



***TOO FAR  
TOO FAST***

**How the federal cannabis agenda is putting public health and safety at risk**

TOO FAR – TOO FAST COALITION  
ONTARIO SAFETY LEAGUE  
SEPTEMBER, 2017

## Introduction

The federal government's determination to legalize and commercialize recreational cannabis use has sparked an intense discussion on how this fundamental policy shift will be implemented in Canada. The federal and provincial governments have a duty to determine how cannabis legalization and commercialization will affect public health and safety, particularly that of our children. This will take time, study, meaningful public input, technological innovation and a commitment to minimize harm. Harm reduction should be the main objective of this complex initiative, but the speed with which the federal government is pursuing this monumental chapter of social change has pushed that objective to the sidelines in favour of commercialization and normalization of an intoxicating substance that causes proven medical harm to youth.

Experts and data indicate that legalization and commercialization comes at a cost to health and safety, as well as with a tremendous burden on law enforcement, public health bodies and all levels of government. Scientific evidence on the health and social effects of cannabis legalization is either lacking, or contradictory of the government's naïve and optimistic policy outcomes. This means decision-makers lack the clarity and certainty required to create a responsible implementation framework.

A growing chorus among health-care and law-enforcement professionals, as well as community advocates and provincial elected officials, have warned that too many questions will remain unanswered by the time the federal government plans to launch cannabis commercialization nationwide on July 1, 2018. It is very clear the legalization agenda is moving too far, too fast.

The federal legislation, Bill C-45 (the *Cannabis Act*), is much different from the Liberal Party of Canada's 2015 election platform, which promised to decriminalize marijuana possession and "create a federal/provincial/territorial task force, and with input from experts in public health, substance abuse, and law enforcement... (to) design a new system of strict marijuana sales and distribution, with appropriate federal and provincial excise taxes applied."<sup>1</sup> The bill now before Parliament goes well beyond this pledge, and has not received the necessary input from provincial governments or knowledgeable experts, as promised. If it passes, it will impose a flawed policy framework on Canadians that will bring unnecessary health and social burdens and costs in exchange for a new revenue stream. It is just not worth the risk.

Our coalition, Too Far – Too Fast, has identified six policy areas where Bill C-45 falls short of what the Liberal Party promised. Our overarching position, supported by experts, is that marijuana is just as dangerous as – and potentially more dangerous than – cigarettes and alcohol, therefore we need time to make sure we get it right for the sake of our youth and community safety. The biggest mistake we can make would be to make cannabis legal immediately without considering incremental reforms based on evidence, data and expert review.

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1. Liberal Party of Canada; 2015 election platform (<https://www.liberal.ca/realchange/marijuana/>)

## Who we are

The Too Far – Too Fast Coalition represents concerned communities in law enforcement, health care, education and within villages, towns and cities across Canada. We do recognize that cannabis laws need to be reformed to accommodate the current reality, but we strongly believe that these changes should not be pushed through to meet an arbitrary deadline without properly protecting public health, safety and our youth, as well as ensuring all possible harm-reduction measures are taken.

Our coalition intends to raise awareness of these concerns among Canadians and decision-makers using various methods. We do not intend to judge cannabis users for their choices. But just like alcohol and tobacco, marijuana consumption carries an array of health and safety risks – even to those who don't even use it – that society cannot neglect. Our coalition believes we have only one opportunity to get the implementation of this monumental initiative right to ensure safety and health effects resulting from marijuana consumption and commercialization are minimal.

The Too Far – Too Fast coalition was founded by the Ontario Safety League, one of North America's leading safety advocacy organizations since it was established in 1913. The OSL works with a wide range of provincial, national and international experts and advocates to raise awareness, reform legislation, and educate the public to encourage public safety at work, at home, on the road, and in the playground. The OSL views the commercialization of cannabis – especially as it affects children and youth, road safety and public health – as one of the most overwhelming public health and safety challenges our society faces, and will be working with organizations and advocates across Canada to encourage all levels of government to address important issues that have not been taken seriously up until now.

