High societies

International experiences of cannabis liberalisation

Jake Shepherd

SMF Social Market Foundation

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EXECUTIVE SUMMARY

This report reviews evidence from jurisdictions that have liberalised cannabis, comparing them against the UK's current prohibition regime. In particular, it looks at the policies of Portugal, Spain, the Netherlands, Uruguay, Canada, and the US states of Colorado and Oregon to assess how they have influenced health, crime, and economic outcomes.

There are calls to reform the UK's prohibition approach to cannabis

- Campaigners believe that current legislation is not fit for purpose, and the UK is falling behind other countries on cannabis policy.
- In 2020, there were 36 deaths related to cannabis use in England and Wales. While not completely harmless, cannabis is seen to be relatively safe when compared to other illegal or legal drugs.
- Users of cannabis are criminalised, with cannabis offences being disproportionately recorded among marginalised groups.
- The illicit cannabis market is estimated to be worth £2 billion a year, money that is currently under the control of criminals.

Other countries are liberalising their cannabis policies

- Across the world, approaches to cannabis regulation are changing. Some countries have decided to legalise cannabis, meaning industries can support its marketisation under tighter regulation, while others have gone down the path of decriminalisation, where criminal sanctions are removed against possession and use.
- Countries have shown that liberalisation can be effective in limiting cannabis consumption and improving treatment, reducing police enforcement and decongesting criminal courts, and strengthening the economy.
    - The Netherlands has separated the cannabis market from harder drugs. In 2013, just 14% of cannabis users reported that other drugs were available to them from their usual cannabis source, compared to 52% in Sweden.
    - In Portugal, money saved on court cases on minor offences is being reinvested in treatment services.
    - Canada's legal retail market contributed equivalent to £26.4bn to GDP within three years, and brought in equivalent to £9.2bn in tax revenue.
- There have also been some negative consequences, however, including the corporate influence of cannabis markets, the exacerbation of socioeconomic inequalities, and increasing criminal gang activity.

There are lessons to be learned from other countries

- All approaches examined in this paper have been shown to be effective in reducing harm. As alternatives to cannabis prohibition, any of those liberalisation models could conceivably work in the UK.

- Decriminalisation approaches are effective in reducing minor cannabis offences and making drug use safer, and in some – but not all – contexts reduce consumption.
- The same can be said for legalisation frameworks, which, through legitimate cannabis retail markets, have the added advantage of generating economic activity and increased tax revenues. However, market-regulated models also raise concerns about the corporate capture of cannabis markets, potentially increasing harm.
- Of the regimes examined in our research, Uruguay's state-controlled model of regulation appears to be the most effective in reducing cannabis-related harm and demonstrating drug control.

CHAPTER ONE – INTRODUCTION

Led by reformist governments, the international cannabis framework is heading into a new, progressive era. From Canada to Georgia, Mexico to Malta, countries throughout the world are relaxing their recreational cannabis laws and departing from the international order's prior taboo on cannabis.

Until very recently, cannabis was considered a dangerous substance.[1] Long associated with violence, delinquency, and moral panic, governments' attitudes towards cannabis are becoming increasingly liberal. Not only is cannabis starting to be recognised as a public health, rather than criminal, problem, countries are also convinced by the economic potential of legitimate cannabis markets and ending the ever-controversial war on drugs.[2]

In the UK, cannabis continues to be prohibited. The Misuse of Drugs Act was introduced in 1971 "to make new provision with respect to dangerous or otherwise harmful drugs" and, as such, to protect the population from harm.[3] 50 years later, there are some who believe that legislation is not fit for purpose.[4] While prohibitionists maintain that cannabis – a substance that does pose some risks, particularly with regards to mental health – is damaging to people's wellbeing and to communities,[5] campaigners believe the UK is falling behind other countries on cannabis policy.[6]

This is the primary concern of this report. If the UK government is to consider reform, it will first need to weigh up the merits of the current system against its alternatives. By turning to international approaches to recreational cannabis policy and to the experience of other countries, this research will look to establish whether the case for liberalisation is justified. We can't know exactly what the impact of reformed cannabis laws would be here in the UK. However, there are now several models around the world with which we can compare the UK's approach and from which we can learn.

This report reviews existing literature on different countries' cannabis laws and their consequences. This includes the UK's current prohibition approach, summarising the arguments both for and against a change in its cannabis laws, and new analysis drawing from data on seven jurisdictions that have either decriminalised or legalised cannabis, highlighting the extent to which they have impacted health, crime, and economic outcomes. Ultimately, the report highlights the core characteristics, advantages, and disadvantages of each model, summarising the key lessons learned.

The structure of this report is as follows:

- **Chapter Two** explores the UK's current prohibition regime and its consequences.
- **Chapter Three** compares international approaches to cannabis policy, examining the experiences of Portugal, Spain, the Netherlands, Uruguay, Canada, and the US states of Colorado and Oregon.
- **Chapter Four** discusses the lessons learned from countries' experiences of cannabis liberalisation, assessing their merits and drawbacks.

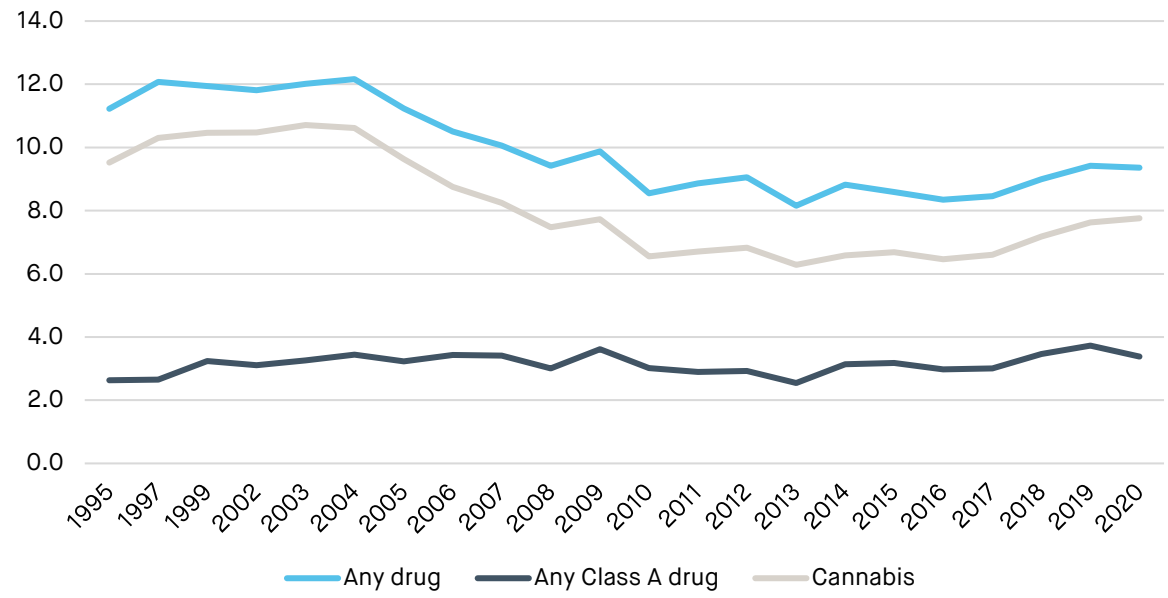
CHAPTER TWO – THE UK PICTURE

Cannabis is illegal to possess, grow, distribute, or sell under the 1971 Misuse of Drugs Act.[7] As a Class B controlled drug, possession of cannabis can result in up to five years in prison, an unlimited fine, or both. The maximum penalty for the supply and production of cannabis is up to 14 years in prison, an unlimited fine, or both.[8]

The medical use of cannabis was legalised in 2018.[9] However, barriers to access, including concerns about 'insufficient evidence of efficacy',[10] mean that patients are only deemed eligible for it on a case-by-case basis, and very few people have had it prescribed to them by a doctor.[11] As of November 2021, only three people had medicinal cannabis prescribed to them by the NHS.[12] It is likely that there are thousands of UK patients self-medicating with illicit, non-regulated cannabis-based products instead.[13]

Despite its legal status, demand for cannabis remains endemic. It is the most widely used illegal drug in each country in the UK,[14] and it is the drug most commonly reported (30.2%) as having been tried at least once during a person's lifetime.[15] According to the Office for National Statistics, cannabis is estimated to be used by 7.8% of adults aged 16 to 59 in England and Wales – approximately 2.6 million people.[16] Cannabis is mostly used by young people, with the majority of users aged 30 or under.[17]

Figure 1: Percentage of people aged 16 to 59 that used recreational drugs over the previous year

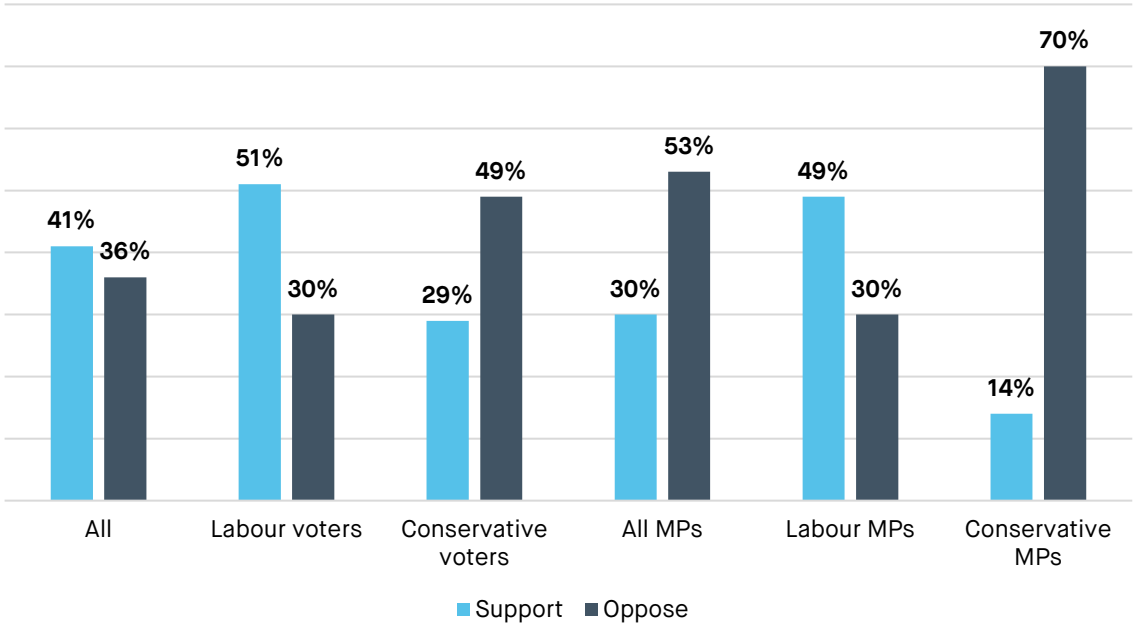


Source: Office for National Statistics

Due to its taboo nature, the magnitude of cannabis use is likely to be underreported. Nevertheless, evidence shows that cannabis is popular, that it is "widespread across the population",[18] in spite of its use becoming less prevalent and decreasing over the long-term (Figure 1). It is worth noting that, since troughing in 2013 (6.3%), there has been a slight upward trend in cannabis use.

