

# Legalization of Cannabis: The Way Forward

## W. O. McCormick Academic Day

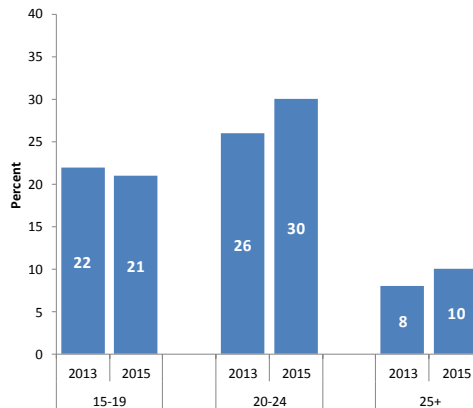
Hon. A. Anne McLellan, PC, OC, AOE

Friday, April 27 2018

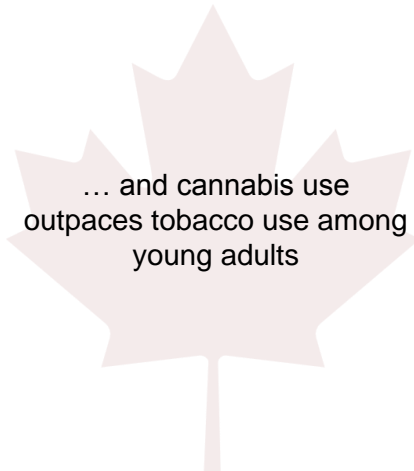
### Current Context



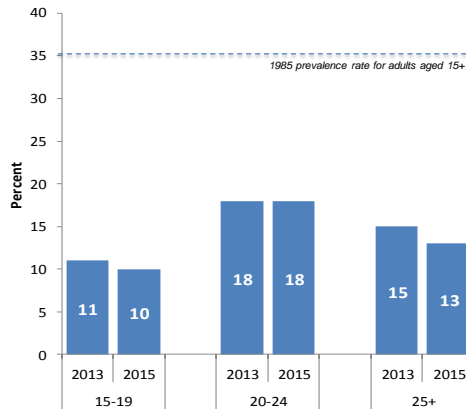
Past year cannabis use, by age group, 2013-2015



## Current Context (cont.)



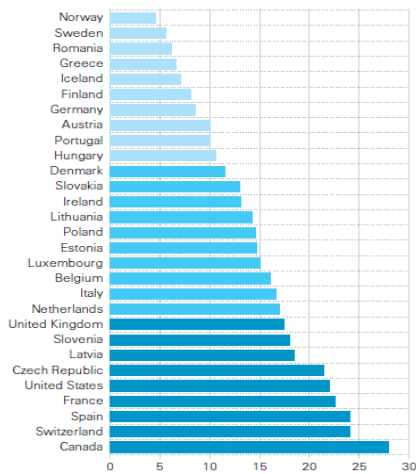
Cigarette smoking prevalence\*, by age group, 2013-2015



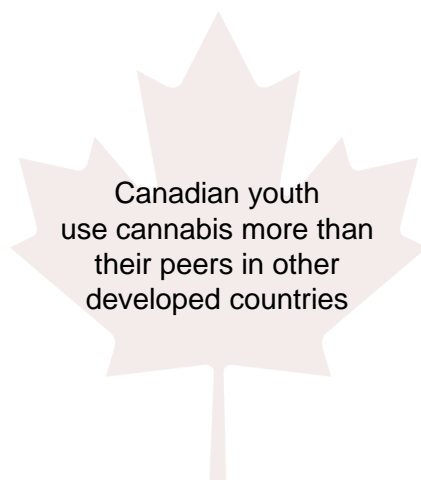
\*Prevalence refers to the percentage of "current smokers" in a specified group, and includes daily and occasional smokers.

