

# Cannabis Legalization in the Northwest Territories

*Report on What We Heard*



Government of Northwest Territories    Gouvernement des Territoires du Nord-Ouest



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# Executive Summary

From July 11 to September 22, 2017, the Government of the Northwest Territories (GNWT) invited feedback on how to protect the health and safety of residents and communities once cannabis is legalized in July 2018. The goal of the cannabis public engagement was to hear views on the principles being proposed to guide the GNWT's work on the safe regulation of legal cannabis and on:

- Measures to control the sale and distribution of cannabis;
- The minimum age for purchase and consumption;
- Drug-impaired driving;
- Workplace safety; and
- Public consumption.

The public engagement was an important step in understanding the concerns of residents before beginning to draft legislation for the Northwest Territories.

The key observations from the public engagement were:

- **Principles:** Respondents largely agree with the proposed principles to guide the GNWT to safely regulate legal cannabis.
- **Public awareness:** Significant support was expressed for government spending on public awareness and education. The GNWT must work to dispel myths about cannabis use and ensure a balanced approach focussing on harm reduction and safe use to mitigate the risks of cannabis consumption.

A multitude of public outreach approaches were proposed with traditional media, social media, school curricula, and print media mentioned the most frequently.

Most respondents thought parents, health and social work professionals, teachers/educators, elders and community leaders, RCMP, GNWT officials, employers, high-risk populations, seniors, pregnant women, young adults, teens and children should all be involved in cannabis awareness and education.

- **Youth access:** There is significant support for increasing the minimum legal age for cannabis, with many suggesting 19 years of age to be consistent with the legal age for alcohol consumption, although some respondents would prefer an age greater than 19. However, there was a widely held view that the age restriction would not stop cannabis use by youth and that public education was crucial.
- **Public use:** Most participants appeared to support some restrictions on smoking cannabis in public, especially around children and minors. Some called for designated outdoor smoking spots (especially for festivals and perhaps in parks and campgrounds) and/or dispensaries where consumption would be allowed.

- **Possession limits:** The majority of respondents opposed lowering carrying and plant possession limits below the proposed federal limits of 30 grams and four plants per household.
- **Drug-impaired driving:** Most participants supported education to raise public awareness as the best policy tool to prevent drug-impaired driving, but there was also strong support for fines and other penalties. Concerns about enforcement, including testing and monitoring, were also raised.
- **Drug-impairment at work:** A clear majority of participants favoured using existing rules for alcohol and drugs, including immediate dismissal for using recreational cannabis at work.
- **Distribution and sales:** There was significant support for a GNWT agency such as the Liquor Commission to provide control at the distribution level, but preferences for the retail sales system were mixed, with a little more than half supporting the liquor commission model and others wanting opportunities for private stores or dispensaries. Opinions were mixed on whether having points of sale similar to tobacco products would provide enough control at the retail level. There was clear support for online/mail order sales to ensure access to cannabis in communities without an approved store, in order to help suppress the illegal market.
- **Community prohibitions and restrictions:** Participants were divided on whether communities should have the option to put local restrictions or prohibitions on cannabis use. Those who did not support local options were mainly concerned that restrictions would unintentionally serve to support the illegal market.

### Next Steps

The results of the cannabis public engagement will be used to inform the development of legislation that the GNWT must put in place before the federal legalization of cannabis planned for July 2018.

Once legislation has been developed, it will be introduced in the Legislative Assembly and will be available for public review. The legislation will follow the normal process of review, discussion and debate in the Legislative Assembly.

# Why Did We Speak with Northerners?

The Government of Canada's plan to legalize cannabis by July 2018 requires the GNWT to take immediate action to develop and implement measures to control the sale and distribution of cannabis, the minimum age for purchase and consumption, drug-impaired driving, workplace safety, and public consumption. The GNWT is committed to having effective measures in place to protect the health and safety of residents and communities, and needed to hear from Northerners on the best ways to do it.

The goal of the cannabis public engagement was to hear the views of Northwest Territories residents on the principles being proposed to guide the GNWT to safely regulate legal cannabis, and on a number of specific questions. The public engagement was an important step in understanding the concerns of residents before beginning to draft legislation for the Northwest Territories.

## The Public Engagement Process

The cannabis public engagement was held from July 11, 2017, when the online survey was launched, to September 22, 2017— two days after the last community meeting was held.

The public engagement process consisted of three components:

- Residents were invited to provide comments on the principles and related questions through an online survey, by email, or by mail.
- Facilitated public meetings in the seven regional centres (Fort Simpson, Inuvik, Norman Wells, Yellowknife, Fort Smith, Hay River, Behchoko), Tsiigehtchic and Fort Liard. The public meetings began with a brief context-setting presentation from a facilitator, followed by an explanation of the questions to which feedback was being sought. From that point, participants were invited to provide comments on how best to make the legalization of cannabis work in the Northwest Territories.
- The Minister of Justice sent 120 letters to community and Aboriginal governments and various organizations inviting them to respond to the survey questions.

The cannabis public engagement was widely publicized, including print advertising in seven territorial and regional newspapers, radio announcements, posters, and social media.

## The Questions That Were Asked

Appendix A provides the questions that were included in the online survey and that were used to guide the conversation at the public meetings. Relevant information was presented alongside each question. Most of the survey questions were framed as YES/NO questions, with additional space provided for respondents to elaborate on their answers.

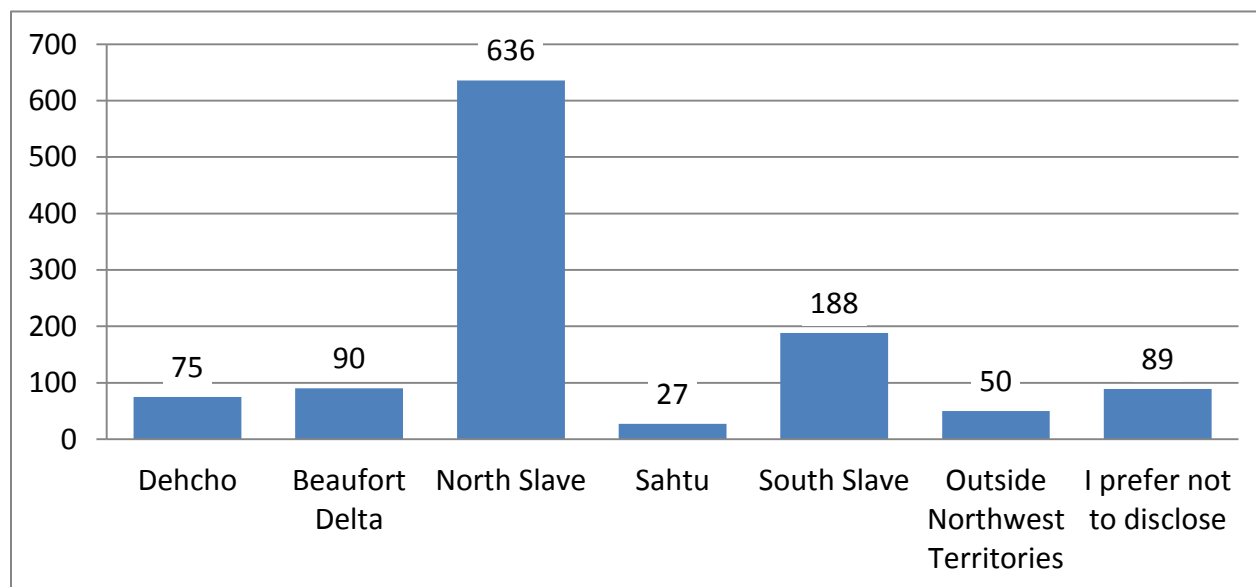
The additional comments provided by respondents were reviewed and categorized by theme, which provided further insight into reasoning on the YES/NO questions. Many comments touched more than one theme and each theme was counted in the relevant category.

## Cannabis Legalization Consultation Results

The cannabis public engagement survey received 1,155 online responses, and a further five that were printed off and submitted by scan, fax or mail. Nine written submissions were received from organizations and individuals (see Appendix B). The responses to the online survey reflect the views of those who chose to participate and do not represent a random sampling of Northwest Territories residents.

More than half of the online survey submissions were from the North Slave region (55 per cent), with the South Slave region contributing another 16 per cent. The Beaufort Delta represented eight per cent of submissions, followed by the Dehcho at six per cent and the Sahtu at two per cent. Four per cent of submissions came from outside the territory, and eight per cent of respondents preferred to not disclose their location.

Figure 1: Survey Responses by Region

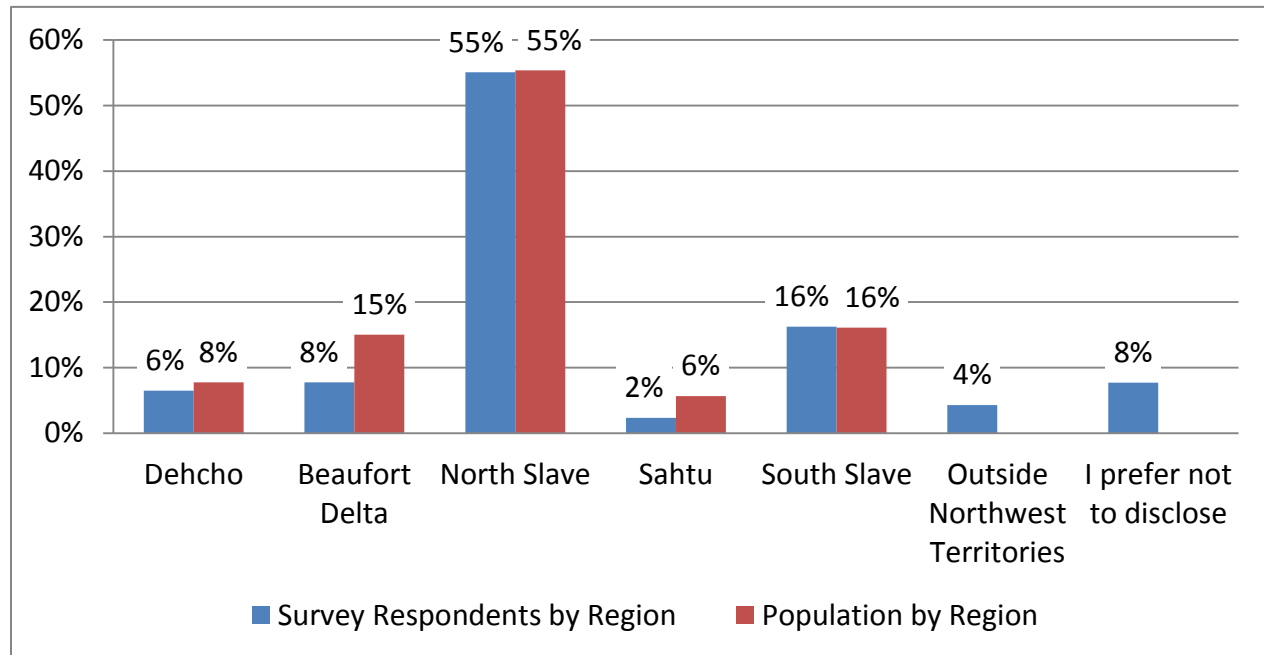


The online survey is generally reflective of the population distribution among different regions. For example, 55 per cent of NWT residents live in the North Slave region and 55 per cent of the respondents identified themselves as coming from the North Slave region. The Dehcho and South Slave regions contributed to the survey in the same proportion as their share of the NWT



population. The participation rates of the Beaufort Delta and Sahtu regions lagged behind their total NWT population share.

