

## Course Outline

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<b>COURSE:</b>	<b>LAWS 4303 A - Drugs, the User and the State</b>
<b>TERM:</b>	<b>Fall 2024</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, CRCJ 3001, or CRCJ 3002, and 0.5 credit from LAWS 2301 or LAWS 2302, and fourth-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: TUESDAYS 6:05PM – 8:55PM Room: Please check Carleton Central for current Class Schedule Course is taught IN PERSON.</b>
<b>INSTRUCTOR:</b>	<b>David J. D’Intino, M.A J.D</b>
<b>CONTACT:</b>	<b>Office Hrs: BY APPOINTMENT ONLY (VIRTUAL) Telephone: Email: <a href="mailto:daviddintino@cunet.carleton.ca">daviddintino@cunet.carleton.ca</a></b>
<b>BRIGHTSPACE:</b>	<b><a href="https://brightspace.carleton.ca/d2l/home/290269">https://brightspace.carleton.ca/d2l/home/290269</a></b>

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**Calendar Course Description:** This course explores the state's attempts to control drugs and drug users by exploring different aspects of national and international drug control. The Canadian experience of drug control, viewed from different perspectives, will be explored within a broader socio-legal context.

**Course Description:** In this fourth-year course, we attempt to make sense of the Canadian state’s historical and contemporary efforts to prohibit drugs and criminally prosecute some drug users by exploring different aspects of drug control through ideological and institutional state apparatuses. The purpose of this course is to encourage students to think critically about both Canadian and International experiences in drug prohibition, including an extensive overview of harm reduction and decriminalization strategies. We explore different forms of drug control, looking at the role of both criminal and administrative law in attempts to regulate substances. Students will be encouraged to challenge common discourses by thinking through developments in drug control from social, cultural, legal, political, economic and international standpoints.

**Course Objectives/Learning Outcomes:**

- Identify and explain the historical evolution of Canadian drug prohibition law and policy and the way in which modern legislation and policy impacts specific marginalized and vulnerable populations within Canada;
- Recognize and explain several different theoretical perspectives addressing contemporary domestic and international drug control and the way in which state power, morality and cultural imperatives intersect with individual rights in relation to crime, policing, sentencing, incarceration and rehabilitation;
- Articulate the ways in which the daily lives of persons with addictions may be impacted by legal rules and frameworks through a comparative examination of criminal justice approaches and broader harm reduction, decriminalization and rehabilitation strategies; and
- Evaluate the effectiveness of alternatives such as harm reduction or decriminalization within the broader legal framework of contemporary Canadian drug law and policy.

**REQUIRED MATERIALS:**

There is no required course text. All readings will be made available on Course Reserves.

<https://brightspace.carleton.ca/d21/home/290269>

**EVALUATION:** Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**All components must be successfully completed to earn a passing grade.**

**CLASS ATTENDANCE AND PARTICIPATION: 20%**

The easiest 20% of your grade any instructor can give you. Just show up to class, having read the materials and taken notes of what you read, as well as some comments, suggestions or questions for class discussion and you get full credit.

As a fourth-year seminar, we will use a hybrid model of class discussion and some lecturing, but I would encourage students to be active participants in shaping what we discuss and how we discuss the course materials.

In order to obtain the full 20%, students must attend each class and participate in discussions either during class or through Brightspace.

Students **must attend class, as it is mandatory**. Students who attend less than 60% of classes without written permission or excuse from the instructor will receive a grade of F.

### **MID TERM EXAMINATION: 40%**

**October 15<sup>th</sup>, 2024**

- The examination will be cumulative, covering all lectures to date
- The exam will be a take-home, closed-book examination
- All sources used must be cited using the McGill Guide format
- You will have three hours to complete the exam and submit it electronically via Brightspace
- The exam will consist of fact scenarios and short essay questions where you will demonstrate what you have learned, by applying class concepts to those fact patterns
- The use of AI or any outside sources will be strictly prohibited and result in a referral to the Associate Dean for academic dishonesty.

### **FINAL EXAMINATION: 40%**

#### **DURING OFFICIAL EXAM PERIOD (TBD)**

- The examination will be cumulative, covering all topics in the course
- The exam will be a take-home, closed-book examination
- All sources used must be cited using the McGill Guide format
- You will have three hours to complete the exam and submit it electronically via Brightspace
- The exam will consist of fact scenarios and short essay questions where you will demonstrate what you have learned, by applying class concepts to those fact patterns

- The use of AI or any outside sources will be strictly prohibited and result in a referral to the Associate Dean for academic dishonesty.

