



# REGULATION OF CANNABIS IN QUÉBEC



## REGULATION OF CANNABIS IN QUÉBEC 2017 CONSULTATION DOCUMENT

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## Message from the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living

For months, we have been getting ready for the Government of Canada's plan to legalize recreational cannabis. The gouvernement du Québec's primary concern in this respect is to protect the health and safety of the population, especially our young people. The government is seeking to propose the best possible form of regulation precisely because cannabis has certain health risks that need to be managed.

For this, a framework bill on the regulation of cannabis in Québec will be introduced in the National Assembly this fall. Since that bill will have to cover many complex issues facing Québec, the government has committed to initiating a public consultation and dialogue process. The wide-ranging consultations began last June, when a forum of experts was held on the regulation of cannabis in Québec.

That event, which brought together experts from Québec and around the world, shed light on a number of points and specific concerns regarding the legalization of cannabis and the regulatory choices to be made. The discussions that took place will be highly useful during the regional and online public consultations that will begin on August 21.

This document covers the key aspects of the regulation of cannabis in view of its legalization for recreational purposes. To begin with, there is a description of the context relating to cannabis here and elsewhere, and specific data on its consumption. Next, there is an overview of the consultation topics, which are grouped along three broad lines: prevention, awareness and health effects; marketing and use sites; and safety, which includes road safety and regulations.

I encourage you to read this document because I am sure that it will provide you with valuable food for thought and complementary information that will be extremely useful for your comments and input, which will benefit everyone in Québec.

*Lucie Charlebois*



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## Introduction

The Government of Canada has chosen to legalize the use of recreational cannabis, and it introduced [Bill C-45](#) in the House of Commons on April 13, 2017. At this time, the use of cannabis for recreational purposes is prohibited in Canada. Drugs legislation (the *Controlled Drugs and Substances Act*) is under the jurisdiction of the federal government, which applies it in collaboration with the provinces and territories. Under the current regime, possession, consumption, production and sales of cannabis are prohibited.

Legalizing something means providing it with a legal framework that it did not have before. In this case, the federal bill is designed to establish rules for the production, distribution, sales and possession of cannabis. If it is adopted by the federal parliament, the act will come into force on July 1, 2018. Generally, the federal government’s bill has the following goals:

- to restrict young people’s access to cannabis;
- to protect public health and safety by establishing strict controls on the safety and quality of the products offered;
- to deter illegal activities by setting strong criminal penalties for people who break the law;
- to reduce the burden on the criminal justice system in relation to cannabis.

According to the bill, the federal government would be responsible for creating and maintaining a strict national framework by determining production regulations, health and safety standards, and criminal offences. Health Canada would issue licences to cannabis producers and ensure oversight of the supply chain. For example, the federal government is proposing that the minimum age for purchasing cannabis be set at 18 years, that selling cannabis to a minor should be subject to penalties, that personal cultivation of cannabis be allowed (maximum four plants), and that 30 grams be the maximum amount of recreational cannabis that an individual should be allowed to possess.

The **provincial and territorial governments** would be responsible, in particular, for prevention, health promotion, public safety (including road safety), and regulation in the workplace. They would also be responsible for governing distribution and sales, ensuring compliance with regulations, licencing, and monitoring of distribution and sales, in accordance with the minimum federal conditions.

### Québec’s role in the regulation of cannabis

The gouvernement du Québec is thus responsible for planning and implementing regulations applying to cannabis. It has initiated a broad process of consultation and dialogue to ensure robust preparation for a framework bill that will be tabled in the National Assembly in the fall of 2017.

The government decided to begin by hearing from experts in the field at a forum that was held in Montréal on June 19 and 20, 2017. It brought together over 200 experts from Québec and elsewhere with backgrounds in academia and the public and private sectors. The purposes of the forum were:



- (1) to hear from experts on the concrete stakes involved in the regulation of cannabis;
- (2) to prepare for the public consultations by identifying the issues likely to be the subjects of suggestions and comments by people in Québec.

Based on the findings from the forum of experts, the government now wants to hear from the various organizations concerned by the issues raised by the regulation of cannabis, and obtain people’s opinions on major decisions to be made regarding cannabis and how it should be regulated in Québec. This is the purpose of the regional and online public consultations that will be held from August 21 to September 12, 2017.