**Figure 2: Share of Respondents of Total Survey by Region and Share of NWT Population by Region**



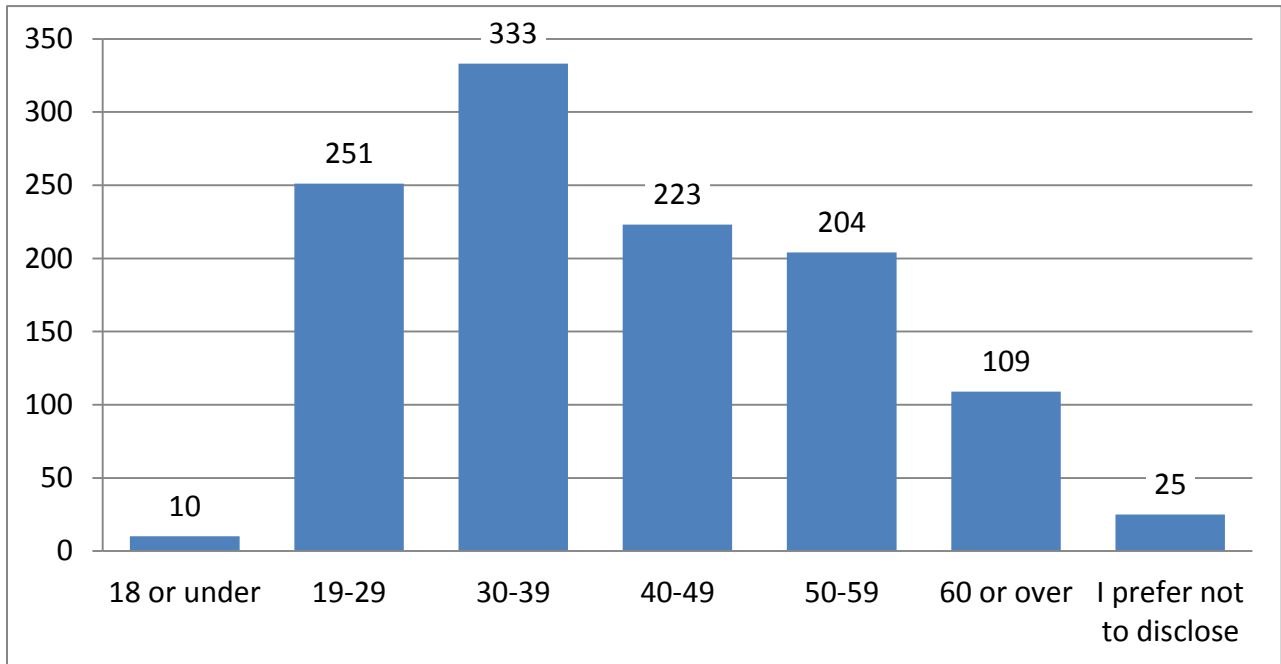
**Population source: Data for 2016, NWT Bureau of Statistics**

Respondents were almost exclusively submitting as individuals (95 per cent). Businesses and other organizations were represented by a small number of submissions (one per cent each), while three per cent preferred not to disclose.

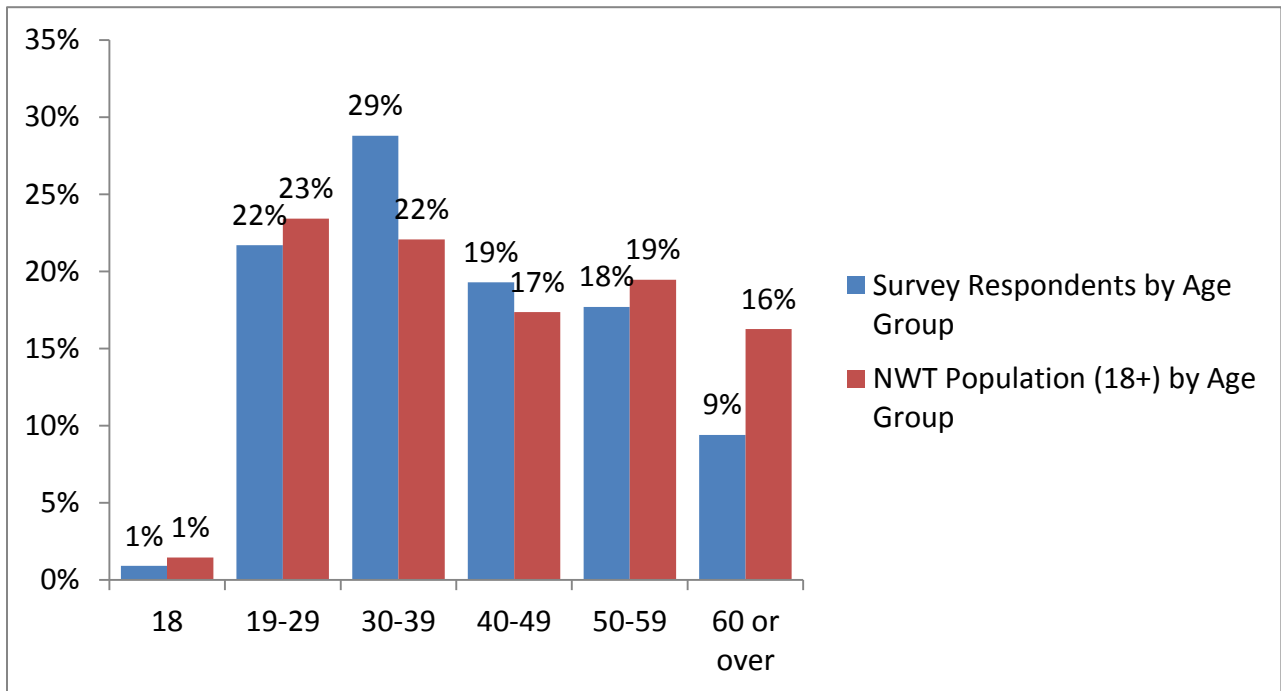
The largest age group that participated were those aged 30-39, at 29 per cent. The 19-29 group comprised 22 per cent of respondents, 40-49 were 19 per cent, followed by the 50-59 group at 18 per cent. Those over sixty years of age represented nine per cent of survey responses, and another two per cent did not disclose their age.

For the most part, the share in each age group taking the online survey was close to the share of that age group in the general population. However, the share of respondents from the 30-39 age group is greater than their share of the general population (29 per cent compared to 22 per cent), while the over 60 years old category was less than their share of the general population (9 per cent compared to 16 per cent of the population). Overall, three per cent of the population of the Northwest Territories participated in the survey.

**Figure 3: Survey Responses by Age**



**Figure 4: Share of Respondents of Total Survey by Age Group and Share of NWT Population by Age Group**



Population source: Data for 2017, Statistics Canada

Almost 200 individuals participated in the nine public meetings shown below.

<b>Where</b>	<b>Date</b>	<b>Estimated Number of Participants</b>
Fort Simpson	September 06, 2017	6
Fort Liard	September 07, 2017	25
Inuvik	September 11, 2017	22
Tsiigehtchic	September 12, 2017	7
Norman Wells	September 13, 2017	7
Yellowknife	September 14, 2017	61
Fort Smith	September 18, 2017	20
Hay River	September 19, 2017	27
Behchoko	September 20, 2017	21

# What We Heard

This report combines and summarizes feedback received from all sources including the responses from the online survey, written submissions and what was heard at the public meetings. The comments are organized by theme under each of the engagement questions.

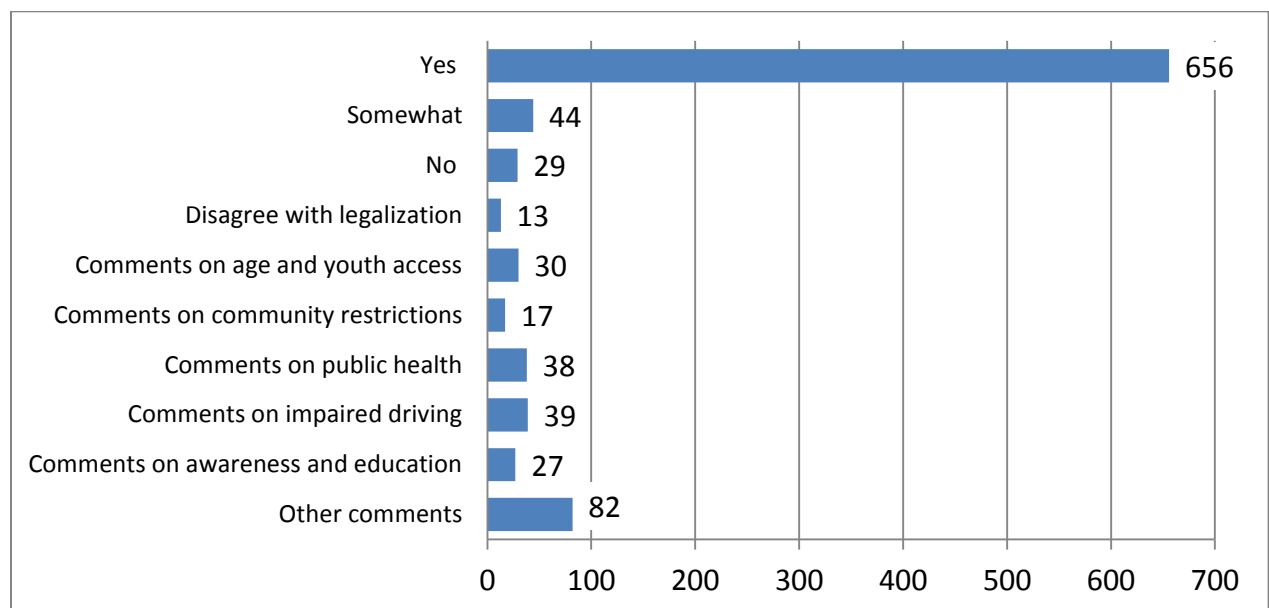
It should be noted that all graphs depict information that was received through the online survey, and do not include what was heard at the public meetings or through written submissions provided outside of the survey.

## 1. Do the proposed principles describe what the GNWT should be doing as they develop policies and legislation about legal cannabis? Should principles be added or removed?

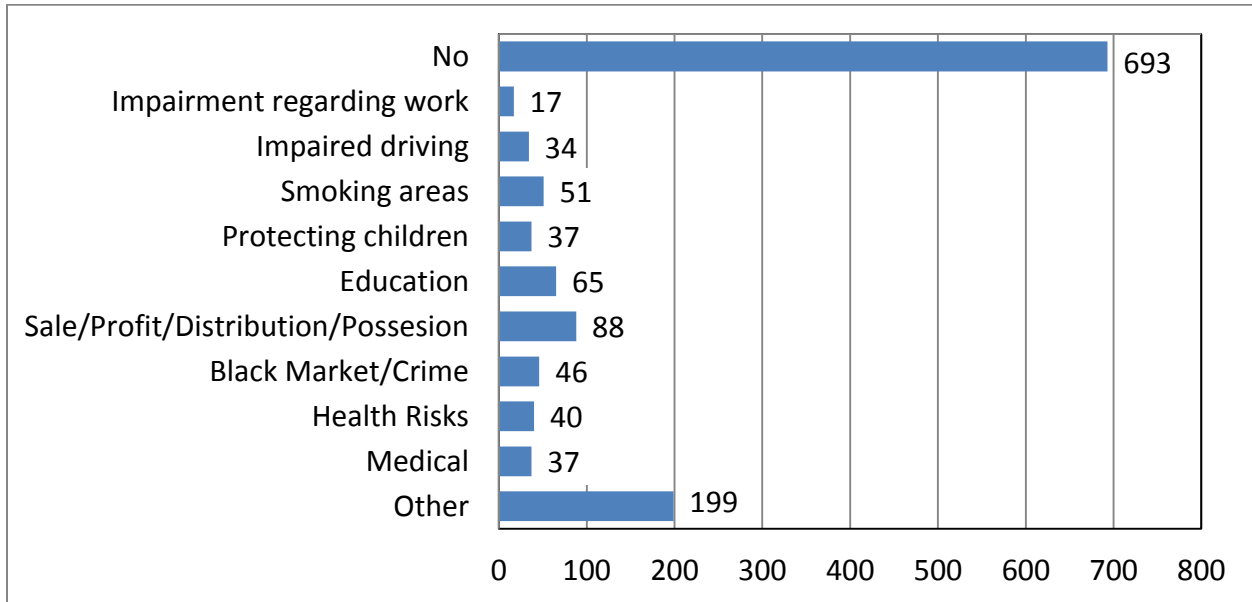
The online survey asked about the proposed principles, but these were not directly discussed in the public meetings.

