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Chair

Mr. Bill Casey

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• (1800)

[English]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): We'll call the meeting to order. I want to welcome everybody to meeting number 69 of the Standing Committee on Health. We're here to discuss and examine an act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code, and other acts.

I want to welcome all of our guests. We will hear from them in this order. The Hon. Jody Wilson-Raybould will make a presentation as Minister of Justice. Then the Hon. Ginette Petitpas Taylor will make a presentation as Minister of Health. Finally, the Hon. Ralph Goodale will make a presentation as Minister of Public Safety and Emergency Preparedness.

From the Department of Health, we have back by popular demand Jacqueline Bogden, assistant deputy minister, cannabis legalization and regulation branch. From the Department of Justice, we have Carole Morency, director general and senior general counsel, criminal law policy section. From the Department of Public Safety and Emergency Preparedness, we have Trevor Bhupsingh, director general, law enforcement and border strategies directorate.

Mr. Davies?

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Chair, may I just clarify whether the ministers will be here for the entire two hours of the meeting?

The Chair: Yes, they will.

Now I would like to ask the Hon. Jody Wilson-Raybould to start.

Hon. Jody Wilson-Raybould (Minister of Justice): Thank you, Mr. Chair, and my thanks to the members of the committee. It is indeed a pleasure to be here, and I recognize that you came back earlier to have discussions and hear from witnesses on this most important topic that my honourable colleagues, Ministers Goodale and Petitpas Taylor, are pleased to present on Bill C-45, the cannabis act.

While the committee was doing the important work of looking at this bill, Minister Goodale and I were meeting with our provincial and territorial counterparts in Vancouver. Cannabis and drug-impaired driving were significant parts of our agenda, and we feel that the engagement of the provinces and territories is an incredibly important feature in our work to date. There can be no doubt that the legalization and strict regulation of cannabis has sparked much

discussion, before and particularly after the introduction of Bill C-45. In my remarks today, before I turn it over to my ministerial colleagues, I want to provide some background on the development of our legislative proposal, highlight the purpose of Bill C-45, and provide an overview of key justice aspects.

There is a broad consensus among Canadians that our current approach to cannabis is not working. Our system of criminal prohibition fosters an environment where organized crime reaps billions of dollars in profits from its sale, where thousands of Canadians each year end up with criminal records for non-violent cannabis offences, and where cannabis is not being kept out of the hands of young people.

Most Canadians no longer believe that simple possession for small amounts of cannabis should be subject to harsh criminal sanctions, which can have lifelong impacts for individuals, and which take up precious resources in our criminal justice system. Our government agrees that there is a better approach, one that is evidence-based and that will protect the health and safety of Canadians, with a focus on protecting our young people.

As a starting point, on June 30, 2016, we appointed a task force on cannabis legalization and regulation with a mandate to advise us on the design of a new regulatory system. I know that the chairperson, the Hon. Anne McLellan, and the task force's vice-chair, Dr. Mark Ware, appeared before you as witnesses last week.

As you heard, the task force conducted extensive consultations across the country, visited the states of Washington and Colorado, which have legalized cannabis for non-medical purposes, and considered nearly 30,000 online submissions sent in by Canadians. It also sought the views of a diverse community of experts, professionals, advocates, front-line workers, youth professionals, indigenous communities and organizations, territorial, provincial, and municipal officials, law enforcement, citizens, and employers.

On December 13, 2016, the task force delivered its final report containing over 80 recommendations for the development of a Canadian legal cannabis framework. It reflects a public health approach aimed at reducing harm and promoting the health and safety of Canadians. The report has been very well received, is comprehensive, and provides important background information on the issues this bill seeks to address. It also proved essential in developing Bill C-45.

The bill paves the way for Canada to become the first G20 country to legalize and strictly regulate cannabis at the national level. It was introduced last spring alongside another important piece of legislation, Bill C-46, which proposes new and stronger laws to more seriously tackle drug and alcohol-impaired driving.

As set out in clause 7 of Bill C-45, our government's intention is to protect public health and safety with a particular emphasis on protecting young people's health by restricting their access to cannabis; preventing advertising and other promotional activities that are likely to encourage cannabis use; providing for lawful production of cannabis to reduce illegal activities; deterring illegal cannabis-related activities through appropriate sanctions and enforcement measures; reducing the cannabis-related burden on the criminal justice system; providing Canadians with access to a quality-controlled supply of cannabis; and enhancing public awareness of health risks associated with cannabis use.

Bill C-45 creates a framework in which adults can access legal cannabis in an appropriate retail context that is sourced from a well-regulated industry, or grown in limited amounts at home. Adults 18 years or older will be permitted to legally possess or share with other adults up to 30 grams of legal dried cannabis, or its equivalent in other forms. Selling, or possessing to do so, will only be lawful if authorized under the act.

Under no circumstances will cannabis be sold or given to a young person. Production of cannabis will also require specific authorization. Possession, production, distribution, import, export, and sale outside this framework will all remain illegal and be subject to criminal penalties. These penalties will be proportionate to the seriousness of the offence, ranging from ticketing up to a maximum penalty of 14 years imprisonment. This graduated approach reflects our legislative objectives.

Bill C-45 will also exempt young persons from criminal prosecution who possess or share up to five grams of cannabis, rather than exposing them to the criminal justice system for what amounts to very small amounts of cannabis. Above five grams, young people will be subject to the Youth Criminal Justice Act, which emphasizes community-based responses, rehabilitation, and reintegration. For less serious offences, alternatives to charging are encouraged, such as taking no further action, warning the young person, or referring them to a community program or agency to help address the circumstances underlying their behaviour.

Under Bill C-45, the federal, provincial, and territorial governments will all share in the responsibility for overseeing the new system. The federal government will oversee the production and manufacturing components of the cannabis framework and will set industry wide rules and standards. Provinces and territories will be responsible for the distribution and sale. They will also be able to

create further restrictions as they see fit, including increasing the minimum age to align with their legal drinking age. Further, the provinces and territories, along with municipalities, could create additional rules for growing cannabis at home, such as lowering the number of plants allowed per residence, and restricting where cannabis can be consumed, such as in public places and vehicles.

● (1805)

In addition to our working with them to establish a secure supply chain, provinces and territories will be key partners in our government's efforts to raise public awareness about the risks associated with cannabis use. As set out in budget 2017, our government has provided \$9.6 million for public education and awareness, as well as monitoring and surveillance activities. This includes monitoring patterns and perceptions around cannabis use among Canadians, especially youth, through the annual Canadian cannabis survey. This work will inform and refine further public education and awareness activities to mitigate the risks and the harms of use.

I would now like to address some of the concerns that have been raised either during second reading debate, or by witnesses appearing before you last week. I want to assure this committee that in developing the bill we were aware of concerns voiced about the minimum age, youth possession of small amounts of cannabis, personal cultivation, and the impact of our proposed legislation on youth.

Let me start by saying that overall Bill C-45 is informed by and closely aligns with the recommendations of the task force report. In terms of minimum age, our government has accepted the task force's advice that we need to strike a balance between the known risks of cannabis and the reality that Canadian youth and young adults currently use cannabis at some of the highest rates in the world. In striking this balance Bill C-45 restricts the sale of cannabis to adults aged 18 and older. Provinces and territories will be able to set a higher minimum age just as they do with alcohol and tobacco.

In exempting from criminal prosecution young persons who possess or share up to five grams of cannabis, we are aware of the criticism that this sends the wrong message to youth. Our government's position is clear: young persons should not have access to any amounts of cannabis. Under Bill C-45 there will be no legal means for a young person to purchase or acquire cannabis. Criticizing our government's decision not to criminalize youth for possessing or sharing very small amounts of cannabis ignores the evidence. Statistics clearly show high usage rates among youth despite the fact that cannabis is currently a prohibited substance. Our government recognizes that for very small amounts there is a better way to deal with young people than using the full force of the criminal law.

Our government has been engaging with provinces and territories to encourage them to create administrative offences to prohibit youth from possessing any amount of cannabis similar to what is currently done with alcohol and tobacco. This measured approach would provide police with the authority to seize small amounts of cannabis from youth. Ontario has recently announced its intention to do just that. I have been encouraging and urging other provinces and territories to follow suit, most recently just last week at the FPT meeting in Vancouver.

Another issue that was raised during second reading debate was the suggestion that home cultivation could mean greater access to cannabis for children. In response I would note that the task force concluded that small amounts of cannabis for personal use can be safely and responsibly cultivated by adults in a manner that protects young persons in the home. Adults will be required to take appropriate precautions as they must do now when storing prescription drugs, alcohol, and other potentially harmful substances. Additionally the significant penalties proposed in Bill C-45 for selling and distributing to young persons, or for using or involving any young person in the commission of a cannabis offence sends a strong message to any adult who would allow cannabis to get into the hands of children.

In response to the other concerns raised, such as those related to the timing of implementation, challenges surrounding drug impaired driving, and Canada's obligation under international drug treaties I would like to emphasize that these are all issues that we continue to diligently work to address. We are continuing to work collaboratively with the provinces and territories, and as mentioned, Minister Goodale and I met with our counterparts last week.

• (1810)

The Ministers of Health, Finance, and Agriculture have also met to discuss the issue. In addition, federal officials will have maintained ongoing engagement with their counterparts.

Mr. Chairman, I will respect my time frame and I very much look forward to questions. I will turn it over to my colleague Minister Petitpas Taylor.

• (1815)

The Chair: I know as the Minister of Justice you want to follow the rules.

Hon. Jody Wilson-Raybould: Indeed, sir.

The Chair: I want to welcome the Hon. Ralph Goodale to the table. Thanks for coming.

We're going to now go to the Hon. Ginette Petitpas Taylor, Minister of Health.

Hon. Ginette Petitpas Taylor (Minister of Health): Thank you very much, Mr. Chair. I'd also like to echo my colleague Minister Wilson-Raybould's comments about thanking the committee members. I know that you guys were called in a week early last week and you did a lot of work, so thank you so much for coming here and doing the good work that needs to be done regarding this legislation.

I'm honoured to be here today with my colleagues Minister Goodale and Minister Wilson-Raybould to discuss Bill C-45, an act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other acts. I'd like to start off by acknowledging the remarkable progress on this file under the previous Minister of Health. It is because of her hard work and the tireless work of her staff, and the staff of Health Canada, that I am able to speak before you today.

