

Cannabis Legalization

A Policy and Legislative
Framework for
Prince Edward Island



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A Policy and Legislative Framework for Prince Edward Island

On April 13, 2017, the Government of Canada introduced legislation to legalize cannabis.



While legalizing cannabis is a federal decision, provinces and territories have significant areas of responsibility. Cannabis legalization will be addressed by a mix of federal and provincial laws, and municipal bylaws and organizational policies.

The Province of Prince Edward Island has reached out to Islanders, groups, experts, and colleagues across the country to assist in the development of a responsible and consistent approach to cannabis legalization.

Provincially, the focus is on keeping cannabis out of the hands of children and youth, minimizing the illegal market, protecting public health, helping Islanders make an informed choice, and promoting safety on roads, as outlined in this policy framework. The province is balancing the needs to promote public health, assure public safety, and maintain consistency within the region for a safe transition to federal legalization.

Unless otherwise stated, this document addresses recreational cannabis.



Minimum Age

In keeping with the regional approach in Atlantic Canada, the minimum age to purchase, possess, and use recreational cannabis will be 19 years.

Keeping cannabis out of the hands of children and youth and promoting public health and safety are important objectives, which need to be balanced with the policy objective of minimizing the illegal market. The federal task force recommended a minimum age of 18. While many public health advocates have encouraged a higher minimum age, other criminal justice experts believe that setting the age too high risks continued participation by youth in the illegal market. The public consultation found that there was the most support for 19 years as the legal age of access.

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Overall, the majority of Islanders responding to the consultation process supported 19 as the legal age for purchase and possession of cannabis in PEI.

Provincial legislation will require a person to be 19 to purchase, possess, share with another adult, and cultivate cannabis products. The onus will be on the person to show proof of age when requested.

Youth Possession

Youth under 19 are not allowed to use or possess cannabis.

Public safety and health protection, especially for children and youth, is a key priority in determining possession limits for individuals under and over the minimum age. It is important that the approach to youth possession balance the harm of criminalization while discouraging the unlawful use and possession of cannabis.

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We know that Island youth are using cannabis already. Of Island students in grades 7-12, 33% of male students and 26% of female students report using cannabis in 2014-15 (CPHO June 2017).

Student cannabis use on PEI increases with increasing grade-level and household income. Initiation of cannabis use was most common in Grades 9/10.

Provincial legislation will allow police to confiscate and destroy cannabis from young people. The province's approach to youth possession will focus on prevention, diversion, and harm reduction without unnecessarily bringing them into contact with the justice system. The province will legislate and implement a diversion first model and graduated penalties, similar to alcohol, in circumstances where offences occur repeatedly or where offences occur concurrently.



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Consumption of Cannabis

Recreational cannabis use will be restricted to private residences, with some exceptions for certain designated spaces.

This decision aims to protect the public from exposure to second-hand cannabis smoke, reduce the potential for public intoxication and impaired driving, and decrease normalization of cannabis use.

Public consultation found support for property owners to retain the right to set rules about use on their property.

Provincial legislation will set out rules to restrict the consumption of recreational cannabis (smoking, vaping, & ingestion) to private dwellings and property. A private dwelling will include a house, apartment,

trailer, tent, guest room or hotel room. A property owner will be able to prohibit smoking in their rental or tourism properties. Similarly, condominiums can continue to make rules to prohibit smoking in their buildings.

Legislation will be updated to prohibit the smoking of recreational and medical cannabis in public places where tobacco smoking and electronic smoking devices (e.g. vaping) are already not permitted.

Provincial legislation will prohibit consumption of recreational and medical cannabis in a vehicle,

which includes a motor vehicle, boat, and off-road vehicle. Provincial legislation will also prohibit consumption of cannabis in private schools and early learning centers that are located in a private dwelling when instruction is happening.

Recognizing that cannabis users will have limits placed on their places of use, the provincial legislation will provide for certain spaces to be designated for cannabis use (for example, in situations of multi-unit dwellings or communal living).

Prince Edward Island
CANADA

cannabis use will be
restricted to private residences
with a potential for expansion to designated public spaces at a later date

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Purchasing Cannabis Products

Prince Edward Island will have four dedicated government-owned retail locations for cannabis product sales in 2018, as well as an e-commerce platform. Products will include dried cannabis, cannabis oil, seeds and seedlings. The retail sites will be in Charlottetown, Summerside, Montague, and West Prince.

The provincial government will be the sole distributor and retailer of recreational cannabis. PEI Cannabis Management Corporation, a Crown Corporation, will assume responsibility as the retail distributor and vendor for cannabis products, including seeds and seedlings, through standalone storefronts and online retail sales. The online retail sales platform is being developed with direct-to-home delivery, which will provide all Islanders with access to recreational cannabis should they not have a retail store in their community, or wish to purchase cannabis this way. Medical cannabis users can continue to purchase cannabis directly from a licensed producer, or may wish to purchase from provincial retail methods.

The province recognizes the importance of balancing social responsibility with responding to consumer demand in a way that reduces the illegal market. Safeguards will be in place to ensure that store locations are

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...respondents most frequently supported restrictions on the maximum amount of cannabis sold in a single transaction and limitations on where cannabis retail locations may be located.”

a reasonable and appropriate distance from schools and child care centres. Preventing sales to persons under the age of access, and to intoxicated people, will be

a core focus of the PEI Cannabis Management Corporation. All retail staff will be well-trained in ID verification and responsible service. In addition, the provincial retail model will restrict co-location of cannabis with alcohol, tobacco, and pharmaceuticals.

