World Drug Report 2022
Cannabis legalization
Terminology is important

Two countries (Canada and Uruguay) and 21 jurisdictions in the US have legalized the full supply chain of cannabis

<table>
<thead>
<tr>
<th>Region</th>
<th>Yes</th>
<th>No (High confidence)</th>
<th>No (Low confidence)</th>
<th>No data available</th>
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</tr>
<tr>
<td>Oceania</td>
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</table>

Terminology used for the legal status of cannabis

What do the conventions prescribe for cannabis?

The international drug conventions do not define the concepts of “depenalization”, “decriminalization”, and “legalization”, but these terms are often used in the drug debate, particularly in the context of cannabis. They nonetheless contain provisions “to address drug-related behaviours, including the commission of serious offences, the commission of offences of a lesser relative gravity and the commission of offences by persons who use drugs”.

As a general obligation, the international drug control conventions of 1961 and 1971 require States parties to establish measures to limit the production, manufacture, export, import and distribution of trade in, and possession of controlled drugs, exclusively to medical and scientific purposes, subject to the provisions of those conventions. As a substance subject to control under the 1961 Convention, these provisions also apply to cannabis.

Accordingly, any of the above-mentioned activities conducted for non-medical and non-scientific purposes are inconsistent with the legal obligations of the State parties to the conventions. The international drug control conventions do not require States parties to establish criminal offences for drug use. The INCB has recently clarified that “measures to decriminalize the personal use and possession of small quantities of drugs are consistent with the provisions of the drug control conventions”.

Decriminalization is defined by INCB as “the process through which an offence is reclassified from "criminal" to "non-criminal" through legislative action”; while the behaviour remains an offence, it may be addressed through other means than criminal law.

Legalization is frequently associated with the regulation and commercialization of controlled drugs, such as cannabis, for non-medical and non-scientific purposes entailing no penalty (whether criminal, administrative, civil or otherwise) for production, manufacture, export, import and distribution of the drug.

Decriminalization and legalization are quite distinct concepts, as decriminalization in the context of minor drug offenses is within the provisions of the international drug conventions, legalization is not.

The term depenalization has been used in different contexts and languages with different meanings. According to INCB, a depenalization approach may include: “police diversion practices, conditional sentences and the widening of prosecutorial discretion as an alternative to criminal prosecution”. Depenalization differs from decriminalization since it refers to situations where certain conducts, for example cannabis possession and trade, remain criminal offences but with a reduction in the use of existing criminal sanctions. In contrast to decriminalization, depenalization may not require a change in the legal framework.

INCB highlights the flexibility afforded to States within the drug control conventions to make differentiated policy choices and adopt legal frameworks which avoid disproportionate responses to drug-related behaviours of a minor nature or when committed by people who use drugs, while ensuring effective responses to serious drug-related behaviours.

2. See article 4(c) of the 1961 Convention and article 5(2) of the 1971 Convention.
Caveats in assessing the impact: legalization came when the cannabis market was expanding.
Legalization has accelerated increase in frequency (and therefore harm) more than in number of users.

**FIG. 19** Cannabis use in the general population, Canada, 2018–2021

**FIG. 26** Colorado: cannabis use among women before and during pregnancy and in the post-partum and breastfeeding stages, United States, 2014–2019

**FIG. 27** Colorado: cannabis-related emergency department visits and hospitalizations, United States, 2011–2020


Source: Colorado Department of Public Health and Environment, "Colorado Hospital Association data."

Note: COVID-19 pandemics may have affected rates due to changes in health-care utilization. Caution is therefore required when using the rates given for 2020 for comparisons. The Colorado Department of Public Health and Environment has three definitions of cannabis-related hospitalization and emergency department visits that include at least one cannabis-related billing code in up to 30 billing codes listed for each visit.
Legalization has accelerated increase among adults, not much among adolescents
Risk perception down in the US and up in Canada

The role of the emerging private sector!
Impact on health harm: mixed evidence on substitution with alcohol

Figure 29: Trends in past-month use of cannabis, alcohol, binge drinking and tobacco among the population 18 years and older in the United States, from 2002/03 to 2019/20

Source: UNODC elaboration of the state-level data reported in the National Survey on Drug Use and Health in the United States, from 2002/03 to 2019/20.
Market changes

Increased THC content (similar trend than in Europe), but in the US with proliferation of high THC-content products (70%)

Illegal market: decreasing in Canada while still high (3/4) in California and ½ in Uruguay

No high THC-content products in Uruguay
Trend in criminal justice

Clear decline in arrests

FIG. 33 Arre$$t$$s for cannabis possession by race in Colorado, 2012–2019

But for minors the change is not significant

TABLE 2 Changes in rates of arrest per 100,000 population in states that had decriminalized cannabis possession and use and those that had legalized cannabis, 2000–2016

<table>
<thead>
<tr>
<th>Population</th>
<th>States with decriminalization (Rates per 100,000 (95% Confidence Interval))</th>
<th>States with legalization (Rates per 100,000 (95% Confidence Interval))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth (18 y)</td>
<td>-59.0 (75.0 - 64.4)</td>
<td>-7.48 (-30.46 to 15.49)</td>
</tr>
<tr>
<td>Adults (26 y)</td>
<td>-111.2 (-154.21 to -106.23)</td>
<td>-568.50 (-225.65 to -586.64)</td>
</tr>
</tbody>
</table>

Trend in harm to society

• No clear association between legalization and driving under the influence

• School disciplines: cannabis related infractions still related to school expulsions

• Trend in violent and property crime not related to legalization (small scale research point to some violence around dispensaries)
Carbon footprint of cannabis

**COMPARISON OF THE CARBON FOOTPRINTS OF CANNABIS PRODUCED INDOORS AND OUTDOORS AND OF SELECTED FOOD CROPS**

- Indoors cannabis: 5,200 kg of CO₂e per kg
- Outdoors cannabis: 326.6 kg of CO₂e per kg
- Energy-intensive food crops: 4 kg of CO₂e per kg
- 2,300 kg of CO₂e per kg

**CARBON FOOTPRINT COMPARISON OF A CUP OF COFFEE AND A JOINT (kg of CO₂e per “joint”/cup)**

- Coffee: 0.70 kg of CO₂e per cup
- Outdoor cannabis: 0.16 kg of CO₂e per joint
- Indoor cannabis: 0.01 kg of CO₂e per joint

Carbon footprint of cannabis

**Indoor Emission Estimates**
- 59% Heating, ventilation and air conditioning
- 22% Grow lights
- 15% CO₂
- 3.5% Nutrients
- 0.5% Soil and plant protection

**Outdoor Emission Estimates**
- 83% Heating, ventilation and air conditioning
- 5% Grow lights
- 2% CO₂
- 8% Growth CO₂
- 0.9% Irrigation
- 0.1% Plant protection


Note: "Growth CO₂" represents combustion fuel used to produce on-site CO₂.