

# **Beyond Prohibition**

Developing Public Health Based  
Models for Regulating  
Illegal Drugs

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# References

The following presentation is based on:

- Health Officers Council of British Columbia, “A Public Health Approach To Drug Control in Canada Discussion Paper - October 2005” posted at:
  - Keeping the Door Open  
<http://www.keepingthedoropen.com/index.php>
  - Canadian Foundation for Drug Policy  
<http://www.cfdp.ca/>
- Carstairs, Catherine. “Jailed for Possession – Illegal Drug Use, Regulation, and Power in Canada, 1920-1961”, University of Toronto Press, 2006.

“This book shows that a harsh enforcement approach failed to bring an end to drug use, destabilized user’s lives, harmed their health, and made drug use attractive to a small community of rebellious users. A more lenient approach to drug use will undoubtedly come with its own set of harms and dangers, but the strict approach that characterized the classic years was even worse.” (Carstairs, pg 15)

# Spectrum of Psychoactive Substance Use

## Non-problematic

- recreational, casual or other use that has negligible health or social impact

## Dependent

- use that has become habitual and compulsive despite negative health and social impacts



## Beneficial

- use that has positive health, spiritual or social impact
- e.g. medical psychopharmaceuticals; coffee to increase alertness; moderate consumption of red wine; sacramental use of ayahuasca or peyote

## Problematic

- use that begins to have negative health consequences for individual, friends/family, or society
- e.g. impaired driving; binge consumption; harmful routes of administration

# Mortality and Morbidity

Rehm, J et al, "The Costs of Substance Abuse in Canada", 2002.  
Canadian Centre for Substance Abuse, 2006.

<b>2002</b>	<b>Deaths</b>	<b>Pot. Years Life Lost</b>	<b>Acute Care Days</b>
<b>Tobacco</b>	37,209	515,607	2,210,155
<b>Alcohol</b>	8,103	191,136	1,587,054
<b>Illegal Drugs</b>	1,695	62,110	352,121
<b>TOTAL</b>	47,007 (19.3% all deaths)	768,853	4,149,330

# Costs by Substance (Billions \$)

Rehm, J et al, "The Costs of Substance Abuse in Canada", 2002.  
Canadian Centre for Substance Abuse, 2006.

	<b>\$ Billions</b>	<b>%</b>	<b>Per Capita</b>
<b>Tobacco</b>	17.0	43	541
<b>Alcohol</b>	14.5	37	463
<b>Illegal Drugs</b>	8.3	21	262
<b>Total</b>	39.8	100	1,267

# Costs by Activity (Billions \$)

Rehm, J et al, "The Costs of Substance Abuse in Canada", 2002.  
Canadian Centre for Substance Abuse, 2006.

<b>Health Care</b>	8.8
<b>Law Enforcement</b>	5.4
<b>Other Direct</b>	1.3
<b>Indirect</b>	24.3
<b>Total</b>	39.8

# Acute Care %

Rehm, J et al, "The Costs of Substance Abuse in Canada", 2002.  
Canadian Centre for Substance Abuse, 2006.

<b>% of Total Overall Acute Care</b>	<b>1992</b>	<b>2002</b>
<b>Tobacco</b>	10.3	7.3
<b>Alcohol</b>	2.8	7.2
<b>Illegal Drugs</b>	0.1	1.6

# Benefits of Substance Use

Anticipated beneficial effects include:

- **Physical:** pain relief, assistance with sleep, potential decreased risk of cardiovascular disease, increased endurance, stimulation or diminution of appetite;
- **Psychological:** relaxation, relief of stress and anxiety, increase alertness, assistance in coping with daily life, mood alteration, pleasure, performance, or creativity enhancement;
- **Social:** facilitation of social interaction, religious, spiritual or ceremonial use;
- **Economic:** wealth and job creation, industrial activity, employment, agricultural development, tax revenue generation.

# **Goal of a Public Health Approach to Substance Management**

- Minimization of the harms from the use, policies, and programs associated with all psychoactive substances\*, and a realization of benefits, for individuals, families, communities and society.

\*tobacco, alcohol, prescription drugs, illegal substances

# Prohibition

- a law that prohibits something

## Prohibit

- to forbid, disallow, or proscribe;
- to make illegal or illicit

(from Wiktionary - <http://en.wiktionary.org/>)

# Policy Analysis Comparison

- **Goals**

- Prohibition - no drug use - Ideology based
- Commercialization – substances are products – business profit based
- Public Health - minimize harms, maximize benefits - evidence based

- **Legal tools to control**

- Prohibition: Criminal law, enforcement
- Commercialization: business law, market law
- Public Health: Regulation of production, distribution, sales, marketing, use

- **Prohibition** is a legal tool that can be useful, depending on how it is implemented, e.g.
  - Prohibition of impaired driving.
  - Prohibition of sale of alcohol to minors.