### **CLASS SCHEDULE:**

**WEEK ONE (SEPTEMBER 10) – INTRODUCTION TO THE COURSE AND THE INSTRUCTOR, WHAT IS A DRUG?**

#### **REQUIRED READINGS:**

1. “*Drugs of Abuse: Uses and Effects*” in *Drugs, Behaviour and Society* (4<sup>th</sup> Ed) by Andrea Hebb, Robert Gilbert, Carl L. Hart, et al. Page 2 (chart)

**WEEK TWO (SEPTEMBER 17) – HISTORICAL USES OF SUBSTANCES AND THE HISTORY OF SUBSTANCE PROHIBITION IN NORTH AMERICA**

#### **REQUIRED READINGS:**

1. “*The Beginning of Drug Prohibition in Canada: What’s Past is Prologue*”, by Robin McKay in *Queen’s Quarterly* 2018-12, Vol 125(4) at p. 530-539.
2. “*Exploring Canada’s Racist History of Drug Prohibition*” by Olivia Visser in *UWIRE Text*, 2022-07-15 at p.1
3. “*There is a New Drug in the Schedule: The Criminalization of Cannabis in Canada*” by Nathan Ruston in *Journal of Canadian Studies*, Vol 55, No 2. Summer 2021, pp. 458-479.
4. “*The Prohibition Hangover : Alcohol in America from Demon Rum to Cult Cabernet*” by Garrett Peck; 2009, Chapter 1: The Noble Experiment.

**WEEK THREE (SEPTEMBER 24) – THE “WAR ON DRUGS”**

**\*THIS CLASS WILL BE ONLINE, PRE-RECORDED. DO NOT ATTEND CLASS\***

#### **REQUIRED READINGS:**

1. “*Who’s Using and Who’s Doing Time: Incarceration, the War on Drugs, and Public Health*” by Lisa D. Moore and Amy Elkavich in *Am. J Public Health*, 2008 May, 98(5): pp. 782-786.
2. “*The War on Drugs, Racial Meanings, and Structural Racism: A Holistic and Reproductive Approach*” by Michael L. Rosino and Matthew W. Hughey in *The American Journal of Economics and Sociology*, Vol. 77, No. 3/4 pp. 849-892.
3. “*State Efforts to Construct a Social Problem: The 1986 War on Drugs in Canada*” by Eric L. Jensen and Jurg Gerber in *Canadian Journal of Sociology*, 1993-10, Vol 18(4): pp. 453-462.

#### **WEEK FOUR (OCTOBER 1) – INTERNATIONAL DRUG CONTROL, THE DRUG TRADE AND INTERNATIONAL CONFLICT**

**\*THIS CLASS WILL BE ONLINE, PRE-RECORDED. DO NOT ATTEND CLASS\***

#### **REQUIRED READINGS:**

1. *A Century of International Drug Control* by United Nations Office on Drugs and Crime: December 2010 at pp. 29-80.
2. <https://insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/>

#### **WEEK FIVE (OCTOBER 8) – REGULATION OF PHARMACEUTICALS AND TOBACCO**

**\*THIS CLASS WILL BE ONLINE, PRE-RECORDED. DO NOT ATTEND CLASS\***

#### **REQUIRED READINGS:**

1. “*Action, regulation, and response: The tobacco industry in the United States and Canada*”, by Shoshana B. Tancer in *Thunderbird International Business Review*, 1997-03, Vol. 39(2) at p.299.

