

## **The Efficiency of Marijuana Legalization: Uruguay versus Canada**

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### **ABSTRACT**

The legalization of cannabis has been a trend to be done by countries because it is seen as beneficial in many ways. Marijuana is seen as a drug which has less negative impacts, or can be said “manageable” hence receiving much support from the society to be legalized in a country. Cannabis legalization, either medical or non medical marijuana, is believed to positively impact the welfare of society. Uruguay and Canada are the first and second countries which legalized non medical marijuana through the establishment of a specific marijuana policy to regulate various activities related to marijuana. However, the established marijuana legalization policy has not necessarily proven to give advantages to society. In addition, the impacts of the legalization itself can not only be seen from the fact that the countries have legalized marijuana, rather how the legalization is regulated in the policy. Thus, this research will analyze how marijuana is legalized in the national policy of Uruguay and Canada, and compare the impacts of the policy towards human welfare through the perspective of Social Welfare Theory by Elizabeth Wickenden.

**Keywords:** Cannabis; legalization; Uruguay; Canada

### **ABSTRAK**

*Legalisasi ganja telah menjadi sebuah tren bagi negara karena hal tersebut dilihat sebagai hal yang menguntungkan terhadap berbagai hal. Ganja dilihat sebagai obat-obatan yang memiliki dampak negatif yang lebih sedikit, atau dapat dibilang “dapat diatasi” dengan begitu mendapatkan banyak dukungan dari masyarakat untuk dilegalisasi. Legalisasi ganja, baik itu medis maupun non medis, telah dipercaya dapat memberikan dampak positif terhadap kesejahteraan masyarakat. Uruguay dan Kanada menjadi negara pertama dan kedua yang melegalisasi ganja non medis dengan mengeluarkan kebijakan nasional terkhususkan untuk melegalkan aktivitas yang berhubungan dengan ganja. Namun, kebijakan legalisasi ganja tersebut belum tentu memberikan dampak positif bagi kesejahteraan masyarakat. Dengan tambahan, dampak dari legalisasi tersebut tidak hanya dapat dilihat dari adanya fakta bahwa negara telah melegalisasi ganja, melainkan bagaimana legalisasi tersebut diatur dalam kebijakan. Dengan begitu, penelitian ini akan menganalisis bagaimana legalisasi ganja diatur dalam kebijakan nasional Uruguay dan Kanada, serta membandingkan dampak yang ditimbulkan dari kebijakan tersebut terhadap kesejahteraan masyarakat melalui perspektif Teori Social Welfare oleh Elizabeth Wickenden.*

**Kata Kunci:** Ganja; legalisasi; Uruguay; Kanada

## Introduction

The benefits of cannabis in the health sectors have made countries like Uruguay, Canada, and some of the federated states in the United States legalize the use of cannabis, either medical or non medical cannabis. Uruguay legalized non medical cannabis in 2013 and was then followed by Canada in 2018 making Uruguay as the first country and Canada as the second country that legalized non medical cannabis or known as recreational cannabis. Even though legalization of cannabis has been done in the countries, the legalization itself still creates controversy and is still debated in the context of security and health.<sup>1</sup> Some people argue that cannabis legalization can decrease the use of cannabis among teenagers and support the safeness of its use among society. On the other hand, cannabis also can be used to help children and adults with severe forms of epilepsy, reduce chronic pain and side effects of chemotherapy, such as vomiting and nausea.<sup>2</sup> Hence, if it is used aligned with the right procedure and based on government policy, cannabis is safe to be consumed by patients and effective to treat certain diseases.

The legalization of cannabis seems to give positive impacts when it is seen in the context of health. However, cannabis legalization policy unconsciously can give the possibility of an increase of the cannabis use or even expand the illegal cannabis market. Bahji et al., explain that the legalization of cannabis in Uruguay has created a concern among society since it is seen as a way for the government to legalize other illicit drugs.<sup>3</sup> On the other hand, cannabis legalization in Canada has increased the illicit drugs market since there is more supply of cannabis to sell.<sup>4</sup> Rosario Queirolo argues that the impact of cannabis legalization can be seen from many aspects and the most important part is that the impacts depend on how cannabis legalization is regulated in national policy.<sup>5</sup> The urge to decrease the use of cannabis and the increase in public health have made Uruguay's government establish a strict legalization cannabis policy.<sup>6</sup> Unlike Canada, the government aims to change the society's perspectives towards cannabis which makes them establish a commercial model policy which promotes cannabis, either in the national scope or internationally.<sup>7</sup>

The impact of cannabis legalization in Uruguay and Canada are not only seen from the policy which stated the legalization itself, in fact it has to be examined through how cannabis is legalized in the policy. This research aims to understand and give the comparison of the impacts of cannabis legalization in Uruguay and Canada towards social welfare in the country, hence the level of analysis is in the national scope. This paper will compare the impacts of marijuana legalization in Uruguay and Canada specifically in the context of (1) economic sector, (2) crime rate, jurisdiction, and drug usage , and (3) the impacts to