Protecting the health and safety of Canadians is a priority for our government and the focus of this bill. Canadians use cannabis at some of the highest rates in the world and decades of criminal prohibition have not reduced these rates. In fact, cannabis has become the most commonly used illegal substance in Canada. Today 21% of our youth and 30% of our young adults use cannabis. Our youth have the highest prevalence of cannabis use when compared with peers in other developed countries. This clearly shows that the current approach to cannabis is not working.

This is why our government is proposing a public health approach to legalizing, strictly regulating, and restricting access to cannabis. Our aim is to minimize the harms associated with cannabis use, especially for youth. Scientific evidence shows that the risk for cannabis use is higher for youth than adults, that these risks increase the younger a person starts using it, and increase further the more often they use it. The legislation before us today, better known as Bill C-45, is the foundation of our government's new approach.

Through this legislation, as well as early and sustained public education and awareness, we aim to delay the age at which youth are trying cannabis and inform all Canadians of the risk of using cannabis. Today I would like to focus on three components of this approach. Number one is protecting youth. Number two is educating and public awareness, and finally, there is product safety and quality control.

Let's start off talking about protecting youth. I would like to be very clear that in no way are we endorsing the use of cannabis, or looking to make it easier for youth to access cannabis. It's quite the opposite actually. Protecting youth is at the centre of our government's approach to regulating and restricting the use of cannabis. Youth are especially vulnerable to the effects of cannabis on brain development and function. Scientific evidence shows us that the younger someone is when they start using cannabis and the more often they use it, the greater the risk to their health. As I've already mentioned, far too many young Canadians are already accessing cannabis. In many cases it is easier for kids to buy cannabis than cigarettes or alcohol. The data support this.

In the 2015 Canadian tobacco, alcohol and drugs survey, 21% of youth reported having used cannabis during the past year. Comparatively, 10% of youth reported using cigarettes. The striking difference in these statistics illustrates the power and effectiveness of a range of measures such as regulation, advertising, and promotion controls in public education, which over time have contributed to lower usage rates.

Canada has been regulating tobacco and educating the public on the risks for the past 30 years. The percentage of youth who use tobacco has dropped from 27% in 1985 to 10% in 2015. This is why we seek to build on what we've learned by regulating tobacco. We will restrict youth access to cannabis by penalizing those who sell or give it to youth and restricting its advertising and promotion. Bill C-45 would prohibit anyone from selling or providing cannabis to any person under the age of 18, though provinces and territories could increase the minimum legal age of sale, purchase, and consumption.

The proposed minimum age of 18 reflects the advice we received from the expert task force on cannabis legalization and regulation. It also balances the need to protect our children and youth from the adverse health effects of cannabis, while at the same time recognizing that setting the minimum age too high would risk preserving the illegal market given the high rates of use among young adults between the ages of 20 and 24.

- (1820)

Bill C-45 would create new criminal penalties for giving or selling cannabis to youth and using a youth to commit a cannabis-related offence. The bill would also prohibit certain products and marketing practices, especially those that would appeal to youth.

Businesses would not be allowed to produce or sell cannabis products that might appeal to youth. Those marketing cannabis would also be prohibited from using any packaging or labelling that could be attractive to youth, including depictions of persons, celebrities, characters, or even animals. False, misleading, or deceptive advertising would be prohibited, as would sponsorships, testimonials, and endorsements, or any other form of promotion or branding that could entice young people to use cannabis.

Promotion of cannabis would be permitted only if it presents factual information and is communicated in a way that could not be seen by youth. Also, cannabis could not be sold through self-service displays or vending machines. We believe these safeguards will help keep cannabis out the hands of our children and youth.

The safeguards we are putting in place will help reduce youth access to cannabis, but we also know that youth today are less likely than adults to see cannabis use as a significant health risk. As someone who has spent my entire career as a front-line worker in the areas of mental health and addictions, this doesn't surprise me, and I believe strongly that it is an issue we must address.

As with other drugs, while cannabis can be used therapeutically by some people, its use can also pose health risks. We need to provide Canadians with information about cannabis so they can talk to their children about the risks. We must also educate and support adults in making informed and responsible choices that minimize risks, including the dangers related to drug-impaired driving.

To this end, budget 2017 directed an initial investment of \$9.6 million to a public education and awareness campaign to inform Canadians, particularly young people, about the risks of cannabis use. This campaign has begun and will continue over the next few years. The funds will also support an initiative to monitor trends and perceptions of cannabis use among Canadians, especially youth. This information will help inform our public education activities.

The final aspect of our government's approach to cannabis that I would like to highlight is the product safety and quality requirements.

The act is designed to establish a legal and quality-controlled supply of cannabis available for sale in Canada. Under the proposed legislation and its regulations, our government would establish industry-wide rules on the types of products that would be allowed for sale. We would also have rules prohibiting the use of certain ingredients such as nicotine, caffeine, and alcohol in cannabis products and would require manufacturers to adhere to good production practices.

The dedication and hard work that have been put into designing Canada's medical cannabis system mean that we already have experience with product safety and quality requirements for cannabis. Our current system, which provides access to cannabis for medical purposes, is recognized as one of the best in the world. It includes a number of safety and security features, such as frequent inspections of production facilities and clear regulations around product testing, labelling, and pesticide use. We will be using this system of licensed production as a blueprint as we establish broader cannabis production under the bill.

In conclusion, it's clear that the current system is not working. The legislation before you today is designed to address the issue that we are already facing. Our kids currently have access to cannabis, and organized crime continues to profit from its unregulated sale in our country. We are proposing a new way for Canada to address this problem by using a public health approach.

We all know that this is a far-reaching issue that stretches well beyond this particular piece of legislation. This issue demands that we co-operate across jurisdictions and sectors.

Following the advice of the task force on cannabis legalization and regulation, under this legislation all levels of government would be able to establish certain requirements with respect to cannabis, consistent with their own jurisdictional authorities and experience. The involvement of the provinces and territorial governments is critical to ensuring that young people do not have access to cannabis.

Under this bill, the federal government would be responsible for establishing and maintaining a comprehensive and consistent national framework to regulate production, set standards for health and safety, and establish criminal prohibitions. The provinces and territories could license and oversee the distribution of the sale of cannabis.

• (1825)

Together with municipalities, they could also tailor certain rules in their own jurisdictions, and enforce them through a range of tools such as tickets. We have worked closely with our provincial and territorial counterparts to ensure that their valuable input was taken into account from the beginning of this important effort, and our government is committed to continuing our ongoing collaboration with the provinces and territories on this very complex issue.

With its focus on protecting youth, educating the public, and ensuring product safety and quality requirements, the bill uses a public health approach to strictly regulate and restrict access to cannabis. Our government is confident that the proposed cannabis act will protect the health and safety of Canadians.

Thank you so much.

The Chair: Thank you very much. On behalf of all the members of the committee, I want to congratulate you on your appointment as Minister of Health. I'm sure we'll all be engaged with you as we go forward on a number of issues. Certainly, some of the most interesting issues on the Hill are dealt with here at this committee. Again, congratulations.

We'll go to the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness.

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness): Mr. Chair, members of the committee, thank you very much for the invitation. It's a pleasure to appear before you this evening. I'm glad to join my colleagues the Minister of Justice; the Minister of Health; Parliamentary Secretary Blair, who has been front and centre in dealing with this issue over the last many months; and officials from our department.

We're here, obviously, to discuss Bill C-45 and how this legislation will help keep cannabis out of the hands of Canadian children, and profits out of the hands of criminals, certainly more

effectively than the failed regime that has existed in this country for many decades.

[Translation]

In developing our approach to the regulation of cannabis, strengthening public safety has always been our primary goal.

I will now talk about our efforts to ensure that law enforcement agencies, including the police and border services, will have the resources and training needed to protect Canadian communities.

[English]

First, it is important to be clear that Canada's current approach to cannabis, the one that has existed for decades, has simply not worked. The World Health Organization has studied cannabis use among youth in Europe and North America. In 2009-10, the WHO found that a third of young Canadians had tried cannabis by the age of 15, a higher rate than for any other country in that study. Also, in a 2013-14 study by the WHO, Canada remained in the top five for 15-year-olds and was number one in cannabis use among children 13 years of age or younger.

As well, according to a 2016 statistical compilation by the United Nations Office on Drugs and Crime, the rate of cannabis use among Canadians 15 to 64 was almost 15%, and that was higher for that whole age span than in every country except two others in the world. In other words, Canadians are among the heaviest and the youngest users of cannabis globally.

There is clearly a need to do things differently, and that's why we've proposed this new regime based on the framework set out in Bill C-45 along with enhanced measures to combat impaired driving, which are contained in Bill C-46, and room for provinces and territories to tailor approaches that suit their particular circumstances.

Essential to this new regime is engagement with and support for police and border officers to ensure that they have the tools they need to enforce the law. To this end we recently announced an investment of \$274 million that includes \$113.5 million over five years for the RCMP and the Canada Border Services Agency as well as for programming within Public Safety Canada, primarily to keep organized crime out of this new legalized system and to combat smuggling. The investment also includes \$161 million to train front-line officers to recognize the signs and symptoms of drug-impaired driving, to build law enforcement capacity across the country, to ensure that police have access to drug screening devices, to support research, and to enhance public awareness about the dangers of driving while impaired by drugs.

Over half of the \$161 million will be accessible to provinces and territories over the next five years, and my department is already engaged with them to identify the needs and the priorities for the investments, particularly with respect to training and equipment. That collaboration across jurisdictions has been a key part of our preparations for the new legislative framework, and it will remain crucial to the implementation and ongoing evaluation of the system that Bill C-45 will put in place. In that regard, as the Minister of Justice mentioned, she and I spent two days last week with our provincial and territorial counterparts at a meeting in Vancouver, where the discussions around this particular topic were particularly important.

● (1830)

There are three topics that I would like to address. Of the many that will need to be discussed about Bill C-45, these are the three in particular that I'd like to address in a little more detail.

First, on the subject of cannabis at the border. It is, of course, currently illegal to bring cannabis into Canada or to take cannabis out of Canada. Going both ways across the border, it's illegal. Under Bill C-45, that would not change. Border officers already examine people and goods entering the country to prevent the smuggling of contraband, including cannabis. They make use of advanced technology, intelligence gathering, and ongoing training about how to detect and interdict substances that may not be brought across the border. Their efforts will continue, bolstered by some of the new funding that I mentioned earlier.

