

# Prince Edward Island: Preparation for Cannabis Legalization



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The Government of Prince Edward Island has an obligation and an opportunity to actively shape the implementation of the federal decision to legalize cannabis in a way that balances the challenges presented by legalization as well as Islanders' interests, circumstances and values.

To do this, the province has been working to assess the implications of legalization, explore regional opportunities, gather available research, and engage with a wide range of Islanders to hear their views and determine their needs.

This document outlines what we heard from the public survey conducted in September 2017, relevant research, and information available to date from other jurisdictions. It is anticipated that a framework of decisions for legislating cannabis use in Prince Edward Island will be released in winter 2018.



# Legislation for legalizing cannabis

In April 2017, the Government of Canada introduced legislation that will make cannabis legal in Canada by July 2018. To achieve legalization, the federal government has introduced the *Cannabis Act* (Bill C-45) and an *Act to Amend the Criminal Code* (Bill C-46).

## ***The Cannabis Act:***

- decriminalizes adult recreational cannabis access and use; and
- grants the federal government the power to license producers, comparable to the existing medical cannabis system.

## ***An Act to Amend the Criminal Code:***

- focuses on impaired driving by modernizing, simplifying, and strengthening the Criminal Code of Canada;
- creates tougher sanctions for impaired driving; and
- creates new offences for drivers impaired by cannabis.

The federal government plans to have the two bills come into force in July 2018. Before that time, the Government of Prince Edward Island is responsible to develop policies, programs, and laws related to cannabis in partnership with both municipal and federal governments. In legalizing and regulating cannabis, the Government of Prince Edward Island is focused on keeping cannabis out of the hands of youth, protecting public health and keeping our roads safe, while aiming to eliminate the illegal cannabis market.

Currently work is underway to review options for a PEI approach to cannabis legalization using input from Islanders and local partners. This input was received through a public survey in the fall of 2017 and consultation continues with key partners in the areas of public health, safety, and justice. Information from other jurisdictions and emerging and best practices are also being considered.

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# Jurisdictional Responsibilities for the legalization of cannabis

The following table outlines the initial divisions of responsibility expected as the federal and provincial acts come into force. Municipalities will have shared authority in some of the areas outlined below.

Activity	Federal responsibility	Provincial responsibility
Possession limits**	Yes	No
Trafficking	Yes	No
Advertisement and packaging**	Yes	No
Impaired driving	Yes	Yes
Medical cannabis	Yes	No
Seed-to-sale tracking system	Yes	No
Production (cultivation and processing)	Yes	No
Age limit (federal minimum)**	Yes	No
Public health	Yes	Yes
Education	Yes	Yes
Taxation	Yes	Yes
Home cultivation (growing plants at home)**	Yes	No
Distribution and wholesaling	No	Yes
Retail model	No	Yes
Retail locations and rules	No	Yes
Regulatory compliance	Yes	Yes
Public consumption	No	Yes
Land use	No	Yes

\*\* Provinces will have the ability to strengthen provincial legislation for these areas that are under federal jurisdiction.

# Cannabis Legalization Timeline

June 2017:	A Provincial Cannabis Committee was formed, co-led by the Department of Justice and Public Safety and the Department of Health and Wellness.
September 2017:	A public survey on cannabis sought input from Islanders on a range of areas within provincial jurisdiction
Fall 2017:	Gathering research, engaging stakeholders, and reviewing options. Consultation results released.
Winter 2017:	Provincial cannabis policy decisions will be released, followed by continued consultation with partners on legislation and enforcement
Winter to spring 2018:	Draft and present provincial legislative changes related to cannabis to the PEI Legislative Assembly and launch a public education campaign
July 2018:	Implement requirements to enable cannabis legislation
July 2019:	Implement legislation for edibles

## Cannabis Use in PEI

According to the 2015 Canadian Tobacco, Alcohol and Drugs Survey, 38% of men and 25.4% of women aged 15 years and older in PEI reported using cannabis at least once in their lifetime. In 2013, 10.7% of Islanders 15 years and older had used cannabis in the previous year which was similar to Canada. Student past year use was 25-30%, increasing with school grade.

