



Consultation Paper: Cannabis Legalization in Ontario

Grey Bruce Health Unit

July 2017

July 31, 2017

Ontario Legalization of Cannabis Secretariat
Ministry of the Attorney General
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Dear Cannabis Secretariat,

RE: Consultation: Cannabis Legalization in Ontario

The Grey Bruce Health Unit commends the Ontario Government for seeking input, specific to the provincial responsibilities, to the upcoming legalization and regulation of cannabis in Canada. In developing the policies that will outline this new system, we urge you to take into consideration the impact this legislation will have on rural Ontario recognizing some of the challenges that are faced in smaller communities.

The following are evidenced-based recommendations that will help to formulate a public health approach to cannabis regulation in the coming months.

Setting a minimum age for having, using and buying cannabis

Rationale:

Most cannabis users are between the ages of 18 and 29. ⁽⁷⁾ With the goal of reducing the harms associated with cannabis use, a legal age needs to be set that is within this range. Moreover, since cannabis use has been associated with negative changes to brain structure, it is important to postpone use until the brain is finished developing at around age 25. ^(6, 4) If use occurs before this age, adolescents are at great risk of the interference of fundamental neurodevelopmental phases. ⁽⁴⁾ Such neural regulation and neurotoxic changes that occur can result in negative impacts on executive functioning, risk taking behaviour, and motivation ⁽⁴⁾.

Recommendation:

- That the provincial government set the legal age for cannabis purchase, possession and consumption at 25 years of age.

Deciding where people can use cannabis

Rationale:

In the province of Ontario drinking in public and public intoxication are serious offences. It is illegal to have open alcohol in public spaces. Similarly, if you are caught in a state of public intoxication you will be fined and detained until sober. In many ways, the consumption of cannabis should be treated in a similar manner to the Liquor License Act. Caution must be given to the fact that there may be some unintended side effects, particularly in urban areas, where many people live in multi-unit housing without access to private back yards.

Working together for a healthier future for all.

Cannabis smoke contains many of the same carcinogens as tobacco smoke. ⁽¹⁰⁾ Exposure to any kind of smoke is harmful to health and cannabis smoke, like tobacco smoke, can infiltrate private units in a multi-unit building through windows, cracks and gaps and ventilation systems. ⁽¹¹⁾ This is one of the most common complaints voiced by individuals residing in multi-unit dwellings and responded to by Public Health Tobacco Enforcement Officers.

Recommendations:

- That public use of cannabis be regulated by many of the same sets of laws and fines as alcohol and as such be restricted to exclusive use at private residences. However, consideration of the freedom to smoke cannabis outside, away from entrances, exits, and air intakes, without risking fines and interference from authorities should be taken, in order to reduce instances of smoke damage and 2nd hand smoke in multi-unit dwellings.
- That the provincial government, at a minimum, extend the current restrictions on public smoking of tobacco products to the smoking of cannabis products and implement similar restrictions to cannabis vaping products prior to legalization.
- That this should include language that every home health-care worker has the right to request a person not smoke cannabis in his or her presence while he or she is providing health care services.
- That landlords and property managers be able to restrict tenants and condo owners from smoking cannabis in their units and also be able to restrict the smoking of cannabis in common spaces like rooftops, courtyards and balconies. For individuals requiring the use of medicinal marijuana, it is strongly encouraged that these individual also comply with these restrictions by consuming edibles rather than smoking or vaping.
- That landlords and property managers should be able to ban the growing of cannabis both inside the units and outside on balconies to combat the probability of mold outbreaks. Landlords can have smoke-free clauses that cover cannabis as well as tobacco. This is enforced using the *Residential Tenancies Act* (RTA) sections such as “Substantial Interference with Reasonable Enjoyment”.

Keeping our roads safe

Rationale:

Research tells us that cannabis-impaired driving is more prevalent today than alcohol-impaired driving, doubling the risk of being involved in a crash. Youth aged 18-19 are most likely to drive following cannabis consumption, followed by those aged 15-17 year of age ⁽²⁾. Due to the negative effects of cannabis related to one’s functioning while driving, a comprehensive approach must be made when addressing road safety, ahead of legalization.

