

**ATTENZIONE:** la riflessione che fanno è aggiornata al 2014 (cioè dopo due anni di sperimentazione di questa nuova politica!!!!)

### Changing cannabis policy in the Americas

Recent policy changes to cannabis regulation in Uruguay<sup>165</sup> and in the states of Washington<sup>166</sup> and Colorado<sup>167</sup> in the United States<sup>168</sup> now make the authorized production, distribution and consumption of marijuana legal,<sup>169</sup> under some conditions, such as purchasing age. The International Narcotics Control Board has expressed concern that “a number of States that are parties to the 1961 Convention are considering legislative proposals intended to regulate the use of cannabis for purposes other than medical and scientific ones” and it urged “all Governments and the international community to carefully consider the negative impact of such developments.” In the Board’s opinion “the likely increase in the abuse of cannabis will lead to an increase in related public health costs”.<sup>170</sup> Although in those three jurisdictions, the purchase, possession and consumption of cannabis are now legal, the details, design and implementation of the new laws vary significantly. For example, in Uruguay users must register in a database to monitor cumulative purchases (maximum 40 g per month),<sup>171</sup> but in the State of Colorado, purchases of up to 1 oz (28 g) are allowed per outlet, with no central registry of cumulative purchases per buyer nor any limit on the amount that can be purchased each month.<sup>172</sup> Because of these and other notable differences in each law, there is unlikely to be one uniform impact of these policy changes, but rather measurable distinct changes reflecting the contexts of each jurisdiction. The impact of the new legislation could differ substantially from current cases of depenalization, decriminalization or “medical” cannabis laws by allowing the establishment of a licit supply chain, including large-scale licensing for production, personal cultivation and retail commercialization<sup>173</sup> of the market. While it is not yet clear how the market will change, the commercialization of cannabis may also significantly affect drug-use behaviours. Commercialization implies motivated selling, which can lead to directed advertisements that promote and encourage consumption.

### Fig. 48. Trends in seizures of cannabis resin and herb, Europe, 2003-2012

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For instance, in the case of tobacco companies, advertising was directed to attract new users, which resulted in effective marketing to youth.<sup>174</sup> Because laws of this kind have never before been enacted or implemented in a national or state jurisdiction, no previous case studies are available to predict what changes should be expected. Thus, monitoring and evaluation will provide critical data for policymakers. For this reason, it is important that the impacts of this legislation are measured against a number of factors, ranging from the impact on health and criminal justice (effects on the individual as well as institutions and society) to the balance of public revenues against costs and to other social impacts. At this time, countries and states surrounding Uruguay, Colorado and Washington have not adopted similar regulatory or legislative measures. In consideration of this, additional outcomes that need to be monitored include drug tourism, cross-border leakage and access and availability to youth in neighbouring jurisdictions.

### Health

While research has not conclusively established the impact of more lenient laws on cannabis consumption, an increase in prevalence of cannabis use from recreational use sales is expected, although it is also possible that the primary effect – particularly in the first decade or so – may differ from longer-term impacts. Expert analyses predict that the legalization of cannabis will most likely reduce production costs substantially,<sup>175</sup> which would in turn be expected to put downward pressure on prices over time, although whether lower prices materialize in the first few years or only in the longer term is unknown. Since cannabis consumption responds to prices, the lower price will probably lead to higher consumption. It is estimated that for each 10 per cent drop in price, there will be an approximately 3 per cent increase in the total number of users<sup>177</sup> and a 3-5 per cent increase in youth initiation.<sup>178</sup> Initiation and use among youth and young adults is of particular concern due to the established increased risk of harm, such as other drug use and dependent drug use,<sup>179</sup> a risk of heavy dependence, lung problems, memory impairment, psychosocial development problems and mental health problems, and poorer cognitive performance associated with early initiation and persistent use between the early teenage years and adulthood.<sup>180, 181</sup> For youth and young adults, more permissive cannabis regulations correlate with decreases in the perceived risk of use,<sup>182</sup> and lowered risk perception has been found to predict increases in use.<sup>183</sup> Although it is an important metric to monitor, increases in prevalence of cannabis use may not provide a reliable estimate of the greatest impact on health, since many users use cannabis only occasionally. One aspect to consider is that there is a general, demonstrated increased potency of cannabis in Europe and North America,<sup>184</sup> which may translate into more potent cannabis being available under the new laws and may lead to greater health consequences than in past years (although a clear link between potency and harm has not been conclusively

established). Critical areas of harmful use — such as heavy<sup>185</sup> or dependent use, as well as the age of initiation and sustained use — should also be carefully monitored. Looking at the health impact, it is also important to try to determine if there is a substitution effect whereby cannabis replaces other substances (such as alcohol or more harmful drugs such as heroin) or, conversely, a complementary effect whereby greater use of cannabis leads to greater use of other substances. After drug law reforms in Portugal that decriminalized drug possession for personal use in 2001, referrals<sup>186</sup> for cannabis increased from 47 per cent of referrals in 2001 to 65 per cent in 2005, but referrals for heroin decreased from 33 per cent to 15 per cent, and cocaine remained stable at 4-6 per cent.<sup>187</sup> One study in the United States found that while cannabis-related hospital admissions went up after the decriminalization of cannabis in the period 1975-1978, admissions for other drugs went down.<sup>188</sup>

