

## **Attachment 1: Toronto Public Health Brief on Bill C-45 and the Regulation of Cannabis for Non-Medical Use**

### **Marketing and Promotion**

Evidence on tobacco advertising shows that it has an impact on youth smoking and that comprehensive advertising bans are most effective in reducing tobacco use and initiation.<sup>11</sup> The proposed legislation for cannabis maintains existing promotion and marketing rules in place for tobacco, including restrictions on point of sale promotion. It is recommended that these restrictions be strengthened by including restrictions on advertising in movies, video games and other media, including on-line marketing and advertising, accessible to youth.

A key recommendation of the Task Force on Cannabis Legalization and Regulation (the Task Force) was for governments to adequately resource the monitoring and enforcement of marketing and promotion restrictions. Further, funding for research on the impact of marketing and promotion is essential for making evidence-informed amendments to regulations and to develop prevention strategies, and federal funding should be targeted to this area.

### **Packaging and Labelling**

The proposed *Cannabis Act* prohibits packaging and labelling of cannabis in a way that could be appealing to young people. A key omission in the Act is a requirement for the “plain packaging” of retail cannabis products (i.e. standardized font, style, etc., prohibiting display of brand names, logos or promotional images, and sufficient space for health warnings and product information, such as THC potency).

The Task Force recommended plain packaging as a means of restricting branding and marketing to youth. In July 2016, the Toronto Board of Health requested the federal Minister of Health to enact legislation to require plain and standardized packaging for all tobacco products in Canada and this requirement should be extended to include all cannabis products.<sup>1</sup> In a recent report, the Smoke-Free Ontario Scientific Advisory Committee identified plain packaging as a highly impactful tool for reducing tobacco use.<sup>2</sup> It is therefore recommended that the Government of Canada regulate comprehensive “plain packaging” requirements for all cannabis products.<sup>3,4</sup>

Further, the Task Force recommended, in addition to the proposed labelling requirements for cannabis, that edibles (when legalized) should be sold in standardized serving sizes, labelled with a universal THC symbol and product potency, not be mixed with tobacco, nicotine, caffeine or alcohol, contain warnings to keep out-of-reach of children, and other labelling requirements that apply to food and beverage products.

### **Criminal Penalties and Law Enforcement**

While cannabis is being legalized there will still be criminal and civil penalties in place for specific infractions. Penalties range from ticketing to a maximum of 14 years imprisonment depending on severity of the infraction. There are also new offences for selling or providing cannabis to youth under age 18 and using youth to sell cannabis. Cannabis possession offences by individuals from 12 to 17 years of age are subject to

sentencing under the *Youth Criminal Justice Act*. It is estimated that 25% of those arrested for cannabis-related offences in Canada are aged 15 to 19.<sup>5</sup>

One of the federal government's stated main reasons for legalizing non-medical cannabis was to reduce the impacts of criminalization for Canadians. Even in the context of legalization some groups may continue to experience criminalization. Findings from the recently released Ontario Human Rights Commission report, *Under suspicion: Research and consultation report on racial profiling in Ontario* (2017) reveal *widespread racial profiling in policing*.<sup>6</sup> Further, racialized groups are over-represented in the criminal justice system.<sup>7,8,9</sup> A disproportionate number of the arrests for cannabis possession under the current system are among members of racialized and vulnerable communities.<sup>10</sup>

Racism and racial discrimination are social determinants of health, and therefore, measures should be put in place before the new cannabis legislation is enacted to ensure that racialized and other vulnerable groups are not disproportionately impacted within the new legal framework. It is recommended that training of law enforcement on the application of the proposed impaired driving legislation and other civil and criminal penalties related to cannabis possession should include appropriate measures to ensure fair treatment of population groups disproportionately represented in the criminal justice system.

### **Impaired Driving**

Driving while impaired by cannabis is a key public health concern. Motor-vehicle accidents are the main contributor to Canada's burden of disease and injury from cannabis.<sup>10</sup> Research has found that many Canadian youth consider cannabis to be "less impairing" than alcohol.<sup>16</sup> However, the psychoactive effects of cannabis can negatively affect the cognitive and psychomotor skills needed for driving, especially in occasional cannabis smokers. In addition to strengthening penalties for impaired driving under the *Criminal Code*, public education on the risks associated with driving after cannabis consumption will be essential to deter cannabis-impaired driving.

The Task Force highlighted concerns about roadside drug screening technology for detecting THC levels and reliability of predicting impairment based on THC in bodily fluids. These concerns about roadside drug screening have been raised by others, including the American Automobile Association Foundation for Traffic Safety, which evaluated impaired driving data from the United States.<sup>11,12</sup> The Task Force also noted "while scientists agree that THC impairs driving performance, the level of THC in bodily fluids cannot be used to reliably indicate the degree of impairment or crash risk." As per recommendations by the federal Task Force, the federal government should make further investments for research and refinements to technology to better link THC levels with impairment and crash risk.

