

IS DECRIMINALISING DRUGS ENOUGH? Navigating alternatives to prohibitionism

DESCRIMINALIZAR AS DROGAS É SUFICIENTE? Navegando alternativas ao proibicionismo

Jorge Quintas

FUNÇÕES: Conceptualização, Curadoria dos dados, Análise formal, Investigação, Metodologia, Visualização, Redação do rascunho original, Redação – revisão e edição
AFILIAÇÃO: School of Criminology, University of Porto & CIJ – Interdisciplinary Research Center on Justice. Rua dos Bragas, 223, 4050-123 Porto, Portugal
E-mail: joliveira@direito.up.pt | ORCID: <https://orcid.org/0000-0001-5965-4517>

Ximene Rêgo

FUNÇÕES: Conceptualização, Curadoria dos dados, Análise formal, Investigação, Metodologia, Visualização, Redação do rascunho original, Redação – revisão e edição
AFILIAÇÃO: School of Criminology, University of Porto & CIJ – Interdisciplinary Research Center on Justice. Rua dos Bragas, 223, 4050-123 Porto, Portugal
E-mail: ximene@gmail.com | ORCID: <https://orcid.org/0000-0003-2042-9798>

Abstract: This article provides an overview of Portuguese drug laws, highlighting their unique features, current limitations, and ongoing challenges. Although Portugal has decriminalised the use of all illegal drugs, certain aspects reflect the ambivalence of its legal approach toward drug users. The reinstatement of drug use as a criminal offense by the Supreme Court between 2008 and 2023 – when established quantity limits under the decriminalisation framework are exceeded – the continued criminalisation of self-cultivation, social supply, and small-scale dealing to support personal use, keep drug users entangled in the criminal justice system. The enforcement of drug laws has led to an increase in legal actions against drug users, while the broader impact of decriminalisation on drug use and crime rates remains limited. Finally, to explore alternatives to prohibition, the article reviews international experiences with cannabis legalisation, aiming to foster a broader discussion on the potential regulation of drug markets.

Keywords: decriminalisation, drugs, cannabis, alternatives to prohibitionism.

Resumo: Este artigo apresenta uma sinopse da legislação portuguesa em matéria de drogas, destacando os seus aspetos singulares, os retrocessos atuais e os desafios que enfrenta. Embora Portugal tenha descriminalizado o uso de todas as drogas ilegais, alguns fatores sugerem a ambivalência da abordagem legal em relação às pessoas que usam drogas. O restabelecimento do crime de consumo pelo Supremo Tribunal entre 2008 e 2023 – quando os limites quantitativos estabelecidos no âmbito da descriminalização são excedidos – bem como a continuidade da criminalização do autocultivo, da partilha social de drogas e do pequeno tráfico para sustentar o consumo pessoal, mantêm as pessoas que usam drogas reféns do sistema de justiça criminal. A aplicação das leis das drogas tem resultado num aumento das ações legais contra aquelas pessoas, enquanto o impacto mais amplo da descriminalização nos níveis de consumo e nas taxas de criminalidade permanece limitado. Por fim, para explorar alternativas ao proibicionismo, o artigo analisa experiências internacionais de legalização da canábis, visando fomentar uma discussão mais ampla sobre a possível regulamentação dos mercados de drogas.

Palavras-chave: descriminalização, drogas, canábis, alternativas ao proibicionismo.

Introduction

Evaluating the legal frameworks pertaining to drugs involves an assessment of their capacity to regulate drug use, curb associated crime, and address health risks. The global focus on the Portuguese drug policy – following the decriminalisation of public and private drug use, acquisition, and possession of all drugs in 2000 – underscores its impact on these aspects and emphasises the growing appeal of the decriminalisation movement within the broader prohibitionist paradigm. Yet, Portuguese drug policy has exhibited numerous contradictions, especially concerning the entanglement of people who use drugs (PWUD) in the criminal justice system across various scenarios. Consequently, and considering the recent legalisation of cannabis in several highly developed nations, we are led to question whether drug decriminalisation alone is enough.

This paper aims to spark a broader debate on the potential regulation of the drug market in Portugal. To this end, we conducted a critical review covering the following: *i*) Portuguese drug laws, encompassing regulations on drug use and demand, such as Decree-Law No. 15/93 (1993) and Law No. 30/2000 (2000), in addition to other pertinent legal documents; *ii*) the official data pertaining to the enforcement of drug laws, including a before-and-after decriminalisation comparison; *iii*) the official data concerning drug use and associated crime in Portugal, assessed through data obtained from the Institute for Addictive Behaviours and Dependencies (ICAD), supplemented by official data on associated criminal activity; and *iv*) the results of the scientific research conducted in some of the countries that recently legalised cannabis.

Section 1 (Overview of the Portuguese drug laws) provides an overview of Portuguese drug laws, particularly focusing on four specific situations: domestic cultivation for personal use, social supply, using-dealing (small-scale dealing to support personal use), and the crime of drug use reinstated between 2008 and 2023 (when the quantities apprehended exceed the average individual's use for 10 days). Collectively, these categories tend to draw PWUD into the criminal justice system, possibly contributing to the significant growth of punitive measures against them. Section 2 (The application of Portuguese drug laws) examines the application of drug laws and reveals the “net-widening” effect subsequent to the enactment of the decriminalisation law, expanding the number of individuals involved in the health and legal systems. Section 3 (Impacts of the Portuguese drug decriminalisation on drug use and crimes) assesses the impact of these laws on drug use and crime rates, indicating that decriminalisation did not result in a notable rise in drug use and coincided with stabilised property crime trends. Section 4

(Cannabis legalisation is not fiction) provides a comprehensive evaluation of recent international experiences with cannabis legalisation, offering insights into potential positive effects for the community, as well as contradictory outcomes in terms of drug use and associated harm. Finally, we offer some conclusions.

Overview of the Portuguese drug laws

Drug use and drug demand are, in Portugal, regulated by two prohibitionist laws: *i*) Decree-Law No. 15/93 (1993), which primarily addresses all forms of drug dealing (the so-called drug trafficking offences) and associated criminal sanctions; and *ii*) Law No. 30/2000 (2000), which addresses drug use and corresponding administrative sanctions. The latter, commonly referred to as the decriminalisation law, gained international attention. By revoking art. 40.º of Decree-Law No. 15/93 (1993), which had previously criminalised the use, acquisition, and possession of all illegal drugs, these acts are no longer considered criminal offences (provided they do not exceed the quantity necessary for an average individual's use for 10 days). Consequently, the overlap between people who use drugs and people who are involved with the criminal justice system has lessened. This is not ground-breaking news. Other European countries, such as Spain and Italy, had already implemented an administrative approach to penalizing drug use (Costa, 2017; Quintas & Arana, 2017).

Not only drug use was decriminalised – it is now an administratively sanctionable misdemeanour – but it was removed from the judicial system and placed under the authority of the Commissions for the Dissuasion of Drug Addiction (CDDA), reporting to the Ministry of Health (Decree-Law No. 130-A/2001, 2001). The CDDA's multidisciplinary teams are responsible for conducting psychological assessments, providing technical support for CDDA decisions, and ensuring psychosocial intervention throughout the implementation of the measures.

Under the *motto* “treat rather than punish”, its key goal is the expansion of the health and social protection of PWUD. Although maintaining the interdiction of drug use, there is a prioritisation of health-oriented measures to *protect* individuals who are identified as drug users (*e.g.*, preventive actions regarding risks associated with drug use, treatment *encouragement*, or harm reduction measures to reduce drug-related problems). This attempt to separate law enforcement from the application of measures outside the criminal sphere has almost entirely eliminated the focus on security, which frequently dominates drug policies (Costa, 2017). This aspect distinguishes the Portuguese case from other decriminalisation models.¹ Yet, police forces are still expected to play a primary role in detecting drug use and referring individuals for further action.

