



**representing the plant science industry
représentant de l'industrie de la phytologie**

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

March 2018

Who We Are

CroLife Canada is the trade association representing the manufacturers, developers and distributors of plant science innovations, including pest control products and plant biotechnology, for use in agriculture, urban and public health settings. We are committed to protecting human health and the environment and we believe in driving innovation through continuous research.

Definition of a Cannabis Accessory in the proposed Cannabis Act, Bill C-45

Our industry's primary concern with Bill C-45 is that it may have inadvertently captured the sale and marketing of Health Canada approved pesticides in its definition of a cannabis accessory. We understand that the intent of the Bill was to significantly restrict cannabis accessories¹ in terms of their access to minors. At the same time, however, millions of Canadians rely every year on the availability of Health Canada approved pesticides for use in home or commercial settings for a wide variety of purposes. As presently written, pesticides appear to meet the definition of a cannabis accessory if they are represented through labelling, promotion or advertising to be used to grow cannabis plants. This would have the unintended consequence of regulating products that are already effectively regulated by Canada's *Pest Control Products Act*.

Without further clarification on exactly what is considered an accessory, it could thwart marketing and selling products that can be used for the production of cannabis, but is also used for other purposes. Under Subdivision C, 30, it is prohibited for a cannabis accessory to be displayed or labelled in any way that may result the package being seen by a young person (under 18 years old). Many Health Canada approved pesticides are and will be labeled for use on multiple plants and, therefore, promoted and advertised in retail stores and other areas frequented by minors.

We note that Subsection (3) of Bill C-45 attempts to clarify this, but the intent is still potentially unclear. Subsection (3) would appear to say that an accessory used in producing cannabis is deemed to be an accessory if it is **sold at the same time as the cannabis itself**. It is unclear how likely it would be that government run and/or private outlets who will sell dried cannabis for consumption will also be selling pest control products. If in fact they do choose to do so, those pest control products, as the Act is currently written, would be captured by regulation.

Worthy of note is Section 139 (1) regarding Regulations and Exemptions. This section gives the Governor In Council authority to make regulations regarding:

¹ *Cannabis accessory* definition in the proposed *Cannabis Act*, Bill-45:

(a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or
(b) a thing that is deemed under subsection (3) to be represented to be used in the consumption or production of cannabis. (accessoire)

Deeming — *cannabis accessory*

(3) For the purposes of the definition cannabis accessory, a thing that is commonly used in the consumption or production of cannabis is deemed to be represented to be used in the consumption or production of cannabis if the thing is sold at the same point of sale as cannabis.

- (f) respecting the **packaging, labelling, distribution or sale of cannabis accessories;**
- (n) respecting the **promotion of cannabis, cannabis accessories** or services related to cannabis **or the display or promotion of their brand elements;**
- (o) respecting the information, including information about health risks and health effects arising from the use of cannabis, **that must appear on packages or labels of cannabis or cannabis accessories or that must be provided when cannabis or cannabis accessories are promoted;**
- (p) respecting the display of cannabis by persons that are authorized to sell cannabis **or the display of cannabis accessories by persons that sell cannabis accessories;**
- (z) **exempting, on any terms and conditions that are specified in the regulations, any person or class of persons, any cannabis or any class of cannabis or any cannabis accessory** or any class of cannabis accessory from the application of any provision of this Act or the regulations;

Inclusion of pesticides as cannabis accessories would be extremely disruptive to retailers, manufacturers and distributors of Health Canada approved products. Given that Health Canada approved pesticides are often appropriate for use on multiple crops, they are typically marketed in that fashion. Should there be restrictions on representing products for use on cannabis crops, this could potentially lead to a misuse of the product in question. Canada's plant science sector is committed to consumer education and safe use, goals shared by Health Canada's Pest Management Regulatory Agency. Any restrictions that might prevent proper labeling and marketing would compromise those efforts.

CroLife Canada recommends that pesticides regulated under the federal *Pest Control Products Act* be exempted from the definition of a cannabis accessory. This can be achieved by amending the definition of cannabis accessories by striking "things used in the production of cannabis" or refer to "things prescribed in the regulations", at which point clarity can be offered on applicable products. Alternatively, products that are in compliance with the *Pest Control Products Act* could be specifically exempted. This will allow the Act and Health Canada's Pest Management Regulatory Agency to continue to do their important work in keeping Canadians informed about the safe use of pesticides.