

**Report to  
Rapport au:**

**Ottawa Board of Health  
Conseil de santé d'Ottawa  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA  
VILLE**

**File Number: ACS2017-OPH-HPDP-  
0006**

**SUBJECT: LEGALIZATION OF CANNABIS – A PUBLIC HEALTH APPROACH TO  
MINIMIZE HARMS OF USE**

**OBJET: LÉGALISATION DU CANNABIS – UNE APPROCHE EN MATIÈRE DE  
SANTÉ PUBLIQUE POUR RÉDUIRE LES EFFETS NÉFASTES DE LA  
CONSOMMATION**

## **REPORT RECOMMENDATIONS**

**That the Board of Health for the City of Ottawa Health Unit:**

- 1. Receive, for information, an overview of Bills C-45 and C-46, as described in this report and detailed in Document 1; and**
- 2. Approve that the Board of Health make recommendations to the federal government with respect to:**

- a. Regulating and restricting access to edible cannabis products within the current legalization time frame, as described in this report; and
- b. Strengthening restrictions on packaging and labelling to require THC content and dose per serving size, health warnings, and plain packaging of cannabis products as described in this report.

## RECOMMANDATIONS DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la ville d'Ottawa :

1. prenne connaissance de l'information sur les projets de loi C-45 et C-46 contenue dans le présent rapport et exposée dans le document 1;
2. approuve que le Conseil de santé fasse recommandations au gouvernement fédéral afin de :
  - a. réglementer et limiter l'accès aux produits alimentaires contenant du cannabis dans les délais actuels fixés pour la légalisation, comme l'indique le présent rapport; et
  - b. resserrer les règles d'emballage et d'étiquetage des produits du cannabis en obligeant d'indiquer la présence de THC, la quantité de THC par portion et les contre-indications en matière de santé et en imposant un emballage neutre, comme l'indique le présent rapport.

## EXECUTIVE SUMMARY

In April 2017, the Federal Government introduced Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (the Cannabis Act)*, as the framework for the legalization and regulation of cannabis; and Bill C-46, *An Act to amend the Criminal Code*, which proposes amendments to the *Criminal Code* to strengthen impaired driving laws. The proposed legislation aligns with many of the recommendations that Ottawa Public Health (OPH) put forth to the [Task Force on Marijuana Legalization and Regulation](#).

Protecting public health and safety, especially among youth, remains an objective in legalizing cannabis. This report serves to inform the Board of Health of the public health implications of Bills C-45 and C-46 and identify areas to further advance healthy public policy.

Following an initial review of the proposed federal legislation, OPH has identified opportunities to further protect public health and safety, especially youth. OPH recommends the Board of Health make recommendations to the federal government with respect to establishing regulations for edible products and strengthening packaging restrictions.

## RÉSUMÉ

En avril 2017, le gouvernement fédéral a présenté le projet de loi C-45 intitulé *Loi concernant le cannabis et modifiant la Loi réglementant certaines drogues et autres substances, le Code criminel et d'autres lois*, comme cadre de réglementation en vue de la légalisation du cannabis; ainsi que la loi C-46 qui propose des modifications au Code criminel dans le but de renforcer les lois relatives à la conduite avec facultés affaiblies. La loi rejoint nombre des recommandations que Santé publique Ottawa (SPO) a présentées au [Groupe de travail sur la législation et la réglementation du cannabis](#).

Protéger la santé et la sécurité publiques, en particulier chez les jeunes, demeure un objectif de la légalisation du cannabis. Ce rapport vise à informer le Conseil de la santé des répercussions sur la santé des lois C-45 et C-46, et à déterminer des régions dans lesquelles il serait utile de faire progresser davantage des politiques publiques saines.

Suivant un premier examen de la loi fédérale proposée, Santé publique Ottawa a cerné des possibilités de l'améliorer de façon à mieux protéger la santé et la sécurité de la population, en particulier chez les jeunes. Santé publique Ottawa recommande que le Conseil de la santé présente des recommandations au gouvernement fédéral dans le cadre des consultations à venir sur les lois C-45 et C-46 qui porteront sur l'établissement de lois relatives aux produits comestibles et le resserrement des restrictions concernant le conditionnement de ces produits.

## BACKGROUND

In 2015, the Government of Canada committed to legalizing, regulating, and restricting access to cannabis. Towards this goal, in June 2016, the federal government announced the [Task Force on Marijuana Legalization and Regulation](#) (Task Force). The Task Force released a [discussion paper](#) for public consultation, to which OPH responded.