The responses to the survey questions on the proposed principles were largely in favour of the principles, and additional feedback highlighted an array of issues that individuals wanted to raise for consideration. Many of these issues were addressed directly and in more detail later in the survey, and those responses will be further discussed below. This initial set of questions did serve to offer a good snapshot of where public interest and concern lay. The following charts show that the online survey respondents are broadly in agreement with the proposed principles.

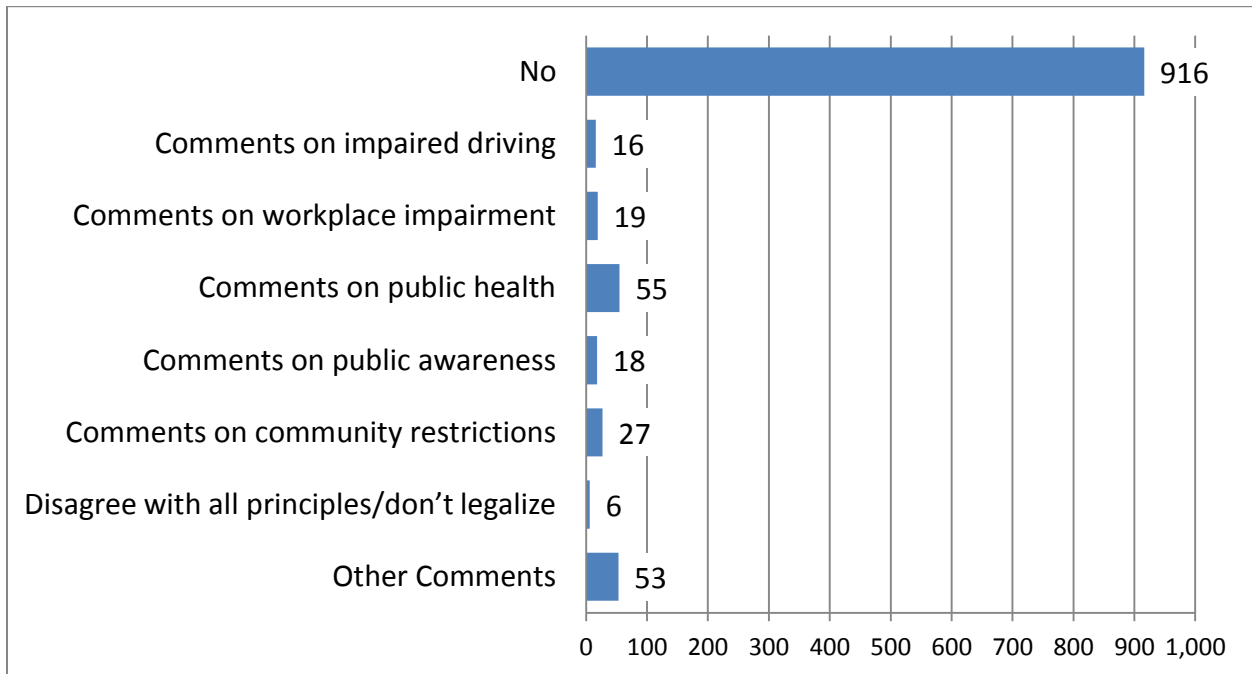
Figure 5: Do the proposed principles describe what the GNWT should be doing as they develop policies and legislation about legal cannabis?



**Figure 6: Should principles be added?**



**Figure 7: Should principles be removed?**



Overall, the responses indicate that respondents are largely in favour of the guiding principles. 693 participants (67 per cent) clearly indicated that they believe that the guiding principles describe what the GNWT should be doing as it develops policies and legislation relating to legal cannabis, as opposed to 29 respondents (three per cent) who indicated that they disagreed. Many comments about the guiding principles reinforced the importance of the existing principles. Other comments

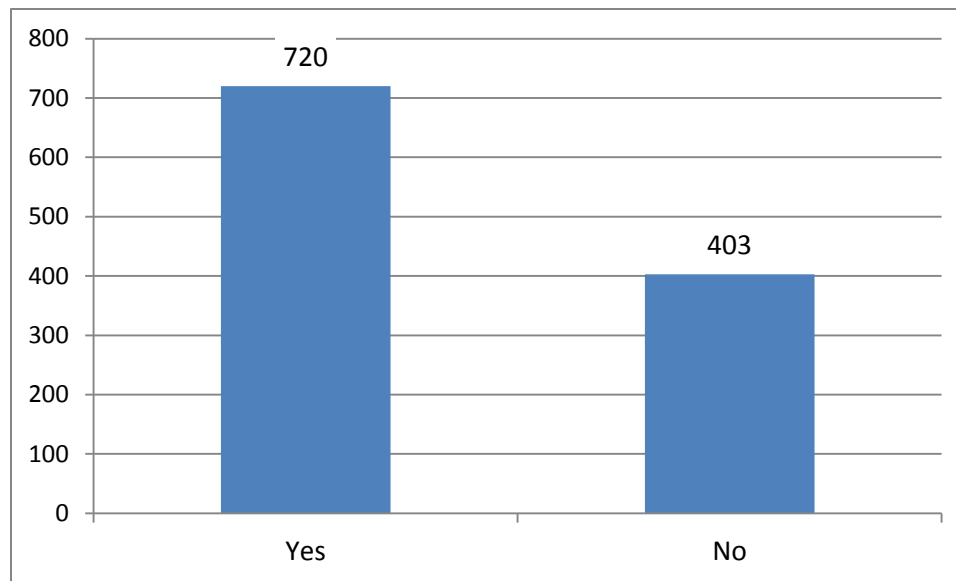
called for the principles to be stronger or highlighted other concerns that are summarized as follows:

- Many suggested the principle on drug-impaired driving should be strengthened beyond simply “discouraging” it. A small group of respondents claimed consuming cannabis does not impair drivers, and that this should not be a principle.
- Decisions around access, pricing and taxation must take into consideration the goal of eliminating the black market, and reducing criminal participation.
- Questions were raised around whether these principles would apply to edible products. There were also concerns voiced around ensuring that edible products (and other cannabis products) would be appropriately labelled with potency and dosage amounts, and that these would not be made accessible to children.
- A small segment of respondents indicated that they fundamentally disagreed with the legalization of cannabis, and did not agree with any of the principles.

## 2. Should the legal age be raised above the minimum age of 18?

Overall, 64 per cent of survey respondents favoured an increase in the legal age above the minimum age of 18 years proposed in the federal legislation.

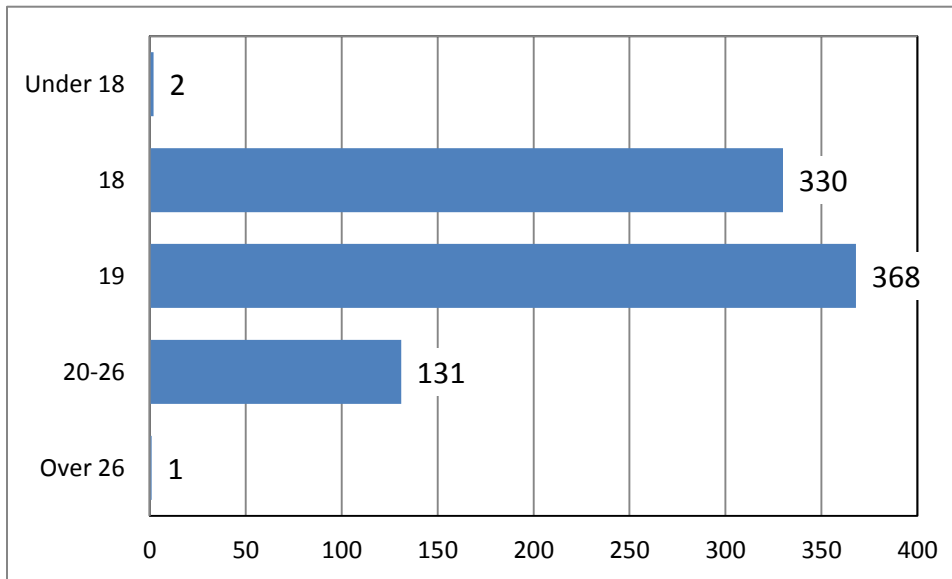
Figure 8: Raising the Legal Age



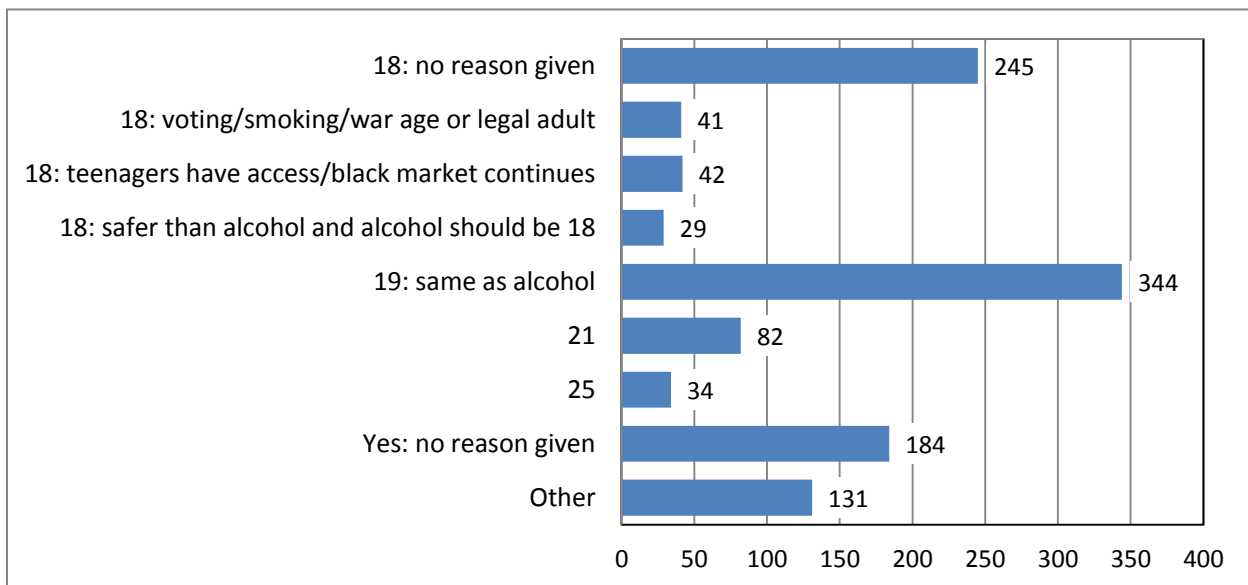
Of the 720 survey responses wanting the legal age increased: 368 (51 per cent) used the comment section to propose that the minimum legal age be raised to 19 years, with 344 of those responses stating their reason was to achieve consistency with the legal age to purchase alcohol; 18 per cent called for increasing the legal age above 19 years; and 25 per cent did not provide comments.

Of the 403 survey responses in favour of maintaining the legal age at 18 years, 245 did not provide a reason but others gave reasons about 18 years being the legal age of majority, and the ability of 18 year olds to get access to cannabis regardless of the age restriction.