## Current Context (cont.)

% of children aged 11, 13 and 15 who report having used cannabis in the last 12 months



Source: UNICEF Office of Research, Innocenti Report Card 11, 2013



## Current Context (cont.)

- Broad, entrenched illegal market
- Public health and safety concerns
  - Health risks from early and heavy use
  - No control on product safety, potency and quality
  - Drug-impaired driving
- Burden on justice system, and associated social impacts
- Laws not well understood, inconsistently applied

5

## The Liberal Party's Platform Commitment

*Canada's current system of marijuana prohibition does not work. It does not prevent young people from using marijuana and too many Canadians end up with criminal records for possessing small amounts of the drug.*

*To ensure that we keep marijuana out of the hands of children, and the profits out of the hands of criminals, we will legalize, regulate, and restrict access to marijuana.*

*We will remove marijuana consumption and incidental possession from the Criminal Code, and create new, stronger laws to punish more severely those who provide it to minors, those who operate a motor vehicle while under its influence, and those who sell it outside of the new regulatory framework.*

6

## **Government of Canada Objectives**

A new control framework for cannabis that will:

- restrict youth access to cannabis
- protect young people from enticements to use cannabis
- provide for a legal cannabis market capable of displacing the illegal market
- deter criminal activity by imposing serious criminal penalties for those breaking the law
- protect public health through strict product safety and quality requirements
- reduce the burden on the criminal justice system
- allow adults to possess and access regulated, quality controlled cannabis

7

## **The Task Force on Cannabis Legalization and Regulation**

The Task Force on Cannabis Legalization and Regulation (“the Task Force”) was launched on June 30, 2016

A key element of our mandate was to engage with provincial, territorial and municipal governments, experts, patients, advocates, Indigenous governments and representative organizations, employers, industry, and the Canadian public

Consultations were far reaching, with diverse participation, and included:

- roundtable discussions and bilateral meetings
- online public consultation
- written submissions
- site visits

8

## Lessons Learned

Canada has experience regulating access to alcohol, tobacco, pharmaceuticals and medical cannabis

One other country (Uruguay) and 8 U.S. states and the District of Columbia have taken steps to legalize and regulate cannabis



### Key Takeaways:

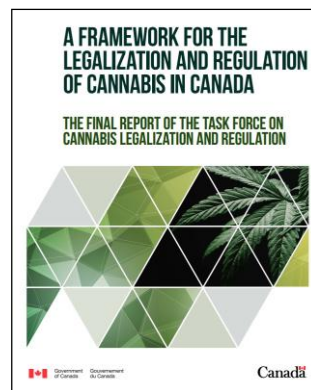
- ✓ Complex, multi-year initiative
- ✓ Adaptability and flexibility
- ✓ Public education
- ✓ Consultation and collaboration
- ✓ Enforcement
- ✓ Monitoring and ongoing system refinement

9

## A Framework for the Legalization and Regulation of Cannabis in Canada

Final report, provide to the government on December 13, 2016, includes more than **80 recommendations** on how to better promote and protect public health and safety, grouped into **five themes**:

1. Minimizing harms of use
2. Establishing a safe and responsible supply chain
3. Enforcing public safety and protection
4. Medical access
5. Implementation



10

## A Framework for the Legalization and Regulation of Cannabis in Canada (cont.)

### Strike a balance

- Restrictions to minimize harms, especially for youth
- Adult access that reduces scope of illicit market

### Guiding Principles

- **Precautionary approach** - start restrictive; monitor and adapt
- **Public health** - reduce harms and risks of use
- **Public safety** - focus on serious offences, enforceability

### Nationwide Perspectives

- Diversity of views and concerns

11

## Proposed legislation

On April 13, 2017, the **Cannabis Act** (C-45) and **amendments to the Criminal Code related to drug impaired driving** (C-46) were introduced in the House of Commons by the Minister of Justice.

The Cannabis Act is closely aligned with the Task Force recommendations.

The Cannabis Act proposes:

- rules that would protect youth from accessing cannabis
- offences targeting those acting outside the legal framework

Penalties would be proportional to the seriousness of the offence and would range from warnings and tickets for minor offences to criminal prosecution and imprisonment for more serious offences



12

## Proposed legislation (cont.)

Federal, provincial and territorial governments would all have roles under the new system

The federal government would:



- license and set strict requirements for producers who **grow and manufacture** cannabis



- set industry-wide **rules and standards**, such as:
  - types of cannabis products that will be allowed for sale
  - prohibiting the use of certain ingredients
  - restrictions on promotional activities

The provinces and territories would:

- license and set strict requirements for the **distribution and sale** of cannabis, subject to federal conditions.