**“From my perspective, from my colleagues’ perspective, this legislation is being pushed through... We’re just very worried that we’re conducting a national experiment and unfortunately the guinea pigs are kids.”**

Dr. Diane Kelsal, Editor, Canadian Medical Association Journal

## Our position

Our coalition's primary objective is to make sure proper time and care is taken by the federal government to reduce the health and safety risks and costs of legal marijuana consumption on Canadian families. We strongly believe that July 1, 2018, is much too early to consider launching a cannabis commercialization framework, and have identified six recommendations that need to be addressed before legalized cannabis markets can see the light of day without imposing undue risks to Canadians.

Our coalition does acknowledge that marijuana consumption is currently widespread across all demographic groups and geographic areas of Canada, and that current laws should obviously be reformed to reflect this usage.

Recent data from Statistics Canada indicates over 12 per cent of Canadians have used cannabis in the last year. But it also found that cannabis use is highest among those in the

15-to-24 age group, with a 33-per-cent usage rate.<sup>2</sup> Given the well-documented adverse effects of cannabis use on cognitive brain development and driving, we believe that governments are moving too quickly to commercialize marijuana consumption.

The current framework under consideration would effectively make a currently illegal narcotic legal and widely available overnight. It puts too much emphasis on commercialization of cannabis in a bid to capture revenue for government treasuries at the expense of pursuing maximum harm reduction of what is fundamentally a dangerous, toxic and addictive product. Our coalition strongly believes this direction will result in the normalization of marijuana consumption in a way that will encourage young people to start using it, to the detriment of their brain development, and physical and psychological health.

Evidence collected to date supports our position that governments at all levels need to do more to reduce the potential harm caused by legal recreational marijuana consumption. Specifically, we believe that full legalization should be delayed until the proposed legislative framework can accomplish the following:

- Implement technology to **test drivers for cannabis impairment** at the roadside, and establish legal provisions to support the collection of this data as admissible evidence in prosecuting cannabis-impaired drivers;
- Set the **minimum age for purchase and consumption of legal and medically prescribed cannabis products at 25 across Canada**, in recognition of the vast existent medical evidence concluding that consuming marijuana at a young age adversely affects cognitive development, among other health issues;
- Slowly and gradually implement **access to legal marijuana products with the objective of ensuring that underage users have no opportunity to purchase these products**. This gradual implementation should be accompanied by close study and data collection to assess best practices in achieving this objective, as well as ensuring law enforcement and regulatory bodies are properly trained to deal with the full impact of legalization;
- Implement and fully fund **an effective suite of government programs that address the cost burden on overseeing a national legal cannabis framework**, including law enforcement, public education, substance abuse, product inspections and health-care costs;
- Implement **effective public health protection regulations in every province** that will establish cannabis consumption restrictions and penalties with the objective of de-normalizing consumption and protecting non-users from health risks (similar to those already targeting cigarette smoking);
- Implement a **high floor price and tax rate for legal cannabis with the objective of limiting access to young people and reducing consumption**. At the same time, law enforcement and municipalities should be given the financial and program tools to target the illegal market and successfully prosecute the criminals who control it.

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2. Statistics Canada “Prevalence and Correlates of Marijuana Use in Canada, 2012” (<http://www.statcan.gc.ca/pub/82-003-x/2015004/article/14158-eng.htm>)

Our position is shared by many others in the health and wellness community, most notably the *Canadian Medical Association Journal*. In the June, 2017, edition the *Journal* called Bill C-45 dangerous to public health and safety. CMAJ Editor Dr. Diane Kelsal wrote: “From my perspective, from my colleagues’ perspective, this legislation is being pushed through... We’re just very worried that we’re conducting a national experiment and unfortunately the guinea pigs are kids.”<sup>3</sup>

## Background

The following is an overview of the rationale, concerns and evidence supporting the recommendations of our coalition.

### ROAD SAFETY

Alarming, road crashes in Canada that kill automobile passengers or drivers are now more likely to involve drugs (prescription and illegal) than alcohol.<sup>4</sup> More study is needed to determine the role of cannabis and its psychoactive ingredient, Tetrahydrocannabinol (THC), in road crashes, but studies have conclusively determined that THC does impair the reaction abilities of drivers to the point where it would adversely affect the safety of that driver, their passengers, and other automobiles on the road.