Hearing what people in Québec have to say will help the gouvernement du Québec make decisions. Topics reflecting public concerns about the future regulations have been identified and associated with specific questions on which individuals are encouraged to comment. The themes of the public consultation are the following:

1. Prevention, awareness and health effects
2. Marketing and use sites
3. Safety

For more information, please visit the website: [encadrementcannabis.gouv.qc.ca/en](http://encadrementcannabis.gouv.qc.ca/en).

**Data on cannabis and its use**

Cannabis is a natural drug made from the plant by the same name. It contains over 500 different substances. It is neither harmless nor for regular use. The psychoactive substances in cannabis can disturb one’s perception of the environment, time and space, lead to sensory confusion and heighten sensitivity to colours and sounds. The effects of cannabis vary widely from one consumer to the next, and depend in particular on the dose, the concentration of active chemicals, the form and frequency of consumption, the person’s physical and mental state, and the social context.

Since the 2000s, the rate of cannabis consumption by members of the general public has been shrinking in many European countries, as well as in Canada and Québec. In our province, cannabis consumption has also diminished among high school students, dropping from 41% in 2000 to 27% in 2008, and then down to 23% in 2013. However, among developed countries, Canada still has the highest percentage of adolescents aged 11 to 15 who reported having consumed cannabis during the preceding 12 months.

According to the data from the 2014-2015 [Enquête québécoise sur la santé de la population](#) (EQSP) (french only), 15.2% of people in Québec aged 15 or older had consumed cannabis in the course of the year. Adolescents (15-17 years old – 31%) and young adults (18-24 years old – 41.7%) were the



groups with the greatest proportions of cannabis consumers. In all age groups, men use cannabis more frequently than women. Lastly, 52% of cannabis consumers use it less than once a month, 15.2% use it one to three times a month, 8.5% once a week and 10.8% consume it every day.

[Statistics Canada](#)'s data on cannabis consumption show that the provinces that were under the Canadian average (12.3%) were Newfoundland and Labrador (9.9%), Prince Edward Island (8.2%), New Brunswick (9.0%), Québec (9.8%) and Saskatchewan (10.2%). Those data show that cannabis consumption is on average lower in Québec than in the majority of the other provinces; it ranks 8th in Canada, in other words, higher than New Brunswick and Prince Edward Island.

### **Benefits of the legalization of cannabis, and risks to health and safety**

There are consequences to consuming cannabis. However, legalizing it makes it possible to

- control the quality of the product and reduce health risks;
- regulate cannabis sales and limit the black market;
- raise public awareness.

Nonetheless, certain risks are associated with the legalization of cannabis, such as

- glamorizing its consumption, or, on the contrary, trivializing it;
- developing a growth and profit-based market that could promote cannabis consumption, even though it can have negative effects on health.

Cannabis consumption can have therapeutic and recreational value, but it can also entail major health risks, notably, increased anxiety, lower motivation, impaired judgment, difficulty processing information and triggering of psychoses. Moreover, since cannabis is generally inhaled, regular smokers are at greater risk of developing chronic bronchitis. Some studies also show a link between cannabis smoke and precancerous lesions in the airways.

Adolescents and young adults are the groups most at risk of developing problems related to cannabis consumption. Adolescents who consume cannabis regularly seem to be more likely to suffer from impaired memory and problems at school related to learning, mathematics and reading.

Lastly, according to some studies, the risk of becoming addicted to cannabis is estimated to be 9% among those who use it. However, that risk is 16% for people who began using it when they were adolescents. Adolescents and young adults who consume cannabis, even only occasionally, are more likely to become addicted to it, as well as to other drugs, alcohol and tobacco, when they reach adulthood.

For more information on cannabis use, visit the website (french only):

[encadrementcannabis.gouv.qc.ca/le-cannabis/donnees-statistiques/](http://encadrementcannabis.gouv.qc.ca/le-cannabis/donnees-statistiques/)



**Regulation of cannabis elsewhere in the world**

Elsewhere in the world, various initiatives have been taken to regulate cannabis. Although they are still recent, those international initiatives can be sources of inspiration for Québec. Here are a few examples.

**Uruguay**

Uruguay is the first country to completely legalize cannabis. The basic principles of its cannabis access system are public health (risk reduction and appropriate awareness of the risks of use), public safety, civil coexistence (the fight against illegal and criminal activities), and rights and responsibilities. The purpose of the cannabis regulation and control institute (IRCCA), an independent public organization, is to oversee all aspects related to cannabis regulation. In Uruguay, the legal age for having access to cannabis or alcohol is 18. Cannabis use in public must be in compliance with the regulations on tobacco use, and all forms of advertising and marketing are prohibited, as are online sales.

