

Tangled Up in Green:
Cannabis Legalization in British Columbia After One Year

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Executive Summary

The pace at which cannabis legalization has occurred in the last five years is staggering. In that time, numerous US states have legalized recreational and medical cannabis and several countries, including Canada, have legalized it federally. In the span of under two years cannabis has gone from being a criminally prohibited substance to being considered an essential service during the COVID-19 epidemic. In addition, legalization has opened up a number of avenues for a realistic exploration of the medical benefits and risk as well as the societal impacts of this drug post legalization.

While cannabis legalization is an important step forward in the evolution of drug policy it has not been without its problems. Prior to legalization, the Canadian federal government claimed that this change would reduce the involvement of organized crime and offer opportunities to greatly enhance local economies; unfortunately, neither of these benefits have materialized more than a year after cannabis legalization was implemented.

The goal of this research study is to determine the effects of cannabis legalization after one year with particular attention paid to the province of British Columbia. Further, it will explore some of the emerging issues around cannabis legalization including the persistence of illicit markets post legalization, the backlash against cannabis that has followed legalization, and the changing levels of stigma and normalization of cannabis.

The research conducted here consists of 21 semi-structured, in depth interviews with cannabis insiders from various municipalities all over British Columbia. This report sought to incorporate insights of people with knowledge about various facets of cannabis (e.g., health impacts, regulation, legal and illicit market dynamics). This includes not only users but more generally people who have other experiences with cannabis or cannabis using populations. This includes people who work within the cannabis industry (e.g., growers, dispensary owners, and workers), cannabis activists, professionals with knowledge about drug use and/or who deal with drug-using populations (e.g., social workers and drug educators). The sample also includes several consumers, and three of these participants have nearly 150 years of use between them.

Several interesting findings emerged from this analysis. First, after one year, legalization appears to have had little impact on the illicit market because of problems with price, quality, and access. When one views cannabis consumers and illicit market dealers as rational actors this is not surprising (Cornish and Clarke, 1986). Consumers will continue to use local dealers or home delivery if the legal market fails to offer good products at reasonable prices; illicit suppliers will continue to supply cannabis until they cannot make money and legalization makes it even less likely they will be caught and punished. Some participants felt that the illicit market was stronger after legalization for various reasons.

Second, despite a backlash against cannabis legalization, most respondents agreed that cannabis legalization has had little impact on other types of crime and violence. Some mentioned concerns about heavy use and mental illness, but this was not viewed as a good reason to re-criminalize cannabis.

Third, problems disrupting the illegal market and the backlash against legalization are likely rooted in the residual stigma associated with cannabis use post legalization. Given that community consultations are required for dispensaries to be approved, this stigma has impacted how legalization was rolled out, and likely influences the willingness of some communities to allow dispensaries to open in their municipalities.

The first part of this report includes a detailed history of cannabis legalization in Canada and a discussion of some of the emerging issues around legalization. After this, findings from the research are presented followed by an analysis of them in relation to the emerging issues discussed previously. Finally, this report will conclude by offering some recommendations and ideas for further research in this area.

Introduction

THE BRIEF HISTORY OF CANNABIS LEGALIZATION IN CANADA

In the Canadian federal election of 2014, the Liberal Party led by candidate Justin Trudeau ran on a platform that included legalizing recreational cannabis. After winning the election, the new Prime Minister followed through on his promise, and despite numerous obstacles, cannabis prohibition in Canada ended. The Liberal Party tabled the Cannabis Act (Bill C-45) in April of 2017 which provided details on the regulation of cannabis products while strengthening the penalties against impaired driving and exerting greater control over youth access to this drug.

Despite several delays, Bill C-45 passed the Senate in March of 2018, and became official law on June 19th, 2018. Legal cannabis was set to be sold in dispensaries starting on October 17th, 2018; however, most provinces opened only a handful of dispensaries most of which were located far away from larger urban areas (Heidt, Dosanjh, & Roberts, 2018).

After appointing a special task force of experts in public health, law, substance abuse, and law enforcement, the federal government identified several goals of cannabis regulation. The first goal was to *minimize the harms of use* by prohibiting the sale of cannabis to minors and by creating standards for advertising and packaging cannabis (Health Canada, 2016). A second goal identified was to *establish a safe supply chain* through the regulation of cultivation and distribution, and by placing limits on the number of plants allowed in home growing operations. The third goal was to *enforce public safety* with clear and enforceable penalties for impaired driving and selling to underage consumers, limiting public use of cannabis, and offering education about the dangers of cannabis consumption. Finally, the fourth goal was to *ensure appropriate medical access* by providing a product that is affordable for medical users through separate access (Health Canada, 2016).

Different provinces have had radically different experiences with the legalization of cannabis. They have allowed dispensaries opening at different rates and this has shaped the way new legal consumers access cannabis. For example, Alberta has proceeded to open dispensaries and allow access at a rapid rate, while British Columbia has taken a much slower approach despite the existence of a well-developed cannabis culture in the province. This variation extends to the municipal level – urban centers have generally allowed dispensaries at a higher rate than less populated municipalities.

After one year, the illicit market for cannabis still seems to be thriving in Canada, and particularly in B.C. The National Cannabis Survey conducted by Statistics Canada (2019) found that over 40% of Canadians are still obtaining their cannabis from illegal sources (i.e., black or grey markets¹). Interestingly, business experts do not seem very optimistic about the suppression of the black market and predict that illicit sellers will account for approximately 70% of all cannabis sales (see Williams, 2019a and 2019b). The reasons behind this are varied and

¹ This could be from black markets or grey markets. There is no universally accepted definition of the grey market. In general, black market refers to dealers or suppliers who are associated with gangs and organized crime groups that sell cannabis alongside other drugs whereas the grey market refers to those who grow cannabis on a smaller, but still illegal scale and unlicensed dispensaries who exclusively deal cannabis and cannabis related products.

complex; however, the approach to regulation plays an important role as some suggest that there are too many regulations and fees (Fletcher, 2019b; Levinson-King, 2019).

According to Slade (2020), federal regulations require that micro cultivators have a production facility already in place making it nearly impossible for many of them to apply. He goes on to argue that Canada's system has been plagued by *corporate capture*, claiming that smaller growers have been held out by questionable regulations. For example, those applying for micro-cultivation licenses must have a production facility already in place at the time of regulation. This ensures that the market will be dominated by economic elites and will create insurmountable obstacles for smaller craft growers. This is particularly relevant to B.C. as this province has had a culture of craft growing for several decades with several organizations devoted to this cause (Craft Cannabis Association of B.C., B.C. Craft Supply, and B.C. Craft Farmers Co-op). It also important to bear in mind that in their final report, the federal task force on cannabis legalization provided the following recommendation: "Use licensing and production controls to encourage a diverse, competitive market that also includes small producers" (Health Canada, 2016: 4).

The illicit market almost seems stronger than it was prior to legalization. Police also widely report that the illicit market is thriving (Doucette, 2019; Fahmy, 2019; Tunney, 2019). The illicit market has been particularly persistent in B.C. as most legal cannabis is imported from out of the province while the local and internationally renowned "B.C. bud" remains underground (Fletcher, 2019a). The issues in B.C. are reflected in the revenue they have taken in from cannabis sales. After nine months of recreational cannabis sales B.C. took in only \$12.5 million as compared to Alberta which took in \$123 million. The only province to take in less than B.C. was Prince Edward Island trailing closely behind with \$10.7 million in revenue (Little, 2019)².

Alongside the concerns over controlling illicit markets, there are several other emerging issues around cannabis legalization that deserve attention. The first is the recent mainstream media narratives around cannabis legalization, mental illness, violence, and crime (see Berenson, 2019; Gladwell, 2019 Gogek, 2015; Sabet 2020). How accurate are these narratives and how solid is the science that serves as their foundation? The second issue relates to the degree to which cannabis use is still stigmatized post legalization. Some have argued that amongst certain populations, cannabis use has been "normalized" (Parker, Williams, and Aldridge, 2002; Parker, 2006).). This is important because it can influence patterns of use amongst different populations (e.g., youth, older people).

Emerging Issues and Concerns around Cannabis Legalization

BLACK AND GREY MARKETS POST CANNABIS LEGALIZATION

² It is worth noting that BC has a population of over 5 million whereas Prince Edward Island has a population of approximately 157,000 people.

One of the primary goals identified by the federal task force on cannabis legalization was to establish a safe supply chain to ensure reasonably convenient access to cannabis products. The implicit objective here is to limit black market control and organized crime involvement with the cannabis market. After one year of legal recreational cannabis shops, self-reported use of black market cannabis has declined from 51.7% to 40.1%. However, it appears that some provinces have made better progress at achieving this goal than others. The lack of revenue taken in by B.C. indicates that many people in this province are still relying on illicit markets for their cannabis. While it is somewhat remarkable that cannabis dispensaries were deemed an essential service in 2020, sales of cannabis did not initially increase from March to May of 2020 (Fletcher, 2020a). However, as the summer passed, sales spiked considerably. Notably in June of 2020, the government reported almost seven times the sales of cannabis products when compared to June of 2019 (Korstrom, 2020). Despite this recent success, B.C. sales have lagged other provinces, and there is obviously a sizeable number of cannabis users who are reluctant to switch to the legal market. It is worth noting here that many of these concerns were identified in the research done previously on cannabis legalization in B.C. (Heidt, Dosanjh, and Roberts, 2018).

There are several possible reasons as to why black and grey suppliers have retained such a large share of the cannabis market in Canada as a whole. To a certain extent the persistence of the illicit market is to be expected based on the experiences of some U.S. states like Colorado, Washington, and California; however, this issue seems to be more pronounced in Canada, especially in certain provinces. In B.C., these problems seem to stem from a lack of access to reasonably priced quality cannabis and store accessibility. Very few stores were open on the date when sales became legal and they were in somewhat remote locations in the province; the products available in government run dispensaries have also been very limited. Early on, some municipalities like West Vancouver and Richmond chose to ban all legal dispensaries from operation.³ It seems there were also concerns that dispensaries would attract crime and encourage youth to start the habit. For example, during a city council meeting Councilman Bill McNulty stated:

It's a medically known fact marijuana is a drug and is harmful to any individual who consumes it.... So, let's not beat around the bush...I don't want to see one child in Richmond, or any other part of the country be lost because they were smoking pot and got behind the car," he said. "I want to see Richmond remain a clean city. (Quan, 2018, para. 11-14)

Other people on city council had similar concerns:

During the same meeting, Coun. Derek Dang expressed concern that cannabis was a gateway drug, despite a lack of research to support that claim. "I'm just concerned, you start with (marijuana) and you end up with kids — we have kids dying of fentanyl. It's a step-by-step process," Dang said. "We're of the generation that had the Furry Freak Brothers or Cheech and Chong who made it look like it was entertaining. But it's one of those things that, over prolonged use,

³The ban in West Vancouver was provisional until they could develop a set of rules while Richmond's appears to be more permanent.

it does affect a person's ability to actually think lucidly and to react in a proper way (Quan, 2018, para. 15-17)

Some concern about young people using cannabis is understandable, however, after reading these quotes it is hard not to think of drug propaganda of decades past. It seems obvious that even with some societal normalization of cannabis use, the stigma remains. There have also been disagreements between provinces and municipalities over how to divide up tax revenue from cannabis. This could help explain some of the delays in allowing legal dispensaries as municipalities will be responsible for policies and enforcement of the new cannabis laws (Laba, 2019a).

The heavy regulatory apparatus has created a legal market with high priced cannabis that is reportedly of lower quality than that available on the black market (Levinson-King, 2019; Power, 2020; Spears, 2019; Williams, 2019a and 2019b). Further complicating matters is the fact that the system of regulation has left smaller craft growers out of the market in favor of more well-funded large producers (Fletcher, 2019a and 2019b).

Both provincial and federal governments helped shape the market to cater to large scale investors and “corporate weed”, and it seems to have not scaled up as they thought it would. Opponents of legalization have seized upon the dangers created by big money becoming involved with the cannabis industry (Cort, 2017; McColl, 2018). Others have claimed that legalization will lead to more disturbing problems such as increases in mental illness, violence, and other forms of crime (Berenson, 2019; Gladwell, 2019; Gogek, 2015; Sabet, 2020).

CANNABIS, MENTAL ILLNESS, VIOLENCE AND CRIME

Another goal identified by the federal committee on cannabis legalization was to ensure public safety by enforcing regulations around the Cannabis Act and dealing with cannabis related crime. In the past few years, a new media narrative has emerged that suggests cannabis use might result in increased criminal activity. Anti-legalization activist groups such as Smart Approaches to Marijuana (SAM) (<https://learnaboutsam.org/>) and Clear the Air Now (<http://www.cleartheairnow.org/>) suggest that cannabis use leads to psychosis and that this will lead to increased crime and violence. More recently, some high-profile commentators have embraced and extended this line of thought.

