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*Elizabeth May*

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**Strategic Policy Directorate  
Cannabis Legalization and Regulation Branch  
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**February 20, 2019**

To the Cannabis Legalization and Regulation Branch:

I appreciate this opportunity to contribute to the consultation on proposed regulations for edible cannabis, cannabis extracts, and cannabis topicals. I have been very engaged on the legalization file and will continue advocating for an evidence-based, public health approach to cannabis.

### **Child-Resistant Packaging**

Across the country, parents expressed concerns that legalization would increase the chances of cannabis finding its way into the hands of their underage children. I support the recommendations of the Task Force on Marijuana Legalization and Regulation to enforce clear labelling and standardized servings for cannabis products along with banning edibles that could be enticing to children. That said, I believe it is possible to refine the wording of the rules around child-resistant packaging to make them less ambiguous. As Ottawa-based lawyer Trina Fraser commented, if a sensory attribute like taste is captured under the rules, anything sweet could be considered appealing to kids. While this might make sense for some edibles like gummy bears, the line starts to blur with treats for “all ages,” such as brownies and chocolate bars. It has also been pointed out that alcohol companies often feature child-friendly flavours. At a certain point, it does become the parent’s responsibility to educate children about what is and is not safe to consume. We can support them in this process through a

public education campaign that gives parents all the information they need to make the right decisions for their family.

### **Consumer Choice and Supporting Small Businesses**

Another reason why we need to be more specific about what can and cannot be displayed in cannabis packaging is that if the product is too nondescript, consumers will be forced to buy “blind.” Further, the requirement for all products to be “shelf stable” eliminates the possibility of selling fresh or refrigerated edibles. This could inadvertently encourage consumers to stick to black market dealers with whose diverse wares they are more familiar. Vagueness and limited options create obstacles for businesses to generate demand, thereby depressing competition. Vendors might then choose to pursue higher profits in an unregulated, underground market.

Consumer habits, particularly among younger demographics, are increasingly leaning towards environmentally friendly choices. Efforts should be made not just to encourage the use of eco-friendly and recyclable packaging materials but to use less packaging overall. These are calls coming from [consumers themselves](#). An emerging legal cannabis industry presents a unique opportunity to champion sustainable practices, from cultivation to packaging. Canada should develop and enforce strong environmental regulations for the cannabis industry as it is legalized, not retroactively.

Regulations should also promote a diverse market that includes micro-producers and small businesses. Requiring separate commercial kitchens for the preparation of cannabis could create an enormous barrier for smaller businesses that cannot afford to build an additional facility. Socially-conscious, local producers may not be able to compete, edged out of the market by just a few large businesses. This restricts consumer choice, it potentially abets unsustainable practices, and it promotes an inequitable distribution of wealth.

### **THC Limit too Low**

The last point I wish to submit comes once again from Trina Fraser. The 10 mg of THC per package of edibles is too low and would be better if amended to a ‘per serving’ basis instead. This would be in line with regulations already in place in Colorado and Washington State. The appropriate way for the government to guard against accidental consumption or overconsumption is to make easily accessible all the information consumers need to make the best choices for themselves. In its current form, the per-package limit is “patronizing,” to use Ms. Fraser’s words, and inconsistent with regulations around alcohol. It will also produce excessive packaging waste as consumers are driven to purchase more products to compound the low dosage and achieve the desired effect.

### **Concluding Remarks**

Thank you for your consideration. I would be very happy to meet with the department and staff to discuss how we can make Canada a global example on international drug law through



a cannabis industry that is economically productive, socially just and environmentally sustainable.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth May". The signature is fluid and cursive, with the first name "Elizabeth" and the last name "May" clearly legible.

Elizabeth May, O.C.  
Member of Parliament  
Saanich-Gulf Islands  
Leader of the Green Party of Canada