Decree-Law No. 15/93 (1993) and Law No. 30/2000 (2000) are seemingly rooted in different paradigms – the former prioritising public order and the latter prioritising public health. This reinforces the distinction between users and dealers, with users seen as individuals in need of care and dealers viewed as delinquents, which is not an entire novelty. As early as 1983, the drug law, despite unequivocally criminalising drug use, recognised the “drug addict” as someone “in need of medical assistance” (Decree-Law No. 430/83, 1983). Subsequently, Decree-Law No. 15/93 (1993), while intensifying prohibitionism by imposing stricter conditions for drug use offences (including criminalising drug use, possession for personal use and cultivation for personal use), aimed to sanction users in a way that is described as somewhat symbolic, seeking to ensure that contact with the formal justice system serves as an incentive for seeking treatment if they have been affected by drug addiction.

Employing a rhetoric reminiscent of warfare, Decree-Law No. 15/93 (1993) associates drug dealing offences – which encompass the legal designation of “trafficking” (art. 21.º), “minor trafficking” (art. 25.º), and “dealer-user” (art. 26.º) – with violent crime. As a result, exceptional penal procedures are employed, including the reversal of the burden of proof. However, the severity of the sanctions is mitigated. Prison sentences are slightly reduced (with a reduction of the minimum sentence threshold from six to four years for trafficking offences), and the intermediate categories (art. 25.º and 26.º) introduced carrying softer penalties.

While decriminalising drug use, Portuguese drug law still targets PWUD on four specific occasions where Decree-Law No. 15/93 (1993) continues to apply. Firstly, regardless of the quantities at play, domestic cultivation for personal use never ceased to be a crime (art. 40.º). Secondly, individuals who offer, give away, or provide illegal substances to others may face criminal charges for drug trafficking (art. 25.º and art. 21.º). Thirdly, the legislation requires that individuals engaging in drug dealing with the intention of obtaining substances for personal use, the dealer-user category (art. 26.º), must demonstrate that their actions are exclusively for personal use, which often prevents their punishment as such. Fourthly, because of a position taken by the Supreme Court of Justice in 2008, the crime of drug use (art. 40.º), even though it has been revoked, was enforced (at least between 2009 and 2023) when the quantities identified by police forces exceed the established thresholds.

1 In Spain, drug use or possession for use, when in a public space, constitutes a serious administrative infraction, framed in the Ley de Seguridad Ciudadana (*i.e.*, law on citizen security), and is sanctioned by internal security authorities (Quintas & Arana, 2017). In Italy, drug use sanctions – of essentially a security nature – fall within the competence of the *prefetto* (Pavarin et al., 2020).

It is worth noting that these first three situations, primarily related to issues of access to illegal substances, collide with well-established socio-cultural practices associated with drug use, rather than drug dealing, as these transactions tend to be non-profit. Social supply is broadly defined as the non-commercial (or non-profitmaking) distribution of cannabis to non-strangers (Hough et al., 2003) and, despite the focus on cannabis, the definition is obviously extensible to other illegal substances.

Not far from studies conducted in other countries (Coomber, 2010; Coomber & Moyle, 2014; Pearson, 2007; Potter, 2009; Taylor & Potter, 2013), Portuguese ethnographies (Carvalho, 2007; Cruz, 2014; Fernandes, 1998) have shown that drug use often begins through experiences with other users who facilitate access to drugs. Sharing drugs among groups of friends is common, and purchasing from friends or trusted individuals is a strategy employed by users to reduce risks associated with dealing with unknown dealers or questionable sources while ensuring better quality through informal distribution channels. A PWUD engaging in such behaviour may be subject to prosecution as a drug dealer.

Furthermore, the dealer-user, who is most often the final link in the distribution chain (Pearson, 2007), is an actor in the drug scene well known for selling drugs to support their own use, often with minimal profit (Fernandes, 1998). For this reason, the concept of social supply has been broadened to include the notion of “minimally commercial supply”, which encompasses the activities of dependent dealers-users (Coomber & Moyle, 2014). Due to challenges in establishing the exclusive intentions of dealer-users, convictions for this specific type of crime have consistently remained minimal in Portugal, despite law enforcement categorising a significant number of offenders as dealers-users (section 2). This means that either the Public Prosecutors or the judges opt, most likely, for charging or convicting individuals with “minor trafficking” offences instead.

Regarding domestic cultivation, recent research (Quintas & Faria, 2023) indicates that, on average, most domestically cultivated cannabis in Portugal (N=115) is intended for personal use (approximately 84%), with around 10% being given away or shared. Less than 2% is sold for profit. These findings align with a global sample of 11,414 growers. Considering the motivations behind domestic cultivation, these individuals rarely engage in trafficking crimes. However, they can still face charges related to the crime of drug use, as cultivation has not been decriminalised.

The reestablishment of the crime of drug use in 2008 represents perhaps the major setback in the history of Portuguese drug policy, introducing substantial ambiguity in the application of drug laws (see Rêgo et al., 2021). The number 2 of

the art. 40.º of Decree-Law No. 15/93 (1993), although repealed by Law No. 30/2000 (2000), remained applicable when the quantities detected surpass the amount necessary for an average individual's use over a period of 10 days. In fact, Law No. 30/2000 (2000) established maximum quantities that should not be exceeded but did not specify any legal sanctions for PWUD in possession of larger amounts. This created a troubling possibility: users with quantities below the permitted limit could face sanctions, albeit non-criminal, while users possessing quantities above the limit would not face immediate sanctions, as the law did not account for such situations.

After an appeal, in 2008, the Supreme Court of Justice made a significant ruling. In Judgment No. 8/2008 (2008), the court reinstated the relevance of art. 40.º and "resuscitated" the crime of drug use whenever the quantities detected exceed the established limits, despite the absence of legislative intervention. This ruling, although not entirely binding, has become a unifying reference for 99% of judicial decisions (SICAD, 2020), narrowing the gap between the spheres of public order and public health. Notwithstanding the controversy that followed (Cardoso, 2021; Costa, 2017; Fonseca, 2006), the Constitutional Court (Judgment No. 587/2014, 2014) validated the position of the Supreme Court, as it did not find the Judgment No. 8/2008 (2008) to be unconstitutional. It should be emphasised that the sanctions imposed by criminal courts are not directed at dealers, who remain subject to Decree-Law No. 15/93 (1993), but exclusively towards individuals who are proven to be just users.

Recently, Law No. 55/2023 (2023) has attempted to reverse the re-criminalisation of PWUD by stating that if a quantity of drugs is found more than 10 days' average supply, but it is intended solely for personal use, the competent judicial authority will decide, depending on the judicial stage, to close the case, not to charge or to acquit and refer the individual to a CDDA. An obvious and potentially confusing statement is also added: when the quantity exceeds the established limit, it is considered an indication that the purpose may not be for personal use. The impact of this clarification on drug use penalisation, introduced by the Legislator, is yet to be determined. Is the law capable of reversing the rise of punitiveness targeted at PWUD, observed since 2009?

Similar to what was described earlier regarding access to illegal drugs, the Supreme Court of Justice's Judgment specifically impacted PWUD and clashed with practices associated with drug use that arise precisely from the illegal nature of the activity. It is well-known that PWUD face challenges in acquiring drugs, which can lead them to purchase larger quantities for financial advantages such as lower prices and longer-lasting supply, minimising their exposure to transactions

(Cruz, 2014). These practices primarily serve personal use and not business purposes. According to Cruz (2014), involvement in criminal activities is extremely rare among non-dependent users, except in situations where the possession of larger quantities of drugs is considered a crime. The outcome of the Supreme Court ruling was doubly paradoxical. Over the past two decades, contrary to the European and global trends of reducing sanctions for drug consumption, the country has experienced an increase in punitive measures, encompassing both criminal and administrative actions targeting PWUD. However, the paradox is twofold because, during the same period, a decrease in punitive measures directed towards drug dealers has also been observed. The following sections delve deeper into these trends (sections 2 and 3).

The Portuguese paradox – having decriminalised drug use while simultaneously witnessing a significant increase in punitive measures targeting PWUD – highlights the State’s reluctance to fully recognise users as individuals in need of care, as repeatedly stated in drug laws, or, less paternalistically, as individuals deserving agency and self-determination. Furthermore, it well illustrates the distrust with which PWUD are viewed and the expectation that drug use will be accompanied by other illegal activities, particularly dealing. As a result, proven drug users are frequently subject to criminal sanctions foreseen in the Decree-Law No. 15/93 (1993).

