

# Cannabis Legalization: Lessons from Alcohol, Tobacco, Pharma

Mike DeVillaer

Dept. Psychiatry & Behavioural Neurosciences

Peter Boris Centre for Addictions Research

Centre for Medicinal Cannabis Research

McMaster University & St Joseph's Healthcare Hamilton

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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

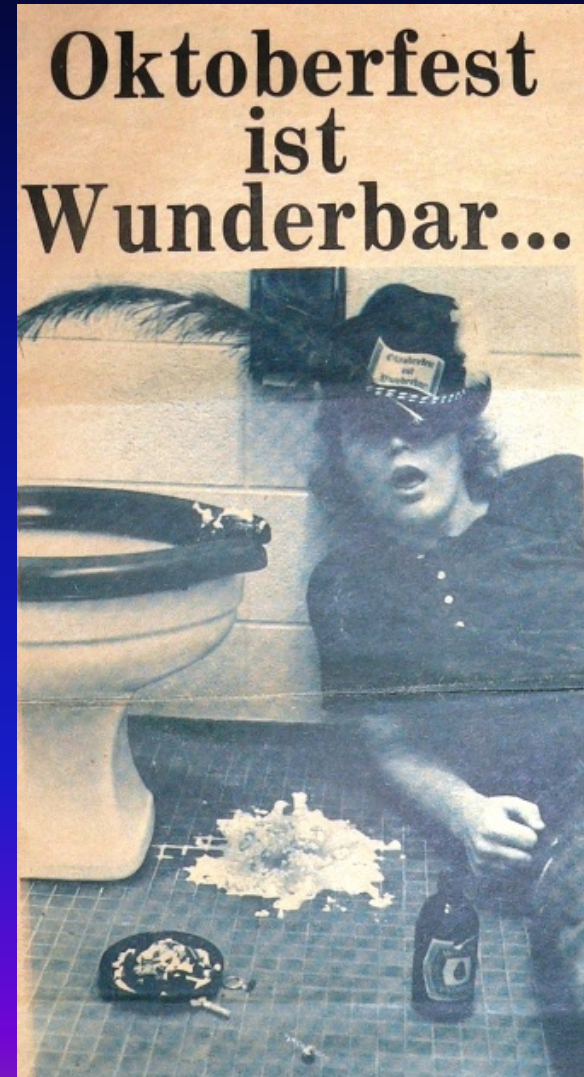
Seagram's



# 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 Petipas 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 ?

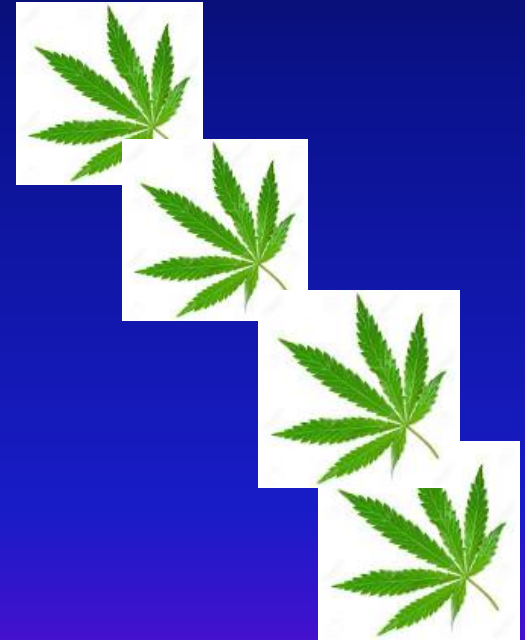
- complicated
- indications from US states limited by short time frame
- indications from history of other legal drug industries



