

## Decriminalization of Cannabis and Canadian Youth

**By:** Lorian Hardcastle

**Legislation commented on:** *Cannabis Act*, [SC 2018, c 16](#)

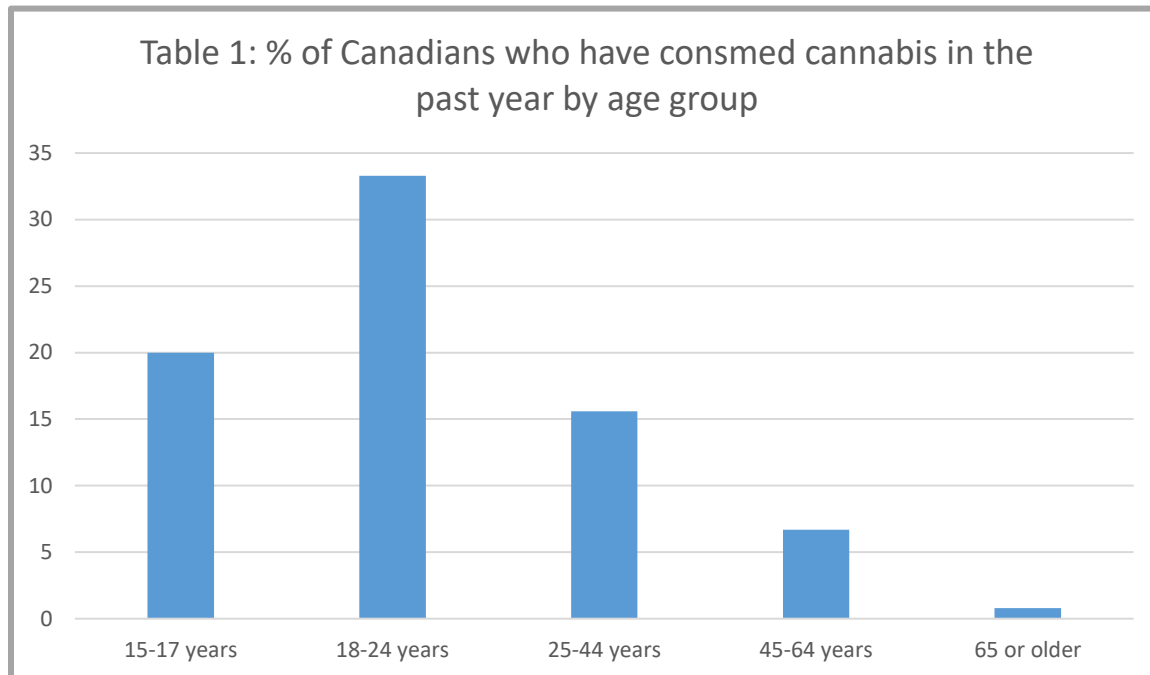
In a [previous blog post](#), I summarized the new federal, provincial, and municipal laws pertaining to cannabis. One of the key policy issues for all three levels of government is the impact that legalization will have on young people. For example, the federal *Cannabis Act* has as two of its stated purposes to “protect the health of young persons by restricting their access to cannabis” and to “protect young persons and others from inducements to use cannabis” (section 7). In furtherance of these goals, the federal law decriminalized cannabis possession for individuals who are 18 years of age or older, with an exception for young people in possession of small quantities. All provinces other than Quebec and Alberta have increased this age to 19, which corresponds with provincial laws respecting alcohol consumption. However, Quebec’s incoming government recently [promised](#) to raise its legal possession age to 21.

The age of 18 was a point of contention among health professionals, policy-makers, and other stakeholders. Based on [evidence](#) that the human brain matures through an individual’s early 20s, the Canadian Medical Association [recommended](#) that the federal government set the minimum age to possess cannabis at 21 years. An [editorial](#) in the *Canadian Medical Association Journal* labelled the decision to adopt the age of 18 as “starkly at odds” with the legislation’s purported purpose of protecting public health and safety. The author of the editorial accused the government of not “being careful enough about the health impacts of policy.”

