THE JOURNEY TO LEGALIZE CANNABIS IN CANADA

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Drawing on current research and available technology, as well as best practices from around the world, Canada's goal of reducing traffic fatalities due to drug impaired driving will incorporate effective legislation, enforcement based on proven methods of detection paired with increased use of Standardized Field Sobriety Tests, and increased public education and awareness of the effects of Cannabis on driving.

Canada has taken a proactive approach to this by forming a federal Task Force on Cannabis Legalization and Regulation, which submitted its final report (A Framework for the Legalization and Regulation of Cannabis in Canada) to the Government of Canada on November 30, 2016. The purpose of this Task Force was to:

• Engage provincial, territorial, and municipal governments, Indigenous governments and representative organizations, youth, and experts in relevant fields, including but not limited to: public health, substance abuse, criminal justice, law enforcement, economics, and industry and those groups with expertise in production, distribution and sales, to seek their views on issues that are fundamental to a legislative and regulatory system for restricted access to marijuana;

• Provide opportunities for all Canadians to provide their input and views on key questions related to the legalization, regulation and restriction of access to marijuana through an online questionnaire and written submissions; and

• Provide a final report to the Government, which will provide advice for the design of a new legislative and regulatory framework for restricted access to marijuana.

Canada will become a world leader in the combined approach to the legalization of Cannabis and enforcement of drug impaired driving. Policy, procedure, public awareness and legislation are all areas being targeted in Canada’s approach to Cannabis, and will form the basis for the provincial regulations that will put this strategic plan into place.

Prime Minister Justin Trudeau stated, "Until we have a framework to control and regulate marijuana, the current laws apply".

The path to establishing a solid framework begins with:

• Introduction of Bill C-45 & Bill C-46 into the House of Commons.

• Once the bills have passed they will then become law through “Royal Assent” by the Governor General and becomes an Act of Parliament and part of the law of Canada.
• The provinces and territories will then need to establish corresponding changes / revisions to their individual legislation and regulations, along with establishing guidelines for minimum legal age, retail sales, health and safety, and educational and advertising controls. Provinces and territories will license and oversee the distribution and sale of cannabis, subject to minimum federal conditions. Provinces and territories may also set stricter regulatory requirements, for example making the minimum age higher, or reducing the number of plants allowed per home.

The Cannabis Act was introduced in the House of Commons on April 13, 2017. Following Royal Assent, the Government of Canada intends to bring the proposed Cannabis Act into force no later than July, 2018. At this time, adult Canadians will be able to purchase limited quantities of cannabis from an authorized retailer. Current laws apply until the Cannabis Act comes into force. Except for authorized medical use, it remains illegal.

Driving under the influence of drugs, or "Drugged Driving", has become a growing concern for road traffic safety both in Canada and globally. Canada has a long history of effective legislation related to alcohol impaired driving, and is turning this experience towards its newly revised impaired driving laws, which allow for roadside oral screening for other drugs. Oral Fluid screeners are of particular interest as they are less invasive than blood screening, highly reliable, as demonstrated in multiple studies, and accurate at detecting recent drug use.

Just as public perception surrounding drinking and driving saw a large shift when its laws were first enforced, we anticipate a similar shift with regard to views on Cannabis use and driving. Far from being a benign substance, Cannabis is proving to be a growing cause of traffic fatalities in areas that have legalized its use, especially when combined with the effects of alcohol. Colorado has issued a report on its early findings post-Cannabis legalization. Among the most notable, while the total number of Cannabis-related court filings, felony filings, petty offenses, and marijuana possession charges dropped between 2012 – 2015, the number of traffic fatalities with THC positive drivers, the number of Cannabis related DUI’s, and the number of hospitalizations due to Cannabis exposure have all increased.

The Canadian Centre on Substance Abuse (CCSA) and Centre for Addiction and Mental Health (CAMH) are using their recent findings to support the use of education tools using evidence-based messaging targeted at Canadian youth. The attitudes and beliefs about Cannabis held by this age group are among the most influential, and represent the highest demographic of users in Canada. CCSA recommends continued monitoring of youth’s perceptions around Cannabis as the new laws and enforcement initiatives are being enacted in order to make continuous improvements.

Canada aims to reduce these fatalities through the multi-tiered approach outlined above while maintaining a balance between a regulatory system and public health and safety.

REFERENCES


Government of Canada. (May 2017). Legislative Background: An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (Bill C-45)