In October 2016, the Board of Health received the report: [Ottawa Public Health Submission to Federal Task Force – Towards the Legalization, Regulation and](#)

[Restriction of Access to Marijuana](#), which outlined OPH's evidence-based recommendations for the legalization of cannabis.

In December 2016, the federal Task Force released a report titled, "[A Framework for The Legalization and Regulation of Cannabis in Canada: The Final Report of the Task Force on Cannabis Legalization and Regulation](#)". The Task Force endorsed a public health approach and many of the recommendations were in alignment with the OPH submission referenced above.

On April 13, 2017, the Federal Government introduced Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (the *Cannabis Act*), as the framework for legalizing and regulating cannabis and Bill C-46, *An Act to Amend the Criminal Code* which proposes amendments to the Criminal Code to strengthen impaired driving laws. At the time of writing this report, both bills have passed second reading. Bill C-45 has been referred to the Standing Committee on Health and Bill C-46 has been referred to the Standing Committee on Justice and Human Rights. Both Bills are informed by the final report of the Task Force.

## **DISCUSSION**

Following an initial review of the proposed federal legislation, OPH has identified opportunities to further protect public health and safety, especially youth. Bill C-45 (*Cannabis Act*) provides a framework for the regulation of cannabis, and the details regarding the distribution and sale has been delegated to the province. Also, other details, such as packaging, will not be fully known until the Federal Government consults and/or promulgates regulations under this newly proposed legislation.

### **Recommendation 1:**

**Receive, for information, an overview of Bills C-45 and C-46, as described in this report and detailed in Document 1.**

The *Cannabis Act* establishes a framework for regulating the legalization of cannabis and Bill C-46 proposes amendments to the *Criminal Code* to strengthen impaired driving laws.

The attached Document 1 is a short summary of Bills C-45 and C-46.

The proposed *Cannabis Act* generally aligns with OPH's recommendations to the Task Force, as it provides regulations to prevent youth initiation and access, including a

legislated minimum legal age and restrictions to promotion, advertising, marketing, packaging and labelling. In order to minimize the current social harms experienced by youth, Bill C-45 recommends decriminalizing small possession (up to 5 grams) for individuals under the age of 18. This legislation proposes limits to personal possession (30 grams) and stipulates the type of products available for sale. The Bill recommends creating a federally regulated production system, including quality control and licensing of producers.

There are regulatory areas that are yet to be determined. Notably, there is no proposal to regulate edible products at this time, the distribution model and tax and pricing systems are still to be determined and the details of advertising, marketing and packaging restrictions (including potency and health warnings) are lacking in detail.

### **Recommendation 2:**

**Approve that the Board of Health make recommendations to the federal government with respect to:**

- a. Regulating and restricting access to edible cannabis products within the current legalization time frame, as described in this report; and**
- b. Strengthening restrictions on packaging and labelling to require THC content and dose per serving size, health warnings, and plain packaging of cannabis products.**

The federal government has indicated that consultations will occur this year on Bills C-45 and C-46. As such, OPH is recommending that the Board of Health make recommendations to the federal government with respect to access to edible cannabis and with respect to packaging and labelling. These recommendations are consistent with those made by the federal Task Force.

### **Recommendation 2A**

At this time, the federal government has stated that it intends to bring the proposed *Cannabis Act* into force no later than July 2018. However, it has also stated that it is the Government's intention that, upon coming into force of the Act, only dried and fresh cannabis, cannabis oil as well as seeds and plants for personal cultivation will be made available for legal purchase. The Government of Canada has indicated that authorizing the sale of edible cannabis products may be done at a later date once federal regulations for production and sale have been finalized sometime after July 2018.

Alternatively, Bill C-45 proposes permitting the home production of edible products for personal use.

An increase of edible related cannabis overdoses and increased calls for accidental ingestion by children were seen in Colorado following legalization<sup>i</sup>. This increase was predominantly due to poor packaging and labelling, including discrepancies in delta-9-tetrahydrocannabinol (THC) potency labelling<sup>ii</sup>, improper storage and the appealing look of edible products<sup>iii</sup>. In 2014, Colorado passed regulations for packaging, including standard serving size, set amounts for THC per product, clear labelling of THC potency, the requirement of child-resistant packaging and prohibition on packages that are appealing to children<sup>iv</sup>. Based on lessons learned from Colorado, OPH is seeking approval from the Board of Health to recommend to the federal government the development of regulations for these products concurrently and not after the current proposed regulations, in order to better protect public health.

