The Canadian School Boards Association

*The national voice of school boards * Le porte parole national des commissions/conseils scolaires

Brief to the Standing Senate Committee on Social Affairs, Science and Technology

Bill C-45, *The Cannabis Act*

Thursday, April 19, 2018

Ottawa, Ontario

Honourable senators,

It is with a sense of profound duty and responsibility that the Canadian School Boards Association has accepted your invitation to appear before the Social Affairs, Science and Technology Committee, to share our views on Bill C-45, *The Cannabis Act*.

Our Association represents over 300 school boards across Canada, with responsibility for the public education of close to four million students from Kindergarten through to graduation from high school. Collectively, among our many mandates, school boards strive to provide youth with the opportunity to mature and develop in a safe, healthy learning environment, enabling them to achieve educational success.

We strive to educate young people so that, as adults, they are informed, conscientious and autonomous citizens. It is our intention that they will become citizens who will assume their position as active members in the development of Canadian Society.

Lastly, we remain committed to promoting the importance of our students’ wellbeing and their ability to lead healthy lifestyles through nutrition, physical activity and the prevention of substance abuse.

These core mandates speak directly to the kind of outcomes that we hope all students will embrace prior to and following their completion of high school. These mandates represent the lasting contribution and heritage of school boards’ trusteeship of the public education system in Canada.

Because of these mandates, many school boards cannot support Bill C-45, and the proposed decriminalization of cannabis, in any form. Notwithstanding full recognition that the consumption of cannabis will remain a significant public and social health challenge if Bill C-45 is to receive assent, we as the Canadian School Boards Association do however, acknowledge that it is the intention of Canada’s current Government to so proceed.

In this respect, while removing the criminality of cannabis consumption may address certain public and social priorities, it is our preference that all Canadians should continue to strive for a drug free society in which our nation’s youth can continue to mature and develop in a safe, healthy learning environment, and in which they as citizens can continue to flourish and contribute to our future betterment as a community.
In anticipation of things to come, on November 15, 2017, our Association therefore released its Declaration from Canadian School Boards on the Impacts of Cannabis on Schools. We have provided the committee with translated copies of this Declaration, to help inform the work of the committee as it finalizes review of Bill C-45.

Under our joint declaration, we put forward eight essential statements for consideration of public decision-makers. These statements are directly related to our core responsibilities and mandates, as follows:

- That education partners be consulted by the Federal, Provincial and Territorial Governments on the establishment of the framework for cannabis legalization;
- That education partners be active partners at any provincial discussions about legislation, local policies and procedures;
- That education partners be consulted by the Federal, Provincial, and Territorial Governments on strategies for harm reduction, mitigation and other interventions;
- That monies generated by the sales of cannabis are allocated to the prevention of cannabis abuse and toward promoting a healthy lifestyle;
- That cannabis use prevention and reduction, as well as the promotion of healthy lifestyles remain Crown priorities and are integrated into Federal, Provincial and Territorial regulations pertaining to legalization of cannabis;
- That any advertising related to cannabis or use of cannabis, be prohibited;
- That the use of cannabis be prohibited in public areas;
- That the sale and distribution of cannabis be prohibited near schools and other educational facilities.

In the months that have followed release of the CSBA Declaration, school boards and their respective provincial associations have indeed been consulted by our Provincial and Territorial Governments as critical new legislation has been introduced.

From coast to coast, Provincial legislation has attempted to address a variety of dimensions related to decriminalization of cannabis, including the importance of risk and harm reduction for youth, safe and responsible retail sales, and impaired driving. Under these proposed laws, many of our stated concerns as school boards have been or are currently being addressed nationwide. We also acknowledge that Bill C-45 itself also proposes many safeguards to help with the duty to protect children from the risks and dangers of cannabis.

The Canadian School Boards Association gratefully acknowledges that under the scope of Bill C-45, and the other provincial statutes that have been tabled in recent months, a far greater number of criminal offences related to production, distribution, sale, possession and use of cannabis will be the actual outcome of the current proposal to decriminalize the drug. Several of these new offences also speak directly to the protection of our youth, and school boards certainly appreciate such efforts.