### **Public Education**

Evidence-informed public education will be imperative for implementing an effective health promoting regulatory framework for cannabis. Historically, education about drugs has been fear-based, not based on evidence, and grounded in stigmatizing and discriminatory beliefs about substance use. Part of the education process will be helping to establish new cultural norms, including bridging the diversity of views about cannabis.

There is an opportunity to promote a culture of moderation and harm reduction for cannabis that may extend to other substance use, especially among young people.

Public education should begin without delay, before federal/provincial legislation comes into effect, and should enhance education initiatives that are already underway by public health units. These efforts to focus on legal access and use of non-medical cannabis will require more resources. Information should be focused and tailored to vulnerable demographics, including youth and young adults.

Even though edible products are not included in Bill C-45, education efforts should include information about edible products such as cannabis-infused cookies, brownies, beverages, gummies and chocolate. Accidental consumption of edibles by children, overconsumption due to delay in feeling the psychoactive effects and standardization of THC content in edibles pose challenges in ensuring the safety of edibles. Lessons learned from the United States underscore the importance of not only comprehensive regulations but also clear and proactive public education about the potential risks of consuming edibles, and preventing exposure to children.<sup>13</sup>

### **Regulations for Edible Forms of Cannabis**

The proposed legislation to legalize access to cannabis does not include cannabis-based edible products. Edible products include forms in which cannabis is consumed orally such as cannabis-infused cookies, brownies, beverages, gummies and chocolate.

Although research on edibles is limited, the psychoactive effects of orally consumed cannabis are known to be different from smoking cannabis because of how it is metabolized in the body.<sup>14</sup> Smoking cannabis induces psychoactive effects within minutes, whereas, it is known to take about 40 minutes to feel the effects when cannabis is orally consumed.<sup>14</sup> Moreover, the psychoactive effects are known to diminish within two to three hours after smoking but the psychoactive effects can be longer from edibles increasing at two to four hours. The potency or levels of THC in blood may also reach higher levels when cannabis is orally consumed, however, there can be considerable variation among individuals.<sup>14</sup>

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The federal Task Force recommended, in addition to the proposed labelling requirements for cannabis, that edibles should be sold in standardized serving sizes, labelled with a universal THC symbol and product potency, not be mixed with tobacco, nicotine, caffeine or alcohol, contain warnings to keep out-of-reach of children, and other labelling requirements that apply to food and beverage products.

The federal Task Force's recommendations are based on the new regulatory requirements from jurisdictions in the United States that have legalized the sale of edible cannabis products. It is recommended that the Government of Canada develop regulations on edible forms of cannabis as per the Task Force recommendations.

### **Limitations of cannabis research**

It is important to note that while there is growing evidence about the health impacts of cannabis, some of the research findings are inconsistent or even contradictory, and causal relationships have not always been established. There is still much that we do not know. Most of the research to date has focused on frequent, chronic use, and the results must be interpreted in that context. More evidence is needed about occasional and moderate use as this comprises the majority of cannabis use. It is therefore recommended that the Government of Canada earmark funding for research related to the full range of health impacts of cannabis use, in particular for occasional and moderate consumption.

Toronto Public Health welcomes Health Canada's recently launched the *Annual Cannabis Use Survey* to gather information on factors, including frequency of use, purchasing behaviour, combining use with other substances and driving after use, from respondents 16 years of age or older. In addition, Toronto Public Health is surveying residents to better assess risk perception and public awareness of the long-term health effects of regular cannabis use in adolescents and young adults and of cannabis use during pregnancy and breastfeeding. These research efforts will identify gaps to address through health promotion, and policy development.

### **Possession for Personal Use**

The Government of Canada has indicated it plans to pass the *Cannabis Act* (Bill C-45) in July 2018. In the meantime, individuals continue to be arrested for possession of cannabis. A recent report on cannabis law reform in Canada draws attention to how criminalization of cannabis use and possession impacts the social determinants of health, and calls for immediate decriminalization of cannabis.<sup>15</sup> A significant number of young Canadians will continue to obtain criminal charges before cannabis is legalized.<sup>15</sup> The consequences of having a criminal record include impacts on access to employment, housing, social stigmatization and economic status.<sup>15</sup>

Given that cannabis possession will soon be made lawful in Canada, it is recommended that the federal government immediately decriminalize the possession of non-medical cannabis for personal use.

## References:

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