

Cannabis legalization in Ontario

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Introduction

This paper was prepared by the Ontario Public Service Employees Union (OPSEU) in response to the Ontario government's open consultation on cannabis legalization.

OPSEU supports the legalization of cannabis in Ontario and believes the most effective way for the government to achieve its objectives of keeping cannabis out of the hands of youth and minimizing the black market is through a government-controlled distribution network, similar to the model that exists today for alcohol distribution. In addition, we believe that legalization must be accompanied by a significant investment in public education, particularly around the risks of drug-impaired driving, and rules around consumption to limit the use of cannabis in areas frequented by youth.

Minimum age for having, using and buying cannabis

When it comes to setting the minimum age for cannabis, it is important that whatever age the government selects, this minimum age is enforced at the point of sale. A crucial piece of ensuring that this is enforced is making sure that those working at the point of sale are not motivated by profit, which could risk creating an incentive to sell cannabis to those below the minimum age.

The LCBO has decades of proven experience enforcing the minimum age on the sale of alcohol, which is already a government-controlled substance in the province of Ontario. Between 2015 and 2016, workers at the LCBO conducted 14.5 million ID checks and refused service to 346,000 people (LCBO, 2017). This level of government oversight cannot be replicated in the private sector without significant costs to government for policing and enforcement. Therefore, it is OPSEU's opinion that government should be in control of the sale and distribution of cannabis to best enforce the minimum age at the point of sale.

Where people can use cannabis

To allow landlords or property managers to limit the use of recreational cannabis, without restricting medicinal use, would require landlords or property managers to have access to private medical information about tenants or residents. This is the reality of regulating a bilateral system of both medical and recreational cannabis users. OPSEU recognizes the medicinal benefits of cannabis and is the only employer in Canada that provides coverage for medicinal cannabis for its staff and their dependents for any diagnosis if it is prescribed by a doctor. This policy is based on OPSEU's firm belief that to request a person's diagnosis and proof of prescription for medicinal cannabis would be a violation of their personal privacy. Landlords and property managers should not have the right to this information about their tenants.

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OPSEU also represents workers in mental health and addiction centres, schools, youth correctional facilities, and group homes, which means we have seen first-hand the harmful effects early drug use can have on youth. It is from this experience that we believe cannabis should not be consumed around places frequented by youth, such as school zones and community centres.

Keeping our roads safe

Today, drug-impaired driving is more common in Canadian society than alcohol-impaired driving. MADD Canada found that 15 per cent of high school aged youth had admitted to driving within an hour after using cannabis, and that the number rose to 40 per cent when adults up to the age of 24 were included in the statistic (MADD, 2012). This was double the number of those in the same demographic who admitted to driving an hour after consuming two alcoholic drinks (MADD, 2012). It is clear that driving after using cannabis is seen as a less-risky endeavour than driving after consuming alcohol. On the one hand, public awareness of the risks of driving while impaired by cannabis is low, and this may increase the willingness of individuals to drive after consumption. In addition, while both drugs cause impairment, the ability to conduct roadside tests for cannabis use is limited, which means those who choose to drive shortly after consuming cannabis may see it as a form of impaired driving that comes with a lower risk of consequences than alcohol-impaired driving.

OPSEU supports increasing the legal penalties for driving under the influence of drugs to deter those from driving impaired. However, OPSEU believes that prevention is better than prosecution when it comes to keeping our roads safe. Under the prevention principle, OPSEU encourages the government to educate society, especially youth, on the harmful effects of driving under the influence of drugs and alcohol. To keep roads even safer, OPSEU believes that proper ID checks at the point of sale, such as those carried out by trained LCBO staff, should be a top priority to keep cannabis out of the hands of youth.

Selling and distributing cannabis

When it comes to distributing cannabis in Ontario, the most important objective to achieve is keeping the drug out of the hands of youth. OPSEU believes that this can best be achieved through government-controlled cannabis retail and distribution networks. Already, Ontarians have seen that private cannabis retail companies are not looking out for the best interests of communities or youth, and that, by contrast, government-controlled sales of alcohol have been largely successful at keeping communities safe. Shortly after the Trudeau Liberals formed government, 130 illegal dispensaries were operating in the city of Toronto, many near places frequented by youth, including schools and community centres. Despite attempts to shut them down using significant

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municipal resources, such as police raids, the dispensaries persisted. The fact is, private companies are motivated by profit, as further shown by promotions that encourage people to refer their friends in return for free product. This suggests that private retailers would be less likely to follow the rules to keep cannabis out of the hands of youth, especially since youth under the age of 18 are among the highest users of cannabis and thus, a large retail demographic for them.

Government-controlled alcohol retail outlets, such as the LCBO, have a proven track record of checking IDs and refusing service to underage and intoxicated people. If the goal of legalization is to keep cannabis out of the hands of youth and not to build a private industry of drug retailers, then it makes the most sense to retail cannabis through a government-owned establishment. With a mandate to protect youth, government would not be motivated to increase profit by selling cannabis to those under the age of majority. Staff at government retailers of controlled substances risk their job by selling to those underage, giving them a strong incentive to enforce age restrictions. On the other hand, staff at privately owned retailers can risk their jobs by not meeting sales quotas. For these reasons, OPSEU believes that the best organization to retail cannabis in the province of Ontario is the government of Ontario.

Public education

When it comes to the safe use of cannabis, the public should know about the potentially harmful short-term and long-term effects of cannabis use, which include driving under the influence of the drug and consuming the drug too often, or too early in life. The government should be engaging in a public health campaign and using established industry leaders, such as CAMH and MADD, to educate youth and the rest of society on such risks.

Conclusion

The legalization and regulation of cannabis is an important issue and the decisions made by the government today will affect generations of Ontarians to come. For the reasons above, OPSEU calls on the Ontario government to:

1. Restrict sales of recreational cannabis to government-owned retail outlets, similar to the LCBO model already in existence.
2. Undertake a public health campaign to educate the public on the risks of cannabis use, in partnership with established organizations such as CAMH and MADD, with a particular focus on the risks of drug-impaired driving.
3. Ban the use of cannabis around places frequented by youth, such as schools and community centres.

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Notes

LCBO. "Maximizing Value: LCBO Annual Report 2015-16." 2017. Accessed July 2017. http://www.lcbo.com/content/dam/lcbo/corporate-pages/about/pdf/LCBO_AR15-16-english.pdf.

MADD. "Drug impaired driving in Canada: review and recommendations." 2012. Accessed July 2017. https://www.madd.ca/media/docs/MADD-Canada_Drug-Impaired-Driving-Policy_November-2012.pdf.