



# **The *Cannabis Act*: Presentation to the Métis National Council**

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May 16, 2023

# Purpose



# *The Cannabis Act*

# Cannabis Act: Objectives

- In legalizing and regulating cannabis, Canada adopted a public health approach which shifts the focus from criminalization to the minimization of public health and public safety harms.

## Restrict access

- Prohibit youth access.
- Control adult access to licit cannabis.
- Provide access for medical purposes.

## Govern the industry

- Regulate a diverse, competitive legal cannabis industry capable of displacing the illicit market.

## Promote informed decisions

- Educate the public on the risks associated with cannabis use.
- Prevent problematic use and promote healthy choices.

## Monitor, evaluate and report

- Collect, analyze and report on data to evaluate the impacts of the framework, including on public health and patterns of cannabis use; and impact on public safety, including the size and scope of the licit versus illicit market.
- Support research into cannabis to better understand harms and potential therapeutic uses.

# ***Cannabis Act***



## **Provide oversight for the operation of the licit cannabis industry**

- Permits the production, cultivation and processing of cannabis through federal licences.
- Provides that provinces and territories may oversee the distribution and sale of cannabis, subject to federal conditions.
- Deters illicit activities through sanctions and enforcement measures.

## **Strictly regulate the supply chain**

- Provides Canadians with access to a quality-controlled supply of cannabis.
- Safeguards the integrity of the supply chain (e.g., Cannabis Tracking and Licensing System, inventory controls).

## **Control access to cannabis for adults of legal age**

- Limits adult possession to 30 grams of legal dried cannabis in public (or an equivalent amount in other forms).
- Limits home cultivation to 4 plants per residence.

## **Restrict youth from accessing cannabis**

- Youth under 18 years of age are prohibited from accessing cannabis.
- Protects young people and others from advertising, promotional activities and enticements to use cannabis.

# Cannabis Act: Provinces, Territories & Local Governments



## Flexibility to establish more stringent controls on access

- Increase minimum age beyond 18.
- Lower the possession limit.
- Create additional rules for growing cannabis at home.

## Licence and oversee distribution and retail sales, subject to federal conditions

- Limits on promotion and advertising.
- Fact-based health and safety information for consumers, supported by trained staff.
- Retailers and distributors subject to penalties for operating outside of the legal system.

## Local governments responsible for developing rules

- Zoning, public consumption, by-law and administrative enforcement, fire prevention, health and education, communications and public engagement.

# Cannabis Regulations



## Licensing and Permitting

- Establishes classes of federal licences (cultivation, processing, sale for medical purposes, analytical testing, research, and cannabis drug licence), including special classes for small (“micro”) businesses.
- Requires permits to import or export cannabis for medical or scientific purposes.

## Physical and Personnel Security

- Sets physical security requirements for licensed facilities.
- Requires key personnel in licensed organizations to hold a security clearance issued by the Minister.

## Edible Cannabis, Cannabis Extracts, Topical Cannabis Products

- Establishes good production standards and testing requirements to regulate the quality of cannabis products.
- Establishes product requirements (e.g. THC limits & products cannot contain nicotine, alcohol or vitamins).

## Packaging and Labelling

- Requires products to be in child resistant and in plain packaging.
- Requires products to display health warning messages and list ingredients, THC/CBD content, & nutritional facts .

## Medical Access

- Establishes avenues of access to cannabis for medical purposes – by purchasing from a federally-licensed seller, or through personal (or designated) production.

# What's Licit under the *Cannabis Act* and Regulations

## Allowed

- Possession of up to 30g of licit dried cannabis, purchased from a licensed retailer or grown at home.
- If growing cannabis at home, a person may obtain a registration or permit to have up to 4 plants per residence from legal seeds/seedlings.
- Access to cannabis for medical purposes is maintained.

## Prohibited

- Driving while impaired by cannabis.
- Illegal distribution or sale of cannabis.
- Giving or selling to youth.
- Taking cannabis across international borders.



# Cannabis for Medical Purposes



## Application

Since 2001, individuals have been able to apply to Health Canada for access to cannabis as a treatment for a medical condition. Patients completing an application for cannabis for medical purposes must:

- provide evidence of a serious health issue that cannot be managed by other medical therapies.
- Provide medical documentation from a health care practitioners stating their authorized daily amount of cannabis, based on their medical needs.

## Accessing Cannabis for medical purposes

Individuals have three options to access cannabis for medical purposes:

- 1) purchase cannabis from a PT authorized store;
- 2) register with a Health Canada-licensed seller of cannabis for medical purposes and buy it from them directly online; or
- 3) register with Health Canada to produce cannabis for their own medical purposes or designate someone to produce it on their behalf.