The application of Portuguese drug laws

The application of drug laws often holds greater significance than the actual changes in the law itself. Despite Portugal’s less stringent drug decriminalisation law, police data on drug law enforcement reveals an increase in the detection of drug use and drug users involved in drug dealing (see Table 1). In a before-after comparison, the average number of suspected offenders for drug use has risen by 57%, and the intermediate category in the police classification (dealer-user) has increased by 68%. PWUD are more likely to be targeted by the police, both for drug use and involvement in dealing. Police data also indicates a smaller increase (17%) in the number of drug traffickers detected compared to drug users and users-dealers. It is important to note that the using-dealing and trafficking categories were not affected by the decriminalisation law and remain criminal offences framed by Decree-Law No. 15/93 (1993).

Data from the CDDA (see Table 2 and Figure 1) indicates an increased effectiveness in the legal prosecution of drug use offences, revealing a more successful utilisation of the (new) administrative system of sanctions operated by the CDDA compared

Table 1 Drug offences recorded by the police, by type of illicit offence (yearly averages)

Suspected offenders	Before (1993-2000)	After (2001-2016) ^{a)}
Drug user	4955	7776 (+57%) ^{b)}
User-dealer	2030	3419 (+68%)
Trafficker	2003	2347 (+17%)

^{a)} Time series interrupted in 2016 as PSP (Portuguese urban police force) decided to not report presumed drug offences; ^{b)} Include all administrative CDDA entries as a proxy of police records.

Sources: Annual reports from EMCDDA Portuguese Reitox focal point.

Table 2 CDDA Decisions, Court Convictions, and Inmates for Drug Offences (yearly averages)

	Before (1993-2000)	After (2001-2020)
Drug use administrative sanctions & suspended sanctions (CDDA)	–	5727
Drug use criminal convictions	1451	410 (max. 952 - 2018)
Drug trafficking convictions	1574	1742 (+11%)
Non-suspended incarceration	70%	39%
User-dealer convictions	144	44
Inmates (drug trafficking)	2871	2432 (-18%)
Drug trafficking/All (convicted inmates)	34% (max. 44% - 1999)	24% (min. 16% - 2018)

Sources: Annual reports from EMCDDA Portuguese Reitox focal point.

to the (old) criminal system operated by the judiciary. In the drug administrative offences decided by the CDDA (approximately six thousand per year), sanctions were typically suspended (84%) for both non-dependent drug users, particularly cannabis users, and dependent drug users, these *encouraged* them to undergo treatment or adopt harm reduction measures to mitigate drug-related issues. The imposed sanctions (16%) primarily consisted of fines for non-dependent users who failed to comply with the CDDA's intervention proposal. This clear "net-widening" effect – which involves encompassing a larger number of individuals within the health/legal system, like other decriminalisation experiences (*e.g.*, Ali et al., 1999) - is further reinforced by the unexpected resurgence and increase in criminal sentences following Judgment No. 8/2008 (2008) for drug users found in possession of quantities of drugs surpassing the legal limits.

Data from the criminal justice system regarding convictions for drug trafficking shows a slight increase (11%), but there is a clear decrease in the severity of

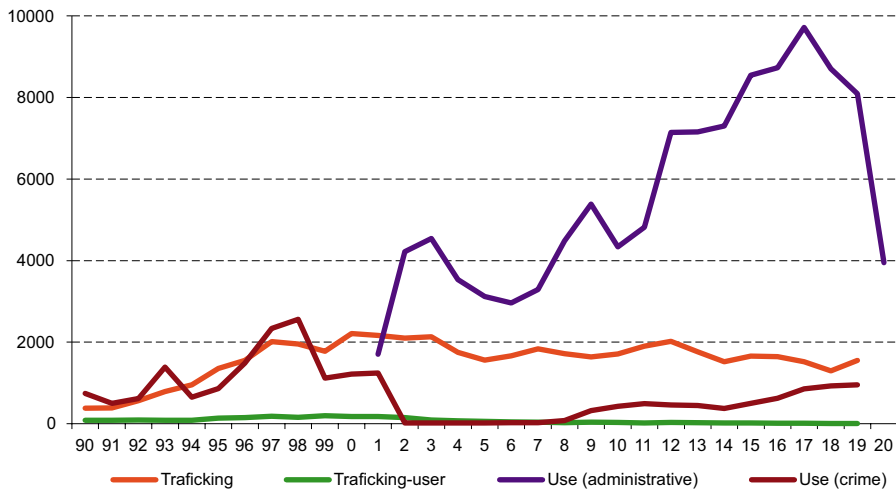


Figure 1 CDDA decisions and court convictions for drug offences (by year)

Sources: Annual reports from EMCDDA Portuguese Reitox focal point.

punishment. Effective prison sentences for drug trafficking are no longer the norm, and this significant shift in punishment is facilitated (and increased) by classifying the offence as “minor trafficking”. Convictions for dealer-users remain marginal. As a result of these sentencing trends, there has also been a decrease in the number and proportion of inmates serving sentences for drug trafficking, decreasing from an average of 34% to 24%. Inmates convicted solely for drug law offences accounted for a high rate of 44% in 1999 ($n=3863$), but this has significantly decreased, especially in the second decade of the current century, with the number falling below two thousand since 2017.

Impacts of the Portuguese drug decriminalisation on drug use and crimes

Aggregate studies (Greenwald, 2009; Hughes & Stevens, 2010, 2012; Kury et al., 2019; Quintas, 2006, 2011; Quintas & Arana, 2017) show that the decriminalisation of drug use in Portugal did not lead to significant increases in drug consumption. Additionally, it coincided with a reduction in dependent drug use and related harms.² A general population survey (15 to 64 years old) on drug use was conducted in Portugal in 2001, 2007, 2012, and 2016-17 by Balsa et al. (2003, 2008, 2013, 2017). These surveys indicate that the lifetime prevalence rates for all illegal drugs were 7.8% in 2001, increased to 12.0% in 2007, and then declined to 9.6% in 2012.

The most recent data shows a further increase to 11.6% in 2016-17. The prevalence rate for the past year has also been relatively stable, albeit with an upward trend (see Figure 2). In comparison, Portugal remains a country with a relatively low prevalence of drug use in the general population (e.g., European Monitoring Centre for Drugs and Drug Addiction [EMCDDA], 2023 — Portugal ranks 23rd out of 29 countries in terms of lifetime prevalence rates for cannabis use).

Among younger people, data from the European School Survey Project on Alcohol and Other Drugs (ESPAD) in Portugal reveals that drug use rose just before the decriminalisation law (from 8% in 1995 to 12% in 1999), declined after its implementation (from 18% in 2003 to 14% in 2007), increased again (from 14% in 2007 to 19% in 2011), and then fell in the most recent surveys (16% in 2015 and 14% in 2019) (see Figure 3). The trend over time in Portugal closely aligns with the average of the 25 ESPAD countries, although the rates in Portugal are generally lower (EMCDDA, 2020). Overall, despite the decriminalisation of all drugs, there has been no significant increase in illegal drug use, and the minor fluctuations in trends cannot be directly attributed to the legislative reforms in Portugal.

Alongside this, the decriminalisation of drug use does not appear to have had a significant impact on drug-related crimes. A repeated survey among prisoners (Torres et al., 2016) reveals a stable proportion of participants who attribute their crimes to drug use (23% in 2001, 24% in 2007 and 22% in 2014). Furthermore, an additional question in the most recent survey shows that 41.7% of respondents state that they were under the influence of drugs at the time they committed the offence. However, this overall proportion varies considerably depending on the type of crime committed, with higher values concentrated in theft and robbery cases (45%) and drug trafficking cases (32%). Inmates rarely associate violent crimes such as murder (3%), domestic violence (2%), or sexual offences (1%) with the effects of drugs. These data reinforce the idea that solely property offences are partially drug-related.