# 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?

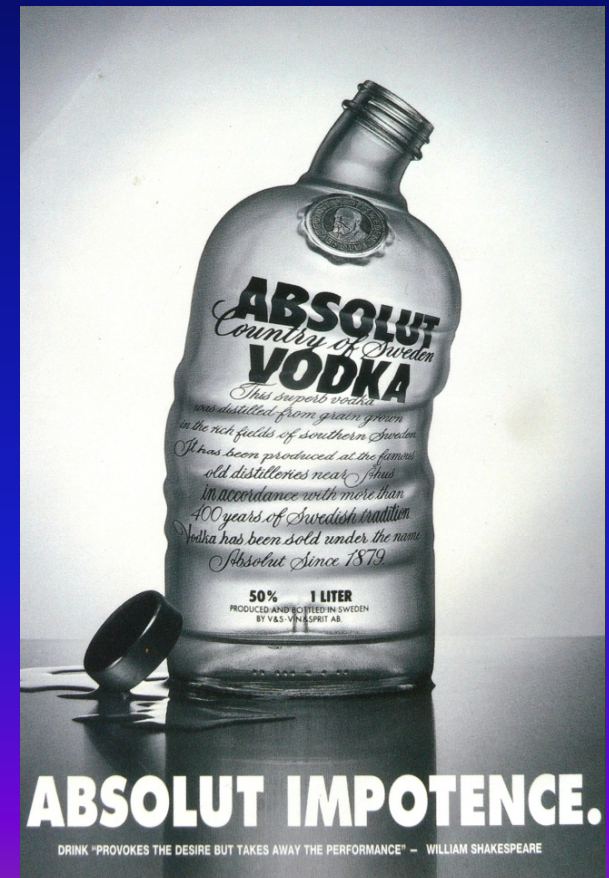
- operate legally, safely
- local & visible
- fixed locations
- predictable hours
- assured supply ?
- **more safe, reliable & convenient than contraband sources = easier access**



# Use & related problems: Alcohol

## More alcohol use; more problems

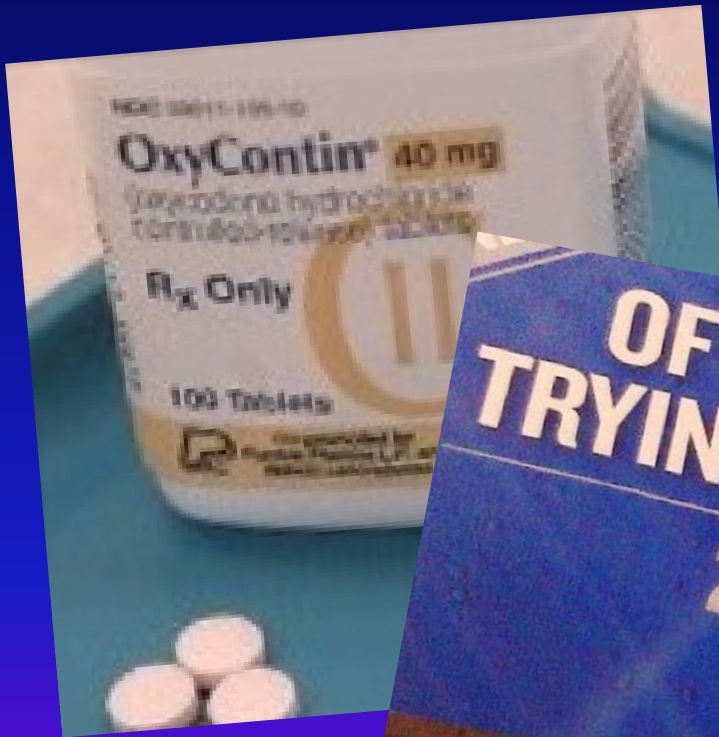
- Rehm et al. (2008)
- Babor (2010)
- Cdn Public Health Assoc. (2011)
- Giesbrecht et al. (2013)