As for the admissibility into the United States of Canadians who have previously used cannabis, we have engaged our American counterparts to ensure that they understand how our new regime will function and what it will achieve, and we have made clear that we expect travellers heading in both directions to be treated in a fair, professional, and respectful manner.

At the same time, the United States is, of course, entitled to make its own admissibility decisions. I would certainly encourage Canadians to be forthright with border officials and to keep in mind that cannabis remains illegal at the federal level in the United States. In fact, some of the new funding for the CBSA will go toward communications and signage to ensure that travellers are well informed about the state of the law.

The situation in the United States is also complicated by the fact that there are a number of state jurisdictions that either have already legalized cannabis or are planning to do so in the immediate future, so the situation with respect to American law is evolving.

Second, on the subject of organized crime. At present, Canada's non-medical cannabis industry is entirely criminal. The illegal cannabis trade in this country puts \$7 billion annually, perhaps more, into the pockets of organized crime. Over half of Canadian organized crime groups are suspected or known to be involved in the cannabis market. Canadian law enforcement spends upwards of \$2 billion every year trying to enforce what is currently an ineffective legal regime. With legalization and regulation, we can enable law enforcement resources to be used more effectively, and we can dramatically reduce the involvement of and the flow of money to organized crime.

In Washington state, for example, legalization a short time ago has shrunk the criminal share of the cannabis market by nearly 75%. As with tobacco, we know that the black market is unlikely to be entirely eliminated, but we're talking about taking the criminal market share from non-medical cannabis down from 100%, where it exists today, to much lower levels, and that would be an improvement.

Third, on the subject of impaired driving. Parliament will have an opportunity, obviously, to go into this in much greater detail during the study of Bill C-46, the companion piece to Bill C-45. Bill C-46 is specifically aimed at better addressing the long-standing problem of driving while under the influence of alcohol or drugs. But I know it's an issue that touches many of us very directly, and I certainly feel a deep personal sense of urgency to tackle it head-on, both as Minister of Public Safety and as the member of Parliament for Regina—Wascana.

Of all the provinces, Saskatchewan has Canada's highest impaired driving rate. Among cities, Regina is third in the country, with Saskatoon not far behind. Too many families in Saskatchewan, and in all of our communities, mourn loved ones lost to impaired driving. This is therefore a problem that exists right now, and we would have to address it with or without the new cannabis regime. It's urgent that we do so.

● (1835)

As I have said, we are doing this with the legislation we introduced in the spring as well as with the additional cash investments that I mentioned a few moments ago. I welcome the strong public support and advocacy that we see coming for legislation such as Bill C-46 from such organizations as MADD, Mothers Against Drunk Driving. They have gone so far as to engage in a very public advertising campaign about the importance of this legislation.

To deal with cannabis-impaired driving specifically, our approach focuses on educating the public and facilitating detection and prosecution. In March, for example, Public Safety Canada launched a social media campaign targeting young drivers and their parents in order to raise awareness about the dangers of driving while under the influence of cannabis.

Last winter, seven police services across the country, from Halifax to Vancouver and to Yellowknife, participated in a groundbreaking pilot project to study two different oral fluid drug screening devices in diverse operational settings, including the dead of winter. As you can read in the report that was released in June, police generally found the devices easy to use in various weather, temperature, and lighting conditions. Part of the investment I mentioned earlier will help ensure that police officers in communities across the country have these devices and are properly trained to use them.

Finally on this point, I know this committee has heard concerns about the timeline for implementation, but cannabis-impaired driving is happening on our streets right now. The faster we get the right tools, the funding, the training, and the legislative and regulatory authorities in place, the safer Canadians will be. Legislative delay does not make the problem go away or get better. Delay only stalls more effective action.

Public health and safety have been the key drivers of our approach to cannabis and will remain our overarching preoccupation. For too long Canadians, and especially Canadian youth, have been using cannabis at world record rates to the great profit of criminals and organized crime. That needs to change, and that's why we have this bill before you now.

Thank you, Mr. Chair.

The Chair: Thank you.

We'll now go to questions, and I think we'll have some good questions. We had more than 100 witnesses in the last week, and they brought many different perspectives and opinions. I'm sure they'll generate lots of questions.

We'll start our seven-minute round of questions with Mr. Oliver.

Mr. John Oliver (Oakville, Lib.): Great, and thank you very much, Ministers, for being here tonight to answer our questions and make your statements.

As the chair has mentioned, we had five marathon days last week. We heard from more than 100 witnesses. One night I think we even went to around eight o'clock to make sure that we fit everybody in. The benefit of that process was that we really got to hear themes. Because it was such condensed testimony, we could hear the themes.

My questions are going to be coming out of some of the themes. I won't be able to touch on all of them.

The first one, Minister Petitpas Taylor, was the very significant focus on the need for public education now, to get out ahead of legalization. We heard that many youth really don't think there is a concern, that cannabis doesn't pose a threat to them. There's a lot of misinformation.

I know you have the \$9.6-million fund—congratulations on that—and are getting it launched, but could you say a bit more about how that health education piece will roll out? When would I experience it in my riding of Oakville?

• (1840)

Hon. Ginette Petitpas Taylor: Thank you so much for the question.

I guess, first and foremost, I have to start off by saying that our government is committed to protecting the health and safety of children. The \$9.6 million that we've invested is an initial investment, as well. We have to make that very clear.

We have learned through the task force and through different groups we've consulted with that it's really important to make sure that prevention and awareness is done before the legislation is passed and we roll this out. As a result, the work on public awareness and prevention has already started.

I believe that last week you heard from several groups that we've even partnered with. One particular group, Drug Free Kids Canada, were here showing you the type of work they do and the tools they've developed. These are the types of things that have happened that we're really pleased to see. We've seen that the feedback has been very good. This document, this tool, has been well received by doctors, practitioners, and parents, and the list goes on.

The other thing we have to recognize, I think, is that we also have to make sure that the public awareness campaigns get out to the youth, the people whom we're really targeting. We recognize that perhaps in our generations, which watch perhaps a hockey game on a Saturday night, we would invest in commercials. Probably that's not the best way to invest our money right now in targeting our youth. We recognize that we are really going to have to focus on a social media campaign. That's really what we're doing: investing on Facebook and Twitter and Instagram and whatever the case may be to make sure that we can get the messages to the kids.

Finally, we want to continue to collaborate with the provinces and territories to make sure that the public education campaign also can be done collaboratively and that we have access to all of the same information.

Mr. John Oliver: A second theme we heard, Minister Wilson-Raybould, was about the severity of the criminal penalties for those who are acting outside of the legal permissions that are in the act. The example that really hit home for me was the height restrictions on home plants.

We heard from the task force that the one-metre height restriction was not about preventing youth from accessing drugs or about the black market; it was simply that the average fencing by-law height was four feet, and they were sympathetic to neighbours next to somebody growing their four plants.

In the act, over a metre to a metre and a half is a ticketable offence, and anything over a metre and a half is then subject to criminal charges, with penalties of up to 14 years. That's the example that hit home for me. Could you explain the 14 years and the severity of the penalties?

Is there any room for softening on some of those that aren't technically criminal charges but are more municipal by-law issues?

Hon. Jody Wilson-Raybould: Thank you for the question, and thank you for hearing from over 100 witnesses.

In terms of the penalties, from ticketing to 14 years, there is a broad spectrum of penalties, and the imposition of a ticketable offence up to 14 years will depend on the individual circumstances of the particular infraction or offence.

If we're specifically talking about the height of plants that can be produced or cultivated at home, I recognize what the task force has indicated in terms of the height of plants. From my understanding, plants can grow quite high. The higher the plant, the more product the plant can provide, which is an indication that there might be an intention to divert some of that product to the illegal market.

It entirely depends on the circumstances in which an officer finds the plants, and any of the other offences. Whether it would be appropriate for a ticketable offence or up to 14 years depends on the possession amounts or the circumstances of another offence. There's obviously discretion that a judge would have in posing a sentence. Likewise, there's discretion that a prosecutor would have, whether proceeding by way of a summary conviction or indictment.

● (1845)

Mr. John Oliver: Thank you.

Minister Goodale, we heard from an RCMP officer, I believe, who said that it would be naive to think that this act would make a difference for organized crime. Could you tell us a bit more about the regulated market and how you perceive it cutting into profits or deterring organized crime? Could you reflect on that for the committee?

Hon. Ralph Goodale: The objective, obviously, is to stop the flow of illegal cash to organized crime to the maximum extent possible. It's a \$7-billion market, probably more right now. The market is 100% controlled by organized crime at the moment. We can obviously do better than that. Can we totally eliminate it by 100%? That's the goal. It might be naive to think we could get rid of all of it, but I think we can put a substantial dent in it.

The experience in other jurisdictions, as in the state of Washington, would indicate that when you blunt the profit motive, when you have a strictly regulated regime that is properly structured, and when you take the profit motive out of it or substantially reduce it by changing the legal structure, you can reduce that flow of profit. By the estimates in the state of Washington, they have accomplished a reduction of about 75% over the course of the last relatively short span of time. Our objective would be to do better than that. The numbers from other jurisdictions would suggest that we can certainly anticipate considerable progress that would be much better than the state of affairs that exists today.

The Chair: The time is up.

Ms. Gladu.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Chair.

Thank you to all of the ministers for joining us tonight. I especially want to congratulate the new health minister on her role. I'm looking forward to working with you to get good outcomes for Canadians.

I'm going to start my questions with the justice minister. Everything that all of you have said sounds very nice, but the reality of what's happening is a bit different. We had the Liberal members of this committee shut down the request from both my NDP colleague and me, to hear from young people and maybe from Uruguay, the only other country that has legalized marijuana. We heard testimony from the police that it will be impossible for them to be ready for the July 1 implementation date. Many of the provinces have not come with a plan and certainly not with legislation. We heard from municipalities that they're not going to be ready for that implementation date. The indigenous people said they're not going to be ready.

If we consider that 88% of Canadians don't consume cannabis and we have 283 days remaining until this arbitrary date, why are you in such a hurry to risk public harm? We haven't got testing in place with the police and training for impaired drug driving. We had 100,000 parents trained for the public awareness campaign that has been mentioned, and that's it. That's the only testimony received. Are you willing to consider putting off the date until all these stakeholders are ready?