Yet, the slight upward trend in property crimes (6% for suspected offenders and 4% for criminal convictions) does not provide sufficient evidence to suggest a distant impact of drug decriminalisation (see Table 3).

2 Following decriminalisation in Portugal and the implementation of harm reduction measures, there has been a significant reduction in the harm associated with drug use. Official statistics indicate that nearly half of the registered AIDS cases were linked to drug use. The number of new cases among injecting drug users has seen a steep decline, dropping from an average of over 700 per year in the late 1990s to less than 200 in recent years. Effective control of the AIDS epidemic has been achieved through the reduction of new infections among drug users. It is worth noting that although this population represents a small minority of the Portuguese population (.05%), they account for 49% of all AIDS-related deaths (SICAD, 2022).

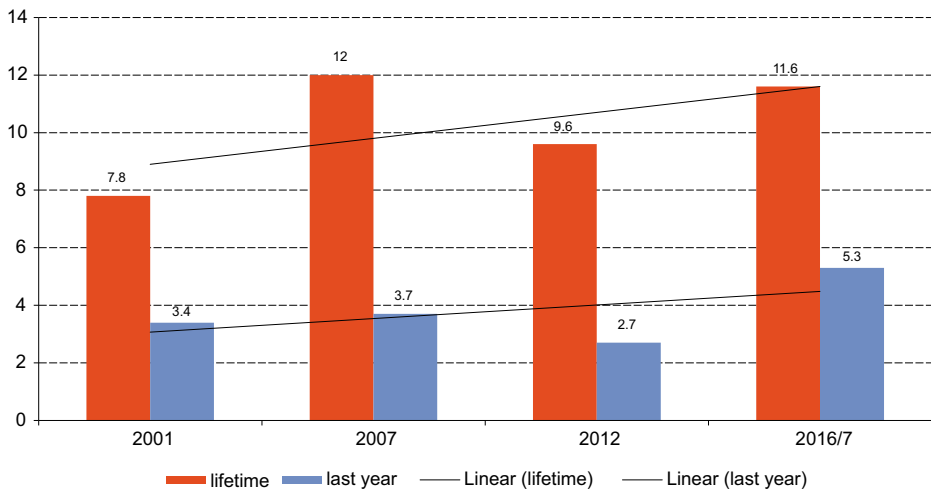


Figure 2 General population (15-64 years), drug use prevalence rates

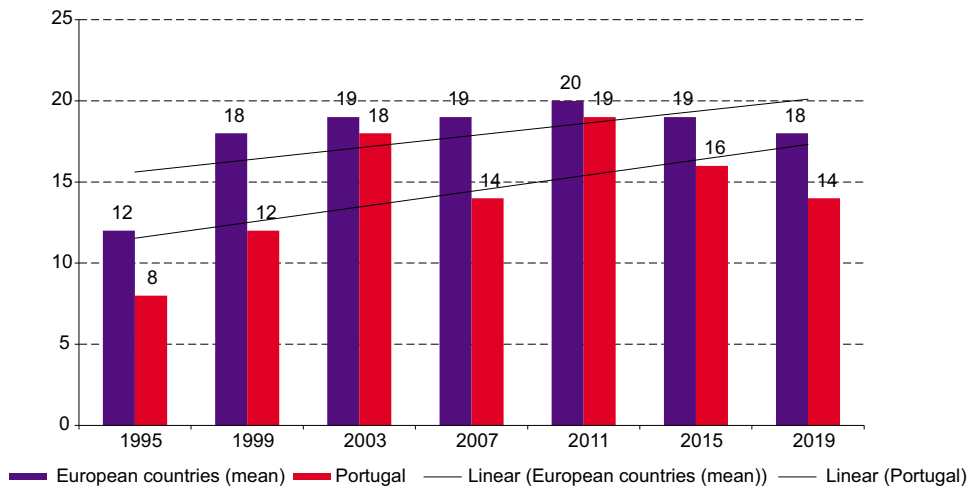


Figure 3 School population (ESPAD Surveys, 16 years old students); drug use lifetime prevalence rate

In summary, the decriminalisation of all drugs in Portugal did not result in a significant rise in drug use. Instead, it facilitated harm reduction measures and coincided with the stabilization of property crime trends, the only offenses indirectly linked to drugs beyond those specified in drug laws.

Table 3 Property crime suspected offenders and convictions (yearly averages)

Property Crime	Before (1993-2000)	After (2001-2019)
Suspected offenders	183.310	194.362 (6%)
Criminal convictions	8.333	8.682 (4%)

Sources: Portuguese Criminal Statistics (database)

Cannabis legalisation is not fiction

Drug market regulation is increasingly being seen as a potential solution to the harms caused by the prevailing prohibitionist approach of the 20th and early 21st centuries, namely by reducing drug-related crimes and effectively addressing violations of drug laws, while still tackling public health initiatives. The world's most popular illegal drug, cannabis, with an annual global use rate of 4%, or more than 209 million users (UNODC, 2023), has recently been the subject of recent legalisation efforts for adult recreational use and full market options that allow legal access to the substance.

Public referenda have demonstrated a growing trend of support for non-prohibitionist cannabis laws, leading to the introduction of various forms of legalisation in several US (United States of America) states. Colorado and Washington were the first states to legalise recreational cannabis in 2012. Subsequently, approximately 20 US states and territories have legalised the commercial sale of recreational cannabis through direct popular votes, despite federal prohibition. Uruguay became the first country to legalise the production, distribution, and use of cannabis for recreational purposes in 2013. Canada has had a similar system in place since October 2018, and Thailand has proposed the sale of recreational cannabis on the open market starting in 2022. Additionally, countries such as Georgia, Malta, Mexico, and South Africa have recently approved recreational use. These changes in legislation aim to achieve various objectives:

- i) Protect public health by increasing awareness of risks, targeting vulnerable populations, and implementing health education initiatives to reduce cannabis use disorders.
- ii) Improve the safety and quality control of cannabis products.
- iii) Generate economic benefits for states through tax revenues, employment opportunities, and the development of a new industry.
- iv) Establish a legitimate and environmentally friendly cannabis cultivation industry.

- v) Reduce cannabis-related illegal activities, including drug use, illegal trafficking, involvement of criminal organisations, and drug-related crime rates.
- vi) Enhance public safety.
- vii) Decrease cannabis-related arrests and reduce criminal justice costs.
- viii) Eliminate criminal records for cannabis users.
- ix) Respect individual liberties.

However, concerns have been raised regarding potential increases in cannabis use rates, cannabis use disorders, and other adverse effects on public health, such as the use of other substances, hospitalisation, mental health issues, suicidal behaviour, traffic deaths, and criminal behaviour.

Some of the effects of cannabis legalisation are evident. For instance, it fosters a legitimate economy by replacing criminal organisations to some extent, creates employment opportunities in the cultivation and distribution sectors, and generates tax revenues for governments through the legal sale of cannabis. Unlike illegal drug markets, the regulated cannabis industry ensures quality control through product testing and labelling. Legalisation also leads to a decrease in arrests, prosecutions, and convictions, which reduces legal expenses and allows law enforcement resources to be redirected towards more serious crimes. Respecting individual freedoms and eliminating criminal records associated with drug use are not just theoretical concepts but tangible outcomes of legalisation. It grants adults the freedom to decide whether to use cannabis.

Furthermore, while the impact of cannabis legalisation may differ based on specific regulations and the implementation context, it is important to monitor other effects as well. Extensive research conducted in North America, primarily in the United States, over the past 10 years since the first legal sale in Colorado, offers some initial insights into the short-term effects of ending prohibition. However, further research is still necessary to understand the long-term effects, which may evolve over time.

The empirical question often revolves around how cannabis legalisation influences drug use patterns. It is important to note that legalisation is not intended to reduce drug use; rather, it provides the option for legal access. As a result, it is expected that the prevalence and frequency of drug use will increase in states where cannabis is legalised compared to those where it remains illegal. However, the evaluation of changes in drug use trends should consider pre-existing differences between states with different cannabis laws.

