



Pending Cannabis Legislation: Addressing Community Government Questions and Concerns

Presentation at NWT Association of Communities Annual General Meeting
February 16, 2018



BACKGROUND AND CONTEXT

Government of
Northwest Territories

Proposed Federal Cannabis Act

The proposed federal Cannabis Act:

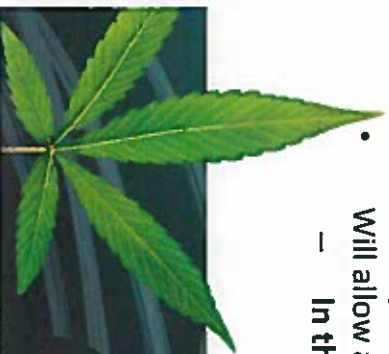
- Was introduced on April 13, 2017.
- Is anticipated to come into force in July, 2018 (with the regulation of edible cannabis products following no more than one year later).
- Will
 - Set the general criminal framework for cannabis, identifying what activities are legal and what activities remain prohibited;
 - Provide for the licensing and oversight of a legal cannabis supply chain; and
 - Set federal regulatory standards to protect public health and public safety.



Role of Provinces and Territories

The proposed Cannabis Act will set the framework for legalizing, regulating and restricting access to cannabis. Provinces and territories will have flexibility in how certain aspects are regulated. For example, under the proposed federal Act:

- 18 will be the age at which individuals can legally purchase cannabis.
 - In the NWT = 19 years.
- The possession limit will be set at 30 grams of dried cannabis or its equivalent in a public place.
 - In the NWT = federal possession limits.
- It is up to each province and territory to decide how cannabis will be sold and distributed to their residents.
 - In the NWT, distributor = Liquor Commission (including mail order).
 - Sale of cannabis in “cannabis only” stores may be explored in future.
 - Medical cannabis will continue to be the responsibility of the federal government.
- It will be to each province and territory to decide how to regulate the public smoking of cannabis.
 - In the NWT, smoking cannabis will be prohibited wherever smoking tobacco is prohibited, in addition to areas that are frequented by children, youth and crowds.
 - Community governments may choose to make bylaws that expand the areas where the smoking of cannabis is prohibited by territorial legislation.
- Will allow adults to grow up to four cannabis plants in their home for personal use.
 - In the NWT = federal limit.





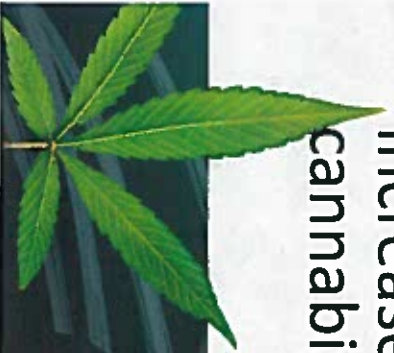
Public Smoking: Regulation and Enforcement

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Public Smoking: Regulation and Enforcement

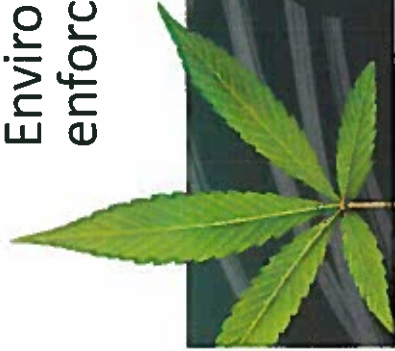
The Department of Health and Social Services is tasked with regulating the smoking of cannabis in public places.

The proposed Cannabis Smoking Control Act is intended to protect NWT residents, particularly children and youth, from second hand cannabis exposure and reduce possible risk of increased normalization by restricting public areas where cannabis can be smoked.



Public Smoking: Regulation and Enforcement Cont.

- It is proposed that cannabis cannot be smoked in any place where tobacco cannot be smoked in addition to areas that are frequented by children, youth, and crowds such as:
 - Playgrounds
 - Sporting fields
 - Public parks when in use for a public event
- Primary enforcers of the proposed Act will be the Department's Environmental Health Officers. These are the same officers that currently enforce the *Public Health Act* and the *Tobacco Control Act*.



Options for Community Government Participation in the Regulation and Enforcement of Public Smoking of Cannabis

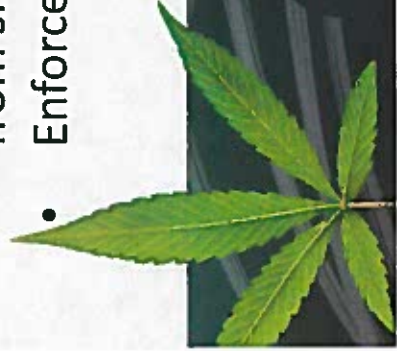
How can community governments participate?

1. Community governments will have the authority to create and enforce their own bylaws that expand on the provisions set out under the proposed Cannabis Smoking Control Act.
 - No ministerial approval is required.
 - Any fine revenue collected under the bylaw stays in the community.
2. If a community government decides at any time that it would like the authority to enforce the Cannabis Smoking Control Act, it can request that its community enforcement officers be designated as inspectors by a regulation made under the Act.
 - A template letter will be made available to communities in coming months.



Public Smoking: Addressing Volume of Enforcement Issues

- We recognize that there may be additional demands on our Environmental Health Officers (EHOs) to enforce the prohibitions related to smoking cannabis in public places.
- There are 7 EHOs regionally based out of Yellowknife, Inuvik and Hay River, and serving all NWT communities.
- As with tobacco, enforcement of the prohibitions related to smoking cannabis in public places will be carried out through a complaints-based system.
- Public education and awareness efforts will be key to ensuring that residents have the information they need to make informed decisions, and to discourage them from smoking in areas where children, youth and crowds gather.
- Enforcement is an additional tool to help change behavior.





