

February 20, 2019

Strategic Policy Directorate
Cannabis Legalization and Regulation Branch
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RE: Consultation: Strict regulation of edible cannabis, extracts and topicals

To whom it may concern,

As the City of Ottawa's Medical Officer of Health, I welcome the opportunity to provide feedback regarding the proposed regulation of edible cannabis, extracts and topicals.

I would like to acknowledge Health Canada for recognizing the importance of strict regulations and developing a legislative framework that aims to protect the health and safety of Canadians. Cannabis, in particular products that have high levels of tetrahydrocannabinol (THC), can cause negative health and social impacts. Through a public health approach to legalizing cannabis, the costs associated with the negative impacts of cannabis use can be mitigated.

High-potency cannabis use is associated with an increased severity of dependence, especially in young people.ⁱ People who use concentrates, such as hash oil, report more addictive behaviours and withdrawal symptoms.ⁱⁱ High THC-content products are generally associated with higher risks of various acute and chronic mental and behavioural problem outcomes.ⁱⁱⁱ It has also been reported that the use of high-potency cannabis has an increased risk of psychosis compared with low-potency cannabis.^{iv}

Youth who are under the age of 25 are particularly vulnerable to the risk of cannabis use because of the impact it can have on brain development. Early and regular cannabis use during adolescence has several negative health effects on cognition, behaviour and development.^v According to the 2018 Canadian Cannabis Survey, respondents under the age of 25 reported greater use of cannabis concentrates, extracts and edibles than those aged 25 or older.

Restricting the production and sale of cannabis edibles and extracts will be vital to mitigating harms from these products. Accordingly, I am pleased to submit recommendations that would further protect young people and others from the potential

harms of cannabis use in respect to edibles, extracts and topical products. Responses to the consultation questions are attached as Appendix 1.

Recommendation 1: Implement further restrictions to reduce the appeal among young people, accidental ingestion by children and risks of overconsumption.

As stated in the final report of the Task Force on Cannabis Legalization and Regulation, to protect the most vulnerable, the Federal government should prohibit any product that is deemed "appealing to children," including products that resemble or mimic familiar food items.^{vi}

The experience of Colorado and Washington State in legalizing cannabis has provided valuable lessons for how Canada should regulate cannabis and its related products. Following legalization, Colorado saw an increase of poisonings related to the overconsumption of edible products and increased calls to regional poison control centres and emergency room visits for accidental ingestion by children.^{vii} Stakeholders in Colorado expressed particular concerns about products that mimic popular brand-name snacks and candies as well as the packaging and attractiveness to youth. As such, Colorado implemented new regulations that included a limit of 10 mg of THC per dose; and a universal THC symbol stamped on cannabis edible; as well as prohibited the words "candy" or "candies" on packages, and the use of shapes that may appeal to children (i.e. animals, humans, or fruit). Washington State has implemented similar restrictions to edible cannabis products including restrictions on the shapes and colours of edibles, a required list of standard warnings on each label, and the use of the universal THC symbol, and a "not for kids" warning symbol.

The proposed regulations currently do not restrict the shape of cannabis edibles, which despite the strict packaging requirements, would make the physical appearance of cannabis edibles appealing to children and consequently more vulnerable to accidental ingestion.

In addition, given the research regarding the appeal of flavoured e-cigarette products, particularly among youth, flavouring agents should be prohibited in cannabis extracts. According to a systematic review of consumer preferences, adolescents consider flavour an important factor in their decision to try e-cigarettes.^{viii} Youth are more likely to initiate vaping flavoured e-cigarettes, especially fruit and sweet flavoured products.^{ix}

As such, I recommend that Health Canada apply additional restrictions to the proposed rules for the new classes of cannabis, including:

- **Prohibiting any product that resembles or mimics familiar food items, or is associated with a brand of food or candy and could be appealing to**

children, such as gummy bears, lollipops, chocolate bar or cookie brands, etc.

- **Requiring all edible products be stamped, marked or imprinted with the standardized THC symbol on at least one side of the edible product, unless products are impracticable to stamp, mark or imprint, for example liquids.**
- **Prohibiting the use of flavouring agents in cannabis extracts.**

Recommendation 2: Require that labels for all cannabis-infused products intended for ingestion include a health statement about the delayed onset of impairing effects and information on accidental ingestion or overconsumption.

When cannabis is ingested, the psychoactive effects can be delayed by 30 minutes or more. This delay can result in consumers accidentally consuming more cannabis product than they intend and can have undesirable effects. Consuming large amounts of THC can lead to acute impairment that could cause injury or harm.

As mentioned, Colorado experienced an increase of poisonings related to the overconsumption of edible products and increased calls to regional poison control centres and emergency room visits for accidental cannabis ingestion by children following the legalization of cannabis.^x This was predominantly due to poor packaging and labelling.^{xi} In cases of accidental ingestion or overconsumption, it is important that consumers know where they should turn to for help.

