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<p align="center">LEGAL AND REGULATORY ALTERNATIVES PROF. PETER REUTER, SCHOOL OF PUBLIC POLICY – UNIVERSITY OF MARYLAND, USA</p>		



Legal and Regulatory Alternatives

Edgardo Buscaglia
 John Carnevale
 Mark Kleiman
 Peter Reuter (chair)
 Kevin Sabet

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Goals of the chapter

- Reviews legal options toward drugs
 - What has been proposed?
 - What evidence is available for assessment?
- Emphasizes the need to understand and assess tradeoffs

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Chapter's Organization

- Findings
- Part 1, Scope of Analysis
 - Background
 - Terminology
 - International Conventions
 - Making and Assessing Policies
- Part 2, Variations in Legal Regimes
 - Laws Regarding Availability
 - Laws on Use and Possession for Use (case studies)
 - Evidence and Effects of Decriminalization
- Part 3, Legal Availability
 - Models (case studies)
 - Potential Positive Outcomes
 - Potential Negative Outcomes
 - Evidence Base for Projections

Findings

- About a dozen OAS member states have non-criminal or reduced penalties or no penalty at all for possession of a personal amount of drugs.
- Decriminalization of marijuana for personal use is common in many states of the United States, in practice or by law.
- The available evidence suggests that reducing penalties for possession of small quantities has little effect on the number of users.
- Legalization could reduce many of the negative consequences with which society is most concerned.
- Legalization of controlled substances, especially if commercialized, could incur consequences, such as complicate prevention efforts, decrease prices, and thus expand use and addiction, with all the negative consequences that accompany these trends.

Analytic framework for drug policy

Multiplicity of goals

Reduce drug use

Lower drug-related harms

use: addiction, HIV, accidents, overdoses,

distribution: organized crime, violence,
criminal revenues, corruption

policy: incarceration, costs

Trade-off among goals

Incarcerating many retailers may raise price and lower use but also probably leads to more violence and strengthen organized crime

Policy choice is minimizing the total harms

But not agreement about what counts as a harm

Need to acknowledge problems of trade-offs

Harms							
Category	Harm	Who bears the harm/risk					Primary source of harm
		Users	Dealers	Inmates	Employers	Neighborhood	
Health	Public health care costs (drug treatment, other)				X		Use
	Suffering due to mental illness (acute, chronic)	X		X			Use
	HIV/other disease transmission	X		X			Use, illegal status
Social and economic functioning	Harm to employability associated with use	X		X			Use, illegal status
Safety and Public Order	Property/acquisitive crime victimization			X	X	X	Use, enforcement
	Reduced property values near markets				X	X	Enforcement
Criminal Justice	Increased police costs						Enforcement
	Corruption of legal authorities						Enforcement

Decriminalization

- Terminology
 - Decriminalization: removal of criminal penalties for possession
 - Depenalization: lessening of penalties for possession
 - Legalization: permits both possession and (regulated) production and sale
- Many countries have decriminalized
 - Mexico, Italy, Portugal
- Review of recent historical experiences
 - Mostly about marijuana
 - Evidence of little effect on use

Legalization

- Variety of forms
 - Degree of regulation
 - One version is grow your own
- No country has legalized traditionally illicit drugs
 - Projections highly speculative
- Positives and negatives
 - Controversial
- Evaluation complex
 - E.g. Alcohol marijuana trade-off

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Positive and Negative Effects of Legalization

- Reductions in:
 - Crime
 - Overdoses, Blood Borne Viruses
 - Organized Crime
 - Control costs
- Increases in:
 - Use
 - Addiction

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