# Summary: What to Expect from Cannabis Legalization in Canada?

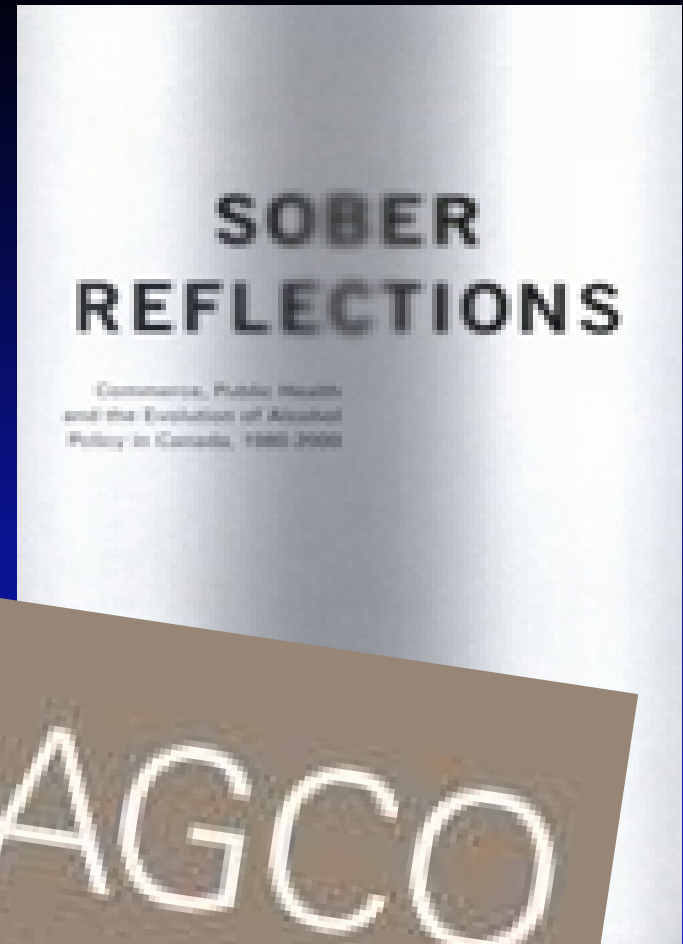
- exact trajectory uncertain
- most likely scenario:  
legal permission + promotion + easier access = increased use = increased problems

# 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)



fake



## Did regulation work?

- detected by sophisticated consumers (Rubin, 2011)
- Can legal, regulated retail outlets ensure product integrity & safety ?

**Public Notice**

The LCBO has withdrawn the following products from sale:

LCBO No.	Product Description	Lot Codes
418574	Sweetwater Squeeze Radler Blood Orange, 473 ml Can	G2216
467100	Amsterdam Summer Mixer Pack 2016	

Our Quality Assurance department confirmed a limited number of cans with this Lot Code have burst due to excessive internal pressure. Unopened product may be returned to LCBO for a full refund.

Customers are encouraged to use caution when handling this product.

September 8, 2016 **LCBO** To be displayed until September 30, 2016

## And criminal collusion...

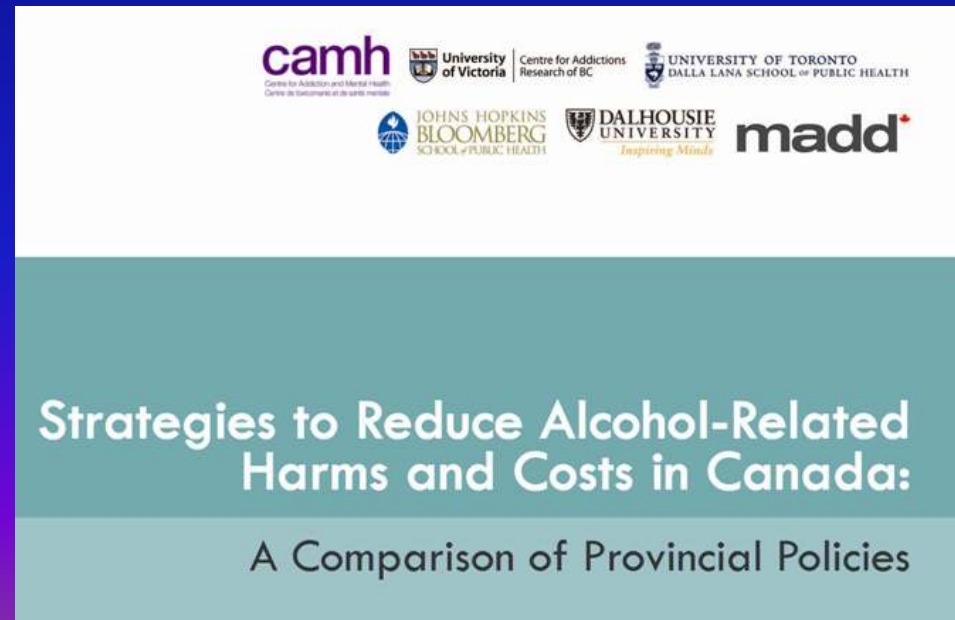
- 2015: Montreal winery sold 2+M bottles on black market
- avoided \$14M in taxes (Hamilton, 2015)
- ON vineyard CEO among 12 arrested