In a highly publicized *New Yorker* article, Gladwell (2019) argues that marijuana is not as safe as we think and suggests that in the hype surrounding the benefits of cannabis legalization, potential serious risks are being overlooked. He bases much of his argument on a book entitled *Tell Your Children* by Alex Berenson (2019). This former journalist and spy-novel author claims cannabis causes psychosis – more psychosis means more violent crime. Berenson relies upon the work of a cluster of mental health researchers in the UK (see for example, DiForti, Freeman, and Quattrone, 2019; Murray RM, Englund, and Abi-Dargham, 2017). More recently Canadian researchers at the University of Montreal have made similar claims based on meta-analyses of research on cannabis users with several mental illnesses (Dellazizzo, Potvin, Beaudoin, Luigi, Dou, Giguère, Dumais, 2019) and users under 30 years of age (Dellazizzo, Potvin, Dou, Beaudoin, Luigi, Giguère, Dumais, 2020).

Somewhat surprisingly, neither Berenson nor Gladwell characterize themselves as traditional prohibitionists, but instead endorse cannabis decriminalization with minor penalties for possession or even the status quo in which very few people are imprisoned. On its face, their position appears to be reasonable; however, there are some problems with this approach that are rarely discussed. First, decriminalization without legal access to the drug creates ideal conditions for illicit market activity and can result in products that are dangerous and/or toxic alongside increased use of cannabis. Second, and perhaps more importantly, are the racial underpinnings of cannabis prohibition (for example, see <https://guides.loc.gov/chronicling-america-marihuana>) and disparities in enforcement of laws by race (for a broad Canadian example of this Owusu-Bempah and Luscombe, 2020).

The endorsement of decriminalization as a policy position is also surprising given how dangerous they seem to think cannabis is:

So where are all the heinous murders committed by psychotic cannabis users? Turns out they are all over, hiding in plain sight...Are all those murders and assaults making a notable difference to crime rates? The first four states that legalized marijuana for recreational use – Alaska, Colorado, Oregon, and Washington – have seen their rates of murder and aggravated assault increase much faster than the United States’s rates as a whole since legalization. The gap has increased every year (Berenson, 2019: 179-180)

The haze of uncertainty continues. Does the use of cannabis increase the likelihood of fatal car accidents? Yes. By how much? Unclear. Does it affect motivation and cognition? Hard to say, but probably. Does it affect employment prospects? Probably. Will it impair academic achievement? (Gladwell, 2019: para 3).

At first blush, there appears to be some merit to Berenson’s claims as they are based on peer-reviewed scientific research (see, for example, DiForti, Freeman, and Quattrone, 2019; Murray, Englund, and Abi-Dargham, 2017). However, his central narrative and extrapolations made from the data start to become problematic when one reviews the research with a more critical eye. For example, noted drug researchers Carl Hart and Charles Ksir (2019) observe:

It is true that people diagnosed with psychosis are more likely to report current or prior use of marijuana than people without psychosis. The easy conclusion to draw from that is that marijuana use caused an increased risk of psychosis, and it is that easy answer that Berenson has seized upon. However, this ignores evidence that psychotic behavior is also associated with higher rates of tobacco use, and with the use of stimulants and opioids. Do all these things “cause” psychosis, or is there another, more likely answer? (para. 3)

It is worth noting that several researchers he cited have publicly denounced Berenson’s use of their work in his book, saying that he has misinterpreted their findings (Dufton, 2019; Martin,

2019). Further, after the release of Berenson’s book, over 100 drug experts and clinicians signed a letter outlining concerns with his portrayal of the scientific research noting that his book ignored the serious harms associated with prohibition and exaggerated the harms associated with personal use of cannabis (Drug Policy Alliance, 2019). Heidt and Wheeldon (In press.) have also identified and catalogued numerous methodological errors and misinterpretations by Berenson.

What does the research say about the link between cannabis and crime? The consensus amongst researchers and experts is that the connection between violence and mental illness is not as ironclad as one might think (see Pozzulo, Bennell, and Forth, 2015: 237-239 for a review of the past research; see also Skeem, Kenneally, Monahan, Peterson, and Applebaum, 2016 for more recent research). The research connecting cannabis to violence and mental illness is considerably more tenuous and is based primarily on correlations rather than clear causal mechanisms. According to Hathaway, Comeau, and Erickson (2011), the vast majority of cannabis users typically do not engage in other forms of crime. Researchers associated with studies that have found a correlation between mental illness, violence, and cannabis consumption have been careful to make this point even though Berenson cites their work as evidence in his own book (NASM, 2017; see also Ostrowsky, 2011).

Berenson (2019) seems to ignore, distort, or minimize all research findings that call his narrative into question.⁴ In a meta-analysis of 110 studies on risk factors for aggression and violence, the relationship to cannabis misuse was unclear and was not considered a high-level risk factor for aggression or violence (Witt, van Dorn, and Fazel, 2014). For example, there have been few legitimate reports of any kind suggesting that relaxing cannabis laws increases crime generally. In fact, many studies have found that crime rates are unchanged or lower post legalization (Dills, Goffard, and Miron, 2016; Dragone, Prarolo, Vanin, and Zanella, 2019; Freisthler, Kepple, Sims, and Martin, 2013; Kepple and Freisthler, 2012; Maier, Mannes, and Koppenhofer 2017; Morris, 2018; Morris, TenEyck, Barnes, Kovandzic, 2014) or the research paints a picture of crime and cannabis that is far more complex (Chang and Jacobsen, 2017; Hunt, Rosalie, Pacula, and Weinberger 2018).

None of this is meant to imply that there are no issues, challenges, or dangers associated with cannabis legalization and misuse or overuse of the drug. However, rushing to the conclusion that violent crime will increase because of emerging psychoses associated with heavy cannabis use is not a realistic concern and distracts from real problems arising from cannabis legalization. Again, there are serious concerns with young people regularly using large amounts of cannabis and the impact this could have on mental health; however, this concern is often inflated to include all cannabis users. In addition, this kind of panic inducing rhetoric helps to maintain the stigma associated with cannabis use – a problem that manifests itself in somewhat surprising ways.

CANNABIS USE PATTERNS IN A POST-LEGALIZATION WORLD

⁴ More recently, Berenson has turned his attention to the COVID-19 pandemic claiming (without reference to science and against the advice of epidemiologists and other experts in this field) that lockdowns were ineffective in controlling virus outbreaks and that areas with more cannabis use were harder hit by the virus (Berenson, 2020; Bures, 2019).

Legalizing a substance that has been against the law for nearly a century will undoubtedly have an impact on rates of consumption and patterns of using the substance, and cannabis is no exception. Given that federal cannabis legalization only occurred two years ago, it is still difficult to tell how this has affected use of the substance; however, there are some emerging patterns.

It is no secret that cannabis is one of the most used illicit drugs – this is a long-standing finding that applies to most countries (Erickson, Hyshka, and Hathaway, 2010). In their research Parker and his colleagues (2002, 2005) have found that amongst youth, certain types of recreational drug use (i.e., cannabis and “dance” drugs like MDA and MDMA) have become increasingly common and accepted. Since the 1990s, there has also been some wider cultural accommodation as drug references have become increasingly common in TV shows and movies, and even politicians and public figures are more open about their past drug use than in previous eras. This shift has become known as the *normalization thesis* (Parker, 2005).

One might be tempted to think that in a climate in which using drugs has become normalized that loosening cannabis would simply open the floodgates initiating a tidal wave of problematic cannabis amongst vulnerable youth. Thus far, this seems not to be the case as many studies and reports from the US and Canada conclude that rates of use amongst younger groups of people (under 25) have remained stable or declined slightly following loosening of cannabis laws (Anderson, Hansen, Rees, and Sabia, 2019; Rotermann, 2020; SAMSA, 2019; Ta, Greto, and Bolt, 2019), and similar results have been reported globally as well (Ball, Gurram, and Martin, 2020; Stevens, 2019). Finally, a study done in Colorado and Washington indicated that adolescent treatment admissions dropped from 2008 to 2017, a period in which cannabis laws became considerably more liberal (Mennis and Stahler, 2020).

According to research conducted by Statistics Canada, self-reported rates of use amongst those 15 and older did increase slightly from 14.9% to 16.8% between 2018 and 2019. However, like other studies, the findings here indicated that rates of use amongst age cohorts of adolescents and young adults remained stable. It is worth noting that researchers found a steep drop in the 15 to 17 year old age cohort from 19.8% to 10.4%. The percentage of those reporting daily or near daily use remains unchanged at 6% (Rotermann, 2020). Interestingly, early reports suggest that new users post legalization tend to be older and not younger (Statistics Canada, 2019).

The available literature suggests less change than expected in cannabis consumption patterns. Patterns of cannabis use have changed little overall, even though many assumed there would be a large number of new users entering the market. B.C. showed little change in self-reported use in the past three months or daily use (Statistics Canada, 2019). This is not surprising given that enforcement and control of cannabis in the province was not a high priority and was virtually non-existent in the years shortly before legalization (see for example Pauls, Plecas, Cohen, and Haarhoff, 2012)

Theory

RATIONAL CHOICE, OVERREGULATION, AND THE BLACK MARKET

Most consumers prefer, other things equal, to purchase from legal suppliers. This allows them to resolve disagreements about quality, service, and payment with lawsuits or by reporting to private and public watchdogs; it facilitates repeat shopping from a high-quality seller, and it avoids the risks of adulterated or excessively potent goods. Thus, despite the costs created by regulation and taxation for most legal goods, black markets do not often arise.

-Harvard economist Jeffrey Miron, 2017: para. 2

There exists an entire branch of criminological theory devoted to understanding criminal decision-making – this is referred to as rational choice theory (Lilly, Cullen, and Ball, 2015). These theories were originally derived from the writings of Classical School scholars such as Cesare Beccaria and Jeremy Bentham and were extended in the work of renown economist Gary Becker and James Q. Wilson, a prominent political scientist (Heidt and Wheeldon, 2015). More specifically, these theories all agree that “...crime is broadly the result of rational choices based on analyses of anticipated costs and benefits” (Cornish and Clarke, 1986: vi).

Rational choice theory is particularly useful for understanding how both illicit markets and consumers have responded to cannabis legalization. This begs the questions: How do the heavy regulations, limited access, high cost, and low-quality cannabis affect the behavior of black and grey market dealers and decisions made by cannabis consumers? A simple application of this theory illustrates how these forces have combined to create numerous opportunities for illicit markets to survive and thrive.

It is important to bear in mind that lifting cannabis prohibition has changed how both cannabis dealers and users make decisions to become involved with illegal activity (e.g., buying or selling unregulated cannabis).⁵ Both could still potentially be charged of crimes; however, this seems somewhat unlikely unless they are very large scale (e.g., for dealers having an illegal dispensary storefront or mail order operation or for users buying or growing a very large amount of illicit cannabis) as the police were reluctant to enforce cannabis laws prior to legalization (Pauls, Plecas, Cohen, and Haarhoff, 2012).

An important aspect of the cost-benefit analysis involved in dealing illegal drugs involves the amount of profit that can be made through this activity. Because dealers are trying to maximize their profits, it is highly likely that a large percentage of them will be dealing in other more dangerous illegal substances as these are far more profitable and less bulky than cannabis. In addition, obtaining illegal substances in large quantities often requires assistance from organized crime groups; this results in two adverse outcomes. First, cannabis consumers are offered opportunities to acquire more dangerous drugs. Second, much of the profit goes to organized crime groups who are supplying illicit dealers with the drugs.

⁵ In this context, it becomes clear as to why legalization and regulation are preferable to simple decriminalization. Lifting criminal penalties without providing access to a safe and legal supply of cannabis ensures that demand for cannabis will be high and supply will be limited. This will result in expensive cannabis and a lucrative share of the illicit market for organized crime groups.

Both new and long-time users will also do a cost-benefit analysis to determine whether they want to access the illicit market, and this will be based on several factors (i.e., How close is the store? What is the price of their cannabis? Is the cannabis of high quality and do they have the strains and products that I am looking for?). If they are unable to access decent quality cannabis at a reasonable price at a location relatively close to where they live, they will continue to rely on illicit markets and in some cases the black market to obtain their product.

It is worth noting here that the price of legal cannabis has increased recently from \$9.69 to \$10.30 per gram while the price of illegal cannabis fell from \$6.44 to \$5.73 per gram (The Canadian Press, 2020). Further, as mentioned previously, some municipalities in B.C. have been reluctant to allow legal cannabis stores to open. As of June 2020, over 170 stores were concentrated on Vancouver Island, the City of Vancouver, and the Southern Interior; however, from Surrey to the Fraser Valley to Hope there were only three fully licensed cannabis dispensaries (Shore, 2020).