Of Islanders who have used cannabis, more than 50% used cannabis for the first time before the age of 16 years. First use of cannabis use was most common among 12-13 year olds (approximately 35% of users), followed by 14 -15 year olds (approximately 22% of users); half of grade 12 students reported

using cannabis at least once before. Data in the Canadian Tobacco, Alcohol and Drugs Survey is self-reported and likely represent an underestimate due to cannabis' illicit status.



# Consultation – Public Survey

## The province launched a public survey to:



**The survey revealed that cannabis users are highly engaged on the topic of legalization.**

- gather Islander's input on areas related to legalizing cannabis on PEI, and
- better understand whether Islanders were familiar with the federal government's efforts to legalize cannabis in Canada.

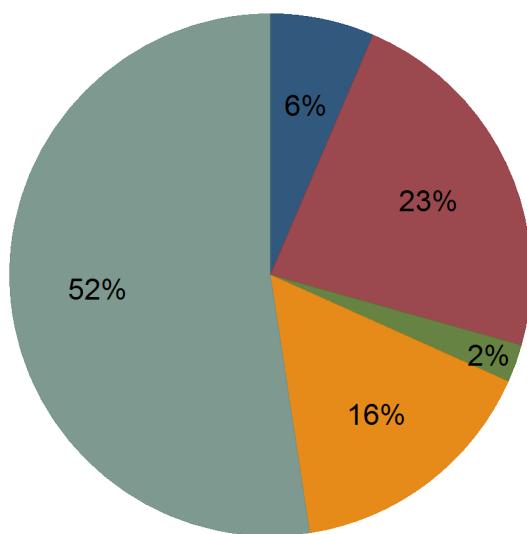
The online survey was open from August 31, 2017 until September 30, 2017. Paper copies of the survey were also available at Access PEI locations across Prince Edward Island. Over 2900 surveys were completed, representing about 2% of the province's population.

The survey revealed that cannabis users are highly engaged on the topic of legalization.

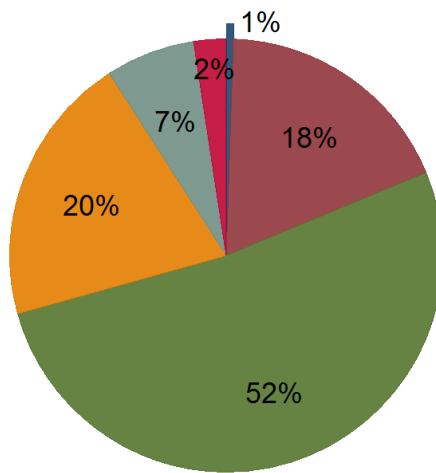
Most respondents of the survey stated they had used cannabis in some form, with only 20% of respondents stating they had never used cannabis. This means the survey had a higher participation rate among individuals who have used cannabis than the general PEI population, according to available cannabis statistics.

Over 85% of respondents were "very aware" or "somewhat aware" of the federal government's efforts to legalize cannabis. Forty-four percent of respondents did not have any concerns with legalization of cannabis, while 41 % supported legalization but had some concerns. Only 12% of respondents were not in support of legalization of cannabis.

### Postal Code Aggregated to County



### Age Group



# Legal Age

The federal government has set the minimum age for purchase of recreational cannabis at 18 years. The provinces and territories have the authority to set the minimum age of purchase at or above 18 years within their jurisdictions.

