

A Guide to Cannabis Legalization for Municipal Candidates



NICHE is a vital resource in the transition to legalization. As an independent research and education facilitator, we bring together government, industry and the public, assisting in the transition to legalization.

Visit our website www.nichecanada.com
and join the conversation today.

Email: info@nichecanada.com
Phone: 1-604-805-3272

A Guide to Cannabis Legalization for Municipal Candidates

September 2018

Cannabis Legalization 101	3
Who's Responsible for Regulating What?	3
Coast to Coast to Coast Breakdown	5
Protecting Youth	9
What forms of Cannabis will be legalized?	10
Possession Limits	10
Illicit versus licit cannabis	12
Packaging and labelling	12
Promotion	13
Different licences?	13
Workplace policies – a Reasoned Approach	14
The Retail Landscape	14
Driving and Cannabis	17

Cannabis Legalization 101

On October 17, 2018, Canada will become the first advanced industrialized nation to legalize and regulate recreational cannabis from production to consumption.

Canadians continue to use cannabis at some of the highest rates in the world. The [Cannabis Act](#) creates a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada. The Act aims to accomplish 3 goals:

- keep cannabis out of the hands of youth
- keep profits out of the hands of criminals
- protect public health and safety by allowing adults access to safe, legal cannabis

Provinces and territories will be responsible for determining how cannabis is distributed and sold within their jurisdictions, and will have the ability to set rules around:

- how cannabis can be sold
- where stores may be located
- how stores must be operated

Provinces and territories will also have the flexibility to set added restrictions, including:

- lowering possession limits
- increasing the minimum age
- restricting where cannabis may be used in public
- setting added requirements on personal cultivation

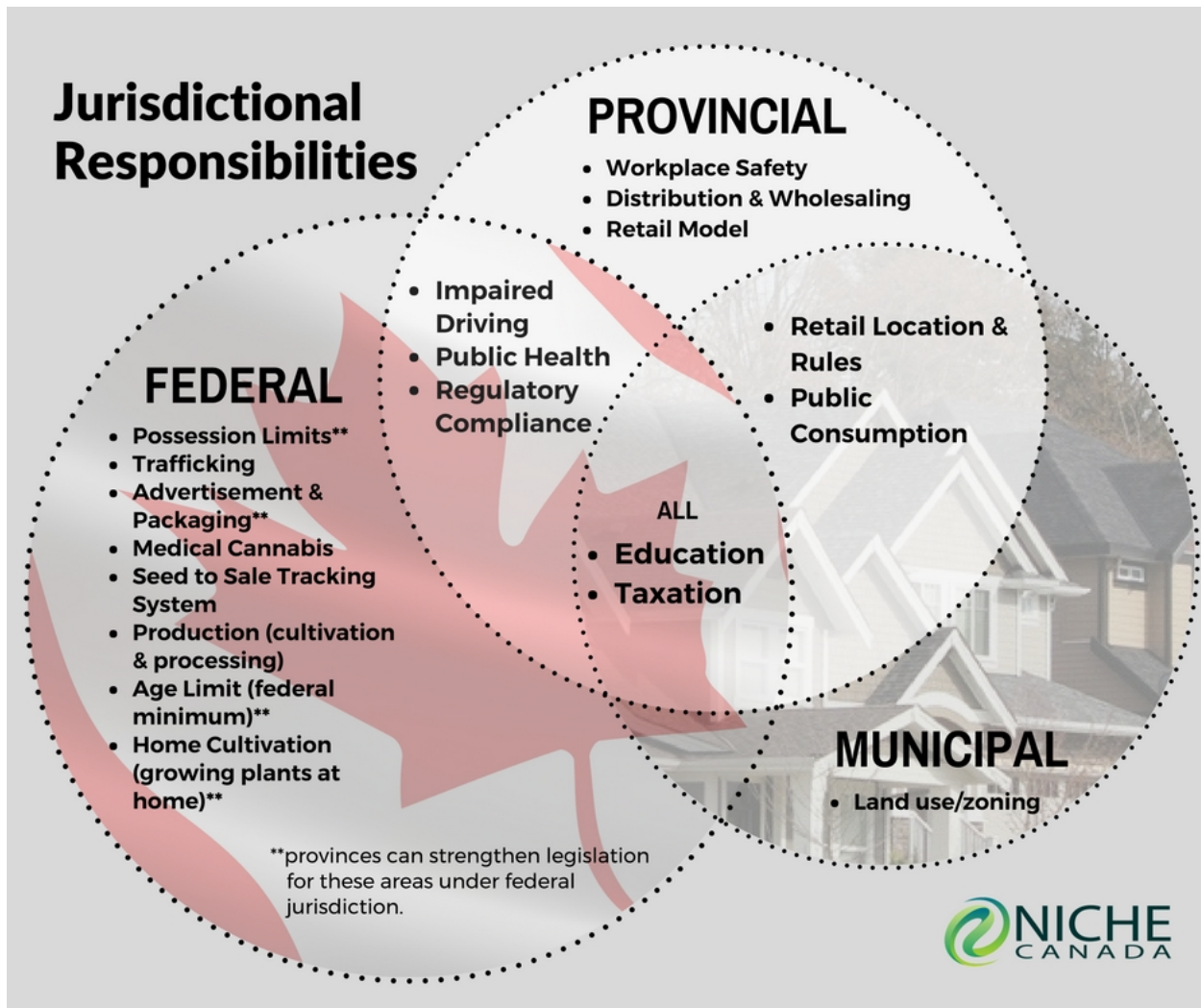
Legalizing cannabis also presents an opportunity of a lifetime for researchers. Cannabis research has been restricted for many decades because of the significant barriers that exist. Currently, scientists must get special permissions and exemptions to study individual compounds – a lengthy and costly process.