Significantly, the three U.S. states that first legalized recreational cannabis use – Washington, Colorado and Oregon – have experienced an upswing in auto crashes attributable to legalization, according to the Insurance Institute for Highway Safety. Through collision claims reporting data comparing neighbouring states that do not have legalized marijuana, the IIHS study found collision-rate increases as high as 14 per cent in Colorado after legalization, with Washington and Oregon reporting collision rate increases of 6 per cent and 4 per cent respectively, compared to neighbouring states following legalization.<sup>5</sup>

At present, the biggest obstacle to road safety vis-à-vis cannabis use is that there is no scientific, court-prescribed and efficient method for police to determine whether a driver is impaired by cannabis at the roadside, similar to a breathalyser test to measure impairment through blood-alcohol levels.

Proposed federal legislation to update impaired driving laws would allow police to demand a fluid sample (oral fluids or blood) if they suspect a driver is impaired by cannabis. Specially trained police officers who are drug recognition experts would be allowed to give opinion evidence on a suspect’s impairment in court.<sup>6</sup> The problem

3. CBC Health “Medical journal calls for tightening rules on legal pot to protect young”; May 29, 2017 (<http://www.cbc.ca/news/health/cannabis-bill-teens-cmaj-1.4134161>)
4. Canadian Centre on Substance Use and Addiction “Drug-Impaired Driving” (<http://www.cclt.ca/Eng/topics/Impaired-Driving/Drug-Impaired-Driving/Pages/default.aspx>)
5. Insurance Institute for Highway Safety – Highway Loss Data Institute “Legalizing recreational marijuana is linked to increased crashes”; June 22, 2017 (<http://www.iihs.org/iihs/news/desktopnews/legalizing-recreational-marijuana-is-linked-to-increased-crashes>)
6. Department of Justice “Addressing drug-impaired driving” (<http://www.justice.gc.ca/eng/csj-sjc/pl/sidl-rlcfa/drug-drogue.html>)

with this approach is that it's time consuming and the technology to assess cannabis impairment has not been adequately tested in court.

The Canadian Mental Health Association (Ontario) has recommended that both drivers and passengers should be held accountable for using marijuana in a motor vehicle, as a passenger's consumption by smoking can lead to driver impairment. "A zero-tolerance policy would include both the driver of the motorized vehicle, as well as any passengers in the car. It is important that a clear message be sent to the public."<sup>7</sup>

More time is necessary for technology to catch up with evidence benchmarks recognized by the court before the federal government throws the doors open to cannabis commercialization.

## YOUTH SAFETY

The most compelling reason to take an extremely cautious, incremental approach to cannabis law reform is the conclusive and growing body of evidence that THC poses great harm to the cognitive development of youth under 25. Allowing young people as young as 18 or 19 to legally consume marijuana in essence makes the government complicit in a future public health crisis that could effect millions of Canadian youth.

The Canadian Paediatric Society concluded that one in six adolescents who use cannabis will develop a dependency leading to Cannabis Use Disorder (CUD) and Cannabis Withdrawal Syndrome (CWS) in addition to "the initiation and maintenance of tobacco smoking; an increased presence of mental illness, including depression, anxiety and psychosis; impaired neurological development and cognitive decline; and diminished school performance and lifetime achievement." Their research also found that in U.S. jurisdictions where cannabis has been legalized, "children are requiring emergent medical care at greater rates due to unintentional ingestion."<sup>8</sup>

Data and research proving that cannabis use in young people poses real and measurable danger to those under 25 has not been challenged in 15 years. Their conclusions are beyond argument within the medical and public health community and can be summed up by *Canadian Medical Association Journal* Editor Dr. Diane Kelsall, M.D., M.Ed.,: "Simply put, cannabis should not be used by young people. It is toxic to their cortical neuronal networks, with both functional and structural changes seen in the brains of youth who use cannabis regularly... Drawing on current evidence that suggests that the human brain appears to mature until about age 25 years, the Canadian Medical Association (CMA), in its response to the federal task force report, recommended that the minimum age of purchase and consumption be set at 21 years. Along with others, the CMA also called for restricting cannabis quantities and potency for those under the age of 25 years, because higher potency increases the risk of adverse effects. These pragmatic recommendations balance protection of the developing brain with the hope of reducing use of illicit cannabis among youth."<sup>9</sup>

