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Response to Health Canada Consultation – Proposed Approach to the Regulation of Cannabis

January 19, 2018

**Cannabis Legalization and Regulation Secretariat
Health Canada
Ottawa, Ontario
K1A 0K9**

Re: Consultation – Proposed Approach to the Regulation of Cannabis

To whom it may concern,

As the City of Ottawa's Acting Medical Officer of Health, I welcome the opportunity to provide recommendations to Health Canada on the proposed regulations for cannabis. Many of the proposed regulations align with the Ottawa Board of Health's recommendations to the Federal Task Force on Cannabis Legalization and Regulation and the Standing Committee on Health. That said, there are additional regulations that can be adopted to further protect public health and safety.

Licenses, permits, and authorization

The proposed regulations pertaining to licenses, permits and authorization are reasonable measures that are consistent with the principles listed in the consultation paper as the basis for their development.

It is recommended that local public health units be included in the list of local authorities who are notified as per section 2.3.1. Local public health units are responsible for the health inspection of many types of businesses. As such, health units should have access to the number and type of licenses in their jurisdiction in order to respond to potential complaints and complete inspections in the event Health Canada mandates local public health authorities to inspect federally licensed facilities.

Guidelines and education for home-cultivated cannabis are notably absent in the consultation paper. At this time, there do not seem to be measures to ensure the safe production of home-cultivated cannabis. This is a public health concern.

The growing and drying of cannabis plants in residential buildings can contribute to similar hazards commonly encountered in grow operations including:^{1,2}

- Physical and structural changes to accommodate the grow operation including alterations to wiring and electrical power;
- Presence of biological hazards such as mould due to excessive moisture; and
- Presence of chemical hazards related to chemical spills and residues from the use of pesticides, fertilizers and solvents used for the extraction of tetrahydrocannabinol (THC).

Health Canada should ensure that Canadians have the knowledge and tools for safe home cultivation of cannabis, this should include education, as well as other resources, as they become available and reliable (i.e. home toolkits for testing products). Health Canada should also develop guidelines for pesticide use and prevention of mold and other contaminants for home-cultivated cannabis.

Additionally, **proposed regulations for home-cultivated cannabis should include measures to prevent youth access.** Research identifies the home as an important source of alcohol access for underage youth.³ Accessing alcohol in the home and obtaining alcohol from parents has been associated with intentions to drink, increased alcohol consumption,⁴ and increased risk for alcohol-related problems among youth.⁵ In Denver, Colorado, regulations require residents to grow cannabis plants in a fully enclosed and locked space.⁶ Enforcing such regulations while abiding by privacy laws poses a challenge. **Health Canada should undertake public education to ensure safe and responsible cultivation and storage of cannabis in the home, similar to education efforts for safe storage and disposal of prescription medication.**

Cannabis products and standards

It is recommended that Health Canada develop a comprehensive list of permitted product forms. All products must adhere to strict regulatory standards. Not establishing restrictions may lead to the development of new products that circumvent regulations and may harm public health.

As example, Canada recently saw the introduction of heat-not-burn tobacco products. Heat-not-burn products are federally regulated as a tobacco product. However, because the product is recognized as “manufactured tobacco other than cigarettes and tobacco sticks”, health warnings are not required on the packaging and the excise tax is lower.⁷

Edible cannabis products are growing in popularity and readily available in Canada in an illicit, unregulated market.⁸ Since the federal government will not establish regulations for edible products concurrently with the proposed regulations, a public awareness campaign on edible products is needed in the interim to prevent duplicating the experience of Colorado, which saw a rise in incidences of overconsumption or accidental ingestion.^{9,10} **Public education should focus on the effects of edibles to allow for informed consumer choice and encourage safe, responsible storage.**

The evidence to determine safe amounts of THC based on product format is emerging. As such, Ottawa Public Health (OPH) does not have enough information to comment specifically on the proposed THC limits.

The Colorado Department of Public Health & Environment found that, in general, for occasional cannabis users, smoking, eating, or drinking cannabis containing 10 milligrams (mg) or more of THC is likely to result in impairment.¹¹ **It is recommended the federal government commission on-going research to determine the safe amount of THC in different product formats.** Additionally, the regulations must allow regulatory authority to adjust the maximum THC limit to reflect the best available evidence.

Further, the regulated system must support harm reduction by:

- Supporting the production of lower-potency products; and
- Limiting higher-potency products and formulations.

Packaging and labelling

The majority of Health Canada's proposed packaging regulations for cannabis products align with previous recommendations made by OPH. In particular the requirements for packaging to: be opaque, tamper evident, child resistant, prevent contamination and keep cannabis dry.

It is recommended that risks for use while breastfeeding and risks of early and frequent use be considered for inclusion for developing health warning messages.

In addition, **it is recommended that packaging regulations should be strengthened to require plain packaging of all cannabis products.** Research from tobacco control has shown plain packaging to result in:

- Reduced appeal of tobacco products, increased effectiveness of health warnings, reduced ability of the packaging to mislead the consumer and reduced ability to promote to a specific population, like youth;^{12,13,14}
- Perception among youth and adult that plain packaging has poorer quality products;¹⁴
- A decrease in taste ratings and enjoyment of smoking.^{15,16}

OPH and the Ottawa Board of Health have expressed support for Bill S-5, which will take measures aimed at preventing Canadians and, in particular, young Canadians, from developing nicotine addiction, including implementing mandatory plain packaging for all tobacco products.

Plain packaging regulations for cannabis products should be detailed and comprehensive. Specifically, in alignment with regulations proposed for tobacco products, the packaging regulations for cannabis should require:

- A single ordinary colour on packages and labelling as opposed to the currently proposed “limiting the use of colours on packaging”;
- Standard size, shape and length of the available product forms and packaging (i.e. pre-rolled cannabis) to eliminate the ability to target specific users with certain products.

It is strongly encouraged that Health Canada establish standards to limit the use of colour and size of the brand elements.

Overall regulation proposal

Overall, with the inclusion of the above recommendations, I am supportive of Health Canada’s regulatory proposal. However, lessons learned from other legal substances demonstrate that legislation and regulation alone does not protect the public from the harms associated with substance use. In OPH’s submission to the Federal Task Force on Cannabis Legalization and Regulation and the Standing Committee on Health, it was 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.

I welcome the federal investment for cannabis public education and surveillance. To adopt a comprehensive public health approach, **it is recommended that investments in health protection and early identification and treatment services also be considered.** Investments in all of these areas will contribute to assessing the impact of legalization, inform policy development, contribute to evidence-informed decision-making by the public and provide community supports along the spectrum of substance use.

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,

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Interim Medical Officer of Health
Ottawa Public Health

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