



## Legalizing cannabis as a way to reduce harm

Many Nunavummiut consume cannabis already, even though it is illegal. Statistics Canada's 2015-2016 Canadian Community Health Survey found that about one in four Nunavummiut aged 12 and older (27%) reported consuming marijuana or hashish once or more a week over the past year, and about one in 10 (11%) reported using every day.<sup>1</sup> Across the country, cannabis is the most common illegal drug, and Canadians as a whole are among the highest users of cannabis in the world.

*As cannabis is in our communities already, the GN is implementing legislation to legalize cannabis as a way to help reduce harm.*

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- A legal system provides controlled access to cannabis from known and regulated sources. This is safer than purchasing illegal cannabis, which can be mixed with unknown and dangerous substances and can be of unknown or inconsistent strength (potency).
- Legalizing cannabis may also help reduce other social harms—it may be easier to talk about, research, understand and address harms when cannabis is legal.
- Legalizing cannabis may reduce the burden on our justice system, and could help Nunavummiut avoid criminal convictions, which has positive impacts for future employment opportunities
- A legal and competitive cannabis market may reduce its price, leaving more income in the hands of families.
- While the GN is not approaching legalization as a way to make money, it is better that cannabis profits contribute to public programs and legitimate businesses rather than underground markets and organized crime.

For these reasons, the GN supports setting up a regulated system of control that allows adults to safely purchase and responsibly use cannabis.

## What happens next?

The GN has developed an initial proposal to regulate cannabis based on its public survey results and other work so far. It is time to check back and ask Nunavummiut what they think about this plan.

This document outlines the GN's proposed approach, explaining major elements of a possible cannabis system. The proposals set out in this paper are for consultation and may not represent the final views or decisions of the GN. Instead, these ideas are for consideration and discussion during public consultations in early 2018.

The GN encourages Nunavummiut to share their views. The GN will also specifically invite additional input from key external stakeholders.

Following the consultations, informed by what we heard, the GN will draft legislation. The GN plans to approach legislation in two parts. First, it would address some of the more straightforward aspects of cannabis legalization by amending existing laws. These amendments would fill immediate gaps in our laws that would result when cannabis is legalized. For example, the GN proposes that current restrictions on smoking tobacco in public also be applied to smoking cannabis products to limit the effects of second-hand smoke.

<sup>1</sup> 2015-2016 Canadian Community Health Survey, Statistics Canada.

Next, the GN would draft new legislation to set out the major elements of a territorial cannabis system. This would include rules setting the minimum age to possess and use recreational cannabis, how cannabis may be purchased, where it may be consumed, and how the rules will be enforced. The GN will also use regulations to set out some of the details needed to implement and administer these rules.

If the Legislative Assembly does not pass territorial cannabis law before July 2018, the federal laws will come into effect without Nunavut having its own system in place. Under this scenario all of the federal rules would apply, which includes only being able to access legal cannabis directly from the Government of Canada.

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## Sharing your views

We encourage Nunavummiut to discuss the GN's initial proposal to control cannabis with family, friends, colleagues, and community groups. Nunavummiut can share their ideas and give feedback directly to the GN in different ways:

**By email:** [cannabis@gov.nu.ca](mailto:cannabis@gov.nu.ca)

**In person:** The GN will be visiting a number of communities in early 2018 to discuss the proposed approach. We encourage Nunavummiut to participate by asking questions and being part of the discussion. Details about community visits (when, where) will be released separately.

**GLOs:** Nunavummiut can talk to their community's Government Liaison Officer (GLO), who can help you fill out and send in a feedback card (available through the GLO, or at the back of this document).

**By mail:** Cannabis Consultations, Government of Nunavut, PO Box 1000, Stn. 330, Iqaluit, NU X0A 0H0.

**Community leaders:** Nunavummiut can also provide feedback to their municipal councillors. The GN will be contacting municipalities to seek their views on this proposal.

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## Proposed Approach

*The proposals below are for consultation only and may not represent the final views or decisions of the GN. The GN is seeking feedback on both the ideas presented here and cannabis legalization generally. We identify a few key questions throughout to stimulate conversations and discussion.*

### Objectives

When setting up its cannabis system, the GN's main objectives are to:

- protect the health and safety of Nunavummiut, especially youth;
- provide for the safe distribution of cannabis to adults;
- combat the illegal market for cannabis in Nunavut; and
- increase awareness of the risks associated with cannabis.