13

## Proposed legislation (cont.)

### Protecting Youth

Two **new criminal offences** with maximum penalties of 14 years in jail for:

- giving or selling cannabis to any person **under the age of 18**, and
- using a youth to commit a cannabis-related offence

The Act would also **prohibit**:



- selling products that are appealing to youth
- packaging or labelling cannabis in a way that makes it appealing to youth
- selling cannabis through self-service displays or vending machines
- promoting cannabis, except in narrow circumstances where the promotion is factual and could not be seen by a young person



14

## Proposed legislation (cont.)

Subject to approval by Parliament, the Act will come into force **in and around July 2018**

At that time, adults who are **18 years or older** would be able to legally:



**possess** up to 30 grams of legal dried cannabis, or an equivalent amount

**share** up to 30 grams of legal dried cannabis, or an equivalent amount with other adults



**grow** up to 4 cannabis plants, up to a maximum height of 100cm, per residence for personal use from legal seeds or seedlings

**make** cannabis products, such as food and drinks, at home provided that organic solvents are not used

15

## Parliamentary debate on the proposed legislation

Main issues raised by opposition parties during Second Reading debate:

- **Home cultivation** would give youth easy access to cannabis; challenging for law enforcement (e.g., enforcement of height limit)
- **Minimum age** should be higher than 18 because brain development takes place until about age 25
- Youth should not be permitted to **possess 5g** of cannabis
- Provinces/territories/municipalities need more time for **implementation** (e.g., to develop their regulatory frameworks)
- Need for tools to test **impairment** (both for driving and workplace safety)
- How the Government plans to address **international treaty obligations**
- Possession of small amounts of cannabis should be **decriminalized** now to minimize harms of criminal records
- **Investment** in public education and awareness, prevention, treatment, research should be increased

16



## Indigenous Perspectives

In the Canadian context, Indigenous Peoples are comprised of three major cultural groups: First Nations, Inuit, and Métis

The Government of Canada has placed a particular focus on the importance of its relationship with Indigenous Peoples

- The Government is committed to **nation-to-nation engagement** with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership

With respect to cannabis legalization, Canada will engage closely with indigenous communities and representative organizations on issues of particular concern

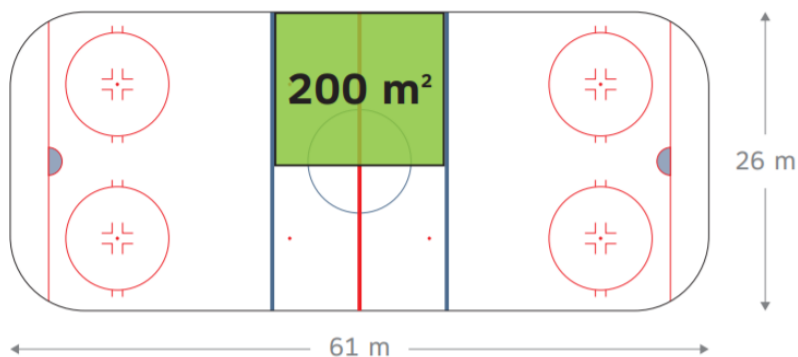
- Specific interest and concerns from **public health** (approximately one-third of First Nations youth and adults reported cannabis use in the past 12 months\*), **public education**, and **economic perspectives**

\*Source: First Nations Regional Health Survey, 2008/10

17

## Proposed Regulations re: Size of Micro-Cultivators

- Allowed plant canopy area – 200 sq. meters
- Micro-processors can process up to 600 kgs. of dried cannabis annually (estimate is about the total maximum production for micro-producer)



18

## Proposed Regulations Regarding Packaging



Example of FRONT (principal display panel) with white/plain background and brand/producer name

Example of BACK (secondary display panel) with white/plain background



Example of FRONT (principal display panel) with solid coloured background and brand/producer logo

Example of BACK (secondary display panel) with solid coloured background

19

## Next Steps

- C-45 passed the House of Commons (all stages) November 27, 2017
- Presently in the Senate at Committee stage.

Work will continue on regulations to support the proposed Cannabis Act

Public education and awareness activities continue

20