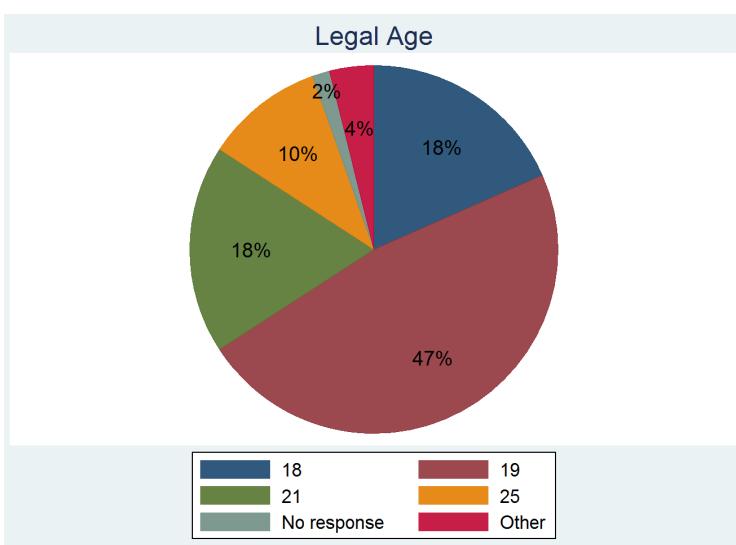
The federal government recommends that provinces and territories employ preventative measures such as education and advertising restrictions to mitigate harms related to cannabis consumption between the ages of 18 and 25.

## What We Heard

Islanders were asked to rank objectives to consider when determining an appropriate minimum age. The top three considerations as ranked by respondents were:

- Keeping cannabis out of the hands of children and youth (56% of respondents);
- Promoting safety (49%); and
- Protecting public health (37%).

When Islanders were asked what the legal age for purchase and possession of cannabis should be, 47% of respondents in the PEI survey chose 19 years. The rest of the respondents were evenly split, recommending the legal age be 21 (18%), 18 (18%) or 25 (10%).



## Additional Considerations

In PEI, 28.7% of 18 to 24 year olds had used cannabis in 2015. There are potential negative health and social impacts for youth who use cannabis. Regular cannabis use negatively impacts developing brains up to age 25, including effects on mental health, learning, memory, attention, and dependency. Early initiation of cannabis can lead to greater risk of poor long-term social and educational outcomes and can increase the risk of individuals engaging in crime.

Most provinces and territories have indicated an intention to align the minimum age of purchase of cannabis with the age of purchase for alcohol and tobacco. To date, Ontario, the Northwest Territories, New Brunswick, and Newfoundland and Labrador have set the minimum age has at 19 years, consistent with their minimum alcohol age. In Québec and Alberta, the minimum age has been set at 18, consistent with their minimum alcohol age.

# Sale of Cannabis

Provinces and territories must decide how cannabis will be sold, stored and distributed in their province.

## What We Heard

When Islanders were asked who should own and operate retail cannabis outlets in PEI, 61% of respondents selected private retailers as the preferred owner and operator of cannabis outlets, 34% selected government, and 6% provided no response.

When asked where PEI should allow cannabis to be sold, 43% of respondents indicated stand-alone stores selling only cannabis products, 19% selected government-operated stand-alone stores selling only cannabis products, 14% selected stores where alcohol is currently sold, and 14% selected stores where tobacco products are currently sold.

When asked what restrictions should apply to the sale of cannabis in the province, respondents most frequently supported restrictions on the maximum amount of cannabis sold in a single transaction and limitations on where cannabis retail locations may be located.

Forty-two percent of respondents were in favour of restrictions on the number of hours cannabis stores are open and 28% were in favour of restrictions on the number of retail locations in an area.

## Additional Considerations

The Federal Task Force on Cannabis Legalization and Regulation recommends that cannabis not be sold in the same location as alcohol or tobacco to avoid encouraging the use of those substances together. Eighty percent of Canadians consume alcohol compared to 11% of Canadians who consume cannabis. Co-location of these products could contribute to the normalization of cannabis by exposing large numbers of consumers who might not otherwise use cannabis to cannabis and cannabis advertising.