Both THC and CBD are known to have therapeutic benefits, but more research and evidence is needed to understand, validate and approve cannabis-based medicine. Canada now has the opportunity to be known on the world stage as the country who pioneers groundbreaking research into the health benefits of cannabis.

Who's Responsible for Regulating What?

Legalization is complicated and will have a significant impact on governments, communities and businesses across Canada. There is a huge effort underway to ensure that all sectors are ready and able to create a safe and thriving new industry.

So, who is responsible for [regulating what](#)?



Federal, provincial and territorial governments share responsibility for overseeing the new system.

The Role of the Federal Government

The Federal government's responsibilities are to set:

- strict requirements for producers who grow and manufacture cannabis
- industry-wide rules and standards, including:
 - types of cannabis products available for sale
 - packaging and labelling requirements for products
 - standardized serving sizes and potency
 - prohibitions on the use of certain ingredients
 - good production practices
 - tracking requirements of cannabis from seed to sale to keep it out of the illegal market
 - restrictions on promotional activities

The Role of Provincial and Territorial Governments

Provinces and territories are responsible for developing, implementing, maintaining and enforcing systems to oversee the distribution and retail sale of cannabis, in close collaboration with municipalities. They would also be able to add their own safety measures, such as:

- increasing the minimum age in their province or territory (but not lowering it)
- lowering the personal possession limit in their jurisdiction
- creating additional rules for growing cannabis at home, such as lowering the number of plants per residence
- restricting where adults can consume cannabis, such as in public or in vehicles

The Role of Local Governments

Municipalities are on the front lines of legalization. Provinces and territories can extend authority to municipalities to set additional restrictions and local requirements, such as setting zoning restrictions for cannabis-related businesses and restricting where cannabis can be consumed in public.

Municipalities are key partners in supporting the implementation of the legislation and will play an important role in enforcing local zoning and density bylaws, building standards, and matters related to the minimum age of purchase, personal cultivation, personal possession limits, smoking restrictions, and public nuisance complaints. These will be enforced through municipal by-law, health and safety inspectors and police.

Coast to Coast to Coast Breakdown

Here's a look at how each of the provinces and territories will regulate cannabis:

British Columbia

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The BC Liquor Distribution Branch will be the sole, wholesale distributor of non-medical cannabis and will be the only entity to provide online sales.
- Retail sales to be allowed through public and private stores, but retail licences won't be approved without the support of local governments.
- People will be allowed to smoke cannabis in public places where tobacco smoking and vaping are permitted.
- Adults will be allowed to grow up to four plants per household, but landlords and condo councils can restrict or prohibit cultivation and smoking on their properties.

Alberta

- You will need to be 18 and older to buy, use, possess and grow recreational cannabis.
- Albertans will be able to purchase cannabis in privately run retail stores and government-operated online sales.