Characterizing the legislation as failing to protect young people is short-sighted, as it ignores the reality of cannabis consumption and competing policy concerns. As one researcher from the Canadian Paediatric Society’s adolescent health committee pragmatically [put it](#), while age 21 would be preferable to 18 based on studies of the brain, those studies “don’t delineate at what age the risk trade off would actually be best.”

The rate at which Canadian youth consume cannabis is among the highest in the world. For example, one [study](#) found that Canada ranked first out of 43 countries for cannabis use among 15 year olds and [another](#) found that Canada ranked first among 29 countries for its use among adolescents aged 11-15. Recent Ontario [data](#) indicate that 19% of individuals in grades 7 to 12 have consumed cannabis in the past year. These statistics suggest that the criminalization of cannabis has largely failed to deter youth consumption. Therefore, selecting a higher age for legal possession, such as 21, would likely lead to more young people continuing to purchase cannabis through the black market.

The black market [tends to](#) favour higher potency and thus higher risk cannabis products. There may also be concerns with exposing young people to individuals who work within the black market and the other drugs available within that market. Furthermore, because Stats Canada data show that individuals under age 25 comprise the segment of the population [most likely](#) to consume cannabis (see Table 1, below), a higher age for decriminalization could expose many more young people to interactions with the criminal justice system.



Debates surrounding the age at which possession of cannabis should be legal are based on numerous public health studies of varying degrees of persuasiveness. There is evidence (see, for example, [here](#) and [here](#)) to support concerns with cannabis consumption by young people, particularly those who intensively use the product in their early teenage years. However, one [study](#) found that of Canadians who consume cannabis, only 2% were characterized as having a “high risk” of severe health or other problems.

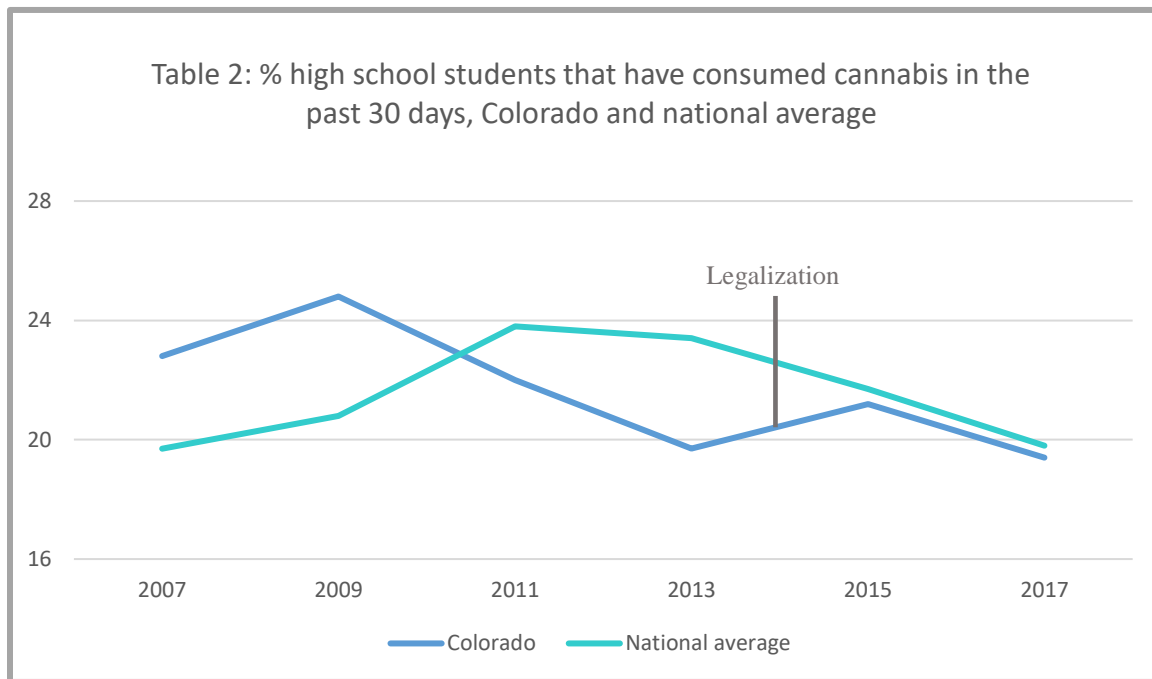
There are also worrying [studies](#) about the association between cannabis and mental illnesses. For example, cannabis use may speed up the onset of and exacerbate the symptoms of certain illnesses in young people, with several studies examining the link between psychosis and cannabis and others exploring such conditions as depression, anxiety, and eating disorders. Despite some alarmist rhetoric suggesting otherwise, this literature does not demonstrate that cannabis causes mental illness.

