Getting to tomorrow: what's beyond drug prohibition

Canadian Drug Policy Coalition

Coalition canadienne des politiques sur les drogues

Scott E. Bernstein, MS JD
Director of Policy - Canadian Drug Policy Coalition
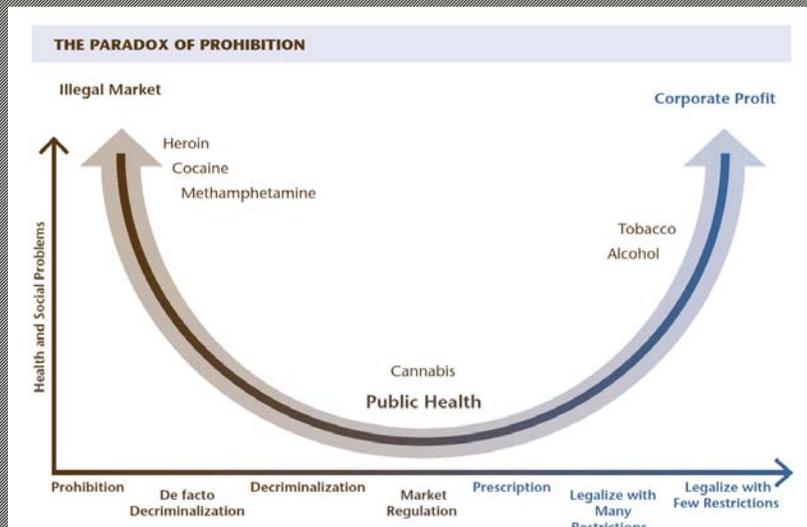
Rodolphe Destombes, Game Designer

November 28, 2019
Journées annuelles de santé publique, Montréal

Here's what I'll talk about

- Getting to tomorrow: what's beyond prohibition
- Introducing the Regulation Project
- Using a game to get to the issues

How can policies support or undermine health?

THE PARADOX OF PROHIBITION

Alternatives to prohibition: decriminalization

What is it? A policy approach that removes or lessens criminal offences for certain activities involving controlled substances - possession (and some trafficking?)

Who supports it?
- Over 30 jurisdictions around the world have formal policies in place
- Some decrim policies go back to the 1970s (e.g. Amsterdam and cannabis)
- Portugal decriminalized all drugs in 2001
- Also, Mexico, Czech Republic, several US States
- Supported by 31 UN Agencies in a joint position
- Cities of Vancouver, Montréal and Toronto have called on federal govt. to decriminalize
- Green, NDP parties
- Health authorities, including VCH; BC Provincial Health Officer

Alternatives to prohibition: decriminalization

What are the documented benefits?
- Save money by reducing criminal justice costs
- Prioritize health and safety over punishment
- Reduce stigma associated with drug use; remove employment, etc. obstacles
- Remove barriers to evidence-based harm reduction programs

What's the downside?
- Only deals with the consumer side of the supply chain → leaves a toxic supply in place

How to do it?
- De jure: amend the CDSA to remove criminal offences (federal)
- De facto: order police to not expend resources on certain drug crime enforcement (provincial / municipal) – recommended by BCPHO

Alternatives to prohibition: legal regulation

What is it? A policy approach that creates a regulated market for currently illegal drugs (we'd want to at least cover: 1) drugs that people use frequently; and 2) the drugs most likely to cause harms in the current regime)

Who supports it?
- Canada is the second country to federally legalize cannabis
- Global Commission on Drug Policy, NGOs, activists
- Vancouver Coastal Health
- A group of organizations in Canada, including CDPC, CAPUD, Legal Network and Pivot (the "Regulation Project")

Alternatives to prohibition: legal regulation

What are the predicted benefits?

- Create opportunities for cost recovery, employment
- Create a system that supports social, environmental, racial justice
- Prioritize health and safety over punishment
- Reduce stigma associated with drug use; remove employment, etc. obstacles
- Remove barriers to evidence-based harm reduction programs
- Create opportunities to engage and educate people about responsible drug use
- Undermine organized crime
- Create enforceable rules that support public health
- Creates safe and regulated supply of drugs of known potency and quality

Alternatives to prohibition: legal regulation

What's the downside?