2. “*Tobacco Packaging and Labeling Policies Under the U.S. Tobacco Control Act: Research Needs and Priorities*”, by David Hammond in *Nicotine & Tobacco Research*, Vol. 14(1)(Jan 2012) pp 62-74.
3. Chapter 10: “*Pharmaceutical Regulations in the United States: An Overview*”, by Sunita Narang in *Pharmaceutical Medicine and Translation Clinical Research* by Divya Vohora and Gursharan Singh (2017) at p. 157
4. <https://www.ontario.ca/page/drug-funding-review-and-approval-process#:~:text=representing%20the%20process%3A-,Regulatory%20approval,Canada%20for%20review%20and%20approval.>

**WEEK SIX (OCTOBER 15) – MID TERM EXAMINATION – ONLINE!!**

**WEEK SEVEN (OCTOBER 22) – NO CLASS! WINTER BREAK!**

**WEEK EIGHT (OCTOBER 29) – THE CONTROLLED DRUGS AND SUBSTANCES ACT AND CRIMINAL DRUG PROSECUTIONS PART I**

**REQUIRED READINGS:**

1. [https://www.criminalcodehelp.ca/resources/what-is-the-controlled-drugs-and-substances-act/#:~:text=The%20Controlled%20Drugs%20and%20Substances%20Act%20\(CDSA\)%20is%20a%20federal,potential%20for%20harm%20and%20abuse.](https://www.criminalcodehelp.ca/resources/what-is-the-controlled-drugs-and-substances-act/#:~:text=The%20Controlled%20Drugs%20and%20Substances%20Act%20(CDSA)%20is%20a%20federal,potential%20for%20harm%20and%20abuse.)
2. <https://www.nji-inm.ca/index.cfm/publications/model-jury-instructions/offences/controlled-drugs-and-substances/offence-5-2-possession-for-the-purpose-of-trafficking/?langSwitch=en>
3. [https://criminalnotebook.ca/index.php/Drug\\_Trafficking\\_\(Offence\)](https://criminalnotebook.ca/index.php/Drug_Trafficking_(Offence))
4. *McAndrews* Charter decision – to be posted on Brightspace

**WEEK NINE (NOVEMBER 5) – THE CONTROLLED DRUGS AND SUBSTANCES ACT AND CRIMINAL DRUG PROSECUTIONS PART II****REQUIRED READINGS:**

1. <https://www.cbc.ca/news/entertainment/matthew-perry-death-arrests-1.7296424>
2. <https://www.canada.ca/en/services/policing/police/community-safety-policing/impaired-driving/drug-impaired-driving.html>
3. <https://www.justice.gc.ca/eng/cj-jp/sidl-rlcfa/>
4. <https://www.justice.gc.ca/eng/cj-jp/sidl-rlcfa/qa2-qr2.html>
5. “Drug Recognition Expert (DRE) examination characteristics of cannabis impairment” by Rebecca Hartman et al. in *Accident Analysis & Prevention*, vol. 92, pp. 219-229.

**WEEK TEN (NOVEMBER 12) – HARM REDUCTION IN CANADA AND THE OPIOID CRISIS****REQUIRED READINGS:**

1. <https://www.justice.gov/opa/pr/justice-department-announces-global-resolution-criminal-and-civil-investigations-opioid>
2. <https://www.who.int/news-room/fact-sheets/detail/opioid-overdose>
3. <https://health-infobase.canada.ca/substance-related-harms/opioids-stimulants/>
4. <https://www.canada.ca/en/health-canada/services/substance-use/supervised-consumption-sites/explained.html>
5. *Chapter 10: Don't Supervised Injection Sites Enable Drug Use?* In “Overdose: Heartbreak and Hope in Canada's Opioid Crisis” by Benjamin Perrin. Toronto: Viking, 2020.

6. “Harm Reduction for Opioid Use Disorder: Strategies and Outcome Metrics” by Jennifer D. Ellis, Kelly E. Dunn and Andrew S. Huhn in *American Journal of Psychiatry*, vol 181(5).
7. Rob Thibert Sentencing Decision
8. [https://www.statnews.com/2016/06/09/opioid-prescriptions-addiction/?matchtype=&keyword=&cid=21378541377&agid=&device=c&placement=&creative=&target=&adposition=&utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=pmax-catchall&utm\\_term=&utm\\_content=&hsa\\_acc=5862992171&hsa\\_cam=21378541377&hsa\\_grp=&hsa\\_ad=&hsa\\_src=x&hsa\\_tgt=&hsa\\_kw=&hsa\\_mt=&hsa\\_net=adwords&hsa\\_ver=3&gad\\_source=1&gclid=Cj0KCQjwt4a2BhD6ARIsALgH7DoFb8VF8IS1YGZlIxm3g2HKmFNbokQjvo78Zzb3pszIJGUbOj26ikaAvPPEALw\\_wcB](https://www.statnews.com/2016/06/09/opioid-prescriptions-addiction/?matchtype=&keyword=&cid=21378541377&agid=&device=c&placement=&creative=&target=&adposition=&utm_source=google&utm_medium=cpc&utm_campaign=pmax-catchall&utm_term=&utm_content=&hsa_acc=5862992171&hsa_cam=21378541377&hsa_grp=&hsa_ad=&hsa_src=x&hsa_tgt=&hsa_kw=&hsa_mt=&hsa_net=adwords&hsa_ver=3&gad_source=1&gclid=Cj0KCQjwt4a2BhD6ARIsALgH7DoFb8VF8IS1YGZlIxm3g2HKmFNbokQjvo78Zzb3pszIJGUbOj26ikaAvPPEALw_wcB)

