



Cannabis Legalization in the Northwest Territories

Frequently Asked Questions

1. What is the role and authority of the GNWT in the legalization of cannabis? What decisions does the territorial government control?

The proposed federal Cannabis Act will set the framework for legalizing, regulating and restricting access to recreational cannabis.

It will also deal with the licensing and oversight of a legal cannabis supply chain and set federal regulatory standards to protect public health and public safety.

Provinces and territories will have flexibility in how certain aspects are regulated and these are the matters that are dealt with in the proposed GNWT legislation. Federal legislation will set the national framework and many of the rules. The GNWT can only make rules in specific areas, including:

- how cannabis is distributed and sold in the territory;
- minimum age ;
- public use;
- drug-impaired driving; and
- workplace impairment.

2. What has the GNWT done to ensure the views of residents are considered in how cannabis is legalized here?

Though we are facing very challenging federal deadlines, the GNWT has made public engagement on the legalization of cannabis a priority.

The GNWT conducted a cannabis public engagement from mid-July to late September, 2017. That process had three components: an online survey open to all residents; public meetings held in all seven regional centres and two representative smaller communities; and 120 letters sent to community and Indigenous governments inviting them to respond to the survey questions or to raise other topics related to cannabis legalization.

Residents will now have the opportunity to review and provide feedback on the legislation through the normal process of review and debate in the Legislative Assembly.



3. Will the GNWT be ready for the legalization of cannabis in Summer 2018?

The proposed federal Cannabis Act is now expected to come into effect late in the summer of 2018, and the Government of the Northwest Territories is committed to meeting this deadline.

The proposed Cannabis Legalization and Regulation Implementation Act has now been introduced. GNWT departments with responsibilities relating to cannabis are also working to ensure that programs, policies and regulations are developed and put into place ahead of the coming into force of the federal legislation.

4. What will the GNWT do to protect the health and safety of residents?

The GNWT intends to do all that it can within the parameters set by the federal government to provide residents with access to safe cannabis that meets quality, security and health standards set by the Government of Canada. We will also ensure that residents have access to the information they need to understand the risks associated with recreational cannabis use in order to make informed choices.

The GNWT is developing a cannabis public education campaign specific to the NWT population that provides:

- scientific and evidence based information on the health and safety risks associated with cannabis and cannabis product consumption;
- information on the risks of cannabis use by individuals under 25 (specifically, the impacts on the developing brain), pregnant and nursing women, and individuals struggling with mental health disorders;
- information on the responsible use of cannabis and cannabis products; and
- scientifically based information on medical cannabis use to help reduce stigma and discrimination against individuals with chronic and terminal illnesses who need this product to improve their quality of life.

5. When will all the details about the rules and policies be available?

It is important to note that federal legislation will set the national framework and many of the rules related to cannabis. It will be up to the Government of Canada to communicate federal rules and policies prior to the coming into force of the federal legislation and the GNWT will do what it can to ensure residents know where to find that information.

The GNWT has been communicating regularly about its proposed approach, however the proposed law will not be finalized until it has been debated and passed by the Legislative Assembly. The GNWT will then be able to clarify all the regulations and policies that come under the law.

As these details become available in the weeks/months leading up to implementation, the GNWT will be undertaking appropriate communication activities to make sure the public is informed.



6. Why has the GNWT decided to sell cannabis only out of liquor stores? Why are private businesses not allowed to sell it?

The GNWT objective with respect to distribution and sale of cannabis is to ensure that that people over the minimum age have the ability to purchase legally produced cannabis for private consumption without promoting its use. Despite legalization, cannabis is still a controlled substance. Its consumption creates obvious impairment, and its sale should be regulated in a way that is similar to other controlled substances, such as alcohol.

Given the extremely short time frame to legalization, the NWT Liquor Commission has to ensure that retail infrastructure is in place to accommodate the sale of cannabis in a regulated environment.

The GNWT recognizes that there is a strong interest in taking advantage of the business opportunities associated to the legalization of cannabis. There will be nothing in the legislation that prevents the future sale of cannabis in “cannabis only” stores.

Once there is actual data relating to sales and volumes, there may be the opportunity for retail locations outside of the liquor stores operated under contract with the NWT Liquor Commission.