The overconsumption of edible products in Colorado raised the importance of educating the public on edible products<sup>v</sup>. OPH is seeking approval from the Board of Health to recommend that the federal government fund ongoing public awareness campaigns that aim to increase awareness of the risk of overdose and other harms associated with edible cannabis products.

## **Recommendation 2B**

Currently, the *Cannabis Act* proposes a framework for restrictions to marketing, promotion, advertising, packaging, labelling and display that is similar to the *Tobacco Act*. OPH is seeking approval from the Board of Health to call for regulations that require health warnings, THC level and dose per serving size, and plain package of cannabis products. Graphic product labelling has been required for tobacco products since 2000 and is recognized as a best practice. These labels consist of graphic health warnings, health information messages, and toxic emission statements, which aim to increase awareness of the health hazards and effects associated with tobacco use. Prominent health warnings on tobacco products are found to be among the most cost-effective forms of public health education available<sup>vi</sup>.

Plain packaging would prohibit all promotional features on cannabis packages, including the use of colours, images, logos, slogans, and distinctive fonts. Only the brand name would be permitted. In 2016, OPH submitted a consultation letter to Health Canada in support of plain and standardized packaging for tobacco products. At the time of writing this report, Bill S-5, *An Act to amend the Tobacco Act and the Non-Smoker's Health Act and to make consequential amends to other Acts*, passed Third Reading in the Senate

of Canada. Bill S-5 lays the framework for future plain and standardized packaging regulations for tobacco products. Similar restrictions requiring plain packaging and health warnings should be applied to cannabis products.

Evidence from Washington and Colorado indicates that youth are more likely to use products in concentrated format with higher levels of THC<sup>vii</sup>. While further research is needed to confirm these issues, consumption of higher THC levels may be associated with a greater chance of a harmful reaction and explain the rise in emergency room visits involving marijuana use. Additionally, regular exposure to higher THC levels may be associated with an increased risk for addiction<sup>viii</sup>. As a result of this evidence, OPH staff are recommending that the Board of Health request that the federal government introduce restrict packaging and labelling to require THC content and dose per serving size, health warnings, and plain packaging of cannabis products.

### **Provincial Jurisdiction**

The *Cannabis Act* would leave it to the provinces establish a model for licensing the distribution and retail sale of cannabis, subject to minimum federal conditions, and carry out the associated compliance and enforcement activities. Additionally, provinces can tailor regulations to their jurisdiction, including establishing the distribution model, setting additional regulatory requirements (increase minimum age, decrease personal possession and home growing limits), restricting public consumption and amending traffic safety laws.

The Ontario Ministry of the Attorney General has established an Ontario Legalization of Cannabis Secretariat. This Secretariat will coordinate the development of a framework for Ontario's response to the federal changes in partnership with the affected ministries (Health and Long-term Care, Finance, Transportation, Children and Youth Services and Community Safety and Correctional Services). Three working groups have been established, which will report to the Cabinet in the summer, including the Legal, Regulatory and Distribution Framework working group, the Oversight and Control working group, and the Public Health and Social Risks working group.

Beyond this, it is not yet known what opportunities may arise for providing input into the development of provincial legislation and/or regulations on this topic. As such, OPH will monitor developments and advise the Board accordingly.

Provincial Issues currently being tracked for future consideration by the Board of Health include:

- The distribution model for the sale of non-medical cannabis;
- Increasing the minimum age to align with the minimum age for other substances, such as tobacco; and
- Align restrictions with the *Smoke Free Ontario Act* in terms of smoking in public spaces and workplaces.

### **Other Considerations**

Lessons learned from other legal substances demonstrate that legislation alone does not protect the public from the harms associated with substance use. OPH's submission to the Task Force recommended the federal government consider a public health approach in the legalization, regulation and restriction of access to cannabis, including:

- Investments in health assessment, surveillance and research;
- Investments for health promotion/prevention activities;
- Health protection; and
- Sufficient supports for evidence-informed early identification and treatment.