- Nobody has done it yet
- Violates international treaties (as they are)
- Not enough political will (although growing for concepts such as "safe supply")

The Regulation Project

RegulationProject.org

What is it? Ongoing collaborative effort of six Canadian organizations and international partners to advocate for legal regulation of currently illicit drugs in Canada and elsewhere.

Objectives:

- Demystify the regulation of drugs
- Present the general public health and social justice-focused principles of regulation
- Educate people about the likely outcomes of different regulatory choices
- Allow people to better understand different viewpoints and perspectives on how drugs might be regulated
- Spur discussion
- Trigger policy changes

The Regulation Project

RegulationProject.org

**Phase I (November 2017 – December 2019) –
funded by Law Foundation of BC**

- In-depth literature review of regulation
- Develop discussion frameworks for a variety of substances
  - psychedelics, opioids, sedatives, stimulants
  - Look at set of regulatory levers: who can consume? What do they need to do to get them? Where can they get drugs? How much can they get? Where can they consume?
- Get initial feedback from stakeholders (consumers, academics, health professionals)
- Revise models to prepare for broader consultation in Canada; develop tools to talk to people about regulation
- Prepare discussion papers, briefs, some web content for advocacy

The Regulation Project

RegulationProject.org

Phase II (January 2020 – ?)

- Build on what we developed and learned in Phase I to get widespread input from a diverse group Canadians to find "best" models
- Hold approximately 10-20 focus group consultations
- Get web-based input from at least 40,000 individuals in Canada, possibly with online interactive game
- Expand international partners

Phase III: Share digital system with partners in other countries who want to replicate

The Regulation Board Game!

Why design a board game?

- Foster socialization, teamwork and hone critical thinking skills
- The regulation of drugs is a complex, multi-layered, heavy and sensitive issue. A board game makes it possible to tackle this subject with a playful attitude.
- It is an interactive format that spurs discussion without risking an overly heated debate
- Allows people to see the issue from other perspectives
- Focus on the mechanics of legal regulation and outcomes of choices

About the Game

The Mechanics

Cooperative: Players win or lose as a group.
Role-play: Players may impersonate a character whose views may not necessarily reflect their own.
Negotiation: Players make agreements about courses of action.

Objective

The players collectively make choices about a given substance, then negotiate with each other to see if they can come to agreement. If they can, they win!

About the Game

There are three tables for legal regulation. Each table will deal with a different substance:

Table 1: Diacetylmorphine/heroin (opioid)
Table 2: Cocaine (stimulant)
Table 3: LSD (psychedelic)

For each round, each table negotiates how to regulate one of the five questions:

Who has access to the drug?
What do they need to do to get access?
Where can they access the drug?
How much can they access?
Where can they consume the drug?

GAMEPLAY

Step 1 – Setup:

Each player goes over the drug fact sheet.
People team up so that there are max. 6 players

Drug Fact Sheet
- _____
- _____
- _____

x1

Step 2 – Choice of character:

Each player chooses one colour and takes a pawn as well as an "options menu".

Each player draws two characters, chooses one and discards the other. Players can also choose to not use a character.

GAMEPLAY

Step 3 – Initial placement:

The players place their pawn on the answer that best match their character's values at the beginning of the game.

Step 4 – Negotiation:

Players elaborate on the choice they have made and attempt to convince other players to adopt their views while being receptive to counter-arguments.

GAMEPLAY

Step 5 - Bargaining:

Once all players have had a chance to argue their case, they may move their pawn to a different answer in an effort to reach a compromise.

Step 6 - Closure:

If players were able to agree on one regulatory choice, they have collectively won!
If not, they may engage in a second round of negotiations (Repeat steps 4 and 5).
If a compromise still cannot be reached, players have to agree to disagree and collectively lose.

Thank you!

Canadian Drug Policy Coalition

Coalition canadienne des politiques sur les drogues

Getting to tomorrow: what's beyond drug prohibition

Scott E. Bernstein, MS, JD
@scott_bern
bernstei@sfu.ca

drugpolicy.ca

SFU