



## Comparing Medically Assisted Dying and Cannabis in Canada: Policy Innovation and Incubation in the Federation

Contemporary Policy Issues

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The policy promise in the Canadian federation is to encourage policy incubation and innovation across the provincial and territorial jurisdictions within a framework of national equity and common principles. Ideally, diversity is balanced against national unity in the process and federalism operates to enhance democratic values (Watts, Simeon, Banting). Policies act in harmony or tandem and not at odds. In practice, this balance is often challenging to achieve with the consequence that citizens may not be well served. Derthick and Weaver note this imbalance is particularly likely to emerge in the policy implementation phase.

The cases of medically assisted dying and cannabis offer two examples of how well the Canadian federation is balancing these objectives of policy innovation and equity in the implementation phase. Both policies were introduced by the federal government with serious ramifications for provincial jurisdictions as they struggle to implement them within constrained timelines. The federal government set out a national framework with national standards and common principles. The provinces have responded in the case of medically assisted dying with provincial regulatory and legislative schemes. In the case of cannabis, the provinces are struggling to accommodate the policy shift. Through an analysis of legislation, regulations, government reports and hearings, polls and expert opinion, this paper argues that while the new policies conform closely to majority public opinion, they are marred by serious flaws in implementation. These weaknesses may affect their operation and legitimacy as important policy answers to contentious policy issues in future.