# 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 govnt regulation  
balanced revenue with public  
health?

## The Tobacco Industry





# An Epic Battle

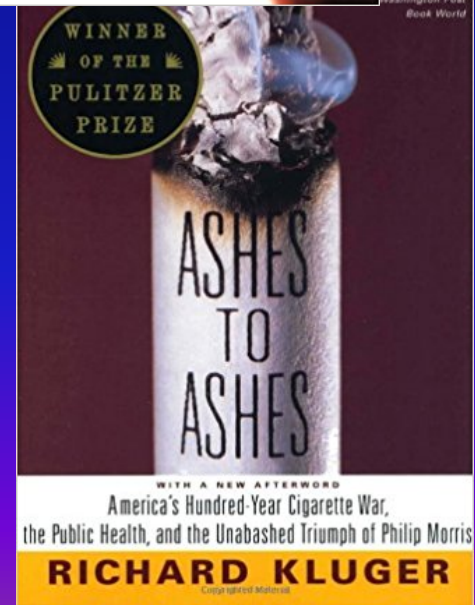
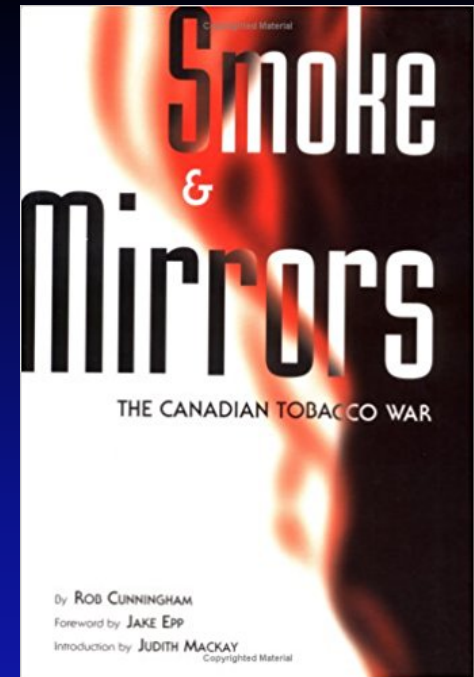
- industry, public health, govnt regulators, courts