Hon. Jody Wilson-Raybould: Perhaps I can summarize some of the comments that we made in our opening remarks. The current reality of the status quo in this country, as Minister Goodale has said, has been an abysmal failure. We have the highest rates of cannabis use among young people. We are committed to ensuring that we do something about that as quickly and as appropriately and as efficiently as we can.

We are committed to moving forward with legalization in July 2018. In doing so we have taken an extremely comprehensive approach over the last two years to ensure that we introduce and continue to have conversations with all our counterparts in the provinces and territories. Those conversations continued last week and will continue as we move forward toward July 2018.

We engaged a substantive group of experts in the task force report who, as I mentioned in my opening remarks, conducted extensive consultations across the country, and we have benefited from that.

Ms. Marilyn Gladu: Thank you.

I can see that you're going to stick to the date. People are smoking it now whether it's legal or not. We're assuming that legalization is the only solution to address the issue, which I'm not sure it is.

My second question is for the health minister. We heard testimony that there's an increase of 30% in schizophrenia and psychotic disorders, depression, anxiety, and addiction in people who consume cannabis under the age of 25.

We also heard a discussion about home-grow and the yields. The plants could contain up to 600 grams of cannabis in a dwelling with no requirements for potency quality control or for storage lock-up. There's nothing to prevent parents from smoking up in front of their children. We know from Washington's experience that home-grow is where organized crime gets a foothold. They don't allow it, and the Canadian police agreed.

Why do you think it's in the best interests of young people's health to allow home-grow?

● (1850)

Hon. Ginette Petitpas Taylor: First, again to echo what my colleagues have indicated, the evidence is clear that prohibition, the status quo, is just not working. We truly have to make sure that we follow our plan. The objective of Bill C-45 is to legalize, strictly regulate, and restrict access to cannabis for youth. That's really our priority in all of this.

Again, as you've indicated, we know there's a high rate of usage when it comes to young Canadians. I have a few quick numbers here: 21% of youth between the ages of 15 and 19 consume cannabis, and 30% of young Canadians between the ages of 20 and 24 consume cannabis. We recognize that we have to have a regulated system in place because they're having access to unregulated products at this point. We want to ensure that the products they are going to consume, if they choose to consume, are going to be regulated.

Once again, we are not encouraging youth to consume cannabis, but we want to make sure that it's safe and that we get it out of the hands of children.

Ms. Marilyn Gladu: Thank you.

Obviously, if it's in their house they're going to have a chance to get hold of it.

I have a question for the Minister of Public Safety. I'm going to follow up on a question that Mr. Mulcair asked in the House today. He was also talking about the border issue where when people try to cross the border and they're asked if they have smoked cannabis, that other than the Prime Minister everybody else would not be allowed entrance into the U.S. You've said that's the case and the U.S. has the ability to say what's going to be legal in their country.

Knowing that there's going to be a big problem, do you think there's a need to do some public awareness with youth who might want to work in the future in global roles and with 283 days left when is that going to happen?

Hon. Ralph Goodale: There's a requirement, and a very valid and important public policy objective to be served, by making sure that all people understand what the legal or procedural consequences of their choices and their decisions are. As I mentioned in my remarks, one of the things the Canada Border Services Agency will be trying to do is to make sure that people are well aware of the border implications of their behaviour. We would not tolerate the Americans telling us what to do about our border, and similarly, we will leave the decision-making about American procedures to the Americans. That's their jurisdiction and their responsibility.

What we can do is make sure that Canadians are aware of the legal implications and the consequences. We will also carry on a continuing dialogue with the United States to ensure that the treatment of Canadians at the border is fair, respectful, and professional, as we have the right to expect as we approach their border. They have the right to expect that kind of treatment when they approach our border. I think it is important to note that the legal situation in the United States is complicated and evolving, because state jurisdictions are going, in many cases, in exactly the opposite direction of what the federal jurisdiction in the United States has chosen to adopt.

It will be a situation in the U.S. where I think you can expect an evolving legal environment and one where we need to make sure, as much as possible, that Canadians are aware of what that environment is.

The Chair: Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair. Thank you to the ministers for being with us today. I'd like to offer my congratulations

to the Minister of Health on her appointment, and I look forward to working with her as well.

My first question will be to the Minister of Health. The task force on cannabis legalization recommended that your government legalize and regulate edibles and concentrates. Here's what the Honourable Anne McLellan said last week when I asked her why the task force made that recommendation:

...it's a growth area in the cannabis marketplace. Obviously, if you're concerned about public health, you want to move people away from smoking.... If it's for medicinal purposes, there are therapies in non-smoking forms...as mentioned in the task force report, the edible market is growing.

If you want to move from the illicit market into a regulated legal market, then you have to offer the quality and choice that the illicit market can provide. It's fair to say that we heard that over and over again from a wide variety of people we talked to. There are public health reasons and public safety reasons why you would want to authorize or allow edibles in various forms.

Minister, given that two of the most important purposes of this bill are to reduce illicit activities and to provide access to a quality-controlled supply of cannabis, which are right in section 7, why did your government ignore this recommendation? In other words, if prohibition doesn't work, as you said, why are you prohibiting edibles?

● (1855)

Hon. Ginette Petitpas Taylor: First of all, what I'd like to say is that our government has committed that by July 2018, we will ensure that Canadians have access to dry cannabis, fresh cannabis, and oils. That is the beginning of the work that needs to be done. From there, however, we agree with the task force recommendations, but we'll have to bring in regulations to address the issue of edibles, and that is going to be done in due course.

We recognize that with the experience in the States—they have extensive experience with respect to this—most of their issues and complications were because of the issue of edibles. They weren't properly prepared to deal with them. We want to ensure that we have the proper regulatory framework in place to make sure that we have all the necessary tools to get this right.

When I look at edibles, we can see that there's a wide range of products that could be legalized. If there are hundreds, if not thousands, of products that can be made legal, we have to make sure that we have the right regulatory process to get this done right.

Mr. Don Davies: Thank you.

Hon. Ginette Petitpas Taylor: That is why we're moving with this process.

Mr. Don Davies: Sam Kamin, who is a professor at the University of Denver, told the committee, "I think our experience and the American experience is certainly that we have learned how to mitigate those risks." He pointed to "Resealable packaging, non-transparent packaging, with clear portion sizes and maximum THC per package, markings on the individual pieces", no marketing to children, etc., as all part of the state of Colorado's experience.

Minister, I'll put it to you once again. Leaving these products wholly unregulated means that the risks of edibles and concentrates remain wholly unmitigated. Why is that better? Why are you content to leave those products to the black market, and as the Minister of Public Safety said, to organized crime, which is probably not selling their products in childproof packages. Why are you content to leave that for another year or so instead of regulating them now, as Colorado has done very successfully?

Hon. Ginette Petitpas Taylor: First and foremost, we want to make sure we get this right. As indicated, we are committed to bringing in the regulation that is needed regarding edibles; that is our commitment. However, we want to make sure that we use best practices, and we continue to consult with our neighbours down south. They have told us loud and clear that if they had a choice, they would probably follow Canada's lead right now as opposed to how they did it.

Mr. Don Davies: Thank you.

Mr. Goodale, to you, about the border. Now, we know—I think we're all parliamentarians—that the United States is a sovereign country, and certainly nobody is asking anybody to tell the Americans what to do. The reality is that come July 1, 2018, if in fact that's the target date set, there will be a new legal reality in this country. We all know that there are stories of Canadians going to the U.S. border and U.S. border guards asking if someone has consumed cannabis, and if the answer is yes, they are routinely denied entry.

Are you working to try to reach an agreement with the Americans that recognizes the new legal reality, or will business people and ordinary Canadians simply have to try their luck when they get to the U.S. border on July 2?

Hon. Ralph Goodale: We're constantly raising with the Americans the reality of the changing legal regime in Canada, one that we believe, on the basis of very compelling argument, will be more effective than the American federal regime in keeping cannabis out of the hands of kids and stopping the flow of illegal money to organized crime. That's an ongoing dialogue and it's one that we will raise at every opportunity to ensure that Canadians are treated fairly.

Mr. Don Davies: Thank you.

To the justice minister, Bill C-45 retains a criminalized approach to cannabis in many respects, including possession limits, cultivation restrictions, and selling offences. The Canadian Association of Chiefs of Police told this committee:

We know that in 2016, I believe, there were approximately 16,000 or 17,000 charges for simple possession of marijuana—

There were actually more than that.

—but we think those will be replaced with ticketing. They'll be replaced with nuisance calls. They will be replaced if, unfortunately, we do go forward with personal grows, with us having to manage those grow operations, which, of course, will be a very time-consuming and onerous process for our officers, who will then have to seize the plants and take them back to a police department or a facility to store them

This is not to mention the new enforcement provisions around cannabis-impaired driving. He continued:

We don't see this...as being any sort of time-saving for our staff.

Now, one of the purposes of the bill in clause 7 is to reduce the burden on the criminal justice system. Given that law enforcement

agencies believe the proposed framework will not reduce enforcement activities, and given that your government recently announced plans to spend an additional \$274 million on cannabis enforcement, how exactly will Bill C-45 reduce the burden on the criminal justice system?

● (1900)

Hon. Jody Wilson-Raybould: In clause 7 of the bill, yes, one of the purposes is to reduce the burden on the criminal justice system. In the cannabis act we have introduced a series of penalties that run the gamut, from ticketing up to serious indictable offences. I recognize what you're saying that the the police officers have said. We are committed in terms of bringing in the cannabis act to ensure—as Minister Goodale spoke about—that we provide law enforcement officers with all of the necessary tools they will require, from drug-impaired driving to other measures, to ensure they can do their jobs appropriately.

We are going to continue to work with our counterparts in the provinces and territories to provide them with the support they need as well as continue to work with municipal governments. I think the spectrum from ticketing up to the realities of the more serious offences will contribute to a reduction in the use of court time, particularly where this involves younger people, where it involves the less-serious charges of between 30 and 50 grams of cannabis possession. There are alternatives then to going through the regular criminal justice system.

Mr. Don Davies: It doesn't sound as if it will reduce the burden.

The Chair: Your time is up, Mr. Davies.

Mr. Don Davies: Thank you.

The Chair: Thanks very much.

We go to Dr. Eyolfson.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Thank you, Ministers, for coming.