The reluctance to grant licenses, burdensome regulations, and excessive prices have allowed illicit dealers to remain securely in the market. As Miron notes, “If regulation is instead strict, it promotes continuation of the black market... Thus legalization without excessive regulation or taxation is the only way to eliminate the black market.” (para. 11-12: 2017). Interestingly, in their study of 41 Canadian cannabis users, Osborne and Fogel (2017) found that expectations of government regulation of cannabis were quite low, and many established users expected to stay in the illicit market after legalization. These problems with cannabis legalization have caused cannabis to remain largely in the illicit market, and this sometimes can include organized crime group involvement. This problematic situation alongside recent mental health research linking cannabis use to psychosis and violence has provided fertile ground for fear-mongering and disinformation. In the next section, I will argue that while it is too early to tell, there are some clear signs that a backlash against legalization may be on its way.

THE CRIME-CANNABIS CONNECTION: A BREWING MORAL PANIC?

The objects of normal moral panics are rather predictable; so too are the discursive formulae used to represent them. For example: They are new (lying dormant perhaps, but hard to recognize; deceptively ordinary and routine, but invisibly creeping up the moral horizon) – but also old (camouflaged versions of traditional and well-known evils). They are damaging in themselves – but also merely warning signs of the real, much deeper and more prevalent condition. They are transparent (anyone can see what’s happening) – but also opaque: accredited experts must explain the perils hidden behind the superficially harmless (decode a rock song’s lyrics to see how they led to a school massacre).

-Stanley Cohen, 2002 [1972]: vii

Social constructionist theories have a lengthy history dating back to the work of Tannenbaum’s (1938) work with young offenders. He argued that overly aggressive state intervention, especially in the case of youth, “dramatizes evil” and could trigger further criminal behavior.

In his ground-breaking research on marijuana users, Becker (1963) argued that law and social rules are not formed in a vacuum: “Rules are products of someone’s initiative, and we can think

of people who exhibit such enterprise as *moral entrepreneurs*” (pg. 147, italics in original). He goes on to identify two “species” of moral entrepreneur: the reforming crusaders and the rule enforcers. Crusaders care passionately about their cause, believe that they are dealing with a dangerous evil in society, and could be activists or politicians. The reforming crusader is more concerned with ends than means...often relies upon the advice of experts (e.g., legal and psychiatric). Rule enforcers refers to police or agents of social control responsible for enforcing laws and regulations.

In his classic media analysis of youth gangs, Cohen (1972) built on this framework by adding the notion of a moral panic (borrowed from McLuhan (1964). For Cohen (1972), outsiders are more broadly defined as *folk devils* and this concept was applied to of the Mod and Rocker subcultures in the 1950s and 1960s. These folk devils are characterized as, “In the gallery of types that society erects to show its members which roles should be avoided and which should be emulated, these groups have occupied a constant position as folk devils: visible reminders of what we should not be.” (Cohen, 2002 [1972] pg 2).

Goode and Ben-Yehuda (1994) went on to further define specific elements common to all moral panics. First, *concern* about the phenomenon is generated in society. Second there is increased *hostility* against groups associated with the problem in question. Third, they suggest that there must a *consensus* or a fairly large number of people and organizations that believe there is real threat caused by the wrongdoing of some group and its members. They go on to say that: “This sentiment must be fairly widespread, although the proportion of the population who feels this way need not be universal or, indeed, even make up a literal majority” (pg. 38). Fourth another key aspect of a moral panic is *disproportionality*. In many moral panics, there is a perception that the problem is causing more harm than it is, and/or that more people are engaged in the behavior than are. Goode and Ben-Yehuda (1994) also provide several indicators of disproportionality including: exaggerated figures/stats, fabrication of figures/stats, rumours of exaggerated harms, tall tales, unequal attention paid to comparable conditions, and a varying level of concern over time. Fifth, *volatility* represents the essence of a moral panic as they are thought to be chaotic and somewhat unpredictable; they may disappear suddenly and then resurface at an unforeseen moment.

The model offered by Goode and Ben-Yehuda (1994) identified three types of moral panics. First on the most basic level, moral panics may originate amongst the public and without aid or support from larger special interests and elite groups; these are referred to as *grassroots moral panics*. Second, the moral panic may be initiated by elites and those in power. *Elite-engineered moral panics* occur when powerful people (e.g., high ranking government officials, CEOs of powerful corporations or people with substantial amounts of money). *Interest group moral panics* consist of small groups people in the middle levels of society who initiate moral panics to express or promote their own morality or ideological stances and/or to gain material benefits and status (e.g., wealth, fame, and notoriety). Interest group can refer to a variety of groups including professional associations, the media, religious groups, social movement organizations, educational institutions, or any combination of the above (Goode and Ben-Yehuda, 1994).

There have been a wide range of moral panics about various activities over the last 100 years. In the 1950s, people were concerned that comic books would give rise to violence amongst young

boys. Strict codes were set up to prohibit any type of violent content; however, these were later abandoned in the early 2000s. In the 1970s and 80s there were widespread moral panics over Satanism, rock music, and rap – these concerns culminated in explicit lyrics stickers on cassette tapes and compact discs. In modern times where media is readily accessible online with little to no parental control and downloadable content has replaced tapes and discs, some have questioned the effectiveness of this practice. More recently, we have seen moral panics around videogames and other forms of media violence.

There is a long history of moral panics about various types of drug use. Goode and Ben-Yehuda identify several examples including the “reefer madness” of the 1930s, LSD in the 1960s, PCP in the 1970s, crack-cocaine in the 1980s, and ecstasy and methamphetamines in the 1990s and 2000s. More recently, one could argue that there have also been moral panics around synthetic drugs like flakka and bath salts and fentanyl- and ketamine-laced cannabis.

It would be ill-advised to argue that there is a full-blown moral panic over cannabis legalization; however, as will be demonstrated later, a significant backlash and a possible heightening of moral panic is not out of the question. This new concern has helped to maintain the stigma associated with cannabis users, a topic that will be discussed in the next section.

STIGMATIZATION, NORMALIZATION, AND LEGALIZATION⁶

... good people don't smoke marijuana.

-Jeff Sessions, Attorney General to President Donald J. Trump and 20-year United States Senator, April 5th, 2016

Despite its history of being one of the most used drugs worldwide, the stigma associated with cannabis use has been around for roughly 100 years and continues to this day (Erickson, Hyshka, and Hathaway, 2010; Rotermann, 2020). In his classic theory of stigmatization, Goffman (1963) states that stigma is more than just a negative attribute or behavior but rather a process of societal reaction that can serve to spoil the identity of the stigmatized person. The person is then labeled by other ‘normal’ members of society, and if the label is internalized, it may start to affect the subsequent behavior of those individuals. More specifically, the labeled party may begin to perceive themselves as a societal outcast or outsider, thus freeing them to engage more fully with their deviant identity (see also Lemert, 1951).

Goffman (1963) goes on to identify three types of stigma: physical deformities; tribal stigma associated with race, religion, and nation; and character-based shortcomings like dishonesty, poor self-control which are inferred from a history of various activities like mental illness, radical political beliefs, and drug addiction. The third category that concerns blemishes of character is most relevant to drug use generally, and cannabis use specifically. Indeed, a whole

⁶ While the racialized aspects of cannabis (and drug) prohibition are clearly important and worthy of analysis, that will not be the primary focus here. Instead, this discussion and analysis will focus on more general aspects of stigma.

variety of stereotypes around cannabis users have emerged, and these have evolved during the years of cannabis prohibition.

During the early years of prohibition, users were characterized as dangerous and violent; however, in the 1960s and 70s this gave way to the perception of users as shiftless, irresponsible, unhealthy, and dirty. A variety of derogatory terms arose to describe users of this drug such as: pothead, stoner, burnout, and druggie; these are still in use.⁷ As Hathway, Comeau, and Erickson (2011) point out: “The use of cannabis in this respect still carries a certain stigma reflecting cultural ambivalence about the use of drugs.” (pg. 454). With the advent of the gateway drug hypothesis, normal people begin to view cannabis users as prone to other types of harder drug use (e.g., cocaine, heroin, and methamphetamine).

Link and Phelan (2001) have elaborated on the concept of stigma and identify four interrelated components. First, people distinguish between and give labels to individual differences. Second, in some cases this label may turn into a negative stereotype based on dominant cultural beliefs that characterize society. Third, these negative labels and the stereotypes that emerge from them are used to place people into categories of ‘normals’ and the stigmatized, insiders and outsiders, or “Us” and “Them”. Fourth, there is an exercise of power that involves a loss of status and/or discrimination.

Despite obvious examples of stigma around drug use in general, some have argued that views on cannabis have softened in the last few decades. According to research conducted by Parker, Aldridge, and Williams (1998, 2002) during the 1990s cannabis and other forms of recreational use of drugs, became normalized amongst adolescents and young people (i.e., 14 to 22 years of age) in both Britain and Scotland. This study used a combination of self-report surveys and in-depth interviews to track changes in drug use patterns amongst over 450 participants over nine years. Parker and his colleagues (2002) found considerable support for the five main indicators of normalization including increases in availability and accessibility, increased rates of drug trying, more recent and regular use, more social accommodation for “sensible” recreational drug use (i.e., abstainers more tolerant of drugs in their environment), and wider cultural accommodation (i.e., more references in the media to drug use in television shows and by stand-up comedians).

Since the original study, Parker (2005) has identified a sixth dimension of normalization known as state response and anti-drug strategies. This dimension refers to changes in state responses that reflect the normalization process (i.e., distinction between problematic and non-problematic drug use, encouraging responsible drug use, and less use of scare tactics and inflammatory rhetoric by relying on a public-health, fact-based prevention strategy). Numerous studies of normalization followed in the wake of Parker’s (2002, 2005) ground-breaking research, and many of these focused specifically on cannabis.

In their interview study of 41 adult cannabis users in Canada, Osborne and Fogel (2017) found support for the key aspects of normalization including availability/access, drug trying (i.e.,

⁷ Worth noting that the commonly used term marijuana was originally intended as a racial slur and was an attempt to associate Mexicans and Mexican immigrants with the drug (Halperin, 2018).

experimentation), and rates of use. In a similar vein, qualitative research conducted by Duff, Asbridge, Brochu, Cousineau, Hathaway, Marsh, and Erickson (2012) on 165 adult cannabis users in Vancouver, Montreal, Toronto, and Halifax found that stigma against cannabis use was confined to immoderate and irresponsible use of cannabis. However, they qualify their conclusions with the following statement: “While our participants described some residual stigma, particularly in relation to the use of cannabis in certain controversial circumstances, like at work, in the company of children and the elderly or while driving, participants routinely insisted that this stigma had more to do with the circumstances of this consumption than with the act itself” (pg. 281). This statement calls the normalization thesis into question as the qualifications offered do not seem to apply to alcohol.

Some research suggests that stigma still does remain, and that societal normalization of cannabis use has not occurred. For example, in his interview study of 104 cannabis users Hathaway (2004) found that users had specific rules or techniques for managing the stigma associated with cannabis. Some of these included keeping their use hidden from disapproving non-users, adhering to less stigmatizing methods of use (e.g., joints and edibles), and managing the risks that accompany cannabis use and the stigma stemming from being labeled as at risk.

Hathaway, Comeau, and Erickson (2011) did in-depth interviews with 92 cannabis users in the Toronto area and found that while cannabis use has been normalized in the sense of it being more socially and culturally accepted, there were still threats from legal sanctions and stigma associated with its use. Interestingly, their data also revealed that over two-thirds of their sample did not fear arrest and were more concerned about informal sanctions imposed by others based on the stigma associated with cannabis use. Further these users took steps to counter typical cultural assumptions about cannabis users and presented themselves as normal.

Finally, Haines-Saah, Johnson, Repta, Ostry, Young, Shoveller, Sawatzky, Greaves and Ratner (2014) analyzed nearly 2,000 Canadian newspaper reports and proposed the existence of “privileged normalization” or the notion that normalization of cannabis is more appropriately applied to those with high levels of power and status in society. This is particularly relevant when considering how minorities have experienced normalization (if they have at all).

