



Ontario's Approach to Cannabis Legalization and Regulation

Presentation to the Chiefs of Ontario Health Forum

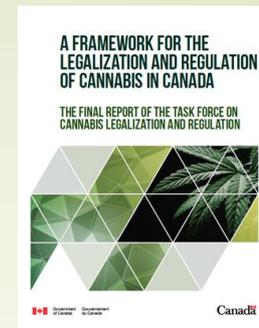
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Ministry of the Attorney General

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Federal Task Force



- The federal government appointed a nine-member Task Force chaired by the Honourable A. Anne McLellan, a former federal Cabinet minister and co-chaired by Dr. Mark A. Ware, a physician and professor of medicine
- Created in June 2016 and reported publicly on December 13, 2016
- The report is based upon the federal discussion paper released in June 2016, which included several themes: minimizing harm of use, safe and responsible supply chain, appropriate distribution, public safety and protection, accessing medical marijuana
- 307 organizations and individuals provided written submissions
- 28,800 Canadians (including organizations) responded to on-line questionnaires. The Task Force met in person with provincial government officials and National Indigenous Organizations
- Ontario officials met in person and the Attorney General wrote to the Task Force on November 2, 2016 outlining Ontario's position.

Ontario's Strategy

The Attorney General's Mandate Letter:

- ▶ Develop a framework for Ontario's response to this federal change in close collaboration with partner ministries (Health and Long Term Care, Finance, Transportation, Children and Youth Services and Community Safety and Correctional Services)
- ▶ Advocate for Ontario's interests with the federal government and work closely with the Minister of Indigenous Relations and Reconciliation to consult with Ontario's First Nations communities about cannabis legalization.

A New Secretariat:

- ▶ The Ministry of the Attorney General has established an Ontario Legalization of Cannabis Secretariat that is tasked with coordinating legal, policy and program development across government, and aligning cannabis policy with other policy and program development that may affect this area.

A Horizontal Approach:

- ▶ Ontario's response to legalization is collaborative across government. Thirteen ministries and Cabinet Office actively participate in a Steering Committee which oversees the work of three working groups and a joint communications team
- ▶ The three working groups are:
 - ▶ the Legal, Regulatory and Distribution Framework WG (co-led by MAG and Finance),
 - ▶ the Oversight and Control WG (co-led by MAG, Community Safety and Corrections and Transportation) , and
 - ▶ the Public Health and Social Risks Working Group (co-led by Health and Long terms Care Education).

Task Force Recommendations - Overview

- ▶ Eighty recommendations designed to take a “public health approach” to cannabis regulation and control
- ▶ Set a minimum age to purchase and use of 18, which provinces could adapt to align with other controlled activities (alcohol, gaming, tobacco)
- ▶ Federal government should oversee and license production (including types of products and THC/CBD levels)
- ▶ Provincial government should oversee distribution and retail
- ▶ Tax and price should balance the protection of health (favours higher legal cost) with the reduction of the illegal market (favours lower legal cost)
- ▶ Revenues should be equitably distributed among levels of government, federal/provincial/territorial.
- ▶ Significant concerns about cannabis-impaired driving and necessary next steps to develop a road safety strategy.

Recommendations – Indigenous Governments and Organizations

► Federal Focus

- Take a leadership role in the co-ordination of governments and other stakeholders to ensure the successful implementation of the new system
- Engage with Indigenous governments and representative organizations to explore opportunities for their participation in the cannabis market
- Engage with Indigenous communities and Elders to develop targeted and culturally appropriate communications
- Prohibit advertising and promotion (similar to tobacco).

► Provincial Focus

- Ontario views the above recommendations as equally applicable to provinces and territories, to the extent that these areas come within provincial or territorial responsibility in the final framework
- Ontario plans to engage early so that interests of Indigenous communities can be incorporated into Ontario's strategy as it develops.

Recommendations – Minimizing Harm of Use – Sale and Possession

► Federal Focus

- Control product content and THC/CBD levels; prohibit mixed products (i.e, beverages) and products “appealing to children”
- Require labels listing % content; plain packaging; warning labels; single serve units with universal THC symbol; no bright colours or cartoon characters
- Set an age limit “floor” for purchase or possession of 18 years; personal possession limit of 30 grams (1 ounce)
- Prohibit advertising and promotion (similar to tobacco).

► Provincial Focus

- Set the age limit at any age over 18
- Extend smoking and vaping restrictions to cannabis
- Option to have consumption lounges for vaping and edibles.

