



Ontario Public Health Association
l'Association pour la santé publique de l'Ontario
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Presentation to Ontario's Standing Committee on Social Policy

***Bill 36, An Act to enact a new Act
and make amendments to various
other Acts respecting the use and sale
of cannabis and vapour products in
Ontario.***

October 11, 2018

Good afternoon Mr. Chairman and committee members. Thank-you for the opportunity to appear today. My name is Pegeen Walsh and I am Executive Director of the Ontario Public Health Association. I am joined today by the co-chair of OPHA's Cannabis Task Group, Elena Hasheminejad.

The Ontario Public Health Association, or OPHA, is a non-profit, non-partisan organization that brings together those from public and community health, academic, voluntary, and private sectors who are committed to improving people's health. Many of our members, whether they are public health nurses like my colleague here or from other fields, are working on the front lines to promote and improve health and wellbeing in their communities.

Our Cannabis Task Group has been calling for a public health approach to the legalization of recreational cannabis to mitigate the potential harms, especially to young people. My colleague and I would like to speak to those aspects that are important for a public health approach and signal further areas for consideration.

We are pleased that the bill has among its key purposes to protect public health and safety, and in particular provisions such as:

- those applying for a retail store license have to demonstrate they are financially responsible and cannot be charged or convicted with cannabis-related offences;
- the government being able to refuse applicants if they will not exercise sufficient control over their retail business;
- municipalities being able to opt back in if they choose to opt-out by this January 2019;
- the a 15-day public consultation period for communities to weigh in on the location of stores; and
- the creation of "distance buffers" between stores and schools

However, here are areas that we urge the government to consider.

1. Cap on the number of storefronts:

One of the lessons learned from other jurisdictions that have legalized cannabis (i.e. Colorado) is to start with a stricter regulatory framework and than re-examine this after evaluating the impacts of legalisation in the future. Best practice also highlights that regulating physical availability of alcohol is an effective strategy to reduce alcohol consumption and related harms. Research has repeatedly shown that consumption and related problems increase as alcohol becomes more available, and vice versa. We also learned from our partners in Denver that to date they have more cannabis retail stores than Starbucks locations. We want to prevent this harm from happening with cannabis storefronts and ask the province to support strict limits on the number and density of stores in any jurisdiction.

2. Display and Promotion of Vapour Products:

OPHA wishes to convey our concerns about the display and promotion of vapour products and the health implications. While we recognize the utility of vapour products as a quit-smoking aid,

we are concerned that permitting the display and promotion of vapour products will increase young people's exposure and use of them. We urge you to prohibit the display and promotion of these products in accordance with regulations regarding tobacco products. Our rationales for this recommendation is:

To reduce risks that vaping poses to youth

While Health Canada has acknowledged that vaping may be a useful quit-smoking aid, the department discourages non-smokers from using vapour products. Health Canada has also raised concerns about vapour products appealing to youth, the potential of nicotine containing vapour products to promote tobacco use and that regular vaping can lead to nicotine dependence. Research has shown that nicotine may be especially harmful for children and youth, as it can alter brain development, memory and concentration.

Vaping increasing among youth

The University of Waterloo's Propel Centre has reported a 46% increase in vaping in non-smoking youth in grades 10-12 in the last two years. Research from The US National Academies of Science, Engineering and Medicine has found that e-cigarette use increases the risk of cigarette smoking in youth and young adults. Leading health officials in the US have deemed vaping an epidemic, specifically with regards to vapour products produced by a company called "Juul." They report that American teens who have never smoked are becoming addicted to nicotine through use of "Juul's." Teens may consume an entire Juul within one day. A single Juul contains the nicotine equivalent of twenty cigarettes, and provides faster and smoother absorption of nicotine. It is unfortunate that Juul and similar products are now available and being promoted in Ontario.

OPHA is concerned that displaying and promoting vapour products in places such as convenience stores and gas bars will increase vaping and subsequent nicotine addiction and cigarette smoking in youth. The bright colours and candy flavours of Juul's and other vapour products are already appealing to youth. Unrestricted marketing of products such as Juul's will intensify the problem of vaping in Ontario youth. OPHA is concerned that progress made over the last 20 years in reducing youth smoking and changing cultural norms by de-normalizing tobacco use is now being undermined as teens acquire nicotine addiction through such e-cigarettes. Tobacco use creates an undue health and economic burden on our society. It is the leading cause of preventable death and disease in Ontario. Over two billion dollars a year is spent by Ontario to treat and care for people with smoking-related health concerns; over five billion dollars a year is lost in productivity or missed days of work because of smoking-related health issues.

Recommendations for marketing of vapour products

As such, we recommend that provincial restrictions be placed on the display and promotion of vapour products similar to regulations for the display and marketing of tobacco. Seven Canadian provinces already have legislation in place, which bans the promotion and display of vapour products in convenience stores and non-specialty vape stores, and we urge the Ontario

Government to adapt similar measures. Therefore we recommend that the same rules for tobacco product display, promotion and handling at retail be applied to vapour products. It is recommended that the proposed amendment to the provisions in section 4(1) and (2) and of the SFOA, 2017 not proceed.

