

What to Do About Illegal Drugs in New Zealand, Especially Cannabis

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The New Zealand Drug Foundation (NZDF) has demonstrated leadership in proposing bold changes to the way currently prohibited drugs in New Zealand are managed; essentially advocating for a Portugal-type decriminalization of all illegal drugs and a regulated market for cannabis.

Let's begin with the Portugal-type decriminalisation. Given the positive outcomes found in Portugal over the past 16 years since decriminalisation was enacted, this proposal is virtually a no-brainer. There was great concern at the time that drug use would escalate amongst the young and drug-related harm would increase. In fact the opposite has occurred. This is in large part due to the shift of resources away from the justice system and into the health system, so that drug users are viewed across the population as in need of help rather than deserving of punishment. This help is readily available now in Portugal, which is in contrast to the punishment readily available for drug users in New Zealand especially if you are not Caucasian.

So congratulations to the NZDF for not only publicizing this measure and providing the background evidence for its effectiveness, but also for successful lobbying of the previous Associate Minister of Health responsible for drug policy to the point that he declared in his final moments in that role that he had advocated for this policy for many years.

Of course, under decriminalization, the supply and sale of drugs would remain illegal in a continuing Prohibition environment, which runs the risk of maintaining an enormous black market for illegal drugs and the loss of huge amounts of potential revenue for public goods, such as health, education and social care.

After alcohol, cannabis remains the most important recreational drug in New Zealand. The NZDF has proposed that New Zealand adopts a regulated market for cannabis. They envisage this involving small-scale growing enterprises and a series of small community-based private retail businesses dedicated to the selling of cannabis utensils and product, separated from schools and liquor outlets, with no promotion, the provision of health and treatment information, and legally accessible to 18 year olds and over.

There are two aspects of this model that I think are mistaken and asking for trouble. The first is the development of a new set of private businesses dedicated to drug-dealing. Although the envisaged model valiantly proposes a set of non-descript cannabis outlets that don't glamourize the use of cannabis, nevertheless the owners will be business people who own or rent the buildings, pay rates, hire staff etc and whose primary incentive will be to make a living, a very good living, from running a legal drug-dealing operation. The incentive will be to grow their businesses and move as much product as possible; that is what private businesses are all about in a capitalist market economy. There is no incentive in such a private business model to limit the sale of cannabis to the public. Cannabis retail businesses will not be responsible for the harms that will inevitably accrue from their cannabis sales. It will be the State (the public) that picks up the tab for those costs.

State-owned enterprises for alcohol have been demonstrated to be effective in reducing alcohol-related harm. A comparable model could also be effective for cannabis. The Scandinavian state-owned liquor outlets



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look very similar to what is being promoted by the NZDF for cannabis – lack of glamour, absence of advertising, and provision of health information at the entrance. However, the Scandinavian liquor outlets also have restricted hours and relatively high prices, through the absence of discounting for the purposes of growing the customer base. Being owned by the State (which also pays for the harm) builds in an incentive to NOT excessively grow the business.

A final aspect of the Scandinavia model is an adult purchase age of 20 rather than a teenage purchase age of 18, as suggested by the NZDF. This is the second troubling aspect of the NZDF model.

NZDF advocates have argued their proposals are “evidence-based”, which they mainly are, but on the point of the proposed purchase age the NZDF has resorted to repeating the mantric utterances of the alcohol industry and their apologists, who have for years and years lobbied extremely successfully for firstly reducing the purchase age of alcohol from 20 years to 18 years (enacted in 1999) and to retain it there despite two subsequent attempts in Parliament to raise it back to 20. One of the standard lines goes something like this: “if you're old enough to vote and fight for your country, you should be allowed to buy a beer”, which will presumably become “...have a beer and a bong”. The obvious retort to this nonsense is that we don't send our 18 year old soldiers off to war or our 18 year old voters off to vote without supervision. They don't fight or vote independently, but rather are exposed to a considerable amount of adult influence and guidance in their killing and voting. A purchase age of 18 encourages an independent youth drinking culture to thrive, as would be the case for cannabis under a legal regulated market. Another standard line trotted out is that 18 is the consistent age that has been established as the beginning of adulthood in our country. This is nonsense too; we accept 16 as the consent age for sexual intercourse, while at the same time do not allow anyone under the age of 20 to enter a casino.

There is very little informative literature on the purchase age of cannabis. However, there is a rich alcohol literature on age, which is arguably the best guide for thinking about the purchase age for cannabis. Purchase age is one of the most effective ways of reducing alcohol-related harm, and there is a substantial literature showing the damage to young people from reducing the age of purchase from 20 to 18 years.

In conclusion, I want to say bravo! once again to the NZDF for putting out there some progressive proposals on the controversial and complex area of illegal drugs. I agree with much of what is being proposed; but I am not convinced that a private enterprise model is the best scheme for a regulated cannabis market, and I am very concerned about the proposal for a legal purchase age of 18 years.