (this represents less than one charge for every police officer in Canada).

² See: Canada (2002a) *Policy For The New Millennium: Report of the Special Committee on Non-Medical Use of Drugs*. Ottawa; and Canada (2002b) *Cannabis: Our Position For A Canadian Public Policy: Report of the Senate Special Committee on Illegal Drugs*. Ottawa.

³ See: Canadian Centre on Substance Abuse and Centre for Addiction and Mental Health (1999) *Canadian Profile 1999: Alcohol, Tobacco and Other Drugs*. Ottawa: Canadian Centre on Substance Abuse. Toronto: Centre for Addiction and Mental Health.

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New Brunswick Student Drug Use Survey 2002 Highlights Report. <http://www.gnb.ca/0378/pdf/StudentDrugUseSurvey2002ENG.pdf>

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Prince Edward Island Student Drug Survey 2002 Highlights Report. <http://www.gov.pe.ca/hss/drugsurvey/index.php3>

⁴ Single, E., P. Christie, R. Ali (Summer 2000) "The impact of cannabis decriminalization in Australia and the United States" *Journal of Public Health Policy*, 21 (2):157-186.

⁵ LeCavalier, J. (March/April 1994) "The legalization debate: some facts we need to know". *Action News*, Vol. V, No. 2. Canadian Centre on Substance Abuse.

⁶ Single, et al. (Summer 2002).

⁷ Presently, the states of Alaska, California, Colorado, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, and Oregon are identified as having decriminalized marijuana to some degree, i.e., first-time possession charges of a small amount for personal use do not result in a prison sentence or criminal record. <http://www.norml.org/index.cfm> (2002)

⁸ Single, et al.

⁹ LeCavalier, J. (May/June 1994) "Laws must heed global pacts", *Action News*, Vol. V, No. 3, Canadian Centre on Substance Abuse.

¹⁰ Canadian Centre on Substance Abuse (1998) *Cannabis Control in Canada: Options Regarding Possession*. CCSA National Working Group on Addictions Policy. <http://www.ccsa.ca/docs/canfinal12.htm>.

¹¹ Research Brief, (2002) "Using Marijuana May Not Raise the Risk to Using Harder Drugs", Rand Drug Policy Research Center. <http://www.rand.org/publications/RB/RB6010/>.

¹² Ramaekers, J.G. (2001) "A Review of Epidemiological and Experimental Studies on Marijuana and Driver Impairment", Department of Neurocognition, Faculty of Psychology. Maastricht, The Netherlands.

¹³ Canada (2002b), Vol. I, Part II, Chapter 8.

¹⁴ Canadian Centre on Substance Abuse (1998).

The Canadian Centre on Substance Abuse (CCSA), Canada's national addictions agency, was established in 1988 by an Act of Parliament. CCSA provides a national focus for efforts to reduce health, social and economic harm associated with substance abuse and addictions.

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