It is important to consider that areas that have legalised recreational cannabis often had higher rates of cannabis use before legalisation compared to areas that have not implemented such changes. Therefore, when assessing changes in drug

use patterns, it is essential to consider the pre-existing differences between states with varying cannabis laws. The “differences in differences” (DiD) approach is commonly employed when comparing cannabis use in states with and without legalisation to determine if the observed differences can be attributed, at least in part, to the legalisation. Additionally, the diversity of the population should be considered. For instance, since legalisation is typically restricted to adults, it is crucial to assess the effects on drug use rates among youth populations who still need to obtain cannabis illegally.

The research on the impact of cannabis legalisation for recreational use has yielded conflicting results. Some pre-post studies indicate an increase in cannabis use following legalisation, as demonstrated by studies such as Imtiaz et al. (2023) in Ontario or Reed (2021) in Colorado. Similarly, studies using more advanced methods like DiD approach often find larger increases in cannabis use rates among adults in states with recreational cannabis laws, as shown by Cerdá et al. (2020), Goodwin et al. (2021), Kim et al. (2021), and Martins et al. (2021). For example, Goodwin et al. (2021) found that recreational marijuana laws were linked to a significantly higher prevalence of past-month cannabis use (adjusted odds ratio [AOR] = 1.28, 95% confidence interval [CI] = 1.12-1.46) and daily cannabis use (AOR = 1.25, 95% CI = 1.03-1.51). However, some comparable studies have found no change (Doran et al., 2021) or even a decrease in the use of recreational cannabis among individuals who reported cannabis use prior to the implementation of recreational laws (Turna et al., 2021).

Furthermore, some studies have investigated whether legalisation affects the usage patterns of existing cannabis users and/or influences the number of new users. For instance, Zellers et al. (2023) observed a 24% increase in the mean frequency of cannabis use attributed to legalisation using a longitudinal design that accounted for factors such as age, sex, and previous cannabis use. Additionally, findings from co-twin control analyses indicated that, within monozygotic pairs, the twin living in a state where cannabis is legal consumes cannabis approximately 20% more frequently than the co-twin residing in a state where cannabis is still illegal. However, follow-up further analyses suggest that the increase in mean frequency may be better explained by a higher prevalence of recent cannabis use among lifetime users. Among recent users, the average frequency of use is similar in both legal and illegal states. Consequently, cannabis legalisation is unlikely to lead to the initiation of cannabis use among individuals who abstained from it prior to legalisation.

Research has dedicated considerable attention to examining how the legalisation of cannabis for adults impacts young people. Studies focusing on adolescent

populations have revealed a range of effects. Some studies indicate that the prevalence of cannabis use among young people remained unchanged after legalisation (Coley et al., 2021; Anderson et al., 2021) or even decreased (Dilley, 2019). For example, Anderson et al. (2021) found that the adoption of recreational cannabis laws was not associated with current cannabis use (odds ratio [OR] = 1.01; 95% CI = 0.85-1.19) or regular cannabis use (OR = 0.99; 95% CI = 0.78-1.26), based on national YRBS (Youth Risk Behaviour Survey) data and fully adjusted models. Coley et al. (2021) also observed no significant change in the likelihood of cannabis use following the implementation of recreational cannabis laws. Additionally, they observed a slight but significant reduction in the quantity of cannabis consumed by users (incidence rate ratio = 0.844, 95% confidence interval [CI] = 0.720-0.989). These trends remained consistent across different racial/ethnic groups and did not vary by age or sex. In a recent study using longitudinal data, Bailey et al. (2023) concluded that there was little correlation between changes in cannabis use indicators in the previous year and changes in the legal status of cannabis during adolescence. Whether young people lived in areas where cannabis was legalised or not, their likelihood of initiating cannabis use by the age of 15 was similar.

Other studies (Bae & Kerr, 2020; Cerdá et al., 2017; Lee et al., 2021; Melchior et al., 2019; Paschall et al., 2021; Smart & Pacula, 2019) have reported greater increases in the prevalence of adolescent cannabis use in states with recreational cannabis laws. For instance, a large study by Bae and Kerr (2020) involving undergraduate students in the US found that past 30-day cannabis use increased more among students in states with legalised non-medical cannabis ($n = 234,669$ in seven states) compared to states with legalised medical cannabis ($n = 599,605$ in 41 states), with a greater effect observed among female adolescents (OR = 1.29 for females, 1.12 for males). Smart and Pacula (2019) state that research on recreational cannabis laws is still emerging, but early results indicate little impact on the prevalence of adolescent cannabis use, possible increases in cannabis use among college students, and unclear effects on other substance use.

Using DiD estimates, Cerdá et al. (2017) found significant differences in cannabis use among eighth and tenth graders when comparing Washington, which permits recreational drug use, with states that do not allow it. However, they did not find appreciable variations in cannabis use among twelfth graders in Washington or among different grade levels in Colorado. Melchior et al. (2019), in a systematic review and meta-analysis ($K = 8$), reported a small increase in cannabis use among young adults and adolescents (standardised mean difference of 0.03, 95% CI 0.01 to -0.07) following the legalisation of cannabis for recreational use. Athanassiou et al. (2023), through a systematic review of comparative longitudinal studies on

recreational cannabis legalization, found that past-month cannabis use significantly increased among adults aged 26 and older, but not among young adults (18-26 years) or adolescents (12-17 years).

These results suggest no policy-related changes in the incidence of new cannabis use among minors, but an increased incidence of new cannabis use among older adults. Montgomery et al. (2022), when considering the age group, also examined the effects of legalisation on first-time cannabis users. The evidence suggests that older adults (defined as those over 21) are more likely than younger individuals to initiate cannabis use. The legal retail sale of cannabis may be associated with an increased incidence of new cannabis use among older adults, but not among adolescents who are unable to purchase cannabis products from retail outlets.

The most pressing concern may indeed be the impact of changes in legislation on the proportion of cannabis users who develop problematic cannabis use. However, it is also important to consider how a potential increase in cannabis use may differentially affect cannabis use disorders (CUD) in states with legalisation. Unfortunately, there have been few studies examining trends in CUD. Cerdá et al. (2020) suggest that 12-17-year-olds participating in the National Surveys on Drug Use and Health (NSDUH) in states with legalised recreational cannabis may be more likely to have CUD cases, but it remains unclear whether this is directly attributable to cannabis policy changes.

Mennis et al. (2023), using a national survey and administrative data, demonstrate a significant decline in the utilisation of CUD treatment across all age groups in the general population since the mid-2000s. They also find that previous treatment data on CUD treatment admissions among adolescents decreased at comparable rates between 2008 and 2016 in states where recreational cannabis use was legalised and in areas where it remained illegal (Mennis & Stahler, 2020). Furthermore, the legalisation of recreational cannabis among adults did not affect the proportion of CUD treatment admissions out of all substance use disorder admissions (Rhee & Rosenheck, 2022). Based on these findings, the authors suggest that the use of CUD treatment did not change due to the legalisation of cannabis. Alternatively, they propose that the legalisation of cannabis and increased social acceptance of its use may lead to a decrease in CUD prevalence among cannabis users and a decrease in treatment utilisation among individuals with CUD (including a reduction in the number of criminal justice referrals for CUD treatment), resulting in an overall decrease in CUD treatment utilisation.

Finally, it is crucial to examine whether the legalisation of cannabis for recreational use will increase the negative effects associated with cannabis use. Some public health issues have been investigated in this regard. Marinello and Powell

(2023) conducted a study examining three potential causes of death related to cannabis use: motor vehicle accidents, suicide, and opioid overdose. Their DiD analysis, utilising data from US death certificates between 2009 and 2019, revealed that recreational cannabis markets are associated with, on average, a 10% increase in motor vehicle accident deaths and an 11% decrease in opioid overdose deaths. However, no evidence was found to suggest an effect on suicides.

Furthermore, Wilson and Rhee (2022) conducted a review on the causal effects of cannabis legalisation on parents, parenting, and children. They concluded that no current evidence supports the idea that cannabis legalization affects child abuse and neglect, though few studies have explored other aspects of parenting or child development in relation to cannabis legalization.