Methods

Research ethics approval for this research was received from the University of the Fraser Valley’s Human Research Ethics Board in October of 2019. The data for this study was derived from semi-structured interviews (both in-person and over the phone) conducted between November of 2019 and September 2020. The interviews consisted of 12 questions that focused on participants’ problems and benefits with cannabis legalization and their views on how cannabis should be regulated (see Appendix One). These questions were formulated following a review of the recent literature on cannabis legalization, drug use stigma, and moral panics. A total of 21 interviews were conducted – 15 were conducted in-person and 6 were done over the phone; they ranged from 20 to 72 minutes in length with the average being about 40 minutes. All of the interview sessions were recorded; however, the researcher also took additional notes for later reference. When the interviews were completed, the recordings were transcribed into

Microsoft Word documents. After the interviews were transcribed the data was transferred into NVivo analysis software for further analysis.

Obviously, COVID-19 disrupted the interviews midway through the study. Because of the shutdown and advice from public health officials to minimize personal contact, no interviews were conducted during the months of March, April, and May. Given the disruption and stress caused by the outbreak, the decision was also made to forego attempting to arrange phone interviews during that period. In short, contacting strangers over the phone and requesting their time during a global pandemic seemed like an unwise and problematic research strategy so the decision was made to take a break. This seemed to be the most logical course from a methodological as well as an ethical point of view, as it is possible that responses could have been affected by the stress, isolation, and trauma that people were experiencing. Phone interviews resumed in June and continued into September.

The sample was drawn from various municipalities in British Columbia including Abbotsford, Chilliwack, Maple Ridge, Mission, Surrey, and Vancouver. Because many of the participants were not comfortable revealing their age and other personal information, demographic factors were not recorded; however, the sample did include people from a variety of age groups with a mix of both males and females. This report sought to incorporate insights of people with knowledge about various facets of cannabis (e.g., health impacts, regulation, legal and illicit market dynamics) and the sample reflects this intention. The participants included not only users, but also people who have other experiences with cannabis or cannabis-using populations. This includes people who work within the cannabis industry (e.g., growers, dispensary owners, and workers), cannabis activists, professionals with knowledge about drug use and/or who deal with drug-using populations (e.g., social workers, criminal justice professionals and those in health-related occupations). The sample also includes several users, and three of these participants have nearly 150 years of cannabis use between them.

In line with methodological suggestions offered by Kiepeka, Van de Ven, Dunn, and Forlini (2019), the approach taken here embraces critically reflexive practices. As they state:

...individuals and various groups are currently using substances in ways that are beneficial and for the purpose of enhancing lives, which may or may not have co-occurring problematic or risky aspects. Research on substance use needs to reflect lived experiences and local knowledges free from rigid discourses about problematic behaviours, harm, and risk (pg. 61).

There is a newly emerging area of research that seek to gain the opinions of drug users on policy (see Greer and Ritter, 2019 and 2020; Lancaster, Sutherland, & Ritter, 2014; Lancaster, Santana, Madden, and Ritter, 2015). While here are a variety of studies that focus upon cannabis users specifically (Hathaway, Comeau, and Erickson, 2011; Osborne and Fogel, 2017; Parker, 2005), there have been few that have incorporated other voices that may be important to understanding the finer aspects of cannabis legalization and regulation. The voices of users and those involved in the cannabis industry seem to have been drowned out by others during the process of policy formation around cannabis. Power (2019) explains the approach embraced by the federal government in the passage below:

So just how does a state create and regulate an entirely new business of intoxication that has always existed, essentially, in a countercultural, outlaw space? Canada, it turns out, did so cautiously, with every decision deliberated over by a centralised government Task Force. (para. 13)

The other major voice was elite business interests as described by Slade (2020):

The majority of money in the market is being made by larger producers, such as Canopy Growth. Canopy Growth, alongside other large producers like Cronos Group and Aurora Cannabis is represented on the board of the Cannabis Council of Canada, the national organisation of Canada's federally-licensed cannabis producers, which aims to 'act as the national voice for...members in their promotion of industry standards'.²³² However, Canopy in particular has also made moves in provincial retail markets. As discussed, in Nunavut, cannabis can only be purchased online from the Nunavut Liquor and Cannabis agency's 'approved agents', which are Canopy Growth and AgMedica, meaning the two in effect already have a duopoly.²³³ Canopy has also been reported as a frontrunner to take over Cannabis New Brunswick (CNB), the agency overseeing all retail sale in New Brunswick, which would mark a shift from a government monopoly to a corporate monopoly in the region (pg. 43).

Unfortunately, many voices with substantial knowledge of cannabis use and markets seem to have been ignored. Many of the problems that we see now with legalization could have been easily predicted by people more familiar with the existing subculture. Indeed, many of the current problems with cannabis legalization were identified those involved with the cannabis in a previous study we conducted on stakeholders in Abbotsford, B.C. (Heidt, Dosanjh, and Roberts, 2018). The next section will review the results of the current study that focused on those with knowledge of cannabis and other cannabis insiders.

Results

PRICE, QUALITY, ACCESS, AND ILLICIT MARKETS

During the interviews, several themes emerged around the shortcomings of the legal market and how these are contributing to the maintenance of the black market. First, price and quality were thought to be major issues. Nearly every respondent commented on this and most attributed to a lack of expertise. One grower noted:

They already have a whole clear idea of what government weed is, and realistically peoples' opinions of the government have been sort of shady as is anyways which I think is ridiculous – we've got a beautiful, amazing country that is fantastic. And people look at government to complain anyway. Even more so a reason for the government to make sure that they do it right because they already have the worst advertising possible by being the government. That already put them so low in position of a someone's common perception especially a weed

smoker, so they needed to get it done right. They didn't do a good job initially, and they only went further down in the gutter. Just constantly, constantly these LPs are losing money, hemorrhaging, molds everywhere, people opening up canisters that have mold in it. They package the weed and test it, and then 6 months later it gets into the hands of the person. If someone is saying "Hey, you want to buy some weed that 6 months old? I bagged it 6 months ago." And the container isn't even airtight? That's a problem, nobody's ever gonna do that. So, it only takes one purchase. It's a really hard thing to do when you've had a standard for so many years. And now all of sudden you look at this different producer and it's the legal stuff and it is worse in every way and more expensive. And to have a such a clear-cut model already in your mind of what cannabis is, what you're purchasing, who you're getting it from and all this kind of stuff...there's such a direct comparison they had to do a better job. Every day that goes on, the status quo is not shifting.

A dispensary owner echoed this sentiment and suggests that the problems have contributed to renewed strength of the black market:

The products that the LPs are producing are, you know far under par of what they should be because they're actually able to use chemicals and pesticides, which they shouldn't be. It just doesn't make any sense. If anything bad is going to stem from legalization, its whatever the government adds into it. They obviously can't make a quality product at the moment it's been proven that they can't. Its overpriced... It's the quality of the products in the black market that growers will produce is far superior to the LP stuff. The prices are...way more competitive. You're not paying \$110 for 3.5 grams. You're paying \$180 for an ounce. I think if anything it's made the black market stronger. Especially in BC, I am not sure about the rest of the country, but definitely in BC. It hasn't shook the black market and it definitely hasn't shrunk, if anything it has grown.

The notion that legalization has aided the illicit market was also mentioned by people who are working outside of the cannabis industry as well:

I think it has actually helped the quality of the product in that the black market is now consisting of "Mom and Pop" operations. In times of heavy prohibition, when you're in fear of them kicking your door in or taking you to jail, you needed to get a product out as quickly as possible, you're not trying to grow something organic or safe, you spray and do whatever it takes, so you don't have a high-quality product. Now enforcement isn't there as much, so now you have plenty of time, you have more people openly talking and sharing about how to grow it better and safer. Without this fear, people take more time to groom the product and make a better quality, safer product. I think organized crime will always be there. At the end of the day, I don't care if the product is higher quality and safer.

Several others made similar statements about the prevalence of the illicit markets after legalization. Many of the participants felt that people with substantial knowledge of cannabis were ignored resulting in many missed economic opportunities:

The black market has actually faired very well because of the quality of marijuana. The price is far too high in the stores to compete with the black market. I think that...the quality is questionable with regulated marijuana. I personally experienced very low-quality marijuana for very high prices and that encourages people who have always used to go back to the black market where they have a known product. Unfortunately, government has too many rules or they're not recognizing the expertise in peer growers who have grown all along and I think the government would be wise to take advantage of the wealth of knowledge that growers have had for hundreds of years. Long before the government got into growing marijuana. We should be relying on that expertise and dropping all of those criminal records and putting good use to skills and making citizens productive members that are crime free. The government's failed to take advantage of the many opportunities of employing unemployed people.

Some participants noted that the packaging demonstrated a misunderstanding of the customer base. Cannabis users tend to be environmentally aware and would prefer packaging that encourages this. They suggested that this has played a role in the maintenance of the black market:

I think its laughable that it had any impact on the black market...other than probably giving them more business cause those same people that started using now because it was legalized and normalized, they eventually are going to get sick of paying outrageous prices and being presented marijuana that is in packaging that is the most unethical packaging I've ever seen in my life of any product...ever. You would think it was an explosive, the way that they package it. It's just a fucking plant, guy. You can go to the store and get basil and put it in a little plastic bag, what the fuck? You know? And so eventually these people that are new into the product, are gonna look for more economical ways to get the product and in ways that are in more environmentally friendly packaging. If anything, they've driven more customers to the black market.

An official from an organization associated with the cannabis industry makes a similar point, and goes a bit further saying that packaging is harmful to quality of the cannabis. It is implied that this arises from a lack of familiarity with the product that they are trying to sell:

And that the other the consideration is packaging. It is absolutely unacceptable from a sustainability perspective. The garbage generated from legal cannabis is shocking and it is a national shame. One of my former clients was showing the garbage that was generated from the medical system from the dispensaries and then they did the same volume of cannabis in the legal system. And it was a stack of lunch bags about an inch thick on the medical side and then three moving boxes full of garbage from the regulated industry. The other terrible thing about

that is that the packaging is actually completely fundamental to the poor quality of the product. That plastic is porous, so air is getting in there and degrades the cannabinoids and drying the product out. Because it such cheap plastic in many cases, it is rough inside, so it grinds off the trichomes in transit. So, when you open your jar as the consumer you end up with maybe the bud the whole if you're lucky but all of your trichomes are inside the jar. And you pay \$85 for the pleasure.

Others mentioned that the quality is affected by a host of factors. Something mentioned by almost all respondents was use of chemicals to grow the cannabis and destroy contaminants. Some mentioned that this was harmful to the beneficial chemicals in cannabis. The owner of a cannabis dispensary explains:

The products that the LPs are producing are, you know far under par of what they should be because they're actually able to use chemicals and pesticides, which they shouldn't be. It just doesn't make any sense. If anything bad is going to stem from legalization, its whatever the government adds into it. They obviously can't make a quality product at the moment, its' been proven that they can't. It's over priced. You could say its over regulated but then there are lots of products that are still garbage that are making it into people's hands.

There are concerns beyond pesticides. A grower cites discusses the process used to kill micro-organisms that may grow on cannabis flower:

This is the biggest one of all in my opinion in terms of negatives, and I want to make sure I am clear on this one. It's gamma irradiation. I mentioned before the stringent laws for regulation in Canada. It's very good in some aspects, I am a huge paranoid person where it comes to chemicals and mold...I won't be in a room with black mold. And Canada is very, very stringent on that. They want to make sure that all these molds, these microbials do not exist in the product. But one of their solutions is gamma irradiation. If you do not pass their inspection of microbials, that's ok. They've got a solution for you, get it run through gamma irradiation...I don't know the exact specific of the machine, but I know for a fact that we don't the effects of it on us. We don't know the effects of gamma irradiation on what we eat, let alone what we inhale...it's a huge cash grab, it might just be big money grab for Canada, whatever. But you ask anybody who has been smoking cannabis "How often do you smoke gamma irradiated weed?" And if not, "Did you get sick from those microbials?" I don't think so. I know people that have been smoking weed for 50 years and they have never had to gamma irradiate their weed. And the fact that no LP is passing testing shows that there was never any weed that, under their stringent laws, didn't need to gamma radiated. So, it seems like whether or not it's a cash grab or there is actually microbials that are dangerous to be inhaled and we all just don't know about it yet. But that is something that really scares, the gamma radiation. And now because of the extremely poor quality of the cannabis, including mold and pesticides and everything else in there, the black market is performing quite

strongly right now because people know if you buy certain weed, you can buy it from the government and pay about \$600 for an ounce of weed. You go to your next-door neighbor or your neighborhood drug dealer, you can get better quality weed for \$150 per ounce. So, \$600 of crap with mold and powdery mildew in it? Or \$150 for good quality stuff. Consumers are gonna figure out what they're pushing. You know they're stealing jobs from people and giving it to Aurora and Canopy and all of these guys.

