

Statement of H.E. Heidi Hulan, Permanent Representative of Canada

**June 25 Intersessional meeting of the
61st Session of the UN Commission on Narcotic Drugs**

- Thank you, Madame Chair. Canada would like to express its sincere appreciation for your efforts to guide us towards consensus on a work plan for the Commission's preparations for the Ministerial segment in 2019.
- However, I take the floor today to discuss a different issue.
- Last week (on June 21), Canada's legislation to legalize, strictly regulate, and restrict access to cannabis received Royal Assent.
- While the *Cannabis Act* is now law, it will only take effect on October 17, 2018, in order to give the provinces and territories in Canada time to prepare. At that time, individuals in Canada who are 18 years of age or older will be legally able to purchase, possess and consume limited amounts of cannabis, and authorized entities will be able to cultivate, produce, distribute and sell cannabis legally, under license.
- We recognize that the topic of cannabis legalization is a policy issue that is of great interest to the Commission and of concern to some States Parties to the drug Conventions. We are also conscious that it is an issue of concern to the International Narcotics Control Board and to the UN Office on Drugs and Crime, as indicated by statements released on June 21.
- As you know, Canada has briefed the CND and the International Narcotics Control Board on our cannabis policy on several occasions in recent years and, I welcome the opportunity to do so again today.
- Madam Chair, a few points regarding the substance of the legislation:

- Canada's new *Cannabis Act* will:
 - restrict youth access to cannabis
 - protect young people from promotion or enticements to use cannabis
 - deter criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import or export cannabis, or provide cannabis to youth
 - protect public health through strict product safety and quality requirements
 - reduce the burden on the criminal justice system
 - provide for the legal production of cannabis to reduce illegal activities
 - allow adults to possess and access regulated, quality controlled legal cannabis; and
 - enhance public awareness of the health risks associated with cannabis
- Four additional points about the content of the Act:
 1. The *Cannabis Act*, for the first time, makes it a specific criminal offence to sell cannabis to a minor and creates significant penalties for those who engage young Canadians in cannabis-related offences.
 2. The Act contains strict and specific restrictions on packaging and labeling including strict requirements that packaging be child resistant and tamper evident.
 3. The illegal movement of cannabis and cannabis products across international borders will remain a serious criminal offence as it is today.
 4. Driving while impaired by cannabis or any other drug is, and will remain, a serious criminal offence. Law enforcement officers across Canada are trained to detect drug-impaired drivers.
- Madame Chair, having briefly described our new law, let me review some of the reasons why Canada has taken this approach.

- First, I want to be clear that Canada is undertaking this policy change to better protect the health and safety of Canadians, especially Canadian youth.
- The reality is that, in Canada at least, our former approach simply did not work. Despite nearly a century of strict criminal prohibition of cannabis, supported by substantial law enforcement resources, cannabis use has become widespread across Canada today and the drug is easily available to Canadian youth and adults alike.
- In fact, despite prohibition and the threat of criminal sanctions, the rates of cannabis use among Canadian youth are among the highest in the world. One in five Canadian youth aged 15-19, and one in three young adults aged 20-24, report having used cannabis in the past year. This is the public health and safety problem Canada currently confronts.
- We are well aware that the health risks associated with cannabis use are particularly acute in young users, and these high rates of use are therefore of concern from a public health perspective.
- By contrast, we have seen the percentage of youth who use tobacco, which has been available for legal purchase in Canada for decades, drop from 27% in 1985 to 10% in 2015, due to a successful combination of strict regulation and sustained public education about its risks. This is a public health success story, and we have applied these lessons to inform our approach to the legalization and strict regulation of cannabis.
- Public education and awareness are fundamental to achieving our public health and safety objectives. For this reason, the Government of Canada has made significant investments to ensure that Canadians have access to information to understand the health and safety risks of cannabis use. The total planned investment in cannabis public education, awareness and surveillance is more than \$100 million.

