

# **What We Heard**

**A Report on  
Nova Scotians' Contributions  
During the Engagement Process**

**To Inform Nova Scotia's Approach to the  
Legalization of Recreational Cannabis**

**Executive Summary – December 6, 2017**

**Presented to:  
The Government of Nova Scotia**

## Executive Summary

Earlier this year, the Government of Canada announced its plans to legalize the purchase and use of recreational cannabis by July 2018. Under this legislation provinces and territories are responsible for making decisions and rules regarding the legalization of recreational cannabis in their respective jurisdictions in a number of areas. The identified key principles of a Nova Scotia-based approach are:

- Protection of public health and safety
- Encourage responsible social use and minimize harm;
- Protection of children and youth;
- Creation of a well-regulated legal market and minimize involvement of organized crime;
- Seek national or regional consistency

In June, the Government of Nova Scotia indicated the province would consult with Nova Scotians to inform the provincial legislative and regulatory framework. The objectives of the public and stakeholder consultation were: educate Nova Scotians and stakeholders of the coming legislation, increase transparency of government decision making, engage Nova Scotians and stakeholders to inform the development of the provincial regulatory framework, and identify key areas of concern of Nova Scotians and stakeholders regarding the legalization of cannabis.

Throughout the period of October 6 to 31, 2017, Nova Scotians were invited to complete an online survey and a cross-section of stakeholders representing professional associations and governing bodies, universities, youth and student organizations, health organizations, not-for-profits, industry, business associations, community organizations, municipalities, law enforcement agencies and unions were invited to sessions held throughout the province to provide their views. The sessions were organized around four main themes: legal age limit, public consumption, distribution and impaired driving with an opportunity for additional comments.

A total of **31,031** surveys were completed and a total of **194** individuals, representing **49 organizations** and **41 municipalities**, participated in ten stakeholder sessions, with **24 organizations** providing **written submissions**. It should be noted that on-going dialogue is occurring with the Assembly of Nova Scotia Mi'kmaq Chiefs. Given the on-going nature of these discussions, results are not captured in this report.

## 1. What We Heard From Survey Respondents

A comparison of those who completed the survey to the general population of Nova Scotians indicates that those under 35 years old with more formal education and no children living at home are over-represented in the survey, with renters being slightly over-represented. Thus, the findings from the survey cannot be extrapolated generally to the overall population; but rather are indicative of those who engaged in the process. Key findings are noted below by topic with relevant differences noted. It is worth noting that there were significant differences in opinion based on age, being a parent or a health professional and the type of home ownership (renter vs. home owner). Generally, younger respondents and those renting differed from parents and health care professionals.

### Support for Legalized Recreational Cannabis

- Those who completed the survey were generally and consistently supportive of the federal government's decision to legalize recreational cannabis, with **78%** of responses indicating *somewhat/strong support* for the decision to legalize recreational cannabis.
- Even higher levels of support were noted among 18-34 year olds (89%) and males (83%).
- Health care professionals and parents showed significantly less support, with 61% and 66% respectively indicating some/strong support for the decision.
- Renters (88%) showed significantly more support for the decision.

### Legal Age

- The majority (**75%**) of those who completed the survey indicated their support for the legal age limit of 19.
- Support was much higher among supporters of legalization compared to those opposed (83% vs. 43%) to the decision.
- Support, while still high, was relatively lowest amongst those 55+ (69%) and health care professionals (60%).
- The level of support did not vary across regions, gender and/or education level.

### Crown Corporation Distribution Model

- Response was mixed on the use of a crown corporation, such as the NSLC, as the distribution model with one-half (**49%**) indicating that they either *somewhat agree* or *completely agree* with this approach.
- Female respondents (55%) and those older than 34 years of age (53% and 56%) reported the greatest level of agreement with a crown corporation model.
- Agreement did not vary across regions or education levels.

