Cannabis Legalization: Lessons from Alcohol, Tobacco, Pharma

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All-inclusive Disclosure

No funding:

• illegal drug cartels
• cannabis
• alcohol
• tobacco
• pharma
A New Legal Recreational Drug Industry

- unprecedented for all living Canadians
- 57% minor concerns, questions, unsure (Nanos, 2016)
- concern about impact on public health
- clinicians concerned about patient welfare
- Govnt: Don’t worry, we’re going to strictly regulate it
Should We Worry?

1. How well have legal drug industries prevented harm of their products?
2. How might legalization of an illegal drug impact its use & misuse
3. How well has government regulation balanced revenue with public health?
Q1: How well have legal drug industries prevented harm?

- alcohol
- tobacco
- pharma
The Alcohol Industry

A legal, government-regulated, commercial drug industry
Alcohol Misuse: A Public Health Crisis

In Canada, per year:
• 4.3 M days hospital
• 4.2 K premature deaths
• 148 K yrs lost life
• economic cost: $14.6 B
(Rehm et al., 2006)
The Tobacco Industry

A legal, government-regulated, commercial drug industry
Tobacco Use: A Public Health Crisis

In Canada, per year:
• 2.2 M days hospital
• 37 K premature deaths
• 518 K yrs lost life
• economic cost: $17 B
  (Rehm et al., 2006)
• 45 K premature deaths (Dobrescu, et al., 2017)
The Pharmaceutical Industry

A legal, government-regulated, commercial drug industry
Opioid Misuse in Canada

• Minister Petitpas Taylor, 3rd consecutive Cdn Min. of Health to declare opioid overdose deaths a public health crisis (Wells, 2017)

• 2,458 deaths in 2016 (Public Health Agency of Canada, 2017)
Summary

• 3 legal, government-regulated, commercial drug industries

• 3 public health crises

• legalization & regulation, as currently practiced, are inadequate
Q2: How might legalization of an illegal drug impact its use & misuse?

- complicated
- indications from US states limited by short time frame
- indications from history of other legal drug industries
Key Determinants

Impact of:

- legal permission on use
- product promotion on use
- ease of access on use
- use on associated harm
Legal Permission & Use

Polling Data
• Forum Research, 2015: 1.5 M
• Nanos, 2017: 1.9 M

Office of Parliamentary Budget Officer 2016
• “…on balance, legalization appears more likely to increase aggregate consumption.”
• projected approx. 600 K new users
Product Promotion & Use: Alcohol

- more promotion; more consumption
- Babor (2010)
- Cdn Public Health Assoc. (2011)
- Pacula et al. (2014)
- Report of the Chief Public Health Officer for Canada (2016)
- children and youth (Heung, 2016)
Product Promotion & Use: Tobacco

• more promotion; more consumption
• Babor (2010)
• Tobacco Control Legal Consortium (2012)
• Pacula et al. (2014)
Product Promotion & Use: Cannabis Projections

Office of Parliamentary Budget Officer (2016)
• advertising & marketing will increase use

Federal Cannabis Secretariat (Feb 2017)
• advertising major issue for lobbyists
Ease of Access & Use

- easier access; more use

**Alcohol**
- Rehm et al. (2008)
- Canadian Public Health Association (2011)
- Pacula et al. (2014)
- Navarro et al. (2014)

**Tobacco**
- Ontario Tobacco Research Unit (2011)
- Navarro et al. (2014)
What to expect for cannabis retail?

• operate legally, safely
• local & visible
• fixed locations
• predictable hours
• assured supply?

• more safe, reliable & convenient than contraband sources = easier access
Use & related problems: Alcohol

More alcohol use; more problems

- Rehm et al. (2008)
- Babor (2010)
- Cdn Public Health Assoc. (2011)
- Giesbrecht et al. (2013)
Summary: What to Expect from Cannabis Legalization in Canada?

• exact trajectory uncertain

• most likely scenario:
  legal permission + promotion + easier access = increased use = increased problems
Q3: How well has govnt regulation balanced revenue with public health?
The Alcohol Industry

• Giesbrecht et al. (2006)
• chapters by various policy investigators
• 2 decades of industry & regulatory indifference to public health & law (1980-2000)
Specifically...