**Figure 9: Age Group by Comments**



**Figure 10: Age Recommendations with Commonly Cited Reasons**



A central theme relating to the age limit in both the survey comments and community meetings was that regardless of what age limit was chosen, education about the risks of cannabis use will be of key importance. It was suggested that 18-year olds already have easy access to cannabis through

friends and parents, and the GNWT should focus on education that provides information on harm reduction strategies, and responsible use.

Those who felt that the legal age should be 18 years were more likely to compare cannabis use to tobacco, and identified cannabis as being a less harmful substance overall than alcohol. Other proponents of setting the legal age at 18 explained that youth already use cannabis and are not likely to stop when it becomes legal—forcing them to access it illegally from unregulated and unsafe sources. The age of 18 was identified by participants as the “age of adulthood”, and it was suggested that if individuals are old enough to leave home, drive, smoke tobacco, vote and join the armed forces, they should also be considered old enough to purchase cannabis.

Many favoured increasing the minimum age to 19, citing consistency with the age to consume alcohol in the NWT, and as a compromise given concerns about the impact of cannabis use on brain development. While it was recognized brain development continues to 25 years, it was suggested that the black market is targeting 16 to 19 year olds and moving to the higher age limit of 25 years will not stop that. Others noted that setting the age at 25 is not practical, and called for consistency with the rest of Canada. While those advocating for the increased age limit acknowledged that youth would still be able to get cannabis, they felt the higher age limit would make it more difficult to do so.

Educators participating in several of the community meetings expressed concerns that allowing 18-year olds to legally purchase and possess cannabis would expose younger contacts to cannabis. Many youth are still in high school at 18, and could be pressured to buy cannabis and provide access for their underage friends. Raising the minimum age above 18 would minimize this concern. These concerns were echoed in the survey responses.

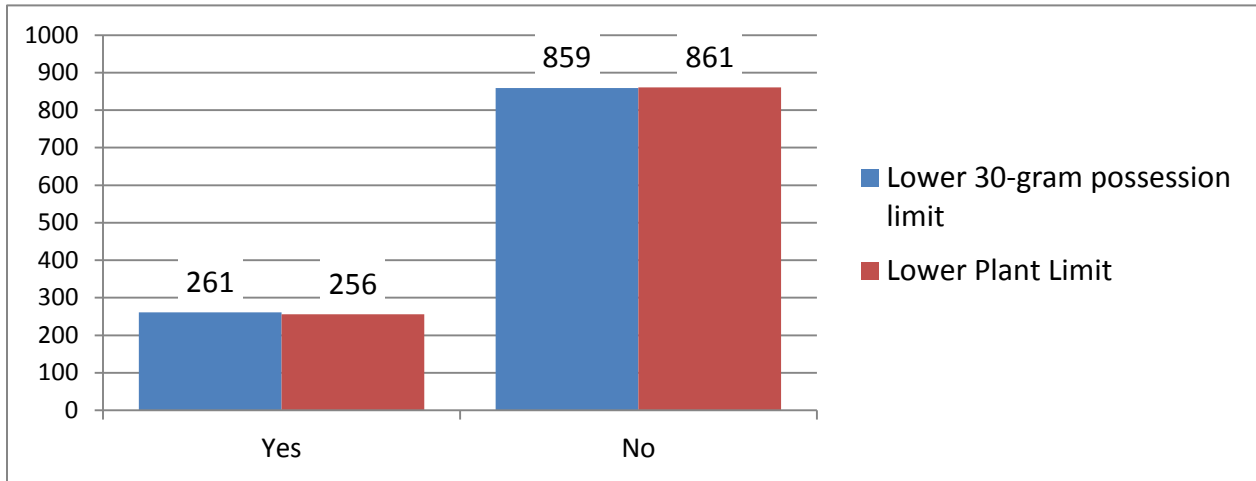
### **3. Should the 30-gram limit for possessing and sharing cannabis be lowered?**

### **4. Should the number of cannabis plants allowed in a household be less than four?**

Survey respondents favoured maintaining the 30-gram carry limit and the four plant homegrow limit by a margin exceeding three to one.

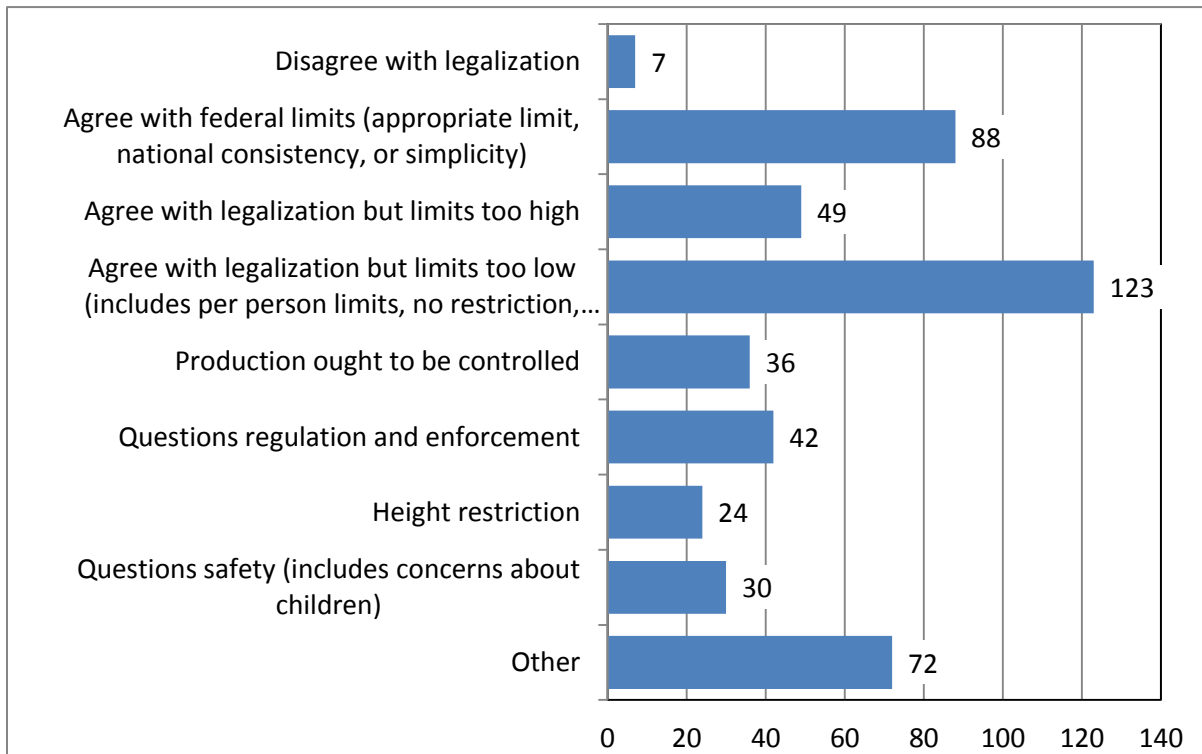


**Figure 11: Possession Limits**



Of the 471 survey respondents who included comments for this question, 260 comments agreed with legalization in general, but 123 of these respondents thought the limits were too low and included preferences for limits per person instead of per household, for removing the height per plant restriction, or having no restrictions at all. Among the other 137 commenters who agreed with legalization, 88 respondents agreed with the federal limits, and the remaining 49 respondents preferred further restrictions on carrying limits and on growing plants.

**Figure 12: Categorization of Additional Comments on Possession Limits**



Most feedback received through the survey and the public meetings indicated that the 30 gram carry limit was appropriate. There were concerns about how limits would be enforced, and questions with respect to the carry limit. People wanted to know if the 30 gram limit would apply to how much a person would be able to store in their home, and if not, how much they would be allowed to store. Others questioned why there was even a discussion about changing the federal limits when consistency across the country should be a priority.

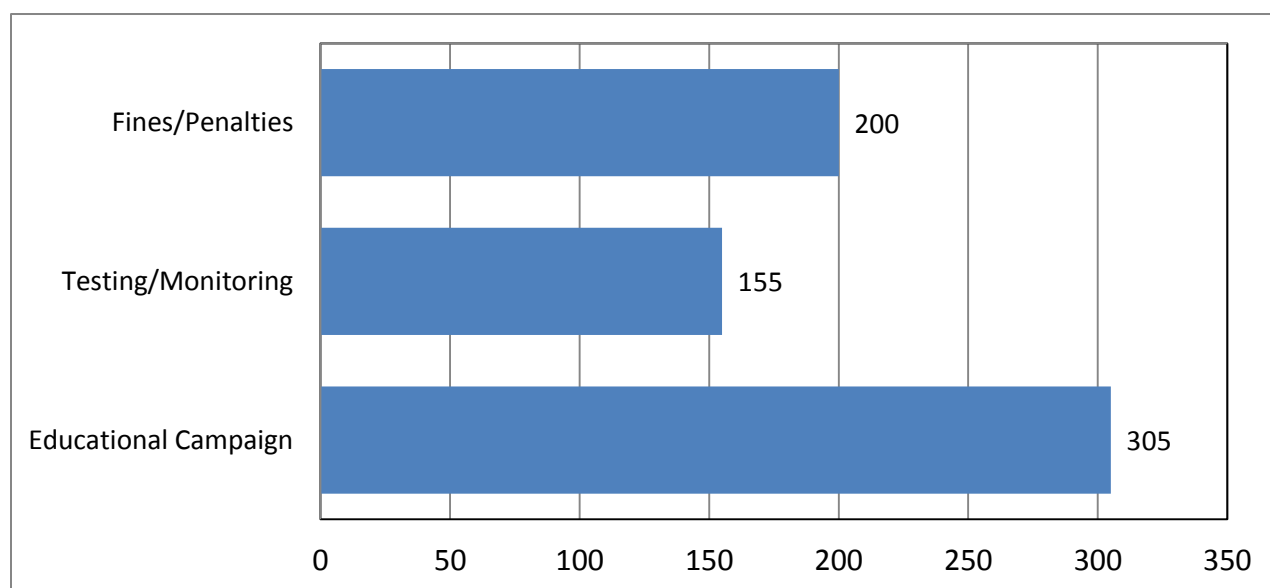
Regardless of opinions on the proposed limits, it was suggested that the limits were not necessarily practical or enforceable. For example, some suggested that the height restriction would only encourage people to grow wider plants. The community engagement panel was advised that communities needed to be involved in this discussion. A number of individuals pointed out that searching an individual for cannabis or inspecting homes to determine the number and height of plants without a warrant or just cause represented a potential violation of rights.

While not directly related to possession limits, this topic often invited questions about how current cannabis laws would be enforced leading up to July 2018, and whether or not existing cannabis-related criminal charges or records would be expunged or pardoned upon legalization. Some felt that the RCMP should not be expending resources to charge individuals for behaviours that will become legal within a few months. They also felt that the legalization of cannabis should somehow address the impact that cannabis-related charges have had on residents (for examples: the ability of those with criminal records related to cannabis to get employment or to travel to other countries).

## 5. What do you think should be done to prevent drug-impaired driving?

Out of 760 survey responses, 305 comments stated an educational campaign is the policy tool to prevent drug-impaired driving, 200 comments supported fines and other penalties and 155 comments called for testing and monitoring. Other comments did not answer this question.

Figure 13: Drug-Impaired Driving Prevention



Both the survey and public meeting received feedback that the related guiding principle— to discourage drug impaired driving—was not worded strongly enough, and that the GNWT needed to make it clear that drug-impaired driving was unacceptable under any circumstance.

Much of the discussion on impaired driving centred on education and how the GNWT could prepare the public for cannabis legalization. Feedback indicated the importance of education to reach those who have a belief that cannabis does not impair drivers, or that it can actually improve driving.

Some noted that the research was not yet available to provide cannabis limits that are equivalent to alcohol limits for determining impairment. The importance of having accurate and reliable devices to screen for impaired drivers was stressed, along with the need for police training. Others suggested it would be helpful to develop a means for individuals to test themselves in order to understand what the legal limit feels like for them. Many voiced concerns around setting a limit that indicates impairment, especially for regular or medicinal users who could still have levels in their blood above the set limit even if they have not smoked for an extended period. Many suggested further research in this area is needed to set appropriate limits.