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<sup>1</sup> Samuel T. Wikinson, Stephanie Yarnel, et al, "Marijuana Legalization: Impact on Physicians and Public Health," *Annual Review of Medicine*, (2015): 2, doi: 10.1146/annurev-med-050214-013454

<sup>2</sup> Peter Grinspoon, "Medical marijuana," Harvard Health Publishing, April 10, 2020, <https://www.health.harvard.edu/blog/medical-marijuana-2018011513085>

<sup>3</sup> Anees Bahji and Callum Stephenso, 2019, "International Perspectives on the Implications of Cannabis Legalization: A Systematic Review & Thematic Analysis," *International Journal of Environmental Research and Public Health*, 16(17), 3095–. doi:10.3390/ijerph16173095.

<sup>4</sup> Ibid.

<sup>5</sup> Rosario Queirolo, 2020, "The effects of recreational cannabis legalization might depend upon the policy model," *World Psychiatry*, 19(2), 195–196. doi:10.1002/wps.20742 .

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

youth and young adults. Therefore, the research question of the paper is “*how the legalization of cannabis impacted human welfare in Uruguay and Canada?*”. This research will analyze the beginning of the establishment of cannabis legalization policy by the Uruguayan and Canadian government, and compare the policy with the impacts starting from the year in which the legalization occurred in the country until the year of 2022.

## **Methodology**

In analyzing the impact of marijuana legalization in Uruguay and Canada, this article uses Elizabeth Wickenden's Social Welfare theory. Social welfare is defined as an instrument in which people work together to achieve common goals. Wickenden argues that every individual has a goal to achieve prosperity. However, because each individual is dependent on one another, this makes welfare "social", which is the goal of the common good that is governed by a combination of political, economic, and social or institutional arrangements. Through a journal written by Wickenden, she argues that as the sense of dependence on society increases, social welfare becomes dependent on government policies.<sup>8</sup>

Social welfare must be supported by voluntary government behavior and instruments in the form of policies, both national and international. In that case, the government has an important role to protect its people through national policies that have been made. Based on one of the Wickenden journals entitled "Social Security and Voluntary Social Welfare", Wickenden explained that social welfare achieved voluntarily and the existence of government efforts will result in social security or social security in which the community can not only fulfill their basic needs, but also regardless of their needs. To minimize threats, social security can be achieved by ensuring easy access to healthcare and income security for the entire community through government policies.<sup>9</sup> Thus, achieving social welfare becomes important in order to protect the community from social threats that may occur. Therefore, the use of Elizabeth Wickenden's social welfare theory will assist the author in analyzing the impact resulting from the marijuana legalization policies issued by the Uruguayan and Canadian governments, especially on the level of public welfare. Considering the theory of social welfare, this author argues that social welfare in the context of the impact of cannabis legalization can be seen from the increase of business opportunity and government income, protection towards cannabis consumers, and the alleviation of cannabis usage towards youth.

## **Analysis**

### **a. Cannabis Legalization Policy in Uruguay and Canada**

In 2012, President of Uruguay, Jose Mujica, legalized the production of weed through “Strategy for Life and Coexistence” and he established the Institute for the Regulation and Control of Cannabis or IRCCA to control cannabis sales. By legalizing the usage of cannabis, the Uruguay government believes this will decrease the number of illegal drugs traded in black market and reduce the crime cases by

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<sup>8</sup> Wickenden, Elizabeth, 1966, “Federal Legislation: Its Impact and Opportunity for Social Welfare,” *Journal of Visual Impairment & Blindness*, 60(3), 84–90. doi:10.1177/0145482x6606000304

<sup>9</sup> “Facts on Social Security,” International Labor Organization, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_067588.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_067588.pdf)

organized groups.<sup>10</sup> Before legalizing the regulation, President Mujica had several strategies which will be implemented in the future, for example by legalizing and controlling the sale of marijuana, establishing a special judicial mechanism in dealing with the problem of illegal drug trafficking, and building a laboratory to conduct drug tests.<sup>11</sup> The policy has several regulations which address cannabis sales, such as:

1. The maximum amount of cannabis that can be purchased is 40 grams per month, and each individual is required to buy it through a pharmacy that is registered within the IRCCA.
2. Everyone has the right to produce their own cannabis, with the maximum of 480 grams and the cannabis plant must be registered with the IRCCA.
3. Each individual can establish “cannabis clubs” consisting of 15 to 45 members. The cannabis clubs should be registered within the IRCCA.