Notwithstanding such measures, school boards remain concerned.

According to the World Health Organization, Canadian youth rank highest in the developed world in terms of the consumption of cannabis, even as the Canadian Mental Health Commission has recently estimated that up to 25% of all school-aged youth suffer some form of existing mental health problem...
or illness. Canada now also faces a considerable opioid epidemic that further endangers and frustrates our efforts to promote substance free lifestyles for the advantage of our students.

These already daunting struggles, in combination and when situated in the context of the proposed July 1st implementation timeframe for C-45, does therefore provide school boards with considerable room for pause. In the face of these realities, the legalization of cannabis and its potential adverse impacts does represent a real challenge for all partners who are invested in public education. The use of cannabis can have considerable influence on school life and has been linked to elevated rates of social, emotional and intellectual difficulty, as well as of non-completion of studies. These realities are well known to those who work in the field of education in Canada.

In this respect, Bill C-45 fails to address many key issues. And unfortunately, the many Provincial Bills that have proposed to address some of the critical loopholes and foreseeable developments that will come with decriminalization also fail to promote a standardized approach from coast to coast.

As an association, we would like to highlight six of the most significant challenges that we believe will persist following decriminalization of cannabis, notwithstanding any of the reasonable initiatives and safeguards that the Federal Government has proposed under C-45, or the other statutes that have been put forward by your provincial counterparts.

The first and foremost challenge is the need for investment in new, youth targeted public awareness and information campaigns. Many jurisdictions have already signalled their intention to promote cannabis free lifestyles information campaigns and to raise awareness of the risks and harms of using cannabis, particularly among youth. School boards nationwide are working proactively with ministries of education and health to promote revised or enhanced curricula that will ensure that the “just say no” message of yesteryear, is rebranded and accentuated for today’s youth.

However, jurisdictions have limited revenues to realize such projects and some have already acknowledged that the lion’s share of any newfound taxation revenues that can be expected from retail of cannabis will require investment in health and justice mandates to mitigate against the anticipated outcomes of decriminalization. Into the future, it will be important to monitor whether the overall level of available resourcing for information and awareness campaigns is commensurate to address the impacts of decriminalization.

The second challenge will remain the proximity of retail and distribution points to schools, childcare centres, parks, playgrounds, recreational facilities and other areas where youth tend to frequent. Just two weeks ago in Ontario, it was reported that one of the first retail outlets in that Province opened up right next to a public school, in spite of reasonable regulatory safeguards to the contrary.

This deserves special cause for concern again, given that Canada already has the highest rate of cannabis consumption among minors. In many jurisdictions, responsibility for the establishment of retail buffer zones have now been delegated to the municipal level of governance, meaning that school boards will need to cooperate with multiple government entities to ensure that appropriate zones of retail exclusion are established. This honourable senators, poses a special challenge of itself. We need to ensure that the process for site selection is clear, and that local school boards are involved in advance.

The third challenge speaks to the reality that no legislation currently addresses the protection of children in private dwelling places where they are entitled to live a life free from the risks and harms of
cannabis use. Nothing that has been proposed in legislation would prevent parents, guardians or caregivers from opting to consume cannabis within dwelling places where children may be present. Similarly, no legislation intends to mitigate against the secondary exposure to cannabis by children who reside in multi-dwelling places such as apartments or condominiums, or in provincially-funded public housing facilities.

This challenge speaks to the age old balance between government regulation of public versus private spaces and the right of governments to impose legal restrictions upon the private sphere of activity. However, for us, it is paramount that an appropriate and responsible duty of care be set as a reasonable legal standard under Bill C-45, so that the rights and best interests of child remain compelling public policy objectives.