- **Do you agree with the GN's main objectives? Why or why not?**
  - **Of these, which is the most important to you? What other goals should the GN consider?**

## Supporting healthy and informed choices about cannabis

Cannabis can pose health risks, especially to those who use cannabis on a daily or near-daily basis. To help Nunavummiut make healthy and informed choices about whether and how they use cannabis, the GN will educate the public about its impacts. The GN will direct messaging and information to youth in particular, and to other groups at greater risk of cannabis-related harm.

- **What are you most interested in learning about cannabis and its impacts?**
- **How do you want to learn and receive information about cannabis and its impacts?**
- **In addition to youth, which key groups should the GN target information and messaging towards?**

### Minimum Age of 19

The federal government has set the minimum age for possessing and consuming cannabis at 18. Provinces and territories can set a higher age.

Research shows cannabis is harmful to youth. Both the Canadian Medical Association (CMA) and the Council of Chief Medical Officers of Health (CCMOH) recommend setting the minimum age at 21 or 25.

If the minimum age is too high, however, young adults could be driven to buy cannabis illegally. Illegal cannabis is unpredictable (you cannot be certain what is in it, or how strong it is) and may cause more harm.

The GN is proposing to set the minimum age at 19, the same as for tobacco and alcohol. Young people—those under 19—will not be allowed to purchase or possess any cannabis.

**Survey says...**  
*59% of respondents said the GN should set the minimum age at 19. Another 20% said the GN should choose 18.*

- **What do you think about setting the minimum age at 19?**
- **How should the law treat those who share cannabis with those under 19?**

### Personal Possession Limit

The federal government has set the personal possession or carrying limit at 30 grams of dried cannabis. The GN is proposing to keep the same limit.

The federal government is not setting a limit on the amount of cannabis that can be stored in the home. Nunavut can set its own limits and make other restrictions on the storage of cannabis. These restrictions would be to limit stockpiling of cannabis for the purpose of illegally reselling it to others and to ensure cannabis is securely stored.

When transporting cannabis in a vehicle, it will need to be secured in closed packaging and not within reach of the driver or passengers.

Even though youth are not allowed to possess or use cannabis, Canada's proposed law allows those under 18 to carry up to 5 grams without facing criminal charges. This is meant to help youth avoid the consequences of a criminal conviction.

**Survey says...**  
*most respondents supported the idea of harmonizing with federal laws on issues like possession limit and growing at home.*

- **Do you agree with matching the federal 30 gram limit, or should the GN set a lower limit?**
- **Should the GN allow Nunavut's youth to carry up to 5 grams without penalty, or should we be stricter?**
- **Should the GN be allowed to set restrictions on how cannabis can be stored in a home, including how much cannabis?**

## Growing cannabis

The federal government's proposed law allows individuals to grow their own cannabis and sets a limit of four plants per household.

Provinces and territories can set a lower limit. Benefits of allowing home growing relate to legal access. If people are able to grow their own cannabis on a small scale for personal consumption, they may be less likely to buy cannabis from illegal sources. On the other hand, risks of allowing home cultivation include normalizing cannabis with youth and increasing health and safety risks (e.g. fire, mold).

- **What do you think about being able to grow cannabis at home?**
- **If the GN does allow growing at home, what rules or safeguards should it consider putting in place?**

## Role of landlords and building owners

There may be special considerations relating to growing and using cannabis in rented units, public housing units, and condos.

The GN will consider allowing landlords (including the Nunavut Housing Corporation) and condo-associations to restrict renters and condo-dwellers from growing and using recreational cannabis based on rules in rental agreements or condominium bylaws.

- **Are there special considerations related to growing and using cannabis in rented units, public housing, or condos?**
- **What abilities should landlords and condo-associations have to prohibit growing cannabis in their dwellings?**

## Prohibited places

Nunavummiut over 19 will be allowed to consume cannabis in their homes and in some public spaces where tobacco is allowed.

To protect youth and limit second-hand smoke exposure, the GN proposes to prohibit smoking or vaping cannabis where tobacco is restricted and in certain other areas including vehicles, school grounds, hospital or health centre grounds, and playgrounds. Proposed legislation will establish territorial offenses and infractions for consumption in vehicles, public consumption, and public intoxication.

- **Are these the right places where cannabis should be restricted or prohibited?**
- **Are there special areas in your community where you think cannabis use should be restricted or prohibited? What are they?**

## Role of municipalities

The GN respects the important roles that Nunavut’s small and close-knit communities play. Municipal councils, other local organizations, and community leaders have significant influence over many aspects of day-to-day life. Under the GN’s proposal:

- Municipalities will be able to restrict cannabis use in certain municipal spaces using existing authorities;
- Before opening a physical store, the GN will consult with the community and seek formal support from the council; and
- The GN would not prohibit outright the consumption of cannabis in communities.