2. In-Store Testing:

OPHA has concerns regarding in-store testing. Allowing sampling may create loopholes that could be used by retailers to allow employees to vape in the store or to allow customers to socialize and vape. From an enforcement perspective it may be difficult to ensure that only “two people at a time are sampling vapour products.”

- Even if only legitimate sampling is occurring, we would still have concerns about the possible health effects for the employees due to the unknown long-term health effects from exposure to vapour.
- Reusing e-cigarettes while only requiring a new one-time use mouthpiece is a public health concern. Saliva is able to transfer disease to another mouth with samples of tuberculosis, Neisseria meningitides, herpes simplex and more. Beyond the single use mouthpiece, there needs to be a cleaning and disinfection process for all surfaces where saliva is present. It is not recommended for an e-cigarette to be shared between customers.

3. Provincial Licensing of Retail Stores:

We understand that the Alcohol and Gaming Commission of Ontario is committed to minimum buffer distances between cannabis retail locations and schools. We recommend such buffer distances be considered around other youth-serving facilities and cannabis retail stores to reduce store density, and underage exposure/access and this requirement be embedded in legislation.

Alberta Health Services has been working on their retail private model for over a year now and one of their requirements is to allow public health agencies to work closely with their municipalities on zoning and density regulations to protect store locations in sensitive sites. With the proposed legislation we are concerned there may be limited opportunities for local input on store density and proximity to other sensitive facilities and recommend that municipalities have the opportunity to work locally with their health units around this.

4. Home Cultivation:

We know that Federal Bill C-45 legislation allows Canadians to grow a maximum of 4 plants at home. However this has raised many concerns. The Canadian Association of Chiefs of Police recommend home cultivation be reviewed at a later date once experience is gained with the legalized system. Currently, the province of Quebec has followed suit and is not allowing home cultivation in their province. There are concerns that law enforcements ability to enforce personal cultivation is limited and diversion to black market remains a concern. First responders have also seen the negative effects of home production, such as electrical and fire hazards. It is in all of our interest to ensure a safe product, with known THC levels, free from pesticides and mold is controlled. Therefore, we urge the government to prohibit home cultivation and re-

examine this at a later date. This will allow for evaluation measures to take place and education around preventing harms from home cultivation.

We would also like to highlight the importance of reinvestment of cannabis revenue in education, prevention, surveillance, treatment and enforcement.

We anticipate that this system change is likely to drive demand for local services and we recommend that the government look at the using revenue from cannabis to support vulnerable populations, such as youth, so that they build skills and self-reliance to manage substance use.

We also anticipate there will be significant increase in inquires from the public regarding health concerns, compliant investigations and so forth. We recommend that there be dedicated funding and training to support population health surveillance, public education and enforcement activities.

Edible Market:

Although the federal legislation will not introduce the edible market until late 2019, we want to highlight the importance of research and education around this market. We acknowledge that consuming cannabis through ingestion is a safer mode than inhaling cannabis. However, as of yet there has been limited research around standard serving size and potency with edibles. We also have learned from Colorado that one of the greatest harms they experienced was accidental ingestion with children and youth eating cannabis. We encourage the government to take a head start on this and provide support in research, resource development and education in order to prevent the potential harms of the edible market in the near future.

Public Education:

We are pleased to hear that the provincial government has announced they will be launching a public awareness campaign on cannabis legalization. Given the lessons learned from other jurisdictions around the importance of education and raising awareness, we urge the government to implement a comprehensive, sustainable province-wide education campaign that not only discusses the legal responsibility of the public but also has targeted messaging and resources on the health risks and harms of cannabis use, in order to empower Ontarians to make informed decisions. Involving youth in designing messaging will be important as well.

Truth and Reconciliation:

OPHA encourages legislators to engage with Indigenous leaders and their communities in a way that is meaningful for them in regards to the legalization of cannabis.

In conclusion, we are pleased that the Ontario Government has emphasized its commitment to public health and safety. We urge your committee to consider the additional measures we have highlighted today to further promote public health and safety and embed a public health approach.

Thank you for giving us the opportunity to convey our recommendations.

Pegeen Walsh, Executive Director, OPHA
Elena Hasheminejad, Co-Chair, OPHA Cannabis Taskforce

About OPHA

Created in 1949, the Ontario Public Health Association (OPHA) is a non-partisan, non-profit organization that brings together a broad spectrum of groups and individuals concerned about people's health. OPHA's members come from various backgrounds and sectors - from the various disciplines in public health, health care, academic, non-profit to the private sector. They are united by OPHA's mission of providing leadership on issues affecting the public's health and strengthening the impact of people, who are active in public and community health throughout Ontario. This mission is achieved through professional development, information and analysis on issues effecting community and public health, access to multidisciplinary networks, advocacy on health public policy and the provision of expertise and consultation.

OPHA members have been leading change in their communities on a wide range of issues - tobacco control, poverty reduction, diabetes prevention, increased access to oral health care, immunization, supporting children and families, food security, healthy eating and nutrition, climate change and designing walkable communities, among others.