Recommendations:

- Strengthen impaired driving laws; ensure consistent penalties amongst alcohol-related impairment.
- Adopt a comprehensive approach to road safety that focusses on:
 - awareness and education of the general population, as well as youth at highest risk of committing the offense;
 - enforcement efforts and training;

- Development of road side testing technology.

Regulating cannabis sales

Rationale:

As experienced with alcohol, creating a government monopoly over the distribution of the product has led to the prevention of diversions and ensured control measures are put into place. The same should hold true for cannabis; consumers who choose to purchase cannabis should be assured that they're purchasing product from a controlled and regulated market.

In order to establish a safe and responsible supply chain of cannabis in Ontario, we encourage the province to adopt a government owned and controlled store-front system.

Recommendations:

- Limit the number of retail outlets, and restrict location, hours of operation, and retail density. Have these measures in place prior to legalization ⁽⁵⁾
- Consider the needs of rural communities when developing a framework for the sale and distribution of cannabis, particularly pertaining to location and density of retail outlets
- Adopt pricing and taxation policies that restrict demand, minimize the need for illicit cannabis sale and encourage the use of less harmful products ⁽⁵⁾
- Adopt plain and standardized packaging that include warning labels ^(1, 13)
- Prohibit the production and sale of products that target youth ^(10, 9)
- Prohibit the promotion of cannabis products, such as done through sponsorships, endorsements, branding or point-of-sale advertising ^(6, 5, 9, 8)
- Ensure cannabis retail outlet staff have adequate training, are capable of enforcing minimum-age restrictions on cannabis sales and are able to communicate evidence-based information on potential health harms of cannabis use to consumers ⁽⁶⁾
- Prohibit the sale of cannabis alongside alcohol and tobacco products ⁽¹²⁾
- Prohibit the distribution of cannabis via an online ordering and mail delivery system, as this results in limited control over age restrictions and 3rd party supply

Planning public education

Rationale:

Clear and consistent messaging and educational campaigns amongst at-risk and the general public are essential prior to legislation taking place, as strongly advised by officials from some States that have already experienced legalization.

Recommendations:

- Develop and implement an evidence-informed public education campaign prior to legalization ⁽¹³⁾
- Education efforts should target both the general population, as well as high risk populations, such as adolescents, women who are pregnant or breastfeeding, or individuals with a personal or family history of mental illness ⁽¹²⁾
- Incorporate harm reduction messages for those who use cannabis ⁽³⁾

- Campaign development should be a collaborative process with input from multiple ministries, such as the ministries of education, transportation, labour and health and long-term care
- Campaign implementation should involve a multi-disciplinary approach, with messages consistent across all sectors
- Develop a comprehensive evaluation framework for the education campaign

Other Considerations:

We also advise the province to consider the following:

- Commit to using a large percentage of cannabis product sale proceeds to fund prevention, education, treatment and enforcement strategies and interventions ⁽⁶⁾
- Commit substantial funding towards population interventions focused on mental wellness, stress management, and healthy coping strategies ⁽⁶⁾
- Conduct ongoing surveillance, monitoring patterns and trends associated with use, including baseline data collection prior to legalization ⁽³⁾
- Invest in research to address knowledge gaps related to short and long-term health impacts of both recreational and medicinal cannabis use and to guide policy development ⁽³⁾

Sincerely,



Christine Kennedy, MSc, MS, MD, DPhil, CCFP, FCFP, FRCPC, ACBOM
 Medical Officer of Health and CEO
 Grey Bruce Health Unit

References:

