



To: General Purposes Committee **Date:** January 22, 2019
From: Cecilia Achiam **File:** 09-5000-01/2019-Vol
 General Manager, Community Safety 01
Re: **Health Canada Questionnaire on Cannabis Edibles, Extracts and Topicals**

Staff Recommendation

That the responses summarized in the staff report titled "Health Canada Questionnaire on Cannabis Edibles, Extracts and Topicals", dated January 22, 2019, from the General Manager, Community Safety be approved for submission to Health Canada.

Cecilia Achiam
General Manager, Community Safety
(604-276-4122)

Att. 2

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Community Bylaws	<input checked="" type="checkbox"/>
RCMP	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

On December 20, 2018, Health Canada launched a 60 day public consultation campaign on edible cannabis, cannabis extracts and cannabis topicals including draft regulations (attachment 1) and a background document (attachment 2). These cannabis products are scheduled to be permitted for sale under the *Cannabis Act* by October 17, 2019. This outreach effort consists of an online questionnaire of 13 questions which must be completed by February 20, 2019.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

1.4. *Effective interagency relationships and partnerships.*

Analysis

As a result of previous Council direction and research by staff, the following are proposed answers to the questionnaire from Health Canada. Following Council approval, or amendments, these answers will be submitted on behalf of the City of Richmond.

Health Canada Consultation Questionnaire

1. What do you think about the proposed THC limits for the new classes of cannabis products?

The proposed "hard cap" of 10 mg of THC in a single package/container of an edible or beverage based cannabis product is of concern to the City given that there is no rationale or explanation for this limit. While Colorado State uses the 10 mg limit, Health Canada has not provided any of its own evidence or even scientific research to substantiate the health efficacy of this limit. Given that users will likely consume more than 10mg or a single edible unit dose, there should be a warning on the overall amount of THC that will likely lead to either impairment and or a life threatening overdose.

2. Do you think the proposed new rules addressing the types of ingredients and additives that could be used in edible cannabis, cannabis extracts, and cannabis topicals appropriately address public health and safety risks while enabling sufficient product diversity?

The proposed new rules addressing additives are of concern to the City given that there is no restriction for sugars, artificial colours, or sweeteners for cannabis edibles and beverages. At the same time, there is an allowance for limited caffeine additives. The natural taste of THC is reported to be bitter, therefore, this taste is masked by the additives. However, the presence of these sweeteners and caffeine raise the risk that children and youth may consume these products despite proper age restrictive labeling. It is reasonable to assume that these products may accidentally or intentionally be consumed by minors or children given their predilection for sweetened and caffeine-based beverages and foods. Moreover a child of five years and older could easily open child-resistant protected packing.

3. Do you think that the proposed rules for other classes of cannabis will accommodate a variety of oil-based products for various intended uses, even though cannabis oil would no longer be a distinct class of cannabis?

The City is opposed to any additional products containing cannabis due to public health concerns.

4. What do you think about the proposed six-month transition period for cannabis oil? Is a six-month transition period sufficient?

The City views this period as too short and will not provide municipalities with adequate time to prepare for the societal, criminological and policy implications of this new regulatory regime. Neither the Provincial or Federal government have been allocated additional police resources to enforce these new regulations nor have municipal bylaw officers been delegated the authority of enforcement under the Cannabis Act.

5. What do you think about the proposed new rules for the packaging and labeling of the new classes of cannabis products?

While the City views the child-resistant packaging and plain packaging as necessary it will not prevent children above the age of five from accessing these products. As stated above, a major concern is that children or youth will be lured by the additives present in the products.

6. With respect to edible cannabis, what do you think about the requirement for all products to be labeled with a cannabis-specific nutrition facts table?

There should be warning labels, as found on cigarette packages, discussing the harmful effects of consumption. Moreover, independent studies have found discrepancies between what manufacturers identified on their labels and actual nutritional content found in their products. It is probable that there will be instances of mislabeled nutritional and THC content that will have a health impact on consumers.