Local Options for Restriction or Prohibition

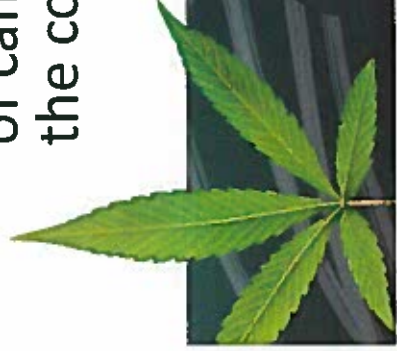
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Local Options: Restriction or

Prohibition

The proposed Cannabis Products Act will provide communities with the option to hold a plebiscite to decide whether restrictions or prohibitions on cannabis distribution and consumption should be put in place, parallel to the options available for restricting liquor.

- Prohibited communities would have a complete ban on the possession, consumption and transport of cannabis.
- Restricted communities would feature limits on the quantity or type of cannabis that could be possessed, consumed or transported in the community.



Local Options: Process

The steps for local restrictions will be:

- **Step 1** – a municipal council or band council makes a resolution requesting that the Minister of Finance hold a plebiscite on the establishment of a cannabis restriction or prohibition system
- **Step 2** – the Minister orders a plebiscite, sets the question, fixes the date, and appoints a returning officer
- **Step 3** – plebiscite held
- **Step 4** – assuming a majority of voters approves the restriction or prohibition system, the Minister makes regulations to implement the system

If a municipal or band council does wish to proceed, they should **informally notify the Department of Finance as soon as possible** to expedite the process.



Local Options: Additional Considerations

- Timing and policy rationale
- The dual objectives of the territorial legislation are:
 - Keeping cannabis away from children, and
 - Keeping cannabis revenues out of the illegal market
- For example: if illegal sales are already a problem in your community, will imposing prohibitions or restrictions on legal cannabis impact illegal sales?



Proximity of Legal Distribution to Schools

- Initially, legal sales of cannabis will be in existing liquor stores.
- Possibly in “cannabis-only” stores in the future, but communities would be consulted on the location of any future stand-alone cannabis stores.



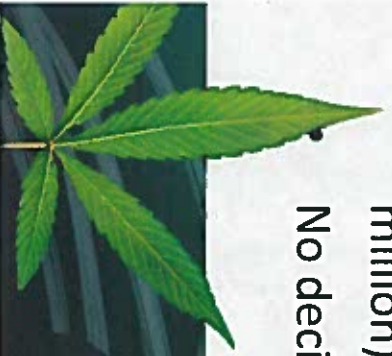


Federal/Territorial Cannabis Taxes

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Cannabis Tax Revenue

- Canadian finance ministers have agreed in principle to a two-year cannabis excise duty framework. Under the agreement:
 - The federal government will apply a cannabis excise tax no greater than \$1 per gram or 10% cent of a producer's selling price.
 - The GNWT will receive 75% of the tax generated in the NWT below the federal cap of \$100 million and all NWT tax revenue above the federal cap;
 - NWT cannabis mark-ups will not create excess profits.
- Early estimates indicate that NWT cannabis revenues will be modest (less than \$1 million) and that there is likely to be a range of increased expenditure pressures.
- No decisions have been made concerning GNWT cannabis revenues.





Workplace Impairment

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Worker Responsibilities

- Ensure you are “fit to work” : *Is your ability to function impaired due to fatigue, illness, alcohol, drugs or any other condition that may be hazardous to yourself or your coworkers?*
- Inform your employer of known physical or mental impairments or limitations.



Employer Responsibilities

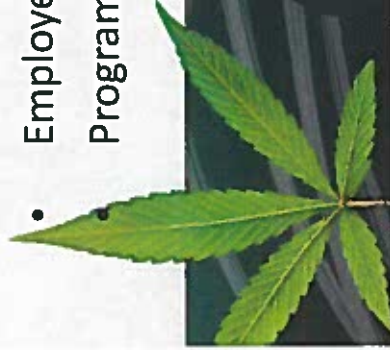
- Consult with OHS Committee, OHS Representative, or workers.
- Develop and implement a written policy regarding impairment.
- Ensure staff have read and understand the policy.



Impairment Policy and Procedures

Includes:

- Definition of impairment;
- Employer Commitment of the following:
 - Employer will not permit workers who are impaired to work where they may be a hazard
 - Employer will take corrective action when an individual knowingly works while impaired;
- Implementation plan;
- Hazard identification and assessment methodology;
- Preventive measures;
- Employee education; and
- Program evaluation.



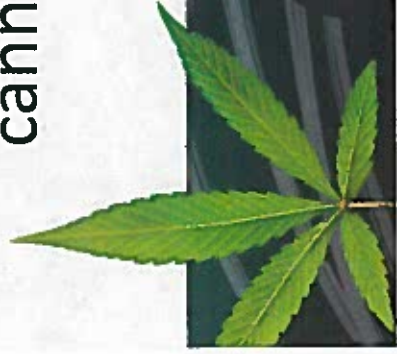


Next Steps

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Leading to July 2018

- Development and introduction of territorial legislation.
- Normal process of review and debate in the Legislative Assembly.
- Development of the policies, programs and operational arrangements necessary to address the legalization of cannabis in the Northwest Territories.





Discussion

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