

## **BRIEFING NOTE**

From: Team 3

Date: November 7, 2015

To: Honourable Ministers of Public Safety, Health, and Justice

**Issue:** Transitioning from treating marijuana as an illegal substance to legalizing it and potentially selling it as a government retail product.

**Background:** The newly elected Liberal Government has promised to legalize marijuana throughout the 2015 election campaign. Recent polls show that almost 60% of Canadians support the legalization of marijuana. The State of Colorado legalized marijuana in 2012. Officials from the State of Colorado have expressed warning to Canada in regards to implementation, costs, and length of time. Numerous countries have already legalized marijuana or decriminalized it, with significantly more lenient laws. The Canadian Association of Chiefs of Police have expressed desire for the decriminalization of marijuana, as they feel that a criminal offence for possession of a small amount of the substance is too harsh. There are many different methods of legalization of marijuana. There are also difficulties in legalization in Canada due to the fact that it is a federation and power is divided among the federal government and the provinces.

**Current Status:** It is currently a criminal offence to possess or traffic marijuana, unless for medical use with permission from a medical practitioner.

### **Key Considerations:**

- Education will be required to allow for the safest use possible through health and public safety.
- The age of 21 is recommended for all options because this will be comparable with the U.S. policy and limit intergovernmental tensions.
- Public Safety and Health are of the utmost importance in considering all of the following options.

### **Options:**

#### **1. Legalization of marijuana with direct Government control and retail of the product.**

- The Government creates a marijuana department responsible for the growth, distribution and retail of the product.
- The Government will open marijuana dispensaries across Canada with public employees. These will be similar to some provinces' liquor stores, however, they will be under federal control.
- Citizens will need to be the age of 21 to purchase the substance. There will be limits placed on how much of the substance each person can have.
- Direct Government control will allow for the proper inspection and standards to be placed on the product before it is sold to the public.
- This approach will cost a substantial amount to start up, but will generate revenue in the future.

**2. Legalization of marijuana with a mix of public and private retail of the product.**

- The Government will sell licences to the public to purchase marijuana. They will also sell franchise licences to stores to sell marijuana on their behalf.
- There will also be licences sold to citizens to grow the product and sell it to the retailers.
- Citizens will need to be the age of 21 to purchase, grow, or sell the product. There will be limits on how much purchasers, growers, and retailers can possess at a time.
- This option will allow for the private market to sell the product with the Government still creating revenue.
- Since there is less direct Government control in the purchasing, growing, and retailing of the product, policing and regulation will need to be significantly increased.

**3. Legalization of marijuana with limited government intervention and mostly private retail of the product.**

- This option will have the least amount of Government intervention into the legalization of marijuana. It will be made legal and allow the private market to purchase, grow, and sell marijuana.
- Corrections and policing will need to be significantly increased with this approach. Crime could increase due to the competition among retailers and growers.
- The legal age to buy, grow, or sell marijuana will be 21.
- An annual review will be put into place in order to ensure proper controls are maintained.
- The Government will tax marijuana similarly to cigarettes and alcohol in order to create a profit.

**4. Immediate decriminalization of marijuana with further research and consideration into the process of the legalization of marijuana.**

- This approach is conservative, as it allows for the immediate decriminalization of marijuana, but warrants further studies and research into the process of legalization.
- This approach will give time to allow the federal Government to negotiate with the provinces to create a joint venture into the legalization of marijuana.
- Analysis of comparable countries that have decriminalized marijuana (i.e. Germany, Netherlands, Spain, Portugal, Australia, etc.) will be immediately undertaken.
- In-depth analysis of jurisdictions that have legalized the product will be done. Best-practices will be followed in order to ensure the process of legalization in Canada is done as smoothly as possible.

**Recommendations:** It is recommended that the Government adopts option four, which is the immediate decriminalization of marijuana with time taken to study the best approach for legalization. This option is recommended because allows for best-practices studies to be adopted, but also allows for the immediate decriminalization of the product, which is generally seen as favourable. If the Government requires immediate legalization of marijuana, it is recommended that option two is followed.