Colorado implemented new regulations following their experience with edibles and cannabis extracts. The new regulations included required health statements including a statement about the delayed effects on products intended for oral consumption. In addition, Colorado requires all cannabis labels to have a warning statement about the physical and mental health risk of cannabis use, risks for women who are pregnant or breastfeeding and the impaired ability to drive or operate machinery.

Washington State has implemented similar regulations requiring warning statements on all cannabis products. These required warning statements include risk of addiction; illegal to operate a motor vehicle while impaired; effects may be delayed by two or more hours; and two universal cannabis symbols (i.e. an universal THC and “not for kids” symbol). The “not for kids” universal symbol includes a toll-free number to the National Poison Help Line that connects the caller to their regional poison control centre.

As such, **I recommend that Health Canada apply additional restrictions to the proposed regulations for the new classes of cannabis, including:**

- **Requiring a health statement about the delayed onset of impairing effects on labels for all cannabis-infused products intended for ingestion.**
- **Requiring that information regarding low-risk cannabis use guidelines be provided on the product labels for all cannabis products (i.e. include web link to low-risk cannabis use guidelines).**
- **Requiring information on what to do in case of accidental ingestion or overconsumption, similar to requirements for non-prescription drugs, on the label for all cannabis-infused products.**
- **Creating a centralized access point for poison control centres, (e.g. nationwide toll-free Poison Help Line) to connect residents to the nearest regional poison control centre and subsequently, requiring this information be included on the label of all cannabis-infused products.**

Recommendation 3: Consider the use of the Canadian Drug Facts Table as the template for the required cannabis labelling information.

Health Canada introduced changes to non-prescription drug labels to improve the safe use of these drugs by making drug labels easier to read and understand. Through the Plain Language Labelling Initiative, Health Canada implemented changes that require non-prescription drugs to have a Drug Facts Table (DFT) on the outer label. The DFT is a standardised table, like the Nutrition Fact Table that is required on pre-packaged foods under the Food and Drug Regulations, which contains important information for consumers to understand the use and risks of the product.

As such, I recommend that Health Canada consider imposing a table format for the product information and health warnings for all cannabis-infused products, similar to the Drug Facts Table.

Recommendation 4: Prohibit the association of a cannabis product to a tobacco product or tobacco company.

The proposed regulations prohibit representations that would associate a cannabis product with an alcoholic beverage or company. Within its proposal, Health Canada states this is necessary given the known health risks associated with the concurrent use of alcohol and cannabis. However, there are no proposed restrictions to prohibit associations of a cannabis product with a tobacco product or company. Tobacco has well-known harmful health effects and contains nicotine, which is highly addictive.

Therefore, **I recommend that Health Canada prohibit the representation of a tobacco product (i.e. cigarettes, e-cigarettes, cigar) or a tobacco company name or logo who manufactures tobacco products on all cannabis products.**

Recommendation 5: Continue investments in research, population health surveillance, and public education campaigns in advance of, and following, the legalization of edibles, extracts and topicals.

Public education in advance of edibles, extracts and topicals becoming available is important to increase the awareness of the potential harms associated with delayed onset of effects with edible cannabis and the use of high-potency cannabis products. To expand the reach of Government of Canada campaigns, organizations across Canada could be included in the planning and dissemination of future campaigns. Government of Canada's public education campaigns would ideally address the spectrum of substance use, recognizing the importance to meet people where they are by including prevention and harm reduction messages.

Population health surveillance is vital for monitoring the public health impact of legislative changes as well as to identify priorities for health promotion and prevention. Monitoring the prevalence and rate of use of the different types of cannabis, as well as related health outcomes, such as overconsumption and mental health and behavioural consequences of cannabis use will provide needed information. Federal funding from the revenue of cannabis could be invested in provincial surveillance systems to leverage existing systems and to develop new ones.

Thank you again for this opportunity to provide comments and recommendations regarding the strict regulation of edible cannabis, extracts and topicals. Should you have any questions or wish to discuss the recommendations, please contact me at Vera.Etches@ottawa.ca or by telephone at 613-580-6744 ext. 23675.

Sincerely,

Dr. Vera Etches, MD, MHScm CCFP, FRCPC
Medical Officer of Health
Ottawa Public Health

Appendix 1

Consultation Questions on the proposed regulations for edible cannabis, cannabis extracts, and cannabis topicals

1. What do you think about the proposed THC limits for the new classes of cannabis products?

Ottawa Public Health (OPH) staff agree with the limit of 10 mg of THC per discrete dose based on experience and regulations put in place in Colorado and Washington State.