In addition to its non-profit cooperative-based production system, Uruguay has authorized commercial farming, over which it exercises tight control, in particular regarding prices, by ensuring that such production is for a state monopoly. Furthermore, cannabis sales have been legal in licensed pharmacies since July 2017, and people aged 18 or older are allowed to grow their own plants (up to 6) or to belong to a club (99 plants). However, every consumer must be registered with the minister of health and cannot purchase more than 40 grams of cannabis per month.

**California**

California is planning to bring into effect, in the near future, legislation to legalize, as broadly as possible, the existing illicit activities related to the cannabis market. That U.S. state, where the legal age for alcohol consumption is 21, would also give adults aged 21 or over access to non-medical cannabis and authorize its sale in specialized stores only. However, consumption of the substance in public would be prohibited.

The rules governing the division of the revenue generated by the industry provide that, first, an amount be reinvested each year in the communities that have been especially hard hit by the war on drugs. An additional amount will be earmarked for monitoring, research and evaluation of the effects of legalization. Some of the earnings will also be used for implementing the law and for research. Lastly, 60% of the remaining revenue will be used for education, treatment and prevention, 20% for an environmental protection fund to reduce the environmental impact of large-scale cannabis production, and 20% to enable local communities to attenuate the effects of legalization.





**Colorado**

The U.S. state of Colorado legalized recreational cannabis for people aged 21 or over in 2012, and authorized retail sales in January 2014. It opted for a commercial model in which the cannabis production and distribution system is based on private industry. Cannabis prices are dictated by supply and demand, and advertising and marketing are permitted, as is product diversification. Initially subject to very little regulation, cannabis sales have been placed under stricter conditions in recent months. Municipalities can prohibit the establishment of production units and retail stores within their boundaries. Cities that permit such boutiques to open must ensure that they are not located within 300 metres of a school.

Colorado has established a number of measures for protecting minors, such as a minimum age of 21 (as for alcohol), a prohibition on minors possessing equipment for consuming cannabis, penalties for selling to minors, warnings on packaging, limits on advertising, the interdiction of recreational cannabis use in the street, etc. Preventive measures have also been established, such as awareness campaigns on how to store cannabis and the consequences of selling to minors. However, there has been a notable increase in the number of emergency admissions and hospitalizations related to cannabis, and in the number of traffic accidents associated with cannabis use.

To learn more about

- the state of laws on cannabis in Canada, visit the following website: [justice.gc.ca/eng/cj-jp/marijuana/info.html](http://justice.gc.ca/eng/cj-jp/marijuana/info.html);
- facts on legalizing and strictly regulating cannabis, visit the following website: [canada.ca/en/services/health/campaigns/legalizing-strictly-regulating-cannabis-facts.html](http://canada.ca/en/services/health/campaigns/legalizing-strictly-regulating-cannabis-facts.html)



# Topics for public consultation

## 1. Prevention, awareness and health effects

Québec is concerned about public health and safety, and wants to take preventive action. This means that the conditions that will be established with respect to cannabis legalization and regulation will be designed to limit the emergence of problems related to cannabis use and aimed at reducing risks and negative consequences for individuals. As with alcohol and tobacco, the gouvernement du Québec acknowledges the essential roles of prevention and awareness-raising in mitigating risks to public health and safety.

### Effects of legalization on consumption

Prevention and raising public awareness, especially among young people, will be key elements in the future cannabis regulations. People have already expressed concern about the possibility of an increase in cannabis consumption and, in consequence, aggravation of the problems that could arise after its legalization. Other worries have been expressed about the possibility that the number of cannabis users will grow.

It is rather early to draw any firm conclusions about the real effects of legalization in the states and countries that have chosen to legalize cannabis. However, rigorous studies point to possible links between consequences that have been observed (for example, accidental ingestion of cannabis by children, increases in traffic accidents and rises in the number of emergency admissions) and the system of regulation that is chosen for legalized cannabis.

It should also be added that some sociocultural factors (such as the perception of health risks, historical trends and social norms) influence the rate of cannabis consumption in a population.