In general, there were concerns—specifically in smaller communities—about whether or not the RCMP would be prepared to properly enforce the new laws once they came into effect. A number of participants asked about the cost of enforcing impaired driving laws— particularly the cost of the equipment for roadside cannabis level tests. Others raised concerns about RCMP training, and asked when testing would be available in communities. In the community meetings, staffing was also raised as an issue, and the engagement panel was asked to consider what happens when the RCMP officers with specialized training (Drug Recognition Officers) are transferred. The panel was asked to research if the incidence of impaired drivers increased with the legalization of cannabis, and what this meant for enforcement costs.

Some called for penalties to be higher than those in place for alcohol as a deterrent. Others called for cannabis impairment to mirror the rules for alcohol use, because of the belief that people will change their behaviour if they clearly understand the punishment. Some participants argued any trace of cannabis should be equated with impairment regardless of how much cannabis it might take for a person to become impaired.

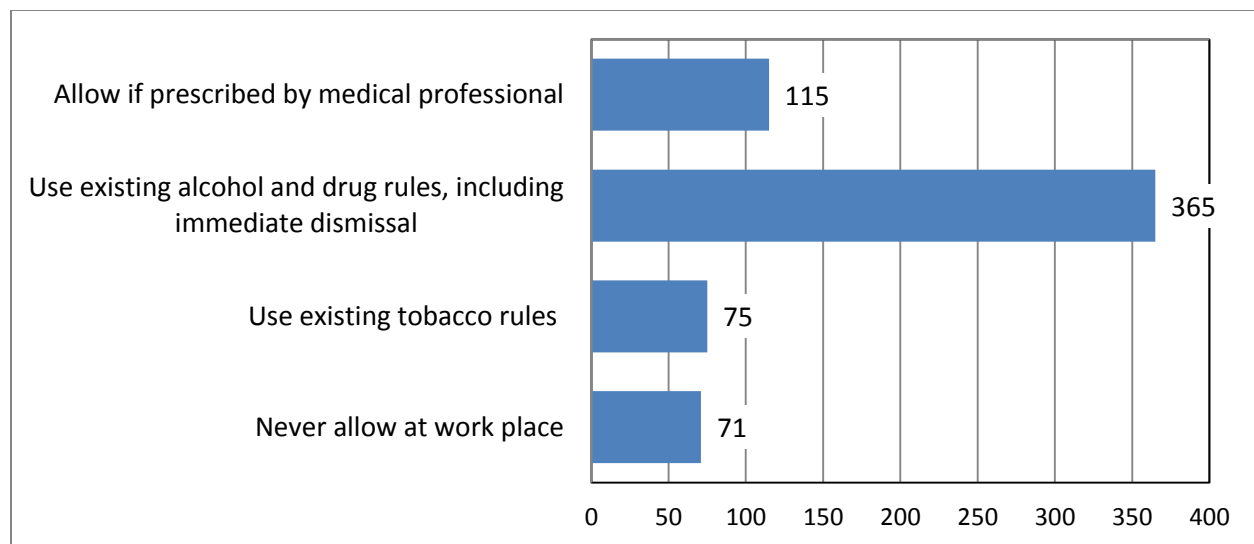
Another area that was flagged by respondents was the need for strong public transportation options including bus service. Other transportation options that were flagged included affordable taxi services, pedestrian friendly walkways.

## **6. Do you think there should be special rules to deal with the use of drugs at work?**

In the online survey it was clear that there were differences in how people interpreted the term “special rules”. Some people answered the question as “No special rules are needed because cannabis should be treated like alcohol and other drugs” and others answered “Yes there should be special rules because it should be treated like alcohol and other drugs.”

Of the 626 survey respondents who provided comments, 365 suggested that the existing rules for alcohol and drugs are sufficient for cannabis use issues at work, while 71 stated that cannabis should never be allowed in the workplace. However, 115 comments called for cannabis to be allowed in the workplace if it were prescribed by a medical professional, and 75 comments called for cannabis to be treated the same as tobacco.

Figure 14: Special Rules for Drugs at Work



Overall feedback from all sources indicated a strong call for clear workplace guidelines on cannabis use, as well as education and awareness campaigns targeting employers and employees to ensure that they were well aware of any new policies and regulations in the workplace. Education was stressed by many as critical to ensuring workplace safety. Many felt that it was crucial for employers to be given information on permissible limits and to train managers and other employees to recognize the physical signs of impairment. Many assumed that this would be done through working with Workers Safety and Compensation Commission (WSSC). It was suggested this work be tied to Occupational Health and Safety (OHS) legislation so employers would have a legal obligation to make workers aware of rules relating to cannabis use.

Most agreed that there is no place for drugs in the workplace. There was a clear call to balance the right of individuals to use cannabis on their own time with a way to enforce zero tolerance for impairment at work, with rules similar to alcohol use. Some individuals felt that employers should be allowed to fire workers who are impaired, while others feared that employers would use tests indicating that cannabis was present in their blood as cause for discipline or dismissal, even if an employee was not impaired at work. This concern was especially stressed concerning employment at mine sites.

Participants in a number of community meetings pointed out an unintended consequence of current workplace drug testing - that it leads employees to turn to cocaine and other drugs that leave the body faster than cannabis, even though they would prefer to use cannabis.

While schools currently have some discretion in handling cases of students who possess or are under the influence of drugs, some participants wondered if there should be a consistent and coordinated approach to cannabis possession and impairment across all NWT schools.

## 7. Do you think people should be able to smoke cannabis in public?

Are there particular public areas where smoking cannabis should be strictly prohibited? Are there public places where it should be allowed? If so, under what circumstances?

Roughly half of the survey respondents thought that people should be able to smoke cannabis in public.

Figure 15: Do you think people should be able to smoke cannabis in public?

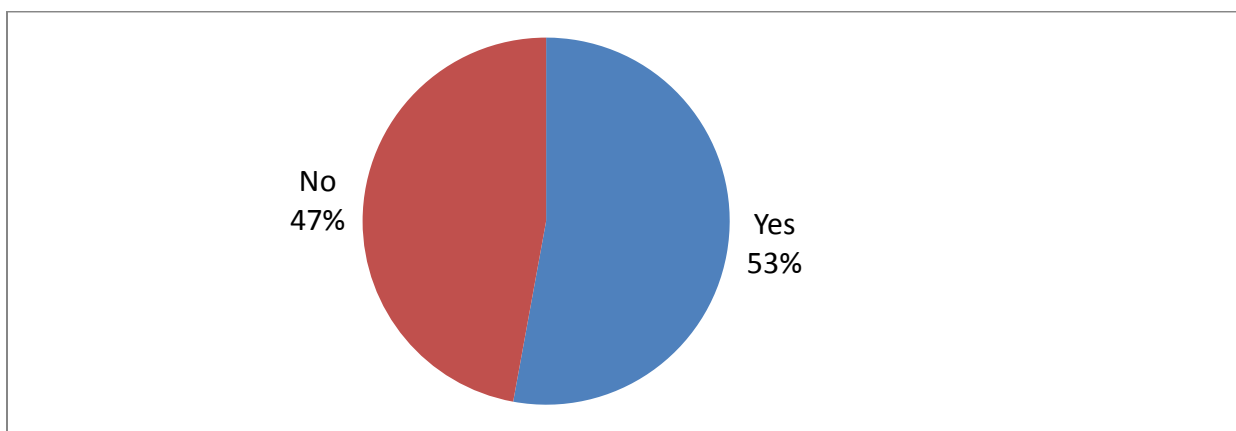


Figure 16: Are there particular public areas where smoking cannabis should be strictly prohibited?

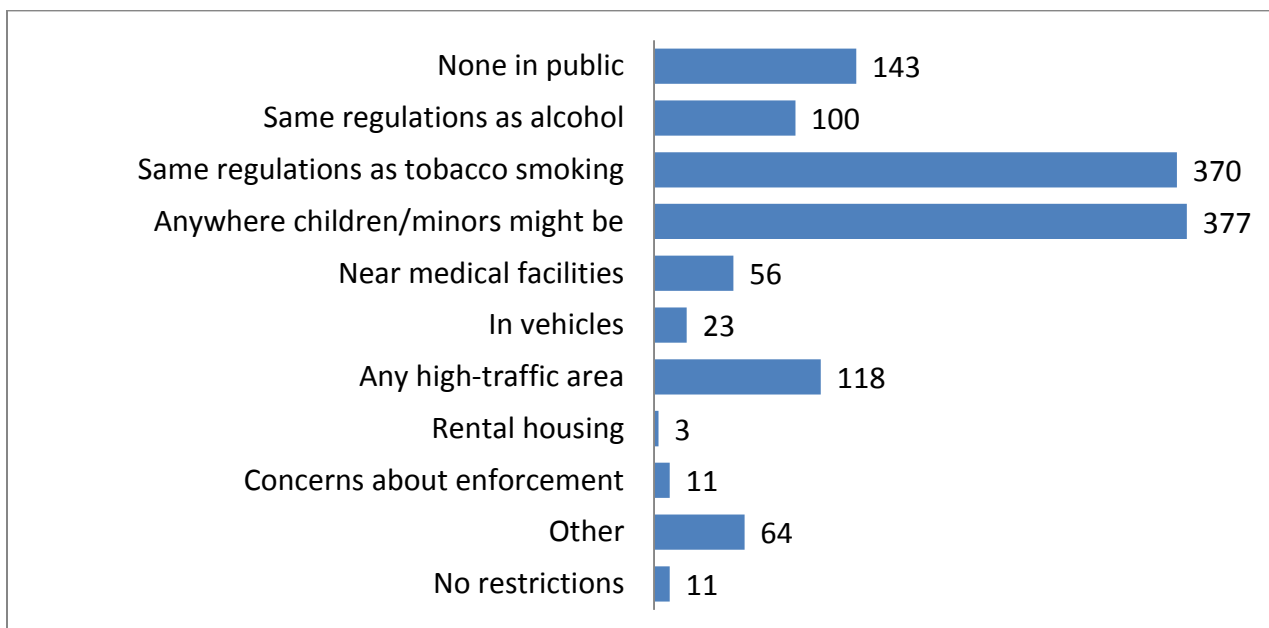
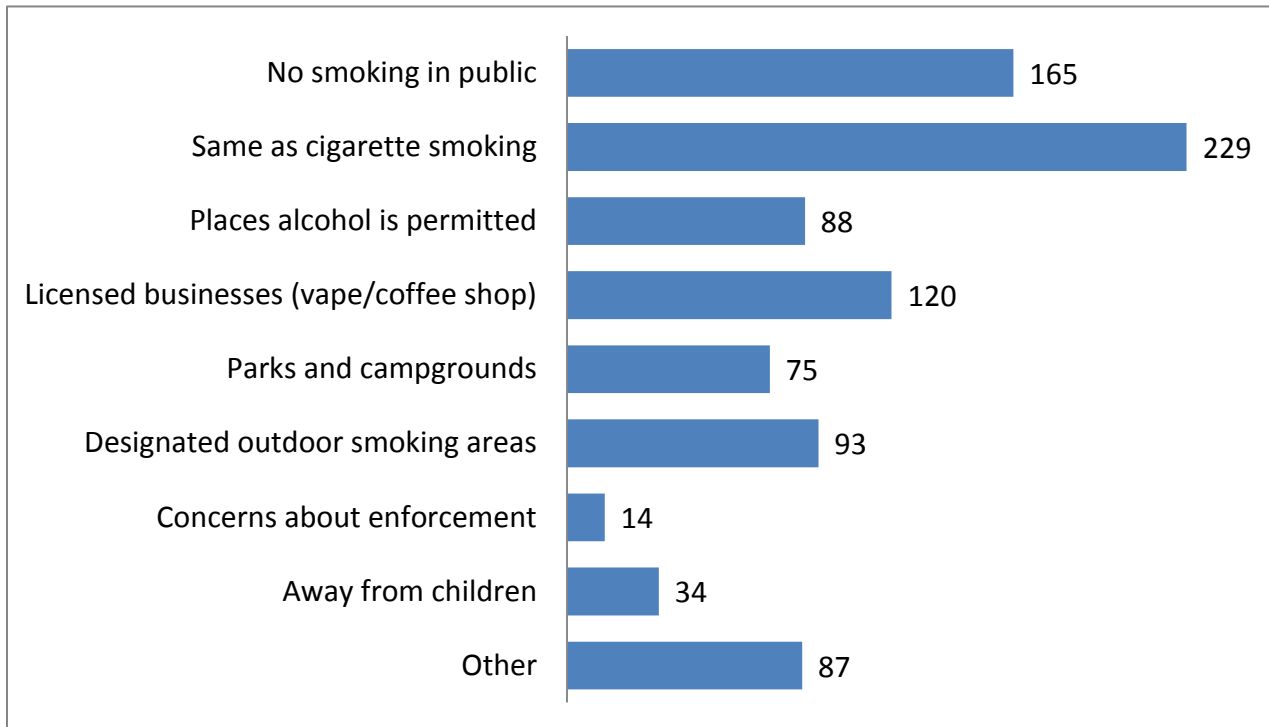


Figure 17: Are there public places where it should be allowed? If so, under what circumstances?



