

2014 poised to go to pot

Growing acceptance of marijuana will influence policies in this year. In a week-long series, the Star looks at the people most impacted by the drug



Keith Beaty / Toronto Star

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As of Jan. 1, the world's first pot shops opened for business in Colorado. More are planned for Washington State. In Uruguay, the first country to fully legalize marijuana, the government will oversee the sale of weed beginning this spring. And in Canada, where public support of pot has never been higher, new medical marijuana laws will usher in a free market that produces high-quality cannabis to support a rapidly growing number of users.

After years of being deemed an illegal substance, restrictions and attitudes toward pot in 2014 appear to be loosening up at a speed that has even marijuana activists pinching themselves.

South of the border, public opinion is driving the change. There are 20 states that permit medical marijuana use, and this week we learned New York is planning to do the same. Two of the 20 states allow recreational use, with others also considering it.

Canada has a federally regulated medical marijuana program, but public opinion here supports greater legislative change.

No doubt, Canada — along with the rest of the world — will be watching groundbreaking changes in marijuana reform play out in other jurisdictions.

This could be the year Canadians decide to either embrace or reject marijuana reform, says pot activist and former corrections officer Alison Myrden, spokesperson for Law Enforcement Against Prohibition.

“This year is really important because it will help sway change,” says Myrden. “We are at a tipping point.”

Changing attitudes in Canada

Recreational marijuana use has been illegal in Canada since 1923, but that hasn't stopped many from smoking up. According to a 2012 Health Canada study, 42 per cent of Canadians over age 15 — about 12 million people — admitted to having tried marijuana.

Defense lawyer Paul Lewin, who's worked on many cases involving marijuana offences, says “attitudes are changing at all levels and by everybody: Crowns, police, citizens.”

Public opinion in support of decriminalizing possession of small amounts of pot — or even legalizing it — has never been so high, says Lewin, the Ontario regional director of the non-profit group NORML (National Organization for the Reform of Marijuana Laws).

In recent years, major Canadian cities have seen the arrival of vapour lounges. The bring-your-own bud lounges are kind of like neighbourhood bars, but rather than drinking booze, people smoke pot.

These establishments give medical users a place to consume their medicine and get recreational smokers out of alleyways and parks.

Toronto has seven vapour lounges, the first opened in 2003. Last month, Get Melted Café opened on Church St., offering tokers gourmet grilled cheese sandwiches to ease their munchies.

“(Medical) marijuana has gone from the far fringe to the mainstream over the last 20 years,” says café owner Neev Tapiero, who opened one of Toronto’s oldest compassion clubs — Cannabis As Living Medicine or CALM — in 1996 to dispense cannabis to sick people.

There’s also a growing tolerance when it comes to possessing small amounts of weed. Many cops acknowledge that making an arrest over a few joints is a drain on police and court resources. Last summer, Canada’s police chiefs suggested ticketing instead of arrest for possession of 30 grams or less. Some have referred to this as *de facto* decriminalization, but police say they don’t support legalizing or decriminalizing marijuana, they simply want an extra enforcement tool.

Myrden sees ticketing as a “baby step” in the right direction. Ideally, she would like to see it legalized.

“I’ve been fighting (for marijuana reform) for 25 years and I can see that the laws are loosening,” says Myrden, who uses medical marijuana to ease symptoms for multiple sclerosis and tic douloureux, a nervous system disorder that causes facial pain. “(The issue) is on the table like never before.”

But Doug Hutchinson, a professor of philosophy at the University of Toronto, sees ticketing differently.

“Adding this power to the police arsenal will result in more enforcement, and this is why police chiefs are pressing for it,” says Hutchinson, an expert in medical marijuana. “It will permit police to threaten cannabis users without needing to collect and preserve evidence carefully, for use in the future criminal trial to which every defendant has a right.

“Likewise, if a man armed with a gun threatens you, arming him with a knife as well does not loosen his control over you; on the contrary, this will permit him to threaten you even in situations when he can’t fire his gun.”

Politics and pot

Although other jurisdictions are embracing more liberal pot laws, Lewin says Canada’s Conservatives aren’t keeping pace.

“We’re moving against the grain,” he says. “We’re bringing in tougher laws.”

In 2012, as Colorado and Washington states voted to legalize cannabis, the Conservative government in Canada ratcheted up penalties by introducing mandatory minimum prison sentences, such as six months in jail for growing six marijuana plants.

This, despite a growing number of Canadians who support relaxing marijuana laws.

In 2012, an online Angus Reid survey found 57 per cent of Canadians support legalization and 68 per cent described the “war on drugs” as a failure.

Then, a Forum Research poll done last summer found 69 per cent of Canadians support decriminalizing possession of small amounts or outright legalization and taxation, compared with 66 per cent two years ago. Support was highest among those aged 18 to 34 and boomers aged 55 to 64.

People of all political stripes supported loosening restrictions, but Conservative supporters were most lukewarm to the idea, with 62 per cent in favour, compared with 76 per cent of Liberal supporters and 73 per cent of NDPers.

The August poll was taken a month after federal Liberal Leader Justin Trudeau announced his support of legalizing, taxing and regulating marijuana, and a day after he admitted he smoked marijuana while a sitting MP. The NDP favours decriminalizing pot.

“The Tories had this idea that (Trudeau) made a faux-pas, but really he didn’t because that’s really where the public is standing in this issue,” said

Forum Research President Lorne Bozinoff. “This would have been a faux-pas 30 years ago, but not now, because the country has moved on. . . . It’s now evolved to the point where (marijuana) is not a big deal anymore.”