In 2019, polling conducted by the drugs research and advocacy group, Volteface, found that almost half (47%) of the public supported legalisation.[19] In separate polling by Savanta ComRes, published in 2021, it was found that two in five (41%) Britons support decriminalisation.[20] While MPs remain less convinced, with only 30% supporting decriminalisation,[21] these figures indicate a significant public appetite for a new approach to UK cannabis policy. Savanta's polling also shows a clear difference in opinion between the two main political parties, with Labour voters (51% versus 29%) and MPs (49% versus 14%) more likely to support decriminalisation than their Conservative peers.

Figure 2: Support for the decriminalisation of cannabis



Source: Savanta ComRes

Note: Chart does not include all responses so percentages do not add to 100%

Prohibition and its consequences

In order to sufficiently grasp the cannabis reform debate, a contextual discussion around the implications of the current prohibition regime is necessary. Arguments both for and against legal change are well-documented, with the likes of the Adam Smith Institute,[22] the Institute of Economic Affairs,[23] and the Centre for Social Justice,[24] as well as dedicated campaign organisations such as the Transform Drug Policy Foundation,[25] all having made contributions. The purpose of this analysis is not to duplicate that wealth of evidence, but to provide a brief summary of its essential arguments.

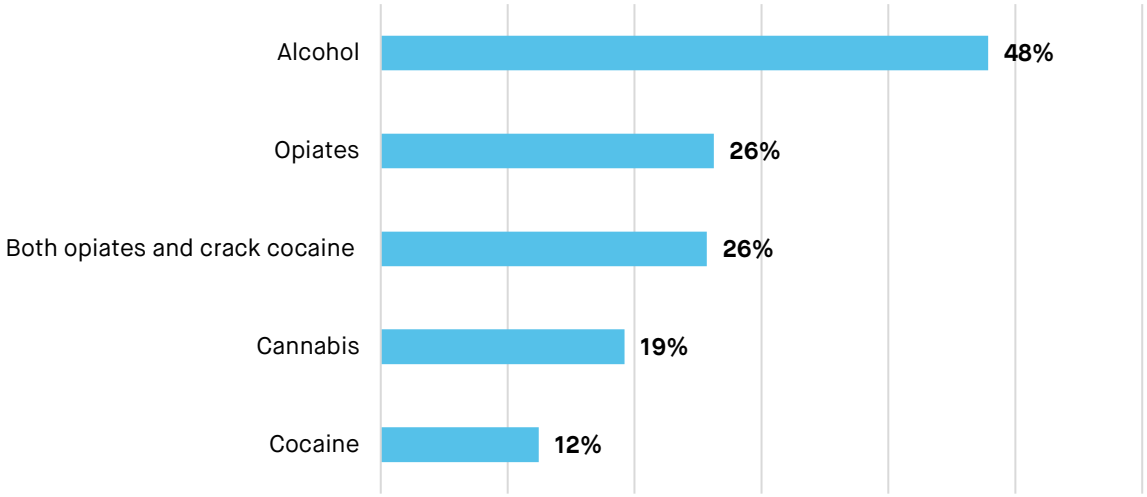
Below, three key areas are examined: health, crime, and the economy. These are issues that drive the ongoing cannabis debate[26] [27] [28] and they are, ultimately, arguments likely to inform any future policymaking. In particular, focus will lie upon consumption rates and the health impacts of using cannabis; its criminal justice implications and the influence of criminal gangs in the underground cannabis market; and the economic consequences of the cannabis market.

Health

The Misuse of Drugs Act was introduced "to make new provision with respect to dangerous or otherwise harmful drugs".[29] The legal justification for cannabis being criminalised is, therefore, to protect the wellbeing of the population and to reduce harm.

According to the NHS, the negative effects of cannabis include nausea, mild hallucinations, and feelings of confusion, anxiety, or paranoia. It warns that frequent use can also result in dependency and in the increase of risk of developing serious mental health issues, such as schizophrenia.[30] Research suggests that the risk of psychotic illness may be further increased by high potency, super-strength cannabis.[31] [32] [33] Public Health England data shows that, in 2019-20, 52,000 people – 19% of all substance support patients – had received treatment for cannabis misuse, making it the fourth most-represented drug after alcohol, opiates, and crack cocaine.[34]

Figure 3: Substance breakdown of all people in treatment for drug misuse, 2019-20



Source: Public Health England

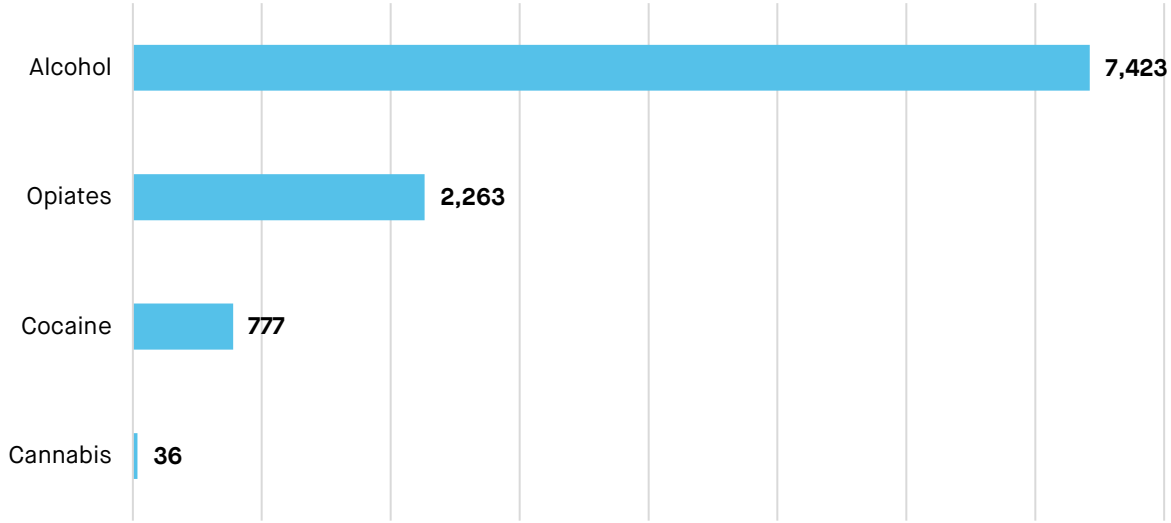
Note: Substance categories are not mutually exclusive, so percentages sum to more than 100%

Some believe that if cannabis were to be legalised consumption would increase – so, in turn, would the health risks.[35] Another anti-liberalisation argument is the role of cannabis as a gateway to other, harder drugs, potentially creating the conditions for addiction in later life (although, reformists believe that legalising helps to separate different drugs markets).[36] For those that are sceptical of reform, this is reason enough to maintain the status quo.[37]

Under the current system, though, there are no restrictions on the purchase of cannabis, nor are there curbs on its strength. Reformist arguments maintain that, if regulated, a public health approach could ensure less strong, safer products,[38] as well as support people to understand and manage the (mis)use of cannabis.[39] This argument has been recently supported by a British woman who died after eating a fake synthetic cannabinoid sweet[40] – a product which, it has been argued, would be unlikely to be consumed in a regulated market.[41]

Cannabis carries no significant risk of death. In 2020, there were 36 deaths related to cannabis use in England and Wales, where the substance was mentioned anywhere on the death certificate (with or without other drugs and with or without alcohol). This equates to just 0.8% of all recorded drug-related poisonings, and is significantly less than deaths involving opiates (50%) and cocaine (17%).[42] In 2020, 7,423 alcohol-specific deaths were registered in England and Wales.[43] When put into perspective, the harm posed by cannabis is often seen as being largely non-dangerous,[44] and as being relatively safe when compared to other illegal or legal drugs.[45]

Figure 4: Drug-related deaths by selected substances, 2020

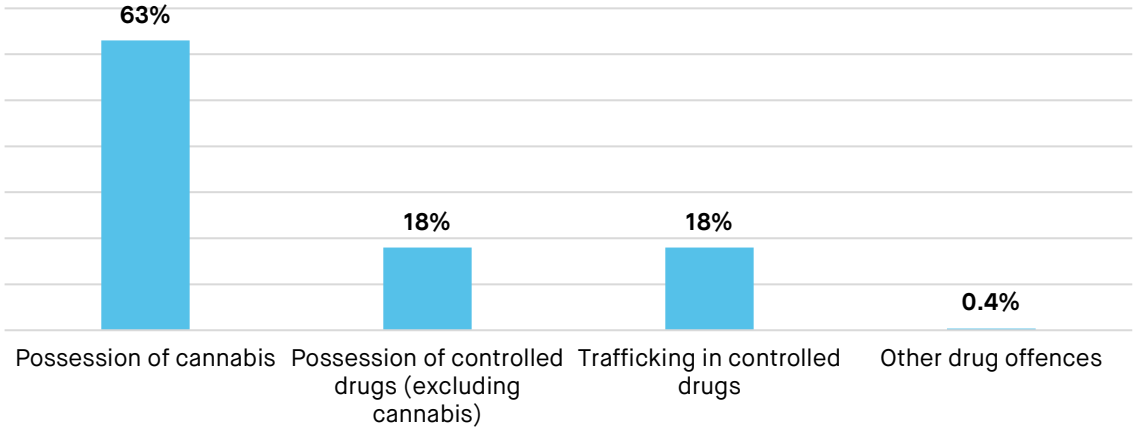


Source: Office for National Statistics

Crime

Under prohibition, the thousands of people who choose to use cannabis – recreationally or otherwise – must rely on the black market. Reflecting its stature as the most widely used illicit substance, in England and Wales possession of cannabis (63%) was the main drug offence recorded in 2019/20.[46] Ministry of Justice data shows that 682 people were in prison for a cannabis offence in 2019.[47]

Figure 5: Drug offences in England and Wales, 2020-21



Source: Office for National Statistics

Those in favour of stricter laws argue that criminalising cannabis serves to disincentivise and restrict cannabis use, limiting its harms. On the other hand, it could also be argued that cannabis offences represent overly harsh punishment, handing out life-changing criminal records for possessing a substance which, in comparison to other drugs and even some legal products, such as alcohol, poses relatively little harm to users and to those around them.[48][49] [50] In January 2022, research conducted by Crest showed public support for sparing people caught with cannabis from prosecution, with 66% preferring alternatives.[51]

Like many other aspects of the criminal justice system, the magnitude of risk involved in the possession of cannabis reflects socioeconomic disparities and is disproportionately felt by marginalised groups.[52] For example, Home Office statistics have revealed that those living in poorer regions, such as in the North of England or Wales, experience heavier punishments than those living in more affluent areas in the South.[53] Similarly, people with Black and Asian backgrounds are 1.4 times more likely to receive custodial sentences for drug offences, including cannabis, than White people.[54] Black men are nine times as likely to be stopped and searched for cannabis than their White counterparts.[55] [56] In March 2022, a 15-year-old Black girl known as Child Q became the subject of a high-profile news story after she was strip-searched at school having been incorrectly accused of carrying cannabis, with racial bias "likely" to have been a factor.[57] For campaigners, such harassment only strengthens the case for ending criminal sanctions for cannabis possession, adding an additional dimension of harm to the health risks that some users experience.[58] [59]

Those that advocate legalisation also draw attention to the benefits of circumventing the criminal market. As has been noted by the Home Office's Serious Violence Strategy[60] and the Youth Violence Commission[61], the illicit drug trade is strongly associated with violent crime, for example knife crime, homicides, and modern slavery, as well as the financing of other kinds of criminal activity. The logic put forward by reformists is that to take money away from the illicit cannabis market would diminish the strength of gang networks, while allowing for police resources to be directed to other crimes.[62] As described below, it may also generate money to be spent elsewhere in the economy.