Provincial legislation will enable creation of the PEI Cannabis Management Corporation to allow the Corporation to sell cannabis in PEI. Legislation and regulations outline safeguards such as proof of age, packaging, anti-diversion measures, record keeping, and secure storage as well as store operations. Legislation can be amended in the future to permit potential expansion to authorized vendors in time.

Education and Awareness Activities

Research shows that cannabis has been associated with short-term health harms (coordination/decision-making, learning/memory/attention, anxiety, psychosis, low birth weight, respiratory effects) and long-term health harms (e.g. mental health, dependency, learning/memory, poor school and work performance). Health risks are increased for those who start using at a young age, use frequently or

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Islanders have said the most important topics for public education information were safer and responsible cannabis use (69% of respondents) and drug-impaired driving laws (68% of respondents), followed by health and social risks of cannabis use for people under the age of 25 (61% of respondents).

have a personal or family history of mental illness. Prince Edward Island will be proactive in supporting safer recreational use of cannabis and informed choices.

The federal government has committed to a nation-wide, comprehensive cannabis education and awareness campaign over the next five years. In addition, the province of Prince Edward Island is committed to long-term financial investment in harm reduction, education and awareness, research and surveillance. The province is interested in approaches and activities that build on national efforts to educate, inform, and monitor trends. The province will focus local efforts on areas expected to have the greatest impact.

Prince Edward Island is committed to ongoing dialogue and engagement with employers to ensure occupational health and safety rules are expanded to include cannabis, and that training of cannabis retail staff occurs in a timely way, leveraging opportunities for regional collaboration, wherever possible.



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Impaired Driving

Prince Edward Island will ensure the *Highway Traffic Act* mirrors alcohol impaired driving roadside suspension penalties and incorporate changes to align with the federal legislation. In addition, a new summary offence will be created in cases of impaired driving with a minor.

Prince Edward Island already has strong impaired driving legislation and key objectives of both the provincial and the federal regimes are to strengthen impaired driving provisions and deter people from driving after consuming drugs and alcohol. Drivers who have used cannabis are up to six times more likely to get into a motor vehicle collision than drivers who are not impaired.

As part of the provincial response to impaired driving, additional police officers are being trained to conduct roadside assessments and more police officers are being trained as Drug Recognition Experts. Both measures will increase capacity to detect drug impairment. Oral screening devices, used to detect presence of cannabis, will be incorporated into enforcement activities as they become available. This increased detection capacity, coupled with provincial and federal legislative changes, will improve public safety.

Provincial legislation will restrict transportation of cannabis in mo-

torized vehicles, including off-road vehicles and vessels. Similar to alcohol regulations, purchased and sealed products, or opened products, must be secure and inaccessible from anyone in the motorized vehicle. These measures are intended to promote safe and responsible transport of cannabis, and communicate that a vehicle is not a place for cannabis use.

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In the PEI survey, 51% of Islanders conveyed the strongest support for aligning with the existing provincial zero tolerance provisions for young and novice drivers.



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Adult Possession Limit

It will be legal for a person over 19 years of age to possess up to 30 grams of cannabis (or its equivalent).

Adult possession amounts in PEI, as set by federal legislation, will permit possession of up to 30 grams of lawful dried cannabis, or its equivalent in cannabis products, on their person. The limit applies to possession in public and not in their homes. A person possessing more than 30 grams in public could be charged with a criminal offence.

Provincial legislation will require that an adult in possession of cannabis ensure that their cannabis is secured in their home in a manner that keeps it out of the hands of children and youth. In addition, provincial regulations could be considered to set an in-home possession limit, should that be required.

Household Cultivation

A household, not a person, will be permitted to have four cannabis plants, in any stage of growth.

The federal legislation proposes to permit a household to cultivate up to four plants and the province will not deviate from that legislation. Cultivation can only be carried out by an adult who is at least 19 years of age, and that adult will be required to keep the plants inaccessible to minors. A person possessing more than four plants could be charged with a criminal offence.

Provincial legislation will require that a renter have prior approval from their landlord before cultivating cannabis on a rental property. Additional space and safety standards around household cultivation may be created.



Enforcement

While cannabis related activities will soon become legal, rules and regulations will be made to manage this legal environment. Federal, provincial, and municipal authorities will continue to inspect and enforce the new and existing rules that apply to personal, commercial, and public cannabis activities.

Provincial legislation will authorize inspection and enforcement of certain activities under new laws and specify authority to enforce or inspect in cases where there is existing legislation such as Smoke-Free Places Act, and Highway Traffic Act. Cannabis related criminal and regulatory enforcement activities would continue to be carried out by different types of inspectors and police officers, applying a new set of laws and regulations. Some of the types of activities that could be subject to inspection or enforcement include impaired driving, youth possession, and fire safety rules.

Cannabis Production, Processing, and Business

The production and processing of cannabis products will continue to be regulated through federal licensing. The province is mindful of the strengths of the business and agricultural sectors and the province remains open to fostering innovation and business development. Business, land use, and building standards related to the evolving cannabis industry, will continue to evolve through cooperation between federal, provincial, and municipal governments.

We will continue to Engage Islanders



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