The fourth challenge addresses the production and distribution of cannabis, including its transportation, as there are no legislative provisions that would prevent minors, or those who are under the legal age for purchase as set by each respective jurisdiction, from gaining employment related to these specific aspects of the cannabis trade. We would also observe that standards, laws and regulations do vary from province to province in terms of retail sales and whether minors, or those who are underage for consumption purposes, can assist with the sale of cannabis. These dimensions of production, distribution and retail ought to be addressed under the scope of Bill C-45.

The fifth challenge resides in the fact that Bill C-45 provides for online retailing of cannabis. While school boards have been assured that age verification will be enforced at the point of delivery, no plans have yet been demonstrated to us, to substantiate how this will be achieved in such manner as to prevent minors from accessing cannabis through online merchants.

School boards therefore remain vigilant concerning the prospect of online retailing of cannabis, given that no specific legislative provisions have been included concerning age verification. Prospects for mail-order importation or exportation of cannabis may well come with significant risks that age verification may fail to be enforced, given that online tobacco merchants have often proven their ability to circumvent legal and regulatory safeguards in order to sell goods across borders, with minimum standards for verification of age.

The sixth and final challenge also speaks to borders and what can be expected given the lack of a national framework for cannabis retail, including the establishment of a universal minimum age for purchase. From province to province, governments have now proposed varied age limits for purchase of cannabis, which will inevitably promote both interprovincial and international cross border hopping and shopping by underage youths, who aim to access and consume cannabis products in neighbouring jurisdictions with more lenient age restrictions.

This phenomenon regretfully already occurs in certain regions of Canada in respect of alcohol and tobacco retail. We anticipate that it will be further exacerbated following decriminalization and legalization of cannabis. In this respect, we recognize that little if any legal or regulatory framework can be established to address such a phenomenon, given provincial authority for establishment of retail standards. However, we as school boards do table this as a special concern that is likely to persist into the future, as a result of Bill C-45.

In 2002, the Senate of Canada released the seminal report of the Special Committee on Illegal Drugs. While the report was prepared a generation ago, the testimony of the countless Canadians who
appeared to inform the Senate’s study led to some specific observations and recommendations that remain just as relevant today as they were then. Many of these recommendations have not been included under Bill C-45 or under other current plans for decriminalization, in spite of the reality that it was this study that first looked at the question of decriminalization in Canada. The Senate’s final report recommended that:

- The Government of Canada should adopt an integrated policy on the risks and harmful effects of psychoactive substances covering the whole range of substances including cannabis, medications, alcohol, tobacco and illegal drugs, focussing on educating users, detecting and preventing at-risk use and treating excessive use.
- The Senate further observed that, as far as cannabis is concerned, behaviour causing demonstrable harm to others should be prohibited.
- The report further stated that a National Advisor on Psychoactive Substances and Dependency should be created within the Privy Council Office, and recommended
- The creation of a Canadian Centre on Psychoactive Substances and Dependency with a strong, clear mandate, adequately funded and reporting to Parliament and with a Monitoring Agency on Psychoactive Substances and Dependency to conduct studies with the provinces and territories and table a bi-annual report on drug-use trends and emerging problems.

In view of our concerns and the important work that the Senate achieved just 16 years ago, we would table these recommendations as a reminder of the preconditions that were established by senators themselves, if decriminalization were to ever take place in Canada.

In closing honourable senators, we would invite you to stand alongside of Canada’s school boards as we look to the future of this great country that we have inherited, and that we hope to pass along to future generations in a better state than we ourselves received it.

It is our current reality that this present generation of students will be those who will help to usher in the dawn of the 22nd century. For them, the year 2100 will represent the twilight of their lives. What this country looks like between now and then, and the challenges that it may face, depends upon the decisions that we make as a society. Decisions that we trust will be for the betterment and wellbeing of our youth, and that will help to promote their personal and physical, as well as mental and cognitive integrity. In respect of Bill C-45, the Canadian School Boards Association therefore encourages the Senate to dutifully exercise that “sober second thought” which has always been its guiding standard, the same standard for public conduct and contribution which the founders of this nation believed this country was entitled, and which it had right to expect from its citizens.

Thank You