LEGAL AND REGULATORY ALTERNATIVES

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Legal and Regulatory Alternatives

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Goals of the chapter

- Reviews legal options toward drugs
  - What has been proposed?
  - What evidence is available for assessment?
- Emphasizes the need to understand and assess tradeoffs

Chapter’s Organization

- Findings
- Part 1, Scope of Analysis
  - Background
  - Terminology
  - International Conventions
  - Making and Assessing Policies
- Part 2, Variations in Legal Regimes
  - Laws Regarding Availability
  - Laws on Use and Possession for Use (case studies)
  - Evidence and Effects of Decriminalization
- Part 3, Legal Availability
  - Models (case studies)
  - Potential Positive Outcomes
  - Potential Negative Outcomes
  - Evidence Base for Projections
Findings

- About a dozen OAS member states have non-criminal or reduced penalties or no penalty at all for possession of a personal amount of drugs.
- Decriminalization of marijuana for personal use is common in many states of the United States, in practice or by law.
- The available evidence suggests that reducing penalties for possession of small quantities has little effect on the number of users.
- Legalization could reduce many of the negative consequences with which society is most concerned.
- Legalization of controlled substances, especially if commercialized, could incur consequences, such as complicate prevention efforts, decrease prices, and thus expand use and addiction, with all the negative consequences that accompany these trends.

Analytic framework for drug policy

Multiplicity of goals
- Reduce drug use
- Lower drug-related harms
  - use: addiction, HIV, accidents, overdoses,
  - distribution: organized crime, violence,
  - criminal revenues, corruption
  - policy: incarceration, costs

Trade-off among goals
- Incarcerating many retailers may raise price and lower use but also probably leads to more violence and strengthen organized crime
- Policy choice is minimizing the total harms
  - But not agreement about what counts as a harm
- Need to acknowledge problems of trade-offs
### Decriminalization

- **Terminology**
  - **Decriminalization**: removal of criminal penalties for possession
  - **Depenalization**: lessening of penalties for possession
  - **Legalization**: permits both possession and (regulated) production and sale

- **Many countries have decriminalized**
  - Mexico, Italy, Portugal

- **Review of recent historical experiences**
  - Mostly about marijuana
  - Evidence of little effect on use
Legalization

- Variety of forms
  - Degree of regulation
  - One version is grow your own
- No country has legalized traditionally illicit drugs
  - Projections highly speculative
- Positives and negatives
  - Controversial
- Evaluation complex
  - E.g. Alcohol marijuana trade-off

Positive and Negative Effects of Legalization

- Reductions in:
  - Crime
  - Overdoses, Blood Borne Viruses
  - Organized Crime
  - Control costs
- Increases in:
  - Use
  - Addiction