Lewin adds, “often on political issues you see the parties rush to the middle But this is a rare issue in which the parties have gone to the far extremes. . . . It’s such an extreme stark choice that it can’t help but be a big issue in the 2015 election.”

Canada’s new medical marijuana law

Canada’s medical marijuana program is set to undergo a major overhaul — a move generating praise and criticism.

Under the outgoing system, introduced in 2001, doctors signed a form stating conventional treatments weren’t working and the patient was licensed by Health Canada to possess marijuana. The patient would either buy weed from the government, grow it themselves or designate a grower. Most preferred the latter two options as they were most cost-effective. However, police complaints about unsafe grow-ops, home invasions and vast amounts of medical marijuana diverted to the black market prompted the overhaul.

With the new Marihuana for Medical Purposes Regulations (MMPR), which was introduced in the fall but takes full effect on April 1, the government will no longer license users or sell weed. Nor will personal production be allowed. Instead, it will be up to doctors and nurse practitioners to prescribe marijuana, which must then be purchased from licensed producers supplying high-quality marijuana free of mould, pesticide and fungus.

That means compassion clubs, such as CALM, will be forced to shut down by April 1. Tapiero, however, hopes to become a licensed producer.

For private industry, the potential for profit is enormous. There are about 37,500 licensed users. But Health Canada anticipates by 2024 there will be more than 450,000 people using pot for medical reasons, generating \$1.3 billion in annual sales. Producers will also be able to import or export weed, potentially making Canada a leader in an emerging industry.

Even though a growing number of doctors have come to accept marijuana, many are still opposed. The Canadian Medical Association and the Federation of Medical Regulatory Authorities of Canada say there is no clinical evidence to justify pot as medicine. It also doesn't like that the new law puts the onus on doctors, who have no information on when to prescribe it, correct dosages or possible side effects.

Eliminating bureaucratic red tape puts an end to wait times for licences and gets rid of illness categories, both significant improvements, say advocates. However, some say eliminating personal production and forcing patients to purchase marijuana will make the cost prohibitive for those on a fixed income. Growing pot costs between \$1 to \$4 a gram, whereas the commercial price is estimated to range between \$6 and \$12. (Buying it on the street costs about \$10 a gram.)

“This will have the perverse effect of driving many medical marijuana patients back to much more dangerous medicines, such as opioids,” says Lewin. “And also forcing medical marijuana patients to the black market to face further stress and danger.”

A recently filed lawsuit in a B.C. federal court argues that taking away users' right to grow is a violation of their constitutional rights.

Marijuana making history

Although the Dutch are famous for their drug policies, recreational drugs are illegal in the Netherlands, which tolerates the purchase and consumption of cannabis in strictly regulated coffee shops.

This year, U.S. states and Uruguay are poised to make marijuana history.

When recreational sales of marijuana became legal in Colorado on Jan. 1, dubbed Green Wednesday, consumers lined up for hours at state-licensed shops, eager to buy weed, marijuana cookies, brownies and even lozenges. Its estimated first-day sales surpassed \$1 million U.S. and business has remained brisk for the “ganjapreneurs.”

The state set a tax on marijuana products at 25 per cent and earmarked the revenue to build new schools and beef up pot-related law enforcement. In Denver, the aptly named Mile-High City, The Denver Post has hired a marijuana editor to oversee coverage of this new market.

Washington State passed similar legislation, but retailers won't open until mid-year. Meanwhile support for legalization is growing in Alaska, California, Maine, Oregon and Rhode Island, which allow medical marijuana. There are 20 states, along with the District of Columbia, where medical marijuana laws have been enacted.

In addition, Maryland permits medical use as a defence and mitigating factor in marijuana-related cases. And last year it passed a law allowing medical centres to distribute pot in compassion programs, which are only expected to be operational in 2015.

In the U.S., marijuana remains illegal under federal laws. However, the Justice Department has said it won't challenge legalization in states as long as regulations are introduced that, for instance, prevent pot from being distributed to minors, profits from going to organized crime, and weed being diverted to states where it's illegal.

Legislative changes come at a time when more than half of Americans support legalizing marijuana, outlawed about 80 years ago. In the fall, a Gallup poll showed a record 58 per cent of Americans favour legalization — up 10 per cent in one year — compared with 12 per cent in 1969. Pollsters

say changing social mores and the increasing prevalence of medical marijuana are likely contributing to the growing support.

Attitudes about policing pot laws are also changing, according to a Pew Research study in 2013, which found 72 per cent of Americans think enforcing such laws aren't worth the cost. The U.S. Justice Department seems to agree its war on drugs approach isn't working out as planned. Last summer it announced it would stop imposing mandatory sentences on minor drug offences.

Other big changes are also taking place further south. In December, Uruguay became the first country to legalize and regulate marijuana, which it hopes to start selling in April.

The South American nation may sell pot for as little as \$1 a gram, in an effort to take on organized crime groups and drug traffickers that have dominated the drug trade and left a trail of bloodshed.

Uruguay's landmark legislation has other countries considering similar laws, including Jamaica, Chile, Trinidad and Tobago. In Argentina, the country's top anti-drug official recently called for a national discussion on the issue.

The series

The Star spoke to seven people for whom marijuana is part of their everyday life.

Today: The vapour lounge owner

Monday: The police officer

Tuesday: The medical user

Wednesday: The recreational user

Thursday: The pain specialist and the psychiatrist

Friday: The grower