Economy

The Home Office's independent review of drugs, known as the Black review, has found the illicit drug market to be worth around £9.4bn a year. Cannabis was estimated to be the second largest part of that market, valued at £2bn, or over 20% of the overall share.[63] Costings of the exact size of the illicit cannabis market vary, however, meaning that the cannabis market, currently under the control of criminals, could amount to anything between £1bn and £6bn.[64] [65] [66] [67]

There is therefore a huge amount of money that could, under a legitimatised cannabis market, represent considerable gains for the wider economy. The commercial production and retail of cannabis would support additional economic activity and create new jobs. If taxed, the cannabis industry would generate additional revenues for the Treasury, money that could be spent on public services. An independent panel of experts set up by the Liberal Democrats has said the government could gain up to

£1bn annually in the taxation of cannabis.[68] Health Poverty Action have estimated an even higher amount, claiming the legal cannabis market could, if operated like the alcohol and tobacco markets, bring the Treasury tax revenues of £1.9 or £3.5bn respectively – conservative estimates based on an assumed £7bn market.[69] In terms of reduced public expenditure, research produced by the Tax Payers' Alliance has presented savings of at least £892 million in reduced NHS, police, and criminal justice spending.[70]

The opening of the otherwise untapped commercial market could also support economic growth. For example, the legal industry could create of thousands of jobs in the manufacturing and retail of cannabis, generating added economic activity.[71] [72] [73] [74] The profit-making potential of legalising cannabis is underscored by the growing domestic medicinal market, where value is expected to balloon to £2bn or more by 2024.[75] [76]The UK is now one of the largest producers of medical cannabis in the world.[77]

By weighing up the potential benefits of a legitimate cannabis market, the economic argument seems to be tilted towards reform. For those that oppose it, though, the very question of financial gain is by and large irrelevant. For as long as the health of the public is at risk, additional revenue cannot serve as a justifiable counterbalance to harm.[78] At the same time, there is research which suggests that cannabis use negatively impacts educational performance and attainment, labour market outcomes, and, in turn, economic productivity. [79] [80] Some studies have linked heavy cannabis use to lower income, greater welfare dependence, and unemployment.[81] [82] However, the empirical literature is mixed and there is a great deal of uncertainty on whether using cannabis does indeed have adverse economic effects.[83]

Towards liberalisation?

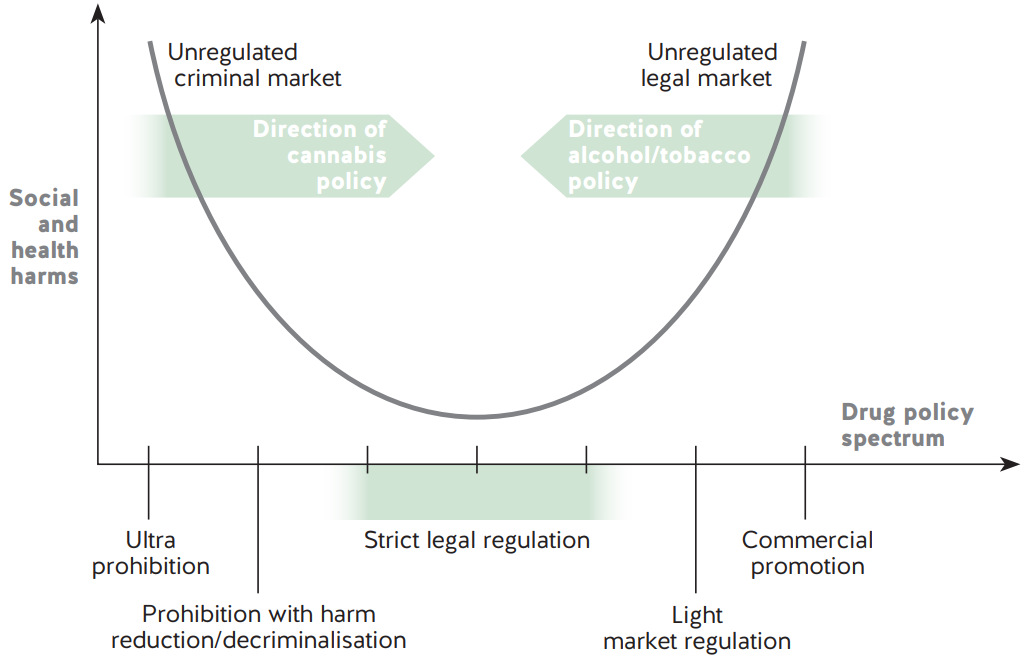
Of the issues that have been discussed – the health, crime, and economic consequences of prohibition, areas where the cannabis conversation is most heavily focused – much contention remains. For example, the criminal justice and economic implications of the current regime would suggest that an overhaul of the system is urgently needed. But does legalisation always lead to reduced gang activity? What market conditions are needed to see cannabis profits fairly distributed across the economy? Likewise, the strongest case for criminalisation is the harm perspective and the belief that cannabis is a dangerous substance. Would legalisation lead to increased consumption and risk to public health? Or would a shift from the punitive approach help to regulate cannabis misuse?

It is these kinds of questions that the following analysis will seek to answer. Since we have no evidence on what liberalisation would do here in the UK, in the absence of reform, we ought to see how other models have fared. By turning to international approaches to cannabis policy and to the experience of other countries, this report will look to establish whether the case for liberalisation is indeed justified, or if further thinking is needed. Ultimately, it is hoped that by comparing different international approaches to cannabis policy, it will be possible to identify the key lessons learned from different countries, pointing to some of the paths the UK government could take if it were to consider reform.

Generally, drug policy can be placed into one of four categories: prohibition, decriminalisation, legal regulation, and free market commercialisation. If the UK government is to consider reform, it needs to navigate this spectrum: its current system, the unregulated commercial market, and everything in between.

- Under prohibition, drugs are forbidden by law and punishment is handed out to individuals that transgress those laws.
- Decriminalisation is to remove criminal sanctions against drug possession and use, usually to achieve broader public health or criminal justice objectives.
- Legal regulation entails a degree of state control, meaning industries can support the marketisation of a substance under tight regulation.
- Commercialisation is where substances are openly sold, marketed, and promoted with looser restrictions, like in the alcohol and tobacco industries.[84]

Figure 6: Different policy frameworks for cannabis regulation



Source: Transform Drug Policy Foundation

Having already examined prohibition and its consequences in the UK, this paper will now look to analyse two other drug policy frameworks – decriminalisation and legalisation. As most countries' cannabis policies are relatively new and the idea of drug reform continues to be controversial, there are not yet any examples of a full-blown commercialisation framework for (un)regulating cannabis.

As described above, there are some aspects of the cannabis debate that are not considered in this briefing. As a wide-ranging policy issue, it is beyond the scope of this paper to give a comprehensive account of all matters broached. Much like the above discussion of cannabis prohibition in the UK, the following analysis reviews the extent to which different countries have improved following the introduction of cannabis liberalisation policies along the lines of health, crime, and economic outcomes. While there are many other indicators to consider, these arguments are fundamental to the cannabis debate.

As such, this report will predominantly focus on the following outcomes: consumption rates, health impacts, arrests, serious crime, economic productivity, and tax revenues. While there are many other indicators that could be used to assess the effectiveness of countries' cannabis policies – for example, how using cannabis affects workplace safety, the impact of cannabis production upon the environment, or the relationship between driving under the influence of cannabis and accidents[85] – it is not within the scope of this report to assess each possible measure. To give an impression of the scale of this challenge, in Public First's comprehensive study of Canada's legalisation experience their research report is over 80 pages long – twice the length of this paper.[86]

Again, it is important to note that as a hidden and stigmatised activity, drug use, of any kind, is notoriously tricky to measure. The causal link between cannabis, health, crime, and the economy is never direct, while official data on cannabis and its associated issues is almost always patchy, meaning that it is difficult to attribute any and all possible changes solely to the reform of law. Given these inconsistencies, all results presented in this paper should be interpreted with caution. Nevertheless, it is possible to track those changes, providing a snapshot of the effects of liberalisation.

CHAPTER THREE – INTERNATIONAL POLICIES AND ANALYSIS

Across the world, approaches to cannabis regulation are changing. Since 2013, recreational reforms have spread from Uruguay – the first country to legalise – to Canada, Mexico, parts of the United States, and Georgia. Closer to home, Malta[87] became the first EU nation to legalise cannabis, which has since been followed by the Luxembourgish[88] and German,[89] as well as Swiss,[90] governments' plans to legalise.

Other governments have gone down the path of decriminalisation. Those countries include New Zealand, Spain, and, most famously, Portugal, though there are many other countries that have also chosen to permit the use and cultivation of cannabis. In some countries, namely the United States and Australia, reforms have taken place in individual states but not across the nation as a whole.

Within the context of international law, cannabis has long been thought as a dangerous substance that necessitates curbs. A change in those laws was delivered in 2020, when the United Nation's central drug policymaking body voted to remove cannabis from Schedule IV, the most restrictive category of the Single Convention on Narcotics Drugs treaty, which was designed to establish criminal penalties for dangerous drugs among its party nations.[91] The vote can be considered significant as it strengthens arguments for more consistent regulation, while effectively breaking the international order's prior taboo on cannabis.

Table 1: Changes in national recreational cannabis law since 2012

Year	Country	Law
2012	Colombia	Decriminalisation
2013	Croatia	Decriminalisation
2013	Uruguay	Legalisation
2015	Jamaica	Decriminalisation
2016	Austria	Decriminalisation
2017	Belize	Decriminalisation
2017	Georgia	Legalisation
2018	Canada	Legalisation
2018	South Africa	Decriminalisation
2019	Israel	Decriminalisation
2019	Trinidad and Tobago	Decriminalisation
2021	Mexico	Decriminalisation
2021	Malta	Legalisation

Source: SMF

It has been suggested by the *Economist* that a global revolution in attitudes towards cannabis is now in progress, with people's – and government officials' – views of cannabis beginning to soften.[92] Perceptions are now much less associated with the 'reefer madness' of violence, delinquency, and moral panic of the previous century. Instead, the tide of change appears to be in favour of treating cannabis as a health problem rather than a criminal justice issue, potentially lucrative markets, and avoiding the ever-controversial 'war on drugs'.[93]

Led by reformist governments, the international cannabis framework is heading into a new, progressive era. However, the winners and losers of this changing landscape are yet to emerge, and it is not yet certain which models are most effective. Whether it be in terms of public health, criminal justice, tax revenues, inequalities, or the many other social implications, there is currently little consensus on what 'success' looks like.