The Governments of New Brunswick, Québec, Ontario and the Northwest Territories, have opted for initial government control over the wholesale, retail and online sales of cannabis. The governments of Manitoba, Alberta and Newfoundland and Labrador have opted for a hybrid approach where their provincial liquor and lottery crown agencies are responsible for wholesale distribution and private sector will operate retail stores. (Alberta crown agency will be responsible for on-line sales of cannabis).

# Using Cannabis in Public

Initially, the federal government's legalization and regulation of cannabis will apply to fresh or dried cannabis and cannabis oils that can be smoked or vaped.

The province will need to determine whether recreational cannabis can be consumed in public, and, if so, where and under what circumstances. Some of the considerations around regulating public smoking and vaping of recreational cannabis include:

- preventing nuisance and second hand exposure to cannabis smoke; and
- preventing normalization of cannabis and tobacco smoking.

Currently, PEI's *Smoke-Free Places Act* prohibits smoking in a public place or work place in PEI, including restaurant, bars and patios, early learning centre playgrounds, school grounds, and in any vehicle while a child under age 19 years is present.

## What We Heard

The majority of respondents (58%) felt that the location where cannabis can be smoked or vaped should be restricted in the same way as tobacco, with an additional 21% stating there should be stronger restrictions than with tobacco.

Islanders were also asked if edible cannabis products become legalized, whether the province should restrict the consumption of these products similar to alcohol regulations. There were almost equally strong levels of support for more lenient regulations than alcohol and similar regulations to alcohol (42% more lenient vs. 49% same or stronger rules).

## Additional Considerations

Two approaches are being advanced by other jurisdictions:

- 1) restrict recreational cannabis consumption to smoke-free places similar to tobacco or
- 2) restrict recreational cannabis consumption to private residences, allowing some designated consumption areas.

Québec, Northwest Territories, and Alberta are proposing the first approach, while Ontario, Yukon, New Brunswick and Newfoundland and Labrador are selecting the latter. Medical cannabis use in public must be balanced against these considerations.

Regulations for edible cannabis products are not anticipated until 2019, one year after the legalization of cannabis for recreational use. Edible cannabis presents its own unique challenges to safe and responsible use. Edible cannabis products have a slower onset of effect than smoked or vaped cannabis which can contribute to over-use and impairment. The PEI Liquor Control Act prohibits a person from being intoxicated in a public place.

# Growing Cannabis at Home

The federal government is allowing up to four cannabis plants to be cultivated at home for personal use. The limits are in place to prevent large amounts of cannabis from being grown at home for the purposes of selling. Provinces and territories will have the authority to reduce the number of plants that may be cultivated and may employ other restrictions on cultivation pertaining to areas within their jurisdiction.

## What We Heard

Islanders were asked if PEI should consider additional restrictions to the home growth of cannabis, such as where it can be grown and the types of residences where home growth can take place. The majority of respondents (62%) felt that the owner of private property should be allowed to decide where cannabis can be grown and 31% of respondents indicated that there is a need to define where cannabis can be grown.

## Additional Considerations

Law enforcement and communities have raised concerns of commercial scale operations that have the potential to damage property and impact neighborhood safety. This includes concerns about growing in buildings not designed for cultivation, which may lead to improper electrical installation, fire hazards, use of pesticides and fertilizers and break-ins/thefts.

Of the jurisdictions that have released details of their framework, which include Ontario, Québec, Manitoba, Alberta and New Brunswick, only Québec has indicated it is introducing measures that depart from the federal framework. Québec proposes to prohibit home cultivation completely.

# Public Safety

The Criminal Code of Canada will be amended to modernize and strengthen the laws against impaired driving. The amendments will authorize the use of roadside oral drug screening devices, which will test saliva. When a screen is positive, police can demand a blood sample or administer a test by police officers trained as a Drug Recognition Expert. The proposed federal changes will also set out penalties depending on the THC concentration found in the driver's blood.