- Adults will be allowed to grow up to four plants per household, but landlords and condo councils can restrict or prohibit cultivation and smoking on their properties.
- Albertans will be allowed to consume cannabis in their homes and in some public spaces where smoking tobacco is allowed, but use will be banned in cars.

Saskatchewan

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- Saskatchewan will have a private retail model. The Saskatchewan Liquor and Gaming Authority will regulate cannabis sales and municipalities will have the option to ban sales.
- Adults will be allowed to grow up to four plants per household, but landlords and condo councils can restrict or prohibit cultivation and smoking on their properties.
- Consuming cannabis in public places will be prohibited.

Manitoba

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis. This is a year later than the legal age for drinking alcohol.
- Private stores will sell cannabis, while the Liquor and Gaming Authority will regulate the purchase, storage, distribution and sale of cannabis, and Manitoba Liquor and Lotteries will secure and track the supply of cannabis sold.
- Municipal governments can prohibit retail cannabis sales within their boundaries by holding a plebiscite.
- The government intends to ban on people growing cannabis at home for recreational purposes.
- Consuming cannabis in most public places will be prohibited.

Ontario

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- As of October 17, 2018, the government-run Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis.
- The government will launch a private retail store model by April 1, 2019.
- You will be able to grow up to four plants per residence.
- Consuming cannabis in public places will be prohibited.

Quebec

- You will need to be 18 and older to buy, use, possess and grow recreational cannabis.
- Only the government-run Société québécoise du cannabis (SQDC) is authorized for the retail sale of cannabis in Québec.
- It will be illegal to cultivate cannabis for personal use
- Consuming cannabis will be prohibited in areas where tobacco use is banned. Consumption will also be prohibited on the grounds of health and social services institutions; on the grounds of colleges and universities; on bicycle paths; and in bus shelters and in shared transportation waiting areas.

New Brunswick

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The only legal place to purchase cannabis will be through Cannabis NB, a subsidiary of the New Brunswick Liquor Corporation.
- Consumption of cannabis in any form will be prohibited anywhere but in a private dwelling or on land adjacent to a private dwelling (in your house, in your backyard, etc.).
- New Brunswickers can grow up to four plants on their own property for their personal use. When grown indoors, these plants must be in a separate, locked space. When grown outdoors, they must be located behind a locked enclosure that is 1.52 metres high.

Prince Edward Island

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- PEI will have four dedicated government-owned retail locations for cannabis sales in 2018, as well as an e-commerce platform with direct-to-home delivery.
- Cannabis use will be restricted to private residences, with some exceptions for certain designated spaces.
- A household will be permitted to have four cannabis plants, inaccessible to minors.

Nova Scotia

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The Nova Scotia Liquor Corporation will be the only authorized retailer of cannabis in Nova Scotia. Cannabis can be purchased by adults at designated NSLC stores or online.
- Cannabis use will be restricted to private residences.
- Legal age adults will be able to grow up to four cannabis plants per household, but municipalities may pass additional bylaws that further restrict cultivation.

Newfoundland and Labrador

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The sale of cannabis will be done through private retailers licensed by the Newfoundland and Labrador Liquor Corporation (NLC), who will control the possession, sale and delivery of cannabis, and set prices for cannabis products.
- Consumption to be restricted to private residences or yard attached to a private dwelling.
- A private dwelling will be able to contain up to four cannabis plants.

Yukon

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The Act proposes the Government of Yukon would have the sole authority to import, warehouse, transport and otherwise distribute recreational cannabis within Yukon for commercial purposes.

- Yukon will take additional time to develop regulations, including a licensing system for private retail.
- The new act would limit recreational consumption to privately owned residences and adjoining property, where permitted by the owner, while providing for the potential to allow consumption in other spaces in the future.
- Adults will be allowed to grow up to four plants per household.

Northwest Territories

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- The Liquor Commission will be responsible for distribution and sale of cannabis in the NWT.
- Cannabis will be sold in “cannabis stores”, which will initially be the existing liquor stores. The proposed law allows for the possibility of approving “cannabis-only” stores in the future.
- Communities will be able to hold a plebiscite on whether to restrict or ban the sale/use of cannabis, as they presently can for alcohol.
- Residents will be able to mail order cannabis from a liquor store, operating on behalf of the NWT Liquor Commission, to allow access to residents of communities that do not have a liquor store.
- Adults will not be allowed to smoke cannabis in any place where tobacco cannot be smoked. People will be able to smoke cannabis in some public places such as trails and parks.
- Adults will be allowed to grow up to four plants per household.

