

# The Impact of Decriminalizing Enhancement Drugs on Society

Cebo Daniel

Department of Biotechnology and Medicine, Lifeboat Foundation, Nevada, USA

## \*Corresponding Author

Cebo Daniel, Department of Biotechnology and Medicine, Lifeboat Foundation, Nevada, USA.

cebodaniel@humanacumen.info, cebo.daniel@cyberbiocode.net

Submitted: 15 Mar 2023; Accepted: 04 Apr 2023; Published: 10 Apr 2023

**Citation:** Daniel, C. (2023). The Impact of Decriminalizing Enhancement Drugs on Society. *J Addict Res*, 7(1), 20-23.

## Abstract

The decriminalization of enhancement drugs has had a major impact on society. These drugs, which are designed to increase physical and mental performance, have become increasingly popular among athletes and other individuals seeking an edge in their chosen field. Decriminalizing these substances has allowed for more open discussion about their use and potential benefits while also removing the stigma associated with them as well as any legal ramifications that may have been attached previously. This shift in attitude towards enhancement drug use is likely to lead to increased research in the area, leading to a better understanding of how they work and what effects they can produce when used responsibly.

In this opinion, I briefly discuss topics related to the criminalization of enhancement drugs. First, I investigate the question, "What is an enhancement drug?" using my own research. Second, I explore how drug use is regulated. Finally, I situate these debates in relation to calls for drug decriminalization. The regulation of drug use is a complex issue that involves legal, social, and health considerations. Decriminalization has been proposed to address the negative consequences of drug use and reduce the harms associated with criminalization. I conclude by exploring the potential implications of decriminalization for society and discuss the need for further research in this field.

## Introduction

### What is an Enhancement Drug?

Drugs are substances that "act on biologic systems at the chemical (molecular) level and alter their functions," encompassing a wide range of everyday substances such as medicines, poisons, foods, and drinks. Enhancement drugs are substances that are used to improve or enhance physical or cognitive abilities beyond what is considered normal or natural. These drugs are often used by athletes, students, and professionals seeking an edge in their performance. A focus of my research on licit, illicit, and pharmaceutical substances has been to understand the "effects" as experienced by German professionals and students.

Through my research, I have found that the use of drugs among professionals and students in Germany is prevalent and can have both positive and negative effects on their academic and professional performance, as well as their overall well-being. There is a need for further research to understand the motivations behind drug use, the effects on users, and the potential benefits of decriminalization. With increasing public debate around enhancement drug use, it is important to consider all aspects of drug use in order to develop an effective policy response.

People tend to deliberately use substances to maximize effects, re-

gardless of the type of drug, to enhance mood, cognition (e.g., focus, concentration), performance (e.g., sports, studying, work, parenting), and quality of experience (e.g., pleasure during mundane tasks), while minimizing adverse effects. It becomes impossible to untangle 'enhancement drugs' as a unique classification; rather, the degree of enhancement is an outcome of the interaction between the person, the substance, the amount used, the context of use, the activities engaged in at the time of use, and so on. Naturally, drug effects will be more or less conducive to enhancement, depending on the psychoactive properties of the substance alongside various attributes of the person, context, and activity. Therefore, it is important to consider the individual and their specific circumstances when discussing the use of enhancement drugs rather than simply labelling them as universally beneficial or harmful. This approach can help us better understand the complex relationship between drugs and human performance.

### Regulation of Drug Use

In general, laws can be categorized as either regulatory or criminal. Regulatory laws are intended to protect society, and infractions are associated with a penalty. On the other hand, criminal laws are designed to punish individuals who have committed serious offenses against society, and infractions can result in imprisonment or other severe consequences. It is important to understand the distinction

---

between these two types of laws to comprehend the legal system as a whole. Drug use is highly regulated through regulatory law, which includes laws around the legal age for purchasing substances and the legal hours for sales. Crimes are defined by a criminal code. In Germany, for instance, drug use per se is not a crime, but ‘possession’ of illicit drugs is a criminal offense. In contrast, in some countries, drug use itself is considered a criminal offense. The classification of certain behaviors as crimes varies widely across different legal systems and cultures.

The purpose of regulation is to protect individuals and society from the potential harms associated with drug use. Regulation can be used to create an environment that promotes safe and responsible use, while also discouraging the misuse of drugs. This means that laws should aim to maximize the benefits of enhancement drugs while minimizing their potential harms. As such, it is important for governments to create policies that consider both the scientific evidence regarding drug effects as well as the individual and societal contexts in which they are used.