# **Concerns with prohibition have been building for a long time**

- LeDain Commission (1973)
- Task Force into illicit Narcotic Overdose Deaths in BC: Vince Cain. (1994)
- HIV/Aids in Prison: HIV/Aids legal network. (1996)
- Something to Eat, A Place to Sleep and Someone Who Gives a Damn – HIV/Aids and IDU drug use in the DTES: (1997)
- HIV/Aids and IDU: A National Action Plan: CCSA. (1997)
- The Red Road – Pathways to Wholeness: BC Aboriginal AIDS Task Force. (1999)
- Injection Drug Use and HIV Aids: Legal and Ethical Issues: Canadian HIV/Aids Legal Network. (1999)
- Pay Now or Pay Later: Report of the Provincial Health Officer. (1998)
- Reducing the harm from injection drug use in Canada. (2001)
- Auditor General's report. (2001)
- Cannabis: Our Position For A Canadian Public Policy: Senate Committee. (2002)
- Round tables CCSA and Canada's drug strategy. (2004)

# B.C.'S FAILING WAR AGAINST MARIJUANA GROW-OPS

A VANCOUVER SUN  
SPECIAL REPORT



With more than 4,500 reports last year of illegal indoor pot-growing operations, B.C. police cannot keep up. Lawbreakers have to rack up nine or more prior drug convictions before they have a better than 50-50 chance of being sent to jail. Children are found in one-fifth of grow-ops

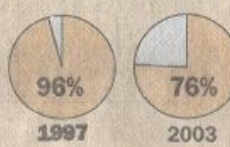
raided. In B.C.'s war against marijuana-growing operations, a groundbreaking new study makes one thing clear: The growers are winning and the situation is out of control.

## POLICE Fewer investigations



Percentage of illegal marijuana grow-ops reported to B.C. police that resulted in full investigations.

## CROWN Fewer charges



Share of cases in which prosecutors laid charges after receiving a report from police.

## COURTS Less jail time



Percentage of illegal growers sent to prison after a court conviction.

Source: University College of the Fraser Valley

## A COMMON STORY

- **August 2001:** Family home at 2188 Burquitiam Dr., Vancouver (above) closed by drug squad after illegal marijuana-growing operation found. Power, gas cut.
- **November 2001:** Re-occupancy permitted.
- **January 2005:** Police again find grow-op. Services cut. City invokes new "Warning to Prospective Purchasers" policy to warn others if house is offered for sale.

## Criminal justice system 'on the brink of imploding'

# Effects of Prohibition

Indiscriminate use of prohibition has many detrimental consequences on:

1. Substances prohibited
2. Individuals (substance users and criminal justice system personnel)
3. Families
4. Communities
5. Society - provincial, national, international

“Narcotics policing puts the state in an extremely invasive and often violent relationship with its citizens. ‘After a short struggle’ was one of the most commonly repeated phrases in RCMP reports describing arrests. The incredible violence and invasiveness of policing what people take into their bodies, and the danger this policing posed to the safety and health of both police officers and drug users, should give us pause.” (Carstairs, pg 114)

# Effects on Substances Prohibited

- Higher concentrations – easier to transport and conceal, greater profits
- More dangerous modes of consumption i.e. injecting. Targeting Chinese opium dens pushed switch from smoking opium with strong fumes and bulky equipment to use heroin or morphine, and substitution of hypodermic needle for opium pipe.
- Impurities
- Market forces leading to price swings between low and high prices

# **Prohibition Effects on Individuals –** **Substance users**

- Health effects – overdose, death, HIV, Hep C, TB, Injuries, abscesses, vein thrombosis, endocarditis, risks of carrying drugs in body cavities
- Creation of secret and dangerous rituals of drug use to avoid detection
- Violence directed at users as part of police seizures to secure drugs before tossing or hidden in mouths and vaginas
- Violence from other users and dealers
- Switch to alcohol, other drugs during scarcities
- Working difficult, low paying jobs, aggravation poverty
- Stigmatization and discrimination, isolation from services
- Vicious cycle of drugs, imprisonment, poor relationships, more drugs
- Involvement in other criminal activities
- Incarceration, criminal records

**Prohibition Effects on Individuals -**  
**Criminal Justice System personnel (police,**  
**corrections officers, probation officers,**  
**lawyers, judges)**

- Violence from users and dealers
- Worker stress and anxiety
- Bribery and Corruption
- Overcrowded prisons
- Lack of respect for police

# Prohibition Effects on Families

- Inability to care for children
- Much time spent on searching for drugs and money, lead to difficulties holding down steady jobs, supporting families, maintain solid relationships.
- Distrust of friends and family
- Destabilized users lives adversely affecting families

