

Decriminalization versus Legalization

Decriminalization refers to the removal of criminal penalties for possession of small amounts of currently criminalized drugs. Possession would remain a criminal offence “subject to civil or administration sanctions” such as fines (Transform 2014: 83). Critics argue that prohibition-related harms would remain intact, such as illegal drug markets and organized crime. Further, they argue that drug users would remain at risk because the quality of the drugs bought would remain unknown. Portugal decriminalized all drugs for personal use in 2001.

Legalization refers to removing all criminal penalties for the possession of currently criminalized drugs. These drugs would be legally regulated by the state (just as alcohol and prescription drugs are). Furthermore, policies for the production, sale and taxation of some drugs such as cannabis would be enacted. In 2014 Uruguay became the first nation to end cannabis prohibition. Four U.S. states and the District of Columbia have also enacted legislation to legally regulate the use, production, sale and taxation of cannabis.