



## The CCIC Podcast

May 30th, 2016

This month: Dan Werb  
Interview by Dr. Mark A. Ware

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### Introduction

Hello and welcome to the CCIC Podcast. The CCIC Podcast is a series of in depth interviews with leading experts and opinion leaders in the world of medical cannabis and cannabinoids.

In this edition of the podcast we are delighted to welcome Dan Werb, discussing the need to think beyond drafting legalization policy:

*“legislation is really only the first and probably the most minor aspect of this whole enterprise and it really takes the institutional will to make it go through”*

... and suggesting important considerations for legalization implementation:

*“Without a proper baseline, its impossible to measure the effectiveness of your policy, and harder to optimize it and also to make a public case for why it is or is not effective”*

Dr. Daniel Werb is an epidemiologist and policy analyst with expertise in the fields of HIV, addictions, and drug policy. He is the Director of the International Centre for Science in Drug Policy, a Toronto-based research institute focused on systematic assessments of the evidence on the effectiveness of illicit drug policy. We spoke on May 30<sup>th</sup>, 2016.

*Mark Ware*     **Dan thank you very much for joining me this afternoon, I’m going to start with a fairly broad question and just ask how you first got involved in the world of global cannabis policy?**

*Dan Werb*     Well I had some training in global drug policy, but mostly focused on the intersection of opioids and drug trafficking and HIV epidemics, and then I ended up in the *British of Columba’s Center for Excellence for HIV AIDS*. While there, I was working with someone named Dr. Evan Wood, and we were looking at the context of the illicit drug market in British Columbia, and what was evident was that while there was a relatively low level of drug related violence and homicides

that were happening in British Columbia, the proportion of homicides related to drug market activity was actually increasing during the mid 2000's. So this got us looking at the context of violence in BC related to drugs, and that was predominantly associated with cannabis. So from there it spurred me on to explore the issue of cannabis markets more specifically, and doing a number of different studies. One was an estimate of the retail expenditures on cannabis among people who lived in British Columbia, and it really intersected nicely with the broader work around global drug policy that I had already been doing.

***MW:* And leading from there into potential changes of cannabis policy, Canada is on the brink of legalizing cannabis, how has your work led you to believe that Canada's policy makers should be learning from other nation states, such as Uruguay, Holland and Mexico, that have taken a peek down this road?**

*DW:* I think, more than other nation states, there's probably more to learn from better-established formal systems that exist in Colorado and Washington State in the US. And I only say that because that would leave me on a positive side. On the negative side, I think there are some cautionary tales from places like Uruguay and Mexico, in terms of the lack of institutional will that can really stymie an attempt at implementing drug policy reform. Now, Mexico is currently going through a period of national debate about cannabis regulation, but what's less known is that in 2009, there was legislation passed federally to decriminalize the possession of all formally illegal drugs, so that would be cannabis, cocaine, heroine, methamphetamine, ecstasy, all drugs that were illegal. If you were carrying them on you or in your purse, you were using for your own personal consumption, you were not supposed to be criminally sanctioned. That was the legislation, but given the lack of appetite on the part of policy makers to actually implement this drug policy reform, nothing happened on the ground. Similarly in Uruguay, while we're a few years into cannabis regulation, there is still very little in the way of movement towards a regulated system. So while the use of cannabis is not sanctioned, the distribution systems, which rely on pharmacies, home grow and community cooperatives, they haven't really gotten off the ground, and earlier this year (at least a couple months ago), there was only one community cooperative that had been allowed by the federal government to provide cannabis to its members. And I know that there are some issues with getting access from pharmacies so I think the cautionary tale here is you want to make sure that legislation is really only the first and probably the most minor aspect of this whole enterprise and it really takes the institutional will to make it go through. On the other side, I would say that what we're learning from Washington State and Colorado is the necessity to have a proper set of baseline data that you're relying on to evaluate how cannabis policy reform is actually impacting society broadly. My understanding, speaking from some policymakers and speaking to some

policy makers in Colorado is that this lack of a baseline has really reduced their capacity to meaningfully evaluate how cannabis has actually changed drug use patterns, drug related harms, not just related to cannabis specifically, but to the drug use patterns broadly. So has there been a multiplier effect where people are using cannabis plus the other drugs that they were previously using, or has there been a substitution effect where people are reducing their use of other drugs like alcohol in favour of cannabis. Without a proper baseline, its impossible to measure the effectiveness of your policy, and harder to optimize it and also to make a public case for why it is or is not effective.

*MW:* **So how do you reconcile holding these states up as being example of, potentially, some ways in which we can look for positive examples, albeit the lack of a baseline, in the presence of a federal government which really does not seem to be displaying any political will to support or advance these policies?**

*DW:* You mean in Canada?

*MW:* **In the U.S. you mentioned that Colorado and Washington are places you want to look for as examples, but then again, at the state level there is political will, but at the federal level there's this impasse.**

*DW:* That's true, in some ways I think its balanced out by the fact that that sort of tension has forced both the states to really optimize their approach to this, and that's not to say that is not without problems, but early on, the federal government under Eric Holder the Attorney General at the time, said that we are going to wait and see, and if things get absolutely crazy and out of control, then we are going to move in and shut this thing down. That doesn't remove all the concerns around banking and the basic difficulties of running a federally criminalized economy within a sub region within which it is legal, obviously there are inherent problems there, but I think there is something about that tension that sort of formalized the process more (and here I'm just speculating) than if it had been mandated at the federal level. And similarly, I think the stakes are really high for Canada as an upper income country bordering the United States, to get this thing right.

