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Marijuana: federal smoke clears, a little

Fourteen years after narcotics police arrested Terrance Parker (who had discovered that smoking marijuana reduced the frequency of his grand mal seizures), and a year after the Ontario Court of Appeal ruled that Canada's discretionary regulation of the medicinal use of marijuana was "unfettered and unstructured ... [and] not consistent" with the principles of fundamental justice,¹ our federal government has taken the bold little step of drafting new regulations.

In Canada, even the simple possession of small amounts of marijuana for personal use is a criminal offense, unless you are one of the roughly 40 Canadians who have obtained a special dispensation to use cannabis to relieve the symptoms of cancer, AIDS, multiple sclerosis or epilepsy. The program is unduly restrictive. The new regulations promise more transparency in the review of applications to grow or possess medicinal marijuana, a broader definition of medical necessity, and greater latitude for physicians in determining the needs of individual patients.

There are no persuasive randomized trials of marijuana therapy for the relief of symptoms such as pain and nausea. Such trials are extremely difficult to do. But the ratio of drug effect (however subjective that effect may be) to drug harm is large: there are no reported cases of fatal marijuana overdose. The risks of lung cancer (from the tars in the smoke) or the very weak (and perhaps nonexistent) risk of addiction are mostly irrelevant to patients with terminal disease or severe chronic conditions. About 400 000 Canadians use cannabis for medical reasons.² Professional organizations such as the CMA must move quickly to issue guidelines for physicians who, increasingly, will be asked for advice by their patients.

Health Canada's decision to legalize the medicinal use of marijuana is

a step in the right direction. But a bolder stride is needed. The possession of small quantities for personal use should be decriminalized. The minimal negative health effects of moderate use³ would be attested to by the estimated 1.5 million Canadians who smoke marijuana for recreational purposes.² The real harm is the legal and social fallout. About half of all drug arrests in Canada are for simple possession of small amounts of marijuana: about 31 299 convictions in 1995 alone.⁴ Many lead to jail terms or fines and all result in that indelible social tattoo: a criminal record. This means that for anyone who's ever been caught with a stash in his or her pocket, the question "Have you ever had a criminal conviction?" during a job application or medical school interview can force higher aspirations to go up in a puff of smoke.

The decriminalization of marijuana possession for personal use does not mean making marijuana "legal" or letting it be sold in every schoolyard. It does mean that possession of small amounts for personal use would become a civil offense, like a traffic violation, not a criminal one. The provisions of Canada's Contraventions Act make this a relatively simple legislative task. Mr. Justice Minister, let's decriminalize the possession of small amounts of marijuana for personal use. — *CMAJ*

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