Through the policies that have been published by Uruguay, we can see the significant role of the IRCCA in overseeing every process of cannabis production.

To oversee the cannabis production activities in Uruguay, the IRCCA also has special regulations governing the process of growing cannabis at home, the manufacture of 'cannabis clubs' as well as commercial sales. The IRCCA is also responsible for ensuring marijuana use is not promoted through advertisements, tournaments or public events.<sup>12</sup> Therefore, Uruguay's marijuana use policy only focuses on public health aspects, especially to improve the quality of public health and prevent the use of marijuana that endangers public health. One of the efforts made in realizing public health is the prohibition of smoking marijuana in public places such as restaurants and bars. In addition, IRCCA also oversees distribution with several IRCCA registered pharmacies to ensure a safe sales process.<sup>13</sup> Moreover, the Ministry of Health and the Ministry of Education of Uruguay are also collaborating with several other sectors, such as health institutions, universities, international organizations, and consultants to regulate the transparency of information about cannabis.<sup>14</sup> The effort that has been done by the Uruguayan government shows that Uruguay is committed to improve their public health condition, specifically to reduce the decrease in drug abuse in Uruguay.

On the other hand, the legalization of cannabis in Canada started in the 2000s where the Ontario Court of Appeal did not agree with the multiple arrest of one Canadian citizen, Terrance Parker, who consumed medical cannabis due to his epilepsy.<sup>15</sup> The arrest of Parker is seen as a human rights violation which then contributed to the establishment of Marihuana Medical Access Regulations Act (MMAR) in 2001 by the government which allows the citizens to consume cannabis with the government license and doctor's approval. In 2014, the government changed MMAR into Marihuana for Medical Purposes

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<sup>10</sup> Deon Maas, “Cannabis Country Report Uruguay – How to Legally Grow and Obtain Cannabis,” *Cannavigia*, May 4, 2022, <https://cannavigia.com/cannabis-country-report-uruguay-how-to-legally-grow-and-obtain-cannabis>

<sup>11</sup> John Walsh, Geoff Ramsey, “Uruguay’s Drug Policy: Major Innovations, Major Challenges,” *Center for 21st Century Security and Intelligence Latin America Initiative*

<sup>12</sup> *Ibid*, 9.

<sup>13</sup> John Hudak, et al, “Uruguay’s cannabis law: Pioneering a new paradigm,” *Center for Effective Public Management*, (2018): 6

<sup>14</sup> “Uruguay Evaluation Report on Drug Policies,” *Multilateral Evaluation Mechanism*, (2019): 7.

<sup>15</sup> GGS, “A timeline of Canadian cannabis legalization,” *GGS Structure Inc*, August 3, 2022, <https://ggs-greenhouse.com/marijuana/blog/a-timeline-of-canadian-cannabis-legalization#:~:text=2017%20%E2%80%93%20Bill%20C%2D45%20was,in%20principal%20on%20March%202022nd>.

Regulations (MMPR) which allow patients to consume marijuana without the license from the government and only prescription from a doctor.<sup>16</sup> In 2015, Canadian Prime Minister, Justin Trudeau, stated the urge to legalize non medical cannabis which was supported by 7 out of 10 Canadians and was put into reality on the 17th of October 2018 by the establishment of “Cannabis Act”.<sup>17</sup>

The establishment of Cannabis Act has put Canada as the second country which legalized non medical cannabis after Uruguay.<sup>18</sup> Cannabis Act has 7 goals, which are (1) to protect youth health by restricting their access to cannabis, (2) to protect young people and citizens by preventing them from the perspectives of needing drugs, (3) to provide legal cannabis to decrease illicit activities related to cannabis, (4) to prevent illicit drugs activities by putting sanction and legal jurisdiction, (5) to ease the burden of criminal justice system on cannabis, (6) to control the quality of drugs supply, and (7) to enhance public awareness regarding cannabis negative effects on health.<sup>19</sup> Each goal has its own scheme in fulfilling the goals which are regulated in the act as well. Nevertheless, the implementation of Cannabis Act is still based on how the standards are for each area or province in Canada, therefore it is flexible and does not depend on one regulation.<sup>20</sup>

#### **b. The Cannabis Legalization Impacts on Economic Sector**

The legalization of cannabis also brings economic benefits and creates new job opportunities. In Uruguay, the government's legalization policy opens up opportunities for Uruguay to trade marijuana with other countries. After successfully producing cannabis in 2019, Uruguay began exporting cannabis to several countries such as Switzerland, Portugal, and Israel. Through the export of marijuana, Uruguay also gains a profit of 7.3 million United States (US) dollars. With the export of cannabis, some cannabis producers in Uruguay also experienced an increase in their household income.<sup>21</sup> Not only that, Uruguay also earns 5 million US dollars in marijuana sales throughout the country. According to the Uruguayan government, the marijuana legalization policy opens up new business opportunities for the people.<sup>22</sup> The high selling price of marijuana causes Uruguay to get a lot of profit, which is 35 US dollars per 40 grams. The price is different in each place, because it depends on the market in each region. With the price differences, the Uruguayan government hopes to beat the price and quality of marijuana sold on the black market, hence people would prefer to buy marijuana legally.<sup>23</sup>

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<sup>16</sup> Ibid.