Unfortunately, some think that these processes seemed to have been ineffective in their purpose. A former dispensary owner and cannabis expert shares a startling experience below:

With legalization, they gave it all to like Canopy Growth and Aurora and all these guys are miserable failures. They're concentrating all the money to these people and all the rest of the people are suffering from that...People aren't getting the product that they need anyways...I've scoped some product and it's been 15 months old and moldy. So, the people that it's trying to help aren't getting the help and the people who it was helping are now being hurt. So, there's a lot more hurting in this situation than pre-legalization.

A third factor that was mentioned frequently was problems with access and an absence of legal cannabis dispensaries in operation. More specifically, 75% of the participants agree that there were not enough stores. Only one respondent thought that there were enough stores, although they qualified this by saying, "There will be more eventually." 19% suggested that the market should dictate the number of stores. In the following passage, a business owner shares their thoughts on access and regulations:

No. [We have] Far too few [legal dispensaries]. You have to pick which system you want to live. Are we in the free enterprise system or is this socialism or communism? Do we want state control of everything? We have a product that has been shown as safe and effective. I think let free enterprise take over and set up stores. I mean it will be hard to get one just because of the fact that you will have property owners that may not wanna rent space to somebody for this. You combine that with city government that steps in and says that you can only have one at a certain location. They have set up a map of all these locations that are acceptable. These are malls and plazas that are run by companies and corporations who will never be OK with cannabis. It would made to look like that they city was doing their job because if you looked at a general map it appeared that were lots of locations. But if you start looking at these locations, you start to see that they are not viable locations. You have certain malls that are in poorer sections with lots of clientele within walking distance, but you eliminated that one in lieu of malls that I know the owners are hard-nosed when it comes to this. They aren't going to lease to anyone. And one of the reasons they won't allow in those areas is because it is close proximity to the schools and children. But don't children go to the mall? Kids go to school, and then they go home. They aren't going to stop by the regulated cannabis store. To me that is stupid, just using this

as an argument is to drum up this fear in parents that you have this guy in a trench coat walking around the school yards saying “Hey kids, you want some marijuana?” As parents we have to wise up a little bit.

Let’s just make a crazy argument and say that this store next to your school is willing to risk their whole operation being shut down and going to jail to sell your underage kid some marijuana, let’s just assume they’re willing to risk that, would you rather your kid was going into a dispensary with a safe, tested product or would you rather have them buying from the kid at their school who is selling possibly laced marijuana right in their school? It is everywhere, you won’t get away from it. Thinking that you are going to keep your kid from smoking pot because you keep a dispensary from locating a certain actual distance from their school – as that will stop the kid – because I guess they will think “Oh, I have to walk another 500 feet.” A lot of people are gullible and susceptible to this stuff.

One grower mentioned that there were enough; however, this statement should be qualified with a quote:

Too many? (Laughs). You know what, not enough people give a shit about buying in the stores. They’re happy with their dealer, stoners are about safety man. They like people they know. They’re like that TV show “CHEERS” - it’s where everybody knows your mother fucking name. Most of my friends come into my garden and they see what is happening. That’s comforting for them.

A fourth factor mentioned by over 60% of the sample was the preference for large licensed producers over smaller craft growing operations resulting from government regulation. This was thought to impact the market in a number of negative ways:

They originally spoke about this fair market, but it’s been monopolized essentially. You have to have deep pockets to get into an LP status. They have all this craft cannabis stuff is supposed to be going, but that’s dragging its ass. I think they’ve taken steps back instead of taking steps forward. It’s become more of a monopoly, trying to monopolize the market. But I know in B.C. especially, people are too smart. They’ve been around “B.C. bud” for so long, it’s such a world renown name, people aren’t just going to fall over. Go buy stuff in the pot shops that are legal and get sub-par that’s over-priced...it’s ridiculous. How do you lose money in cannabis? I just don’t understand. It’s definitely not a market that should be losing money.

A professional notes similar concerns and implies that this has affected the market as a whole:

I have serious concerns that large corporations and big pharma are taking over this pot industry. Before it was rolled out, we were assured that there would be opportunities for small grow ops and Mom & Pop organizations, and I do not see it. I invested financially in the market, it has crashed, because of local sales or no sales. I think that the government has really dropped the ball on opportunities and

I'm disappointed that it hasn't progressed in a much better more inclusive way. To really allow people who have grown all these years and people who have harvested the crops given them opportunities. Instead they're giving it to big pharma and big pharma is making a mess of things. I find it extremely hypocritical that the very authorities and government officials that had policy criminalizing marijuana are now profiting from marijuana users. That's REALLY frustrating and angers me as a Canadian citizen.

A theme running through many of the participant responses was that the government has failed to exploit considerable cannabis expertise of people who have been involved with it for decades – this is especially true of B.C. where there is a highly developed underground cannabis culture. A dispensary owner lists some examples of this in the following passage:

We've seen already, these big-wig operations will burn a whole crop, you know, and not think one thing about it when their workers do it. They will burn a million dollars-worth of cannabis by accident by leaving a light on too long in a massive huge organization and the next thing you know the stock is down two dollars, and people are wondering why. None of that information is released to the public and you're all fed lies. The only people who know about it are people within the industry. We are all trying to learn from each other's mistakes, and we all take advice as growers and we are in each other's spaces. We're learning about the different things: "What drops are you using? What light bulbs do you use? I will use these a second round."

These points about the problems of “Big Marijuana” seem to correspond to what other experts have said. For example, Alastair Moore, co-founder of Hanway Associates, a London based consulting firm that specializing in cannabis market research, suggested that the Canadian industry has been driven by vulture capitalism and wishful thinking: “A mix of greed and naivety led this industry to great heights – and has left it on its knees. While some made lots of money, others lost their investments and now many others have lost their jobs.” (Power, 2020; para. 11).

Over 75% of the participants believed that there were not enough stores in B.C. Many were also confused about the slow rate of licensing. Several respondents (about 20% of the sample) specified that there were enough shops in some places and not others. For example, a user and former dispensary employee stated:

I think there's enough in Downtown, and just around Vancouver, like West and East Van and what-not. But I don't see many when I drive through Surrey or White Rock or different parts of Downtown, but I also know it's on the municipality...just like Richmond doesn't want any, just like North Van was but they lifted it...I think it has to expand a little bit so it's more accessible for those that are in Burnaby or outside of Vancouver.

However, other respondents mentioned that there were enough stores and that there are more insidious problems with the current legal cannabis market:

We have, right now, approaching density so what has been sustainable in other jurisdiction is 1 store per 10,000 people. I will point to Colorado again. Colorado has 500,000 more people than B.C. does in terms of population, and they ended up capping out their store licensing at 512. We are currently at 237 private retailers. The province of B.C. intends to build an additional 205 with tax dollars. And we have, I believe something like 350 applications in stream that have been assessed as complete and are going through the process. So, if that is realized we will be so oversaturated, it will be ridiculous. I would say right now we are approaching density 100% given at that 250ish level given the state of the market right now. So, until we have seen more uptick of the legal system, I think we have a sufficient amount of access in the province right now.

The same participant, a cannabis organization worker, continues on and presents an interesting analogy that illustrates some of the problems with the legal market that help maintain the illicit market:

My analogy is this: If this were T-shirt stores, the store with the sexiest staff and the coolest prints and the best prices would bear in the market. It wouldn't matter if there were eight T-shirt stores one would rise to the top and that would be the community's T-shirt store. Fine and dandy. If you open eight T-shirt stores, and they all sell only red T-shirt for \$10? That's what we have right now. We have a bunch of T-shirt stores that only sell red T-shirts for \$10 and they're all competing against each other and against a regulator and distributor that has an unlimited debt line so they can maintain bargain basement margins indefinitely because this is not an exercise in revenue generation for them it's more a philosophical endeavour. They think the way to co-opt the black market is by keeping prices low which is obviously not working because they have been doing it for 2 years.

Finally, one respondent explained why they opposed government-controlled cannabis based on the grounds that it would exclude certain populations:

Like I said I wasn't for legalization in the first place, I don't think it should be the government's position. Again, the government wanting to be your drug dealer. I did fear that it would become professionalized and sterile and taking away from the people who have been doing it for a long time. Again, can you become a licensed supplier if you have a history of possession or possession for the purposes of trafficking? I think it just excludes a huge population of people that have already been doing it that now don't get the opportunity to participate.

The functioning of and issues with the legal cannabis market in B.C. are varied and complex. It seems access is limited because supply is limited, and many viewed the product as overpriced and of low quality. A pervasive theme running through the interviews was that licensed producers lack the deep knowledge of cannabis and underestimated how important such knowledge would be. They overlooked and alienated the people who were involved in the prior illicit market rather than bringing them into the legal market as potentially productive members

of society. In B.C., this created an environment for the illicit market (and in some cases organized crime groups) to flourish and profit while simultaneously causing a loss of economic benefits and opportunities from legal cannabis.

LEGALIZATION, MENTAL ILLNESS, AND CRIME

None of the participants mentioned increasing rates of mental illness, psychosis, crime or violence as major concerns around legalization. Most reported that cannabis caused people to be more relaxed. In the following passage, a professional speculates about the suggestion that cannabis will increase violence:

No. I haven't seen anything in the way of violence...it's not a...you got to understand the properties of cannabis and the properties are not ones that lead people to violence, it leads people away from violence. You're more apt to slow your reaction down. Like normally if you're the type of person that your knee jerk reaction was to punch somebody or get physically violent, it stops you and makes you think about it a second, and it gives a person more empathy towards other people, it's definitely not something that has increased violence ...I think that is just propaganda.

A former cannabis dispensary owner with decades of experience gives his thoughts below:

I disagree with the idea that it causes psychosis and violence. You'll see a decrease in violent crime. We had a café years ago, and it was an open cannabis lounge, we sold cannabis there, people could bring their cannabis there, people were smoking joints in there, people were doing high concentrate dabs in there...there was a decrease in general thefts in the area. We were so proud of it, the whole time, we never really saw any violence. We've socialized and done business with thousands and thousands of people and seen them using products and never once did we ever have to call the police because of somebody's behavior in any establishment.

While the reference to the decrease in theft may seem self-serving, it should be kept in mind that there are several studies that suggest well-run cannabis dispensaries can serve to control crime in certain areas (see, for example, Chang and Jacobsen, 2017; Hunt, Pacula, and Weinberger, 2018). More generally, in his review of studies on cannabis dispensaries, Morris (2018) noted that studies consistently found reductions in both property and violent crime.

While no respondents suggested that cannabis legalization would give rise to increased rates of mental illness, psychosis, crime, or violence, they did acknowledge that there are concerns around the misuse of cannabis. For example, one professional involved in the drug industry noted that:

I think it can cause psychosis if it's used in higher doses especially in young children, very young kids. I am more concerned about young people. I think as adults it doesn't affect the adult brain as much.

Another professional mentioned that this can be a concern for some people but that the media also may be blowing it out of proportion:

Cannabis contributing to psychosis can be a very real concern for a very small percentage of the population. I think the way that the media blows it up is unrealistic. There's always gonna be that small percentage of the population. It kind of goes back to those Reefer Madness days – if you smoke weed, you're gonna be psychotic. And anytime we talk about substance use or drug use youth are always a demographic that people like to bring up. Again, going back to the psychosis thing, like youth are going to be smoking it before and after, the fact of whether it is legalized or not isn't something that is going to be crossing peoples' minds – if they want to try they are gonna try it. The media definitely likes to use those scare tactics.

People in the cannabis industry were also very aware about these potential problems. However, they also felt that this issue needed to be viewed in a larger context:

Some people talk about psychosis and how that can happen from cannabis abuse...but its more in a special situation where something is triggering it, like personal stress and stuff like that. The amounts of stress today in the modern world is way too much as it is, that I think those problems are more the precursor than the cannabis itself.

Below a dispensary owner makes a similar statement and notes that there are also benefits that seem to go unacknowledged in these discussions:

Yes, high doses of THC in adolescent boys, if they already have the underlying psychosis, it can bring it to the forefront. That one statement has been twisted into leads to psychosis for everybody and it's not true. So, I think we need to be aware that children's brains are developing between these ages and this is why children shouldn't be using cannabis – for these reasons. However, there's a flipside to that, there are children who need topical creams and things like that for bad skin condition and all sorts of stuff. It's about how It's used.

It is helpful to take context into account. Part of the context that often goes undiscussed is the rate of underage youth that persisted while under cannabis prohibition. It is important to note that under cannabis prohibition, Canadian youth consumed the most cannabis in the industrialized world (Elrod, 2017). If people are truly concerned about limiting youth access to and use of cannabis, then they should be supportive of alternatives to cannabis prohibition, the model that produced such high rates of youth access and use.