Decriminalisation

Portugal

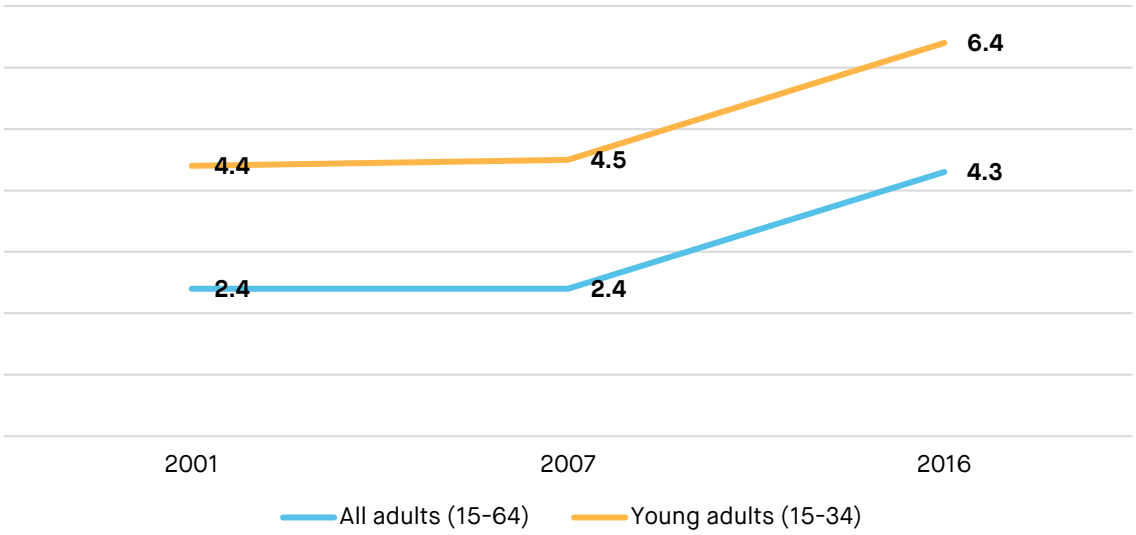
All drugs have been decriminalised for public and private use in Portugal since 2001. Under its law changes, the country's drug policy has shifted from being punitive to a health-led approach, meaning that possession is no longer punishable by imprisonment, nor can it result in a criminal record. Drug possession can lead to administrative penalties, however, for example fines or community service. Portugal has not decriminalised drug dealing and trafficking, offences usually associated with carrying larger quantities of drugs.[94]

In its wholesale approach to decriminalisation, the country is seen as being "the most prominent and influential" in the drug policy reform movement.[95] There have been many benefits to Portugal's reforms: a reduction in drug deaths,[96] a reduction in those imprisoned and receiving penalties for drugs,[97] and an increase in the number of people receiving drug addiction treatment.[98] It continues to have one of Europe's lowest rates of drug use, and it has few overdose deaths.[99] Here, the Portuguese approach to drug policy, and hard drugs in particular, has set a positive example of what can be achieved by decriminalisation.[100]

Health: Conflicting perceptions of cannabis use and cannabis treatment

With regards to cannabis, the picture is much more ambiguous. While there has been a decrease in drug use generally, apart from some psychoactive substances, prevalence rates for cannabis use have increased,[101] particularly among younger people.[102] Reflecting this uptick in use – or, with the removal of criminal stigma, its greater visibility – there has been an increase in the number of people appearing in Commissions for the Dissuasion of Drug Addiction (*Comissões para a Dissuasão da Toxicodependência* – CDT), an administrative body which helps people address their drug use. Between 2001 and 2005, there was an 18 percentage point increase in the number of people being referred to CDTs for cannabis use.[103] Over the longer-term, the majority of citations for drug use have been to younger, nonaddicted cannabis users.[104]

Figure 7: Last month prevalence (%) of cannabis use in Portugal



Source: European Monitoring Centre for Drugs and Drug Addiction

These trends could point to a rise in cannabis use, perhaps affirming critics' fears that decriminalisation leads to an acceptability of illicit drugs and, potentially, the propensity for harm.[105] However, it is plausible that the increase in cannabis use can be explained by Portugal's decrease in the consumption of other drugs, with hard drug users being diverted to cannabis – the much safer alternative. It is also possible that the increase in reporting may be explained by other factors, for example the reduction in stigma surrounding drug use or by broader international trends, where use has also risen.[106] In terms of treatment, the increasing number of referrals to the CDT has raised some concerns around the effectiveness and efficiency of a system designed to treat problem drug use, but which actually spends most its resources addressing non-dependent cannabis users.[107]

Despite these conflicting accounts of whether reform has led to new cannabis use or if it has instead made people more likely to report and seek help for existing use, the law change did improve efficiency elsewhere in the criminal justice system. By decriminalising, police citations for cannabis use were diverted away from Portugal's hitherto congested criminal court system to a place of support.[108] More broadly, the increased reporting of cannabis use, which gives policymakers a greater awareness of the numbers involved, was reported as helping authorities adapt their policy responses.[109]

Crime: Fewer minor offences, reports of increased gang violence

Possession for cannabis is no longer punishable by imprisonment in Portugal. This was done to destigmatise use, better facilitate health treatment, and prevent the life-changing consequences of earning a criminal record.[110]

In 2001, the proportion of Portuguese prisoners that were sentenced for drug offences (40%), including cannabis, was significantly higher than the European average (14%); in 2019, that proportion (16%) had fallen dramatically, sitting below the European

average (18%).[111] At the same time, data provided by the European Monitoring Centre for Drugs and Drug Addiction has showed that the number of cannabis offences recorded, like almost all other drugs, has increased significantly over the past couple of decades.[112] This suggests that drugs users are indeed being referred to CDTs for support, rather than apprehended or ignored.

In terms of major drug crime, little progress has been made. But as a health approach Portugal's decriminalisation model never sought to diminish the criminal market and, as such, the commercial sale of drugs has unsurprisingly remained underground. While the broad reduction in drug use trends is likely to have affected their finances, criminal gangs have not been targeted by reform. High-level crime was never on Portugal's agenda.[113]

Economy: No gains as supply is left to the black market

Because of its permissive approach to criminal gangs and the illicit drugs market, cannabis has not yet been marketised in Portugal. It has therefore not accrued any major economic gains, for example increased tax revenue. While it has been reported that Portugal has saved some money from a judicial system significantly unburdened with minor drug arrests, this is likely to have been balanced out by large investment into harm reduction and treatment services.[114] [115]Due to a lack of data, it is difficult to quantify these claims.

Spain

In Spain, the personal use of drugs has been free of criminal penalties since 1983. This means that cannabis has been decriminalised for use, possession, and personal cultivation among adults for almost four decades. Drugs have remained illegal for trafficking and commercial purposes.[116] In 1992, new legislation meant that drug use and possession in public spaces result in harsh administrative sanctions, for example fines of up to €30,000 (£24,905). Even though it is not a breach of criminal law, the changes made the consumption of drugs, including cannabis, high-risk for users. For this reason, Spain's drugs laws have been described as a "watered-down version of decriminalisation" or "decrim-lite".[117]

One of the consequences of the 1992 law was the eventual emergence of the cannabis club model, which was facilitated by two distinctive features of Spain's political-legal system. First, Spain is a decentralised state which gives autonomy to its sub-national communities, giving local and regional authorities the rein to shape their own drug policy approaches. Second, it has a legal grey area whereby public consumption of drugs is illegal but private consumption is decriminalised.[118] These elements allowed for cannabis social clubs (CSC) to be set up locally, as a way for people to access and use cannabis in a safe consumption space.[119]

The first CSC was established in 2001. Today, it is estimated there are around 2,000.[120] CSCs are non-profit organisations where cannabis can be grown and distributed among registered members. No license is required for clubs to operate, and there is no formal regulatory oversight of those operations. There are criteria that CSCs must comply with, including: showing that they reduce the harms associated with cannabis, such as promoting responsible consumption; limiting the amount of cannabis that can

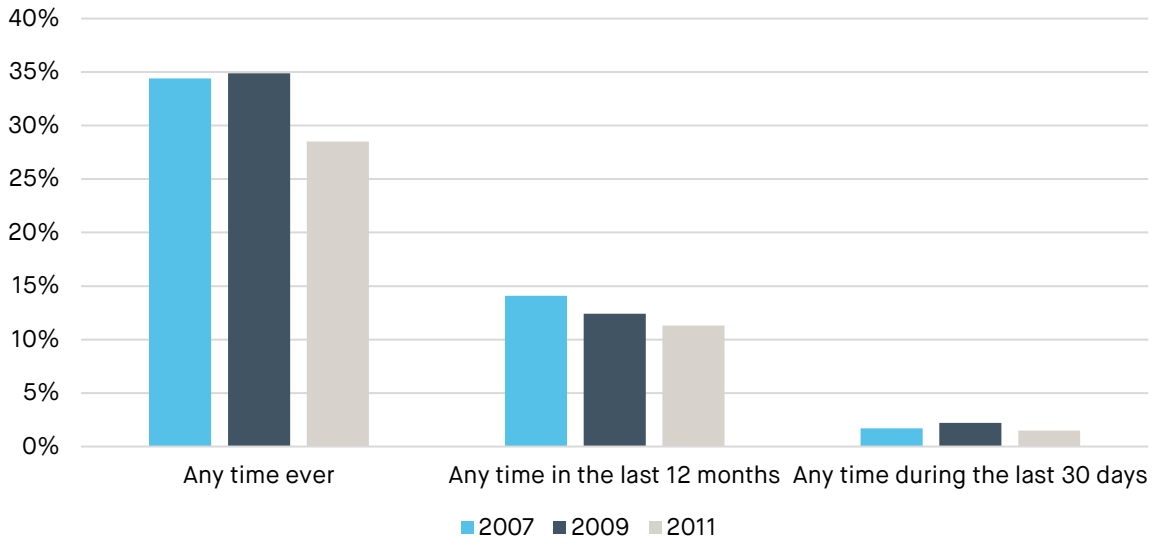
be consumed; and aiming to distribute cannabis for on-site use. Without proper oversight, though, clubs are ultimately left to self-regulate.[121]

Health: Safe spaces for cannabis use

In 1997, a judicial ruling emphasised that the private consumption of cannabis in Spain's cannabis clubs can be understood as the "ultimate expression of the principle of liberty" and as a legitimate exercise of individual rights.[122] By aiming to disassociate cannabis from trafficking and control its use, CSCs are also seen to be in alignment with broader public health and citizen security goals.[123] Operating under a system of membership and a culture of on-site, immediate use, Spain's clubs are said to have several potential benefits: they restrict availability for new users (who are typically young), they provide a safe space to users and protect them from the possibility of sanctions, and they minimise profit-motivated efforts to increase consumption.[124]

Data available in Catalonia suggests there has been: an increase in the amount of cannabis cultivated in Spain; a decrease in the amount that is exported; and a decrease in consumption.[125] All the while, consumers are better informed of the origin and quality of the cannabis they use – further enabling its safe consumption.[126] Again, it is difficult to quantify these impacts. Because Spain's innovations in drug policy occur at the subnational level, doing so against the will or without the support of central government, data is not collected routinely and empirical evidence on the effectiveness of the cannabis club model is severely lacking.[127]

Figure 8: Prevalence of cannabis consumption in Catalonia



Source: Catolonia survey EDADES, 2011

Crime: Emboldened gangs

There are drawbacks to Spain's *clubes cannábicos* model, stemming from its vague legal framework. For example, there have been reports of organised crime networks using CSCs as a front for criminal activity. While there is agreement from clubs, local authorities, and the police that CSCs do reduce street dealing and use,[128] criminal gangs and their associated violence still exist within, and may even be emboldened

by, Spain's decriminalisation approach.[129] In 2020, Catalonia was anointed "the epicentre of Europe's illegal marijuana market".[130]

Economy: A profitable alternative market and the dangers of drug tourism

Considered a *de facto* extension of decriminalisation policies, despite being in legal limbo, Spain's cannabis clubs are recognised as offering a simple, more cautious alternative to a comprehensive retail market.[131] CSCs have been found to dissuade thousands of people from purchasing from the illegal drug market, as well as creating additional jobs and tax revenue.[132]

Another concern relates to the emerging drug tourism scene, with experts claiming that Catalonia could soon challenge Amsterdam as a leading smoking destination.[133] Ostensibly, access to cannabis is stringently controlled with all clubs pursuing a public health approach, but in reality memberships can be offered online or even over the phone.[134] Some clubs have also been found guilty of circumventing CSC rules to increase their financial intake.[135] It is argued that a more robust legal framework with increased regulatory mechanisms, together with a stronger emphasis on public health objectives made in collaboration with public authorities, is needed.[136]

The Netherlands

Probably the most famous example of the liberal approach to cannabis is the Netherlands, and Amsterdam in particular. Known for its coffee shop culture where both citizens and tourists are able to purchase cannabis freely, the Netherlands stands out as an exemplar case study for the benefits that drug policy reforms can bring to a country – as well as its flaws.

