



# **Response to the Proposed Approach to Cannabis Legalization**

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THUNDER BAY  
**Drug Strategy**

From the Drug Awareness  
Committee, a Working Group of  
the Drug Strategy

To: Cannabis Legalization and Regulation Secretariat  
Address locator 0602E  
Health Canada  
Ottawa, Ontario  
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From: The Thunder Bay Drug Awareness Committee

Date: January 20, 2018

RE: Proposed Approach to Cannabis Legalization Consultation Questions

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### **1. Issue:**

The following brief is an overview of concerns, recommendations and perspectives for consideration in response to the Cannabis Consultation Paper and highlight other key areas concerning to population health as a result of the implementation of the proposed policy reform.

### **2. Background**

The Federal Government recently released their proposed approach to Cannabis legalization which details the logistics concerning the standardization, regulation and implementation of; a licensing and supply chain, production branding, packaging, labelling and quality control of cannabis based products. This document has been made available to the public to provide feedback. The current illicit status of cannabis has demonstrated a wide range of negative impacts on the psychosocial and socio-economic health status of Canadians. While a legal framework offers opportunity to address these health inequities it is not without its potential to generate additional or further harms associated with cannabis use. This brief will aim to identify areas for further consideration in response to the proposed approach, as well as highlight themes not captured in the consultation paper.

### **3. Response to Consultation Document Questions**

#### ***i. Threshold to distinguish between micro-cultivator and a standard cultivator***

The Committee suggests using “total production” as the primary way to measure threshold. Further, the committee recommends using threshold frameworks that are used for micro-breweries in the alcohol industry. It was found that micro-breweries are held to a threshold of a 1.8M litre total production limit. While it is difficult to calculate the equivalent in dried or oil based cannabis products, these established structures for threshold management may be a productive start for the Federal government to consider.

#### ***ii. Threshold to distinguish between a micro-processor and a standard processor***

It is recommended that the measure for threshold be the same for processing as it is for cultivating and that total production is the base of measure.

**iii. *Proposed Rules and Requirements***

There seems to be a discrepancy for the physical security requirements between ACMPR cultivators and processors and recreational cultivators and processors. The physical security requirements for medicinal cannabis cultivation and processing do not include visual monitoring; however, it is a requirement for the cultivation and processing of cannabis for recreational purposes. It is suggested that the same requirements and include visual monitoring for cultivating and processing of both and processors are physical security. As well, standard and micro cultivators and processors, both under the ACMPR and for recreational purposes, should have the same security requirements. This is to say that, the only differences outlined in the proposed approach are in regards to visual security. Additionally, micro and standard cultivators and processors should follow the same security measures disclosed in this document (that the same security measures be taken for both micro and standard cultivators and processors. Where each will have visual monitoring of the entire perimeter and all indoor areas and keeping the records for one year, an intrusion detection system operating at all times both outdoors and indoors, as well as, for areas where cannabis is stored the identity of every person entering or exiting must be recorded.

**iv. *Eligibility to hold a security clearance and criteria for eligibility***

Currently, within the suggested approach to the legalization of cannabis licensing and security clearance will be at the discretion of the Minister of Health. Opinion regarding substance use can often be moral and value laden. Caution should be taken on the case by case basis so that the public interest does not encroach the opportunity of those with more serious offences, and that precedence does not get set and opportunities to those with previous involvement could be subjected to unequal access to otherwise reasonable opportunities. Therefore, it is suggested that specific criteria detailing inclusion and exclusion criteria be clearly specified and compliment a case by case approach.

**v. *Type of Product forms that Industry will be able to Manufacture***

The committee strongly encourages and emphasizes the need to restrict the production of products that represents anything that could be commonly consumed with a product intended for children or youth. This would include but not be limited to candies in bright colours and shapes that are easily recognized as children's candies (ie; gummy worms, gummy bears, cartoons). Instead, in keeping with the legalization framework's objective to protect youth from harm, it is suggested to limit products to forms that have no association to products associated with children or youth. There are no further suggestions beyond this important consideration.

**vi. *Proposed THC Limits***

According to the document, it is estimated that oil based forms of cannabis will contain a maximum concentration of 30 milligrams of THC per millilitre. The maximum amount of cannabis oil a person can have is two litres. This totals to approximately 60 grams of THC in a 2 litre container of cannabis oil.

Additionally, the maximum amount of THC per serving is 10mg. If a person were to purchase their two litre limit of cannabis oil they would be purchasing total 60000 or over 6000 servings of cannabis. Interestingly, the limit for dried cannabis is much lower. A person can only purchase a maximum of 30g at 10mg of THC per serving (yields 300 servings). It is highly recommended that this discrepancy around total THC per unit volume be examined and further clarified. It is also important to note that the document does not disclose or provide minimum limits for CBD. It is well founded in scientific research that CBD (the non-psychoactive component of cannabis) helps curb the negative or harmful effects THC has on the body. The committee appreciates the need for a harm reduction lens to a legalization framework in addition to providing regulated versions of products that would otherwise be made available in an unregulated industry. However, the committee is of the opinion that, outside of medical use, the distribution of THC-only products could be of potentially greater harm to the general public who will be consuming for recreational purposes. Therefore, the second recommendation would be for the consideration of minimum CBD limits for all cannabis products used for recreational purposes.