- Since spring 2017, our health ministry has targeted an ongoing public education campaign at parents and youth, using advertising, social media, web content, and articles aimed at helping Canadians learn the facts about cannabis, and also supporting parents to talk with their teens about cannabis use and health effects.
- Additionally, an evidence-based, public health approach is being taken with respect to the requirements for packaging and labelling of cannabis products to minimize its appeal to children and youth; protect against accidental consumption; and provide consumers with information they need to make informed decisions before using cannabis, including the potential risks and harms of cannabis use.
- The Cannabis Act includes specific restrictions on packaging and labelling of cannabis products: The packaging and labelling must not appeal to youth. Plain packaging and labelling will be required for all cannabis products. Cannabis packaging must be child-resistant and tamper-evident.
- These measures will be complemented by the ongoing public education campaign I mentioned a moment ago to educate Canadians, particularly youth and young adults, about health and safety facts about cannabis.
- Madame Chair, our Government recognizes that our new approach will result in Canada being in contravention of certain obligations related to cannabis under the UN drug conventions.
- I want to emphasize that Canada has not taken this decision lightly. We wish to avoid doing any harm to the Conventions, though we recognize the concerns of some delegations that we nevertheless risk doing so, despite our best intentions.
- Based on extensive public consultations and the available scientific evidence as well as the experiences of other States, we have concluded that legalization and strict regulation is the best framework for Canada to respond to our domestic public health and safety challenges associated with cannabis.

- I want to be clear that this is strictly a domestic policy decision, designed to respond to current challenges in Canada. We do not advocate cannabis legalization as a solution for others, and we do not intend to legalize any other scheduled drugs.
- We have been asked whether decriminalizing cannabis, which could have kept us within the bounds of the Conventions, might have been a good alternative to legalization.
- It is our view that Canada's challenges could not be solved by decriminalization alone, since it would preserve the illicit market that currently sells cannabis, including to our youth, and provides organized criminal groups with proceeds estimated at about \$7 billion a year.
- CND members will recognize that that level of criminal activity carries with it a host of other social risks. These risks are not acceptable to the Government of Canada. Our experience with medical cannabis, which has been available in Canada for over a decade, has demonstrated that a well-regulated, licensed Canadian industry can produce cannabis products under secure conditions that are of high quality and meet our Government's rigorous safety standards.
- In short, we believe we have an opportunity to reduce the role played by the thriving illicit market, with all its associated risks to public health and safety, in favour of a strictly regulated one that, when enforced by appropriate penalties for violations, will enable us to better meet our challenges.
- Madame Chair, we know that the success of this policy change will depend upon whether it meets the goals of better restricting youth access to cannabis and displacing organized crime. Our Government is committed to measuring the health and social impacts of our cannabis policies and Canada has, moreover, offered to share outcome data with other CND members.
- I would like to reiterate an important point: Canada remains a strong supporter of the international drug control system, as established by the three Conventions. We are committed to finding solutions that promote the health and safety of Canadians, while maintaining the international drug control framework as the foundation for international collaboration on drug policy.

- We recognize that our treaty partners are pursuing different policy approaches to cannabis, and we do not intend for our system to negatively impact their efforts. Thus, I also want to emphasize that the illegal movement of cannabis and cannabis products across our borders will remain a serious criminal offence under Canadian law.
- Canadian law enforcement agencies will continue to work with their international partners to combat drug trafficking. In addition, the Government is establishing a Cannabis Tracking System with the purpose of tracking high-level movements of cannabis throughout the supply chain to help prevent diversion of cannabis - that is, the movement of both legal cannabis to the illegal market and illegal cannabis to the legal market. Any person authorized to conduct activities with cannabis will be required to report into the Cannabis Tracking System.
- We will continue to work in the CND and with our international partners to advance the objectives of the international drug control framework, including through the exchange of information and intelligence on new and emerging drug threats, sharing expertise on approaches to mitigate the harms of problematic substance use, and supporting capacity-building to combat international drug trafficking.
- While our domestic law on cannabis has changed, Canada's commitment to international cooperation to counter and address the world drug problem has not changed in any way.
- I hope that this short briefing on Canada's new *Cannabis Act* has been of interest to the Commission, and we look forward to continuing the dialogue on this issue.
- Thank you for the floor, Madame Chair.