It is a criminal offence to possess, produce, or sell drugs in the Netherlands. In practice, though, small quantities for personal consumption and cultivation are permitted.[137] Under its 'toleration policy', the Dutch government abides cannabis under the principle that it is less damaging to health than harder substances.[138] Even though the sale of soft drugs is technically a criminal offence, the recreational use of cannabis is acceptable among adults. The policy of toleration does not extend to minors under the age of 18.[139]

Considered a leader in progressive drug policy, the Dutch model – *gedoogbeleid* – is pragmatic in nature, rather than being motivated by politics or ideology. Formally adopted in 1976, the approach was devised in order to distinguish cannabis, regarded to be comparatively safe, from more harmful, harder drugs.[140] The main motivation for reform was improving public health, although objectives also included tackling drug-related crime and minimising the public nuisance caused by users.[141] Broadly, the Netherlands' drug policy integrates drug prevention and education, treatment, and harm reduction, emphasising public health as well as individual responsibility – to the Dutch, it is fundamental that humans are free to decide matters of their own health.[142]

Health: Stable consumption rates and the separation of drugs markets

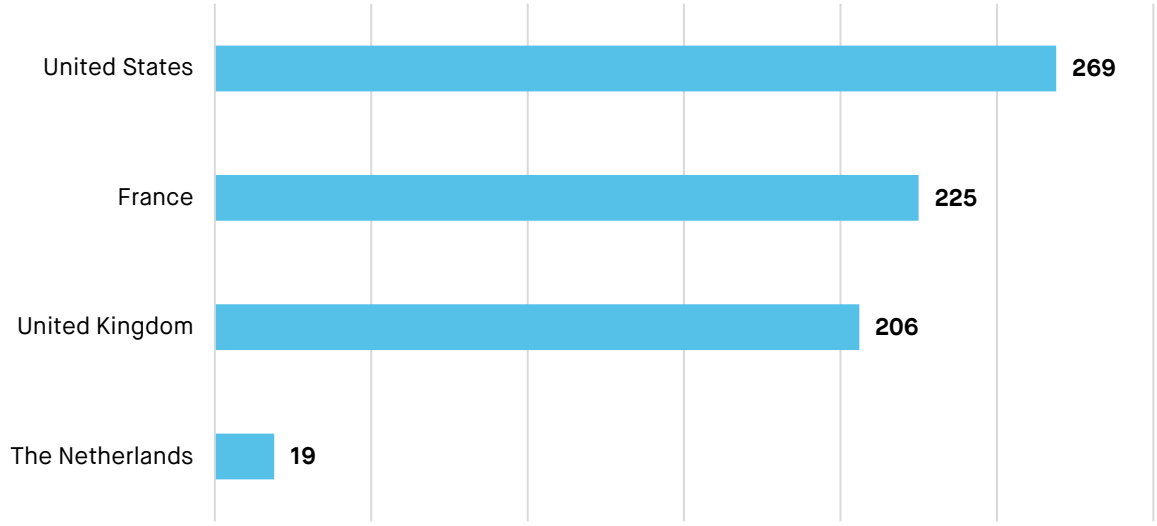
The "de facto legalisation"[143] of cannabis has both strengths and limitations. Described as being broadly successful,[144] there are several outcomes which suggest the approach has indeed been positive. In 2013, just 14% of cannabis users reported that

other drugs were available to them from their usual cannabis source, compared to 52% in Sweden. This affirms the 'separation of markets' theory and that the primary goal of preventing exposure to harder drugs has to some extent been realised, with users looking to buy from coffee shops, where hard drugs are not available, rather than street dealers.[145] Additionally, looser enforcement of cannabis has not led to higher consumption. While prevalence remains high – one of the highest in Europe[146] – the experience in the Netherlands (as in countries with similar policies) is that depenalisation does not markedly increase rates of use.[147] Because cannabis is supplied from illicit sources, cannabis prices stay high while cannabis is likely to retain a degree of stigma – maintaining levels of use.[148] Also, because it is not regulated, there is no control of the quality of cannabis in the Netherlands.[149]

Crime: Few arrests

With regard to crime, Dutch cannabis users are less burdened with the prospect of receiving criminal records for minor offences. An international comparison of possession arrests by the Beckley Foundation found that, in 2005, there were 269 cannabis arrests for every 100,000 in the United States, 225 in France, 206 in the UK, and only 19 in the Netherlands.[150] Here, the difference between the Dutch approach and models of prohibition is stark, separated by an order of magnitude.

Figure 9: Criminal records for minor cannabis offences per 100,000 people, 2005



Source: Beckley Foundation

Economy: Financial rewards, drug tourism, and 'back door' supply

The Dutch cannabis model is also financially beneficial to coffee shops, and to the state. Because they are technically illegal, no excise taxes are levied on the Netherlands' sale of soft drugs. But as legitimate enterprises, coffee shops are estimated to generate €400 million (£332 million) in general taxes each year,[151] with some estimations suggesting that further savings of €160 to €260 million (£133 to £216 million) could be made with some small regulatory updates.[152] A lot of the money made from the Netherland's reformist policies are reinvested into harm prevention and treatment, rather than on drug enforcement.[153]

The relaxing of cannabis laws has brought some negative consequences, however. The most prominent is the increase of drug tourism, with people flocking to the Netherlands for its liberal drug policies and readily-available drugs. While its support model for harder drugs has meant that public nuisance has significantly reduced in Dutch cities,[154] the openly accessible and touristic nature of the cannabis market has gained the Netherlands the reputation of being a 'Drugs Mecca'.[155] It, and in particular Amsterdam, has become an attraction for millions of tourists every year, reportedly bringing busy streets, unsavoury conduct, and anti-social behaviour.[156] In April 2020, the mayor of Amsterdam announced she was pushing to ban coffeeshops selling cannabis to tourists.[157]

The less visible, though much more problematic aspect of the Dutch toleration model is the so-called 'back-door problem' of illegal, unregulated cannabis supply entering coffee shops. In a legal paradox whereby consumption is depenalised but the supply chain is not, coffee shops are able to buy their supply from underground criminal producers – raising concerns around businesses' links to organised crime.[158] By giving them commercial success, coffee shops have helped criminal gangs become more powerful, and the big business of trafficking has reportedly resulted in more drug seizures, more narcotics crime, and more gang wars.[159]

State-controlled regulation

Uruguay

In 2013, Uruguay became the first country in the world to legalise cannabis, introducing a regulated retail market where every part of the supply chain is legitimate. The policy was primarily designed to improve public safety by limiting the power of criminal gangs in society, relinquishing their control of the market to reduce violent crime.[160] While Uruguay is no longer the only country to have shifted to a legally regulated market, what makes it stand out is the fact that it is tightly regulated, with little commercial influence.[161]

The Uruguayan government has limited the number of companies able to produce cannabis – as of 2021, cultivation licenses have been awarded to just six businesses[162] – where it is sold through licensed pharmacies to registered adults, who then use a fingerprint scan to verify their identity.[163] Users are also able to access cannabis via home cultivation and cannabis clubs, where quantity is limited.[164] To avoid the potential problem of cannabis tourism, like in the Netherlands or more recently Spain, only Uruguayan residents are eligible for registration.[165] There is a ban on all forms of cannabis advertising and promotion.[166]

Under their carefully controlled, cautious approach to regulation, Uruguayan policymakers have sought to avoid a "free-for-all" market whereby commercial promotion and profit-seeking is likely to intercede with public health efforts, as has been the case with the alcohol and tobacco industries.[167]

Health: Health over profit

Through a ban on marketing, together with responsible government regulation and oversight, a key aim of the reform was to ensure that cannabis consumption levels do not increase, nor does the prevalence of new users.[168] Because cannabis has never been criminalised in Uruguay – possession for personal use has been legalised since 1974[169] – regulated supply is not expected to have a significant impact on use prevalence rates.[170] Though evidence is generally limited,[171] one study looking at cannabis use among adolescents in Uruguay concludes there was little to suggest that legalisation had an increased impact on use or the perceived risk of use, even though there was an increase in the perception of cannabis availability after becoming legalised.[172] As a means of comparison, state monopolies over alcohol sales are typically associated with lower consumption.[173] [174] [175]

From a public health perspective, Uruguay's approach is recognised as following best practice. In establishing a "central, governmental, arm's length commission" to buy and distribute cannabis, the Uruguayan state is given close control over production, including the quality and price of cannabis.[176] In terms of quality, the new standard for cannabis has departed from *prensado,* poor quality cannabis sold illegally, to a better quality, safer product.[177] The price of cannabis has been kept low, so as to undercut the illegal market and reduce users' contact with dealers in potentially unsafe spaces.[178] As part of its 'health over profit' approach,[179] Uruguay has opened new health centres, as well as a national hotline for drugs and drugs addiction queries. Equally, Uruguayan law has ordered that the public health system systematically prevents and treats problematic cannabis use, including strategising its education system to properly inform school children about its harms.[180]

Crime: Greater public safety, but ineffectual against violent crime

One of the primary goals of Uruguay's cannabis reforms was to tackle drug-related violence.[181] While regulation had reduced some users' contact with dealers and their selling points, making access cannabis to safer than it had been before the reforms,[182] the aim of reducing violent crime has not been achieved. Since cannabis became legal, there has been no decrease in crime rates, while the homicide rate may even have increased.[183] It is difficult to isolate the link between cannabis consumption and crime, and crime rates are affected by a range of other determinants. However, this does not suggest positive progress. In 2017, it was reported that few cannabis users were registered in the user registry to buy cannabis in pharmacies, with seven out of ten Uruguayans still obtaining the drug illegally, though this may be explained by the country's cautious, incremental approach to executing policy.[184]

Economy: No tax revenue

Cannabis is not taxed in Uruguay. This was a policy decision designed to keep prices low and draw users away from the black market.[185] Unlike the Netherlands, where cannabis is also freely available, the government has not seen significant economic gains from its market. By focusing on health and crime, rather than private enterprise, the advantage of increased revenue was never one of its goals. There have been some economic benefits, though: state-sanctioned pharmacies have been permitted to retain 30% of their final profits, legalisation has led to a decrease in drug trafficking

and drug enforcement, and in exporting internationally the country makes millions of pesos each year.[186] According to Bloomberg, Uruguay's cannabis exports doubled to almost $7.5 million (£5.5 million) in 2020, a figure that is limited by the country's hesitance to become commercially competitive.[187]

