

Cannabis Legalization in the Northwest Territories

The Way Forward



Government of Northwest Territories Gouvernement des Territoires du Nord-Ouest

How We Got Here

In April 2017 the federal government introduced its proposed Cannabis Act in Parliament. If passed, the Act will create rules for legalizing cannabis. All provinces and territories must decide how they will address a number of issues including: minimum age for purchase and consumption, the model for sales and distribution, public consumption, drug-impaired driving, and impairment in the workplace.

There has been extensive coordination between the federal, provincial and territorial governments to determine what steps are required to ensure jurisdictions are prepared for implementation in July 2018. This work has been ongoing, and will continue as all jurisdictions work to develop policy, program and legislative regimes. Collaboration between provinces and territories has provided opportunities for sharing information and approaches.

From July 11 to September 22, 2017, the GNWT invited feedback on proposed principles to guide development of the rules relating to legal cannabis. The public engagement process consisted of three components:

- Residents were invited to provide comments on the principles and related questions through an online survey, or by email or mail.
- Facilitated public meetings were held in the seven regional centers and in two representative small communities.
- The Minister of Justice sent letters to community and Indigenous governments and various organizations inviting them to respond to the survey questions or to provide additional feedback.

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

The public engagement was an important step in understanding the concerns of residents before developing legislation for the Northwest Territories, and this is reflected in the proposed framework. A summary of the results of the public engagement can be found in the [Cannabis Legalization in the Northwest Territories What We Heard Report](#), which is available on the website of the Department of Executive and Indigenous Affairs.

Since the public engagement the GNWT has been working to develop a plan that protects the health and safety of residents and communities. This document lays out the resulting proposed framework.

Our Goal

The GNWT is committed to having effective measures in place guided by the following principles, which were supported during the public engagement:

- 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.

Our Plan

Minimum Age

The minimum age for the purchase, consumption, and possession of cannabis in the NWT will be set at 19 years.

The federal government has set the minimum age to buy cannabis at 18 years in the proposed Cannabis Act, but provinces and territories can raise that limit. The GNWT proposes to increase that age to 19 years.

Setting the minimum age at 19 years is consistent with the age for legally buying alcohol in the NWT, and provides youth with an additional year of maturity and brain development before they can legally buy and use cannabis.

The public engagement found that a majority of participants supported increasing the legal age for cannabis, with many suggesting 19 to tie in with the age for buying and drinking alcohol.

Possessing Cannabis

Adults 19 and older will be allowed to possess up to 30 grams of dried cannabis or its equivalent in a public place.

The federal government has set the possession limit at 30 grams in the proposed Cannabis Act, but provinces and territories can lower that limit. The GNWT is not proposing to reduce the federal government's possession limit.

People under the age of 19 will not be allowed to purchase or possess cannabis. Youth found with less than five grams of cannabis will face penalties similar to those for underage possession of alcohol or tobacco, including seizure of the cannabis and notification of parents or guardians. Youth who possess more than five grams will face criminal charges.

As is the case with liquor, cannabis in a vehicle must be unopened. Any opened cannabis must be resealed and placed in a space in the vehicle that is inaccessible to those in the vehicle, such as the trunk.

The amount of cannabis that an individual may carry into the NWT will match the federal possession limits (30 grams of dried cannabis or its equivalent).

Most participants in the public engagement agreed that the federal 30 gram carry limit is appropriate.

Buying Cannabis

The Liquor Commission will assume the responsibility for importation and sale of cannabis.

The proposed federal Cannabis Act sets minimum health and safety standards that must be included in provincial and territorial legislation regulating cannabis, but it is up to each province and territory to decide how cannabis will be sold and distributed to their residents. The GNWT wants to establish a distribution and sales system that eliminates the illegal cannabis market, and restricts youth access to cannabis. The GNWT proposes to use the Liquor Commission to establish a cannabis distribution system similar to the current liquor distribution system.

Initially, cannabis will be sold through liquor stores, as these operations have experience in both the safe “store front” retail of controlled substances, and in the running of mail order sales that use delivery safeguards for sales in communities without liquor stores. Retail staff will be appropriately trained and knowledgeable about the products that are available, and will provide information about how to use cannabis responsibly. Age verification will be strictly enforced.

The GNWT recognizes that there is a strong interest in taking advantage of the business opportunities associated to the legalization of cannabis. There will be nothing in the legislation that prevents the future sale of cannabis in “cannabis only” stores. However, given the timeline imposed by the federal government, the GNWT’s priority is to ensure that there is an established and reliable system to sell cannabis in place by July 2018. After this milestone has been reached, the GNWT will be open to exploring other options for the future sale of cannabis. Medical cannabis can only be purchased from federally licensed producers (online or over the phone) and delivered by secure mail. Medical cannabis will continue to be the responsibility of the federal government, and the GNWT will not have a role in its regulation.

When asked whether sales should be controlled by a GNWT agency such as the Liquor Commission or whether an open system with more retailers would be preferred, participants in the public engagement were fairly evenly split, with a small majority favouring the Liquor Commission model.

Consuming Cannabis

Adults will be allowed to smoke cannabis in their homes and in some public places.