<sup>17</sup> Daniel Liberto, “Canada Becomes Second Country to Legalize Recreational Marijuana,” *Investopedia*, October 17, 2018, <https://www.investopedia.com/news/canada-becomes-second-country-legalize-recreational-marijuana/#:~:text=Canada%20has%20now%20officially%20become,force%20on%20October%2017%2C%202018>.

<sup>18</sup> “Canada becomes second country to legalise recreational cannabis,” *BBC News*, October 17, 2018, <https://www.bbc.com/news/world-us-canada-45806255>.

<sup>19</sup> “Cannabis Act,” *Canada Justice Laws Website*, October 17, 2020, <https://laws-lois.justice.gc.ca/eng/acts/C-24.5/page-1.html#docCont>.

<sup>20</sup> Rosario Queirolo, 2020, “The effects of recreational cannabis legalization might depend upon the policy model,” *World Psychiatry*, 19(2), 195–196. doi:10.1002/wps.20742.

<sup>21</sup> Mayra Iglesias, Anibal Nicolas, Gregory Ross, “Marijuana: Made in Uruguay,” *Wilson Center*, February 19, 2021, <https://www.wilsoncenter.org/blog-post/marijuana-made-uruguay>

<sup>22</sup> Alfredo Pascual, “Three years in, Uruguay’s recreational cannabis market ‘tangible’ success,” *MJ Biz Daily*, December 17, 2021, <https://mjbizdaily.com/3-years-after-legalization-uruguays-recreational-cannabis-market-tangible-success/>

<sup>23</sup> Geoffrey Ramsey, “Uruguay: Marijuana, Organized Crime and the Politics of Drugs,” *InSight Crime*, (2013): 8

Other than that, the cannabis market has reached an investment of up to 100 million US dollars and generated 4.000 job opportunities which contributed to Uruguay's economy.<sup>24</sup> The Uruguayan government perceives this as an opportunity for them to open a cannabis market and increase Uruguay's tourism.<sup>25</sup> Since Uruguay has legalized marijuana, tourists from foreign countries have come to buy legal marijuana. Thus, the Uruguayan government charges foreign tourists a higher price of cannabis to gain more profit.<sup>26</sup> Hence, the legalization of marijuana can improve the welfare of its people, especially through tourism and job opportunities that can increase their income.

In Canada, the recreational cannabis industry has created approximately 98.000 jobs and made 15,1 billion US dollars to government savings.<sup>27</sup> The employment is increased due to the need of more workers to grow their own marijuana and sell it for the Government approved. It also enhances individual workers in health promotion and educational sessions to share the knowledge on how to use cannabis safely.<sup>28</sup> According to the Canadian Imperial Bank of Commerce (CIBC), the legalization of cannabis has the potential to create a 10 billion US dollar a year industry.<sup>29</sup> The legalization of cannabis also increases the country's economy which based on the social welfare theory, economy is essential to improve social welfare, thus it can be said that from the economic aspect, legalization of cannabis really helps people who search for job opportunities as well as contributes to economic growth.

### **c. The Impacts on Crime Rate, Jurisdiction, and Drugs Usage**

The level of cannabis consumption has also changed along with the marijuana legalization policy. From 2020 to 2021, the rate of cannabis consumption among high school students in Uruguay did not increase, but the number of adults who used marijuana experienced a similar increase before the legalization of marijuana.<sup>30</sup> Although the trading of marijuana has been legalized in Uruguay, there are still many homicides that will occur until 2022, an increase of 35% from the previous year. The increase in homicide cases occurs due to the fact that Uruguay is one of the countries involved in global drug trafficking, especially as a transit country for certain types of drugs. With the policy issued by the Uruguayan government together with IRCCA, it can be analyzed the relationship between marijuana legalization and the crime rate experienced by the community, the level of insecurity, and the level of public trust with the

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<sup>24</sup> "Cannabis in Uruguay: a potential market," Latin American Post, 18 March, 2019, <https://latinamericanpost.com/26990-cannabis-in-uruguay-a-potential-market>

<sup>25</sup> "The economic impacts of the legalization of marijuana in Uruguay," Latin American Post, August 3, 2018, <https://latinamericanpost.com/22433-the-economic-impacts-of-the-legalization-of-marijuana-in-uruguay>

<sup>26</sup> "Uruguay looks to bolster cannabis industry, allow tourists to buy marijuana pot," Hindustan Times, September 13, 2019, <https://www.hindustantimes.com/lifestyle/travel/uruguay-looks-to-bolster-cannabis-industry-allow-tourists-to-buy-marijuana-pot-101631549140711.html>

<sup>27</sup> Dario Sabaghi, "Canada's Legalization Of Cannabis Has Contributed \$43.5 Billion To National GDP," *Forbes*, February 23, 2022, <https://www.forbes.com/sites/dariosabaghi/2022/02/23/canadas-legalization-of-cannabis-has-contributed-435-billion-to-national-gdp/?sh=7fcc2a40349c> .