Amendments to the PEI *Highway Traffic Act* will be required to align with federal regulations. The province may also choose to increase or modify existing drug impaired driving administrative sanctions that are now in place under the *Highway Traffic Act*. An administrative sanction is a suspension or penalties that can be used by a police officer or the Registrar of Motor Vehicles where there is evidence or conviction of impaired driving. Administrative sanctions can deter a person from driving while impaired and help to identify drivers with substance use problems, encouraging them to seek assistance. These types of measures can also remove impaired drivers from the road immediately, reducing the risk to public safety.

Criminal Code of Canada charges may follow if there is sufficient evidence. If convicted of a Criminal Code of Canada offence, an offender also faces additional provincial penalties, escalating in severity with repeat offences. In addition to criminal penalties, an offender may face license cancellation, re-instatement fees, mandatory education, substance abuse treatment, and ignition interlock devices.

## What We Heard

Islanders were asked if the province should consider additional provincial measures for drug-impaired driving, in addition to what currently exists and what the federal government has proposed. Survey respondents conveyed the strongest support for aligning with the existing provincial zero tolerance provisions for young and novice drivers (51% of respondents). There was support for establishing additional driver education programs with a focus on the risks of driving under the influence of cannabis (46% of respondents). The majority of respondents feel drug impaired driving laws need to be a priority topic for public education (68% of respondents).

## Additional Considerations

The need for public awareness and education about laws and the consequences of impaired driving is further supported by several sources. The risks and consequences of cannabis use and driving are poorly understood by the public. Drivers who have used cannabis are at an increased risk of getting into a motor vehicle collision. The crash rate of cannabis users is from two to six times more often than drivers who are not impaired. The different rates are due to how much and how often drivers have smoked cannabis. In 2011, 12.6% of young Canadians aged 15–24 admitted to driving after taking cannabis.

Other provinces and territories have provincial administrative sanctions in their highway traffic legislation, although the laws are not all the same. All jurisdictions must make technical changes to reflect changes being made to federal impaired driving laws. Some provinces and territories such as Northwest Territories, Alberta, and New Brunswick, are also bringing forward new offences and penalties to strengthen their existing laws.

# Commercial Production

The federal government will maintain its responsibility for licensing and regulating cannabis producers, expanding on its current role with medical cannabis. The province may choose to explore economic development opportunities related to cannabis production.

## What We Heard

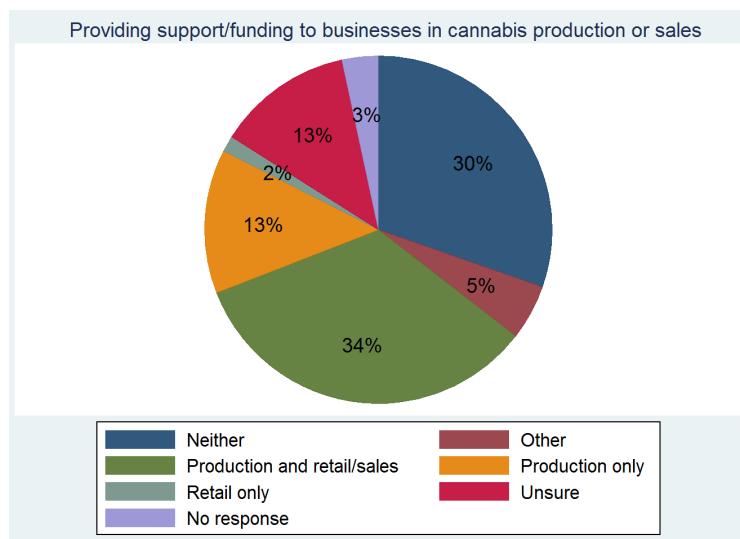
Forty-seven percent of respondents felt that the province should not restrict commercial cannabis production within the province, while 31% were in favour of restrictions. Thirty-four percent (34%) of survey respondents were in favour of providing funding and other supports to businesses involved in production and retail of cannabis products, followed closely by not in favour of funding for either production or retail (30% of respondents).