Market regulation

Canada

Canada legalised recreational cannabis in 2018, making it the first large economy (excluding the US, which has legalised outside of federal law) to do so. The law change was implemented to achieve three key goals: keeping cannabis use down among youth, diverting the profits made from cannabis sales away from criminals, and protecting public health and safety. As a means to these ends, the Cannabis Act has created a strict legal framework for controlling the production, distribution, sale, and possession of cannabis across Canada.[188]

- Measures to prevent young people from accessing cannabis include age restrictions and restricting the marketing of cannabis, for example banning products and packaging that makes cannabis appealing to youth and outright prohibiting the promotion of cannabis, except in narrow circumstances.[189]
- In terms of protecting public health, strict safety and quality regulations are set to standardise the cannabis industry, including the types of products available for use, serving sizes, and potency.[190] Licenses issued by Canadian government's health department are also required to cultivate and sell cannabis.[191] To raise awareness about the potential health risks of cannabis consumption, Canada has committed almost $46 million CAD (£27.9 million) to public education efforts.[192]
- In order to reduce criminal activity, Canada's Cannabis Act seeks to reduce minor possession offences, keeping cannabis users out of the criminal justice system, reducing their burden on public resources. The Act does still seek to target major cannabis offences, however, particularly those linked to organised crime. In the words of the Canadian government, "penalties are set in proportion to the seriousness of the offence".[193]

Health: Increased use, unclear health impacts

Cannabis use has increased since Canada legalised. The proportion of adults reporting cannabis use within the past 3 months increased steadily from 14% in the first quarter of 2018 to 20% by the last quarter of 2020. Reducing cannabis use among the Canadian youth was a primary objective of Canada's Cannabis Act, although the rate of consumption among young people (aged 16-19) does not seem to have fallen.[194] [195] Smoking cannabis remains as the most common method of consumption, but others, such as edibles and vaping, have increased.[196] In terms of the health impacts of legalisation, meaningful data on the Canadian experience of harm since legalisation are lacking.[197] It is interesting to note that beer sales have declined following legalisation, suggesting substitution.[198]

Crime: Fewer cannabis arrests, unreliable data

Reducing criminal activity, the number of people criminalised for possession, and their impacts on the criminal justice system were among the key reasons for the Canadian

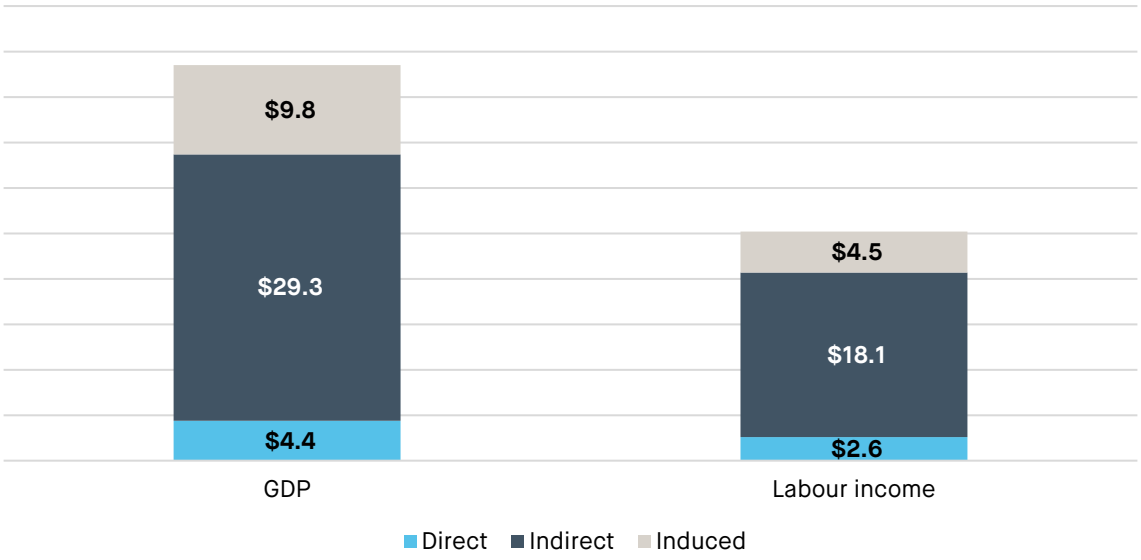
government deciding to legalise cannabis. While the creation of the legal market and the authorisation of cannabis has inevitably led to a reduction in police enforcement and, in turn, less court and prison resources, a proper evaluation of legalisation's impact on criminal activity is difficult to ascertain. This is because data is limited, while police reports of cannabis offences have been decreasing for many years, even before legalisation, suggesting de-policing and thus unreliable reported offence rates.[199]

Economy: Growth and inequalities

In terms of retail sales, Canada's approach is a patchwork of legislation, with regulations differing from province to province. Retail store licensing, and therefore cannabis sales, can therefore vary considerably between municipalities. However, a rising proportion of cannabis expenditure in the black market has been captured by legitimate retail. In 2019, 47% of cannabis users had said they obtained cannabis legally, which grew to 68% in 2020. At the same time, the number of users that obtained cannabis from an illegal source had dropped, from 51% to 35%. In 2021, 66% of users reported buying cannabis legally, whereas just 11% said they had bought it from a dealer.[200] In this respect, Canada appears to be achieving its aim of reducing the influence of the illicit market.

And with the swelling of the legal market is the potential for significant economic growth. According to analysis conducted by Deloitte, the Canadian cannabis sector has made $11bn (£6.7bn) in sales its first three years after legalisation. Considering direct (associated with the cannabis sector's revenues and expenditures, including wages and salaries) indirect (contributions to the economy from the wider supply chain, for example the deep involvement of the construction sector in building cultivation, processing, and retail spaces), and induced (the spending of wages and salaries earned from cannabis sector activities) economic activity, they also estimated that it has contributed $43.5bn (£26.4bn) to Canada's GDP. Further, the industry has created $15.1bn (£9.2bn) for the government in tax revenues, as well as sustaining around 98,000 jobs per year.[201]

Figure 10: Canadian cannabis sector contributions, 2018-2021 (billions)



Source: Deloitte

Although it is considered a global leader in cannabis legalisation, the emergence of Canada's multi-billion dollar industry has led to some criticisms: not addressing the thousands of Canadians who already have criminal records from prior convictions but have not yet had them pardoned;[202] a failure to ensure that communities disproportionately impacted by prohibition have had the opportunity to participate in the legal cannabis industry, or that some revenue generated from legal sales be diverted to those communities; and by creating barriers that allow smaller enterprises from joining the cannabis sector, risking monopolisation.[203]

Canada has also been accused of increasing inequalities in low and middle income countries, such as South America. For example, in Colombia, Canadian companies represent the vast majority of investments into their emerging medical cannabis industry, raising concerns around corporate exploitation.[204] Because of their growing influence, large cannabis producers have also been "given capture of international policymaking", receiving significant investment from the tobacco and alcohol industries.[205] Here, there are signs that that Canada's legal cannabis industry may have become more commercialised than intended in the public health-first framing of the Cannabis Act, potentially hindering its policy objectives,[206] with social justice and equity elements of the Cannabis Act now considered to have been an afterthought in the legalisation process.[207]

Colorado, United States

In the United States, the cultivation, possession, and sale of cannabis remains illegal under federal law. However, states are choosing to act independently of national policy, enacting their own forms of regulation so that, in effect, there are now a variety of commercial cannabis experiments all taking place at once.[208] [209]

The first of these experiments began in Colorado in 2012, which became the first (along with Washington, which legalised on the very same day) jurisdiction in the world to implement a legal non-medical retail cannabis market.[210] Colorado has legalised cannabis for adults over the age of 21, with laws to limit cannabis applying to driving and travelling, possession among youth, home cultivation, and retail licenses. Laws can differ in counties and towns, which are allowed to pass stricter laws.[211]

Because it was one of the first two states to legalise recreational cannabis, the Coloradan government was compelled to examine the potential health and public safety impacts of its developing market, and thus developed policies to protect people – and young people in particular[212] – who might be vulnerable to changes in the law. The state has also formalised a multi-sector approach to addressing the wide range of concerns involved with cannabis legalisation, which includes agencies from the health, law enforcement, revenue, and education sectors.[213] However, Colorado's cannabis initiatives are mirrored to its alcohol laws while its alcohol control board is designated as its lead regulatory agency, raising concerns around conflicts of interest in policymaking. [214]

Health: A positive health response, but with adverse effects upon children

According to the government of Colorado, 30-day use among adults had remained stable (at around 13.5%) since cannabis retail stores opened in 2014, but then increased to 19% in 2019. Among high school students – the primary target of Colorado's public health agenda – the proportion of people reporting cannabis use ever in their lifetime remained statistically unchanged between 2005 and 2019. The proportion of students trying cannabis before the age of 13 has decreased significantly in Colorado, down from 9.2% in 2015 to 6.7% in 2019.[215]

There have also been signs of progress in terms of cannabis treatment, and of Colorado's health approach as a whole. First, the overall rate of treatment admissions for cannabis has decreased from 222 admissions per 100,000 people in 2012 to 182 in 2019. Second, self-referrals for cannabis treatment have increased from 6.3% in 2008 to 16.5% in 2019, where other sources – such as care providers, schools, and the criminal justice system – had declined. Third, the average age for those seeking treatment for cannabis at first use has remained stable at 14.5-15.0 years old.[216]

However, the number of calls to Colorado's poison control agency mentioning "human marijuana exposure" had increased significantly, rising from 41 calls in 2006 to 276 in 2019.[217] While the possibility of increased reporting due to reduced stigmatisation remains, data shows that exposures from herbal cannabis has decreased whereas edible cannabis – cannabis plants, brownies, sweets, cookies, or cannabis oils – exposures have increased. This is likely to be because of their attractiveness to young children and adolescents, leading to their accidental consumption. New regulations introduced in 2015 have helped to stabilise calls to Colorado's poison centre; however, these increases have raised concerns about the adverse effects of legalisation upon children and whether the limitations placed on child-resistant packaging and marketing are having an impact.[218]

Crime: Fewer arrests, more serious crime

Colorado has seen significant reductions in cannabis-related arrests. From 2012 to 2019, the total number of cannabis arrests decreased by 68%, with possession arrests being cut by nearly three-quarters (71%) and sales arrests reducing by just over half (53%). However, the cannabis arrest rate between races has not changed, meaning that Black people continue to be disproportionately more likely to be arrested than White people.[219] While the burden placed on criminal justice systems by cannabis prohibition has clearly been lifted by legalisation, some concerns remain around racial disparities in Colorado's policing system – suggesting the need for better equity and social justice initiatives.[220]