• smuggling operations: 100s of Cdn legal drinking establishments
• disinformation campaigns sway public opinion & policy
• aggressive lobbying, threats to withdraw charitable donations
• bribe elected officials with campaign contributions
Regulatory Permissiveness & Failure

- increased commercialization & liberalization of restrictions on alcohol
- despite evidence linking increased consumption to increased problems
- fewer advertising restrictions
- more industry self-regulation of ad practices
- no health warnings
Retail Vulnerability

- 2011: York Region LCBO sold 221 bottles low quality counterfeit wine
- also found in other LCBO outlets in S ON
- individuals charged with fraud (Rubin, 2011)
Did regulation work?

- detected by sophisticated consumers (Rubin, 2011)

- Can legal, regulated retail outlets ensure product integrity & safety?
And criminal collusion...

• 2015: Montreal winery sold 2+M bottles on black market
• avoided $14M in taxes (Hamilton, 2015)
• ON vineyard CEO among 12 arrested
Is govnt committed to prevention?

• evidence-based policies known to reduce alcohol-related harm
• not adopted or widely available in Canada (Giesbrecht et al. 2013)

• What if adopted?
Each Year in Canada

• 800 fewer preventable deaths
• reduction of 26 K yrs lost life
• 88 K fewer acute care hospital days
• $1B in savings to Cdn economy
• conservative estimates (Rehm, et al., 2011)
• industry & govnt undaunted
Q3: How well has governemnt regulation balanced revenue with public health?

The Tobacco Industry

Health Canada

www.hc-sc.gc.ca
An Epic Battle

- industry, public health, govnt regulators, courts

Canada
- *Smoke & Mirrors: The Canadian Tobacco War* (Cunningham, 1996)

USA
- *Ashes to Ashes* (Kluger, 1997)
United States of America vs. Philip Morris USA, Inc. 2006

Justice Gladys Kessler reviewed
• hundreds of depositions
• thousands of exhibits
Submitted
• 1,742 page judgement
(US District Court for Columbia, 2006)
Kessler: “single-minded focus”

“Defendants have marketed and sold their lethal products with zeal, with deception, with a single-minded focus on their financial success, and without regard for the human tragedy or social costs that success exacted.”
What about Canada?

- direct rel’p between US & Cdn companies
- crimes described by Kessler also occurred in Canada at same time
- Justice Ormston:
  “...the largest offense of its nature in Canadian history.”
(Mahood, 2013)
Q3: Has govnt regulation balanced revenue with public health?

The Pharmaceutical Industry
A New Epidemic: Opioids

• 1996: Purdue introduces OxyContin
• aggressive, misleading marketing

• *Govnt of Newfld & Lab Oxycontin Task Force Final Report (2004)*
Progress

The 2017 Canadian Guideline for Opioids for Chronic Non-Cancer Pain

2016: Health Canada's Action on Opioid Misuse

Not included:
- holding industry accountable
- improving regulation of industry practices
Opioid crisis not isolated case

- *Pharmaceuticals, Corporate Crime and Public Health* (Dukes, Braithwaite & Moloney, 2014)
- peer-reviewed journals, court cases, govnt/health/justice agency investigations
- document illegal, unethical conduct at 64 companies in 31 countries, all continents
Dizzying List of Malfeasance

- manipulation of research
- tampering with court proceedings & legislative processes
- testing new drugs in countries with weak regulations
- non-payment of court-ordered settlements to the parents whose children died in illegal trials
Regulatory Permissiveness

- allowance of high-risk, highly-profitable drugs on market
- industry whistleblowers not protected & sometimes prosecuted by state
- regulators complicit with industry crimes
Summary: alcohol, tobacco, pharma

• all legal, government-regulated, commercial drug industries
• not balanced revenue & public health
• legal violations a part of doing business
• govnt has not effectively regulated
Strict Regulation?

- not simply less than perfect
- substantially less than adequate
- a unicorn?

“Market power readily translates into political power. Few governments prioritize health over big business.” (WHO, 2013)
The Cannabis Industry

- legal, government-regulated, commercial drug industry
- similar trajectory
- separate presentation
Take-home Messages

• no one knows how cannabis legalization will play out
• an experiment; not controlled kind
• legacy of alcohol, tobacco, pharma
• potential for 4th drug crisis

• when govnt says, Don’t worry, we’re going to strictly regulate it. - Worry.
Priorities for Next 5 Years:
Surveillance of Regulatory Compliance

#1: Cannabis Product Safety

#2: Advertising Regulations

#3: Consequences for Regulatory Infractions
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