



**To be completed by the Office of the Secretary of the House of Delegates**

**Item No.:** 4  
**Date received:** 12/8/2015  
**Time received:** 12:32 PM

**American Pharmacists Association  
 House of Delegates – Baltimore, MD  
 March 4 - 7, 2016**

**NEW BUSINESS**

**(To be submitted and introduced by Delegates only)**

**Introduced by:** Sarah Barden, on behalf of the 2016 APhA House of Delegates Policy Review Committee  
**(Name)**

12/8/15  
**(Date)**

APhA Policy Review Committee  
**(Organization)**

**Subject:** *Legalization or Decriminalization of Illicit Drugs*

**Motion:** We, the members of the Policy Review Committee, urge the 2016 House of Delegates to amend the following policy statement as follows:

1990 Legalization or Decriminalization of Illicit Drugs

1. APhA opposes legalization ~~or decriminalization~~ of the possession, sale, distribution, or use of drug substances for non-medicinal uses.
2. APhA supports the use of drug courts or other evidence-based mechanisms, when appropriate as determined by the courts, to provide alternate pathways within the criminal justice system for the treatment and rehabilitation of individuals charged with illicit drug-related offenses who have substance abuse or other related medical disorders.
3. APhA supports criminal penalties for persons convicted of drug-related crimes including, but not limited to, illicit drug trafficking, drug manufacture, and drug diversion whenever alternate pathways are inappropriate as determined by the courts.

**Background:**

Legalization and decriminalization are two distinct concepts that should be treated independently. Opposing legalization of drug substances for non-medicinal uses (proposed statement)

1) is consistent with APhA's 1990 policy. Decriminalization means removing criminal consequences for certain actions. Since 1990, society has increased its recognition of substance abuse disorders as medical conditions that benefit from treatment and rehabilitation. As these substance abuse disorders are often the underlying cause for behaviors such as the possession

and use of drug substances for non-medicinal uses, the criminal justice system has created, piloted, and implemented “drug court” programs that allow some individuals to access treatment and rehabilitation services rather than sending them to jail.<sup>1</sup> These programs have been successful in helping many of these individuals, and research has shown better outcomes by treating them as patients rather than as criminals.<sup>2,3,4</sup> By supporting alternative programs that help drug offenders with substance abuse disorders address their medical conditions (proposed statement)

2), APhA acknowledges and supports these new methods used to fight drug crimes developed by the criminal justice system. Supporting criminal penalties for drug-related criminal offenders when alternate pathways are inappropriate (proposed statement)

3) retains the intent of the “decriminalization” portion of the 1990 policy.

### Additional References

1. Office of National Drug Control Policy. (2011). Drug Courts A Smart Approach to Criminal Justice. Retrieved December 8, 2015, from Marlowe, D. B. (2010). Research Update on Adult Drug Courts. National Association of Drug Court Professionals. Retrieved from [http://www.nadcp.org/sites/default/files/nadcp/Research Update on Adult Drug Courts - NADCP\\_1.pdf](http://www.nadcp.org/sites/default/files/nadcp/Research%20Update%20on%20Adult%20Drug%20Courts%20-%20NADCP_1.pdf)
2. [https://www.whitehouse.gov/sites/default/files/ondcp/Fact\\_Sheets/drug\\_courts\\_fact\\_sheet\\_5-31-11.pdf](https://www.whitehouse.gov/sites/default/files/ondcp/Fact_Sheets/drug_courts_fact_sheet_5-31-11.pdf)
3. Rossman, S. B., et. al. (2011). The Multi-Site Adult Drug Court Evaluation: The Impact of Drug Courts. Washington, D.C. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/237112.pdf>
4. Rossman, S. B., & Zweig, J. M. (2012). The Multisite Adult Drug Court Evaluation. National Association of Drug Court Professionals. Retrieved from [http://www.nadcp.org/sites/default/files/nadcp/Multisite Adult Drug Court Evaluation - NADCP.pdf](http://www.nadcp.org/sites/default/files/nadcp/Multisite%20Adult%20Drug%20Court%20Evaluation%20-%20NADCP.pdf)

### **Current APhA Policy & Bylaws:**

#### **1990 Legalization or Decriminalization of Illicit Drugs**

APhA opposes legalization or decriminalization of the possession, sale, distribution, or use of drug substances for non-medicinal uses.

(Am Pharm NS30(6):46 June 1990) (Reviewed 2003)(Reviewed 2006)(Reviewed 2011)

New Business Items are due to the Speaker of the House by **February 3, 2016** (30 days prior to the start of the first House session). Consideration of urgent items can be presented with a suspension of the House Rules at the session where New Business will be acted upon. Please submit New Business Items to the Speaker of the House via email at [hod@aphanet.org](mailto:hod@aphanet.org).