<sup>28</sup> Mohammad Hajizadeh, 2016, "Legalizing and Regulating Marijuana in Canada: Review of Potential Economic, Social, and Health Impacts," *International Journal of Health Policy and Management*, 5(8), 453–456. doi:10.15171/ijhpm.2016.63 .

<sup>29</sup> Ibid.

<sup>30</sup> Alfredo Pascual, "Three years in, Uruguay's recreational cannabi market 'tangible' success," MJ Biz Daily, December 17, 2021, <https://mjbizdaily.com/3-years-after-legalization-uruguays-recreational-cannabis-market-tangible-success/>

police.<sup>31</sup> Although the marijuana legalization policy has been carried out since 2013, the crime rate has not changed until 2016. However, drug-related crime has decreased 20 percent in 2017. Therefore, the level of security felt by the community in their environment has increased since the legalization of marijuana policy in 2013.<sup>32</sup> Thus, the Uruguayan government's marijuana legalization policy has no effect on the crime rate, but it can increase the public's sense of security since the decriminalization of marijuana.

Although the marijuana legalization policy in Uruguay has received backlash from other countries and international organizations, Uruguay has managed to implement this policy really well. This can be proven through the reduced number of illegal marijuana trade and use, especially due to the people having easy access to buy marijuana with good prices and quality.<sup>33</sup> Easy access to buy marijuana should be accompanied by a comprehensive monitoring system to avoid marijuana abuse in Uruguay. However, organized crime in Uruguay is still difficult to avoid, despite the legalization of marijuana. This happens due to the lack of cooperation between the government and the Uruguayan police, coupled with a police system that is often corrupt. With a system that lacks transparency, more police are approving organized crime activities in Uruguay.<sup>34</sup>

The decrease of the illicit drug market unfortunately does not happen in Canada. Despite the fact that the government has tried to provide legal cannabis to society, the illegal source is still an option for people since illicit cannabis is cheaper than legal which the price is 55% less than the legal cannabis.<sup>35</sup> In addition, the illicit drugs market has not only given access to people who are above 18 years old, but also to young people which then has made them consumers for this illegal market. Not only that, the legalization of cannabis has given the black market an opportunity to grow since access to cannabis is easier.<sup>36</sup> The Cannabis Act which failed to control or even combat the illegal drugs market has contributed to the proliferation of the illicit drugs market.<sup>37</sup> On the other hand, the limit use of 30 grams of cannabis turns out to have created an increased number of cannabis consumers in Canada. In accordance to Health Canada, people who consume cannabis per day has been increasing among 45-64 years old and above 65 years old,<sup>38</sup> which then created a ratio of 1 out of 6 Canadians who are active consumers of cannabis with 1 out of 3 are using cannabis in their everyday life.<sup>39</sup> Hence, it can be concluded that through the

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<sup>31</sup> Emily Soule, "Uruguayan Marijuana Decriminalization: Crime Rates, Support Levels, and Implications for the United States," *University of New Hampshire Inquiry Journal*, 2020, <https://www.unh.edu/inquiryjournal/spring-2020/uruguayan-marijuana-decriminalization-crime-rates-support-levels-and-implications-united>

<sup>32</sup> Ibid.

<sup>33</sup> "Low Crime Rate After Uruguay Marijuana Legalization," Cannabis Training University, 30 August 2022, <https://cannabistraininguniversity.com/laws/low-crime-rate-uruguay-marijuana-legalization/>

<sup>34</sup> Geoffrey Ramsey, "Uruguay: Marijuana, Organized Crime and the Politics of Drugs," *InSight*, (2013): 11-12

<sup>35</sup> "Cannabis Black Market," *Public Safety Canada*, accessed October 4, 2020, <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20200930/026/index-en.aspx> .

<sup>36</sup> Sarah B. Windle, et al., 2019, Potential harms from legalization of recreational cannabis use in Canada, *Canadian Journal of Public Health*, <https://doi.org/10.17269/s41997-018-00173-1> .

<sup>37</sup> Pete Evans, "Illegal cannabis getting even cheaper, as legal gets costlier, StatsCan says," *CBC News*, July 10, 2019, <https://www.cbc.ca/news/business/cannabis-prices-1.5206554> .