Minister Goodale, I take to heart particularly what you say about how we need to address the criminal gang problem. I practised emergency medicine in Winnipeg for almost 20 years and was intimately familiar as to why we were the murder capital of Canada. I, quite frankly, lost count of the number of bullet wounds and stab wounds I treated. The vast majority of those were due to the illegal drug trade, most of that being cannabis.

I thank you, and I appreciate the statistics that you were able to quote from Washington and Colorado about the market share that has gone down from the illegal market due to the legalization.

Another big public safety issue that, again, I became intimately familiar with, was impaired driving in all of its forms. We know that, as you said, this is something that is going on. Legalization isn't going to create this. We know it's happening. Do we have any data right now as to the prevalence of people who, today, are driving impaired on cannabis?

I don't mean accident victims on whom simply the presence was found, but data on collisions and their prevalence due to impaired driving due to cannabis?

Hon. Ralph Goodale: I don't have those statistics right with me this evening. This might be of interest to all members of the committee. I will ask my officials to prepare a summary of, statistically, what we do know at the present time about drug-impaired driving versus alcohol-impaired driving. I will send that back to the committee just as soon as we're able to compile that arithmetic.

Mr. Doug Eyolfson: Okay. Thank you.

With regard to Colorado, we heard testimony that what they thought was an apparent spike in cannabis-impaired driving was actually due to improved detection methods as opposed to an increase of actual incidents. Will this legislation and the provisions that are coming out of it in law enforcement help to better detect and track impaired driving due to cannabis?

• (1905)

Hon. Ralph Goodale: The legislation, particularly Bill C-46, which is the companion piece, will assist in that regard in two ways. First of all, it will introduce new roadside screening equipment that will be more helpful in providing preliminary information about potential drug impairment and then lead to more specific testing at the police station with blood samples. The equipment will help get more accurate information.

Second is greater training. Part of the money that I referred to in my remarks will go toward training more field sobriety-testing officers, who have the skill set necessary to identify situations at the roadside. At the moment, there are, roughly speaking, 3,500 of those officers properly trained across the country at various levels of police forces. Our objective is essentially to double that number over the course of the next 18 months to two years.

We're also aiming to increase substantially, by at least 50%, the number of drug recognition experts. These are people who are pre-qualified as experts in detecting drug-related issues and then testifying to that effect in court. There are now, roughly speaking, 500 of them in the country. We would want to see that number go up to at least 750, distributed across the nation, obviously.

Providing better equipment and providing larger numbers of properly-trained officers, either in the field or at headquarters in the police stations, will certainly enable us to be more precise in future with respect to tracking and quantifying the issue.

Mr. Doug Eyolfson: All right. Thank you.

Now one of the other concerns that's been brought up is regarding our provisions for allowing growing up to four plants in the home. I know we have a lot of assumptions on it. We don't know how common it's going to be. It is apparently a very difficult and labour-intensive plant to grow, or so I've heard. But, again, there are many assumptions. We had a member from one of the police departments talk about what would happen to a 200-unit apartment block if half the units had four plants, but when I asked him what makes him think he would see this, I got the response, "I don't have any evidence that could prove that".

That being said, do we have any idea, under the conditions we have, as to how big a problem this would be or how common this would be? Also, do we have any federal legislation that would restrict how many plants you could grow if the owners of a multi-

dwelling unit wanted to ban it? Is there a federal law that would say you can't grow this in apartment blocks?

Hon. Jody Wilson-Raybould: In terms of federal laws, we're going to continue to work with the provinces and territories, and particularly work with municipalities, as there is an implication with respect to residential tenancy. Because of all the different interconnections with respect to different jurisdictions and different orders of government's laws, we'll continue to work with our counterparts in that regard.

In terms of the scenario you talked about, an apartment building, this was discussed at great length by the task force, as you know. The restriction to four plants was in part a recognition that having an overabundance of production of plants could lead to the concerns that are raised with major grow operations that happen in buildings. Restricting the number of plants prevents those negative consequences, certainly.

Mr. Doug Eyolfson: All right. Thank you.

The Chair: You're time is up.

That completes our seven-minute round of questions.

At this point I'd just like to welcome two new permanent members to our committee, Dave Van Kesteren, from the Conservatives, and our new parliamentary secretary, Bill Blair, who's been with us quite a bit, but he's now a permanent non-voting member of the committee. We welcome you both and look forward to your contributions.

Now we're going to the five-minute round of questions with Mr. Webber.

• (1910)

Mr. Len Webber (Calgary Confederation, CPC): Thank you, Mr. Chair.

Thank you, ministers, for being here today.

Minister Wilson-Raybould, we heard testimony from Dr. Steven Hoffman, who is a professor of law at Osgoode Hall and an expert in international law. He is very concerned, as are we, the Conservative Party, that we don't break any international laws. He proposes that this Bill C-45 legislation would in fact violate three UN treaties: the Single Convention on Narcotic Drugs, 1961, which is "to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs"; the Convention on Psychotropic Substances, 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, which is to establish as a criminal offence the purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption. These are three UN treaties that basically we would not be complying with when this legislation passes.

I just want to know what your government plans to do in dealing with the other countries around the world who are a part of this treaty. Do you plan on just not complying and violating the treaties, or are you going to withdraw from the treaties? If, in fact, you do withdraw from the treaties, you have to give notice, and the deadline for notice for your proposed legislation of July 1, 2017, has passed. I just was wondering what your government is going to do about dealing with these international partners of ours.

Hon. Jody Wilson-Raybould: My colleagues and I are working very closely with the Minister of Foreign Affairs. Thank you for speaking to the international conventions that we are a signatory to. I'm very aware of the commitments that have been made with respect to those conventions.

We're taking a substantive approach to legalization and strictly regulating cannabis in Canada. We've been very open with our international partners about our approach and certainly are taking a substantive health and safety approach as we move forward with the legalization and strict regulation of cannabis.

That health and safety approach is consistent with the goals and objectives of our international conventions, but we are going to continue to ensure as we proceed that, as the previous health minister did at the United Nations, we are very open with the work we're doing, the purposes of the work we're doing, and the unique and purposeful approach we're taking to this bill, and we are going to continue to ensure that we maintain open and strong communications with our international partners.

Mr. Len Webber: Have you given official notice and indication that you will be withdrawing from these treaties?

Hon. Jody Wilson-Raybould: As I've said, we're working very closely with our partners and with the Minister of Foreign Affairs and have been very open with the approach we're taking with respect to Bill C-45.

Hon. Ralph Goodale: Could I also add that the United States has this evolving problem in terms of its international stance on various issues? While at the federal level they maintain a prohibition, a number of states, including some with very large percentages of the population, are actually moving in the other direction. There may well be a very significant international discussion involving a variety of countries around this issue in the months and years ahead.

Mr. Len Webber: Yes. Dr. Hoffman, Minister Goodale, did bring up the U.S. and the fact that some of the states are and have been legalizing, of course, but it is a federal law not to legalize marijuana. That's apparently how they get around this treaty.

Is there any indication on Uruguay and the ramifications they've experienced from legalizing marijuana in their country?

• (1915)

Hon. Jody Wilson-Raybould: In terms of international relations and discussions with Uruguay...?

Mr. Len Webber: Right, in terms of Uruguay breaking the treaty as well. They were part of the UN treaties as well and now they've legalized marijuana. Are you aware of any ramifications or punishment they've received from the international community?

Hon. Jody Wilson-Raybould: I would not endeavour to answer a question that is the domain of my counterpart, but I certainly will

endeavour and commit to getting back to you after having the opportunity to speak with the Minister of Foreign Affairs.

Mr. Len Webber: Good. Thank you.

The Chair: The clerk has alerted me to the fact that I overlooked Mr. McKinnon as a permanent member of the committee. He's been here quite a while, but now it's official, so I would like to welcome him officially to the committee as well.

Mr. McKinnon, I understand you're going to share your time with Ms. Sidhu.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Yes. Thanks, Chair, and thank you for the welcome.

The Chair: You're welcome.

Mr. Ron McKinnon: I feel like I've been here a long time.

My question is for you, Minister Wilson-Raybould. We know that youth who are found in possession of five grams of cannabis or more will in various other ways engage the criminal justice system by means of the youth criminal justice system. It sounds kind of scary. I know their records will be sealed when they become adults, but I was wondering if there are any other options open to us that are non-criminal in nature that we could explore.

Hon. Jody Wilson-Raybould: I think the criminal justice system should be scaring anybody and they should be wanting to avoid it at all costs. In terms of the five grams or less, we're continuing to explore. I'm continuing to have discussions with my counterparts in the provinces and territories to look at that with my colleagues, like what Ontario announced last week in putting in place or using legislation to further restrict cannabis possession among young people, and providing police officers with the ability to seize cannabis that's in possession of a young person, similar to what is currently done with alcohol.

In terms of possession for a young person between 12 and 17, of course, as you mentioned, the Youth Criminal Justice Act applies. That act invites the rehabilitation and reintegration into society of young people. It looks at the maturity level of a young person and the dependency of a young person. It requires a police officer to look at alternative measures if it's appropriate in the circumstances, with a warning or other measures for a young person, so as not to have to proceed, if it's appropriate, through the criminal justice system.

Mr. Ron McKinnon: Thank you, Minister.

I'll defer to my colleague.

Ms. Sonia Sidhu (Brampton South, Lib.): Thank you, Chair.

Thank you to all the ministers for coming here.

To the Minister of Justice, clause 31 of Bill C-45 prohibits the sale of cannabis or a cannabis accessory whose shape is appealing or attractive to youth. Who will determine whether or not that cannabis product or accessory is appealing to youth? Is there a designated minister who will recall them? Perhaps you can explain that.

Hon. Jody Wilson-Raybould: If I understand the question correctly, what the act provides with respect to advertising, with respect to people promoting displays, would be under the purview of the Minister of Health, as described in many provisions within the act.

I don't know if my colleague wants to speak to that a little bit further.

Hon. Ginette Petitpas Taylor: Yes, certainly.

Bill C-45 proposes strict regulations on packaging and labelling, and marketing and advertising. We truly want to ensure that the marketing tools won't be enticing youth to want to consume cannabis. It's very much like we've done with the tobacco legislation and with the tobacco products. The same types of rules will apply, with warnings and also making sure that the packaging is very bland, if I may say. We will also ensure that there are no sponsorships or endorsements when it comes to marketing.