Despite the problems with impacting the black market, cannabis legalization has clearly influenced some behavioral patterns in certain demographics. In addition, it has caused people to see the drug in a new light; however, there is still evidence of some remaining stigma against its use.

STIGMA AND PATTERNS OF USE

The opioid overdose epidemic has given rise to more talk of decriminalizing all drug use. Alongside this discussion is a concern over the stigma associated with drug use that has been established by prohibition. Anyone familiar with the Reefer Madness propaganda of the 1930s and the Drug War propaganda of the 1980s and 90s is aware that there is a considerable stigma associated with cannabis use. Stereotypes and labels abound: the absent-minded, flaky cannabis smoker, the lazy stoner, the mentally unbalanced chronic pothead. Given that cannabis has recently been legalized it will be interesting to explore how (and if) this has altered the patterns of cannabis use and the labels associated with this drug.

80% of participants felt that patterns of cannabis consumption in B.C. have remained essentially what they were prior to legalization. They acknowledge that there are some new users, but nearly all qualified this by saying that these were primarily older people (50 years+) and people who were more interested in the medical applications (i.e., CBD, pain relief):

I think it has changed for sure, for sure. I think that the older demographic is starting to realize that no this isn't the "devil's lettuce", this isn't going to hurt you. Edibles now being a thing where you can trust it and they can be regulated, once those products are on the market, that will change the perception big time. I still think that there is that connotation, you still see it on many social avenues where people look down on people who smoke cannabis, they will think that's just a waste and you're losing brain cells and all that kind of stuff. I think more and more famous people, celebrities are coming out as well. Like I said the cultural shift in general of the Western world is doing a lot more than even what legalization has done.

Professionals also noted this change with some frequency as well:

Definitely in the older folks in the 50+, 60+ range. The people are really changed are the demographic that is really status quo. They're like: "OK now I can try this, and it works better for my arthritis. Cool." That has been a big benefit from what I have seen. The people that were terrified...like drugs are bad, marijuana is bad...oh now its legal I can try it. Good, well you could have done it before too buddy. So, it's been good that it's taken down that wall, like I said before other alternative for healthcare and pain management, anxiety and stress. It's like I said, just go ahead and drop your hydromorphone and smoke a joint. You will have hyper-conservative sorts who are like all drugs are bad, all alcohol is bad, but by and large we are all on the same page, I think.

The quote below comes from a different professional; it is interesting to note the similarity of this quote and the previous one:

I think it's changed a little bit. I think it's changed with people who have health issues – I think they're more inclined to try it. People without health issues who are very conservative haven't changed – they still think it's this gateway drug or

whatever. But I think a lot of people with chronic pain or debilitating issues, they're like oh there's another thing I can use other than prescription medication. Recreational side is the same either you're for or really against. I think it will always be that way.

Somewhat surprisingly, some noted that since legalization people might be smoking less especially if they had become dependent on obtaining their cannabis from one of the many unregulated dispensaries in the Lower Mainland:

Actually, a lot of people are smoking less. Illegal dispensaries supplied thousands and thousands of people, and they've lost that market...the legal market is not a substitute. Again, over-priced, over-packaged, and it's a bad product. There was such a diverse product range, hundreds of products.

Only two respondents mentioned increases in youth use as a concern. This may be surprising to hear for some, but again, most research done on jurisdictions that have already legalized cannabis have yielded similar findings (Anderson, Hansen, Rees, and Sabia, 2019; Rotermann, 2020; SAMSA, 2019; Ta, Greto, and Bolt, 2019; Ball, Gurrum, and Martin, 2020; Stevens, 2019; Mennis and Stahler, 2020). One participant with experience in drug education commented:

In terms of youth use, from the stats that I have seen, the number of youth using cannabis hasn't significantly increased but in terms of ticketing, you know the driving and the youth are top tickets. Provincial, federal governments and police forces are trying to let people know what the laws are in regards to cannabis in your vehicle, same as alcohol – out of reach, driver can't be using it or under the influence, passenger can't be [using it]. So just to start getting that message out there so that people are aware of that. And if that's legal product, if its legal illicit cannabis, it's a different story as well. So those are two big areas that we are seeing some changes in, we're trying to work on the education piece, not only the intervention and enforcement piece, but also the prevention and really raising more awareness and really working with our partners on that.

Perhaps evidence-based educational programs targeted at youth are more effective in reducing problematic use than deterrence is. The drop in underage use could also be related to the fact that this is becoming a less rebellious activity due to medicalization of the drug (i.e., the activity is no longer risky and thrilling if it is legalized and medicalized).

80% of the participants felt that the stigma associated with cannabis use had changed slightly or not at all. People who work within the cannabis industry and professionals seemed most aware of the shift in stigma as nearly all of the users mentioned they had seen no change at all. The “classic” stigma typically associated with cannabis users is summarized well in a quote below from an experienced user:

I've been smoking for 52 years, now during that time. During that time, before I was 30, I had an MBA. I smoked pot every day and yet oh gee, I got almost a 4.0 average, I had a 3.96 grade point average, one B and that's under the influence of

pot. So, I really hate the stigma that people assume that potheads are dumb fucks... It hasn't destroyed as many as brain cells as they may think because I did just fine. And I had a long career in fairly high-level positions after my graduation.

Several participants noted various situations in which there is quite a strong stigma associated with cannabis use, even if it is responsible. Many of these findings match those of Duff and colleagues' (2012) qualitative study of cannabis users in Vancouver, Montreal, Toronto, and Halifax. Not surprisingly, stigma (even against medical use) manifests itself in the workplace, and particularly those who have professions in criminal justice. A person employed in the cannabis industry describes this problem below:

I think there are people in law enforcement that struggle with mental health issues, and they know cannabis can help with that. But they're so scared, they have this fear, I have to be clean. I had an ex who didn't want me to be involved with it, because he wanted to be part of the RCMP someday. It's a little sad when it comes to the fear of those you know wanting to use it for medical purposes for a sense of relief, but they can't because of their job or a potential job opportunity.

Several mentioned the stigma that parents, especially moms face about their use of cannabis. This even extends to those who are involved with the cannabis industry as they are often viewed with suspicion for no tangible reason. A dispensary owner describes her experiences in the following passage:

I feel the stigma very strongly all the time being a new mom. People judging me, concerned. People will even come to my house for a party and they will ask before they even touch food "Does this contain THC." I had a party for a one-year old the other day, my son turned a year old and I had people in my home ask me if I had put out food that contained cannabis. Are you stupid? Like really, you think I would put out food on this table we've got 5, 6, 7, 10-year olds running around? Give your head a shake. I am a mother. Like get real. So yes, I feel the stigma very strongly.

The differences in the stigma attached to alcohol versus cannabis use are fascinating. Alcohol is far more dangerous than cannabis use by almost any metric, and anything but obviously excessive use hardly receives a reaction. A professional further discusses the paradox of this scrutiny that mothers often receive for their cannabis use:

People are more willing to talk about it I think, but I think there's absolutely still stigma, there's still stigma in the workplace. There's stigma maybe most about single moms. The last thing you want to do is admit that you have legal pot plants at home and that you smoke marijuana and then the next thing child services is knocking on your door going, "So how many pot plants do you have? How often do you smoke marijuana? How often are you driving?" There's still a fear of drawing that kind of unwanted attention especially with moms with kids, single moms in particular. That's what I have seen in my personal experience. Alcohol is

one of the only substances that you have to medically detox from because you can die. You can get DTs [delirium tremens] and go into seizures and then you die... Just from looking at it [cannabis] as a substance [it confusing], it makes sense why there's a stigma from all of the propaganda over the years. People don't have problems admitting that they're going to drink a glass of wine because mom had a hard day.

Several participants mentioned that stigma in B.C. varies considerably based upon geographic location. This was heavily tied to the politics associated with the region. One of the professionals attempts to explain this difference in the passage below speculating that the problem may be larger than stigma:

I think it depends on where you are is what I have seen from being in different places. It's like, in Vancouver there was nothing to change. I don't see any difference there. If anything, even regular Vancouverites are like, it's annoying - there were all these dispensaries that were doing very well, that were nice and friendly and attractive. It was a really cool industry going on in Vancouver. And now they are still people selling it, but it's all sketchy again. Its fucking annoying, you know? Now you're climbing downstairs again to go buy your pot like its 1985. So, in places like Vancouver, there was no stigma to change. In terms of smaller, more religious places, I don't know if its stigma, but its more than stigma, it's stupidity. Its misinformation, they've been brainwashed because it's not factual. The things they believe about marijuana are not true. So, it's like, I would have a stigma too for something that you said was really terrible for people and was causing crime and blowing up peoples' minds, I would think that's a shitty thing. But the thing is they've been so dramatically misinformed, that I don't know even know if you can call it stigma.

Despite this some did note some changes post legalization. A representative from a cannabis organization describes how communities seem to be slowly accepting cannabis business as they realize that it will not create additional social problems:

I think it is drifting toward less stigma. What I base that on is my work from a land use perspective, I work with building consensus in communities. So going into a community saying we are going to come in as an operator and we would like to talk to you about what that looks like and would like to have a conversation to ensure there are no concerns. And in the last 6 months the amount of push back I get doing those projects has decreased significantly. I am not 100% certain about personal stigma so if you were to bring home cannabis what the reaction would be. But in my experience peoples' reactions to the storefront and market has markedly become less hostile. What we deal with in B.C. is very driven by medical auspices so I think that sense is very engendered and entrenched but I think it's also changing because I do think that there is a recognition on the part of politicians that the existing illicit industry represents a constituency of voters

that are traditionally disenfranchised, so I think the stigma around production is also diminishing across the board.

It seems that stigma has shifted in a small but significant way since legalization especially amongst older demographics. People also to be generally accepting of using cannabis for medical reasons, and since legalization the reasons for using it have probably increased.

In the following section, we will try to further understand the relationship and dynamics between black markets, moral panics, and stigma. This will shed further light on issues with the current regulatory system.

Analysis

ILLICIT MARKETS AND CRIME POST-LEGALIZATION

The findings indicate that the illicit market has been changed, and possibly strengthened, by legalization after the first year. There are numerous reasons why this seems to be the case; a major one being a heavy regulatory apparatus that has caused the rollout of legalization to occur very slowly. According to many respondents, legal cannabis in B.C. tends to be low quality and very expensive compared to that available through illicit markets. Many mentioned that the regulatory framework set down by the federal government also seems to be favor large, corporatized licensed producers over smaller craft growers.

Both participants and various news sources suggest that these issues might be even more pronounced in B.C. as this province had a highly developed and sophisticated illegal cannabis market that existed for decades prior to legalization. The high demand and weak supply coupled with the exclusion of small craft growers⁸ from the legal market has created a thriving illicit market. Reluctance to bring in smaller growers has also resulted in a “brain drain” in the sense that it has restricted the ability of the government to leverage the considerable expertise and knowledge of people who have decades of experience growing cannabis and producing cannabis products.

This exclusion of craft growers has and will continue to impact the legal cannabis market and economic opportunities it generates until it is addressed. Many participants mentioned that access to legal cannabis was a problem and that there ought to be more stores. While this may be true, one must keep in mind that both cannabis consumers and illicit dealers must be viewed as rational actors who engage in a decision-making process when deciding how to behave in response to changes in drug policy and the law (Cornish and Clarke, 1986). In other words, even if there are more stores, they will still be selling essentially the same products that are now perceived as inferior and over-priced. Merely adding more stores will not change consumer behavior as the government “brand” of cannabis has been soiled. Indeed, the government

⁸ It is worth noting that B.C. has several organizations devoted to craft cannabis growing including Craft Cannabis Association of B.C. (<https://www.craftcannabis.ca/>) and B.C. Farmers Craft Co-op. (<https://www.bccraftfarmerscoop.com/>).

marketing of cannabis was unable to appeal to the already established subculture who account for much of their own market.

The decision to ban or radically restrict legal cannabis dispensaries is also not without consequences. In many cases this is done to address concerns by residents of criminal or deviant elements infiltrating their cities. However, the relationship between dispensaries and criminal activity is not as straightforward as one might assume. The fact of the matter is that when properly managed, dispensaries have been shown to help control crime (Chang and Jacobsen, 2017; Hunt, Pacula, and Weinberger, 2018). It is important to acknowledge that some research in the U.S. has found that dispensaries can attract crime (Contreras, 2017); however, one could speculate that this is caused by federal prohibition and the complications it can cause with regards to banking (i.e., U.S. dispensaries are often required to deal in cash making them good targets for robberies). It is also important to consider the fact that certain types of businesses attract crime sometimes at very high rates (e.g., liquor stores, dive bars, pawn shops) (Brantingham and Brantingham, 1978, 1984; Wilcox and Eck, 2011). Social scientists still have little to no understanding as to how cannabis dispensaries fit into the complex ecology of neighborhood crime.