Alongside regulatory and criminal laws are institutional and organizational policies and codes of conduct. For instance, the World Anti-Doping Agency (WADA) developed the World Anti-Doping Code, which outlines principles prohibiting the use of enhancement drugs and processes for monitoring and responding to violations. These policies and codes of conduct serve as guidelines for ethical behavior within their respective organizations and aim to promote fairness, integrity, and transparency in various fields such as sports, business, and government. They also help to maintain public trust and confidence in these institutions. Although this code can directly impact athletes who are competing under compliant organizations, it does not supersede national drug laws or international drug conventions. The code serves as a framework for anti-doping policies and procedures that organizations can adopt to ensure fair play and protect the health of athletes. Compliance with the code is also necessary for organizations to participate in international sporting events.

Thus, legal possession of a legal substance may result in an athlete being ineligible to participate in a sports competition, but it does not constitute a crime. The legal status of enhancement drugs may nevertheless be impacted by sports organizations that leverage political and economic influence on lobby for laws that align with anti-doping principles. In 2016, INTERPOL launched Project Energeia to “uncover connections between trafficking in performance-enhancing drugs, pharmaceutical products, and narcotics and the criminal organizations operating in sport”. This WADA-supported project focuses on drugs (such as anabolic steroids, growth hormones, peptides, and erythropoietin) that are commonly associated with increased physical fitness and athletic performance. The project aims to prevent the use of performance-enhancing drugs in sports and protect the health and safety of athletes. It also seeks to dismantle criminal networks involved in the production, distribution, and sale of these drugs.

## Decriminalization and Legal Regulation

I conclude by exploring contemporary discussions around the decriminalization and regulation of drugs. This approach has gained traction in some countries to reduce harm and improve public health outcomes, but it remains controversial and faces significant political and social barriers to implementation. In Germany, calls for decriminalization or legalization of drugs have gained traction with public and political support. Germany is not alone; more than 30 countries have adopted some form of decriminalization, and the United Nations Office on Drugs and Crime has declared that “decriminalizing drug use and possession for personal consumption is consistent with international drug control conventions and may be required to meet obligations under international human rights law” (United Nations Office on Drugs and Crime, n.d.). The International Centre on Human Rights and Drug Policy validates state decriminalization of drugs while concurrently honoring obligations under international drug control conventions. This indicates a shift towards a more progressive and humane approach to drug policy, recognizing that criminalization often exacerbates the harms associated with drug use and disproportionately affects marginalized communities. It also highlights the importance of balancing international obligations with respect for human rights and evidence-based approaches to drug policy.

The Global Commission on Drug Policy (2021) recommends an end to prohibition through legal regulation, which involves laws and policies that govern a supply chain for responsible access and quality control. The German National Strategy on Drug and Addiction Policy (2022) similarly calls for regulation and expansion of a safer supply under a public health framework. Both reports acknowledge the failure of the current criminalization approach and highlight the need for a shift towards evidence-based policies that prioritize public health and human rights. Additionally, they emphasize the importance of involving affected communities in the development and implementation of these policies.

Decriminalization and legal regulation are, essentially, harm reduction approaches that will not eliminate adverse effects or harms associated with the use of a substance. Harms are expected to be reduced due to access to unadulterated substances in reliable dosages and potentially reduced social stigma. Societal benefits include reductions in violence, illegal trafficking, and financial enforcement costs. The largest impact will be a reduction in the “harm” that arises from criminalization. Legalizing drugs can also generate tax revenue for governments, create jobs in the legal drug industry, and allow for safer drug use through regulation and quality control measures. Additionally, it can free up resources for law enforcement to focus on more pressing issues.

Criminalization of drugs has reduced access to harm reduction approaches, has not reduced supply, restricts access to medicinal use of illicit substances, perpetuates untaxed and unregulated financial markets, restricts experimental research, can increase violence, weakens respect for the law, gives otherwise law-abiding

citizens a criminal record, and normalizes criminality. Therefore, decriminalization can lead to a more effective and efficient use of resources in the criminal justice system, allowing for a greater focus on addressing serious crimes and improving public safety. Additionally, it can provide opportunities for harm reduction strategies and allow for further research into the potential benefits of certain drugs.

Principles of criminal law include criteria that “no law should give rise to social or personal damage greater than that it was designed to prevent” and “no act should be criminally prohibited where its incidence may adequately be controlled by social forces other than the criminal process”. Since the 1961 Single Convention on Narcotic Drugs, extensive research has been conducted on the potential harm of substances, the effectiveness of harm reduction approaches, and the ‘harms’ caused by punitive drug laws. These principles of criminal law have been applied to the issue of drug policy, leading to a growing movement towards decriminalization and harm reduction strategies. Many countries have shifted their approach from punishment to public health interventions, recognizing that criminalizing drug use often exacerbates the harms associated with drug use rather than reducing them.