The effect of cannabis legalisation on the prevalence of drivers testing positive for THC and its association with traffic accidents has been a subject of research. Brubacher et al. (2022) found an increased prevalence of drivers testing positive for THC after Canadian legalisation, while the prevalence of drivers testing positive for alcohol did not change. The review by González-Sala et al. (2023) indicated that seven papers found an association between the legalisation of recreational cannabis and the number of traffic accidents, while two papers found no such association. When using the DiD approach, four studies found a greater effect in states that have legalised cannabis, while two studies found no significant effect.

An effect of cannabis legalisation is, as expected, a decrease in arrests for drug use and even a decline in drug trafficking. According to Reed (2021), the total number of cannabis arrests in Colorado declined by 68% (from 13,225 to 4,290) between 2012 and 2019. Arrests for cannabis possession were down 71%, while arrests for cannabis sales were down 56%. However, the overall effects of legalisation on other crimes are still inconclusive. Lu et al. (2019) employed a multi-group interrupted time-series methodology and found no statistically significant differences in long-term rates of violent or property crimes in Colorado and Washington.

Wu and Willis (2022) expanded this line of inquiry to Oregon, where cannabis use became legal in late 2014, and investigated how legalisation has affected the simple assault. Employing Uniform Crime Reporting (UCR) Program data from 2007 to 2017, they found larger increases in simple assault rates following legalisation in Oregon compared to states where cannabis remained illegal. Lee (2022) applied the DiD methodology to FBI crime data and found evidence of the effects of the first recreational cannabis laws (enacted before 2015) on the increase in property crime. However, this effect is not observed for violent crime, except for murder, without a reasonable explanation as to why the latter effect is not a spurious relationship.

To sum up, several highly developed nations have currently legalised the use of cannabis. Different types of market regulation have been implemented, and relevant evaluation studies have shown clear benefits for communities, as well as contradictory findings on drug usage and associated harms. Yet, the elimination of prohibitions on cannabis drug use has taken place without any cataclysm.

Conclusions

Over the two decades since the implementation of the Portuguese drug decriminalisation model – a protective yet also prohibitionist regime – its impact appears limited: there's been no significant increase in drug use prevalence rates, and crime rates have shown a trend of stabilisation. Moreover, there's an increase observed in the number of individuals detected for drug use, leading to legal action against them. Hence, there is a rise in individuals subjected to administrative measures operated by the CDDA, reflecting the expected net widening effect. An increase in criminal penalties is also observed, since PWUD remained a target of the criminal justice system for drug law crimes. This was due to the re-criminalisation of drug use between 2009 and 2023 and to the criminalisation of sociocultural practices associated with drug use, namely cultivation for personal use, social supply, and using-dealing. The Portuguese experience shows that drug decriminalisation seems to be insufficient to reclaim PWUDs from the sphere of criminal action.

Looking ahead, recent experiences in legalising cannabis use and regulating its market offer promising alternatives to the ongoing criminal approach. Several developed countries and states, through popular votes, have implemented cannabis legalisation and market regulations. Insights gleaned from research on drug use and related outcomes from these innovative frameworks can help avoid the continued entanglement of PWUD in the criminal justice system. Beyond the anticipated benefits, such as reduced safety risks and state costs, legalisation and market regulations also respect individuals' freedom of choice. Could this be a sign of the beginning of the end of the War on Drugs, ushering in a new post-prohibition era?

References

- Ali, R., Christie, P., Lenton, S., Hawks, D., Sutton, A., Hall, W., & Allsop, S. (1999). *The social impacts of the cannabis expiation notice scheme in South Australia*. Australian Government Publication Service.
- Anderson, D. M., Rees, D., Sabia, J. J., & Safford, S. (2021). Association of marijuana legalisation with marijuana use among US high school students, 1993-2019. *JAMA*

- Network Open*, 4(9), e2124638.
<https://doi.org/10.1001/jamanetworkopen.2021.24638>
- Athanassiou, M., Dumais, A., Zouaoui, I., & Potvin, S. (2023). The clouded debate: A systematic review of comparative longitudinal studies examining the impact of recreational cannabis legalisation on key public health outcomes. *Frontiers in Psychiatry*, 13, 1060656. <https://doi.org/10.3389/fpsy.2022.1060656>
- Bae, H., & Kerr, D. (2020). Marijuana use trends among college students in states with and without legalisation of recreational use: initial and longer-term changes from 2008 to 2018. *Addiction*, 115(6), 1115-1124. <https://doi.org/10.1111/add.14939>
- Bailey, J. A., Tiberio, S. S., Kerr, D. C., Epstein, M., Henry, K. L., & Capaldi, D. E. (2023). Effects of Cannabis Legalisation on Adolescent Cannabis Use Across 3 Studies. *American Journal of Preventive Medicine*, 64(3), 361-367. <https://doi.org/10.1016/j.amepre.2022.09.019>
- Balsa, C., Farinha, T., Urbano, C., & Francisco, A. (2003). *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa* (Coleção Estudos – Universidades). IDT, Instituto da Droga e da Toxicodependência.
- Balsa, C., Vital, C., & Urbano, C. (2013). *III Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Portuguesa 2012. Resultados preliminares* (Coleção Estudos – Universidades). SICAD, Serviço de Intervenção nos Comportamentos Aditivos e nas Dependências.
- Balsa, C., Vital, C., & Urbano, C. (2017). *IV Inquérito Nacional ao Consumo de Substâncias Psicoativas na População Geral Portugal 2016/17. Relatório final*. SICAD, Serviço de Intervenção nos Comportamentos Aditivos e nas Dependências.
- Balsa, C., Vital, C., Urbano, C., & Pascueiro, L. (2008). *Inquérito Nacional ao Consumo de Substâncias Psicoativas na População geral, Portugal 2007* (Coleção Estudos – Universidades). IDT, Instituto da Droga e da Toxicodependência.
- Brubacher, J. R., Chan, H., Erdelyi, S., Staples, J. A., Asbridge, M., & Mann, R. E. (2022). Cannabis Legalisation and Detection of Tetrahydrocannabinol in Injured Drivers. *New England Journal of Medicine*, 386(2), 148-156. <https://doi.org/10.1056/NEJMsa2109371>
- Cardoso, R. (2021). O crime de consumo de estupefacientes. In CEJ, Centro de Estudos Judiciários. (Ed.), *Tráfico e Consumo de Estupefacientes e Substâncias Dopantes* (Coleção Formação Contínua) (pp. 261-304).
- Carvalho, M. (2007). *Culturas juvenis e novos usos de drogas em meio festivo: O trance psicadélico como analisador*. Campo das Letras.
- Cerdá, M., Mauro, C., Hamilton, A., Levy, N. S., Santaella-Tenorio, J., Hasin, D., Wall, M. M., Keyes, K. M., & Martins, S. S. (2020). Association Between Recreational Marijuana Legalisation in the United States and Changes in Marijuana Use and Cannabis Use Disorder From 2008 to 2016. *JAMA Psychiatry*, 77(2), 165-171. <https://doi.org/10.1001/jamapsychiatry.2019.3254>
- Cerdá, M., Wall, M., Feng, T., Keyes, K. M., Sarvet, A., Schulenberg, J., O'Malley, P. M., Pacula, R. L., Galea, S., & Hasin, D. S. (2017). Association of State Recreational