The proposed 2017 Federal Budget includes funding of \$9.6 million over five years with \$1 million per year ongoing for cannabis public education programming and surveillance activities. Additionally, a new annual Cannabis Survey was announced to monitor the patterns of use and perceptions around cannabis among Canadians, especially youth. In order to have a regulated system that protects public health and safety, the federal government should provide sufficient investments in the previously noted areas.

Research, data collection and health assessment is required to assess the impact of legalization and further inform policy development. Stakeholders from Colorado and Washington encountered challenges in monitoring impacts of legalization. No baseline data existed because cannabis was not reported separately from other illegal substances in many data systems<sup>ix</sup>. Further, there is a lack of cannabis research in many areas including edible products, health effects, especially within vulnerable populations such as pregnant and breastfeeding women, THC potency, and per se limits for driving. Addressing problematic substance use requires interventions ranging from prevention and early identification to harm reduction to various treatment services.

Clear messaging about the risks of cannabis use is important to decrease the negative health impacts<sup>x</sup>. Washington and Colorado funded education campaigns from state cannabis revenues and as a result the campaigns did not begin until two years after legalization<sup>xi</sup>. Further, 5 to 9% of cannabis users will develop dependence, increasing to 17% for those who begin using during adolescence<sup>xii</sup>. Funding health prevention and promotion, early identification and treatment services will contribute to informed decision making by the public about cannabis products and provide community supports along the spectrum of substance use.

### **Next Steps**

OPH proposes that Ottawa Board of Health support the following actions to advance health public policy relative to cannabis legalization:

- Respond to the forthcoming federal consultation opportunities;
- Seek to participate in future provincial engagement opportunities;
- Engage stakeholders in discussions about local implications resulting from the planned legislation;
- Seek opportunities to build capacity and knowledge of public health, health care and social service providers in the area of cannabis use and engage with clients who use cannabis.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **CONSULTATION**

This report presents an overview of proposed federal legislation and public health implications with respect to same. As such, no public consultation was undertaken.

### **LEGAL IMPLICATIONS**

There are no legal impediments to receiving the information described in Recommendation 1 of this report and no legal impediments to implementing recommendations 2A and B of this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

## **ACCESSIBILITY IMPACTS**

There are no accessibility implications associated with this report.

## **SUPPORTING DOCUMENTATION**

Document 1 – Bill C-45 and Bill C-46 Summary and Alignment with OPH Submission

## **DISPOSITION**

OPH staff will take the necessary actions to implement recommendations 2A and B and will continue to monitor the local implications of any federal or provincial legislation and regulations with respect to the legalization of cannabis and will continue to update the Board of Health on developments, as appropriate.

## **Document 1 - Bill C-45 and Bill C-46 Summary and Alignment with OPH Submission**

### **Bill C-45, The *Cannabis Act***

Should Bill C-45 be passed as tabled, adults who are 18 years old or older would be able to legally:

- Possess up to 30 grams of dried legal cannabis or the equivalent non-dried form when in public;
- Share up to 30 grams of dried legal cannabis with other adults;
- Purchase dried or fresh cannabis and cannabis oil from a provincially regulated retailer;
- Grow up to four, one-meter-tall cannabis plants from licensed seed or seedlings per residence for personal use;
- Make legal cannabis-containing products at home, such as food and drinks, provided that dangerous organic solvents are not used in making them.

The proposed *Cannabis Act* aligns with OPH's recommendations to the Task Force, as it:

- Sets a legislated minimum legal age;
- Prohibits: 1) products, packaging and labelling that are appealing to youth; 2) selling cannabis through self-service displays or vending machines; 3) promoting cannabis (with some exceptions); 4) false, misleading or deceptive advertising, sponsorships, testimonials and endorsements or other forms of promotion that could entice young people to use cannabis; and 5) seeks to limit product branding;
- Recommends individuals under the age of 18 years not face criminal prosecution for possessing or sharing small amounts of cannabis (up to 5 grams);
- Recommends setting rules for adults to access quality-controlled cannabis;
- Recommends creating a new, tightly regulated supply chain.