Overall, opinions on where cannabis smoking should be allowed varied greatly. Many supported a regime that mirrors the current tobacco restrictions with some additional prohibitions on smoking cannabis at children’s playgrounds, in public parks, and on school grounds. Many were also in favour of restricting smoking near children because of the potential health impacts, as well as social concerns (normalization of use, and creating potential opportunities for youth to access or try cannabis). A majority agreed that it is reasonable to restrict smoking cannabis in public spaces, but there were also comments noting that whatever approach is adopted, it must not be so restrictive that individuals are unable to use a legal substance.

Others suggested that the GNWT consider outdoor cannabis smoking areas. Some noted that cannabis smoke is more invasive than tobacco smoke (stronger smell, thicker smoke), and that the GNWT should avoid a framework that lumped tobacco and cannabis smokers together. In these cases, there was a small measure of support for establishing specific zones for cannabis use in communities, with appropriate disposal systems for cannabis waste. Others proposed that the GNWT should consider designating social venues where cannabis can be smoked, such as cafes and “cannabis gardens” at outdoor events (similar to bars and beer gardens), and that cannabis smoking should be allowed in “semi-private” spaces such as campgrounds.

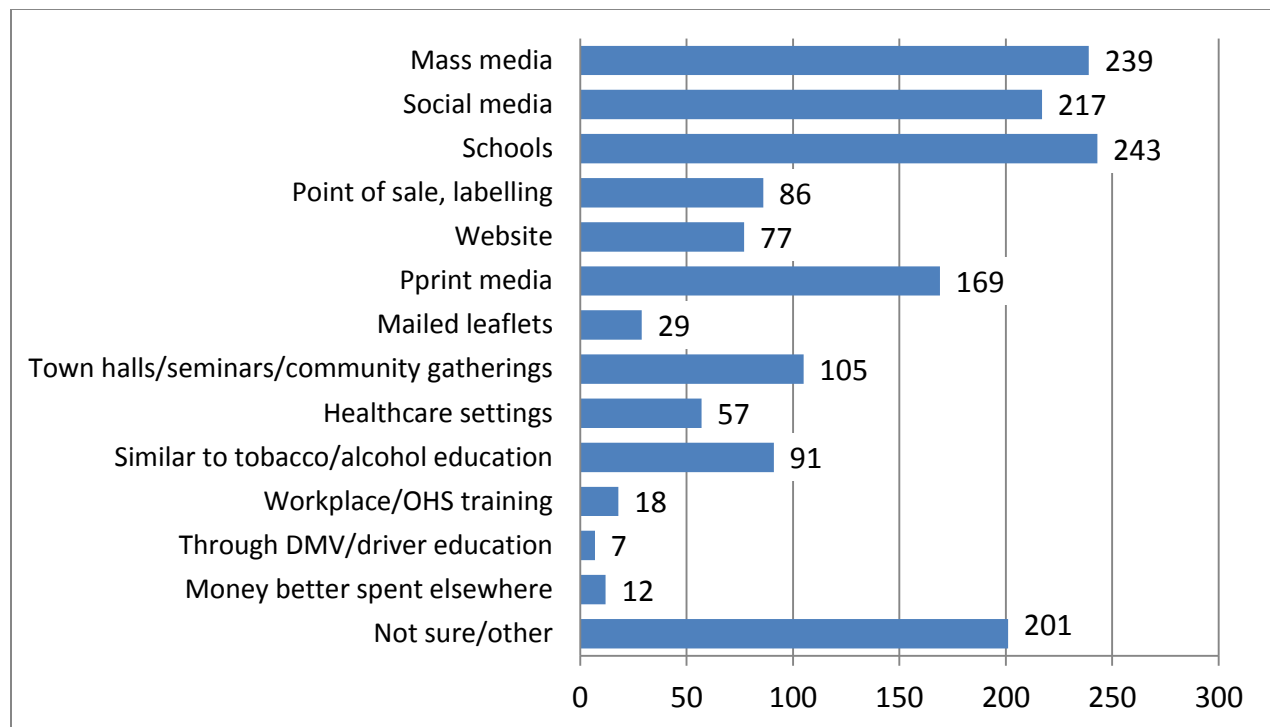
Some commented on establishment of separate, dedicated businesses such as Amsterdam-style coffee shops or “vape shops”. Concerns about tenants smoking in shared spaces such as rental units were also voiced.

## 8. How do you think the GNWT can most effectively reach the public?

Survey respondents proposed multiple strategies the GNWT could use to reach the public with health messages about cannabis use. The most common suggestions were mass media (including radio, TV and advertisements screened before movies), social media (such as advertisements and posts on Facebook, Twitter and Instagram), mandatory cannabis and mental health curricula in schools starting at a young age, and print media including newspaper ads, brochures, pamphlets, and posters.

In their consideration of the question about the guiding principles, respondents also identified the need for balanced, evidence-based education, awareness campaigns and easily accessible information about cannabis. A number of the responses indicated concern that those who choose to use cannabis—recreationally or for medicinal purposes—would be stigmatized, and that providing information about the medical benefits of cannabis would help to combat this.

Figure 18: How to reach the public with education on cannabis



Many people voiced concern about the ineffectiveness of abstinence-based education, and advocated for a common-sense, harm-reduction approach to substance use education. Many people also expressed interest in enhanced education about the risks of alcohol use.

Attendees at community meetings suggested social media including Facebook, radio and community websites be used as communication vehicles to encourage public awareness. It was recommended that education on cannabis be included as part of a broader drug and alcohol

awareness program within school curricula. Health warning messages were also recommended, including facts, risks, and common myths, through the use of public posters and media. It was also suggested retailers must be trained to provide awareness information at the point of sale.

## 9. Who are the most critical members of the public to educate and increase awareness?

The online survey saw a variety of interpretations of this question; roughly two-thirds of respondents interpreted this question as “Who should the GNWT target with its awareness and education campaigns?”, and one-third interpreted the question as “Who should the GNWT recruit and collaborate with to deliver education and awareness about cannabis?” The graphs below show that people thought parents, health and social work professionals, teachers/educators, elders and community leaders, RCMP/police, GNWT officials, employers, high-risk populations, seniors, pregnant women, young adults, teens and children should all be involved in cannabis awareness and education.

Figure 19: Who should the GNWT recruit and collaborate with to deliver education and awareness about cannabis?

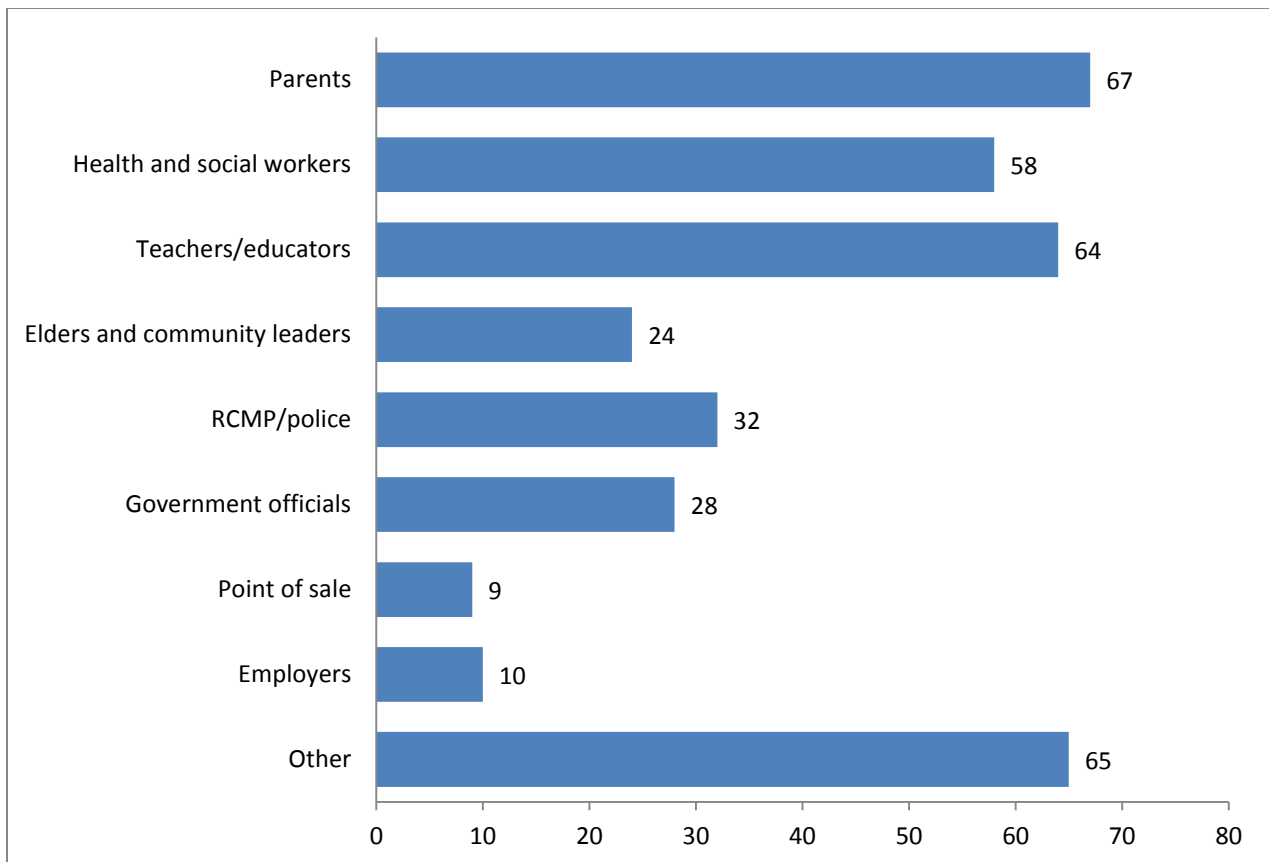
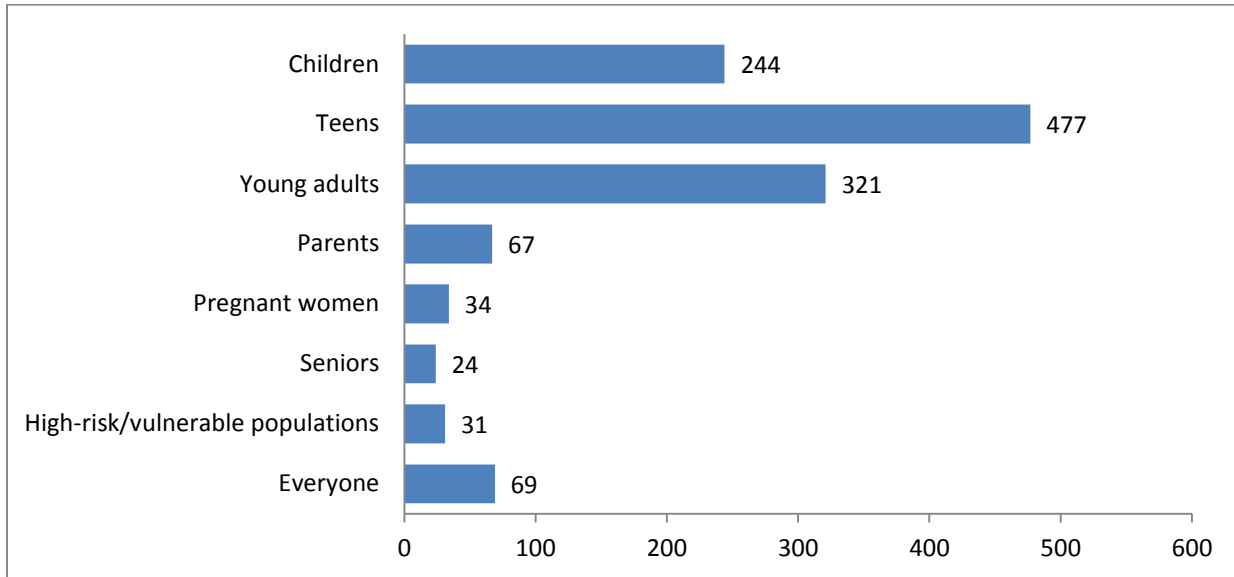