The GN is considering whether to allow councils the ability to ask for temporary prohibitions of cannabis sales to their community.

On one hand, these special prohibitions allow local authorities to take steps to reduce cannabis use during times that are important to the community, like holidays or community events. On the other hand, prohibiting legal sales—even if only for a short period—could push some Nunavummiut back to purchasing from the illegal market.

### **Would local prohibition protect youth, reduce harm and combat the illegal market?**

It is currently a crime in Canada to consume cannabis for recreation. Despite this country-wide decades-long ban, many Nunavummiut and Canadians continue to consume cannabis, which they buy from local bootleggers, smuggle in on their own, or order online. This underground market for cannabis exists already in Nunavut, even though it is illegal.

The Government of Canada is moving to legalize cannabis on the grounds that decades of prohibition have not stopped cannabis consumption or harm.

As the GN sets up its own system, it needs to decide whether to allow community-wide bans on cannabis consumption. This authority exists for alcohol, but does not exist for tobacco, another dangerous but legal drug.

Currently, the GN is proposing to **not** prohibit cannabis entirely in communities. That is, under this proposal there would be no “dry” communities. This approach flows from the idea that prohibition does not work, is difficult to enforce, encourages and supports an illegal market, and may actually be worse for Nunavummiut.

We want to hear what Nunavummiut and municipalities have to say about this aspect of the proposal in particular.

- **What type of consultation would you want before the GN considers whether to set up a physical store in your community?**
- **Should the GN allow communities to restrict or prohibit the consumption and possession of cannabis? If so, in what ways?**

## No cannabis establishments at this time

The GN is not planning to allow establishments where cannabis can be consumed on-site (e.g. cafés, lounges). Given the complexities of these establishments and the short timelines the GN is facing ahead of July 2018, setting up a licensing system for on-site consumption is not a priority.

However, there are examples of such establishments in Canada and worldwide. There are also arguments to allow safe indoor spaces where adults can consume cannabis outside the home, away from children and youth. Licensing cannabis establishments is something the GN may wish to explore in the future. The GN proposes to allow for the future regulation of these types of establishments, and would consult further as necessary.

- **What do you think about permitting “cannabis cafés” and other establishments that allow cannabis use on site?**
- **How important is it to you that the GN allows these sorts of establishments?**

## Edibles and other products

There are different considerations relating to other cannabis products like edibles and concentrates, including how they are labelled, how they are sold, and where they can be used. The GN proposes to wait until other Canadian governments have set out their plans before deciding how to best manage these products in Nunavut. Until then, the GN proposes to allow for the further regulation of these products as needed.

## Workplace Safety

Workers who are impaired on the job – whether by alcohol or drugs – are a danger to their coworkers and themselves.

Nunavut and many employers already have rules in place to address impairment from any drug while at work. The GN is working with the Workers’ Safety and Compensation Commission (WSCC) to review the workplace health and safety regulations to ensure they deal with cannabis legalization. The WSCC will also be preparing educational materials so that employers and workers understand their rights and obligations under the regulations.

**Survey says...**  
*12% of respondents said ensuring workplace safety should be the GN’s top priority. Many others agreed it was among the most important.*

## Drug-impaired driving

Driving while impaired, whether by alcohol, cannabis, or other drugs, is a serious crime and puts the safety of everyone at risk. This will not change with the legalization of cannabis. In fact, the federal government is introducing stronger impaired driving laws. Provinces and territories can also take additional steps to deal with impaired driving.

The GN proposes to create new offences and administrative penalties to discourage driving while impaired by cannabis, similar to the *Traffic Safety Act* provisions for alcohol. This would include licence suspensions for drivers who fail roadside drugs tests or refuse to take the test. The penalties would increase for repeat offenders.

The GN also proposes to educate Nunavummiut about the effects of cannabis on driving and how it can impair judgement and reflexes.

- **Do you support penalties to discourage impaired driving?**
- **How could the GN most effectively present information on drug-impaired driving?**

## Government control of cannabis

The GN proposes that Nunavummiut 19 and older will be able to purchase cannabis products from the Nunavut Liquor Commission (NULC, the Commission), which will oversee the territory’s cannabis system. This provides the GN with direct control over cannabis and is consistent with the announced plans of other Canadian governments to distribute cannabis through existing liquor organizations (though some through wholesale, some through retail).

## Agency model

The GN is proposing to allow the Minister to appoint one or more Agents to sell cannabis on behalf of the Commission. This would allow the GN to “outsource” some of the NULC’s specific operations (including cannabis sales) to a third party, such as a private firm.