The 2<sup>nd</sup> and 3<sup>rd</sup> access channels require that the individual have an authorization from their health care provider that specifies the amount of cannabis, in grams of dried cannabis per day, that the individual requires for medical purposes.

# Results of Cannabis Engagement



- Since 2016, Health Canada officials have met with Indigenous leaders, communities, and representative organizations across Canada.
- Discussions between Health Canada officials and MNC governing members has been limited; however, Health Canada believes it has understood that the priorities of members to include:
  - Public Health rooted in Métis culture and history to promote health and wellness and to reduce the burden of illness.
  - Additional public education funding and Métis-specific resources to minimize the harms associated with cannabis use in the Métis population.
  - Federal funding for prevention, education and treatment supports, especially for Métis youth.
  - Greater research in exploring the impacts of cannabis on public health in Métis populations.
  - Cannabis and industrial hemp as opportunities for economic development.
- Health Canada welcomes feedback from MNC members to determine if it has correctly understood these priorities.
- Opportunities to explore these topics and others with Health Canada continue through dialogue with the Indigenous Affairs Team within the Controlled Substances and Cannabis Branch.

# The *Cannabis Act* Legislative Review

## Statutory Requirement to Review the *Cannabis Act*



- The *Cannabis Act* requires the Minister of Health to initiate a review of the Act's administration and operation starting three years after the Act came into force (October 17, 2018) and to table a report in both Houses of Parliament 18 months after the review begins.
- The review must include an assessment of the impact of the Act on public health and, in particular, on:
  - The health and consumption habits of young persons in respect of cannabis use;
  - **Indigenous persons and communities**; and,
  - The impact of cultivation of cannabis plants in a dwelling-house.

# Scope of the Legislative Review



- The Ministers have asked the Panel to also consider:
  - Economic, social and environmental impacts of the Act;
  - Progress towards providing adults with access to strictly regulated, lower risk, legal cannabis products;
  - Progress made in deterring criminal activity and displacing the illicit cannabis market;
  - Impact of legalization and regulation on access to cannabis for medical purposes; and
  - Impacts on **Indigenous peoples**, racialized communities, and women who might be at greater risk of harm or face greater barriers to participation in the legal industry based on identity or socio-economic factors.

# The Expert Panel




An independent Expert Panel was convened to hear from Canadians to “help identify priority areas for improving the functioning of the legislation.”

It includes a mix of public health and legal experts who also reflect the diversity of Canada’s population:

- Morris Rosenberg (Chair)
- Dr. Oyedemi Ayonrinde
- Dr. Patricia J. Conrod
- Lynda L. Levesque
- Dr. Peter Selby

Additional information on the Panelists and their biographies can be found online, alongside further details related to the Cannabis Act Legislative Review.

# Mandate

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- The Panel is asked to:
    - Undertake a factual, evidence-informed assessment of the cannabis legislative framework in accordance with the Terms of Reference;
    - Engage broadly with other orders of government, including Indigenous governments and organizations, and stakeholders to gather perspectives that will inform the review; and,
    - Provide independent, expert advice to the Ministers of Health and Mental Health and Addictions on progress made towards achieving the Act’s purpose, as well as priority areas for action aimed at strengthening the implementation of the Act.

## Partners and Stakeholders to be Engaged

First Nations, Inuit and Métis

Public health associations

Cannabis licence holders

Industry associations

Researchers and academia

Youth and young adults

Patients and patient groups

Equity-deserving groups

Provinces and Territories

Municipalities

Public safety and law enforcement

Consumers

# Principles for the Expert Panel's Engagement with Métis



The work of the panel is informed by three principles:

1. *A Distinctions-Based Approach*: The Expert Panel has adopted a distinctions-based approach in conducting a review of the impacts of the *Cannabis Act* on First Nations, Inuit and Métis Peoples and communities, respecting their unique interests and goals.
2. *Respect for the United Nations Declaration on the Rights of Indigenous Peoples Act*: The UN Declaration Act will inform the approach that the independent expert panel takes. However, Health Canada understands that the Legislative Review, led by independent panelists who are not federal government representatives, does not fulfill its obligations regarding the *UN Declaration on the Rights of Indigenous Peoples Act*.
3. *Effective Participation*: The Expert Panel is mandated to engage at the individual, community, regional and national level. The Panel seeks to work collaboratively with interested Métis to assess the impacts of the *Cannabis Act* on their communities, and to outline priority areas for actions, findings or recommendations.



# What's Next



## June 23, 2023 MNC Engagement in Ottawa

- The Expert Panel would like to hear directly from the governing members of the Métis National Council and other key MNC members.
- The secretariat for the panel is working with MNC representatives to co-plan an in-person, half-day engagement session in Ottawa on June 23, 2023, so that the MNC can discuss the impact of cannabis and the *Cannabis Act* on Métis with the Expert Panelists.

# THANK YOU. QUESTIONS?

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