7. Canadian Mental Health Association Ontario Branch "Cannabis Legalization and Regulation"; August 14, 2017 (<http://ontario.cmha.ca/wp-content/uploads/2017/08/Cannabis-Submission-to-MAG.pdf>)

8. Canadian Paediatric Society position statement "Cannabis and Canada's children and youth"; May 3, 2017 (<http://webcache.googleusercontent.com/search?q=cache:Pdl7PXPoYIJ:www.cps.ca/assets/pdfreactor/pdf.php%3Fflang%3Den%26paper%3Dcannabis-children-and-youth+%&cd=3&hl=en&ct=clnk&gl=ca>)

9. Canadian Medical Association Journal – editorial "Cannabis legislation fails to protect Canada's youth;" May 29, 2017 (<http://www.cmaj.ca/content/189/21/E737>)

The Canadian Mental Health Association (Ontario) also concluded that heavy cannabis use among youth is linked to anxiety, depression and psychosis, especially if this use begins in the mid-teens or there is a family history of mental health issues. These experts are calling for more research into mental health effects of casual cannabis use, with CMHA's Ontario CEO Camille Quenneville concluding, "there's not nearly enough mental health services for the population ... The one piece we struggle with is young people who are at higher risk for mental health (problems)."<sup>10</sup>

Given this overwhelming evidence, our coalition is perplexed why the federal government is so adamant that the legal age of cannabis consumption and purchase should be 18. Under the framework set out in Bill C-45, an 18-year-old will be able to legally carry up to six marijuana "joints" on a sidewalk just outside of any school property, with no restrictions (unless provincial or municipal governments implement their own). This creates an enormous health and safety problem for school boards and law enforcement, in addition to a wide open opportunity for youth under 18 to be exposed to legal cannabis. Our coalition believes the federal government clearly hasn't thought this through properly, and the result will be an avalanche of unintended consequences and public health and safety challenges for lower levels of government, not to mention parents and teachers.

## ACCESS

There are still many questions to be answered around provincial retail models for selling recreational marijuana products. Provinces like Alberta have mused about a privately owned dispensary model, while Ontario has suggested the provincially owned liquor retail system could be expanded to handle cannabis. But there has been very little discussion or study on how to restrict access to underage Canadians that should be integral to any decisions on retail models.

### **"The speed at which government intends to move ahead puts municipalities at risk in preventing adverse impacts in our communities."**

Lisa Holmes, Alberta Urban Municipalities Association

The foundation of any recreational cannabis market needs to make public safety, specifically youth safety, its top priority. But with less than a year before the launch of the federal government's proposed commercialized cannabis system, provinces and municipalities have received little guidance about what kind of foundation will be established so they can plan, regulate and invest accordingly.

We do agree with one of the key recommendations of the government's own Task Force on Cannabis Legalization and Regulation, which stated that a commercialized cannabis market should include a direct-to-consumer mail order system, currently in place for registered medical marijuana users and overseen by Health Canada. But other retail models – whether private dispensary storefronts or regulated monopolies – need further study and community input.

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10. Toronto Star "No pot smoking in cars? Tough new rules urged for legalization of marijuana"; August 14, 2017 (<https://www.thestar.com/news/queenspark/2017/08/14/no-pot-smoking-in-cars-tough-rules-urged-for-legalization-of-marijuana.html>)

Furthermore, there has been great concern expressed by municipalities about how they will absorb increased costs of compliance oversight, licensing, education, law enforcement and public health pressures that will come with cannabis commercialization. A more incremental, evidence-based approach to market access and retail models will go a long way toward alleviating these concerns.

These concerns over access and distribution of legal cannabis are reflected by the Alberta Urban Municipalities Association's President Lisa Holmes: "The speed at which government intends to move ahead puts municipalities at risk in preventing adverse impacts in our communities... Many of the health and safety impacts are complex and require collaboration between all three levels of government and time to address... Our core message to the federal government is to take a measured pace that allows provincial and municipal governments to work together to create an appropriate framework for their province. In particular, we need to ensure that the federal legislation and associated programs provide sufficient authority for municipalities to influence the sale and consumption of marijuana in their communities."<sup>11</sup>

## HARM REDUCTION PROGRAMS AND RESOURCES

We are concerned that the federal government (as well as some provinces) view the commercialization of cannabis as a fiscal one-way street: a source of new revenue for strained treasuries. The experience in other jurisdictions is that drug liberalization comes with new costs, especially if they are serious about harm reduction.