### **Criminal justice**

Criminal justice procedures related to possession for personal consumption are likely to decrease significantly in the context of the new laws, whereas control of other cannabis-related activities, such as cultivation, sale and distribution, will continue to require routine monitoring owing to explicit limitations set forth in the legislation. The different ways countries have implemented the international drug control conventions determines the extent to which an individual will encounter the criminal justice system for drug possession for personal use, and penalties can range from a warning to more severe consequences, such as incarceration. In countries with depenalization of possession for personal use, penalties are reduced or eliminated, but there remains a criminal justice encounter whereby the individual would still face some consequences or rehabilitation. The new legal status of the possession of cannabis in Uruguay and the states of Colorado and Washington means that no such mechanism is provided for. Over the past decade, across 45 countries, the number of people who have been in contact with the authorities (suspected or arrested ) for personal drug use and possession offences has increased by one third (see the section on drug-related crime (drug law offences)).<sup>190</sup> Among these encounters with authorities, cannabis is involved in the majority of cases in every region of the world. There are no data that can show how many of those apprehended were ultimately prosecuted, convicted and incarcerated. To estimate the overall criminal justice impact of increasingly permissive laws on cannabis is not an easy task. Laws regarding cannabis possession affect both the broader institutional criminal justice system and the individual. For example, a research study in Australia compared, in one area, a group of individuals that received criminal convictions for cannabis offences with a second group of individuals who had been given only infringement notices; those convicted were far more likely to experience adverse employment consequences, recidivism, relationship problems and accommodation difficulties attributed to their offence. Although it has been mentioned as a rationale for policy change in several cases, the expected impact on the broader criminal networks of drug cartels is unknown. Because so much of cannabis cultivation is local,<sup>193</sup> drug cartels operating in other illicit activities and other drug markets (e.g., cocaine, heroin and methamphetamine) would likely be only modestly affected after cannabis legalization. (Given their population sizes, Uruguay and the states of Colorado and Washington constitute a very small cannabis market). Although little research is available on the topic, experts estimate cartel losses of nearly \$3 billion from the initiatives that passed in Colorado and Washington — with 20-30 per cent cuts in profits.<sup>194</sup> However, in another analysis of the potential impact of cannabis legalization in the state of California on Mexican drug trafficking organizations, researchers concluded that legal changes in one state (in this case, California) would not be enough to greatly diminish the market for Mexican cannabis, but if prices dropped significantly nationwide as a result of the spillover to other states, cartel revenue could be affected substantially in the long term. The authors could not unequivocally predict a decline in drug-related violence in Mexico as a result of cannabis legalization, as there was no basis for comparison.<sup>195</sup>

### **Economic costs and benefits**

Tax revenues from retail cannabis sales may provide significant revenue, although there is uncertainty concerning how much can be raised. In the ballot initiative of Colorado, it was stipulated that tax revenues from the sale of cannabis were to be used to provide \$40 million for school construction. Based on assumptions about the size of the market, it was estimated that the ballot measure would bring in as much as \$130.1 million in revenue over the period 2014-2015.<sup>196</sup> Legalization may also increase income and social security tax revenues by shifting labour from criminal to legal and taxed activities. However, in Uruguay and the states of Washington and Colorado, significant costs will also be incurred through the establishment of programmes to deter cannabis abuse and regulate the new industry. Based on assumptions regarding the size of the consumer market, it is unclear how legalization will affect public budgets in the short or long term, but expected revenue will need to be cautiously balanced against the costs of prevention and health care. In addition to the impact on health, criminal justice and the economy, a series of other effects such as consequences related to security, health care, family problems, low performance, absenteeism, car and workplace accidents and insurance could create significant costs for the state. It is also important to note that legalization does not eliminate trafficking in that drug. Although decriminalized, its use and personal possession will be restricted by age. Therefore, the gaps that traffickers can exploit, although reduced, will remain. The collection of reliable data both before and after these policy changes will support the evaluation of the health, criminal justice and economic consequences of the new regulatory frameworks. Further,

careful study of the effects on local and transnational organized crime networks will allow evidence-based decisions to inform policy in this area at the national and regional levels. The impact of this legislation can be evaluated only if it is appropriately measured through reliable data-gathering and regular monitoring efforts.