## Alternative Methods of Distribution

- a) New stand-alone stores operated by a Crown Corporation
  - Slightly more than one-half (**56%**) *agreed/strongly agreed* that recreational cannabis should be available in new stand-alone stores operated by a crown corporation.
  - Younger respondents under 35 showed stronger agreement with stand-alone stores.
  - More females agreed with stand-alone stores compared to males (62% vs. 51%).
  - Renters (65%) and those who supported legalization (60%) were relatively more supportive of this option compared to those who owned their own homes (54%) or were opposed to legalization (45%).
- b) Online ordering/home delivery
  - Overall, one-half of respondents (**50%**) *agreed/strongly agreed* that cannabis should be available through online ordering with home or store delivery, operated by a crown corporation.
  - There were substantial differences in agreement based on the level of support for legalization, as 58% of those in favour of legalization agreed with online ordering compared to only 16% of those opposed to legalization.
  - Agreement also varied considerably by age, with younger respondents much more in favour than older respondents – more than half (60%) of those 18-34 agreed with this method of distribution compared to only 38% of those 55+.
  - Renters were also relatively more supportive of online ordering (58% vs. 46% of those owning their own home).
  - Parents and health care professionals were least supportive of online ordering (42% and 37% respectively).
- c) Selling recreational cannabis in the same stores as alcohol
  - Similarly, one-half (**49%**) also *agreed/strongly agreed* that recreational cannabis ought to be sold in the same stores that sell alcohol.
  - There was slightly more agreement among those supporting legalization (51%) compared to those opposing the decision (42%).

## Public Consumption

- a) Some outdoor public use
  - The vast majority (**73%**) of respondents agreed with some outdoor public use of recreational cannabis, with restrictions.
  - Support for some restricted outdoor use dropped significantly for those who opposed legalization (21%) and dropped slightly, although still a majority, for parents (60%) and health care professionals (60%).

- Males (78%) and those between the ages of 18-34 (83%) indicated even greater support than the overall level of support for this option.
- b) No outdoor public use
- The majority did not support a ban on outdoor public use as just over one-third (**35%**) supported completely prohibiting outdoor public use of smoked or vaped recreational cannabis.
  - Although the majority of responses were not in favour, males (29%) compared to females (42%) were less supportive as were those between the ages of 18-34 (23%) compared to those 55+ (47%) indicating their support for a complete ban on public consumption.

### Impaired Driving

- Support was high for additional consequences for drug impaired driving as **71%** of those who completed the survey indicated their support (somewhat/strongly support) for such action.
- While there were some slight noted differences, the majority within all groups supported additional consequences.

### Types of Public Education

- The top most desired topic of public education indicated by those who completed the survey were:
  - drug-impaired driving laws and penalties (75%);
  - health risks of recreational cannabis for children and youth under 25 years (61%);
  - the purpose of legalizing cannabis (55%); and
  - the health risks of recreational cannabis use (53%).
- Only 6% of respondents provided other topics of interest which generally related to:
  - regulatory information such as where cannabis can be grown, who can grow it, where it can be purchased and used;
  - information around enforcement - methods, reliability and costs; and
  - safe use – how to use responsibly and safely, information on dosage and different consumption methods, product quality.
- 38% of respondents provided “other comments” at the end of the survey. The majority of additional responses related to the distribution model (46% of all additional comments made), followed by comments on public consumption (18%).
  - The comments on distribution were generally citing that the model should be a private model

- The additional comments related to public consumption focused on the need to regulate cannabis like alcohol and the need to limit public smoking/vaping or complaints about the smell.

## 2.0 What We Heard From Stakeholders

### 2.1 Stakeholder Sessions

While some discussions focused slightly more on a particular topic than others, overall, similar comments and concerns were discussed across the sessions. The key themes are summarized below.

#### Legal Age

Most health-related organizations identified a need to have a higher legal age limit with many citing 21 or 25. These stakeholders raised concerns over the protection and health of youth, particularly the effects of cannabis on the developing brain of youth under the age of 25. Most other stakeholders recognized the health considerations, but noted that while the legal age of 19 is not necessarily ideal it is likely the most realistic – based on consistency for enforcement purposes (with the legal drinking age and other jurisdictions); a higher age limit was felt likely to drive youth to the black market.