- Marijuana Laws With Adolescent Marijuana Use. *JAMA Pediatrics*, 171(2), 142-149. <https://doi.org/10.1001/jamapediatrics.2016.3624>
- Coley, R. L., Kruzik, C., Ghiani, M., Carey, N., Hawkins, S. S., & Baum, C. F. (2021). Recreational marijuana legalisation and adolescent use of marijuana, tobacco, and alcohol. *Journal of Adolescent Health*, 69(1), 41-49. <https://doi.org/10.1016/j.jadohealth.2020.10.019>
- Coomber, R. (2010). Reconceptualising drug markets and drug dealers — the need for change. *Drugs and Alcohol Today*, 10(1), 10-13. <https://doi.org/10.5042/daat.2010.0122>
- Coomber, R., & Moyle, L. (2014). Beyond drug dealing: developing and extending the concept of ‘social supply’ of illicit drugs to ‘minimally commercial supply’. *Drugs: Education, Policy and Prevention*, 21(2), 157-164.
- Costa, E. (2017). Consumo de estupefacientes: evolução e tensões no direito português. *Julgar*, 32, 161-80.
- Cruz, O. (2014). *Drogas ilícitas: consumidores “não problemáticos”*. Histórias e trajetórias que os diferenciam de consumidores “problemáticos”. Rei dos Livros.
- Decree-Law No. 430/83, December 13th, of the Ministry of Justice and Ministry of Health (1983). Altera o regime em vigor, tipifica novos ilícitos penais e contravencionais e define novas penas ou modifica as actuais em matéria de consumo e tráfico ilícito de drogas. *Diário da República*, 1.ª série, 285, 4015-4029. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/430-1983-443290>
- Decree-Law No. 15/93, January 22nd, of the Ministry of Justice. (1993). Revê a legislação de combate à droga. *Diário da República*, 1.ª série-A, 18, 234-252. <https://diariodarepublica.pt/dr/en/detail/decreto-law/15-1993-585178>
- Decree-Law No. 130-A/2001, April 23rd, of the Presidency of Ministers Council. (2001). Estabelece a organização, o processo e o regime de funcionamento da comissão para a dissuasão da toxicodependência, a que se refere o n.º 1 do artigo 5.º da Lei n.º 30/2000, de 29 de Novembro, e regula outras matérias complementares. *Diário da República*, 1º Suplemento, 1.ª série-A, 95, 2334-(2)-2334-(8). <https://diariodarepublica.pt/dr/detalhe/decreto-lei/130-a-2001-475755>
- Dilley, J. A., Richardson, S. M., Kilmer, B., Pacula, R. L., Segawa, M. B., & Cerdá, M. (2019). Prevalence of cannabis use in youths after legalisation in Washington state. *JAMA pediatrics*, 173(2), 192-193. <https://doi.org/10.1001/jamapediatrics.2018.4458>
- Doran, N., Strong, D., Myers, M. G., Correa, J. B., & Tully, L. (2021). Post-legalisation changes in marijuana use in a sample of young California adults. *Addictive Behaviors*, 115, 106782. <https://doi.org/10.1016/j.addbeh.2020.106782>
- EMCDDA, European Monitoring Centre for Drugs and Drug Addiction. (2020). *ESPAD Report 2019: Results from the European School Survey Project on Alcohol and Other Drugs*. Publications Office of the European Union. <https://data.europa.eu/doi/10.2810/877033>
- EMCDDA, European Monitoring Centre for Drugs and Drug Addiction. (2023). *Statistical Bulletin 2023. Data on drug situation in Europe*. https://www.euda.europa.eu/data/stats2023_en

- Fernandes, L. (1998). *O sítio das drogas. Etnografia das drogas numa periferia urbana*. Editorial Notícias.
- Fonseca, C. (2006). Consumo de Drogas: Crime ou Contra-Oordenação?. *Saúde Mental*, 8(4), 39-51.
- González-Sala, F., Tortosa-Pérez, M., Peñaranda-Ortega, M., & Tortosa, F. (2023). Effects of Cannabis Legalisation on Road Safety: A Literature Review. *International Journal of Environmental Research and Public Health*, 20(5),4655.
<https://doi.org/10.3390/ijerph20054655>
- Goodwin, R. D., Kim, J. H., Cheslack-Postava, K., Weinberger, A. H., Wu, M., Wyka, K., & Kattan, M. (2021). Trends in cannabis use among adults with children in the home in the United States, 2004-2017: Impact of state-level legalisation for recreational and medical use. *Addiction*, 116(10), 2770-2778.
<https://doi.org/10.1111/add.15472>
- Greenwald, G. (2009). *Drug decriminalisation in Portugal. Lessons for creating fair and successful drug policies*. Cato Institute.
- Hough, M., Warburton, H., Few, B., May, T., Man, L-H., Witton, J., & Turnbull, P. J. (2003). *A growing market: The domestic cultivation of cannabis*. Joseph Rowntree Foundation.
- Hughes, C., & Stevens, A. (2010). What can we learn from the Portuguese decriminalisation of illicit drugs? *British Journal of Criminology*, 50(6), 999-1022.
<https://doi.org/10.1093/bjc/azq038>
- Hughes, C., & Stevens, A. (2012). A resounding success or a disastrous failure. Reexamining the interpretation of evidence on the Portuguese decriminalisation of illicit drugs. *Drug and Alcohol Review*, 31(1), 101-113.
<https://doi.org/10.1111/j.1465-3362.2011.00383.x>
- Imtiaz, S., Yeshambel, T., Nigatu, F. A, Douglas, L., Hayley A., Hamilton, R. J., Rueda, S., Schwartz, R. M., Wells, S., & Elton-Marshall, T. (2023). Cannabis legalisation and cannabis use, daily cannabis use and cannabis-related problems among adults in Ontario, Canada (2001-2019). *Drug and Alcohol Dependence*, 244, 109765.
<https://doi.org/10.1016/j.drugalcdep.2023.109765>
- Judgment No. 8/2008, August 5th, from Supreme Court. (2008). *Diário da República*, 1.^a série, 150, 5235-5254.
<https://diariodarepublica.pt/dr/detalhe/acordao-supremo-tribunal-justica/8-2008-455407>
- Judgment No. 587/2014, December 3rd, from Constitucional Court. (2014). *Diário da República*, 2.^a série, 234, 30383-30389.
<https://diariodarepublica.pt/dr/analise-juridica/acordao/587-2014-60955507>
- Kim, J. H., Weinberger, A. H., Zhu, J., Barrington-Trimis, J., K., & Goodwin, R. D. (2021). Impact of state-level cannabis legalisation on poly use of alcohol and cannabis in the United States, 2004-2017. *Drug Alcohol Dependence*, 218, 108364.
<https://doi.org/10.1016/j.drugalcdep.2020.108364>

- Kury, H., Kuhlmann, A., & Quintas, J. (2019). On the preventative effect of sanctions for drug crime. The United States, Germany, and Portugal. *Archives of Criminology*, 41(1), 261-295. <https://doi.org/10.7420/AK2019F>
- Law No. 30/2000, November 29th, from Assembly of the Republic. (2000). Regime jurídico aplicável ao consumo de estupefacientes e substâncias psicotrópicas, bem como a protecção sanitária e social das pessoas que consomem tais substâncias sem prescrição médica. *Diário da República*, 1.^a série-A, 276, 6829-6833. <https://diariodarepublica.pt/dr/detalhe/lei/30-2000-599720>
- Law No. 55/2023, September 8th, from Assembly of the Republic. (2023). Clarifica o regime sancionatório relativo à detenção de droga para consumo independentemente da quantidade e estabelece prazos regulares para a atualização das normas regulamentares, alterando o Decreto-Lei n.º 15/93, de 22 de janeiro, e a Lei n.º 30/2000, de 29 de novembro. *Diário da República*, 1.^a série, 175, 2-3. <https://diariodarepublica.pt/dr/detalhe/lei/55-2023-221432122>
- Lee, S. (2022, July 31-August 2). *Did Recreation Marijuana Legalisation Increase Crime?* [Paper presentation]. Agricultural & Applied Economics Association Annual Meeting, Anaheim, California, United States of America.
- Lee, M. H., Kim-Godwin, Y. S., & Hur, H. (2021). Adolescents' marijuana use following recreational marijuana legalisation in Alaska and Hawaii. *Asia-Pacific Journal of Public Health*, 34(1), 65-71. <https://doi.org/10.1177/10105395211044917>
- Lu, R., Willits, D., Stohr, M., Makin, D., Snyder, J., Lovrich, N., Meize, M., Stanton, D., Wu, G., & Hemmens, C. (2019). The Cannabis Effect on Crime: Time-Series Analysis of Crime in Colorado and Washington State. *Justice Quarterly*, 38(4), 565-595. <https://doi.org/10.1080/07418825.2019.1666903>
- Marinello, S., & Powell, L. M. (2023). The impact of recreational cannabis markets on motor vehicle accident, suicide, and opioid overdose fatalities. *Social Science & Medicine*, 320, 115680. <https://doi.org/10.1016/j.socscimed.2023.115680>
- Martins, S. S., Segura, L. E., Levy, N. S., Mauro, P. M., Mauro, C. M., Philbin, M. M., & Hasin, D. S. (2021). Racial and ethnic differences in cannabis use following legalisation in US states with medical cannabis laws. *JAMA network open*, 4(9), e2127002. <https://doi.org/10.1001/jamanetworkopen.2021.27002>
- Melchior, M., Nakamura, A., Bolze, C., Hausfater F., El Khoury, F., Mary-Krause, M., & Silva, M. A. (2019). Does liberalisation of cannabis policy influence levels of use in adolescents and young adults? A systematic review and meta-analysis. *BMJ open*, 9(7), e025880. <https://doi.org/10.1136/bmjopen-2018-025880>
- Mennis, J., & Stahler, G. J. (2020). Adolescent treatment admissions for marijuana following recreational legalisation in Colorado and Washington. *Drug Alcohol Dependence*, 210, 107960. <https://doi.org/10.1016/j.drugalcdep.2020.107960>
- Mennis, J., Stahler, G. J. & Mason, M. J. (2023). Cannabis Legalisation and the Decline of Cannabis Use Disorder (CUD) Treatment Utilization in the US. *Current Addiction Reports*, 10, 38-51. <https://doi.org/10.1007/s40429-022-00461-4>

