



## A New Way Forward: The Case for Decriminalization and Safe Supply

August, 2019

### **Introduction:**

Canada is in the midst of a devastating crisis. More than 11, 500 people died of opioid poisoning between 2016 and 2018. In 2018 alone, there were 4460 deaths. The vast majority died from accidental poisoning linked to Fentanyl or Fentanyl analogues.

The crisis is exacerbated by current policies which criminalize drugs and people who use them. Laws criminalizing drugs have not resulted in decreased use. In fact, the criminalization of drugs in Canada has caused serious harm, particularly to the most vulnerable populations.

Many health organizations and experts in Canada and around the world are now calling for the decriminalization of use and possession of illicit drugs, along with safe supply programs. These strategies reduce harm and address the social conditions underlying the ongoing crisis.

### **Background:**

Throughout history, people have used drugs and alcohol for a variety of reasons, including reducing pain and enhancing pleasure (physical, psychological and social). In Canada, laws prohibiting the possession and use of cannabis, heroin and other drugs were enacted in the early 1900s. In the 1970s, Canada emulated President Nixon's 'War on Drugs,' which legitimized disproportionate targeting and incarceration of certain groups, including the poor and racialized.

Canada's prohibition focused laws have facilitated the growth of illegal markets, organized crime and violence. The illegal drug market has produced stronger and contaminated drugs for profit, resulting in poisonings, overdoses and death. In Ontario, emergency department visits for opioid poisoning increased by 73% between 2016 and 2017, and overdoses are most common among people aged 20 to 29. Canada spends an estimated \$8 billion on harms associated with illegal drugs; \$5 billion of this on law enforcement. The criminal justice system is overcrowded and slow as a result of drug-related prosecutions. Additionally, people who use illegal drugs are judged more harshly than people who use other types of drugs, such as alcohol, and a disproportionate number of racialized people are arrested and incarcerated for possession of drugs.

Criminalizing people for possessing and using drugs has resulted in:

- Insufficient harm reduction and supportive services, along with barriers to accessing existing services
- Stigmatization and stereotyping by service providers, family members and society at-large, including maligning by the health and social systems as "drug seeking"

- Criminal records – among young people and adults alike – making it hard for them to find and maintain a job and a place to live, and having life-long consequences
- Forcing people to buy and use drugs in unsafe spaces, increasing chances of engaging in high risk behaviours
- Greater risk of using contaminated drugs, leading to overdose and possible death
- The unnecessary clogging of jails, courts and the justice system with concomitant resource allocations

Advocates across the country are calling for a new way to address the ongoing and worsening crisis. They are calling for an official declaration of a public health emergency, decriminalizing the possession of illicit drugs for personal use, the regulated distribution of a safe drug supply and improving access to treatment.

**Decriminalization** of drug use and possession removes criminal penalties linked to personal possession and use of drugs. Countries such as Switzerland, the Netherlands, Portugal, Czech Republic, Australia, Argentina, Columbia, Mexico and Uruguay have made changes to their drug policies that emphasize prevention, harm reduction, treatment and, for some, decriminalization. Such policies have led to:

- Lower drug use among youth
- Increased access to treatment
- Increased drug substitution
- Decreased transmission of HIV and Hepatitis C
- Reduced drug-related deaths
- Reduced health and non-health-related social costs related to drug use
- Reduced criminal justice overcrowding and costs
- Improved relations between the community and the police

**Safe supply** programs expand harm reduction beyond supervised consumption and treatment services. They include distributing substances to people who use drugs as alternatives to street-level drugs that may be contaminated with other additives such as fentanyl. These programs already exist in some parts of the country, making it possible for providers to prescribe drugs such as hydromorphone and diacetylmorphine for people who use opioids. In 2019, the Federal government announced therapy involving hydromorphone and announced funding to explore safe supply options.

**Commitment:**

The Alliance is committed to showing leadership and taking action in light of the ongoing crisis. In our practices we will continue:

- representing organizations that are affected by and leading the response to the overdose and poisoning crisis

- to be a reasoned source of information on the decriminalization of drugs and safe supply
- to play an active role in educating members, policy makers, policy influencers, the media and the public on decriminalization its relation to the health and wellbeing of people who use drugs

The Alliance will support its members in:

- Prioritizing this crisis as urgent and advocating for effective solutions.
- Championing the development of compassionate and effective responses to these issues
- Supporting calls for the for the decriminalization of possession of illicit drugs for personal use, along with anti-stigma education, access to treatment and the distribution of a safe regulated drug supply, as essential to keeping people who use drugs alive, healthy and free from stigma, discrimination and incarceration – and to enabling their choice and autonomy to lead stable and meaningful lives.

The need for change is urgent. It is time to stop stigmatizing marginalized populations, but rather to help keep them safe and alive, able to access support, and make life choices free from fear and judgement.