### Access to cannabis for minors

According to the most recent studies, the great majority of adolescents and young adults in Western countries, including Canada, say that it is easy for them to obtain cannabis, even within 24 hours.

Moreover, it seems that the price of a gram of cannabis has fluctuated very little over the last 30 years. It costs \$8 to \$10 a gram, which is relatively affordable for a young person.

The regulation of cannabis in Québec should therefore take these various elements into consideration and set up means to limit minors' access to cannabis.

### Consumption of cannabis and alcohol

At this time, some people are wondering about the repercussions of consuming alcohol and cannabis at the same time. According to experts, some of the effects of cannabis are exacerbated when it is



consumed with alcohol. Those effects include short and medium-term memory impairment, reduced concentration and attention, slower reflexes, longer reaction time and decreased ability to drive a motor vehicle. Usually consumed for pleasure, these substances both act on the brain, and change people’s perceptions and behaviour. They have health and safety risks, but cannabis addiction is not as severe as addiction to alcohol or tobacco.

**2. Cannabis marketing and use sites**

Québec will be responsible for defining all of the steps of the process for marketing cannabis: production, distribution and sales. The related choices will have significant influence on public perceptions, individuals’ cannabis consumption behaviour and the capacity to attenuate the possible effects of such consumption. Decisions about conditions applying to sales, compliance with regulations, granting of licenses, permitted use sites and monitoring will also have to be made when designing the regulation of recreational cannabis.

**Sales model for cannabis**

Québec has to determine the sales model for cannabis. The government has many possibilities, from a state monopoly to the private sector. Pharmacies and non-profit organizations are also among the possibilities.

A state monopoly entails giving the state the responsibility for selling cannabis to consumers under certain conditions. For example, the Société des alcools du Québec (SAQ) and Héma-Québec are state monopolies responsible for offering products and services to the people of Québec.

Private sector sales of cannabis mean that cannabis would be sold by private individuals and enterprises licensed by the gouvernement du Québec; such sales would be subject to regulations that could involve strict conditions set by the government. For example, it would be possible to prohibit cannabis sales after 11:00 pm, as in the case of alcohol. In Québec, tobacco and beer are sold by the private sector.

**Online cannabis sales**

Generally, it is becoming much more common to make purchases online, especially in the case of young people. For example, the SAQ sells alcohol over the Internet. However, tobacco can be purchased only from a physical point of sale. It should be noted that at this time it is legal to purchase medical cannabis online in Canada.

Well-regulated online cannabis sales could be a way to compete with illegal online cannabis sales. Moreover, online cannabis sales would ensure that all people in Québec have fair access, no matter where they live or whether they are physically able to travel to a point of sale. However, that system makes it difficult to verify the age and place of residence of the purchaser.



**Sales price of cannabis**

As with all other goods and services, cannabis consumers are sensitive to price. It is therefore an important factor that needs to be determined. There is reason to believe that, if the price is too high, it will be conducive to maintaining the black market for cannabis, but if it is too low, it could stimulate consumer demand.

The experiences of states that have legalized cannabis show that the sales price can be adjusted over time to encourage consumers to switch to the legal market.

**Use of cannabis sales revenue**

Although the government does not have any profit-making goals related to sales of cannabis, its legalization could nonetheless make it possible to shift money that is now circulating on the black market to the legal economy. Once that money becomes available, a range of investment choices are available.

For example, part of the revenue could be used for monitoring, research on and evaluation of the effects of legalization, or for implementing the law. Amounts could also be earmarked for education, treatment and prevention, for environmental protection or for support for local communities.

**Legal age for purchasing and consuming cannabis**

Québec has to set the legal age for purchasing and consuming cannabis. A number of choices are possible.

At this time in Québec, 18 is the legal age for purchasing alcohol and tobacco, and it is also the age of majority, when individuals are considered to be adults and able to make informed decisions. However, purchasing and consuming cannabis at the age of 18 could entail the risk of trivializing the use of that substance from that age on.

The legal age for purchasing cannabis could also be set at 19, 21 or 25, given the risks associated with brain development, which continues after adolescence and into the beginning of young adulthood. However, setting the legal age for purchasing and consuming cannabis beyond 18 could lead some young people to begin consuming cannabis of unverified quality, obtained though the black market.

Québec’s choice could also take into consideration the age chosen by other provinces in Canada, in particular neighbouring ones, such as Ontario, thereby fostering greater consistency in regulations.

