

A Quick Reference on Policies, Opinions and Truths about Marijuana Legislation

For the past several years, there has been a lot of discussion and debate about marijuana in the courts, in the government and in the media. We often hear youth commenting: “the police don’t care if you smoke pot”, “it’s no problem – it’s legal now” and “if they’re thinking about making it legal, then it means there’s no harm in using it”. The controversy has created an environment of uncertainty for parents and teens. Parent Action on Drugs has developed this resource to help make sense of the issues and promote informed discussion with young people.

Marijuana, often called “pot” or “weed,” is a drug that is referred to by the scientific term “cannabis”. Here are some commonly asked questions and answers about the status and changes to the laws concerning marijuana or cannabis.

Q Why has there been so much discussion about the legal status of marijuana recently?

A Since 1997, there have been challenges to the laws about marijuana in the provincial courts and most recently at the Supreme Court of Canada. At the same time, the government began to study possible changes to the laws affecting marijuana. Polls and surveys have shown that Canadians are interested in changing parts of the law about marijuana and that the majority think that a criminal conviction for possession of small amounts of marijuana is excessive. Two special parliamentary committees presented reports on the issues concerning marijuana and other drugs. In response, Bill C-38¹, known as the Cannabis Reform Bill, was introduced into the House of Commons in the last session of parliament. This Bill proposed reforms to the laws affecting marijuana.

Q What were the results of the court challenges?

A

- As the laws concerning simple possession of marijuana for personal use began to be challenged successfully in the courts, a number of police departments stopped laying charges for marijuana possession.
- The December 23, 2003 ruling by the Supreme Court of Canada, however, upheld current federal laws. As a result the possession of marijuana is still in the Criminal Code of Canada.

Q What were the results of the proposed Parliamentary Reform?

A

- Bill C-38, the Cannabis Reform Bill, proposed to *decriminalize* possession of small amounts of marijuana and introduce a system of fines and other consequences:
 - Possession of 15 grams or less of marijuana would result in a ticket.
 - Possession of between 15 and 30 grams would allow law enforcement officers to make a decision whether to give a ticket or issue a summons to appear in criminal court.
 - There would be strong penalties for illegal growers of marijuana and those who are caught with marijuana and driving under the influence.
- This Bill (like all pieces of proposed legislation at the time) “died” when Parliament was discontinued in November, 2003.

Q Do these changes imply that marijuana is not harmful?

A No. While it has been alleged in some of the court proceedings that the harms associated with marijuana use are not well-founded, the Supreme Court ruling and the Report of the Special Committee on Non-medical Use of Drugs have reinforced the health, learning and safety concerns about marijuana use.

¹ An Act to Amend the Contraventions Act and the Controlled Drugs and Substances Act, June 2003

Q What is the legal status of marijuana at this time?

A The possession of marijuana for purposes other than medical use² is against the law and remains within the Criminal Code of Canada. The current government may choose to reintroduce reform legislation concerning marijuana and put it forward for debate in the House of Commons.

Q I keep hearing about legalization and decriminalization of marijuana. What do these terms mean?

A “Decriminalization” means that a specific activity (such as the possession of a small amount of marijuana) would be removed from the scope of the criminal courts, but would still be against the law. With decriminalization, the user would be prosecuted differently and an “alternative penalty”, such as a fine, would be the consequence. “Legalization” would involve the removal of legal penalties, although regulations and rules about production and distribution could still be developed and put into effect.

Q What does this mean to me as a parent?

A Whatever the outcomes of changes in legislation, teens will have to make their own decisions about the use of marijuana. Statistics show that most people are not primarily influenced by the law when they choose to use marijuana. So teens will have to weigh the pluses and minuses of marijuana use based on how it affects their own health, learning, safety and feelings. As a parent, you need to communicate your concerns and expectations about the use of marijuana and other drugs to your child. You may choose to set boundaries within your home that respect your values, but like other decisions and behaviours, you may need to negotiate the limits and choices with your teens throughout the teenage years.

Think about it... Talk about it:

It's important to approach your teen as someone who can take in information, talk about the issues and learn from discussion. A good strategy in approaching such a controversial subject is to discuss both sides of the issue.

Here are some suggestions for opening up a dialogue about the changing legal issues concerning marijuana.

- What could be the possible benefits of decriminalizing marijuana possession?
- What could be the possible problems of decriminalizing marijuana possession?
- Do you think more teens will use marijuana if the laws are changed? Do you think they will use it more frequently?
- Do you think more adults will use marijuana?
- What do you think influences teens' use of marijuana the most – movies, newspaper articles, use by other teens, parent's values and behaviour, the laws?

For more information on understanding and talking to your children about marijuana, see our website at www.parentactionondrugs.org. Or call (416) 395-4970 or 1-800-265-9279 for your free copy of the *InfoTopic: A Parent's Quick Reference on Marijuana and the Parent Action Pack*.

² In the Ontario Court of Appeal ruling in July, 2000, the marijuana possession law was declared unconstitutional because it did not allow access for people who required marijuana for medical reasons. The next year, the federal government enacted the Medical Marijuana Access Regulations to allow for access to medical marijuana.

Sources: Cannabis Reform Bill, (Health Canada Online - www.hc-sc.gc.ca) and (www.parl.gc.ca), Policy for the New Millennium: Working Together to Redefine Canada's Drug Strategy – Report of the Special Committee on Non-medical Use of Drugs, Paddy Torsney, M.P., Chair, House of Commons, 2002; Office of Paddy Torsney, M.P., December 2003; Canadian Centre on Substance Abuse, (www.ccsa.ca), Toronto Star, Globe and Mail