Recommendations – Minimizing Harm of Use – Awareness

➤ Federal Focus

- Facilitate and monitor ongoing research on cannabis and impairment, considering implications for occupational health and safety policies
- Together with provinces and territories, develop, implement and evaluate broad, holistic prevention strategies to address the underlying risk factors and determinants of problematic cannabis use, such as mental illness and social marginalization.

➤ Provincial Focus

- Retail staff should be knowledgeable and trained about harms of use; prevention of youth sales; appropriate and responsible use; importation risks.

Recommendations –

Minimizing Harm of Use – Public Education

- ▶ Federal Focus
 - ▶ Invest immediately and work with provinces and territories to develop a national, comprehensive public education strategy to reinforce that cannabis causes impairment and the best way to avoid driving impairment is not to consume, with special emphasis on youth.

- ▶ All levels of government should focus on a public health education campaign designed to:
 - ▶ Delay the age of the initiation of cannabis use
 - ▶ Reduce the frequency of use
 - ▶ Reduce higher-risk use
 - ▶ Reduce problematic use and dependence
 - ▶ Expand access to treatment and prevention programs.

Recommendations –

Safe and Responsible Supply Chain – Production and Sales

► Federal Focus

- License, regulate and control producers; set standards for production, potency, testing
- Encourage diverse, competitive market, including small producers
- Provide and fund monitoring and surveillance activities and report to Canadians.

► Provincial Focus

- Control and regulate warehousing, distribution and retail delivery
- No co-location with alcohol and tobacco unless reasonable because of low density
- Control, or delegate to municipalities and/or First Nation governments: density, proximity to schools, community centres and parks
- Dedicated storefronts with trained staff and e-commerce channels.

Recommendations – Safe and Responsible Supply Chain – Pricing and Taxation

► Federal Focus

- Conduct an economic analysis that balances public health benefits (i.e., higher taxes) with the goal of reducing the illicit market (i.e., lower taxes)
- Work with provincial and territorial governments to develop a tax regime that permits equitable distribution of revenues among federal, provincial, territorial levels of government.

► Federal/Provincial Focus

- Commit to using revenue from cannabis as a source of funding for administration, education, research and enforcement
- Design a tax scheme based on THC potency to discourage purchase of high-potency products
- Tax medical and non-medical cannabis at the same level.

Recommendations –

Public Safety and Protection – Drug Impaired Driving

➤ Federal Focus

- Invest in research to better link THC levels with impairment and accident risk to support the development of a per se limit
- Support the development of an appropriate roadside drug screening device for detecting THC levels and invest in these tools
- Invest in law enforcement capacity, including Drug Recognition Experts (DRE) and Standard Field Sobriety Test (SFST) training and staffing.

➤ Provincial Focus

- Graduated sanctions from administrative to criminal, depending on severity and repetition
- Zero tolerance for new or young drivers.

Recommendations –

Public Safety and Protection – New Offences/ Home Grow

► Federal Focus

- Criminal offences should be maintained for: illicit production, trafficking, trafficking to youth; possession for the purposes of trafficking; possession for the purposes of export; and import/export.

► Federal/Provincial Focus

- Implement administrative penalties (with flexibility to enforce more serious penalties) for contraventions of licensing rules on production, distribution, and sale
- Impose strict sanctions on false or misleading promotion as well as promotion that encourages excessive consumption
- Permit home growing of cannabis provided: 4 plants per residence with maximum height of 100 cm; no manufacturing processes; security measures; oversight and approval by local authorities.

Ontario's Next Steps

- ▶ On March 2, 2017, the Legalization of Cannabis Secretariat will participate in a meeting with members of the Tobacco Forum to share this presentation and discuss perspectives on the Task Force report and Ontario's approach to cannabis legalization
- ▶ At that meeting, there will also be a Question and Answer exchange.
- ▶ Over the next month, Ministry of Indigenous Relations and Reconciliation and the Legalization of Cannabis Secretariat will meet with Indigenous leaders to discuss areas of interest to First Nations and Indigenous communities about cannabis
- ▶ Based on the information and interests gathered from those discussions, Ontario will plan three to four in-person engagement opportunities with defined agendas and invite communities to send representatives
- ▶ Ontario's progress is dependent on the timeline for federal legislation, but we will take the time to understand your interests and meaningfully involve Indigenous communities in Ontario's strategy as it develops.