The new costs that are to be incurred include regulatory oversight of retail and distribution channels, programs to raise awareness of health risks, substance abuse counselling, enforcement of new trafficking and impaired driving laws, cracking down on organized crime and most importantly, product safety.

Our position is that very little planning has gone into how the public sector will be able to pay for the full suite of programs and investments to minimize the harm posed by legal access to commercial cannabis. The costs to be borne by Health Canada alone in regulating and inspecting the safety of cannabis products should be more transparently established so the public is assured that legal and medical products are safe to consume.

Earlier this year, a *Globe and Mail* investigation found that one-third of the black-market cannabis products purchased at Toronto dispensaries was found to be contaminated by bacteria or other dangerous substances, putting the health of users at risk.<sup>12</sup> Even medical marijuana products that are currently tested by Health Canada have been recalled due to pesticide contamination.<sup>13</sup>

Product safety is only a piece of the overall harm-reduction puzzle the federal government

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11. Alberta Urban Municipalities Association release "Municipalities call for measured pace and local voice in legalization of marijuana"; April 13, 2017 ([https://www.scribd.com/document/345099776/AUMA-Municipalities-Call-for-Measured-Pace-and-a-Local-Voice-in-Legalization-of-Marijuana#from\\_embed](https://www.scribd.com/document/345099776/AUMA-Municipalities-Call-for-Measured-Pace-and-a-Local-Voice-in-Legalization-of-Marijuana#from_embed))
  12. *Globe and Mail* "What's in your weed?" May 19, 2017 (<https://www.theglobeandmail.com/news/investigations/globe-investigation-whats-in-your-weed-we-tested-dispensary-marijuana-to-findout/article31144496/>)
  13. CBC Business "After recalls, marijuana industry focuses on sharing test results"; March 12, 2017 (<http://www.cbc.ca/news/business/canada-marijuana-industry-testing-1.4020280> )



must address before legalization can go forward with minimal risk to public safety. If they can't even get medical marijuana testing right, how can the public be sure they have the other areas under control?

**“This is quite a large undertaking. I think last time we legalized a product that was not legal was the end of prohibition in the 1930s...We want to make sure that we are protecting the vulnerable and the youth...”**

Hon. Yasir Naqvi, Attorney General of Ontario

## PROVINCIAL REGULATIONS

Sixty years ago, Canadians could turn on the radio or read a magazine (even a comic book!) to learn that doctors recommended certain brands of cigarettes for their health “benefits.” Millions of Canadians used tobacco thinking it was a safe product, and cigarette makers spared no expense promoting these vague “benefits,” fraudulent “studies” and false medical recommendations. Through these dishonest marketing campaigns, smokers were left ill informed and paid the price by suffering terribly and dying prematurely, while access to tobacco remained unchecked, even to early teenagers.

There are currently a great many health “benefits” being claimed by the promoters of medical marijuana and cannabis legalization, but with very little evidence to support the broad array of claims. Prescription pharmaceuticals have to go through years of testing and clinical trials before they can be stocked on a pharmacy shelf, where they still have major restrictions on access and health benefits claims. Has the federal government – and society as a whole – learned anything from our tragic history with tobacco?

It has taken decades for provincial governments to establish important public health protection regulations to reduce the harm caused by legal yet dangerous products like cigarettes. Many of these regulations and programs did not come about until new medical evidence was revealed, such as the dangers of second-hand smoke, for example, leading to public smoking bans.

Provincial governments need time and study to establish consumption and marketing regulations on marijuana that will not only protect non-users, but also aid in restricting access to youth. Our coalition believes that provincial governments have an important role to play in “de-normalizing” cannabis consumption, as it has done (belatedly) with tobacco, so that young people are fully aware of the health and safety risks.