<sup>38</sup> Ibid.

<sup>39</sup> Benedikt Fischer, et al., 2020, "Initial indicators of the public health impacts of non-medical cannabis legalization in Canada," *EClinicalMedicine* 20, 100294, DOI:<https://doi.org/10.1016/j.eclim.2020.100294> .

legalization of cannabis, Canada has failed to guarantee the safety of the use of cannabis since they failed to combat the proliferation of black market.

In order to provide legal and a good quality cannabis supply, a government license is needed for individuals or companies to produce or sell cannabis. The government also gives requirements for cannabis suppliers and distributors to fulfill all standards regarding the product quality. Moreover, the government also has lists of legal suppliers and distributors given to the citizens, either to give legal access to citizens and protect the consumers.<sup>40</sup> With that being done, the government can monitor the cannabis market, from the possessor to distributor, to guarantee the safety use for citizens. Canadians are also allowed to grow cannabis with the maximum number of 4 each household and only allowed to consume 30 gram dried cannabis. People who consume more than 30 grams of dried cannabis will be given a penalty of maximum 5.000 US dollars.<sup>41</sup> Therefore, even though individuals can consume and grow their own cannabis, it does not mean that Canadians are allowed to possess and consume as much cannabis as they can because there is still an acceptable amount of cannabis allowed by the government.

However, based on the United Nations Office on Drugs and Crime World Report 2022, cannabis legalization in Canada has increased the daily cannabis use among young adults and leads to overdose deaths.<sup>42</sup> This has proven that many consumers are not responsible for the use of cannabis despite the fact that safe consumption has been regulated in the national policy, both in Uruguay and Canada. In addition, the government has done less to make sure that the consumers are safe in possessing cannabis. Therefore, it can be said that the existence of legalization policy can not guarantee the protection of cannabis consumers because it is only used as a tool for the government to give basic standards but it fails to ensure that it will be implemented in the real world. Moreover, cannabis use is increasing both in Canada and Uruguay due to COVID-19 lockdowns. The grow number of cannabis usage has also resulted in an increase of suicide numbers in both countries. This is caused by the socioeconomic crisis that has happened in several countries, resulting in a large demand for marijuana.<sup>43</sup> Thus, the lockdown policy during COVID has affected cannabis usage, especially among adults.

By using the social welfare theory by Elizabeth Wickenden, it can be proven that a country's policies affect the welfare of its people. In this case, the Uruguayan government's policy in legalizing the use of marijuana also affects the welfare of the community, especially the level of security and access to health. In the security sector, the existence of a marijuana legalization policy in Uruguay has made people feel more secure about the surrounding community. Moreover, the number of people who consume marijuana among teenagers has decreased. This shows that Uruguay's regulation of the sale and purchase of marijuana is quite effective in suppressing the illegal use of marijuana by teenagers. The Uruguayan

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<sup>40</sup> "Licensed cultivators, processors and sellers of cannabis under the Cannabis Act," *Government of Canada*, accessed August 30, 2022, <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensed-cultivators-processors-sellers.html> .

<sup>41</sup> "Cannabis Act." *Canada Justice Laws Website*. October 17, 2020. <https://laws-lois.justice.gc.ca/eng/acts/C-24.5/page-1.html#docCont>.

<sup>42</sup> "UNODC World Drug Report 2022 Highlights Trends on Cannabis Post-Legalization, Environmental Impacts of Illicit Drugs, and Drug Use among Women and Youth," United Nations : Office on Drugs and Crime, June 2022, <https://www.unodc.org/unodc/frontpage/2022/June/unodc-world-drug-report-2022-highlights-trends-on-cannabis-post-legalization--environmental-impacts-of-illicit-drugs--and-drug-use-among-women-and-youth.html>.

<sup>43</sup> "COVID Pandemic Fuelling Major Increase in Drug Use Worldwide: UN Report," UN News, June 24, 2021, <https://news.un.org/en/story/2021/06/1094672>.

government has also successfully implemented this policy to realize the use of marijuana in the health sector, and reduce the promotion of marijuana use through advertising.

On the other hand, if we look at the impacts of the Cannabis Act towards the distribution of a safe quality of cannabis, the government has done a great work by putting up regulations and requirements which needs to be fulfilled by producers, distributors, and even consumers. The Canadian government also monitors directly from the central government to the citizens on all activities relating to cannabis. However, the efforts put by the Canadian government can not be said as successful in terms of guaranteeing Canadians citizen welfare knowing that not all access to cannabis is safe to consume since there are still many illegal markets operated in Canada. With that being said, despite all the efforts to make sure that cannabis is safe to consume, the government still needs to combat illicit sources including all activities within the market which is done to fulfill the social welfare of the Canadians. Thus, it can be concluded that the Uruguayan government has successfully implemented the legalization of marijuana to decrease the crime rates.