Nunavut

- You will need to be 19 and older to buy, use, possess and grow recreational cannabis.
- Nunavut's Liquor and Cannabis commission will reach out to online retailers in other provinces on an initial two-year contract to sell cannabis to Nunavummiut, later on a competitive government tender will be considered.
- Stores and cannabis lounges will be permitted, subject to a community consultation process.
- Cannabis lounges will be like bars, where smoking of any kind — tobacco or cannabis — will be prohibited, but non-smoked cannabis will be allowed.
- Allows for regulation of cannabis cultivation, but does not expressly forbid it.

FACTS ABOUT BILL C-45 CANNABIS AND YOUTH

No criminal prosecution
of youth for possession
of up to

5 grams of Cannabis

PROVINCES AND TERRITORIES
TO ESTABLISH OFFENCES FOR
YOUTH POSSESSION OF UP TO
5 GRAMS OF CANNABIS

1

Encourages **Provinces
and Territories to create
offences applicable to
youth** possession under
5 grams



2

Allows **alternatives to
criminal charges** similar to
the approach taken in the
context of alcohol

3

Provides **opportunity** for police **to seize**
cannabis from a young person

4

Criminal charges will **focus on adults**
who provide cannabis to youth.

5

Keeps cannabis out of the hands of youth while ensuring they don't enter the criminal
justice system for

MINOR POSSESSION OFFENCES.



Protecting Youth

The Cannabis Act has [several measures](#) that help prevent youth from accessing cannabis. These include both age restrictions and restricting promotion of cannabis.

Age restrictions

- No person may sell or provide cannabis to any person under the age of 18. The Act creates 2 new criminal offences, with maximum penalties of 14 years in jail, for:
 - giving or selling cannabis to youth
 - using a youth to commit a cannabis-related offence

Restricting promotion and enticement

Similar to the current restrictions on advertising for tobacco products, the Cannabis Act helps discourage youth cannabis use by prohibiting:

- products that are appealing to youth
- packaging or labelling cannabis in a way that makes it appealing to youth
- selling cannabis through self-service displays or vending machines
- promoting cannabis, except in narrow circumstances where young people could not see the promotion

Penalties for violating these prohibitions include a fine of up to \$5 million or 3 years in jail.

Public Education

Public education and engagement are the foundation for the successful implementation of a legalized cannabis regime, and are an important part of the government's objective to protect youth. Over the next five years, the federal government is investing millions of dollars in public education, awareness and surveillance activities.

The funding will be used to inform Canadians, including youth and other priority populations, such as Indigenous peoples, pregnant and breastfeeding women, and Canadians living with or predisposed to mental illness, of the health and safety risks of cannabis use and drug-impaired driving.

What forms of Cannabis will be legalized?

Cannabis can be consumed in a variety of different ways; including but not limited to, smoking dried cannabis, vaporizing (commonly referred to as "vaping") dried cannabis, vaping oil concentrates, consuming edibles. There are also a variety of creams, tinctures, lotions, etc.

Cannabis legalization however, will not initially allow all of these products to be sold in Canada. Initially, the only [classes of cannabis allowed](#) are: dried cannabis, cannabis oil, fresh cannabis, cannabis plants and cannabis plant seeds.

In terms of cannabis oil, despite the many possible formulations and concentrations, cannabis oil must not exceed a [maximum yield quantity](#) of 30 mg of THC per millilitre of oil.

Possession Limits

Not surprisingly, the government included limits in terms of the possession of cannabis. For anyone 18 years or older, it will be [legal to possess](#) up to 30 g of dried cannabis in a public place. See Fig. 1 below for an idea of what 30 g of dried cannabis looks like.

Young persons are not allowed to use or possess cannabis, but the Act sets a threshold for criminal liability at 5 g of dried cannabis. Note that provincial legislation could still create offences for young persons.

Punishments for possession violations range from imprisonment of up to 5 years to a fine. Young persons would be sentenced under the *Youth Criminal Justice Act*.