Options such as legal regulation, administrative penalties, and social norms may be more appropriate in a context where the harms from the laws outweigh the unsubstantiated aspirations of prohibition. Beyond this, it said that decriminalization is consistent with people’s right to enjoy the highest attainable standard of physical and mental health. States should prevent “arbitrary and unlawful interference with the privacy, family life, home, and correspondence of people who use drugs”. The report also emphasized that decriminalization could help reduce the negative impact of drug use on individuals and society, such as stigma, discrimination, and social exclusion. It called for a shift toward a public health approach to drug policy that prioritizes harm reduction and access to evidence-based treatment.

## Conclusion

The notion of doping is not new. It has been used for a variety of competitive and recreational purposes since the beginning of recorded time. Doping has a long history of use by politicians and some athletes. The use of performance enhancing drugs in sport and recreation is also a well- documented occurrence.

It is important to note that drugs that are used for enhancement purposes are not always illegal. The issue is that they can be used in ways that may not be safe. Moreover, they can be abused by individuals without their knowledge or consent. If chemicals are being used to enhance performance, then it is important to know that there is a very real risk of these being misused by individuals for other purposes. Any misuse of drugs can have harmful consequences for the person that is taking them as well as for their family, friends, and community. Therefore, it is important to have policies in place that address the use of performance-enhancing

drugs in all aspects of life, including education, workplaces, and recreation [1-13].

There is little consensus about the legal status of drugs in society. However, it is important to continue the discussion and research on drug policies to ensure that they are effective and equitable for all members of society. Research around enhancement drugs might shift social understandings of drug use to include the potential for individual and social benefits alongside (and more so than) the potential for individual harm and risk. This shift in social understanding may lead to a reevaluation of current drug policies and regulations and could potentially open up new avenues for the responsible use of enhancement drugs in certain contexts. However, it is crucial that any changes to drug policies are made with careful consideration of their potential impact on public health and safety. Such trade-offs are widely accepted when considering the adverse effects of clinically monitored pharmaceuticals and licit substances like alcohol, but their use for enhancement effects remains problematic.

## References

1. Orsini, M. M. (2022). Effects of Drug Policy Liberalization on Public Safety: A Review of the Literature. Ohio State Legal Studies Research Paper, (746).
2. Daniel, C., & David, C. R. (2021). Future of Psychoactive Drugs in the Time of Cutting-Edge Technologies. *International Journal of Socio-Economic and Environmental Outlook*.
3. Williams, A. R. (2020). Cannabis as a gateway drug for opioid use disorder. *Journal of Law, Medicine & Ethics*, 48(2), 268-274.
4. Eastwood, N., Fox, E., & Rosmarin, A. (2016). A Quiet Revolution: Drugdecriminalisation Across the Globe (pp. 1-51). *Release drugs the law and human rights*.
5. Cebo, D., Mohsen, Z., & Ransom, R. (2020). Qualitative Study of Methamphetamine Users Perspectives on Drug Subsistence Barriers and Facilitators (Doctoral dissertation, Doctoral dissertation). Indiana University.
6. The Global Commission on Drug Policy: Time to End Prohibition. 2021.
7. German Reference Centre for the European Monitoring Centre for Drugs and Drug Addiction: Germany: New Developments, Trends, and In-Depth Information on Selected Issues—Drug Situation 2011/2012” (Munich, Germany: DBDD, Oct. 2012), p. 29.
8. European Monitoring Centre for Drugs and Drug Addiction, Germany, Country Drug Report 2019, Publications Office of the European Union, Luxembourg.
9. International Centre on Human Rights and Drug Policy, United Nations Office of the High Commissioner, United Nations Programme on HIV/AIDS, World Health Organization, and United Nations Development Programme. 2020.
10. Interpol’s criminal intelligence initiative targets performance-enhancing drugs. 2016.
11. Kiepek, N., & Beagan, B. (2018). Substance use and profes-

- 
- sional identity. *Contemporary Drug Problems*, 45(1), 47-66.
12. Kiepek, N., Beagan, B., Ausman, C., & Patten, S. (2022). "A reward for surviving the day": Women professionals' substance use to enhance performance. *Performance Enhancement & Health*, 10(2), 100220.
  13. Soellner, R. (2005). Club drug use in Germany. *Substance use & misuse*, 40(9-10), 1279-1293.

**Copyright:**©2023 Cebo Daniel. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.