# Prohibition Effects on Communities

- Small underground labs that are very difficult to control, produce product of hazardous quality, damage houses and disrupt communities
- Creates a community of users, making it difficult for users to leave the community
- Gives rise to a distinct culture of drug use, specialized knowledge, status, excitement
- By driving "controlled" users out of the community with strict enforcement and severe penalties, drug enforcement decreases the likelihood that new users would learn techniques for managing and controlling drug use from experienced users.
- Drug trade violence
- Drug related crime
- Police surveillance and invasion of homes

# **Prohibition Effects on Society – provincial, national, international**

- Results in creation of a “black market”, fuels organized crime
- Federal rules and regulations contribute to fewer doctors wanting drug users as patients
- Deprives provinces of greater role in regulation
- Treatment poorly developed
- Lack of respect for law
- Drug trade funded military conflicts
- International tension regarding ideological based approaches
- Environmental damage from herbicide spraying
- Political instability for some governments
- Loss of government and local revenue opportunities
- Opportunity cost –better spending of public funds

# Statistics

- **Crime numbers for selected offences 2005**

• Cannabis	59,973
• Cocaine	18,951
• Heroin	803
• Other drugs	12,528
• <b>Total</b>	<b>92,255</b>

“The Daily” Statistics Canada July 20, 2005

# Statistics HIV/AIDS

- Injecting drug use accounted for 7.8% of cumulative adult AIDS cases, and 16.9% of cumulative adult positive HIV test reports up to December 31, 2005.
- The estimated number of new HIV infections among IDU in 2005 (350-650) remains unacceptably high.

Public Health Agency of Canada. *HIV/AIDS Epi Updates, August 2006*, Surveillance and Risk Assessment Division, Centre for Infectious Disease Prevention and Control, Public Health Agency of Canada, 2006

# Statistics - Hepatitis C

- Estimated that the average prevalence of HCV among IDUs in Canada is approximately 80%
- Injection drug use is currently the most important risk factor for HCV infection. In Canada, it accounted for 63.2% of acute hepatitis C cases with known risk factors identified through HC's Enhanced Surveillance System for Hepatitis B and Hepatitis C, for the period 1998-1999.

(Volume: 27S3 • September 2001 Viral Hepatitis and Emerging Bloodborne Pathogens in Canada: The Effectiveness of Harm Reduction Strategies in Modifying Hepatitis C Infection among Injection Drug Users in Canada)

- Overall Canadian Prevalence was estimated at 250,000 or 0.8% of the Canadian population in 2002. If 60% are due to IDU, the prevalence due to IDU is 150,000.

(Bloodborne Pathogens Section, Blood Safety Surveillance and Health Care Acquired Infections Division, Health Canada, 2003)

# Statistics - Overdose Deaths

- In 2002 there were 733 overdoses for males and 225 for females, totalling about 958 deaths. This constituted 56.5% of all illegal drug deaths in Canada.

“The Costs of Substance Abuse in Canada 2002” J. Rehm, D. Baliunas, S. Brochu, B. Fischer, W. Gnam, J. Patra, S. Popova, A. Sarnocinska-Hart, B. Taylor, Canadian Centre for Substance Abuse, 2006.

# Conclusion

“Therefore, reducing the societal causes and harms associated with illicit opioid use in Canada will eventually require changes to repressive Canadian drug-control legislation that will render illicit drug dependence first and foremost a public health issue”

(Fischer, B. Rehm, J. “Illicit Opioid use and Treatment for Opioid Dependence: Challenges for Canada and Beyond” *Can J. Psychiatry*, 10 (51) pg 621, 2006)

# Challenge for Discussion

- How do we move from an indiscriminate prohibition approach to a regulatory, public health oriented approach, while avoiding commercialization and re-creation of the problems inherent in the commercialization of alcohol and tobacco?

# Mathew Begley, Chief Justice of BC, 1885

“I altogether disbelieve in any widespread mischief here from opium... If any Chinese here abused the drug by over-indulgence, they must hide themselves, or at all events they have entirely escaped my observation... Opium, as generally used here is probably as harmless as tobacco, which is also extensively used in British Columbia... Neither opium nor tobacco extend their evil effects beyond the individual. They are not nearly so dangerous to the public peace as whiskey... All the evils arising from opium in British Columbia in a year do not, probably, equal the damage, trouble, and expense occasioned to individuals and to the state by whiskey in a single month, or perhaps in a single night”

(Giffen, P. J. Endicott, S, Lambert, S. “Panic and Indifference – The Politics of Canada’s Drug Laws” Canadian Centre on Substance Abuse, 1991. pg 58)