OPH recommended strict guidelines and regulations pertaining to the production, distribution, sale and possession of cannabis in Canada. The Federal Government has committed to establishing and maintaining a national framework, which includes:

- Establishing restrictions on adult access to cannabis (i.e. purchasing legally, sourcing from a well-regulated industry, or growing safely in limited amounts at home);
- Creating rules to limit how cannabis or cannabis accessories can be promoted, packaged, labelled and displayed, to protect youth;
- Instituting a federal licensing regime for cannabis production that will set and enforce health and safety requirements and protect against the involvement of organized crime in the legal industry;
- Establishing industry-wide rules on the types of products that will be allowed for sale, standardized serving sizes and potency, the use of certain ingredients and good production practices, as well as the tracking of cannabis from seed to sale to prevent diversion to the illicit market; and
- Creating minimum federal conditions that provincial and territorial legislation for distribution and retail sale would be required to meet.

Federal areas to be determined include:

- Edibles, which may be regulated at a later date, once federal regulations for their production and sale have been developed and brought into force. The timing and content of those regulations are unknown at this time;
- Specific regulations for packaging (ie. requiring health warnings);
- Tax and pricing systems (to be developed in-coordination with provinces and territories);
- Regulations to cannabis compounds, THC potency, therapeutic claims.

### **Bill C-46, Amendments to the Criminal Code**

In alignment with OPH's recommendations to develop a comprehensive framework, which includes prevention, education, and enforcement to address and prevent cannabis impaired driving, the proposed amendments to the Criminal Code include:

- Authorization of law enforcement to demand that a driver provide an oral fluid sample if they reasonably suspect that a driver has drugs in their body (roadside oral fluid drug screeners);
- New drug-impaired driving offences. The penalties would depend on the drug type and the levels of drug/combination of alcohol and drugs;
- Mandatory alcohol screening provisions, authorizing law enforcement officers to demand breath samples of any drivers they lawfully stop, without first requiring that they have a suspicion that the driver has alcohol in their body.

### **Provincial Implications**

Under Bill C-45, provinces and territories are responsible to oversee the licensing, distribution and sale of cannabis, subject to minimum federal conditions, and carrying out associated compliance and enforcement activities. Additionally, the province can tailor regulations to their jurisdiction including:

- Establishing a model for licensing the distribution and retail sale;
- Setting additional regulatory requirements to address issues of local concern (setting a higher minimum age, decreasing personal possession limits and decreasing the number of plants permitted for home growing);
- Establishing provincial and territorial zoning rules for cannabis-based businesses;
- Restricting public consumption; and,
- Amending traffic safety laws to address cannabis impaired driving.

The proposed minimum federal conditions for distribution and sale include:

- Only allowing the sale of cannabis that has been produced by a federally licensed producer;
- Cannot sell to a young person (under 18 years old);
- Seller must keep appropriate records of the cannabis they process for commercial purposes; and
- Seller must take adequate measures to reduce the risk of cannabis products being diverted to the illicit market

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- <sup>i</sup> Wang G S, Le Lait M C, Deakne S J, Bronstein A C, Bajaj L, Roosevelt G. Unintentional pediatric exposures to marijuana in Colorado, 2009-2015. *JAMA Pediatric*. 2016;170(9).
- <sup>ii</sup> Monte A A, Zane, R D, Heard, K J. The implications of marijuana legalization in Colorado. *JAMA Pediatric*. 2015;313(3): 241-242.
- <sup>iii</sup> Ibid.
- <sup>iv</sup> 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>
- <sup>v</sup> Canadian Center on Substance Abuse. Cannabis regulation: Lessons learned from Colorado and Washington State. 2015. Available from <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Regulation-Lessons-Learned-Report-2015-en.pdf>
- <sup>vi</sup> Institute of Medicine. Ending the tobacco problem: A blueprint for the nation, National Academy of Sciences. 2007.
- <sup>vii</sup> 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 2016 Jul 27]. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Regulation-Lessons-Learned-Report-2015-en.pdf>
- <sup>viii</sup> Schlossarek, S., Kempkensteffen, J., Reimer, J. & Verthein, U. (2016). Psychosocial determinants of cannabis dependence: A systematic review of literature. *European Addiction Research* 22: 131-144.
- <sup>ix</sup> 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 2016 Jul 27]. Available from: <http://www.ccsa.ca/Resource%20Library/CCSA-Cannabis-Regulation-Lessons-Learned-Report-2015-en.pdf>
- <sup>x</sup> Ibid.
- <sup>xi</sup> Ibid.
- <sup>xii</sup> Le Foll B. Is cannabis addictive? In: George T, Vaccarino F. *The effects of cannabis use during adolescence*. Ottawa, ON: Canadian Centre on Substance Abuse; 2015. p. 48.