Violations of possession limits within certain thresholds would be at the discretion of a police officer in terms of issuing a ticket rather than laying a charge. Such ticketable offences would allow someone to plead guilty and then be deemed to have received an absolute discharge rather than having been convicted.

Medical patients are given broader latitude in terms of [possession of medical cannabis](#) in a public place. This is tied to the amount prescribed by a medical practitioner, with a maximum amount set as well. For medical users, they can carry the lesser of 30 times the daily quantity of cannabis identified in their registration document(s) or 150 g of dried cannabis.



Fig. 1 - 30 g of dried cannabis
Source: Mike Deal, Winnipeg Free Press

Illicit versus licit cannabis

In light of the Act's stated purpose of reducing illicit activities in relation to cannabis, the Act specifically prohibits the distribution and possession of [illicit cannabis](#).

In light of delays with many provinces retail distribution system, licit or legal cannabis may not be immediately available on October 17.

Packaging and labelling

Health Canada is enacting [strict laws](#) around packaging of cannabis products and will ensure that packages are child-resistant and plain with a single, uniform colour and do not include any graphics or images.

Packaging must also be "tamper evident," so that the consumer will know immediately if the product has been opened or otherwise tampered with before purchase.

Labels will need to include mandatory health messages to warn Canadians of the potential risks of cannabis use, a red "stop sign" symbol with a cannabis leaf and the letters THC, plus the product's THC and CBD content.

Prohibited packaging and labelling

It is prohibited for a person that is authorized to sell cannabis to sell it in a package or with a label

- if there are reasonable grounds to believe that the package or label could be appealing to young persons.
- that sets out a testimonial or endorsement, however displayed or communicated;
- that sets out a depiction of a person, character or animal, whether real or fictional;
- that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring; or
- that contains any information that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of the cannabis.

Promotion

To further protect the public, the Cannabis Act also addresses limitations around the promotion of cannabis. Such provisions are similar to prohibitions found in the tobacco industry. This is despite the fact that cannabis is significantly different than tobacco in terms of harms and impact, and arguably even less harmful than alcohol. It is unclear why cannabis is not being treated more like alcohol and it should be expected for this debate to continue once legalization rolls out.

[Restrictions on promotion](#) include: promoting price; place of distribution; appealing to young persons; providing a testimonial; or endorsement, or using brand elements to promote glamour, recreation, excitement, vitality, risk or daring.

Health Canada recently raised a concern about the promotional activities of some federally licensed producers of cannabis, in particular the sponsoring of musical festivals. Health Canada made it clear in its [statement](#) that such promotion violates both current law and the soon-to-be-in-force *Cannabis Act*, is contrary to the “Government's goal to protect public health and public safety, including the goal of protecting young persons and others from inducements to use cannabis”

Different licences?

Under federal legislation, you must apply for a [cannabis licence](#) under the Excise Act, 2001 if you are:

- cultivating (you grow cannabis products)
- producing (you produce cannabis products)
- packaging (you package cannabis products)

You do not have to apply for a licence in any of the following situations:

- you are an individual who produces cannabis products in Canada for your own personal use in accordance with the proposed Cannabis Act
- you are an individual who under the Controlled Drugs and Substances Act or the proposed Cannabis Act, as applicable, produces cannabis products in Canada for your own medical purposes
- you are an individual who produces cannabis products in Canada and who under the Controlled Drugs and Substances Act or the proposed Cannabis Act, as applicable, are a designated person who is authorized to produce cannabis products in Canada for the medical purposes of another individual
- you are an industrial hemp grower who produces industrial hemp by-products

Even if you have a Health Canada licence, you must apply for a CRA cannabis licence for both medical and non-medical (recreational) purposes.

Workplace policies – a Reasoned Approach

Employers are responsible for the safety of all employees and will be required to understand the Cannabis Act and ensure they are protecting workers and workplaces.

There are laws around workplace impairment in every province, but these regulations and policies need to be updated to include recreational cannabis, particularly for sectors such as transportation, public safety and emergency services, health care, education and resource-based jobs that require critical thinking and decision making.