The evidence reported here suggests that while legalization may have strengthened illicit markets, it has not actually increased crime in any meaningful or direct way although given that legalization is still in its infancy, this could change in the upcoming years. Despite the lack of evidence for an increase in crime, there has been a backlash against legalization in both the U.S. and Canada.

REEFER MADNESS REVISITED: THE POTENTIAL FOR MORAL PANIC

The negative reaction to cannabis legalization has been muted; however, there is some indication that there is potential for this to fester into a full-blown moral panic. The continued success and media reach of the New Prohibitionists is evidence of this. As Goode and Ben-Yehuda (1994) explain, it is also important to remember that strengthening laws is not the only way of expressing moral panic:

It must be emphasized that the concept of the moral entrepreneur applies not only to the definition of behavior as deviant and the creation (and enforcement) of the criminal law, but also to the moral panic as well. (And to definitions of conditions as social problems, as we shall see shortly.) That is, though strengthening society's social control apparatus through legislation is certainly one way of expressing a moral panic, there are others. Moral entrepreneurs operate on a wide range of fronts. The many efforts of moral entrepreneurs relevant to the generation and maintenance of moral panics include: attempting to influence public opinion by discussing the supposed extent of the threat in the media; forming organizations and even generating entire social movements to deal with the problems the threat presumably poses; giving talks or conducting seminars to inform the public how to counter the threat in question; attempting to get certain views approved in educational curricula; influencing legislators to allocate funds

which would deal with a given threat; discrediting spokespersons who advocate alternative, opposing, or competing perspectives. (pp. 121)

Alex Berenson seems to have the most impact based on sheer media presence and notoriety; not only has best-selling author and Liberal social commentator Malcolm Gladwell written about him in the *New Yorker* magazine, but he has also had made numerous FOX News appearances and has given talks for conservative think tanks like the Hudson Institute and Heritage Foundation.⁹ Kevin Sabet, current President and CEO of Smart Approaches to Marijuana, makes regular media appearances and writes op-eds on the dangers of cannabis legalization – he even has his own TED talk. Dr. Ed Gogek (2015) has written a book about the dangers of cannabis legalization and has spoken frequently at conferences on this subject. In 2018, Gogek ran for a seat in the Arizona State House of Representatives as a Democrat and was defeated. His platform discouraged changes to drug law during an opioid epidemic and warned of increasing crime and violence if cannabis is legalized.¹⁰

This growing group of reporters, commentators, and scholars are leading a backlash against legal cannabis legalization. As mentioned previously, they break with the older anti-cannabis proponents of the 80s and 90s, and there are several distinguishing features that these “New Prohibitionists” hold in common. First, they are more adept at making selective use of science and research to support their arguments when compared to their older counterparts. Second, they appear to be more enlightened and less harsh by comparison because they embrace policies like drug treatment and other non-punitive (but sometimes coercive) approaches. Third, they reject, harsh penalties for possession and moralistic appeals to deterrence and law and order – they are associated with the treatment industrial complex rather than the prison-industrial complex (Heidt and Wheeldon, in press).

The New Prohibitionists could be described as a group of moral entrepreneurs or moral crusaders. They all have a vested interest in maintaining cannabis prohibition for as long as possible as they profit from it – if it is socially acceptable and legalized, they stand to lose considerable resources.

Of course, a moral entrepreneur must be equipped with their very own scientific research and experts. In this case the preferred science is produced by psychiatric researchers from King’s College in London most notably Sir Robin Murray and Marta Di Forti. This is nothing new as noted by Best (2001: 15):

Often activists also enlist the support of experts—doctors, scientists, economists, and so on—who presumably have special qualifications to talk about the causes and consequences of some social problem. Experts may have done research on the

⁹ More recently has delved into other areas on the edge of moral panic. For example, his recent media appearances have focused on questioning the legitimacy of measures taken during the COVID-19 pandemic (e.g., efficacy of shutdowns and wearing masks in public). It is interesting to consider the relationship this has to moral panics.

¹⁰ For a summary of his platform with regards to drug policy see the following video:
<https://www.facebook.com/edgogekforstaterep/videos/1094500754047974>

problem and can report their findings. Activists use experts to make claims about social problems seem authoritative, and the mass media often rely on experts' testimonies to make news stories about a new problem seem more convincing. In turn, experts enjoy the respectful attention they receive from activists and the media.

This is precisely the situation that is occurring with regards to cannabis legalization. Interestingly, Howard Becker (1963), the godfather of social research on cannabis, identified the increasing influence from the field of psychiatry early on¹¹:

The moral crusader, however, is more concerned with ends rather than the means. When it comes to drawing up specific rules (typically in the form of legislation to be proposed to a state legislature or the Federal Congress) he frequently relies on the advice of experts. Lawyers, expert in the drawing of acceptable legislation, often play this role. Government bureaus in whose jurisdiction the problem falls may also have the necessary expertise as did the Federal Bureau of Narcotics in the case of the marijuana problem.

As psychiatric ideology, however, becomes increasingly acceptable, a new expert has appeared – the psychiatrist...The influence of the psychiatrist in other realms of the criminal law has increased in recent years.

In any case, what is important about this example is not that psychiatrists are becoming increasingly influential, but that the moral crusader, at some point in the development of his crusade, often requires the services of a professional who can draw up the appropriate rules in the appropriate form. *The crusader himself is often not concerned with such details. Enough for him that the main point has been won; he leaves the implementation to others* (pp. 151-152, italics added)

In the later part of this passage, Becker makes the important point that for the moral crusader or moral entrepreneur, the goal is to “win” at all costs.

According to Goode and Ben-Yehuda (1994), interest group-based moral panics are some of the most common and are started by small groups of people in the middle levels of society (i.e., not grassroots activists but also not elites). There are numerous organizations devoted to maintaining the status quo of cannabis prohibition and some of these include Smart Approaches to Marijuana (<https://learnaboutsam.org/>), Parents Opposed to Pot (<https://poppot.org/>), Take Back America (<http://tbac.us/>), Campaign, Drug Free America Foundation (<https://www.dfaf.org/marijuana-qa/>), Partnership for a Drug-Free World (<https://www.drugfreeworld.org/drugfacts/marijuana.html>). These groups have teams of paid consultants, and donations are usually solicited through their websites. One could argue that the careers of some of the New Prohibitionists are intimately linked to the maintenance of drug prohibition and they have a vested interest in endorsing the perception of cannabis as a dangerous drug.

¹¹ The way in which Becker uses moral crusader in this quote can be equated to moral entrepreneur.

Their target or the folk devils that they warn about include chronic cannabis users and young people who are heavy users – according to their narrative these groups will be prone to psychotic breaks and increased levels of violence. Another culprit are the dispensary owners and others who participate in the cannabis industry who are often portrayed as irresponsible corrupters of young people. Usually this is limited to people who participated prior to legalization while those who have invested afterwards are viewed as shrewd businesspeople.

Two clear aspects of the moral panic have emerged through the literature. First and most prominently, there is concern around high THC products and heavy use of cannabis causing mental illness and increased levels of violence and crime. According to the results of this study, these concerns hold little merit and a review of the current news and research literature on the topic supports this. However, because we are so early on in cannabis legalization this issue merits further attention and study.

Second, in his study of 70 people involved with cannabis across the illegal/legal spectrum, Polson (2018) found that there has been an increasing trend toward a new coalition of pro-environmental and anti-cannabis groups that seek to frame legalization as a threat to the environment because of waste from modern growing techniques and harmful pesticides that are sometimes used on the plants. Interestingly, the anti-cannabis group, Take Back America Campaign currently features this prominently on their website. Respondents rarely mentioned concerns about the environment in this study; several did mention that they were not satisfied with the wasteful and inefficient packaging. However, this was attributed the government ignorance of cannabis consumers and the cannabis industry when developing the regulatory system.

The backlash against cannabis legalization also seems to have some of the earmarks of a moral panic as laid out by Goode and Ben-Yehuda (1994). First, the number of stories from major news outlets (e.g., The New Yorker, Newsweek, Fox News, MSNBC) about cannabis and psychosis and the emerging controversy around cannabis and the environment indicate that there is some level of *concern* about these issues. However, in order to assess the degree to which this is happening more research and analysis of these stories would be required.

Second, there is some *hostility* against the groups in question – the entire cannabis industry is frequently portrayed as the next “big tobacco” and the people involved with the industry are often labeled as criminals or at least suspicious people, especially if they were involved with the cannabis industry prior to legalization. As will be demonstrated later, users still retain a great deal of stigma, are often depicted as lazy and irresponsible – in some cases, their careers are threatened by employers that require drug testing.

Third, given the number of organizations devoted to stopping cannabis legalization and the fact that opponents do not fall along political lines (i.e., there are anti-legalization groups on both the Left and Right and the stories are reporting in both liberal and conservative news outlets) – the

sentiment seems fairly widespread or similar to the *consensus* requirement identified by Goode and Ben-Yehuda (1994).¹²

Fourth, given that cannabis is much less dangerous than drugs that are currently legal, one could also argue that this reaction may be *disproportional* to the dangers posed by cannabis legalization. The Global Drug Survey (Winstock, Zhuparris, Gilchrist, Davies, Pujevic, Potts, Maier, Ferris, and Barrat, 2017) examined a variety of metrics of drug dangerousness and found that cannabis was ranked behind psychedelic mushrooms as one of the least dangerous of the legal and illegal drugs considered in the study. Other studies have ranked cannabis use as moderately dangerous, but it is still very far behind alcohol and tobacco which were again near the top (Nutt, King, and Phillips, 2010). Further, it seems that some have blown the relationship of cannabis and crime out of proportion by using mangled or misleading statistics (for a breakdown of these issues, see Heidt and Wheeldon, forthcoming). As noted previously, areas that have legalized cannabis have not seen increases in crime because of this factor and in some cases crime has dropped. Again, this issue should be monitored closely given that policies around legalization are still taking shape.

The fifth and last criterion for a moral panic, *volatility*, is somewhat difficult to assess. Stories about cannabis use, mental illness, crime, and violence do seem to appear in the news at unpredictable moments, and if we examine anti-cannabis movements over time, they do seem to lie dormant for years and then suddenly will re-emerge. For example, the era of “Reefer Madness” occurred during the mid-1930s and extended into the 1950s but died down during the 1960s and 70s only to experience a resurgence in the 1980s and 90s. Since 2010, stories about cannabis use causing schizophrenia started to surface, and eventually these evolved into claims that cannabis use was causing psychotic episodes. This pattern seems to fit the volatility criterion.

NORMALIZATION AND STIGMA: A COMPLEX RELATIONSHIP

I smoke weed all day and every day and have for 20 years ... For me, it's like glasses or shoes. It's something I need to navigate my life, "...People have tried to make me feel shame about it over the years or have tried to make me seem like I'm weak or stupid for integrating it so completely into my life, but I'm almost 40 now, I'm married, I have a good job and I have just found that none of the stigmas I was told to be true are true.

-Actor, comedian, director, producer, and Vancouverite Seth Rogen
(as quoted in Deschamps, 2020, para.2-3).

In his normalization thesis, Parker (1998, 2002, and 2005) suggests that amongst young people cannabis use has become increasingly acceptable to the point that it has been normalized – this idea has had a strong influence on cannabis research over the last 15 years. The normalization of cannabis use implies a reduction or possibly elimination of stigma; however, many claimed that

¹² Goode and Ben-Yehuda (1994) use the term consensus; however, this is somewhat misleading. They qualify this by saying that this does not mean a literal majority but rather a sizeable group of people and organizations devoted to the problem.

the stigma of cannabis is still quite strong (Hathaway 2004; Hathaway et al., 2011; Sandberg, 2012; Haines-Saah et al., 2014).

A recent media analysis of ten different outlets conducted by Mortensen, Moscowitz, Wan, and Yang (2019) suggests that many stereotypes about cannabis use still persist even years after legalization and supposed normalization. Further, they found that attempts to normalize cannabis use were quite rare (under 10% in all news outlets regardless of political bias). In Canada, a 2018 IPSOS-Reid poll found that even after legalization more than half of the respondents indicated that they would not use cannabis in public places (even if allowed) and would not tell others they used cannabis in private (Dangerfield, 2018).

Even in a post legalization world, it seems that neither cannabis use nor involvement with the industry has yet become completely socially acceptable. Many of the respondents mentioned that while they felt the stigma was changing and lessening, there was still considerable negative labeling for both users and those who work in the industry. This suggests that widespread societal normalization of cannabis has likely not occurred.