- Montgomery, B. W., Roberts, M. H., Margerison, C. E., & Anthony, J. C. (2022). Estimating the effects of legalising recreational cannabis on newly incident cannabis use. *PLoS One*, 17(7), e0271720. <https://doi.org/10.1371/journal.pone.0271720>
- Paschall, M. J., García-Ramírez, G., & Grube, J. W. (2021). Recreational marijuana legalisation and use among California adolescents: findings from a statewide survey. *Journal of Studies on Alcohol and Drugs*, 82(1), 103-111. <https://doi.org/10.15288/jsad.2021.82.103>
- Pavarin, R. M., Rêgo, X., Nostrani, E., Caro, E., Biolcati, R., Canêdo, J., & Sanchini, S. (2020). Differences between subjects with socially integrated drug use: a study in Italy and Portugal. *Journal of Substance Use*, 25(4), 449- 455. <https://doi.org/10.1080/14659891.2020.1736660>
- Pearson, G. (2007). Drug markets and dealing: From ‘Street Dealer’ to ‘Mr Big’. In M. Simpson, T. Shildrick, & R. MacDonald (Eds.), *Drugs in Britain: Supply, consumption and control* (pp. 76-91). Palgrave.
- Potter, G. (2009). Exploring retail-level drug distribution: social supply, “real” dealers and the user/dealer interface. In Z. Demetrovics, J. Fountain. & L. Kraus (Eds.), *Old and new policies, theories, research methods and drug users across Europe* (pp. 50-74). PABST Science Publishers.
- Quintas, J. (2006). *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização* [Doctoral dissertation, Faculdade de Direito da Universidade do Porto].
- Quintas, J. (2011). *Regulação Legal do Consumo de Drogas. Impactos da Experiência Portuguesa da Descriminalização*. Fronteira do Caos.
- Quintas, J., & Arana, X. (2017). Decriminalisation: different models in Portugal and Spain. In E. U. Savona, M. A. R. Kleiman, & F. Calderoni (Eds.), *Dual Markets Comparative Approaches to Regulation* (pp. 121-143). Springer. https://doi.org/10.1007/978-3-319-65361-7_8
- Quintas, J., & Faria, R. (2023, April 26). *Cultivo doméstico de cannabis: entre a autonomia dos prazeres e o constrangimento criminal* [Presentation]. 23.^a Conferência do Centro Interdisciplinar sobre Crime, Justiça e Segurança, Porto, Portugal.
- Reed, J. K. (2021). *Impacts of marijuana legalisation in Colorado: A Report Pursuant to C.R.S. 24-33.4-516*. Colorado Department of Public Safety. https://cdpsdocs.state.co.us/ors/docs/reports/2021_SB13-283_Rpt.pdf
- Rêgo, X., Oliveira, M, Lameira, C., & Cruz, O. (2021). 20 years of Portuguese drug policy – developments, challenges and the quest for human rights. *Substance Abuse, Treatment, Prevention, and Policy*, 16, 1-11. <https://doi.org/10.1186/s13011-021-00394-7>
- Rhee, T. G., & Rosenheck, R. A. (2022). Admissions to substance use treatment facilities for cannabis use disorder, 2000-2017: does legalization matter? *The American Journal on Addictions*, 31(5), 423-432. <https://doi.org/10.1111/ajad.13286>

- SICAD, Serviço de Intervenção nos Comportamentos Aditivos e nas Dependências. (2020). *Relatório anual 2019 – A situação do país em matéria de drogas e toxicodependências* (Coleção Relatórios).
<https://www.icad.pt/DocumentList/GetFile?id=629&languageId=1>
- SICAD, Serviço de Intervenção nos Comportamentos Aditivos e nas Dependências. (2022). *Relatório anual 2021 – A situação do país em matéria de drogas e toxicodependências*.
<https://www.icad.pt/DocumentList/GetFile?id=614&languageId=1>
- Smart, R., & Pacula, R. L. (2019). Early evidence of the impact of cannabis legalisation on cannabis use, cannabis use disorder, and the use of other substances: findings from state policy evaluations. *The American journal of drug and alcohol abuse*, 45(6), 644-663. <https://doi.org/10.1080/00952990.2019.1669626>
- Taylor, M., & Potter, G. R. (2013). From “Social Supply” to “Real Dealing”: Drift, Friendship, and Trust in Drug-Dealing Careers. *Journal of Drug Issues*, 43(4), 392-406. <https://doi.org/10.1177/0022042612474974>
- Torres, A., Mendes, R., Gaspar, S., Fonseca, R., Oliveira, C., & Dias, C. (2016). *Inquérito Nacional sobre Comportamentos Aditivos em Meio Prisional. Caracterização da população prisional, crimes cometidos e dependências face às drogas, bebidas alcoólicas e jogo a dinheiro*. SICAD.
- Turna, J., Belisario, K., Balodis, I., Van Ameringen, M., Busse, J., & MacKillop, J. (2021). Cannabis use and misuse in the year following recreational cannabis legalisation in Canada: A longitudinal observational cohort study of community adults in Ontario. *Drug and Alcohol Dependence*, 225, 108781.
<https://doi.org/10.1016/j.drugalcdep.2021.108781>
- UNODC. (2023). *World Drug Report 2023*. United Nations Publications.
- Wilson, S., & Rhee, S. H. (2022). Causal effects of cannabis legalisation on parents, parenting, and children: A systematic review. *Preventive Medicine*, 156, 106956.
<https://doi.org/10.1016/j.ypmed.2022.106956>
- Wu, G., Wen, M., & Wilson, F. (2021). Impact of recreational marijuana legalisation on crime: Evidence from Oregon. *Journal of Criminal Justice*, 72, 101742.
<https://doi.org/10.1016/j.jcrimjus.2020.101742>
- Wu, G., & Willits, D. W. (2022). The Impact of Recreational Marijuana Legalisation on Simple Assault in Oregon. *Journal of Interpersonal Violence*, 37(23-24), NP23180-NP23201. <https://doi.org/10.1177/08862605221076169>
- Zellers, S. M., Ross, J. M., Saunders, G. R. B., Ellingson, J. M., Anderson, J. E., Corley, R. P., Iacono, W., Hewitt, J. K., Hopfer, C. J., McGue, M. K., & Vrieze, S. (2023). Impacts of recreational cannabis legalisation on cannabis use: a longitudinal discordant twin study. *Addiction*, 118(1), 110-118. <https://doi.org/10.1111/add.16016>

Data de submissão: 17/07/2023 | **Data de aceitação:** 08/07/2024