Here are five basic tips to consider when creating new cannabis policies for the workplace:

1. Understand what is legal
2. Accommodate medical users
3. Clarify your policy on recreational cannabis
4. Cover medical marijuana on your group benefits plan
5. Have an open and honest dialogue with your employees

Employers are required to adhere to Canada's Human Rights Code. By law, this means patients with medical cannabis prescriptions must be accommodated, just like any other medical need or disability. They have the same rights as employees using any other doctor-prescribed medication, and deserve the same treatment. Forward-thinking employers are also taking action to include medical cannabis coverage in their benefits plan.

Sharing a clear drug-and-alcohol policy with all employees will help to establish shared guidelines around what is acceptable, the consequences of non-compliance, and who to speak with for additional information or questions.

The Retail Landscape

Several Provinces and Territories are heading to the polls in 2018 for municipal elections. Here's a look at what the cannabis retail landscape looks like in each of these jurisdictions.

[British Columbia](#)

The Liquor and Cannabis Regulation Branch will be responsible for licensing and monitoring private non-medical cannabis retail stores. Retailers must source their cannabis from the BC Liquor Distribution Branch, and the LDB will be the only outlet for online sales in the province.

The application review process will include rigorous security screening and background checks, robust licensing requirements, and obtaining local government support.

The province will not be setting proximity restrictions or capping the number of licences issued. However, local governments will have the authority to set additional requirements, including banning retail stores, capping the number of stores permitted to operate within the community and determining hours of operation.

Manitoba

The private sector will operate all retail locations in Manitoba and all cannabis supply will be sourced through the Manitoba Liquor and Lotteries Corporation. The Liquor and Gaming Authority (LGA) will regulate the purchase, storage, distribution and retail of cannabis.

The province selected four proponents that will operate more than 30 retail cannabis locations and is taking steps to increase the number of stores. There are two kinds of licences:

1. Controlled-access licence

A licence that authorizes the holder to operate a cannabis store in which cannabis and cannabis packages and labels are stored behind a counter or behind shelving with covers that prevent persons from viewing them. Customers in the store are not allowed to view or access cannabis and any cannabis packages until after purchase.

2. Age-restricted licence

A licence that authorizes the holder to operate a cannabis store that young persons are prohibited from entering and in which measures specified by the executive director must be implemented to prevent persons outside the store from viewing the interior of the store.

Municipalities may hold a plebiscite to ban cannabis sales and will have the authority to regulate land use and businesses through their zoning bylaws.

Ontario

After the Liberal government had established a distribution plan for recreational adult use that would see the Ontario Cannabis Store, a subsidiary of the LCBO, be the exclusive seller/distributor of cannabis in Ontario, the incoming PC government announced it was scrapping this plan in favour of a plan that will allow for private cannabis retailers. The private retail model will be in place by April 1, 2019 and the Ontario Cannabis Store will serve as the exclusive online retailer in the province. Another key element is that municipalities will be allowed to opt out of hosting cannabis retailers in their boundaries.¹

Municipal officials won't have much time to make decisions about opting out after the completion of municipal elections, and thus it will be important to identify the key issues as soon as possible to make an informed choice.

From a business perspective, it should be expected that private cannabis retail will be quite lucrative, and participating municipalities would certainly benefit from the increased business activity, as well as associated taxes and levies. Further, the federal government will share tax revenue with the provinces, who will in turn share with municipalities. It is not yet clear how opting out of private cannabis retail would impact revenue sharing.

¹ Canadian Press, "Ontario unveils plan for private retailers to sell marijuana next spring" Globe and Mail, August 13, 2018. Retrieved from <https://www.theglobeandmail.com/cannabis/article-ontario-plan-for-marijuana-retailing/>

Another important consideration is an understanding of the impact of private cannabis retail on children, which requires an understanding of the current reality. One of the major benefits of legalization that the federal government touted was curbing the black market and making it harder for children to obtain cannabis. In other words, it is very easy for young people to obtain cannabis now.

Further, consider whether the absence of a private retailer in your municipality would provide a vacuum in which black market dealers could still operate. Compare this with the presence of a licensed retailer with an interest in protecting that licence. Add in a robust requirement for retailers to monitor “parking lot deals” and the message is sent to minors that they will need to wait until they are of legal age. While we can never eliminate access to young people, consider what would make it the most difficult.