*MW:* **So speaking of Canada, there has been over the last twenty years or so, a series of policy changes, hemp was legalized in 1998, medical cannabis progressively and gradually over the last fifteen years or so, and now we are talking about legalizing cannabis for recreational purposes and others, do you se a broader longer Canadian narrative evolving here?**

*DW:* Absolutely, and what I see is most relevant, is the explosion of cannabis dispensaries opening up in Toronto and Vancouver recently, and other

municipalities in Canada, and what that says to me is that, this explosion of cannabis dispensaries, however you feel about it, whether you think it's a good thing or a bad thing, reflects a lack of policy making in this area and the fact that public opinion has shifted, the courts have shifted in favour of access to cannabis, and the federal government was refusing to legislate in this area. So you had facts on the ground whereby cannabis use for, I'm not going to say recreational use, but more widespread cannabis use became normalized, not just socially and culturally, but also through the decisions by the Supreme Court, and access was increased in a policy space that had not been legislated within at all. So this explosion of dispensaries signals I think, both the increase in Canadians appetite for allowing the sale of marijuana, and also reflects that the government really has been playing catch-up on this for a long, long time.

***MW:* So the Canadian government needs to get out in front of this issue and quickly, one of the challenges that it faces of course is its requirements and obligations under the UN treaties. You mentioned in your presentation to the CCIC in April that one option is to actually go in and make some changes to the UN Single Convention. Do you think that this is a feasible option, that the drug policy apparatus at the global level can be, or needs to be, overhauled?**

*DW:* Technically it's feasible. I don't think that there is political will within the UN system to overhaul the conventions right now, and we recently experienced this process around this UN General Assembly Special Session on drugs, the first in twenty years, a session whereby the UN's General Assembly, its largest body, was meaning to discuss the world drug problem. What we saw unfortunately was a lot of attempts at keeping a framework that was consistent with previous frameworks, rather than recognize how different the context for drug policy making is now, compared to how it was in 1998. So I just don't see it, you know if we can't do it this high profile session when a lot of advocacy was being undertaken to try to get states to move forward, I don't see that happening in the general business of the UN. That being said, it's clear that states are just going to go their own way. Canada I think has a few different options, as I sort of outlined at the presentation. What I think is probably the most likely is what people are calling principled non-compliance, whereby Canada just admits or states that recreational cannabis regulation is probably not consistent with the UN's drug conventions, but that it's choosing to not comply with a specific provision around the decriminalization of cannabis, out of a principle of greater health and human rights, for its citizens.

***MW:* And with that position, do you see Canada, or do you see the US-Canada relationship being affected by this? Are we likely to put ourselves in jeopardy with this position with the Americans, or are they watching us to see how this plays out?**

*DW:* That's a really good question, I can't say I know, and there's so much craziness happening politically in the states. In the unlikely event that Donald Trump is elected, I mean maybe they'll make a cannabis wall to keep it out on the northern border.

*MW:* ***Made out of hemp bricks!***

*DW:* And they'll make Canada pay for it somehow. Yes, federally the US federal government is opposed to the regulation of recreational cannabis use, on the other hand, there is this fact of an increasing number of states within the US that are setting out to regulate the use of cannabis, so it's very difficult for the US, given its internal cognitive dissonance to act meaningfully and take the moral high ground on this issue. The second part of your question is more interesting, where you said, 'could the US be looking to Canada for guidance on this', and that's where there is probably more at stake. If Canada can do this right and demonstrate that the sky isn't going to fall, if a North American country regulates cannabis, then I think that will certainly have repercussions in the United States.

*MW:* **As you know all too well, there is talk of a task-force being struck, we are waiting for this to be formalized any day now. If you had the opportunity, and no doubt you will, to give Bill Blair and this Task force one piece of advice, what would you say, what would you tell them?**

*DW:* My piece of advice would be to consider the cannabis market that exists now and will be created as part of a broader illicit drug market across Canada. So that really opens up the way we value and consider success or failure of the system at large or parts of the system within a broader sense of how access to one drug, or formalization of access to one drug, might impact and have repercussions across the entire drug market. That would pretty much be my one very overarching, broad piece of advice, and the way to operationalize that would be through an evaluative system that has a really robust baseline set of data-points that can be looked at to determine, are people using alcohol less compared to the period before cannabis was regulated? Are emergency room mentions of cannabis increasing or decreasing? All these sorts of questions that I think span the way the drug, drug policy more broadly, but cannabis policy in this case, the way that we perceive it as impacting society, and I think that we need to expand the way that we think about policy and all the many externalities that policy influences societally, and the way we can do that is through evaluation.

*MW:* **Dan, we have the curse of living in very interesting times. I'd like to thank you for taking some of those interesting times out to speak with me today; it's been a pleasure. Congratulations on the work you've been doing and no doubt will continue to do. Thanks again for joining us on the Podcast.**

*DW:* Thanks Mark, it was really my pleasure. Thanks for having me.

That was Dan Werb, speaking to us via Skype from Toronto.

Thank you for joining us.

Tune in next month to the CCIC podcast.

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The approximately 20 minute audio podcast of this interview is available online at [www.ccic.net/podcast](http://www.ccic.net/podcast) and are also available on iTunes

[Dan Werb. Interview by Mark A. Ware. CCIC Podcast, May 2016. Web: [www.ccic.net/podcast](http://www.ccic.net/podcast)]

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