## **WEEK ELEVEN (NOVEMBER 19) – ALTERNATIVES TO PROHIBITION FROM AROUND THE WORLD AND THE DEVELOPMENT OF DRUG TREATMENT COURTS**

### **REQUIRED READINGS:**

1. “If Not You, Then Who?: A Qualitative Case Study of A Drug Treatment Court”, by Jennifer Smith Ramey, Fred Volk, Fred Milacci and Brian Kelley in *Journal of Social Work Practice in the Addictions*
2. “Motivation and accessing care among drug treatment court involved women: A sequential, mixed-methods approach” by Lilo Blank et al. in *Journal Of Community Psychology*, vol 52(1), pp. 105-133.
3. “Drug decriminalization’ in Canada: a plea for a nuanced, evidence-informed, and realistic approach towards improved health outcomes” by Benedickt Fischer in *Canadian Journal of Public Health* 2023:114 pp 943-946.
4. “Uses and Abuses of Drug Decriminalization in Portugal” by Hannah Laquer in *Law & Social Inquiry* vol 40(3) pp 746-781.



5. “All carrots and no stick”: Perceived impacts, changes in practices, and attitudes among law enforcement following drug decriminalization in Oregon State, USA”, by Hope Smiley-McDonald et al. in *International Journal of Drug Policy*, vol 118.

## **WEEK TWELVE (NOVEMBER 26) – THE LEGALIZATION OF MARIJUANA IN CANADA**

### **REQUIRED READINGS:**

1. “Chapter 2: Legalized Cannabis in Canada: Federalism, Policy and Politics” in *High Time: The Legalization and Regulation of Cannabis in Canada* by Daniel Weinstock and Andrew Potter. McGill: 2019
2. <https://www.justice.gc.ca/eng/cj-jp/cannabis/>
3. <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/provinces-territories.html>
4. <https://www150.statcan.gc.ca/n1/daily-quotidien/231016/dq231016c-eng.htm>
5. <https://foreignpolicy.com/2024/05/27/canada-legalization-cannabis-marijuana-trudeau-economics-public-health/>
6. <https://www.bbc.com/news/world-us-canada-67126243>

## **WEEK THIRTEEN (DECEMBER 6) – EXAM REVIEW, LOOSE ENDS AND QUESTIONS**

## **DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

### **PLAGIARISM**

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **STATEMENT ON STUDENT MENTAL HEALTH**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, [https://studentcare.ca/rte/en/IHaveAPlan\\_CarletonUniversityUndergraduateStudentsCUSA\\_EmpowerMe\\_EmpowerMe](https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUSA_EmpowerMe_EmpowerMe)
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

## **EXTENSIONS**

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date:

<https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

A deferred examination or essay assignment, following the same format, may be written upon application to/approval from the Registrar's Office. Exams are not returned automatically but I will provide them to students who request them. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

Essays will be returned ahead of the due date for your final exam at the end of term.

**Late examinations will be marked down one full letter grade for every 15 minutes that is submitted beyond the deadline, without prior approval from me. Exams submitted more than 1 hour late will receive an F.**

All assignments must be original. Please make careful note of regulations concerning academic integrity referred to above and related instructional offences as described in the Undergraduate Calendar.

## **ACADEMIC ACCOMMODATIONS**

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website ([students.carleton.ca/course-outline](https://students.carleton.ca/course-outline)).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

### **Pregnancy Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

### **Religious Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to:

<https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

### **Academic Accommodations for Students with Disabilities**

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

## **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

## **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

## **Academic Consideration for Medical and Other Extenuating Circumstances**

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).