## Additional Considerations

Some provinces perceive the legalization of cannabis as an opportunity to foster the creation of new production activity and value-added, specialized product development. New Brunswick, Alberta, and Newfoundland and Labrador are optimistic about cannabis as an economic development opportunity.

To date, Prince Edward Island has one cannabis producer that is licensed by Health Canada, Canada's Island Garden. Innovation PEI has supported the company through existing economic development programs. Innovation PEI may support other producers and value added operations only after they have received Health Canada approval as a licensed producer.

PEI could explore economic opportunities that could include medical cannabis and value-add food and health products from cannabis. These opportunities align with Prince Edward Island's bioscience cluster from both a human health and natural health products perspective.



# Public Health

Cannabis may be used recreationally to produce a desired 'high' or medicinally for symptom management in patients with HIV/AIDS, cancer, multiple sclerosis, spinal cord injuries, severe arthritis and seizures. Legalization and commercialization of recreational cannabis use is anticipated to result in increased public consumption leading to a potential increase in population-level health harms.

Research shows that cannabis has been associated with short-term health harms (learning/memory, coordination/attention/decision-making, anxiety, psychosis, low birth weight, respiratory effects) and long-term health harms (e.g. mental health, dependency, learning/memory, poor school and work performance). Health risks are increased for those who start using at a young age, use frequently or have a personal or family history of mental illness.

## What We Heard

Public education is the priority for Islanders, supported by at least 54% of all respondents to the provincial survey. The topic with the most support was safer and responsible cannabis use (69% of respondents). Public education and information about health and social risks of cannabis use for people under 25 was important for 61% of respondents. Public education on the impact of cannabis use on brain development, difficulties at school, impact on educational and employment success was important to 58% of respondents.

## Additional Factors

In a report on Canadian Youth Perceptions on Cannabis, several misperceptions were identified including the perception that cannabis is not harmful to health, is not addictive, and does not cause impaired driving. Misperceptions can be addressed through targeted prevention efforts that provide evidence-informed facts about cannabis use and harm reduction strategies. The federal government has committed to a public health and safety campaign prior to legalization in July 2018 and the provinces and territories are planning similar public education campaigns.

In addition, other provinces and territories have proposed measures to support ongoing research and public education. New Brunswick has proposed use of cannabis tax revenue for research, education and awareness.. Québec has proposed investing a portion of cannabis tax revenue in prevention, research, and cannabis-related care. Ontario is developing a comprehensive prevention and harm reduction approach to help people make informed decisions about use. The Northwest Territories has signaled that public education and awareness on cannabis will be an ongoing government initiative.

# Going Forward

The federal government will maintain its responsibility for licensing and regulating cannabis producers, expanding on its current role with medical cannabis. The province may choose to explore economic development opportunities related to cannabis production.

The Government of Prince Edward Island is developing a framework to support the legalization of cannabis in Prince Edward Island, while making efforts to address the concerns raised by survey respondents and partner organizations.

*Government has made three key policy decisions related to cannabis legalization.*

## **Legal age**

The legal age for cannabis use will be age 19, aligned with our legal age for alcohol and tobacco.

## **Retail model**

To align with government's focus on getting rid of the illegal market for cannabis and keeping cannabis out of the hands of children, cannabis will be sold in stand-alone government-owned retail locations.

## **Public consumption**

To prevent exposure to secondhand cannabis smoke and the normalization of cannabis smoking, public consumption of cannabis will be restricted to private residences, with potential for designated spaces.

To address public health and safety concerns, a comprehensive public awareness campaign will be launched in January 2018.

Over the coming months, the Government of Prince Edward Island will continue engagement with municipalities, Indigenous communities, employers, and other partners on additional cannabis policy decisions, along with details related to keeping impaired drivers of Island roads, supporting safe workplaces, and the implementation and enforcement of cannabis legislation.

A framework of Prince Edward Island's cannabis policy decisions will be released in winter 2018, followed by continued consultation with partners on legislation and enforcement.

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