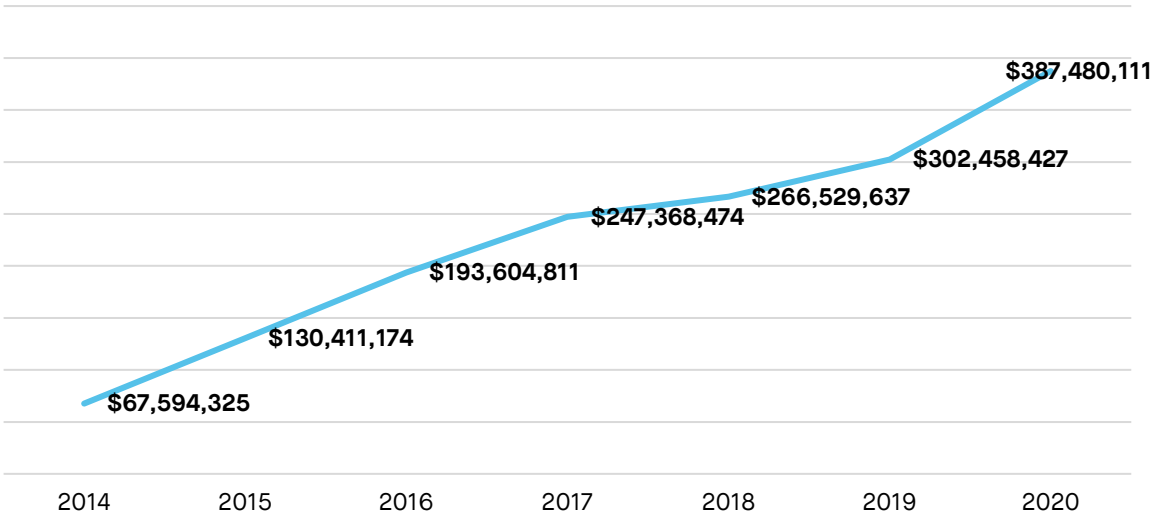
According to evidence collated by Smart Approaches to Marijuana (SAM), a political organisation opposed to cannabis legalisation, the growing cannabis industry in Colorado may have led to more serious crime. Government officials and experts have blamed the industry for luring in "transients and criminals to the state", as Colorado's crime rate has increased 11 times faster than 30 of America's largest cities since 2016, property crimes has increased by 8.3%, and violent crimes have increased by 18.6%.[221]

Economy: Significant market growth and tax revenues

As the first state to legalise, Colorado has one of the most established retail cannabis markets in the United States.[222] In 2018, just four years after commercial sales had begun, a report by the Marijuana Policy Group estimated that it had almost entirely absorbed Colorado's illegal market.[223] Data provided by the Colorado government has shown that its cannabis market has indeed grown rapidly – and lucratively – with the sales of retail cannabis products increasing by 155%, from $683 million (£520 million) in 2014 to $1.75bn (£1.3bn) in 2020.[224]

In terms of the gains made by the Coloradan state, in 2020 total revenue from taxes, licences, and fees totalled $387.5 million (£295 million) – a 473% increase from 2014, when revenue was around $67,600 (£51,471). This provides an enormous amount of money to be spent on public services, where retail sales tax is divided among local governments and state government and excise tax goes to public schools.[225] With the latter, almost half a billion US dollars have been contributed to school construction and other school needs between 2014 and 2020.[226]

Figure 11: Annual collection in taxes, licences, and fees, 2014-2020



Source: Colorado Department of Revenue, Marijuana Enforcement Division

Oregon, United States

When it comes to liberal drug policies, the state of Oregon could be considered one of America's trailblazers. In 1973, it decriminalised cannabis, abolishing criminal penalties for small possession of small amounts, making it the first US state to do so.[227] In 2015, it became just the fourth domino in an increasingly long chain of states to legalise recreational cannabis.[228] In 2021, it was the first US state to decriminalise hard drugs.[229] No stranger to adapting its drug laws, Oregon is often described as a pioneer,[230] [231] [232] but its drastic steps may raise more questions than answers.

Adults aged 21 and older can possess and use cannabis within specified limits, however using it in public – basically anywhere outside one's own home – has remained illegal,[233] the idea being to keep consumption out of public view.[234]

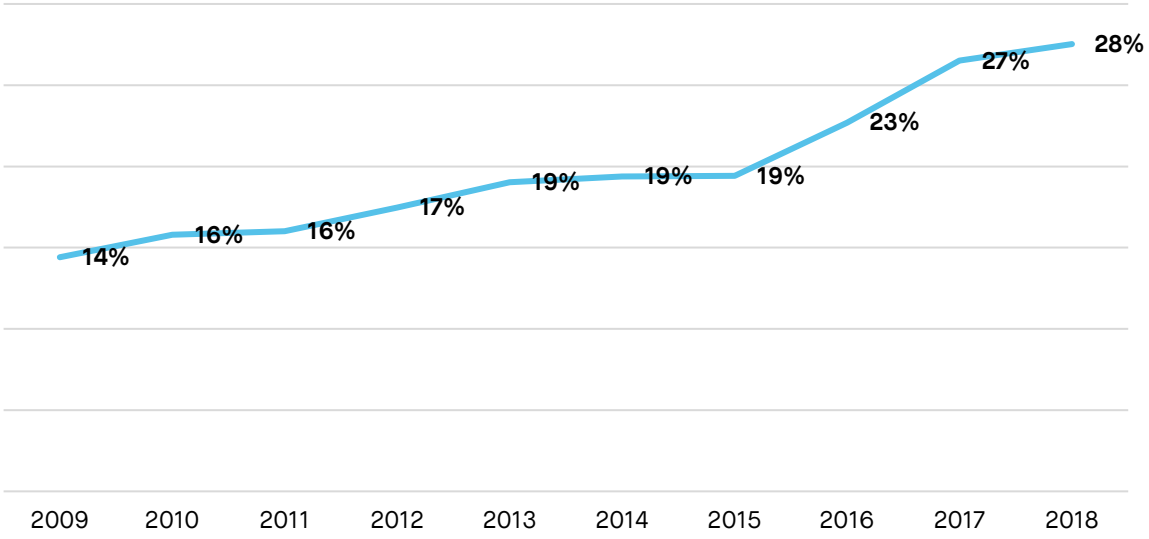
Though Oregon voters passed the ballot in 2014, the production and supply of cannabis was authorised in 2015.[235] According to the Oregon Liquor Control Commission (OLLC) – the regulatory agency that also oversees the alcohol industry, and which regulates cannabis licensing, processing, and retail shops – a primary objective of establishing Oregon's retail market was to divert it from the illegal market. In the words of the Commission, "Oregon is not creating a new industry, it is converting an illegal cannabis production economy, and a loosely-regulated medical program, into a well-regulated legal market".[236] Like Colorado's approach, cannabis regulation in Oregon is regulated a lot like the alcohol industry, as a for-profit private marketplace with a 'profit-first' policy framework with a possible conflict in interest.[237]

Health: Increasing use rates, protected youth

Estimates published in 2019 by the Oregon Health Authority found that consumption has been steadily increasing, and that current use (14%) is now as twice as high than the national average (7%) among adults aged 26 and over.[238] Indeed, data presented by the Cato Institute, an American libertarian think tank, shows that the past year cannabis use rate had increased by 8 percentage points in four years since legalising

– the highest of eight select legalised states – though the rate had been rising in the years leading up to 2014.[239] Among Oregon's youth, surveys targeted at 8th- and 11th-graders found that current cannabis use had decreased from 2012 (24% and 9%) to 2018 (20%) and 8%).[240] This could be a result of Oregon's public sector "successes" in youth cannabis prevention, which includes drug education curricula and public safety messaging.[241] [242]

Figure 12: Past year cannabis use rate



Source: The Cato Institute

A health consequence of cannabis legalisation in Oregon, much like Colorado, has been increased calls to the Oregon Poison Center. Cannabis-related calls to the Centre increased from 103 ino 2014 to 316 in 2018, with rates increasing among all age groups – including young children. From 2015 to 2018, the rate of emergency department visits related to cannabis increased from 3.5 per 1,000 people to 6.3.[243] Again, these increases may be explained by reduced stigma and an increase in adults' willingness to refer themselves to support.

Crime: Fewer arrests, a thriving illegal market

Since legalising, cannabis-related arrests have decreased. In 2011, there was a peak of 35 arrests for every 100,000 adults; in 2016, there were just 3, suggesting a quick and significant drop since legalisation.[244] Like in Colorado, though, the rate of cannabis arrests among Black people remained significantly higher than among White people – in 2015, it was more than 50% higher.[245]

One of Oregon's promises – indeed, one of the underlying principles of legalisation – is that legalisation would make the black market disappear. But while Oregon's own legal retail cannabis market is ballooning (perhaps even overperforming, as is described below), the illegal market is, paradoxically, also thriving. The OLLC has estimated there could be around 2,000 illegal operations taking place in the region, with most of the illicit cannabis grown in Oregon leaving the state to places where cannabis is not legal or where it is more expensive. The illegal trade has placed such a

burden on authorities and residents that local officials have asked for the Oregon National Guard to step in and take control, while $25 million (£19 million) has been approved by Oregon's governor to address the state's illegal farms.[246]

Economy: A profitable retail market and an overproduction of cannabis

Once legalised, retail sales commenced immediately.[247] Since then, Oregon's approach to retail has been unflinching. It has one of the largest markets in the United States, and it is the most well established. According to 2019 data, Oregon has the most non-medical retail licenses per 100,000 residents in the country.[248] As such, the legal market has been estimated to have captured 80% to 85% of state demand,[249] and it has become highly profitable.

Sales of recreational and medical cannabis in Oregon reportedly reached $1.1bn dollars (£0.84bn) in 2020,[250] $0.99bn (£0.75bn) of which was in recreational sales.[251] The state tax on recreational cannabis sales has generated revenues of more than $10 million (£7.6 million) per month[252] and, in 2021, over $178 million (£136 million) was made across the year.[253] In Oregon, 20% of taxed revenue goes to the Mental Health Alcoholism and Drug Services Account, with an additional 5% going to the Oregon Health Authority for alcohol and drug abuse prevention. By hypothecating in this way, Oregon has adopted a 'polluter pays' cannabis tax principle – important for a state that has decriminalised almost all drugs.[254]

Oregon's cannabis story leaves a lot to be impressed with, with its rampant growth and approach to taxation standing out. But there is a downside to its booming legal market. In a report produced by the OLLC in 2019, it was found that supply in the recreational market was twice the level of demand – a surplus that could satisfy a theoretical 6.5 years' worth of demand without any further production. In short, the industry has been performing too well, while underestimating the amount of demand.[255] Lawmakers are now trying to rein in production while fears mount that the state's surplus will tempt retailers to sell their cannabis in different states – even on the black market.[256]

CHAPTER FOUR – WHAT CAN THE UK LEARN FROM OTHER COUNTRIES?

This chapter explores some of the lessons learned from different countries' experiences of cannabis liberalisation. As an observational report, it seeks to draw attention to the merits and drawbacks of liberalisation, pointing to some of the paths the Government could take if it were to consider reform. It is not the purpose of this report to offer a view on which avenues policymakers should be taking with regards to its cannabis policy.

Below are the key findings that have emerged from the analysis, with Tables 2 and 3 summarising the core characteristics, advantages, and disadvantages of each model.

The merits of liberalisation

Each model examined in this paper has demonstrated some key strengths, making liberalisation worthy of the Government's attention. While none are perfect, all the approaches have shown to be effective in reducing harm in one way or another. This is the first lesson to emerge from this report. As alternatives to cannabis prohibition, any of the above liberalisation models could conceivably work in the UK.