OPH staff urge the Federal government to invest in ongoing research to substantiate the appropriate measure for a “standard dose” of THC and how said standard dose of THC effects health.

2. Do you think the proposed new rules addressing the types of ingredients and additives that could be used in edible cannabis, cannabis extracts, and cannabis topicals appropriately address public health and safety risks while enabling sufficient product diversity?

OPH staff are in support of the rules addressing additives that can be used in edible cannabis, extracts and topicals. However, we recommend that further restrictions be included to protect public health and safety. Rationale for the recommendations were provided in the attached letter. It is recommended that Health Canada:

- Prohibit any product that resembles or mimics familiar food items, or is associated with a brand of food or candy and could be appealing to children, such as gummy bears, lollipops, chocolate bar or cookie brands, etc.
- Require all edible products be stamped, marked or imprinted with the standardized THC symbol on at least one side of the edible product, unless products are impracticable to stamp, mark or imprint, for example liquids.
- Prohibit the use of flavouring agents in cannabis extracts.

3. Do you think that the proposed rules for other classes of cannabis will accommodate a variety of oil-based products for various intended uses, even though cannabis oil would no longer be a distinct class of cannabis?

OPH staff agree with the regulations for cannabis extracts and that they are inclusive of oil-based productions intended for inhalation (vaping) and ingestion (capsules or oil).

4. What do you think about the proposed six-month transition period for cannabis oil? Is a six-month transition period sufficient?

There is no identified public health concern with the proposed six-month transition period.

5. What do you think about the proposed new rules for the packaging and labelling of the new classes of cannabis products?

OPH staff are supportive of the proposed regulations related to the packaging and labelling requirements for the new classes of cannabis. As outlined in the attached letter, OPH staff further recommend that Health Canada implement the following to strengthen the regulations to protect public health and safety:

- Require a health statement about the delayed onset of impairing effects on labels for all cannabis-infused products intended for ingestion.
- Require that information regarding low-risk cannabis use guidelines be provided on the product labels for all cannabis products (i.e. include web link to low-risk cannabis use guidelines).
- Require information on what to do in case of accidental ingestion or overconsumption, similar to requirements for non-prescription drugs, on the label for all cannabis-infused products.
- Create a centralized access point for poison control centres (e.g. nation-wide, toll-free Poison Help Line) to connect residents to the nearest regional poison control centre and subsequently, require this information be included on the label of all cannabis-infused products.
- Prohibit the representation of a tobacco product, (i.e. cigarettes, e-cigarettes, cigar), or a tobacco company name or logo who manufactures tobacco products on all cannabis products.
- Consider imposing a table format for the product information and health warnings for all cannabis-infused products, similar to the Drug Facts Table.

6. With respect to edible cannabis, what do you think about the requirement for all products to be labelled with a cannabis-specific nutrition facts table?

Canada's nutrition labelling regulations have been designed to provide a system for conveying information about the nutrient content of food in a standardized format,

which provides clear, uniform information to support consumers in making informed food choices.

OPH staff agree with the proposal that all cannabis infused food products be labelled with a cannabis-specific Nutrition Facts Table (NFT) and that it be modelled after the Standard Format NFT for pre-packaged food.

The cannabis-specific NFT should follow the same regulations and enforcement as the NFT on non-cannabis containing food products. All labeling information on cannabis products, including the cannabis-specific nutrition facts table, must be accurate, truthful and not misleading. OPH staff commend Health Canada's proposal to create a cannabis-specific NFT that contains the same nutrient information as other food products.

OPH staff agree with regulations that state that drinks and foods may not contain added vitamins or minerals, while THC extracts, often used in vaporizers, cannot contain sugars, colours or sweeteners. The addition/fortification of vitamins and minerals may lead consumers to believe this product is healthy.

7. What do you think about the proposal for the labelling of small containers and the option to display certain information on a peel-back or accordion panel?

OPH staff are supportive of the labelling considerations for small containers and allowing peel-back or accordion panels with the provision that the cannabis health warning messages, standardized cannabis symbol and information about the THC and CBD content would always be on the exterior display surface.

8. What do you think about the proposal that the standardized cannabis symbol would be required on vaping devices, vaping cartridges, and wrappers?

OPH staff are supportive of the requirement of the standardized cannabis symbol on pre-filled vaping devices, vaping cartridges and wrappers. OPH staff recommend that Health Canada provide specific requirements for the size and placement of the standardized label, similar to the requirements for the cannabis health warning messages.

9. Do you think that the proposed new good production practices, such as the requirement to have a Preventive Control Plan, appropriately address the risks associated with the production of cannabis, including the risk of product contamination and cross-contamination?

OPH staff do not have comments or recommendations related to this question.

10. What do you think about the requirement that the production of edible cannabis could not occur in a building where conventional food is produced?