Figure 20: Who should the GNWT target with their awareness and education campaigns?



Survey responses and discussion at public meetings made it clear that public awareness and education about cannabis should be a top priority for the GNWT. The theme of education and awareness was raised as an important element in the responses to every topic (i.e. youth access, possession, drug-impaired driving etc.). Some participants expressed frustration that education initiatives were not already underway.

Some suggested that packaging should have warnings and photos similar to cigarette packages but others felt that “scare tactics” would risk shutting down the dialogue on cannabis use. Many participants emphasized the need to stick to proven scientific information, and to let people make their own educated choice, and that it was important that the creators of public awareness materials use facts and not introduce bias.

Many stressed that education and public awareness needed to be targeted at everyone and not just children and youth. Some participants provided suggestions for what they felt needed to be in the education packages, including information on: the possibility of addictions; cannabis components (THC and CBD) and how to evaluate levels; safe storage options for households with children; and the benefits of safe legal purchase options.

How the public awareness and educational information is delivered was also considered important. Some participants stated that youth are misinformed about the effects of cannabis because they are getting information from unreliable sources and suggested that the schools may be the best venue for public education. Many called for face-to-face education because it is active and personal, and they indicated that posters are not successful in raising public awareness.

Participants in several meetings provided more details about the type of education needed, calling for information on the effects of cannabis use to be incorporated into school health curricula. It was

suggested that mental health agencies should be asked to collaborate with schools on educational initiatives. The panel was told that it was important that every child knows the implications of cannabis use on brain development and that parents be warned that cannabis products have varying levels of THC. In many meetings, participants asked that the curriculum clearly teach children about the addiction cycle, how to recognize addiction and where to ask for help. Others wanted the education of younger people to focus on harm reduction and safe use, instead of simply telling youth to stay away from drugs. Others called for special awareness information to be used in small communities where students leave to attend high school in larger centres where there is easier access to cannabis.

The education of retailers was one specific concern that was highlighted. Some described interactions with knowledgeable sales staff in other jurisdictions where cannabis was available for sale. They noted that different strains of cannabis, with different levels of CBD or THC have different effects, and advised that the GNWT needs to ensure that retailers are in a position to provide responsible and informed advice on the products available for purchase.

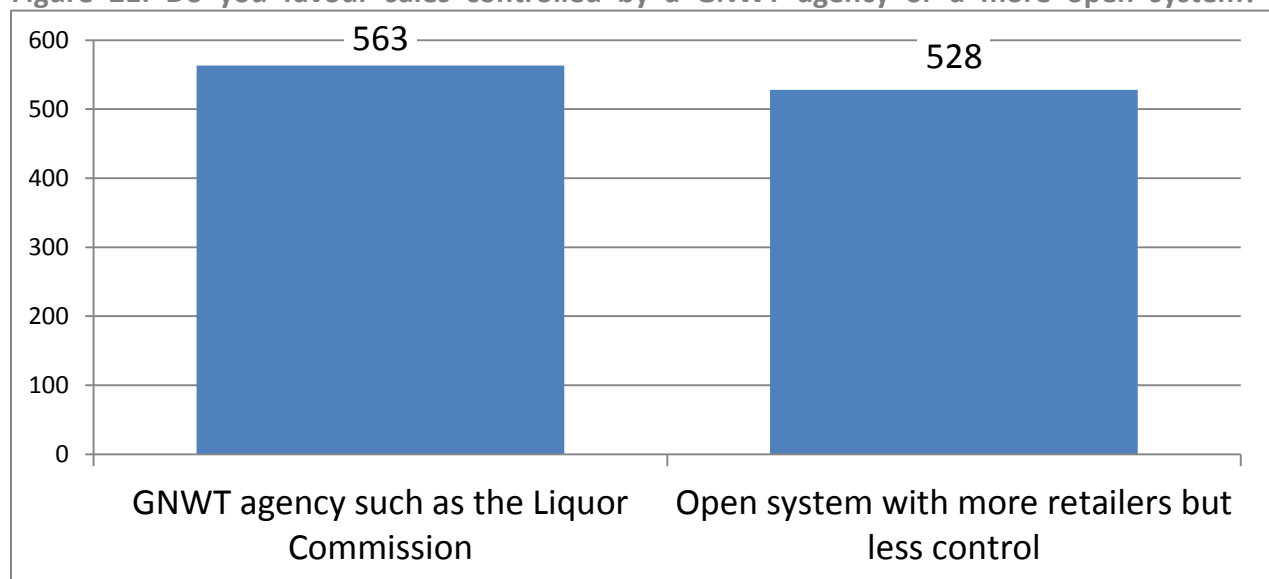
Some suggested that most or all cannabis tax revenue should be directed to education programs about responsible use of cannabis.

## 10. How and where do you think cannabis should be sold in the NWT?

Do you favour a system where sales are controlled by a GNWT agency such as the Liquor Commission, or would you prefer a more open system with more retailers but less control?

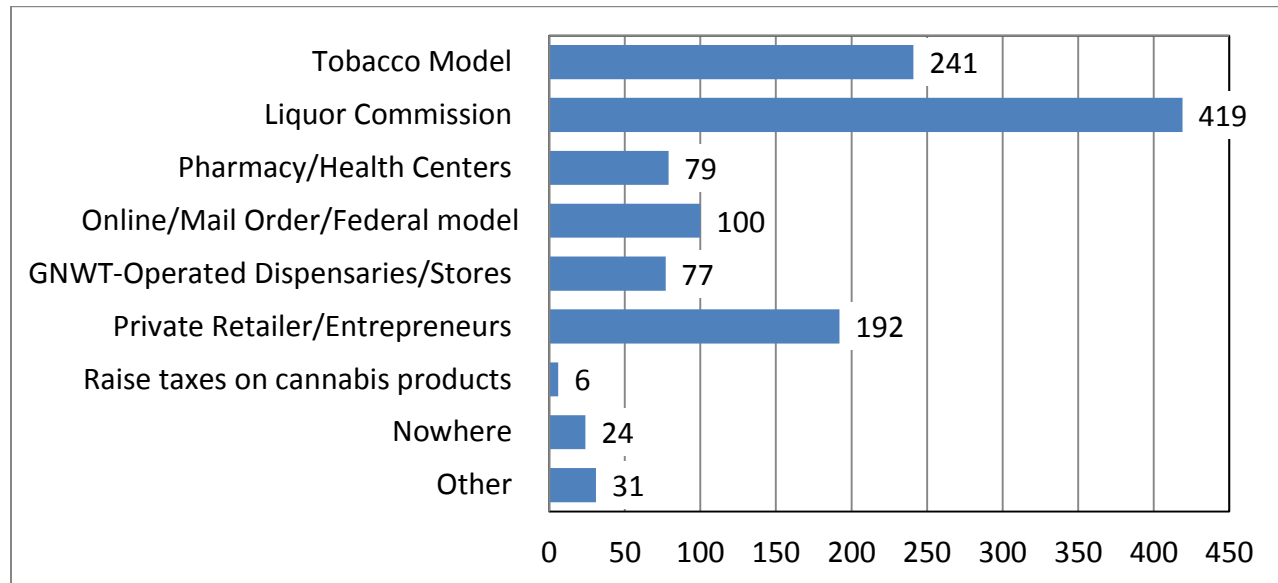
The survey results were mixed, with the GNWT agency and the more open system garnering similar support among respondents, with a small majority favouring the agency model.

Figure 21: Do you favour sales controlled by a GNWT agency or a more open system?



Survey respondents distinguished between control at the distribution level and control at the retail level. Many supported a variety of retail preferences while still supporting the Liquor Commission model. Most respondents agreed with the Liquor Commission model within the comments (419 responses). The tobacco model and private retail/entrepreneurs model each garnered a significant amount of support. Other distribution model categories mentioned by respondents included online/mail order (federal model), pharmacies or health centres, and GNWT-operated dispensaries or stores.

**Figure 22: Retail Model Suggestions**



The community sessions allowed for more in-depth discussion of the retail options available to the NWT. Those who self-identified as being opposed to cannabis or in favour of more restrictions once it is legalized tended to favour the Liquor Commission model or a mail order system, as they viewed these options as being more restrictive than an open retail model comparable to what currently exists for cigarettes.

There were a significant number of participants who were opposed to the idea of a GNWT-controlled agency responsible for the sale of cannabis. In these cases, participants noted that NWT residents should be allowed to take advantage of economic opportunities. A number of participants spoke against a liquor store model due to concerns about the level of staff knowledge about cannabis products. A number of participants emphasized the importance for consumers to have information at the point of sale, and staff who could provide reliable information and advice about products. This concern about staff knowledge appeared to be the main reason that retail dispensaries were proposed as retail options in a number of meetings. Many voiced concern about putting retail cannabis in the hands of dispensaries, because these stores may glamourize cannabis use when it should be made clear that the preference would be that people do not use cannabis.