**Cannabis production and quality control**

A number of factors must be determined with respect to cannabis production: quality control, composition of the substance (including the levels of tetrahydrocannabinol (THC) – which produces



the “buzz” – and cannabidiol (CBD), as well as mold and contaminants), inspections of production sites, production licensing, the possibility of growing for personal use and interprovincial trade.

THC is the main psychoactive chemical in cannabis. It is responsible for effects on the brain and body. It is well known that the levels of THC in cannabis on the market have been rising constantly over the last decades, climbing from 1% in 1960 to 12% (or more) in 2014. Although there is no scientific consensus, it is possible that the increase in THC has negative consequences on health.

**Production for personal use**

If production for personal use is permitted in Québec, it could entail risks to the health of minors, contribute to encouraging and trivializing consumption, and also generate a grey market (sales among individuals). Moreover, owners of rental buildings could have concerns if their tenants begin growing cannabis.

However, personal production could also prevent users from buying on the illegal market. Some research indicates that home production would generally be pesticide free and by users concerned with avoiding products they consider less safe or too high in THC. Lastly, permitting personal production would be consistent with production of alcohol and tobacco for personal use, which is possible under some conditions in Québec.

**Use sites**

The gouvernement du Québec must determine where it will be possible to consume cannabis. There are a number of options, including:

1. Adopting the same restrictions as for tobacco use, in other words, it would be permitted to consume cannabis outside in public, such as in the street, but prohibited to consume it in enclosed public spaces, in a 9-metre radius of any door or window of a public building and in many outdoor public spaces used by young people.
2. Prohibiting consumption in all public spaces, which means that its use would be authorized uniquely in private residences. This option would strongly limit the number of places where cannabis could be consumed. Moreover, tenants and condominium owners could be subject to stricter restrictions, which could make it impossible to consume cannabis in such private residences.

**Derivative products**

Derivative products are edible items that contain cannabis (for example, cookies, candies, muffins), other consumer goods that contain it (for example, cannabis-infused tampons) and products that promote it (for example, baseball caps and t-shirts). Québec will have to legislate on these issues also.



For example, in the case of tobacco, all tobacco-based consumer products are governed by the same rules as tobacco, and promotional products are not permitted.

### **3. Safety**

#### **Road safety**

Road safety is one of the public's major concerns with respect to the legalization of recreational cannabis. It has been shown clearly that cannabis has effects on the ability to operate a motor vehicle, in particular owing to memory, concentration and attention impairment, reduced ability to exercise judgment and slower reaction times.

The gouvernement du Québec will therefore want to take appropriate measures to limit such risks, as it does with respect to alcohol consumption.

#### **Consumption of cannabis by minors**

The future Québec legislation will set a legal age for purchasing and consuming cannabis. However, minors may be caught in possession of the substance. Even when there are legal penalties for possession (such as fines and arrest), it is acknowledged that they have little effect on cannabis consumption.

Such legal sanctions could nonetheless influence the choices of some minors to consume or not, and thereby reduce the possible consequences on their health from cannabis consumption. Sanctions could also have effects on the general public's perception of cannabis and make it appear less trivial.

#### **Compliance with regulations, legal treatment and offences**

The future regulations surrounding legalized cannabis will also cover other aspects, such as compliance with production standards, quality control and substance content guarantees, shipping of cannabis from production sites to sales points, prohibition of sales to minors, publication of accurate, scientifically proven information on cannabis, compliance with marketing and advertising rules, opening hours, taxation, etc.

Eventually, penalties will have to be determined for people who do not comply with the new regulations (for example, a warning or steep fine for the first infraction, community service, imprisonment, etc.).



## Conclusion

The legalization of recreational cannabis announced by the federal government will be a historic event in the regulation of psychoactive substances. Québec will play a leading role in it because the provinces and territories are being called upon to innovate by establishing safe regulation of cannabis. Measures designed to inform people and raise public awareness, systems and conditions applying to production, distribution and sales, and provisions concerning use sites and safety are all aspects that must be determined by the government. The purpose of the future decisions will be to protect the health and safety of everyone in Québec.

After having heard what the experts had to say on the issues arising in relation to the future cannabis regulations, the gouvernement du Québec is now inviting the general public to give its opinions on the subject. The conclusions drawn from these consultations, which will be testimony of the population's concerns and needs, will guide the gouvernement du Québec in the development of the best possible system for regulating recreational cannabis.