OPH staff are in support of the requirement to ensure that the production of edible cannabis does not occur in the same building as other conventional food. This minimizes the risk of cross contamination or incorrect packaging when the two productions are physically separated.

11. What do you think about the overall regulatory proposal?

OPH staff are supportive of the overall regulatory proposal. However, there are several measures that should be implemented to further protect public health and safety as outlined in the previous questions and the letter attached.

12. Are there any additional comments you would like to share on the proposed regulations for the new classes of cannabis?

OPH staff do not have any additional comments.

13. Are there any additional comments you would like to share regarding the legalization and strict regulation of cannabis in Canada? For example, are there measures the Government could take to support individuals to be in compliance with the public possession limits for cannabis (i.e. 30 grams of dried cannabis "or equivalent")? Do you have views on how to minimize environmental concerns associated with packaging, while maintaining key aspects, such as child resistant packaging, that help to prevent accidental consumption?

OPH staff recommend that the Government of Canada continue with investments in research, population health surveillance, and public education campaigns in advance of, and following, the legalization of edibles, extracts and topicals. Key topics for education include the delayed effects of ingested cannabis and risks associated with the use of high-potency cannabis products, harm reduction messaging as outlined in the low-risk cannabis use guidelines, and about how to use the cannabis nutritional fact label and other accompanying labelling information to make informed choices.

Population health surveillance is vital for monitoring the public health impact of legislative changes as well as to identify priorities for health promotion and prevention. Monitoring the prevalence and rate of use of the different types of cannabis, as well as related health outcomes, such as overconsumption/poisonings and mental health and behavioural consequences of cannabis use will provide

needed information. Federal funding from the revenue of cannabis could be invested in provincial surveillance systems to leverage existing systems and to develop new ones.

ⁱ Freeman, T.P., Winstock, A.R. (2015). Examining the profile of high-potency cannabis and its association with severity of cannabis dependence. *Psychological Medicine*. 45, 3181-3189

ⁱⁱ World Health Organization. (2016). The health and social effects of nonmedical cannabis use. World Health Organization: Geneva, Switzerland. ISBN 978 92 4 151024 0

ⁱⁱⁱ Fischer, B., Russell, C., Sabioni, P., van den Brink, W., Le Foll, B., Hall, W., Rehm, J., Room, R. (2017). Lower-risk cannabis use guidelines (LRCUG): An evidence-based update. *American Journal of Public Health*, 107(8).

^{iv} DiForti, M., Carra, E., Fraietta, S., Trotta, A., Bonomo, M., Bianconi, F., Gardner-Sood, P., O'Connor, J., Russo, M., Stilo, S.A., Reis Marques, T., Mondello, V., Dazzan, P., Pariante, C., David, A.S., Gaughran, F., Atakan, Z., Iyegbe, C., Powell, J., Morgan, C., Lynskey, M., Murray, R.M. (2015). Proportion of patients in south London with first-episode psychosis attributable to use of high potency cannabis: a case-control study. *Lancet Psychiatry* 2015; 2: 233-38, [http://dx.doi.org/10.1016/S2215-0366\(14\)00117-5](http://dx.doi.org/10.1016/S2215-0366(14)00117-5)

^v George T, Vaccarino F (ed.). Substance use in Canada: The effects if cannabis use during adolescence. Ottawa, ON: The Canadian Centre on Substance Use and Addiction. 2015. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Effects-of-Cannabis-Use-during-Adolescence-Report-2015-en.pdf>. [Accessed: 18th July 2017].

^{vi} Government of Canada. A framework for the legalization and regulation of cannabis in Canada – The final report of the Task Force on Cannabis Legalization and Regulation. 2016. Available from: <http://healthycanadians.gc.ca/task-force-marijuana-groupe-etude/framework-cadre/alt/framework-cadre-eng.pdf>

^{vii} Wang G S, Le Lait M C, Deakyne S J, Bronstein A C, Bajaj L, Roosevelt G. Unintentional pediatric exposures to marijuana in Colorado, 2009-2015. *JAMA Pediatric*. 2016;170(9).

^{viii} Zare, S., Nemati, M., Zheng, Y. (2018). A systematic review of consumer preference for e-cigarette attributes Flavor, nicotine, strength, and type. *PLoS ONE* 13 (3): e0194145. <https://doi.org/10.1371/journal.pone.0194145>

^{ix} Ibid

^x Wang G S, Le Lait M C, Deakyne S J, Bronstein A C, Bajaj L, Roosevelt G. Unintentional pediatric exposures to marijuana in Colorado, 2009-2015. *JAMA Pediatric*. 2016;170(9).

^{xi} Monte A A, Zane, R D, Heard, K J. The implications of marijuana legalization in Colorado. *JAMA Pediatric*. 2015;313(3): 241-242.