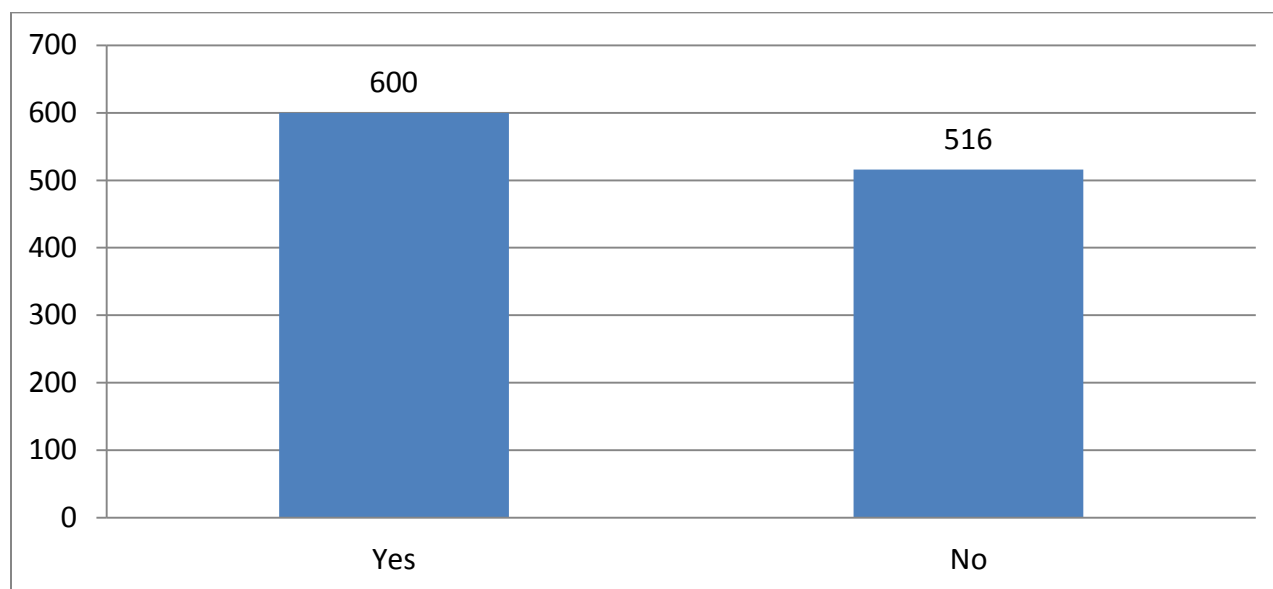
Discussion of how to eliminate the illegal market varied but there was a general recognition that it would be crucial for the legal market to compete on access, variety, quality and price. Many called for online sales regardless of what retail model is chosen, because access to legal cannabis would be critical to eliminating the black market. Because the online price would be standard across the Northwest Territories, the illegal market would find it difficult to compete on either price or variety. While some felt online sales had the best chance of eliminating the black market, others thought that mail order might not provide enough supply in a timely fashion, and some pointed out that a mail order system raises concerns about the ability of youth to access shipments.

Although there was an understanding that there will be a need to compete on price, many felt that there will be room for significant tax revenues. Questions about tax revenues from cannabis were raised in most community meetings, and a number of participants wanted a clear reporting to NWT residents of the amount of sales and tax revenues generated from cannabis, and how these revenues are spent.

### 11. Should communities be able to ban or restrict the use of cannabis?

Survey respondents were fairly evenly split in answering this question, with 600 supporting giving communities the authority to implement cannabis restrictions and bans, and 516 opposing this option.

Figure 23: Should communities be able to ban or restrict the use of cannabis?



Most YES/NO survey responses did not have accompanying comments. Of those who were against the ability of communities to ban cannabis, many respondents felt prohibition was ineffective as a policy tool (126 comments).

Among those who supported the ability of communities to ban cannabis, many felt that it should be decided in a similar manner to alcohol (111 comments). Some who were in favour of giving

communities the ability to ban cannabis raised other concerns, including the existence of black markets and bootlegging for alcohol and drugs, the ability of band councils banning cannabis versus wider public voting on the subject, domestic violence, substance abuse and addiction, educational awareness versus enforcement, the autonomy and discretion of each community government, and protecting children from second-hand smoke exposure, particularly among neighbours.

There was strong participant feedback on this issue at the community meetings, and there was appreciable support for allowing communities to make their own decisions with respect to cannabis bans or restrictions. Individuals in favour of community choice tended to note that this would be a balancing act, and called for the GNWT to have legislation that was flexible enough to allow communities to be treated differently. Some of those supporting community restrictions also noted that enforcement by the RCMP would have to be increased. Participants in several meetings questioned whether it made sense to give communities the power to decide restrictions on cannabis if not they do not have the resources to enforce the restrictions.

Some participants opposed community restrictions on the basis that legalization is expected to afford all adult Canadians with a legal right to consume cannabis. Others made it clear that they felt community restrictions do not work and can contribute to the black market. The panel heard that alcohol restrictions can create a lot of problems. It was pointed out that the subject of prohibition is divisive for communities, and enforcement is difficult.

Individuals who proposed the “Amsterdam-style” coffee shops as a retail model also suggested that town councils could be given the authority to decide if these shops would be allowed in their communities.

## Next Steps

The results of the cannabis public engagement will be used to inform the development of legislation that the GNWT must put in place before the federal legalization of cannabis anticipated in July 2018.

Once legislation has been developed, it will be introduced in the Legislative Assembly and will be made available for public review. The legislation will follow the normal process of review, discussion and debate in the Legislative Assembly.

# APPENDIX A: What We Asked

The following questions and background information was provided in the online survey and used to guide the discussions during the public meetings.

**The GNWT approach to the federal initiative to legalize cannabis is based on the following principles:**

- restrict youth access to cannabis, and protect young people from promotion or enticements to use cannabis;
- allow adults to possess and access regulated, quality controlled legal cannabis;
- discourage drug-impaired driving;
- protect workers and the public from drug impairment in the workplace;
- protect public health by controlling the public smoking of cannabis;
- enhance public awareness of the health risks associated with cannabis;
- provide a safe and secure retail regime for the adult purchase of cannabis; and
- provide for local options to establish cannabis distribution and consumption restrictions and prohibitions.

**Do the proposed principles describe what the GNWT should be doing as they develop policies and legislation about legal cannabis? Should principles be added or removed?**

*Guiding Principle - Restrict youth access to cannabis, and protect young people from promotion or enticements to use cannabis.*

The proposed federal *Cannabis Act* sets 18 as the age that cannabis can be legally purchased. Provinces and territories will have the ability to match this age or to reasonably raise the legal age. The legal age for buying or drinking liquor in the NWT is 19.

**Should the legal age be raised above the minimum age of 18?**

*Guiding Principle - Allow for adults to access and possess regulated, quality controlled legal cannabis.*

Under the proposed federal *Cannabis Act*, adults will be allowed to carry up to 30 grams of dried legal cannabis, and they will be able to share up to 30 grams of dried legal cannabis with other adults. Adults will not be allowed to share with those under the legal age, or to receive any form of payment for the cannabis they share. Provinces and territories have the option of reasonably reducing the maximum “carry” amount and the sharing limit. A cigarette usually weighs about 1 gram, which gives an idea how much 30 grams of cannabis would amount to.

The proposed federal legislation would allow adults to grow up to four cannabis plants in their home for personal use. Each plant could be a maximum of 100 cm (one metre) in height. Provinces and territories may reasonably reduce the number of plants allowed in a household.

## **Should the 30 gram limit for possessing and sharing cannabis be lowered?**

## **Should the number of cannabis plants allowed in a household be fewer than four?**

### *Guiding Principle - Discourage drug-impaired driving.*

In addition to the proposed federal *Cannabis Act*, changes to the Criminal Code are also being made by the Government of Canada that will strengthen drug-impaired driving laws. Police officers will be able to use approved roadside oral fluid drug screeners that would detect cannabis and other illegal drugs such as cocaine and methamphetamine (“meth”). There will be three new offences related to drug-impaired driving established in the Criminal Code: having a prohibited level of a drug, a combination of drugs, or a combination of drugs and alcohol in blood within two hours of driving. Depending on the type of offence, penalties may include fines, driver’s licence suspensions, and imprisonment if it is not the person’s first offence. In addition to these new offences, provinces and territories may choose to impose additional options for dealing with drug-impaired driving.

## **What do you think can be done to prevent drug-impaired driving?**

### *Guiding Principle - Protect workers and the public from drug-impairment in the workplace.*

The legalization of cannabis will not give employees the right to freely use marijuana in the workplace or to come to work “under the influence”. Employees will be expected to show up sober and ready to work. Employers will be able to discipline employees who use cannabis in a way that negatively impacts their job performance or threatens workplace safety. The Workers’ Safety and Compensation Commission will deal with workplace impairment through regulations and policies.

## **Do you think there should be special rules to deal with the use of drugs at work?**

### *Guiding Principle - Protect public health by controlling the public smoking of cannabis.*

Provinces and territories will need to decide what rules should be made on smoking cannabis in public, including the possibility of a ban. There are health concerns regarding the public use of cannabis and the harmful impacts of second-hand smoke on non-smoking residents – particularly youth.

## **Do you think people should be able to smoke cannabis in public? Are there public places where it should be allowed? Are there public places where it should not be allowed?**

### *Guiding Principle - Enhance public awareness of the health risks associated with cannabis.*

The Government of Canada has begun public cannabis education activities. The GNWT wants to ensure that NWT residents are well educated on the risks associated with cannabis, and will undertake ongoing education and awareness campaigns. For example, in addition to health concerns about second-hand smoke, there is no known safe amount of cannabis use during pregnancy, and there is a growing body of research on the impacts of the use of cannabis on brain development. We also recognize that the use of cannabis can have social impacts on families and communities.

How do you think the GNWT can most effectively reach the public to inform them of health and safety risks of cannabis?

### **Who are the most critical members of the public to educate and increase awareness?**

#### ***Guiding Principle - Provide a safe and secure retail regime for the adult purchase of cannabis.***

The proposed federal *Cannabis Act* sets minimum health and safety standards that must be included in provincial and territorial legislation on cannabis, but it will be up to each province and territory to decide how cannabis will be sold and distributed to their residents. Provinces and territories may decide to allow retail outlets and storefronts, or to establish mail order systems. There could be mixed storefront and mail order sale systems. The NWT has three basic choices:

- Liquor Commission model – sales controlled by a GNWT agency (possibly the Liquor Commission) and taxation will be included in mark-ups that make the retail price consistent with other jurisdictions. In the locations where there is a store, the consumer would purchase in person. Shipments to outlying communities would be similar to the “mail order” or air delivery system used by the Liquor Commission for liquor. This system provides the greatest influence for community involvement in restricting cannabis use.
- Tobacco model – sales restricted to licenced retail outlets with tax applied to retail sales but collected at the wholesale/distributor level. Would permit a coordinated approach with other jurisdictions for taxing cannabis.
- Do nothing – federal model of direct mail and internet sales will apply, similar to current federal medical marijuana system. Including controls for restricting sales to minors would be more difficult under this system.

Illegal production, distribution or sale of cannabis will be a serious offence under the proposed federal legislation.

### **How and where do you think cannabis should be sold in the NWT?**

#### **Do you favour a system where sales are controlled by a GNWT agency such as the Liquor Commission, or would you prefer a more open system with more retailers but less control?**

There is the possibility that the GNWT can provide for local options to establish cannabis distribution and consumption restrictions and prohibitions.

### **Should communities be able to ban or restrict the use of cannabis?**



## APPENDIX B: List of Submissions

Canadian Cancer Society, Implementation of a public health regulatory framework to reduce the impact of recreational cannabis legalization on tobacco use, September 2017

Canadian Federation of Independent Business, letter to Premier on May 10<sup>th</sup>, 2017

Cannabis Canada Association, letter to Minister of Justice on Response to Public Consultations on Cannabis Legalization, September 21, 2017

Canadian Paediatric Society, *Cannabis and Canada's children and youth*, October 6, 2017

Insurance Bureau of Canada, letter to Minister of Justice

Merrco, North West Territories Cannabis Consultation Submission

Michael DeVillaer, *Submission on Cannabis Legalization for Provinces/Territories*, Department of Psychiatry and Behavioural Neurosciences, Peter Boris Centre for Addictions Research, McMaster University, Hamilton ON, July 31 2017

Michael DeVillaer, *Cannabis Law Reform in Canada: Pretense & Perils*, The Peter Boris Centre for Addictions Research, McMaster University St. Joseph's Healthcare Hamilton Ontario

Privateer Holdings: A Submission to the Government of the Northwest Territories' Consultation on Cannabis Legalization, August 1, 2017

Status of Women Council of the NWT, Northwest Territories Women and the Legalization of Cannabis, September 15, 2017