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LEGALIZED NON-MEDICAL USE OF CANNABIS LEADS TO HIGHER CONSUMPTION, MORE HEALTH CONCERNS AND DOES NOT REDUCE CRIMINAL ACTIVITY

Legalizing cannabis seems to result in higher consumption especially among young people and a lower perception of the risk involved and does not reduce criminal activity, according to the INCB annual report.

Evidence from jurisdictions where cannabis has been legalized for recreational use show a higher consumption of cannabis and an increase in adverse health effects, psychotic disorders and a negative impact on road safety.

About 4 per cent of the global population, roughly 209 million people, use cannabis (figures from 2020) making it the world's most widely used illicit drug. Cannabis cultivation has shown an upward trend over the past decade, and the number of people who use it has risen by 23 per cent. Cannabis use varies widely by region and is highest in North America, Oceania and West Africa.

Questions on the classification of cannabis

Some Governments are unsure if cannabis and cannabis-related substances should still be classified as harmful and whether the controls laid out in the drug control conventions are still relevant regarding cannabis use. These Governments are looking for alternative solutions including the legalization of non-medical use of cannabis.

Legalization approaches vary greatly among countries

The variety of different legislative models from country to country makes it difficult to evaluate the impact of the changes in cannabis legalization on society. Evidence is still limited, and data submitted is often too recent to draw meaningful conclusions.

The trend to formally legalize cannabis for non-medical supply and use first began in the Americas and is now taking hold in Europe and other regions. While the number of countries where cannabis is legal is still small, more Governments are considering taking this path. For example, in June 2022, the

Government of Luxembourg released a draft law that would allow adults to grow up to four cannabis plants at home for recreational purposes. In October 2022, the German Government outlined a law that would regulate the controlled distribution of cannabis to adults for recreational use in licensed shops. In Italy, on the other hand, a proposal for a referendum to legalize personal cultivation of cannabis and other psychoactive plants was rejected by the Constitutional Court in February 2022.

Cannabis legalization results in higher consumption

Estimated data show that the most important effect of cannabis legalization is the likelihood of increased use, particularly among younger people. Data collected in the United States has shown that adolescents and young adults consume significantly more cannabis in states where cannabis has been





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legalized compared to states where recreational use is illegal. For ages 12 and older, the numbers rose from 16.5 per cent to 24.5 per cent in those states.

Perception of risk lowered by increased availability of cannabis

There is evidence that the increased availability of cannabis products in States where consumption is legal has lowered the perception of risk among the population. New forms of cannabis products, such as edibles or vaping products marketed in flashy packaging, have increased the trend. This has contributed to a trivialization of the impacts of cannabis use in the public eye, particularly among younger people.

This normalizing trend has reduced the perception that using cannabis products can have damaging effects on health and on decision-making processes. However, data have shown that habitual use of cannabis has negative health effects, particularly on the cognitive development of young people, impacting their educational outcomes and social behaviours.

More medical emergencies and car accidents in legalizing states

Increased use and the higher potency of some cannabis products are having negative health effects and pose health risks for people of all ages. In all jurisdictions where cannabis was legalized, data show that cannabis-related health problems have increased. Between 2000 and 2018, global admissions related to cannabis dependence and withdrawal increased 8-fold. Admissions for cannabis-related psychotic disorders have also quadrupled worldwide. In Colorado (United States), emergency department visits and hospitalizations due to excessive cannabis use rose considerably after legalization was implemented. Hospital visits for injuries from accidents related to cannabis also increased by 30 per cent.

Investigations on the impact of cannabis legalization on road safety found a significant increase in fatal crashes in Washington State and Colorado (United States) after legal cannabis dispensaries were opened. Statistical evidence from Colorado shows that the percentage of drivers under the influence of cannabis in all traffic fatalities was nearly twice as high in 2020 as in 2013. The frequency of collision insurance claims also increased considerably after legalization was implemented in Colorado, Oregon and Washington compared with neighbouring states.

Government objectives for legalizing cannabis not achieved

The main objective for legalizing cannabis for Governments is to reduce criminal activities but this has not been achieved and illegal markets continue to operate. The data show that illegal markets for cannabis supply have persisted in all legalizing jurisdictions reaching 40 per cent in Canada, nearly 50 per cent in Uruguay and 75 per cent in California.

Generating tax income has been another important goal for Governments who promoted the legalization of cannabis. Although tax income from cannabis sales has increased year on year in Canada and the United States, tax revenue has been lower than expected, making up only 1 per cent of the budget



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in legalizing states. INCB concludes that the goal pursued by some Governments to use cannabis as a means of increasing tax revenue has not been achieved through legalization.

Expanding cannabis industry

Cannabis legalization has created a new economic market with a large potential for growth and investment opportunities. Large corporations aiming to broaden their commercial profits are expanding into the cannabis industry and have lobbied for lifting controls on cannabis. Many corporations are looking to expand into the medical and adult cannabis market emerging around the world. In the United States, the legal supply of cannabis products is one of the fastest growing industries, generating \$25 billion in sales in 2021 – a 43 per cent increase on 2020.

Decriminalization and depenalization are different concepts from legalization

INCB is clear that the legalization of cannabis for non-medical use is a violation of the drug conventions although there is a certain flexibility in the conventions when it comes to decriminalization and depenalization as alternative routes for cannabis offences. Some States have already shifted their policies regarding the prosecution of drug-related offences and removed criminal sanctions or reduced them to minor offences for non-medical use of cannabis for personal use. INCB emphasizes that the concepts of “decriminalization” and “depenalization” are different from policies that explicitly permit legalization or the creation of a “regulated market”. National legal frameworks permitting the non-medical use of cannabis violate the drug control conventions stipulating that any kind of drug use must be limited to medical and scientific purposes.

Further INCB conclusions

INCB reminds Member States that the conventions are binding and that the legalization of cannabis for non-medical use would be a violation of the agreement.

INCB points out that the conventions have a certain flexibility when it comes to decriminalization or depenalization as alternative routes for cannabis offences.

INCB emphasizes that there is little in the way of reliable data available about the impact of cannabis legalization to draw meaningful conclusions. The variety of State models also makes it difficult to transfer data sets from one country to another and predict successes and failures of legalization frameworks.

INCB notes that the effects of cannabis use on individuals and societies should be studied further before long-term binding decisions are made.

The Board encourages an open discussion about the impacts of legalizing cannabis among all parties to the 1961 Convention and continues to engage with Governments to assist them in implementing the conventions. This includes furthering the objectives of the conventions within the flexibility provided through balanced and proportionate approaches founded on respect for human rights and the promotion of health and welfare.