Finally, the only information that will be available on the packaging will be informational-type marketing information: what is in the package, serving sizes, or whatever the case may be. That's the type of information that will be available in the packaging. Again, we want to make sure that the advertising will not entice or encourage young people to use cannabis.

● (1920)

Ms. Sonia Sidhu: Thank you.

To the Minister of Health, during last week's meetings we heard about research on cannabis and its impact on health. We know that research is an important tool to help inform decisions made by individuals and by government. How will the legalization of cannabis allow for more research? Is there any plan to do more research on that?

Hon. Ginette Petitpas Taylor: Thank you very much for the question. It's a very important question.

Our government is completely committed to facilitating research when it comes to cannabis, with really two streams: the medical use and also the recreational use. The CIHR has put out a \$1-million grant proposal specifically to do research in those two areas. We are looking forward to the findings. With regard to the Minister of Health, looking at research, when Bill C-45 becomes a reality, from there it will be easier for the Minister of Health to approve that type of research, because the product will be legal at the time.

Ms. Sonia Sidhu: Thank you.

The Chair: Thanks very much.

Now we go to Mr. Van Kesteren.

Mr. Dave Van Kesteren (Chatham-Kent—Leamington, CPC): Thanks, Chair.

Thank you for being here. This is the first time I've had the opportunity to serve in this committee. I think it's going to be a great committee to serve in.

This question is for the health minister, and I'm surprised it hasn't been raised yet. Is it a healthy thing to do, to smoke marijuana?

Hon. Ginette Petitpas Taylor: As indicated, in Bill C-45 in no way are we promoting that people—

Mr. Dave Van Kesteren: But answer the question. Is it a healthy thing to do?

Hon. Ginette Petitpas Taylor: With respect to the answer—

Mr. Dave Van Kesteren: Compare it with cigarette smoking. Is it healthier than cigarette smoking?

Hon. Ginette Petitpas Taylor: I would not say it's healthier, no, and again—

Mr. Dave Van Kesteren: As a matter of fact, I think it's five times more toxic.

Hon. Ginette Petitpas Taylor: Yes—

Mr. Dave Van Kesteren: I'm curious, do you have an endgame? Like, we obviously have recognized that cigarette smoking is not a good idea. The government has decided that maybe the best thing to do is to tax it, to really heavily tax it, and we've reduced our smoking significantly. Is there an endgame with this legislation? Are we thinking about doing the same here? Are we going to tax the product so that people will steer away from it because it's not good for them?

Hon. Ginette Petitpas Taylor: Bill C-45's objective is very clear—to legalize cannabis, to strictly regulate, and to restrict access to children.

Mr. Dave Van Kesteren: I know that.

Hon. Ginette Petitpas Taylor: That's really what we want to do.

With respect to the market as it is right now, we see that 100% of the profits are going to the black market. By regulating our system, we truly want to make sure that people will have access to a safe product, and then, from there, it's getting the profits out of the hands of criminals.

Mr. Dave Van Kesteren: But isn't that a double standard? We've determined that cigarette smoking is not good.

I'm going to tell you a little story. I had the tobacco people come into my office one time and they were really upset about the fact that the first nations people were selling tobacco. We got talking about that and I told them my problem. The government has taxed this to a point where it is now lucrative for organized crime. As a matter of fact, I don't know if people know this, but a bale of tobacco at that time was \$75,000. It was more lucrative to sell tobacco than it was to sell marijuana. The tobacco company is selling a product that we know is harmful to people's health, and the first nations groups are selling it illegally. I told them I didn't really know who the criminals were.

Are we going to have an issue...? Maybe I can direct this to somebody else.

Mr. Goodale, maybe you can help me with this too. I really hope we have an endgame and that we're not going to make this cheaper and more of a product that appeals to youth because it's cheaper. Are we going to then tax it so that we now have a new problem such that maybe groups like first nations will say it's entirely within their purview and they will start marketing the stuff? Have we thought about that?

You can see where my line of questioning is going. There seems to be a whole lot of things you haven't thought about that you maybe should.

Hon. Ralph Goodale: We've been guided in much of our analysis by the extensive and very good work of the task force.

The issue of pricing and taxation is a very serious issue that both the Minister of Finance and his provincial counterparts are seized with right at this very moment to determine what kind of fiscal regime will apply here to enable governments to defray the costs that are involved, but at the same time, not create the very thing that you're worried about, which is a black market. Therefore, the finance ministers have to deliberate very carefully about what fiscal rules will apply to cannabis in order to be sure they are not inadvertently creating a black market, because that's exactly what we would not want to do.

• (1925)

Mr. Dave Van Kesteren: I share something with Mr. Blair in policing. I have three sons who are policemen. I like to think sometimes I'm a little bit of a libertarian. One time in the course of conversation we got talking about the legalization of marijuana. I said, "I'm a libertarian. I think if people want to smoke, let them smoke." I have to tell you, they came on me like white on rice. These are my police officer sons. They said I was out of my mind. They started to list.... I don't have time to talk about the issues they talked about.

This is the police force. These are the people who are on the front line, and I have yet to meet anybody...with the exception of Mr. Blair. I'm sure there are others, but I haven't met them yet. How many people in law enforcement are just telling us to put the brakes on, that we don't know what we're doing, and that we have to understand that there are implications here that we haven't dealt with yet? Why aren't you listening to those groups and why don't we get a little bit of a sense of calmness from that group if you indeed have been dialoguing with them?

Hon. Ralph Goodale: There are very serious implications of maintaining the status quo. The status quo has made Canadian teenagers the heaviest users of marijuana in the western world.

Mr. Dave Van Kesteren: But do we know why?

Hon. Ralph Goodale: The status quo is putting \$7 billion a year into the hands of organized crime. Delaying a solution is simply perpetuating the existing failure. We have to change from failure to a new regime that offers in fact some better prospect of success to protect our kids and to slow down and hopefully stop organized crime.

The Chair: Thank you very much.

Now we go to Mr. Ayoub.

[Translation]

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): Thank you, Mr. Chair.

I am very glad that the witnesses are here to answer some important questions.

As I said last week—

[English]

Hon. Jody Wilson-Raybould: Sorry, Mr. Chair. My apologies, there is no translation.

Mr. Ramez Ayoub: No problem. Let's start again, then.

[Translation]

I wanted to thank you. We are very privileged to have all three of you here to answer some important questions.

As I said last week, we have waited long enough. There is an urgency to act. You said, Mr. Goodale, that it's been a long time that we've had a system that isn't working. We need to move forward.

By way of information, I had a town hall meeting last week in my riding, and 130 people attended. It was said that 45% of young people in my riding have used marijuana in the past year. If I say there is an urgency to act, it's because Canadian statistics are catastrophic. We looked at the reasons why the percentages were so high.

Ms. Petitpas Taylor, I would like to take stock of education. As with alcohol and cigarettes, education is important. Parents, people around us, society and governments have an impact on what young people use or don't use. In the context of the legalization of marijuana, what is done or planned in terms of education needs to raise awareness among our young people, to reduce marijuana use and ensure that they don't use it at a young age. If they decide to use it later, it must be in full knowledge of the facts.

• (1930)

Hon. Ginette Petitpas Taylor: Thank you very much for your question.

First of all, I would like to say that the awareness campaign is a priority for us.

We have learned from the experience of our American neighbours. They regretted not having educated the public before the legislation came into effect.

For us, an investment of \$9.6 million is only the beginning.

We recognize that we must raise awareness and educate young people so that they know the consequences of marijuana use. We need to have an honest discussion with our children. We want to equip parents and young people to ensure that they receive the right information.

We have established partnerships with agencies that have created tools and are developing others. We also want to ensure we reach out to young people by using the same tools they use, including social media. So different measures will be included in the awareness campaign.

I repeat that encouraging dialogue with young people is an important aspect, a key aspect in the awareness process. We want to ensure that young people know the warning signs, the symptoms and outcomes of marijuana use.

Mr. Ramez Ayoub: Ms. Petitpas Taylor, I trust your words, and I strongly encourage you to continue your outreach efforts. I know that it's important for you. Awareness is the first step, and this requires investment. So I encourage my government to invest much more in awareness and education to improve understanding.

Mr. Goodale, I would like to talk about personal production and the number of plants. One of my colleagues asked how we were going to manage to thwart production and manage prices. If personal production is allowed, will it reduce interest by organized crime in growing marijuana and selling it on a market where the price is much lower? In fact, individual consumers, the target audience, will now no longer need to go and see criminals. Adults and kids currently have to do business with criminals to get cannabis. Is there a correlation here?

[English]

Hon. Ralph Goodale: The point you make is really quite important and quite valid. Right now, the production and distribution is entirely, 100% in the hands of criminal organizations, apart from the medicinal portion that has been carved out for a number of years by Health Canada. The objective is to remove from those criminal organizations the effective monopoly, to take away the profit incentive, and to establish a regulated production regime where we can have greater control over quality and the standards that would apply, and where the profits are earned legally and not illegally, and therefore achieve greater public health and safety as a consequence of that.

Will the new regime be absolutely perfect and 100% successful? We hope so. That would certainly be our goal. Under a new legal framework with strict regulation and control, we believe we'll be far more successful at public health and safety than the regime that has existed for 90-some years, which has obviously been an abject failure.

The Chair: Time's up, and now we go back to Mr. Davies.

Mr. Don Davies: Thank you, Chair.

Minister Goodale, Ontario Liberal Premier Kathleen Wynne recently announced that her government plans to retail cannabis through a government-owned control board. Last week the committee learned that the State of Colorado, in fact any state, could not pursue such a model of public distribution because it would have put state employees in the position of breaking federal U.S. law by trafficking in cannabis.

Minister, given that employees of the cannabis control board of Ontario will be involved in the sale of cannabis, will this affect their admissibility to the United States in your view?

Hon. Ralph Goodale: No, because they have not violated any American law.

• (1935)

Mr. Don Davies: To the Minister of Justice, Michael Spratt, a lawyer, testified before this committee that Bill C-45—

Hon. Ralph Goodale: Let me just say that they have not violated any law, not just American law.

Mr. Don Davies: Well, not yet.

Michael Spratt testified that Bill C-45 leaves intact the criminalization of cannabis in many circumstances that will harm vulnerable Canadians. I want to quote from his testimony:

An adult who possesses 30 grams of marijuana in public is a criminal. A youth who possesses more than five grams of marijuana is a criminal. An 18-year old who passes a joint to their 17-year-old friend is a criminal. An adult who grows

five marijuana plants is a criminal. An adult who lets his one-metre tall marijuana plant grow an extra centimetre is a criminal.