7. Doesn't selling cannabis and liquor in the same location go against the recommendation of the federal taskforce?

The federal task force investigating the possibility of legalizing cannabis recommended that liquor and cannabis sales not be in the same store wherever possible. They did recognize that it may not be possible in some remote and rural areas and recommended that where there is co-location, appropriate safeguards are put in place.

The GNWT takes its responsibility for safeguarding the health and safety of residents seriously. Some of the measures that will be put in place to discourage co-consumption of cannabis and alcohol and/or advising customers of the risks, will include, but not be limited to:

- Requiring customers to request cannabis products directly from the cashier.
- In-store signage advising customers of the risks of co-consumption.
- Federally-designed packaging that will likely include warnings, such as advice against co-consumption.
- Payment must be rendered before cannabis is shipped.
- Each order is packaged and sent individually to the purchaser by common carrier at the address provided on the identification provided by the purchaser.
- The purchaser must sign for that received shipment.



8. What about communities that don't have liquor stores? Won't there be a risk of bootlegging?

Under the proposed cannabis distribution system, consumers in communities without a liquor store would purchase product from a liquor store within the NWT. The product would then be shipped directly to the consumer. Shipping of cannabis to consumers in communities without liquor stores would follow the current mail order system used by the Liquor Commission for alcohol. This distribution system has controls in place to protect against bootlegging and access by minors, including:

- Purchaser must be a resident of the Northwest Territories who is, 19 or over, and they must provide positive identification that includes data of birth, current address and sample signature.
- Customer orders must be placed in writing, providing method of payment and directions for shipment, and they must be signed by the customer.
- Store will check order with identification provided and verify that the customer is 19 or over; does not reside in a community with a liquor store; and the cannabis order is not being shipped to a community where cannabis is prohibited or the cannabis order would violate cannabis restriction rules.
- Payment will be rendered before cannabis is shipped.
- Each order will be packaged and sent individually to the purchaser by common carrier at the address provided on the identification provided by the purchaser.
- The purchaser must sign for the shipment.

9. How will you keep cannabis out of the hands of young people?

The GNWT is committed to having effective measures in place to restrict youth access to cannabis, and to protect young people from promotion or enticements to use cannabis. Some ways the proposed legislation would do this include:

- Using an established distribution system that has mechanisms in place to protect against access by minors.
- Setting the minimum age for the purchase, consumption, and possession of cannabis in the NWT at 19 years of age.
- Developing and implementing public education and awareness campaigns to reach youth, parents, elders, teachers and health care providers, to ensure they have accurate information about the risks and harms associated with cannabis use.
- Banning public smoking or vaping of cannabis in areas frequented by children and crowds, from vehicles, and from any place where tobacco smoking is not allowed.

10. What if people don't want to have cannabis available in their community?



Communities will have the option to hold a plebiscite to decide whether restrictions or prohibitions on cannabis should be put in place, similar to the options available for restricting liquor.

11. How will cannabis be taxed? Where will that money go?

Canadian finance ministers have agreed to an approach to cannabis taxation for the initial two years. This approach will meet the dual objectives of restricting use by youth, and eliminating the illegal market to the extent possible. Under the agreement:

- The GNWT agrees that the federal government will apply an excise tax on cannabis at the producer level on behalf of the Northwest Territories at a combined rate that will not exceed the higher of \$1 per gram, or 10% of a producer's selling price.
- The GNWT will receive 75% of the federal cannabis excise tax revenue generated in the Northwest Territories.
- NWT Liquor Commission cannabis mark-ups will cover operating cost and capital expenses and a normal rate of return. Excess profits will not be allowed.

Cannabis tax revenues will go into the General Revenue Fund for allocation to GNWT priorities, which will include expenditures for programs concerning cannabis such as public health education and drug-related health programs.

The GNWT does not expect that the legalization of cannabis will generate significant tax revenue, mainly because tax rates will need to be kept low in order to remain competitive with, and eventually eliminate, the existing illegal market.

12. What will be the rules for cannabis on worksites?

The Workers' Safety and Compensation Commission (WSCC) will review occupational health and safety regulations and consult with employers, labour groups and workers to ensure that any changes or additions adequately address impairment issues.

