



Legalization, Regulation and Restriction of Access to Cannabis

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Departments of Justice, Health and Wellness and
Finance and Treasury Board

Today

- ✓ Origin and Federal Context
- ✓ Players
- ✓ Policy Objectives
- ✓ Nova Scotia context
- ✓ Federal Legislation
- ✓ NS process

Federal Context & Rationale

- 2015 platform commitment to “legalize, regulate, and restrict access to cannabis.”
 - Forms part of federal mandate letters for Ministers of Health, Justice and Public Safety - Parliamentary Secretary to Justice Minister Bill Blair is federal lead
- Introduction of federal regulation in April 2017, anticipated to be in force July 2018

Rationale

- Marijuana use widespread in Canada, especially among youth
- Burden on justice system at all levels, and associated social impacts
- Organized crime heavily involved and profits greatly
- Laws not well understood and not consistently enforced
- Support for change amongst Canadians as well as justice, law enforcement and health experts

Key Players

- **Federal Task Force**
 - 9-member task force, chaired by Anne McLellan
 - Undertook consultations across Canada, including reviewing submissions of 300 organizations and 28,800 responses to on-line questionnaire
 - Met with Provinces, including Nova Scotia, to obtain their input
 - Report published November 2016, with advice to Ministers on legislation, policy and implementation
- **FPT Senior Officials Group**
- **NS Core Policy Group**
- **NS Inter-departmental Working Group**

Nova Scotia Policy Objectives

(approved August 2016)

1. Protect public health and safety; encourage responsible social use and minimize harms of using cannabis.
2. Protect children and youth; delay use until early adulthood.
3. Create a well-regulated legal market and minimize involvement of organized crime.
4. Develop or maintain strong federal responsibility for regulation and enforcement.
5. Seek national or regional consistency.

Federal Legislation

- April 13, 2017, the federal government tabled:
 - Cannabis Act C-45
 - Creates a strict legal framework for controlling the production, distribution, sale and possession of cannabis in Canada.
 - An Act to amend the Criminal Code C-46 (offences relating to conveyances) and to make consequential amendments to other Acts
 - Creates new offences and authorize police to use new tools to better detect drivers who drive while impaired by cannabis and other drugs.
 - Replaces the entire transportation regime in the Criminal Code.

Cannabis Act

- Purpose of the Act:
 - protecting the health of young persons by restricting their access to cannabis;
 - Protect young persons and others from inducements to use cannabis;
 - Provide for the licit production of cannabis to reduce illicit activities in relation to cannabis;
 - Deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures
 - Reduce the burden on the criminal justice system in relation to cannabis
 - Provide access to a quality controlled supply of cannabis;
 - Enhance public awareness of the health risks associated with cannabis use.

Cannabis Act

- Possession
- Distribution
- Selling & Distributing
- Import/Export
- Personal Growth
- Promotion
- Packaging, Labelling, Display
- Ticketable Offenses
- Production – federal licensing and regulation
- Requirements for provincial Act
- Tracking System

Cannabis Act: Other fed. legislation

- Medical Marijuana Legislation remains in force.
- Industrial Hemp Regulations remain.
- *Non-Smokers Health Act*: Definition of smoke will now include that of ignited cannabis.
- Other adjustments done to the:
 - *Criminal Records Act, Identification of Criminals Act, National Defence Act, Customs Act, Mutual Legal Assistance in Criminal Matters Act. Corrections and Conditional Release Act, Seized Property Management Act, Firearms Act, Proceeds of Crime (Money Laundering) and Terrorist Financing Act, Youth Criminal Justice Act, International Interests in Mobile Equipment Act, Canada Consumer Product Safety Act, Canadian Victims Bill of Rights.*

Bill C-46:

- An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts
 - Reforms the entire impaired driving regime in the Criminal Code, not just for cannabis impaired driving.
 - Strengthens existing drug impaired driving laws
 - Creates new “legal limit” drug offences
 - Allows for new tools to better detect drug impaired drivers.

Provincial Areas of Responsibility

- Licensing distribution and retail sale (including wholesale)
 - Associated compliance and enforcement
 - Price and tax of product
- Regulatory Requirements to address issues of local concern
 - Minimum age
 - More restrictive limits on possession or personal cultivation
- Restricting where cannabis may be consumed
- Establishing provincial zoning rules for cannabis based businesses
- Amending provincial traffic safety laws for driving while impaired.

Provincial Areas of Responsibility

- Internal trade across provincial borders
- Public Education
 - Schools
 - Workplace (OHS)
 - Policing/Court officials

Appropriate Distribution System

- **Nova Scotia still assessing options, considerations include:**
 - success of establishing wholesale and retail distribution will drive the pace at which a legal market is established (and so ability to regulate usage)
 - Insufficient or inconsistent legal supply or poor quality, inability to meet demand will slow conversion from illegal to legal market
 - **Production:** Federal Government is licensing and regulating production --- currently no Nova Scotia based producers approved, 11 applicant companies currently being reviewed
 - **Distribution:** options being considered, could have an impact on economic activity in province through construction/location/employment
 - **Consumption:** retail-type network (e.g. bars, cafes) could create additional economic activity but raise concerns about normalizing cannabis use

Challenges

- Timelines (Federal goal is July, 2018)
 - Interim mail order regime if provinces don't establish a system of sale
- Illegal but established dispensaries
- Private sector pressure for commercialization
- Medical cannabis regime but limited evidence of health benefits
- Public perceptions/beliefs
- Need for strong enforcement
- Edibles will likely be available 6 months after legalization
- Drug-impaired driving regime is being fast tracked before legalization occurs.

Process

- FPT Public Education/Communications Network
- Small core group to draft project plan Breaks down areas of provincial responsibility
 - Timelines
 - Actions needed
 - Identify Decision Maker
- Develop legislation/regulations
- Approval process TBD

Possible Areas for Municipalities

- Zoning by-laws – retail locations/density
- Public consumption
- Personal cultivation
- Staff OH&S
- Policing