**vii. *Proposed Rules for Packing and Labelling***

A consideration for the labelling of products is the use of a ‘best by’ date. The Proposed rules mention an expiry date on the label; however, only some products may have an expiry date, such as edible cannabis products, whereas, the expiry dates for dried cannabis products are not well understood. A ‘best by’ date allows the consumer to make the decision for themselves of whether they intend to use the product after the best by date is reached. Education and awareness of the risks and benefits to using after and before the best buy date would be necessary at point of sale. We suggest that industry standards should be set in regards to the shelf life of products based on cultivation date, processing date, best by date, etc.

**4. Analysis**

The proposed approaches to the legalization of cannabis appears comprehensive and in alignment with the objectives to minimize harms to youth, increase access to safer cannabis products and reduce the illicit market for cannabis products. Aspects of production, processing, packaging, label and product type are well thought out and thoroughly accounted for.

**5. Recommendations**

A quick summary of the recommendations related to the proposed approach document can be found in the appendix of this document. Aside from these recommendations, The Committee does have some pressing concerns and questions that were either not covered in the document or not addressed in the consultation questions. The Committee would encourage careful consideration, further exploration, and where appropriate, clarification on the following:

**i. *Pricing of cannabis products***

Prices of Cannabis products need to be effective in encouraging people to buy from the legal market in efforts to dismantle the illicit market. That being said, it is suggested to greatly undercut the cost for the first few years and then gradually raise the taxes. There are European countries that have implemented this approach and could be utilized as an effective model to follow.

**i. *Cannabis waste management***

The terms for destruction of cannabis products are not clearly outlined in the document. The committee would like to strongly encourage decision makers to consider the occupational and general health and safety and most importantly environmental impacts of cannabis waste disposal and management. The committee encourages that standards of procedure are well established and communicated so the general public, business owners, producers, processors and cultivators alike have a venue to dispose of excess material in the safest and least harmful way. It is recommended that some kind of unused product return framework be established.

**ii. Marketing**

Social media marketing needs to be regulated and held accountable to the same standards as print, radio, television and other forms of media described in the document. Current guidelines for social media marketing exist but are not upheld and targeted marketing to youth is occurring for other substances, primarily, alcohol. To avoid this precedent it is strongly encouraged to establish a strong framework for the regulation of branding and marketing standards in all forms of digital media as described in the document. These regulations and accountability standards should be upheld by all levels of processors and cultivators and their subsidiaries.

**iii. Multiple Products**

As the proposed approach does not outline restrictions in term of processing multiple products at once, it is recommended that single processing be implemented to reduce and/or avoid cross-contamination. Additionally, it is suggested that quality assurance testing on substances and products be used to ensure the items were processed properly

**6. Closing Remark**

The committee appreciates the opportunity to provide feedback on the proposed approach to cannabis legislation in Canada and looks forward to receiving information on areas requiring further clarification as explained in this document.

Thank you kindly for your time and consideration

Sincerely,

The Thunder Bay Drug Awareness Committee

ATTACHED: Quick Review of Recommendations/Considerations and Areas for Clarification

## **QUICK REVIEW OF RECOMMENDATIONS AND CONSIDERATIONS**

### **1. Threshold to distinguish between micro-cultivator and a standard cultivator**

- Use total production versus other methods of measure

### **2. Threshold to distinguish between a micro-processor and a standard processor**

- Use total production versus other methods of measure

### **3. Proposed Rules and Requirements**

- Medical and recreational processors and cultivators should both require visual monitoring
- Micro and standard processors and cultivators should both require visual monitoring

### **4. Eligibility to hold a security clearance and criteria for eligibility**

- Inclusion and exclusion criteria should be provided to support the Minister of Health in the decision making process to avoid selection bias (see brief for further commentary)

### **5. Type of Product forms that Industry will be able to Manufacture**

- Restrict the production of products that resemble items or products that are typically intended for youth or children
- This would include but is not limited to candies (gummy worms, gummy bears, etc), cartoons, vibrant colours and “fun” shapes (animals, television characters)

### **6. Proposed THC Limits**

- THC per 2 litre container of cannabis oil is equal to 60g which is equal to 6000 servings
- THC per maximum dried cannabis limit is equal to 300 servings
- A clarification or a re-examination of these large differences is required
- Establish a CBD minimum in all cannabis products intended for recreational use to increase public health safety and harm minimization (see brief for rationale)

### **7. Proposed Rules for Packing and Labelling**

- Use ‘best by’ dates as a quality control measure for processors and cultivators and for consumers

### **8. Pricing of cannabis products**

- Take a staged approach to pricing where the first few years are prices that undercut the illicit market followed by a staged increase in prices and taxation

### **9. Cannabis waste management**

- Establish standards and procedures for unused product return that ensure personal, occupational and environmental health and safety

### **10. Marketing**

- Regulate social media marketing and hold to the same standards and regulations as other forms of print media
- This should include subsidiary businesses of processors, cultivators, nurseries and hemp industry businesses

### **11. Good Production Practices**

- Single processing to reduce and/or avoid cross-contamination
- Quality assurance testing on substances and products to ensure the items were processed properly