- **Health**: In terms of cannabis use and the potential impacts it could have on users' health, some countries have shown that liberalisation can be effective in reducing consumption. Spain appears to have seen a reduction in the consumption of cannabis, particularly in the Catalonia region, since introducing its cannabis social club model. In other countries that have relaxed their laws, for example the Netherlands and Uruguay, cannabis use has not significantly increased, while also separating cannabis from other, harder drugs and providing systematic health treatment to help tackle drug misuse. In Canada, a country where consumption among adults has increased following its free-market approach to liberalisation, the implementation of measures to prevent young people from accessing cannabis has resulted in decreased use among the Canadian youth. With regards to countries' general health approach to cannabis and their avenues for health treatment, there were also positive examples. In Portugal, even though cannabis use appears to have increased, there has been an increase in referrals to treatment. In Spain, closer regulation of production has allowed safer cannabis to enter the market. Uruguay has improved its public health system so that it better tackles drug misuse, and is recognised as following best practice.
- **Crime**: All jurisdictions examined in our analysis – Portugal, Spain, the Netherlands, Uruguay, Canada, and the US states of Colorado and Oregon – have demonstrated a reduction in minor cannabis offences, reducing the need for enforcement and decongesting criminal courts as a result. While this is an inevitable outcome of liberalising, it is by no means trivial. As Uruguay has shown, the creation of legitimate cannabis markets can also reduce users' interaction with dealers in potentially unsafe spaces, improving public safety.
- **The economy**: Liberalisation approaches can lead to significant gains for the economy. Even in the decriminalisation approaches of Spain and the Netherlands, whose cannabis markets are not entirely legal but cannabis is still able to be purchased relatively freely, there has been the creation of additional jobs and

taxes. Similarly, in Uruguay, the government never sought to profit from its legal market and cannabis is not taxed, but there are still benefits to pharmacies and through international exports. In the legal markets of Canada, Colorado, and Oregon, the retail markets have proven to be lucrative while creating billions of dollars in tax revenues and creating thousands of jobs.

The drawbacks

Despite these positive findings, each model has also demonstrated some negative consequences. While none of these drawbacks represent a drastic increase in harm, they do point to the need for a careful approach to implementation, and are lessons worth bearing in mind for the future.

- **Health**: While the health impacts of cannabis liberalisation are unclear in most countries – as relatively immature regimes they are still under observation and their true impact will take several years to be clearly realised – there is some cause for concern. Namely, this refers to the corporate influence of the market, the dangers it poses to public health efforts, and whether it leads to increased consumption. This has been highlighted in Colorado, for example, where more calls to Colorado's poison control agency have been made, in part, because of children's increased exposure to cannabis.
- **Crime**: Some countries, particularly those with ambiguous laws, appear to have seen increased criminal activity as a result of changing their cannabis regimes. In Spain, gangs have taken the control of some CSCs. In the Netherlands, criminal organisations are a major component of the cannabis supply chain, directly supplying Dutch coffee shops. In terms of cannabis-related offences, in Colorado and Oregon racial disparities still exist within their arrest rates, suggesting that more equitable policies are needed to supplement their cannabis enforcement agendas, while both have seen serious crime persist, or even increase, since legalising.
- **The economy**: In countries that have legalised and marketised cannabis, there are some big questions around commercialisation and its perverse effects. In the context of the cannabis retail market, any government looking to liberalise must be careful to not trade one harm with another, in particular the corporate capture of markets and the exacerbation of socioeconomic inequalities, particularly among marginalised communities.

Key lessons learned

- All approaches have shown to be effective in reducing harm. As alternatives to cannabis prohibition, any of the above liberalisation models could conceivably work in the UK if they were to be implemented.
- Decriminalisation approaches, like in Portugal, Spain, and the Netherlands, are effective in reducing minor cannabis offences and making drug use safer, while showing they can – but not always – reduce consumption.
- The same can be said for legalisation frameworks, which, through legitimate cannabis retail markets, have the added advantage of generating economic activity and increased tax revenues. However, market-regulated models, such as in Canada, Colorado, and Oregon, raise concerns about the corporate capture of cannabis markets and the undermining of public health efforts, potentially increasing harm.
- Of the regimes examined in our research, Uruguay's state-controlled model of regulation appears to be the most effective in reducing cannabis-related harm and demonstrating drug control. By pursuing a 'health over profit' agenda, Uruguay is recognised as following public health best practice. While Uruguay's approach does not offer the economic benefits of privatised cannabis markets – more mature, lucrative markets that bring increased tax revenues – as in Canada or parts of the United States, it could move towards privatisation at the appropriate time, ensuring its health aims are not compromised by economic incentives. As a middle-ground between prohibition and commercialisation, the Uruguayan government has rolled out its cannabis policies cautiously, in order to address potential challenges, reducing the likelihood of negative externalities, and increasing its overall chances of success. Under the Uruguayan approach to cannabis policy, it may be possible to find the regulatory 'sweet spot' between harm reduction and marketisation, though Uruguay has not yet achieved one of its primary aims of tackling gang-related violent crime.

Table 2: Summary of countries' approaches to recreational cannabis policy

	Legal status	Possession	Cultivation	Production	Retail	Marketing	Tax
Portugal	Decriminalised	10-day supply limit for 25g of herbal cannabis or 5g of hash.	Growing cannabis at home remains illegal.	-	-	-	-
Spain	Decriminalised	Up to 100g in private spaces only.	Growing for personal use is permitted[?], though it cannot be in public view.	CSCs can grow cannabis to sell to members. Commercial production is illegal.	Distributed by CSCs for immediate on-site use. Small amounts can be taken away.	Cannabis cannot be marketed publicly. CSCs must promote responsible consumption.	CSCs pay tax, corporate income tax, and VAT (21%).
The Netherlands	Criminalised (*de facto* decriminalised)	Up to 5g of cannabis (marijuana or hash) is tolerated.	Users can grow no more than five plants.	Production is illegal. Coffee shops buy cannabis from criminal producers.	Coffee shops cannot sell more than 5g of cannabis in a single transaction.	Coffee shops cannot advertise or promote cannabis.	Excise is not levied on sales. Revenue is made from business tax.
Uruguay	Legalised (state-controlled)	Individuals can possess up to 40g of cannabis for personal use.	Registered users are able to grow up to six plants at home, but for personal use only.	Production licenses are limited to a small number of businesses.	Pharmacies sell cannabis (up to 40g per month) to registered citizens.	All forms of advertising and promotion are banned.	To help undercut the black market, cannabis is not taxed in Uruguay.
Canada	Legalised (market-regulated)	Up to 30g of dried cannabis or its equivalent (minimum age varies by province).	Canadians can grow up to four cannabis plants per residence, from licensed seeds.	A federal license is required to cultivate and process cannabis.	A federal license is required to sell cannabis (up to 30g at one time) in private-sector stores.	Cannabis advertising is legal, but heavily restricted. Promotion is prohibited, with some exceptions.	Cannabis is taxed at a flat rate or by price, whichever is greater.
Colorado	Legalised (market-regulated)	Adults over 21 are able to possess up to one ounce of cannabis.	Up to six plants, with no more than three being mature, can be grown at home.	A license is required to produce cannabis. Only residents can apply.	A license is required to sell cannabis (up to 7g of cannabis in a single transaction).	Cannabis is permitted to be advertised and marketed, but remains restricted.	There is a 15% excise tax on cannabis sales.
Oregon	Legalised (market-regulated)	Adults over 21 can possess up to one ounce of cannabis. It cannot be used in public.	Adults can grow up to four cannabis plants privately.	A license is required to produce cannabis. Employees need a worker permit.	OLCC-licensed retail stores can up to two ounces of cannabis.	Commercial free speech is protected by Oregon's constitution. Marketing is largely unrestricted.	There is a 17% excise tax on cannabis sales.

Table 3: Summary of outcomes of countries' approach to recreational cannabis policy (colour-coded according to the strength of the policy relative to other policies and to the strength of evidence)

	Health	Crime	Economy
Portugal	Blanket decriminalisation approach has been successful in reducing hard drug use.[257] Cannabis use appears to have increased, an 18% increase in referrals to treatment.[258] The increased reporting of cannabis use has reportedly helped policymakers in their decision-making.[259]	Successfully reduced minor cannabis offences.[260] Decongested Portugal's criminal courts.[261] High-level crime has not been affected, though this was never Portugal's aim.[262]	Cannabis has not been marketised in Portugal. It has not made any economic gains, but the money saved from its unburdened judicial system has been reinvested in harm reduction and treatment services.[263] [264]
Spain	Spain's cannabis club model seems to have decreased use, with consumption – in terms of the quantity and quality of cannabis – being made safer.[265] [266]	CSCs have dissuaded people from purchasing cannabis illegally.[267] However, organised crime appears to have taken control of some clubs, increasing their influence.[268]	Additional jobs and tax revenue have been created.[269] The drug tourism economy has led to some negative associations and possibly anti-social behaviour.[270] Some clubs have circumvented rules, putting health aims in jeopardy in order to increase profits.[271]
The Netherlands	Rates of use have not significantly increased since decriminalising.[272] By separating cannabis from other drugs markets, the Netherlands has reduced exposure to harder drugs.[273]	Minor cannabis offences have decreased significantly.[274] The Netherlands' legal paradox has put supply of cannabis into the control of gangs.[275]	Coffee shops generate almost €0.5 billion in taxes each year, as well as providing jobs and contributing to the economy.[276] Large amounts of money continues to flow through the black market.[277] Drug tourism has become a serious issue for Dutch citizens.[278]
Uruguay	Stands out for its responsible, cautious public health approach, with the government having close control over production and distribution.[279] Use is not thought to have increased.[280] [281] Uruguay has significantly improved its public health system to help tackle drug misuse, and is recognised as following best practice.[282]	Regulation has reduced users' interaction with drug dealers, improving public safety.[283] Uruguay has not achieved its aim of reducing gang-related violence.[284]	Uruguay never sought to make economic gains from its reforms, but there have been some benefits among pharmacies and in international exports.[285]
Canada	Use has increased, though the country appears to have been successful in preventing consumption among young people.[286] [287] The health impacts of legalisation are currently unclear.[288]	The number of people criminalised for possession has decreased, however due to unreliable data the true impact of legalisation is difficult to ascertain.[289]	Canada's retail market has proven lucrative, absorbing a significant amount of the illegal market. This has created billions in tax revenues and created almost 100,000 jobs.[290] [291] Commercialisation in Canada has raised concerns about inequalities and corporate influence of policymaking.[292] [293]
Colorado	Consumption among adults has increased, however use among young people has remained unchanged.[294] Treatment overall has decreased, with more people self-referring.[295] More calls to Colorado's poison control agency have been made, in part because of increased exposure of cannabis to children.[296] [297]	There has been a significant reduction in cannabis arrests.[298] Racial disparities in the arrest rate still exist.[299] The cannabis industry may have led to there being more serious crime in the state, with crime rates increasing significantly.[300]	Commercial sales have almost entirely absorbed the illegal market.[301] The legal market has grown rapidly, creating almost $2bn in 2020.[302] Millions of dollars are raised in taxes every year, with money going towards local and national government. Though taxation is not linked to public health.[303]
Oregon	Consumption has increased since legalisation, though this is a continuation of existing trends.[304] [305] Use has decreased among Oregon's youth.[306] Calls to Oregon's poison centre and emergency department visits have increased.[307]	Cannabis arrests have decreased since legalising.[308] The arrest rate has remained higher among black people than white people.[309] Oregon has failed to limit the influence of the illegal market.[310]	Oregon's legal retail market has grown rapidly, making it highly profitable and bringing in billions of dollars in tax revenue.[311] It is the most well-established market in the United States.[312] [313] Oregon has created a cannabis supply that far outweighs demand.[314]

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