Government Agents would be subject to strict oversight and would need to follow terms and conditions the government sets. For example, the GN would control the type of cannabis sold, product price, reporting, sales location, and messaging. At the same time, the GN would expect an Agent to operate more efficiently than the GN, especially to start. An Agent could bring other advantages to Nunavummiut, including knowledge, skills, experience, and flexibility the GN does not currently have.

The GN is proposing this mixed approach as a way to achieve the best of both worlds – strong public oversight and control through the NULC, but with opportunities to benefit from private-sector efficiencies.

**Survey says...**  
*Respondents were split about who should sell cannabis in Nunavut. 49% said the GN should sell it, while 48% said the private-sector should sell it. The GN is proposing an **agency model** to balance both sets of views.*

- **What do you think of the agency model being proposed?**
- **What considerations should the GN have when appointing an Agent?**

## Stores and Online Sales

The GN is proposing to allow the Commission or its Agent to sell cannabis to Nunavummiut through physical stores and online sales.

The GN does not plan to open a physical location in 2018. First, the GN wants to hear from and consult with interested communities about this specific issue. Also, current timelines, the lack of commercial and warehousing space, sealift requirements and other northern realities make opening a physical store in 2018 impractical.

The GN proposes to allow remote sales (online or by phone) so adults may purchase and ship dried cannabis to their community. Restrictions will be in place to confirm identity and verify age. The GN would work to have this platform operational as soon as manageable following the coming-into-force of the necessary legislation.

- **What do you think about the proposal to focus on online (remote) sales first, before setting up physical stores?**
- **Would you want a physical cannabis store in your community? Why or why not?**
- **What restrictions would you want to see for online sales?**

## Importation

Nunavut's cold climate means there is unlikely to be any local large-scale cannabis production. The lack of road and rail connections among communities and to the rest of Canada is also unique. For these reasons, the GN is considering whether to allow Nunavummiut to individually purchase and import cannabis from outside the territory. This could be by allowing individuals to carry cannabis with them when they enter Nunavut. This could also be similar to the permit system already in place for liquor, where Nunavummiut are able to request, for a fee, the authority to import liquor from other jurisdictions.

An advantage to an import permit system relates to consumer choice: Nunavummiut would be able to access a wider range of cannabis products than the NULC is likely to offer on its own. A downside relates to public revenues: when individuals purchase cannabis elsewhere Nunavut taxpayers lose out on public profits and tax revenues.

For now, the GN proposes to allow the Minister to regulate importation, but plans to wait to see how other jurisdictions deal with this matter before making specific decisions.

- **Should Nunavummiut be able to carry a small amount of cannabis (up to 30g) with them when entering Nunavut from another jurisdiction?**
- **What are the advantages or downsides of an import permit system?**

## National taxation system

In December 2017, the GN agreed in principle to join a national cannabis taxation system. Under this system the Government of Canada will tax cannabis at about \$1 / gram or 10% of its retail price, whichever is greater, and will share 75% of its revenues with provinces and territories. The federal share of revenues will be capped at \$100 million annually. The GN will receive tax based on how much cannabis Nunavummiut purchase. This system will be in place for two years before governments review.

## Advertising and packaging

The federal government has proposed rules about packaging, labelling and advertising cannabis. The rules are similar to those already in place for tobacco. For example, cannabis advertising will be limited to places where there are no minors, and cannabis will not be promoted or packaged in a way young people might find appealing. The GN proposes to allow for further regulation of advertising, packaging and labelling in Nunavut to address issues or gaps in existing rules should they arise.

- **What types of rules should be in place related to advertising cannabis?**
- **What information or messaging would you want to see on cannabis packaging?**

## Other matters

This document sets out the main ideas the GN is proposing for public consideration and discussion. The feedback Nunavummiut provide will shape whether and how the GN moves forward on these issues.

However the GN addresses these main issues, territorial legislation will need to include a number of other parts not mentioned above to support the overall administration of the law. For example, we expect any new law would need to include definitions of the terms it uses. The GN will determine the specific requirements and layout to any legislation as it is drafted.

Governments use regulations to provide more detail or better define issues not fully set out in law. Regulations are more flexible than legislation, and so allow governments to more quickly address issues and gaps as they arise. This flexibility to address issues will be especially important during the first few years of Canada's legal cannabis system. The GN's legislation would provide for a range of regulatory powers needed to implement the system.

Thank you for your time and feedback.

[cannabis@gov.nu.ca](mailto:cannabis@gov.nu.ca)