This continued criminalization is inconsistent with a rational and evidence-based criminal justice policy and will only serve to reduce some of the positive impacts of the bill.

...the asymmetrical criminalization of marijuana will only serve to perpetuate the disproportionate enforcement of laws on the young, marginalized, and racialized members of our society.

Minister, you know that indigenous, racialized, and marginalized people are disproportionately represented in the criminal justice system and are disproportionately harmed by a criminal approach to drug laws. By maintaining a criminalized approach to cannabis, Bill C-45 will perpetuate this discriminatory impact. Why have you done so?

Hon. Jody Wilson-Raybould: First, we are proceeding on a comprehensive review of the criminal justice system, targeted specifically to reduce the over-representation of indigenous and marginalized individuals in the criminal justice system.

What we've done with the proposed cannabis act in Bill C-45 is, as I said earlier in my comments, to put a diversity of sanctions within the act from ticketing to the more serious criminal prosecutions that could arise. There is an opportunity to proceed by way of ticketing for many of the offences that you've mentioned, for example, between 30 and 50 grams of possession for an adult. For youth there's the opportunity, when you go through the Youth Criminal Justice Act, to proceed in other manners that law enforcement officers can—

Mr. Don Davies: The question minister, with respect, is “Do you not agree that this act will continue to have a disproportionate effect on racialized and indigenous people?”

Hon. Jody Wilson-Raybould: The purpose of this act, as you have quite rightly pointed out, is in section 7. The purpose is to ensure that we legalize and strictly regulate to keep cannabis out of the hands of young people and the proceeds out of the hands of criminals.

Mr. Don Davies: Okay. I understand.

Hon. Jody Wilson-Raybould: We have an obligation, and I am endeavouring to work extremely hard in the broader criminal justice system review to address the over-representation of indigenous peoples and marginalized individuals, which has resulted from many factors.

Mr. Don Davies: Okay.

After introducing Bill C-45, Prime Minister Trudeau told a *VICE News* town hall that:

...our focus is on making sure we're changing the legislation to fix what's broken [in] a system that is hurting Canadians...and then we'll take steps to look at what we can do for those people who have criminal records for something that would no longer be criminal.

However, Kathy Thompson, assistant deputy minister for community safety and countering crime branch in the Department of Public Safety, told this committee that, “There are no plans at this time to introduce an automatic pardon”, as suggested, and there is zero in this bill to deal with pardons.

Minister, can you confirm that your government is considering plans to pardon criminal records for offences that will no longer be offences when the proposed legislation comes into force?

Hon. Ralph Goodale: We are examining the issue. We have not arrived at any conclusions yet, but obviously we are examining all of the options and ramifications to achieve the objective the Prime Minister referred to.

Mr. Don Davies: Thank you.

I'll go back to the Minister of Justice. The McLellan task force said:

Canada's governments, and many other organizations, will need to work quickly to prepare for the implementation of the new system, increasing or developing capacity in many areas relating to production, distribution and retail, quality control and enforcement, and research and surveillance.... Having all elements in place will be necessary for the proper functioning of the regime.

They also recommended that the federal government, "Take a leadership role to ensure that capacity is developed among all levels of government prior to the start of the regulatory regime".

However, when asked if the federal government has been working with indigenous governments on a nation-to-nation basis to develop that capacity, Ontario Regional Chief Isadore Day told this committee:

No, they haven't...

The legislative process, the capacity, and the mutually agreed-upon processes as to how we're going to gel and work together to meet a collective outcome are going to be the challenge. That is simply not happening with this government.

Minister, given the task force's clear warning that intergovernmental co-operation is critical, and given the Prime Minister's repeated statements that his most important relationship is with indigenous people, why has your government ignored first nations' governments in building the capacity for BillC-45 to become law?

• (1940)

Hon. Jody Wilson-Raybould: I would disagree with the statement that we have ignored indigenous peoples. We are firmly committed to engaging in a nation-to-nation relationship with indigenous peoples right across this country.

I know that indigenous peoples, and communities and organizations, had the opportunity to speak with the task force in the production of their report. Likewise, I know that my colleagues and I will continue to engage with indigenous communities as we proceed towards July 2018. This is something we are committed to doing to ensure that we hear from as many indigenous communities as we can.

This is a broader discussion around indigenous governments and the ability of indigenous communities, whether they are under the Indian Act or have self-government agreements. We're aware of the ability of indigenous communities who are still living under the Indian Act who make bylaws around intoxicants on their reserves. As well, we are going to continue to understand and engage with indigenous communities who have self-government agreements and provide for their ability to move forward in this manner. I know my colleague Minister Petitpas Taylor is continuing to engage with respect to the health aspects and the realities in indigenous communities on an ongoing basis.

The Chair: Thank you very much.

That brings to a close our normal round of questions. However, I seem to detect a desire to continue to ask some more questions, so we're going to go to another first round. We just barely have time, though. Please keep your questions and answers to five minutes. I'm going to try to shut you down at five minutes without interfering too much.

We're going to start with Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chair.

Indeed, having more time to answer questions has always been our wish. When our colleagues opposite can't participate in the proceedings because they have to be absent, they still want to have time to ask questions. I wanted to point that out.

I would like to go back to price control. We have heard all sorts of things during testimony on this. There was talk of \$35 for 3.5 grams, the price of medicinal cannabis, and the asking price of criminals on the street.

Would the government prefer that the provinces give responsibility for the sale of cannabis to the private sector or to a government or non-profit organization? How does the federal government want the provinces to align their responsibilities in this area?

[*English*]

Hon. Ralph Goodale: Maybe my other colleagues will want to participate in this as well. Under the framework we're establishing, retailing is organized and managed at the provincial level. If a province chooses the route of a crown corporation in order to handle the retailing, the crown corporation would play a decisive role in establishing price. Other provinces may have a different approach in mind as to how a market would be established and how market forces would determine pricing.

The key role that government can and will play is on the fiscal side with respect to taxation. I'm sure that the ministers of finance—federally, provincially, and at the territorial level—will want to ensure that the fiscal regime they collectively agree with will accomplish the two fundamental objectives of the legislation, which are to keep marijuana out of the hands of kids, and to stop the flow of illegal cash to organized crime, which means eliminating the black market to the maximum extent that is humanly possible. They would not want to establish a price point that effectively perpetuates a black market. That's the fiscal decision that finance ministers will consider carefully.

• (1945)

Mr. Ramez Ayoub: Thank you.

Mr. John Oliver: Thanks for sharing, Ramez. I have a question.

We invited most of the provinces and territories to present, but we only heard from Saskatchewan, which said they weren't ready for this legislation. In the event that the bill becomes law, Ontario and New Brunswick have some plans in place for remote and indigenous communities. How will people be able to access this material, or is the black market going to remain in place until the provinces and territories set their own rules for distribution and retail?

Hon. Jody Wilson-Raybould: We recognize that jurisdictions may be in different places in terms of the work they've done on this. If a jurisdiction, a province, British Columbia, for example, is not ready when we hope that Bill C-45 becomes law, then there is a backstop. The federal government will provide safe distribution from a licensed producer that can be securitized through the mail.

Mr. John Oliver: If a province or territory hasn't really addressed rural or indigenous communities, remote communities, will that continue to be in place parallel to the provincial distribution, or will you cease to have a federal e-commerce model?

Hon. Ginette Petitpas Taylor: The federal government's intention is not to play a long-term retail role in this. It's really short term, but in the meantime, if provinces and territories are not prepared for the rollout, we will ensure that the process is in place for them.

Mr. John Oliver: The last question was around plain packaging. We know with cigarettes there's a move to go to plain packaging. The bill as it's written does not say the material for retail and distribution of cannabis is to be plain packaging. It leaves it with colour and branding opportunities. Do you have any thoughts about applying plain packaging regulations to the selling of cannabis?

Hon. Ginette Petitpas Taylor: Strict regulation is certainly our objective. Very much like the tobacco products, I can certainly see that we could go in that direction. We really want to make sure that the packaging doesn't entice kids to want to use cannabis. That is certainly our intention moving forward.

The Chair: We'll now move to Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Mr. Chair.

I have a question for the Minister of Health.

With respect to growing marijuana in the home, in addition to the fact that it puts marijuana right where our children can have access to it, there were a number of concerns that we heard testimony about. The fact is that homes where marijuana is being grown are 24 times more likely to have a fire. There are numerous incidents of electricity theft, complaints about odour, and concerns about mould. It's most concerning that, in Ontario and Quebec, if you're a property owner and you are renting your property to somebody or had somebody renting your basement, you would not be able to prevent them from growing cannabis or consuming cannabis.

When we look at who did this the best, we saw that, in the Washington model, they took their medical marijuana system that was very closely controlled and regulated and they added in the recreational marijuana to that. They only allowed a home-grow for those who were medically fragile and who couldn't get out to a dispensary. As a result, they eliminated most of the black market. Statistically, we heard that 80% of what they're doing is legitimate.

With that in mind, will the government consider eliminating homegrown, except in the cases of those who are medically fragile?

Hon. Ginette Petitpas Taylor: At this point in time, when we're talking about homegrown, we have to keep in mind that we're talking about four plants. We're not talking about a grow op in a home here. We look at the recommendations from the task force very seriously. The task force is also making that recommendation. We will be moving forward, but we're looking forward to hearing from the recommendations of this committee. Again, I think we have to give credit to Canadians when they're home, as well. I trust that Canadians will take the appropriate measures to ensure that, in the best interest of their kids, this product is kept in a safe area and will be kept safe, like they would with all other products. When we're at home and we have alcohol and combustible products, we make sure that our kids are kept away from those types of products.

With respect to this as well, I see that parents and most Canadians will certainly do the right thing.

• (1950)

Ms. Marilyn Gladu: I think that's naive.

When it comes to the public awareness and education that is so important, we can see that in order to reduce the percentage of drunk drivers on the road, there was a huge public awareness campaign that was done. I think you were looking for statistics earlier. Out of traffic-related deaths, 18% had alcohol, 24% had drugs, and 16% had both, so it's definitely a concern.