## 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

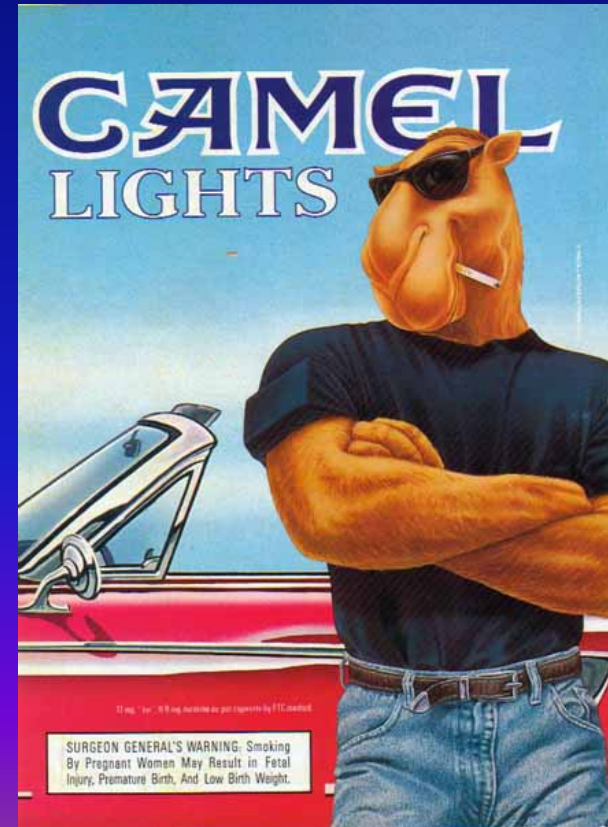
- 1,742 page judgement

(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

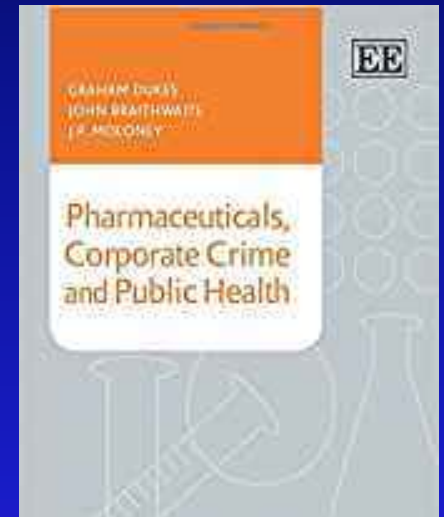
Health Canada's  
**ACTION ON OPIOID MISUSE**

- BETTER INFORMING CANADIANS ABOUT THE RISKS OF OPIOIDS:**  
Use warning stickers, patient information sheets, review of best practices.
- SUPPORTING BETTER PRESCRIBING PRACTICES:**  
Promote prescription monitoring programs, de-prescribing programs, share information with IT training tools, Canada Health Gateway e-prescribing solution.
- REDUCING EASY ACCESS TO UNNECESSARY OPIOIDS:**  
Clear contributions for approval updates, regulatory changes that will prohibit issuing a prescription for one-day soluble products, mandatory risk management plans for certain opioids.
- SUPPORTING BETTER TREATMENT OPTIONS FOR PATIENTS:**  
Better and faster access to naloxone, expanding the review of non-opioid pain relievers, or reviewing gender requirements for contraceptives.
- IMPROVING THE EVIDENCE BASE:**  
Bringing together experts in the field to discuss how to improve data collection and the Canadian evidence base.

Canada

# 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

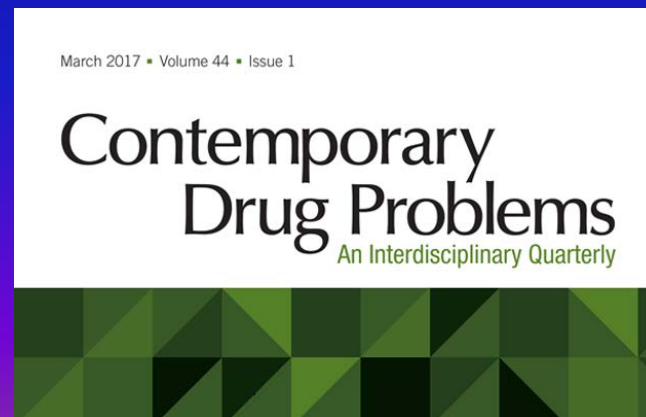
# Regulatory Permissiveness

- 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

# Want More ?

[@mikedevillaer](https://twitter.com/mikedevillaer)  
[devilla@mcmaster.ca](mailto:devilla@mcmaster.ca)

Write:

- [cannabis@canada.ca](mailto:cannabis@canada.ca)
- [mcu@justice.gc.ca](mailto:mcu@justice.gc.ca)
- [hcmminister.ministresc@canada.ca](mailto:hcmminister.ministresc@canada.ca)
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