Cannabis Policy Analogues
Ways to Consider Non-Medical Cannabis

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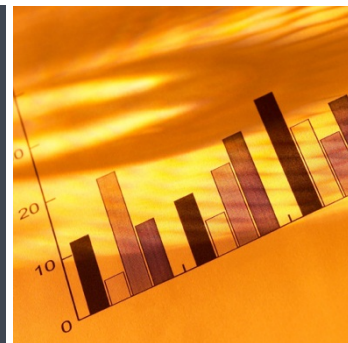
There are over 16,000 unique possible situations to consider in the development of cannabis policy; 560,000 when level of governance and sector are considered. Reasoning by analogy provides a short cut.

BACKGROUND

The Canadian federal government intends to "legalize, regulate, and restrict access to marijuana" and further, "remove marijuana consumption and incidental possession from the *Criminal Code*, and create new, stronger laws to punish more severely those who provide it to minors, those who operate a motor vehicle while under its influence, and those who sell it outside of the new regulatory framework" (Liberal Party of Canada, 2016).

METHOD

The objective of this report was to: a) identify the similarities and differences between psychoactive cannabis and analogous legal substances consumed for their psychoactive properties; b) describe the characteristics applied when discussing or fashioning regimes related to the control of these substances; in order to c) identify approaches and considerations for consultation and policy discussion. The methodology applied was that of an informal literature review. The identified materials were examined for thematic similarities and differences, with examples provided to illustrate some of the identified considerations.

FINDINGS

From the mid-1800s until today, there are three primary commodity analogues that people have used to discuss how cannabis should be treated under legislation or regulation: alcohol; tobacco; and natural health products. Table 1 provides a summary of the characteristics outlined for psychoactive cannabis and the most commonly cited analogues. This visual summary also provides a subjective indication of the degree to which a certain characteristic is apparent.

Table 1: Characteristics of Cannabis versus Analogues

Legend + = stronger characteristic - = negligible characteristic (subjective assessment of author)	Alcohol	Tobacco	Natural Health Products	Cannabis
Social Prevalence[1]	+++	++	-	+
Ease of home production	+++	+	-	++
Consumption of Concentrated Forms	+++	+	+	++
Treated as Food	++	-	+	+
Behaviour Changes	+++	-	++	+++
Second Hand Concern	++	+++	+	++
Religious Use	+	+	+	+
Criminal Opportunity	+	++	-	+++
Used for Health Purposes	+	-	+++	++

The ways people have described what is important about how to think about these substances and the social behaviors that surround them can be classified along a number of axes: 1) form that the commodity takes; 2) exchange mechanism used; 3) market level; 4) privacy of behavior; 5) motivation for use; 6) demographic group; 7) governance (level of government); and 8) economic sphere of practice (industry or sector).

The form the commodity takes along the path from production to consumption is often relevant to legislative and regulatory regimes. In the case of marijuana, the various following forms can result in

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[1] "Social prevalence" is a subjective category summarizing usage rates and the degree to which consumption, and talking about or images of consumption, are encountered in the course of daily life.

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differences in treatment under varying regulatory scenarios: germplasm (seeds or cuttings); growing plants (vegetative or flowering); harvested material (wet/fresh or dry); concentrates (kinetic or 'scientific'); and, mixtures (extracts and dilutions).

By generally comparing how and where regulatory regimes differ between, and over time, for alcohol, tobacco, natural health products, and cannabis, a number of axes for the intersection of the qualities that are often considered in these legislative and regulatory regimes are observed.

The exchange method through which the commodity is transferred between people is often considered. These methods of exchange include: personal production; sale; barter (commodity for commodity or commodity for other product or service); gift (sharing or for later consumption); and, various forms of theft. These methods of exchange can become more complex, through processes such as contract or communal exchange.

In many regimes, legality or regulations can often differ by market segment. General, common classifications for these market segments are at the levels of: production; wholesale; retail; and consumption.

The degree of privacy related to consumption often distinguishes between elements of a regime. These usually include the categories of: public; commercial commons; semi-private; and, private.

The motivation of the user of the commodity is taken into account in many regimes. The four major categories of use are: medical; dependence (i.e., being 'addicted'); recreational; and, spiritual.

The social characteristics of the consumer population are often a distinguishing feature of the regime. These include: age; health status; religion; ethical community; and criminality. Some of these differences in regime that are related to demographic characteristics may be indirectly applied through proxies, such as when restrictions based on social geography stand in for ethnicity, class or gender.

The history of the control of alcohol and tobacco in Canada generally follows the pattern that municipalities will be first with by-laws, which are later expanded or rationalized provincially, territorially or federally. Sometimes a provincial, territorial or federal government provides a framework for different local actions on an area of policy. Regimes for commodities of this type often distinguish responses according to the following jurisdictions: federal; provincial and territorial; municipal; indigenous; and, private.

There are many industries or social sectors which could include the regulation of psychoactive cannabis. In fact, the majority of the top level North American Industry Classification System (NAICS) categories could conceivably apply to some element of a cannabis regime. Some illustrative examples of relevant industries or social sectors, include: horticulture; manufacturing; marketing; retail; labour; real estate; and, religion.

CONCLUSION

The development of a legalized regime for cannabis is a very complex undertaking. When studying any policy issue regarding a cannabis regime or analogous regime, the categories laid out in this paper can be used to precisely describe situations that should be grouped similarly or situations for differential treatment.

SOURCES

Lawrence, A. (2016). *Ways to Consider Non-Medical Cannabis: Reasoning from Conceptual Analogues.* Public Safety Canada: Ottawa.

Liberal Party of Canada. (2016). *Marijuana.* Accessed March 16, 2016 from https://www.liberal.ca/realchange/marijuana/.

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