The federal government will not be regulating the public smoking of cannabis, but provinces and territories will be developing rules in this area. In an effort to protect children, to limit normalization of use and to prevent second-hand smoke exposure, the GNWT proposes to ban the public smoking or vaping of cannabis in areas frequented by children and crowds, from vehicles, and from any place where tobacco smoking is not allowed. There will be no consumption of cannabis at cannabis retail outlets, and there will be no designated establishments where recreational cannabis can be consumed.

The GNWT will allow adults to smoke cannabis on their private property. Residents will also be allowed to smoke cannabis on trails, highways, roads, and streets, and in parks when not in use for a public event, unless municipal governments make bylaws that expand the areas where the smoking of cannabis is prohibited. Residential property owners, including the owners of residential rental properties, have authority to make their properties smoke free.

In the public engagement opinions on public consumption varied greatly. Many supported a regime that follows the same rules that now apply to tobacco, and others suggested additional prohibitions.

Growing Cannabis

Adults will be allowed to grow up to four plants per household for personal use.

The proposed federal legislation would allow adults to grow up to four cannabis plants in their home for personal use, but provinces and territories can lower that limit.

The GNWT does not propose to reduce this limit. Renters, and those who live in multi-family dwellings, may be restricted from growing cannabis in their homes based on rules established in rental agreements or condominium bylaws. The GNWT will work to educate landlords, renters and condo boards on the options available to them.

Most participants in the public engagement agreed that the federal four plant limit is appropriate.

Local Options for Communities

Communities will have the option to hold a plebiscite to decide whether restrictions or prohibitions on cannabis should be put in place, parallel to the options available for restricting liquor.

In response to concerns around alcohol addiction and related social issues, communities currently have the ability to establish restrictions and prohibitions on liquor. The GNWT proposes to create similar rules for cannabis to allow communities the same authority to make local decisions on how to deal with cannabis.

The public engagement results were fairly evenly split on whether communities should be able to ban or restrict the use of cannabis, with a small majority in support of providing for this option.

Drug-Impaired Driving

New offences and penalties will be added to existing legislation.

The federal government is strengthening its drug-impaired driving laws, and provinces and territories can choose to develop additional remedies for dealing with drug-impaired driving.

The GNWT proposes that novice drivers, drivers age 21 and under, and commercial drivers not be allowed to have any amount of prohibited drugs, alcohol or cannabis in their systems when

operating a motor vehicle. Administrative licence suspensions will apply to any driver who fails a Standardized Field Sobriety Test, fails or refuses to submit to tests under the *Criminal Code*, or is determined to be impaired based on an evaluation conducted by a Drug Recognition Expert. The GNWT is working to develop public education materials, and will work to support the federal government's planned public awareness campaign to deter drug-impaired driving. The GNWT will work with the federal government to ensure police officers have the tools and training they need to better address drug-impaired driving.

Participants in the public engagement stressed that fines and penalties as well as enforcement and education would be important in responding to drug-impaired driving.

Workplace Impairment

The Workers' Safety and Compensation Commission (WSCC) will review occupational health and safety regulations and consult with employers, labour groups and workers to ensure that any changes or additions adequately address impairment issues.

In the Northwest Territories many employers have rules and programs in place that address impairment in the workplace and keep employees safe. The WSCC will revise its regulations, and develop educational materials and tools to support workers and employers in understanding their obligations under those regulations.

Overall feedback during the public engagement indicated a strong call for clear workplace guidelines on cannabis use, and for effective education and awareness campaigns targeting employers and employees to ensure that they were aware of any new policies and regulations in the workplace.

Public Education and Awareness

Public education and awareness on cannabis will be an ongoing government initiative.

The GNWT is developing cannabis public education and awareness materials, and working to determine effective approaches for reaching youth, parents, elders, teachers and health care providers, to ensure they have accurate information about the risks and harms associated with cannabis use. The departments of Health and Social Services and Education, Culture and Employment are working together to determine the tools and supports required to educate youth in the school system.

The GNWT will endorse the federal government's Lower Risk Cannabis Use Guidelines, and will work with health care partners to share and promote them. The GNWT will work to support the federal government's planned public awareness campaign to promote education and harm reduction.

The importance of public education and awareness was perhaps the strongest overall theme to emerge from the public engagement. Respondents suggested multiple strategies the GNWT could

use to reach the public with health messages about cannabis use. Respondents also identified the need for balanced, evidence-based education and awareness campaigns, and for easily accessible information about cannabis. Many stressed that education and public awareness must be targeted at everyone, and not just children and youth.

Next Steps

The GNWT will develop legislation that must be put in place before the federal legalization of cannabis anticipated in July 2018. As the GNWT develops its legislation, it will be reviewing the legislation proposed in other jurisdictions.

GNWT legislation 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.

In addition to the development of legislation, GNWT departments have been working to ensure that additional measures are taken to support the development of the policies and programs necessary to address the legalization of cannabis in the Northwest Territories. This includes the development of regulations under relevant statutes, training for educators, health professionals, retail sales staff and enforcement officials. The GNWT will be working collaboratively with the federal government to provide information to the public on the new laws, and to promote education and harm reduction.