#### Crown Corporation Distribution Model

Most stakeholders supported a crown corporation model, citing the ease of implementation through existing NSLC infrastructure, greater product control, ability to respond quickly to new developments and implement regulations more readily, as well as the ability to put profits back into education as well as health and social programs. Some concerns were raised related to co-location with alcohol, with a preference for stand-alone outlets; the need for restricted or no marketing compared to what is currently done by NSLC for alcohol products and controls needed similar to those imposed on tobacco.

There were a group of stakeholders who made counterpoints to a public model, citing that the public model would be expensive, driving up costs and doing little to keep people out of the black market, concerns regarding conflicts between retailing and regulation and whether it was an appropriate role for government to be involved in the sale of cannabis.

In terms of online ordering and home delivery, there was limited support for an online ordering/delivery model with most not aware that an online model for medicinal marijuana currently exists. Many stakeholders were concerned over the enforcement of controls put in place for delivery; however several stakeholders did speak to sales direct from producers offering better quality product which would protect the consumer.

A few stakeholders brought up the need for some type of direction on regulations around edible forms of recreational cannabis, citing a need to restrict the sale of edibles in forms appealing to children. Another topic mentioned by several stakeholders was concern over the supply of cannabis and its potential impact on medical users.

### **Public Consumption**

Many stakeholders expressed that there is a need to protect the public and rights of non-users who might be affected by second-hand smoke should smoking or vaping be permitted in public. A number of stakeholders were concerned about potential discrimination should there be a ban on public consumption, as some individuals, notably renters, may find themselves not able to consume recreational cannabis despite it being legal.

There were many concerns expressed related to enforcement challenges around smoking/vaping in public. Most expressed that regulations should be similar to those used for tobacco and alcohol. A number of stakeholders discussed the possibility of having dedicated places for smoking/vaping cannabis.

Also expressed by many stakeholders were concerns over public or workplace intoxication and how this would be identified and enforced.

Municipalities and law enforcement stakeholders also raised concern over the likely increased volume of investigations, complaints and the impact this will have on training needs and staffing levels in addition to proper testing tools.

A number of stakeholders also called for public consumption regulations to be set provincially to ensure consistency.

### **Penalties for Impaired Driving by Cannabis**

Most stakeholders had more questions than answers during the discussion around impaired driving, but all felt that public safety had to be the top concern, with many indicating that penalties for impaired driving from cannabis should be the same or similar to those currently in place for alcohol in Nova Scotia. Several stakeholders did feel that penalties should be stricter for cannabis compared to alcohol impairment.

Many stakeholders questioned the existence of reliable testing methods and the ability to define impairment by cannabis. Several noted difficulties that could be faced by current medical users.

Concern was also expressed over the additional enforcement burden and the increased costs related to enforcement.

### **Other Findings**

Public education was deemed extremely important and many called for it to start now.

Those stakeholders representing organizations that rent accommodations were concerned about their ability to set their own policies around the growth of plants and/or smoking within their properties.

There was a call by some stakeholders for ensuring that decisions made when developing the framework were evidence-based.

A number of stakeholders indicated that the entire process was too rushed – the legalization timeline as well as the timeline for engaging stakeholders.

Anticipated enforcement challenges are of great concern – cross-border shopping within Canada will remain difficult with online ordering; enforcing the number of plants grown in a household will be difficult; ability to determine impairment from cannabis while in the workplace will be difficult.

Several stakeholders also mentioned the need to put in place a system and/or database to track outcomes among the population in order to assess the health, social and financial costs.

## **2.2 Written Submissions**

A total of 24 written submissions were received from Nova Scotian and national organizations. Most were from health-related organizations with others representing youth advocacy organizations, the business community and not-for-profit organizations. A number of submissions were received from organizations not attending the sessions.

For the most part, the submissions reinforced the comments made by stakeholders at the sessions and served to clearly articulate their position and recommendations. The overall tone of the submissions was cautionary, with many expressing a desire for regulations that are based on health and safety, particularly among potentially vulnerable populations (e.g., economically or socially vulnerable groups, youth, etc.).