PEI

The province will have four dedicated, government-owned retail locations in 2018, as well as an e-commerce platform with direct-to-home delivery that will be overseen by the Prince Edward Island Liquor Control Commission.

Retail sites will be located in Charlottetown, Summerside, Montague and West Prince and will not be located inside liquor stores.

Cannabis will not be displayed on shelves, nor will customers be able to touch the product before purchasing. Safeguards will be in place to ensure that store locations are a reasonable and appropriate distance from schools and child care centres, and municipalities can add or change bylaws to reflect the distance they wish to enact for this limitation.

Yukon

Yukoners will be able to purchase cannabis from the temporary government-run store located at 102B Industrial Road in Whitehorse and through its e-commerce site. The Yukon Liquor Corporation will be responsible for both the store and the e-commerce system.

The Cannabis Licensing Board will be formed in early 2019 and will begin accepting applications for private retail in the spring of 2019.

Northwest Territories

The government has decided to initially sell cannabis exclusively through liquor stores and online.

Consumers in communities without a liquor store will be able to order product from a liquor store or cannabis store in the NWT. The product would then be direct shipped to the consumer. This is similar to the “mail order” or air delivery system currently used by the Liquor Commission for alcohol.

The *Cannabis Products Act* allows for the establishment of private cannabis retailers in communities across the NWT, provided that these retailers meet a set of established criteria. These criteria will be finalized no later than December 2018. Once the criteria have been developed, private retailers will be able to apply for a licence to sell cannabis legally.

Communities will have the option to hold a plebiscite to decide whether restrictions or prohibitions on cannabis should be put in place, parallel to the options available for restricting liquor.

Driving and Cannabis

An important debate as cannabis legalization unfolds is how to treat drivers who are impaired by cannabis use. At the heart of the debate is setting appropriate standards for drivers that provide clarity while also being based in robust scientific evidence. As legalization approaches, it should be expected that this debate will continue.

An important aspect to understand, which is at the heart of the driving and cannabis debate is the distinction between presence of THC in the blood and impairment. Despite the fact that impairment may vary across users in terms of the concentration of THC required to impair, the regulations identify bright line tests that would determine if a driver is impaired.

Two limits are provided by the regulation - the presence of 2 nanograms (ng) but less than 5 ng per mL of blood would result in an offence punishable on summary conviction with a maximum fine of \$1000; and the presence of 5 ng or more of THC per mL of blood would be considered a hybrid offence (Crown elects to proceed either on summary conviction by indictment) with their [associated punishments](#) which are listed under s. 255(1) of the *Criminal Code*.

Justice Minister Jody Wilson-Raybould recently announced that the government had approved saliva screening equipment to test for the presence of THC, the main psychoactive ingredient in cannabis.

[Concerns](#) have already been raised regarding its' effectiveness, including concerns about the optimal temperatures under which the device can operate.

Further, in light of the difference between impairment and presence of THC in your system, there is a right for concern about false results based on limitation of screening devices, and concern about police determining that someone is impaired merely based on the amount of THC found in their blood. The impact could be seen in regular medical/recreational users who have developed a tolerance to THC.

Also of concern is that fact that distracted driving, which studies² have shown to have a greater impact on the likelihood of a crash than cannabis, and yet distracted driving (assuming the higher charge of careless driving is not applied) can attract penalties that don't involve imprisonment.

² See *Drug and Alcohol Crash Risk*, U.S. Department of Transportation, National Highway Traffic Safety Administration. Retrieved from https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812355_drugalcoholcrashrisk.pdf and Evoy, S. P., Stevenson, M. R., & Woodward, M. (2007). *The contribution of passengers versus mobile phone use to motor vehicle crashes resulting in hospital attendance by the driver. Accident Analysis and Prevention*, 39(6), 1170–1176. <https://doi.org/10.1016/j.aap.2007.03.004>.

To the extent that there is bias in policing³ arguably these rules not based in science will have a higher impact on those communities already attracting disproportionate police attention.

This will be an important issue with the potential for significant impact on the lives of Canadians, and a reasoned, science-based approach is needed to ensure that Canadians can freely consume cannabis without being unnecessarily caught up in the criminal justice system.

Thank you to the following sponsors for making this publication possible:



³ See numerous studies/articles at <http://www.ohrc.on.ca/en/book/export/html/2972>