Studies have revealed that aggressive regulations to limit access to cigarettes through marketing restrictions, access restrictions and price increases combined to decrease smoking rates among young people beginning in the 1990s. The result has been enormous savings for our health-care system. In order to prevent ongoing, systemic harm to flow from what is effectively expanding access to cannabis, the federal government needs to give provinces a chance to establish public health protocols and broad regulations to curb the effect this massive change will have on young people.

The scope of this task for provincial governments has been illustrated by Ontario Attorney-General Yasir Naqvi: “This is quite a large undertaking. I think last time

we legalized a product that was not legal was the end of prohibition in the 1930s... We want to make sure that we are protecting the vulnerable and the youth, that we are promoting public health and road safety and that we are focusing on prevention and harm reduction... This is also multi-ministerial work because there are several ministries that are impacted.”<sup>14</sup>

## PRICING AND TAXATION

Too many questions remain unanswered concerning the regulation of pricing and taxation of legal cannabis products across Canada. For a federal government that has tried to convince the public it intends to rigorously regulate the commercialization of cannabis to protect young people, it remains a mystery why so little has been said about the pricing and fiscal tools and mechanisms it will use to achieve this, especially in light of the fact that the illegal cannabis market will very likely continue to thrive.

Pricing and taxation of legal cannabis will be a crucial element toward the goal of curbing consumption. Our coalition would like the federal government to consider the impact of lowering legal prices intended to compete with the illicit market. As we have seen with “race to the bottom” pricing of cigarettes and alcohol in U.S. jurisdictions, lower prices lead to greater consumption of what are ultimately harmful products, leading to increases in health problems, crime and social ills.

The federal Task Force on Cannabis Legalization and Regulation outlined this conundrum in its report: “...Seeking to displace the illicit cannabis market requires the establishment of a legal market that is competitive with the existing illicit market, including safe and reasonable access, price, variety of product choice and adequate consumer education. Therefore, excessive restrictions could lead to the re-entrenchment of the illicit market. Conversely, inadequate restrictions could lead to an unfettered and potentially harmful legal market. Both extremes jeopardize the viability of the new system for cannabis.”<sup>15</sup>

Our coalition strongly believes that commercialization of legal cannabis is barreling ahead without proper consideration of regulatory mechanisms for pricing and taxation. We think that these mechanisms should set a strict floor price for legal cannabis at above \$10 a gram with the objective of limiting consumption and access to youth. There is a large body of evidence on pricing and taxation of other harmful substances, like alcohol and tobacco, that support a substantial price floor to curb consumption. In addition, this outcome was acknowledged by the Parliamentary Budget Office in their 2016 analysis of the fiscal considerations of legalized cannabis: “... higher cannabis prices discourage consumption, especially among young Canadians who are likely to be more sensitive to price.”<sup>16</sup>

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14. Canadian Press “Provinces brace for impact of federal bill on legalizing marijuana”; April 13, 2017 (<http://globalnews.ca/news/3376731/federal-bill-marijuana-legalization/>)

15. Task Force on Cannabis Legalization and Regulation “A Framework for the Legalization and Regulation of Cannabis in Canada”; November 30, 2016 (<https://www.canada.ca/en/services/health/marijuana-cannabis/task-force-marijuana-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html#a3.4>)

16. Parliamentary Budget Office “Legalized Cannabis: Fiscal Considerations”; November 2016 ([http://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2016/Legalized%20Cannabis/Legalized%20Canabis%20Fiscal%20Considerations\\_EN.pdf](http://www.pbo-dpb.gc.ca/web/default/files/Documents/Reports/2016/Legalized%20Cannabis/Legalized%20Canabis%20Fiscal%20Considerations_EN.pdf))

Consequently, we strongly believe that sales and excise tax revenue from a commercialized cannabis market should be invested in targeting trafficking, production and distribution to supply the illicit market. Our coalition strongly believes that if the government is going to generate increased income from a dangerous product by making it more accessible (and affordable) to the public, then the government should be prepared to confront the black market head on. The current legislation and framework does not set out a game plan for reinvesting profits into public health and safety, including enhanced law enforcement for illegal trafficking and production of cannabis. If the federal government is serious about its goal of protecting young people from the dangers of marijuana, then no expense should be spared when it comes to prosecuting illegal activity.

Put simply, the federal government can't have it both ways: more revenue but cheap enforcement. Our youth and communities are worth this investment.

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