With respect to the kind of campaigns that we need, we need something like what was done with tobacco. You mentioned that the government has announced \$9.5 million, but I think that's over five years. If we look at what was done in Colorado and Washington, I think Washington said they spent \$7 million a year for seven million people. With Colorado, I believe \$10 million was the statistic for five million people. My concern is that there is not adequate funding applied and with 283 days left, none of these awareness campaigns have begun to roll out. You mentioned Facebook and social media, but I've not seen anything. If I'm not seeing anything and I've been looking, I'm just concerned that the \$100,000 from the not-for-profit training for parents was the only thing that we really saw.

What is the plan to do some awareness to prevent the impaired drugged-driving increase we expect to see, based on the Colorado and Washington experience?

Hon. Ginette Petitpas Taylor: Perhaps I'll start off and my colleague can jump in, if he wishes.

Again, as indicated, the \$9.6 million is an initial investment when it comes to awareness and prevention. That's key. Again, we have learned from other jurisdictions that we have to start with the awareness campaign before the actual rollout and that's exactly what we're doing. Having formerly been a social worker, I can tell you that awareness and prevention is key and it's really important to get the proper information, especially out to youth.

With respect to tools that are already out there, as I've said, the Drug Free Kids program is out there. Also, the rollouts of the social media campaigns have already started. We really want to make sure that we can ramp it up even more because we want to make sure that people get the appropriate information that they need.

As for the impaired driving, perhaps my colleague wants to jump in.

Hon. Ralph Goodale: I'll just re-emphasize that the campaign has begun. It is focused upon social media to start with, because all the statistics indicate this as by far the most effective mechanism for reaching young people.

The work is ongoing. It will undoubtedly accelerate and be complemented by the work of other organizations, including provincial governments, which in a number of cases have extensive information and educational campaigns in mind with respect both to Bill C-45 and the new regime dealing with cannabis and especially with respect to Bill C-46, which deals with impaired driving. There are some very important private sector organizations, such as MADD or Mothers Against Drunk Driving and the Canadian Automobile Association, that have already been very active in putting important messages, including paid advertising, into the public domain.

Hon. Ginette Petitpas Taylor: I forgot to mention that a working group has been established with provinces and territories to coordinate the public education campaign. Again, working collaboratively with provinces and territories is key, and we appreciate their contribution.

The Chair: Mr. Davies, you have five minutes.

Mr. Don Davies: Minister of Health, following up from your testimony that education and awareness are key, let me note that we received strong testimony about the importance of sound educational material about cannabis that is effectively crafted to reach various target audiences. We heard that one size does not fit all. When asked whether the federal government has been working with the Assembly of First Nations or any other indigenous organizations on developing targeted and culturally appropriate educational materials to roll out in advance of July 1 of next year, or whether it has given indigenous communities any money to do so, Ontario Regional Chief Isadore Day simply responded, no.

Why isn't the federal government engaged in that work with indigenous organizations?

• (1955)

Hon. Ginette Petitpas Taylor: First of all, I'd have to respond that we've certainly established working relationships with many groups in the community. As you've indicated, one size certainly doesn't fit all.

I would have to get back to you to show the engagement with respect to our first nations communities and our indigenous communities. I'd be more than happy to get back to you with a detailed response showing the outreach that was done.

Mr. Don Davies: Thank you.

Minister of Justice, who will be responsible for enforcing Bill C-45 on reserve lands and band lands?

Hon. Jody Wilson-Raybould: There's an opportunity on reserves, if the community is still under the Indian Act, for communities to put in place a bylaw, if they're desirous of having a dry community. If they're still under the Indian Act or have a self-governing arrangement, it depends upon what provisions or agreements they have made whether it would be under provincial jurisdiction or whether there would have to be further discussions involving the RCMP. Where there are self-governing communities, there are agreements in many circumstances with provincial bodies.

Mr. Don Davies: This is the last time I quote Chief Day, I promise. He said:

That's one of the outstanding questions we have that is going to really determine whether we state we're ready or not.

I have to tell you that most communities are very nervous right now about, in fact, not being able to enforce their own laws or even the federal-provincial laws with respect to medical and recreational cannabis.

He says, "I think it's highly irresponsible of the federal government to not be able to answer that question".

I would suggest that the federal government engage the first nations a little bit more carefully on this, because there seems to be great confusion about who will be enforcing this law on band lands.

Hon. Jody Wilson-Raybould: I appreciate your bringing this up. I know Regional Chief Day and recognize that he is fully committed to wanting to move forward and rebuild governance, moving beyond the Indian Act. This is an opportunity that we all have across party lines to support indigenous communities in rebuilding their institutions of government beyond the Indian Act, so that the clarity that does not exist right now is achieved.

I call on you, my colleague across the way, and everybody to assist in rebuilding communities. That's what our Prime Minister is committed to, and it's what we're moving forward to.

Mr. Don Davies: We'll try.

My last question will be this. We've heard repeatedly that the market is 100% organized crime. The evidence is that it's actually not. We heard from Dr. Neil Boyd, a criminologist from SFU, that a 2011 Department of Justice study found that 95% of cannabis trafficking offenders had no link to organized crime or street gangs whatsoever. We heard other testimony that many of the people who are involved in the production and sale of marijuana are actually folks who are entrepreneurial, non-violent, and have nothing to do with organized crime.

The question I'm going to direct is about clause 62, which gives power to the minister to refuse an applicant for involvement in production on the basis of a prior cannabis conviction. Professor Boyd argued that involvement in the current illicit trade should not be sufficient to provide a bar to entry, particularly as we try to bring people into the light—from the illicit market into the licit market—unless they have a record of threats or violence or evidence of dishonesty of some type.

Minister, in the absence of these aggravating factors, do you believe that a prior cannabis conviction alone should be sufficient grounds to bar an individual from participating in the new, legal market?

Hon. Jody Wilson-Raybould: I'm going to turn this question over to my colleague, the Minister of Health, who has a comprehensive process in place on exactly what you're talking about.

Mr. Don Davies: Whoever wants to answer.

Hon. Ginette Petitpas Taylor: And I'm going to defer it to Ms. Bogden. How's that?

Mr. Don Davies: Ms. Bogden, is there anybody else you'd like to defer the question to?

Voices: Oh, oh!

Ms. Jacqueline Bogden (Assistant Deputy Minister, Cannabis Legalization and Regulation Branch, Department of Health): In answer to the honourable member's question, as you know I was here before the committee last week and we discussed the extensive requirements that we have in place for the existing system of production of cannabis for medical purposes, which are designed to ensure the integrity of the system and to ensure that it isn't infiltrated by organized crime.

The government will set out what their requirements will be under the new legislation through the regulations. It's aware of those concerns and will take those into consideration, but I think it will want to continue to strike a balance, as it does now, to protect the integrity of the system.

• (2000)

Mr. Don Davies: Thank you.

The Chair: Time's up.

Now we'll go to Mr. McKinnon. I understand you're going to share your time with Mr. Eyolfson.

Mr. Ron McKinnon: Absolutely.

Hon. Jody Wilson-Raybould: Mr. Chair, I'm going to have to leave. It's eight o'clock.

Mr. Ron McKinnon: I'm not going to ask you any questions then. Nothing personal, though.

Minister Goodale, you mentioned that the import and export of cannabis is illegal and it will remain illegal. But it occurs to me that with this new regime we are putting in place there will be a whole new source of cannabis in Canada from the legal grow operations—and I guess we should call them legal producers—as well as personal cultivation and so forth. It would seem to me that this will create an opportunity for large-scale diversions to be exported to the United States, for example.

What are the challenges you see for CBSA in relation to interdicting such activities with the new regime going forward?

Hon. Ralph Goodale: The law with respect to the border does not change. It is illegal now to import or export, and it will continue to be illegal. Therefore, we will rely upon the very effective people who work for CBSA to make sure that the law is respected both ways. They will use the technology they have in place, together with the general operations of enforcement that they have been very skilled at. Some of the money that we have announced will help them to augment their procedures and their resources to make sure that the border remains secure.

Mr. Ron McKinnon: Do you see that there could be more attempts to export legally grown cannabis?

Hon. Ralph Goodale: Somebody might try, but I would bet on CBSA being the winner in that contest to make sure that the border remains secure. People should not underestimate the determination and diligence of CBSA, in co-operation with law enforcement generally in this country, to make sure that the laws are properly respected. We put an enormous burden on our law enforcement officers, and our border inspection and control officers, to do their jobs, and they will do them well.

Mr. Ron McKinnon: Thank you.

Those are my questions.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: Thank you.

Minister Petitpas Taylor, the task force on cannabis legalization recommended a separate medical access framework from the non-medical market, the recreational market. However, there was a recommendation from the Canadian Medical Association that this be evaluated within five years because there may not be a need for separate systems for medical and recreational.

Do you anticipate that a separate system for medical cannabis would exist indefinitely, or could this be subject to review?

Hon. Ginette Petitpas Taylor: We certainly recognize that we have a quality, worldwide service that's available right now when it comes to medical cannabis in this country. Certainly, with respect to the legislation in Bill C-45, we can see that we can build on that existing service.

What's imperative, however, is that we want to make sure consumers of medical cannabis will continue to have access to the product they need, and we will continue as well to monitor that situation very closely to make sure they always have access to the medication, to the products they use.

I may ask Ms. Bogden if there's anything else she wanted to add to that.

Ms. Jacqueline Bogden: I could add, Minister, that the government has committed that it accepts the advice of the task force and will review the framework in five years to determine whether the system should continue to exist.

Mr. Doug Eyolfson: Great.

Thanks very much. I have no further questions.

The Chair: Thanks very much.

That completes our rounds of questions. I want to thank everybody. I want to thank the ministers, for sure.

I want to make a comment. It's just my comment. I'm not speaking on behalf of the committee, but I don't have to because the committee has spoken.

Every party here has talked about the need for education, and more education than perhaps there is. The reason that every party is talking about that is that almost every witness we had said the same thing, that public awareness and education are really important.

I was thinking a minute ago that I have seen things happen at this committee that I've never seen before. We've had witnesses say, "I'm committing crimes at home. I committed crimes before I came, and I'm going to commit them when I go back home." We even had one witness say, "I committed a crime before I came into the committee this morning, and as soon as it's over, I'm going to commit another crime, and that's to smoke a joint."

That's how important the education is. I'm pleased that all parties brought that issue up. If there was one common theme from every witness, it was education and the need for early education.

Thanks very much for taking the time to come and answers all our questions and stay over time. Thank you very much, committee.

The meeting is adjourned.

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