1. Australian Government Department of Health. Post-Implementation Review: Tobacco Plain Packaging 2016. [Government report online]. Australia: Australian Government, 2016. [Last accessed 2017 July 20]. Available from: <http://ris.pmc.gov.au/sites/default/files/posts/2016/02/Tobacco-Plain-Packaging-PIR.pdf>
2. Beirness, D. J., Porath-Waller, A. J. Clearing the Smoke on Cannabis: Cannabis Use and Driving – An Update. [Report online]. Ottawa Canada: Canadian Centre on Substance Abuse, 2015 Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Use-and-Driving-Report-2015-en.pdf>
3. Canadian Centre on Substance Abuse. Cannabis Regulation: Lessons Learned in Colorado and Washington State. [Report online]. Ottawa: Canadian Centre on Substance Abuse, 2015. [Last accessed 2017 July 20]. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Regulation-Lessons-Learned-Report-2015-en.pdf>
4. Canadian Centre on Substance Abuse. Substance Abuse in Canada: The Effects of Cannabis Use during Adolescence. [Report online]. Ottawa Canada: Canadian Centre on Substance Abuse, 2015 [Last accessed 2017 Apr 19]. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Effects-of-Cannabis-Use-during-Adolescence-Report-2015-en.pdf>
5. Crépault J.F. Cannabis Policy Framework [Report online]. Toronto: Centre for Addiction and Mental Health, 2014. [Last accessed 2017 July 20]. Available from: http://www.camh.ca/en/hospital/about_camh/influencing_public_policy/Documents/CAMHCannabisPolicyFramework.pdf
6. Health Canada. A Framework for the Legalization and Regulation of Cannabis in Canada: The Final Report of the Task Force on Cannabis Legalization and Regulation. [Government report online]. Ottawa: Health Canada; 2016 [Last accessed 2017 May 1]. Available from: <http://healthycanadians.gc.ca/task-force-marijuana-groupe-etude/framework-cadre/alt/framework-cadre-eng.pdf>
7. Ialomiteanu A R, Hamilton H A, Adlaf E M, Mann R E. CAMH Monitor e-Report: Substance Use, Mental Health and Well-Being Among Ontario Adults, 1977–2015. [Report online]. Toronto, ON: Centre for Addiction and Mental Health; 2016 (CAMH Research Document Series No. 45) [Last accessed 2017 Apr 28]. Available from: http://www.camh.ca/en/research/news_and_publications/CAMH%20Monitor/CAMH-Monitor-2015-eReport-Final-Web.pdf
8. Institut National de Sante Publique du Quebec. Legalization of Non-medical Cannabis: A Public Health Approach to Regulation. [Government report online]. Quebec: Government du Quebec, 2017. [Last accessed 2017 July 20]. Available from: https://www.inspq.qc.ca/sites/default/files/publications/2233_legalization_non_medical_cannabis_0.pdf

9. Liccardo Pacula, R., Kilmer, B., Wagenaar, A.C., Chaloupka, F.J., Caulkins, J.P. Developing Public Health Regulations for Marijuana: Lessons from Alcohol and Tobacco. *AJPH* [serial online]. 2014; 104(6): 1021-1028 [Last accessed 2017 July 20]. Available from: <http://people.oregonstate.edu/~flayb/MY%20COURSES/H671%20Advanced%20Theory%20Winter16/Alternative%20readings/Pacula%20etal14%20PH%20regs%20for%20marijuana%20-%20lessons%20from%20alc%20and%20tob.pdf>
10. McInnis O A, Plecas D. Clearing the Smoke on Cannabis: Respiratory Effects of Cannabis Smoking – An Update. [Report online]. Ottawa Canada: Canadian Centre on Substance Abuse, 2016 [Last accessed 2018 Apr 28]. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Use-Respiratory-Effects-Report-2016-en.pdf>
11. Smoking and Health Action Foundation. Secondhand Marijuana Smoke: Health effects of exposure. [Report online]. September 2016 [Last accessed 2017 Jul 18]. Available from: http://smokefreehousingon.ca/wp-content/uploads/2015/11/health_effects_of_exposure_secondhand_mj_smoke_2016-finals.pdf
12. Tilson, M. Reducing the Availability of Tobacco Products at Retail: Policy Analysis. [Report online]. Canada” Non-Smoker’s Rights Association. 2011. [Last accessed 2017 July 20]. Available from: http://nsra-adnf.ca/wp-content/uploads/2016/07/Reducing_Retail_Availabilty_policy_analysis_final_2011.pdf
13. White, V., Williams, T., Wakefield, M. Has the Introduction of Plain Packaging with Larger Graphic Health Warnings Changed Adolescents’ Perceptions of Cigarette Packs and Brands? *Tob Control BMJ* [serial online]. 2015; 24:ii42-ii49. [Last accessed 2017 July 20]. Available from: http://tobaccocontrol.bmj.com/content/24/Suppl_2/ii42.full