#### **d. Legalization Impacts towards Youth and Young Adults**

The impact of marijuana legalization among youth has been a concern for the World Health Organization (WHO) for the past few years, especially towards the development of the brain. A research mentioned by the WHO has resulted that use of cannabis during learning and recalling periods may be linked to the turbulence of human performance in a variety of tasks such as in motor coordination and in cognitive development.<sup>44</sup>

The legalization of marijuana in Uruguay affects the youth, specifically among teenagers under 12 years old. Since the government legalized cannabis, the number of marijuana users under 12 years old has been decreasing.<sup>45</sup> However, the use of cannabis on young adults (18-21 years old) remains unchanged since the legalization. Cannabis consumption among teenagers is an issue that needs to be addressed by the government, especially how it affects teenagers' health. The use of cannabis can cause health problems, such as mental health issues, addiction, and decrease the function of the brain. Through the legalization of cannabis, it also contributes to improve the public health among youths, specifically to reduce illegal consumption of cannabis.

Unlike Uruguay, Canada has a more complex implementation when it comes to age restriction of cannabis usage. The Cannabis Act defines young persons as individuals who are above 12 years old and below 18 years old.<sup>46</sup> In achieving the first goals, the Cannabis Act provides a minimum age for cannabis consumers, which can not be below 18 years old. It also gives sanction in the form of fines for young people who possess cannabis.<sup>47</sup> Moreover, the Cannabis Act also mentions the penalty given to people

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<sup>44</sup> "Cannabis," *World Health Organization*, accessed November 1, 2022, <https://www.who.int/teams/mental-health-and-substance-use/alcohol-drugs-and-addictive-behaviours/drugs-psychoactive/cannabis> .

<sup>45</sup> Norml, "Uruguay: No Sustained Changes in Young People's Cannabis Use Patterns Following Legalization," Norml, May 5, 2022, Uruguay: No Sustained Changes in Young People's Cannabis Use Patterns Following Legalization

<sup>46</sup> "Cannabis Act," *Canada Justice Laws Website*, October 17, 2020, <https://laws-lois.justice.gc.ca/eng/acts/C-24.5/page-1.html#docCont>.

<sup>47</sup> "Is cannabis safe to use? Facts for youth aged 13–17 years," *Government of Canada*, August 2018, ISBN: 978-0-660-27411-9, <https://www.canada.ca/content/dam/hc-sc/documents/services/publications/drugs-health-products/is-cannabis-safe-use-facts-youth/is-cannabis-safe-use-facts-youth-eng.pdf> .

who sell cannabis to young people under 18 years old in order to prevent access to the market and distribution of cannabis among teenagers. On the other hand, the Canadian government has put efforts in public education where the awareness of the risk of cannabis use has been adopted, which has made the total spent of more than 100 million US dollars of government spending.<sup>48</sup> This has been done to achieve the second goal, which is to prevent the perspectives of youth in needing cannabis.

Despite the regulations which are put in the Cannabis Act, there are loopholes which give the opposite impacts as what the government has expected. As has been mentioned before, the cannabis legalization policy is still based on each area in Canada, therefore it can be said that there are several things mentioned in the policy which are imprecise knowing that there are different standards in different areas. For instance, the Cannabis Act has set the minimum age of 18 to possess cannabis, however in other provinces, such as but not limited to Quebec, the minimum age is 21 years old.<sup>49</sup> On the other hand, sharing public awareness on the risk of cannabis use among youth in Canadian education has not been done consistently.<sup>50</sup> This can be proven by the increased percentage of 1% of cannabis use among young people between the ages of 13 until 16 in 2018-2019 compared to the year of 2016-2017.<sup>51</sup> This can create negative impacts knowing youth are vulnerable when it comes to the use of cannabis, which they tend to lose their control over cannabis addiction.<sup>52</sup> Moreover, the use of cannabis can affect mental health problems, related to anxiety and depression. 23,4% of young Canadians consume cannabis daily. This means that almost one-fourth of the total Canadian young people have the chance to experience brain problems and mental health issues.<sup>53</sup>

The Cannabis Act which is made with the aim to prevent the use of cannabis among teenagers has in fact “promoted” the normalization of use of cannabis among teenagers. Moreover, the age limit of people possessing cannabis can not guarantee that teenagers do not have the access towards cannabis knowing that there are still many underage people consuming cannabis. The use of cannabis among young people is more dangerous than older people since cannabis is intoxicant when it comes to adolescence and it can ruin brain development and functioning.<sup>54</sup> Therefore, seeing it from the perspective

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<sup>48</sup> “Cannabis Public Education Activities,” *Government of Canada*, accessed August 28, 2022, <https://www.canada.ca/en/health-canada/news/2018/06/cannabis-public-education-activities.html> .

