



Cannabis Canada

**Submission to the Standing Senate Committee on Social
Affairs, Science and Technology on C-45**

May 23rd, 2018

Cannabis Canada: About Us:

The Cannabis Council of Canada (Cannabis Canada or C3) is the Association for licenced producers of medical cannabis under the ACMPR: Created through the amalgamation of Cannabis Canada Association the Canadian Medical Cannabis Council, and large scale independent companies, C3 is the national voice for Licensed Producers.

Cannabis Canada: Position on C-45:

Cannabis Canada and its membership welcome Bill C-45: We believe it is positive legislation that will fulfil the federal government's commitment to Canadians to better regulate and control the production and sale of cannabis for adult consumer use.

Moreover, C-45 has served as the genesis of a uniquely Canadian economic success story: One that has resulted in significant investments in communities across this country, generating economic opportunity for our citizens.

Considering the economic and social benefits of its implementation; as well as respecting the fact that the legalisation and regulation of adult consumer use cannabis was a commitment presented to our citizens as a foundational election promise in 2015: We believe that the Senate should advance C-45 in as expeditiously as possible.

That being said; It is the position of Cannabis Canada that C-45 should be enhanced in two primary areas.

Firstly, in the interests of ensuring that diversion of product does not occur, and that cannabis is produced in the safest manner possible, C3 would recommend the C-45 prohibit the allowance of large scale commercial cultivation outdoors.

This recommendation is rooted in the same concern expressed to the Committee on 9 May 2018 by the Minister of Health of New Brunswick that large scale outdoor commercial cultivation will:

- Significantly increase the risk of illegal diversion,
- Increase the potential for cross pollination with across strains, weakening the ability to grow cannabis at controlled strengths and to consistent standards.
- Increase the potential for unintentional exposure to pesticides and herbicides used in surrounding agricultural crops.

As a result, we believe large scale outdoor commercial cultivation should be disallowed in C-45.

Moreover, C3 believes that C-45 is somewhat overly prescriptive in terms of approved dosage forms for medicinal patients and we would recommend that the committee expand the allowable forms of cannabis to include a wider range of delivery vehicles.

Cannabis Canada: Recommended Amendments: Outdoor Cultivation:

Proposed Amendment to Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (the “Act”)

The following **amendments** to s. 12 of the Act would make it an offence to cultivate cannabis outdoors, except as an individual in or around one’s place of residence.

Cultivation, propagation and harvesting — young persons and organizations

(7) Unless authorized under this Act, it is prohibited for a young person or an organization to cultivate, propagate or harvest any cannabis plant or any other living thing from which cannabis may be extracted or otherwise obtained, or to offer to do any of those things.

(7.1) It is prohibited for an organization to cultivate, propagate or harvest any cannabis plant outdoors or partly outdoors.

Definition of *dwelling-house*

(8) For the purposes of this section, *dwelling-house*, in respect of an individual, means the dwelling-house where the individual is ordinarily resident and includes

- (a) any land that is subjacent to it and the immediately contiguous land that is attributable to it, including a yard, garden or any similar land; and
- (b) any building or structure on any land referred to in paragraph (a).

Definition of *outdoors or partly outdoors*

(8.1) For the purposes of this section, *outdoors or partly outdoors* means any space that is not enclosed by a building or structure such as a greenhouse.

Punishment

(9) Subject to section 51, every individual who is 18 years of age or older who contravenes any of subsections (1), (4), (5) and (6) or any organization that contravenes subsection (1)-~~or~~ (7) **or (7.1)**

- (a) is guilty of an indictable offence and is liable to a term of imprisonment of not more than 14 years; or
- (b) is guilty of an offence punishable on summary conviction and is liable

(i) in the case of an individual, to a fine of not more than \$5,000 or imprisonment for a term of not more than six months, or to both, or

(ii) in the case of an organization, to a fine of not more than \$100,000.

Authority to issue, renew and amend

62 (1) Subject to orders made under subsection 61(1), the regulations and subsection (2), the Minister may, on application, issue, renew or amend licences and permits that authorize the importation, exportation, production, testing, packaging, labelling, sending, delivery, transportation, sale, possession or disposal of cannabis or any class of cannabis.

Limitation — importation and exportation

(2) Licences and permits authorizing the importation or exportation of cannabis may be issued only in respect of cannabis for medical or scientific purposes or in respect of industrial hemp.

Limitation — outdoor cultivation

(2.1) Notwithstanding the foregoing, the Minister may not issue any licence or permit authorizing an organization to cultivate, propagate, or harvest one or more cannabis plants outdoors or partly outdoors, as defined in subsection 12(8.1).

Cannabis Canada: Recommended Amendments: Dosage Forms:

Based on medical evidence of the therapeutic benefits of cannabis, we propose amending Schedule 4 as follows:

Schedule 4

Classes of Cannabis That an Authorized Person May Sell

<i>Item</i>	<i>Class of Cannabis</i>
1	dried cannabis
2	cannabis oil
3	fresh cannabis
4	cannabis plants
5	cannabis plant seeds
<u>6</u>	<u>cannabis preparations, derivatives and formulations for medical purposes</u>