In their attempt to identify four components of stigma, Link and Phelan (2001) mention that once a person has been labeled in a negative way and ostracized, they may experience status loss and discrimination in various aspects of their lives. As mentioned previously, several participants discussed how they were judged for either using cannabis or participating in the cannabis industry. The negative attributes mentioned most frequently were that users and even those involved with the industry are irresponsible, lazy, and unintelligent (Hathaway et al., 2011 and Sandberg, 2012 found results similar to these). While some older studies did find a relationship between declines in IQ and cannabis use (Meier, Caspi et al., 2012) a follow-up study found that the correlations could be attributed to a confounding variable, specifically socioeconomic status (Rogeberg, 2013). More recently a quasi-experimental study on twins found little evidence for a causal effect on cognition (Ross, Ellingson, Rhee, Hewitt, Corley, Lessem and Friedman, 2020).

Some respondents mentioned that people who use cannabis also have to be fearful of losing their jobs even if they are not using cannabis while at work. There are numerous recent examples that can be used to illustrate how the stigma around cannabis remains untouched by the normalization process. For example, in many states that have legalized cannabis employers are still able to both fire workers and bar applicants for failing to pass random drug tests (Ricciardi, 2020; Tiney, 2020, Schencker, 2020). Interestingly, the research suggests that cannabis use has at worst a modest impact on work productivity and generally does not present a threat to workplace safety. For example, a recent study conducted by Bernerth and Walker (2020) found that cannabis was neither negatively nor positively related to work performance. Anderson, Rees, and Tekin (2018) found that medical marijuana increased workplace safety for workers aged 25 to 44. Finally, in a wide-ranging analysis of 16 different studies Biasutti, Leffers, and Callaghan (2020) found that there was not sufficient evidence to conclude that cannabis users were at increased risk of injuries on the job.

Despite the persistence of stigma associated with cannabis use, findings from some recent studies challenge the accuracy of common “lazy, unfit stoner” stereotypes. Some researchers have found that cannabis users have smaller body-mass indexes (BMIs) when compared to non-users

(Alshaarawy and Anthony, 2019) and smaller waist circumferences (Penner, Buettner, and Mittleman, 2013). Other studies have indicated that cannabis users may engage in exercise more regularly than non-users (York-Williams, Gust, Mueller, Bidwell, Hutchison, Gillman and Bryan, 2019) and that cannabis may have performance enhancing properties in sports (Gillman, Hutchison, and Bryan, 2015).

As Hathaway, Comeau, and Erickson (2011) predicted: “Even if raw cannabis were legalized and sold as a commodity like cigarettes or alcohol or coffee, it is unlikely that regulation would transform the social stigma associated with assumptions of abuse or need for treatment.” (pg. 464). From the data here it seems clear that there is complex relationship between stigma and normalization. At first blush, it may appear that they are mutually exclusive categories: either there is stigma against the activity, or it has been normalized. However, these two ideas are best viewed as being on a continuum alongside each other in society. Each will shift in response to various events and they do not necessarily change at the same time or in tandem with each other.

Conclusions

One clear limitation of this study relates to the nature of the sample. The participants interviewed here are not representative of B.C. since the focus was on people who are termed cannabis insiders or who have special knowledge of the drug gleaned through their profession, involvement with the industry or personal experience with cannabis. Further, one cannot assume that this sample is representative of cannabis insiders either as this is a diverse group of people with a multitude of different perspectives and feelings about cannabis use and legalization. However, there were clearly recurring themes that one could assume would be raised by most people who have some experience with cannabis.

Another shortcoming to this study was the lack of interviews with people who work in law enforcement. Efforts were made to talk to people in this area; however, the emergence of COVID-19 undoubtedly increased the demands on their time. Negative media attention may also have played a role in the willingness of those in law enforcement to participate. In the past year, the public has been inundated with negative stories about police; in some cases, these were clearly justified and important to relay to the public. In other cases, the media delivered these stories with limited information and without having known the entire context of the situation. For better or for worse, these stories have been accompanied by calls to defund or abolish the police, along with protests against them. It is clear that there has been increased hostility directed at police officers in both the U.S. and Canada. These factors may have played a role in the reluctance of law enforcement officials to participate in research about cannabis legalization.

As discussed previously, the disruption caused by the pandemic created significant challenges in carrying out this research. For example, there was a span of several months when doing interviews was not a feasible option, so there was a considerable gap of time between the first 15 interviews and the last six. Further, the last six interviews had to be carried out over the phone as doing them in-person created ethical and logistical challenges because of COVID-19 restrictions. Fortunately, these challenges do not seem to have negatively impacted the study in any direct way beyond reducing the number of interviews that could be conducted. On the flipside, the

social isolation that resulted from the restrictions was helpful in making existing issues with the regulatory more readily apparent.

Taken together the findings suggest that the maintenance and persistence of the illicit markets is intimately connected to residual negative views of cannabis that were generated by nearly 100 years of anti-marijuana propaganda. This propaganda has left a lasting stigma that comes along with cannabis, and the negative labeling provides a fertile seedbed for a backlash against legalization and potential moral panic. The lack of enforcement and loosening of cannabis laws has caused normalization amongst some demographic groups in society (see Parker 2005); however, full cannabis normalization has not occurred on a widespread societal level. Rather, normalization of and stigma against cannabis exist side-by-side; there is still clearly a stigma, but it has changed and evolved to fit into a context of limited normalization.

Based on these findings it seems that residual stigma and unrealistic fears about cannabis have influenced the way legalization has been implemented, and ironically, this may have strengthened the illicit market. A diagram summarizing the key factors in this process can be found in Figure 1 on page 40. It is readily apparent in both the literature and the findings that financial and practical requirements and regulations discourage small grower participation in the legal market. In B.C. and possibly other provinces, this has contributed to the “brain drain” of cannabis expertise as there are many smaller craft growers who have decades of experience growing cannabis who have been left out of the legal market. It is important to remember that the task force of experts appointed by the government warned of this suggesting licensing and production controls to encourage market diversity and ensure that smaller producers are included in the market.

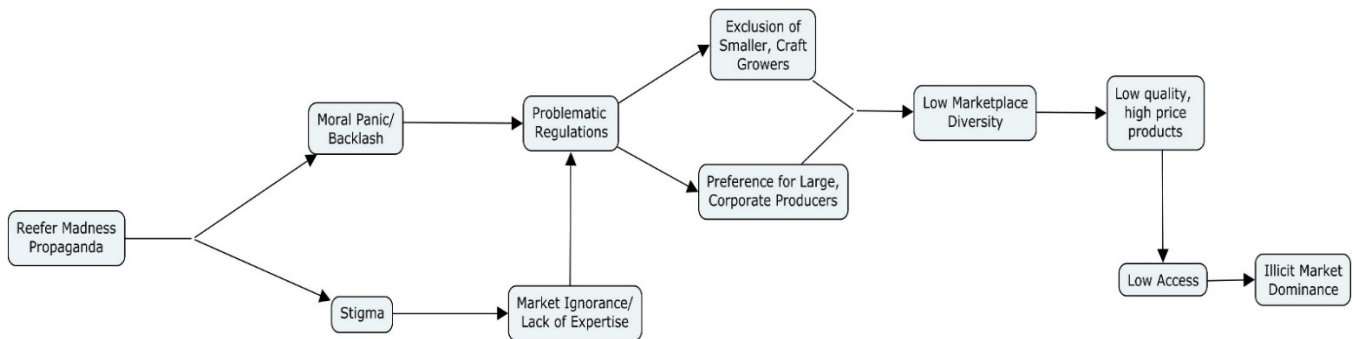
The lack of smaller growers has ensured that the legal market is dominated by larger licensed producers (Slade, 2020). Alongside government regulations that restrict product variability, this has resulted in a legal market with dispensaries that essentially offer the same products. If these products were of high quality and reasonably priced, this would not be an issue. Unfortunately, there was a lack of knowledge about the preferences of cannabis consumers and the inner working of existing cannabis markets. In addition to these issues, the participants frequently mentioned that there was a lack of dispensaries and very limited access to legal cannabis. Many cities in B.C. do not have a legal cannabis store and even if they did, the products available could not compete with what is available in the illicit market.

It is worth considering how the above factors affect the decision-making processes of both users and illicit dealers (Cornish and Clarke, 1986). Users will continue to go to the illicit market unless quality improves, prices go down, and there is reasonable access to stores that sell cannabis. It is also unrealistic to believe that people will wait for mail order cannabis through the government when they can have higher quality cheaper cannabis delivered to their house more quickly.

Several recommendations flow from the results of this study. There are some obvious problems with prices, quality, and accessibility of legal cannabis that are allowing illicit marks to thrive post legalization. While it is important to acknowledge that some of those in the illicit market are generally law-abiding, there is likely still some level of organized crime involvement.

Based on these findings, one strategy for attracting more consumers to the legal market would be to leverage local knowledge and expertise of cannabis. There are likely numerous smaller craft growers and former cannabis industry workers who would like to be gainfully employed in the legal cannabis industry. B.C. appears to have started to proceed down this path (The Canadian Press, 2020b); however, other jurisdictions that are considering legalization would be well advised to attempt to include small craft growers and to draw upon local knowledge and expertise when drafting regulations and policies.

Figure 1: Maintenance of the Illicit Cannabis Market



As with other forms of drug use, efforts should be made to continue to study the effects of legalization and to reduce the stigma associated with cannabis use. This can be done, in part, with improvement in both public education campaigns and education programs geared towards younger people. Medical use should be explained as should the difficulty of identifying the nuances that distinguish it from what may be viewed as recreational use. Problematic and destructive use patterns should be identified but should not be characterized as a personal moral shortcoming or thrilling deviant activity. Further, there is some evidence that stigma around substance abuse disorders can be reduced through educational programs aimed at professionals (e.g., police, probation officers, therapists, and counsellors) – perhaps the same is true of stigma associated with cannabis use (See Livingston, Milne, Fang, and Amari, 2011).

There are several options for further research in this area. First, more research is needed to better understand the decision-making processes of both illicit cannabis consumers and those who remain involved with the illicit market after legalization. What is the tipping point of price, quality, and access that causes a person to switch to the legal market? Which policies most effectively curtail the illicit market and does this involve simply suppressing illicit dealers or does it involve including them in the legal market in some way?

Second, more research on how dispensaries affect crime rates would be highly beneficial. The studies so far are few and many have focused on American jurisdictions. At the time of the writing of this report, there were no Canadian studies examining how crime responds to dispensary closings and openings. Further, studies of this nature can further reveal how

dispensaries fit into the complex ecology of neighborhood crime. Will putting dispensaries in certain areas attract or discourage criminal activity? How are other businesses affected by this?

Third, more research about the level of cannabis stigma and normalization would be helpful as these can affect patterns of use. Future studies should attempt to conceptualize these as each existing alongside each other and on a continuum rather than assuming that one or the other has clear dominance. Research on stigma should also be extended to examine how it affects the development of regulations and policies around not only cannabis use but also drug policy more generally.

Fourth, more quantitative and qualitative analysis of news stories on cannabis would be helpful. It would be hard to argue that coverage of cannabis and the industry associated with it has not increased in recent years. However, it is not entirely clear how the media coverage around benefits and harms has changed over the last 25 years.

Finally, there is clearly a lack of research on the backlash against cannabis legalization. At this point, it is still unclear if this is a moral panic; however, the indicators are there. A systematic deep dive into the statistics presented on the organizational websites of the New Prohibitionists would be highly interesting. Further, researchers should consider doing a formal meta-analysis of studies commonly cited by them to systematically assess quality and rigor of the studies as well as methodological shortcomings in comparison with other conflicting studies.

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Appendix One: Cannabis Research Interview Guide

1. In your view has cannabis legalization created any problems or issues?
2. In your view, have there been clear benefits resulting from cannabis legalization?
3. Do you have any major concerns about cannabis legalization after one year?
4. Some reports suggest that black market cannabis is still prevalent. Do you believe the black market has been affected, and if so, how have they been affected?
5. Have you noticed increases in public cannabis use since it was legalized? Has this issue become worse than it was previously?
6. In your opinion, what is the maximum amount of cannabis a person should be able to possess? Why do you feel this way?
7. Do you believe current efforts to offer honest education about cannabis are working? If not, how can these be improved?
8. Do you feel British Columbia has enough licensed cannabis stores? Are there too many, just enough, or too few?
9. Do you believe the government has taken the proper approach to regulation? In other words, in your opinion are the regulations appropriate, too lax or is cannabis over-regulated?
10. How would you change the laws if you could?
11. Do you believe the stigma about cannabis use has changed since legalization? Or is it the same?
12. How do you think cannabis consumption has been impacted by legalization? (e.g., new users, more use, more prevalent use)