<sup>49</sup> Rebecca J Haines-Saah and Benedikt Fischer, 2021, “Youth Cannabis use and Legalization in Canada – Reconsidering the Fears, Myths and Facts Three Years In,” *Journal of the Canadian Academic of Child and Adolescent Psychiatry* 30:3, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8315217/pdf/ccap30\\_p0191.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8315217/pdf/ccap30_p0191.pdf) .

<sup>50</sup> Maisam Najafizada, et al., “Cannabis education should aim to normalize — not prevent — safe and legal use,” *The Conversation*, March 7, 2021, <https://theconversation.com/cannabis-education-should-aim-to-normalize-not-prevent-safe-and-legal-use-153966> .

<sup>51</sup> Rebecca J Haines-Saah and Benedikt Fischer, 2021, “Youth Cannabis use and Legalization in Canada – Reconsidering the Fears, Myths and Facts Three Years In,” *Journal of the Canadian Academic of Child and Adolescent Psychiatry* 30:3, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8315217/pdf/ccap30\\_p0191.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8315217/pdf/ccap30_p0191.pdf) .

<sup>52</sup> Sheryl Spithoff, Brian Emerson, and Andrea Spithoff, 2015, “Cannabis legalization: adhering to public health best practice,” *Canadian Medical Association Journal*, 187 (16) 1211-1216, DOI: <https://doi.org/10.1503/cmaj.15065> .

<sup>53</sup> “Canadian Youth Perceptions on Cannabis,” *Canadian Centre of Substance Abuse*, last modified January 2017, <https://www.ccsa.ca/sites/default/files/2019-04/CCSA-Canadian-Youth-Perceptions-on-Cannabis-Report-2017-en.pdf>

<sup>54</sup> “Marijuana and Public Health,” *Centers for Disease Control and Prevention*, accessed August 30, 2022, <https://www.cdc.gov/marijuana/health-effects/teens.html#:~:text=Marijuana%20use%20might%20have%20permanent,with%20regular%20or%20heavy%20use.&text=Compared%20with%20teens%20who%20do,not%20get%20a%20college%20degree.>

of social welfare theory, the Canadian government has not been able to fulfill youth welfare since cannabis access towards young people still exists and has not been able to be prevented.

Seeing the case of cannabis legalization in Canada as a whole, the act itself can not be said as successful in the context of fulfilling social welfare, knowing that there are many loopholes in the policy which give negative impacts towards the youth. On the other hand, the government has put much effort in controlling every activity related to cannabis, but until now, the illicit markets still operate and even proliferate in Canada which then open more access for illegal cannabis, either for adults or young people. With that being said, assessing the case from the theory of social welfare has led to a conclusion where the Cannabis Act has not been able to be said as an effective or successful instrument which can guarantee the social welfare of Canadian youth.

### **Conclusion**

Marijuana legalization is an issue that is often debated, especially when considering the impact on illegal marijuana use. Even so, Uruguay became the first country to legalize marijuana use in 2013, followed by Canada which legalized marijuana in 2018. The dilemma regarding marijuana legalization is also supported by the government's concern that there are opportunities for other illegal drugs to be legalized that could affect drug sales. On the other hand, the governments of Uruguay and Canada are also aware that the use of marijuana can be put to good use, especially for medical purposes in order to achieve public health.

Through the social welfare theory put forward by Elizabeth Wickenden, this journal has succeeded in analyzing the cannabis legalization policies of the Uruguayan and Canadian governments, and comparing their impact on people's welfare. In addition to public welfare, this journal also explains the impact of the marijuana legalization policy on public safety, for example, the level of security of the people of Uruguay which increased after the marijuana legalization policy. Uruguay as one of the countries that legalized marijuana for the first time succeeded in implementing regulations to oversee the production, distribution and consumption of cannabis which was supervised by the Institute for the Regulation and Control of Cannabis or IRCCA. What's more, the policy of legalizing marijuana also brings economic growth for Uruguay, especially for cannabis producers. Not only that, the number of drug users in Uruguay has also decreased, especially those who are still classified as teenagers.

On the other hand, the impact of legalizing marijuana in Canada is very different from that experienced by Uruguay. Through the Cannabis Act, the Canadian government seeks to regulate the safe and well-controlled process of producing, distributing and consuming cannabis. But unfortunately, the implementation of regulations in Canada is not going well because of ambiguous age restrictions and also people who can still access illegal markets and illegal drugs in Canada. Seeing the different impacts experienced by Uruguay and Canada, it can be concluded that the implementation of marijuana legalization policies is also influenced by the government's ability to oversee regulations, especially to ensure the welfare of its people.

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