

Public Health Perspectives for Regulating Psychoactive Substances

What we can do about alcohol, tobacco, and other drugs.

BY THE HEALTH
OFFICERS COUNCIL OF
BRITISH COLUMBIA¹
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In its recently released paper, the Health Officers Council of BC (HOC) points out that:

- 1 The negative public health and social impacts of both use of and policies related to alcohol, tobacco, prescription and illegal substances are substantial, and largely preventable.
- 2 We need to use the evidence from the alcohol and tobacco free market experiences and associated harms when developing public health oriented regulation of all substances.
- 3 The current policy of prohibition of a number of substances is ineffective and causing much harm. As a result, many jurisdictions are moving away from criminalization to more public health oriented approaches.
- 4 A public health oriented approach for all psychoactive substances is needed, together with continued and appropriate health care, social, and criminal justice services.
- 5 The effects of any changes in substance legality and regulation will need to be carefully monitored and evaluated. Local, provincial, and federal government innovation needs to be supported and encouraged.
- 6 HOC is proposing a comprehensive public health oriented regulatory framework to ensure that all steps in the supply and demand chain are under careful societal control.

From a public health perspective, impacts related to non-prescription psychoactive substances are estimated to account for 21% of all deaths at an estimated cost to Canadian society of \$40 billion per year.² Tobacco comprises 43% of the costs, alcohol 36% and illegal substances 21%.²

The size of the problem as well as the unintended consequences of some of the current psychoactive substance control approaches indicate an urgent need to better address management and control. The goal is to achieve a balance where harm from both substances and substance-related policies are minimized, while benefits are allowed to be realized. (See Figure next page)

“Every truth passes through three stages. First it is ridiculed. Second it is violently opposed. Third it is accepted as self-evident.”

Arthur Schopenhauer, German philosopher

The management of tobacco and alcohol as commodities has allowed for extensive commercial promotion and wide availability, resulting in substantial negative individual and public health consequences. Public health measures have been important in reducing these consequences.

The prohibition strategy for management of numerous substances such as cannabis, cocaine, and heroin is ineffective and causing much harm. As a result, many jurisdictions are moving away from indiscriminate drug prohibition and towards a public health oriented approach.

A public health oriented approach is evidence-informed and focuses on health promotion; prevention of disease, injury, premature mortality, and disability; health protection; and inequity reduction. This approach acknowledges that people use substances for anticipated benefits, and recognizes the potential harm of the substances as well as the unintended effects of control policies. A public health approach seeks to ensure that harm associated with control interventions is not out of

¹ Public health physicians who advise on and advocate for public policies and programs directed to protecting and improving the health of populations. HOC views do not necessarily represent positions of the organizations for which the members work.

² Rehm J, Baliunas D, Brochu S, Fischer B, Gnam G, Patra J, et al. *The Costs of Substance Abuse in Canada, 2002*. Ottawa: Canadian Centre on Substance Abuse. March, 2006.



proportion to the benefit to harm ratio of the substance use itself.

Ensuring an adequate health care system which includes screening, diagnosis, intervention, withdrawal management, addictions treatment, rehabilitation and recovery will be essential.

Monitoring and evaluation of the effects of changes to substances control will be important to answer questions about such issues as the effectiveness of new regulations and best practices, and harm or benefit outcomes of the new controls on health, crime, social, economic, safety and environmental indicators. Public evaluation reports will provide accountability.

Local and provincial regulation and innovation should be supported and encouraged. Federal regulation should be focused on those issues for which federal regulation is necessary or clearly superior for the public interest.

A public health oriented regulatory framework is described, which includes proposed assumptions, principles, a vision, goals, and objectives. The entire supply and demand chain would be under comprehensive societal control in order to maximize control over availability and accessibility and reduce consumer demand. Government would establish public interest governance and business models through which product growth, production, wholesale, distribution, retail, possession, consumption and demand associated activities such as information and promotion (i.e. advertising, branding, or sponsorship) are controlled in a manner that protects individual and the public's health and safety, while promoting improved health outcomes.

Conclusions

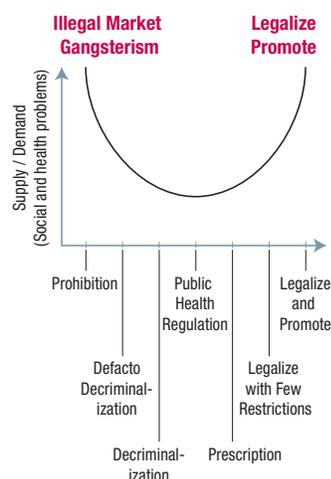
The size of the adverse public health impacts of the harms associated with psychoactive substances calls out for coherent public health oriented regulatory strategies to better regulate tobacco and alcohol, control the increasing harms associated with prescription pharmaceuticals, and mitigate the ineffectiveness and harm generation associated with prohibition of currently illegal substances. Public health oriented regulation is

also supportive of Canadians human rights as established by the pre-eminence of the Charter of Rights and Freedoms with respect to the "right to life, liberty and security of the person".

Recommendations

- 1 That federal, aboriginal, provincial, territorial, and local governments use the proposed public health framework described in this paper to review, evaluate and update their psychoactive substances related laws to ensure that such laws encompass a public health orientation to the regulation of all psychoactive substances.
- 2 In view of the very substantial financial interests of those who profit from and promote the use of alcohol, tobacco, illegal and prescription drugs, governments should take leadership on issues related to the production, distribution, promotion and use of substances by encouraging and supporting consortia comprised of non-government organizations, professional organizations, private interests, business, people who are actively growing, producing, distributing, retailing and using substances, academics, researchers, and other partners to make recommendations for public health oriented psychoactive substances policies and programs.
- 3 That a national commission of inquiry be established to recommend ways of increasing emphasis on public health oriented approaches to alcohol, tobacco, currently illegal substances and other psychoactive substances; based on the growing body of evidence of what works and does not work for reducing harms associated with psychoactive substances.

The commission should involve the general public; federal, aboriginal, provincial, territorial, and local governments; non-government organizations; professional organizations; private interests; businesses; people who are actively growing, producing, distributing, retailing and using substances; academics; researchers; and other players to make recommendations for coherent and comprehensive public health oriented psychoactive substances related policies and programs.



Adapted from Marks J. "The Paradox of Prohibition"

Source: Marks, J. *The Paradox of Prohibition in "Controlled Availability: Wisdom or Disaster?"*; National Drug and Alcohol Research Centre, University of New South Wales; p. 7-10. 1990.



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Full report available at drugpolicy.ca and phabc.org/modules.php?name=Contentpub&pa=viewdoc&cid=11