In the Northwest Territories many employers have rules and programs in place that address impairment in the workplace and keep employees safe. The WSCC will revise its regulations, and develop educational materials and tools to support workers and employers in understanding their obligations under those regulations.

13. How will the rules around smoking cannabis be enforced? Will there be penalties?

The RCMP will enforce the federal Cannabis Act and the *Criminal Code* provisions related to impaired driving.

GNWT law will specify who is responsible for enforcing rules in territorial legislation.

There will be fines for smoking cannabis in public places where it is not allowed.

For example, the same inspectors that enforce the laws around tobacco smoking in public will enforce the laws for smoking cannabis in public. These inspectors are Environmental Health Officers from the GNWT Department of Health and Social



Services. Enforcement activities will usually be initiated by complaints, similar to tobacco smoking.

Community governments will have the authority to make and enforce their own bylaws and to request that community officers or inspectors to have community officers or inspectors do enforcement as well.

14. Why is the GNWT choosing to have different rules for specific groups of drivers?

The federal government has proposed changes to the *Criminal Code* that will set the legal limit for certain drugs, or drugs and alcohol together, in a driver's system and the criminal charges that will apply for those who are above the legal limit. The provinces and territories have the ability to impose additional consequences for impaired driving, such as suspending a person's driver's licence for a period of time.

The GNWT is proposing to suspend the driver's licence of some individuals found with any amount of alcohol or prohibited drugs in their system, specifically: drivers who are younger than 22, people who have a learner's licence or a probationary licence and people who drive certain types of commercial vehicles. This zero tolerance approach is consistent with similar zero tolerance laws currently in place or being proposed in other Canadian jurisdictions.

Young drivers are overrepresented in statistics on injuries and fatalities caused by motor vehicle collisions in Canada, and many young people believe that driving while under the influence of cannabis is less dangerous than driving under the influence of alcohol, which is simply not true.

The proposed zero tolerance approach will send a clear message that smoking cannabis will impair driving abilities and that mixing cannabis with driving is a serious threat to road safety and will not be tolerated.

15. What if a person smoked cannabis recently, but is not impaired?

The proposed new zero-tolerance laws under the *Motor Vehicles Act* will make it an offence for drivers who are younger than 22 years of age, drivers who have a learner's or probationary driver's licence, and drivers who operate certain types of commercial vehicles to have any amount of cannabis or alcohol in their system, regardless of whether or not they are found to be impaired. The oral fluid drug detecting devices that will be used to enforce proposed zero-tolerance laws for drugs in the NWT do not detect the non-impairing components of cannabis, so they would only provide a positive result in situations where cannabis has recently been consumed.

Standardized Field Sobriety Tests (also known as physical coordination tests) and evaluations by Drug Recognition Experts are testing methods approved under the *Criminal Code* to detect driver impairment by drugs. These testing methods are also proposed for use under the *Motor Vehicles Act*.

It is important to remember that people react to cannabis differently. Reactions depend on various factors, such as the strength of the cannabis consumed/smoked, how it is consumed/smoked, and how quickly the individual metabolizes it. Because of this, it is impossible to say for sure how long an individual should wait to drive after consuming



cannabis, as the impairing affects will vary from person to person. If you have recently consumed cannabis you should not be driving.

16. Will these rules apply to medical cannabis users?

The proposed new rules will apply to all drivers, regardless of whether they have an exemption to use medical cannabis.

17. Once it is legal, how long should a person wait to drive after consuming cannabis?

Unlike alcohol, the existing scientific evidence does not provide general guidance to drivers about how much cannabis can be consumed before it is unsafe to drive or how long a driver should wait to drive after consuming cannabis.

Everyone reacts to cannabis differently. Reactions depend on various factors, such as the strength of the cannabis consumed, how it is consumed, how quickly the individual metabolizes it, and if it is consumed with other impairing substances such as alcohol. Because of this, it is impossible to say for sure how long an individual should wait to drive after consuming cannabis, as the impairing affects will vary from person to person.

Mixing driving with cannabis, or any other impairing drug, is not safe and poses a serious danger on our roads and highways.