While there is certainly some evidence that youth consumption of cannabis is associated with real health risks, some authors question the quality of studies used to argue that cannabis is harmful to the developing brain. For example, researchers have [argued](#) that “evidence has yet to conclusively establish cannabis as the sole cause of structural changes to the brain associated with diminished cognitive outcomes for youth.” This is due, in part, to the fact that the effects of

cannabis are not isolated in many studies, but rather operate in conjunction with alcohol use, other drug use, and differences in socioeconomic status.

Another controversial aspect of the new law is the federal government’s decision not to criminalize the possession or distribution of small amounts of cannabis (five grams or less) by individuals who are 12 to 17 years old (sections 8(1)(c) and 9(1)(b)(i)). One critic [argued](#) that “[t]he fact that possession of small quantities (under five grams) by youth would not be a crime takes an important deterrent off the table.” In a similar vein, a drug educator and addictions counsellor [argued](#) that “the message the federal government is giving is the same as saying it’s OK for kids to carry around liquor—just so long as it’s under a certain amount.” Comments like these overlook the fact that many young people will consume cannabis regardless of its legality and fail to balance the risks of consumption against the long-term impact that interactions with the criminal justice system can have on a young person’s life.

Evidence from other jurisdictions that have decriminalized cannabis also suggests that concerns with legalization may be overblown. For example, consumption [rates](#) among high school students in Colorado did not significantly increase following legalization and are comparable to the national average (see Table 2, below).



Although policy-makers opted not to set the legal age for cannabis possession at age 21 and to allow small amounts of cannabis for individuals under the age of 18, governments have taken other steps to protect young people. For example, they have [invested](#) in cannabis-related education campaigns targeted at young people and designed laws to protect them from the risks associated with cannabis. The federal *Cannabis Act* states that it is an offence to sell cannabis to an individual who is under 18 years of age (section 10(1)(b)), promote cannabis in a manner that

is appealing to young persons (section 17(1)(b)), or sell cannabis with packaging or labelling that is appealing to young persons (section 26(a)).

Provincial laws also set out various protections for young people. For example, as with other provinces, Alberta prohibits minors from entering cannabis stores (*Gaming, Liquor and Cannabis Act*, [RSA 2000, c G-1](#), s 90.03). It also requires a 100-metre buffer zone between cannabis retail locations and schools (*Gaming, Liquor and Cannabis Regulation*, [Alta Reg 143/1996](#), s 105(3)(b)). Several municipalities have elected to increase this buffer zone and/or to create additional buffer zones between cannabis stores and places that young people are likely to frequent, such as parks and recreational facilities (see, for example, [here](#)).

As with other provinces, Alberta law prohibits smoking or vaping cannabis on school property, on child care facility property, or in various other areas likely to be frequented by children such as playgrounds, sports fields, or outdoor pools (*Gaming, Liquor and Cannabis Act*, s 90.28). Several municipalities have elected to strengthen these protections by adding additional locations where cannabis cannot be consumed or by banning the consumption of cannabis in public altogether, as is the case in [Calgary](#).

It is hoped that as decriminalization moves forward, the combination of laws designed to discourage young people from using cannabis (while being realistic about their consumption and the risks of interactions with the black market and criminal justice system), various educational initiatives by government, and the fact that legalization may prompt open dialogue between parents and their children will all help to mitigate the risks associated with youth cannabis consumption.

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