7. What do you think about the proposal for the labeling of small containers and the option to display certain information on a peel-back or accordion panel?

The City considers that any labeling of small containers should be large enough to accommodate clearly legible warning labels (see question 6).

8. What do you think about the proposal that the standardized cannabis symbol would be required on vaping devices, vaping cartridges, and wrappers?

The City is concerned that the packaging on cannabis products, including edibles, would appeal to youth. The packaging of cannabis should be tamper-evident, child-resistant, prevent contamination and include a basic cannabis symbol and health warnings. The presentation of the cannabis packaging should be plain with standard font and size as well as include public safety and health warnings similar to that of tobacco products which also include photos.

9. Do you think that the proposed new good production practices, such as the requirement to have a Preventive Control Plan, appropriately address the risks associated with the production of cannabis, including the risk of product contamination and cross-contamination?

The City will continue to work with the local health authority, Vancouver Coastal Health, to review food handling procedures to ensure that businesses, specifically producing cannabis edibles, do not become a public health issue. The City recommends that the handling of food safety and prevention controls be reviewed after receiving input from health agencies across the country.

10. What do you think about the requirement that the production of edible cannabis could not occur in a building where conventional food is produced?

The City agrees that cannabis edible production should not be allowed where conventional food is produced. Maintaining a healthy food production sector within the City is of vital importance.

11. What do you think about the overall regulatory proposal?

The City has serious concerns surrounding edible products containing cannabis. The dosage level would be difficult to control and edibles may appeal to youth. In addition, edibles by appearance are indistinguishable from normal food products.

Youth must be discouraged and prevented from accessing cannabis. The proposed regulations should strictly regulate edible products to ensure the dosage is set at a minimum. The packaging of these cannabis products must plainly labeled and marketed towards adults. Public education and outreach on cannabis edibles must focus on restricting youth access to cannabis.

The proposed Cannabis Act regulation updates should also enable local governments to continue to maintain authority over regulation of land use and zoning as it pertains to all cannabis-related activities. There should be firmer controls on public consumption of cannabis, including edibles that match public tobacco and alcohol consumption regulations. Cannabis edibles should clearly be labeled with health warnings similar to cigarettes.

12. Are there any additional comments you would like to share on the proposed regulations for the new classes of cannabis?

Cannabis edibles present a serious risk in terms of encouraging youth consumption of cannabis. Extent edible products, albeit not yet legal in Canada, range from baked goods to processed treats such as chocolates, cotton candy, jelly beans or soft candy. These cannabis edibles are highly desirable and attractive to youth. There are already many cases reported in the media of children and pets admitted to the hospital due to unexpected consumption of cannabis edibles. The federal government needs to consider the public health and public safety perspectives and prescribe tight regulation, control and enforcement of cannabis edibles. In addition, public education should be a top priority and should focus both on communicating the harmful effects of cannabis and the need for proper handling and storage of cannabis edibles to reduce the risks of cross contamination and accidental ingestion. It is anticipated that the legalization of

commercial cannabis edibles will lead to an increase in the general consumption of cannabis that will inevitably impact the public health care system in Canada.

13. Are there any additional comments you would like to share regarding the legalization and strict regulation of cannabis in Canada? For example, are there measures the Government could take to support individuals to be in compliance with the public possession limits for cannabis (i.e. 30 grams of dried cannabis "or equivalent")? Do you have views on how to minimize environmental concerns associated with packaging, while maintaining key aspects, such as child resistant packaging, that help to prevent accidental consumption?

The City has concerns as to the role of municipalities in enforcing the Cannabis Act. Given that police officers are prioritized towards emergency calls and major crime investigations there is likely inadequate resourcing to enforce these new cannabis regulations. However, no new police resources have been allocated to enforce this new cannabis legislation. Moreover, neither federal nor provincial cannabis legislation grant local governments any power to set further restrictions on personal cultivation of non-medical cannabis.

In short, municipalities will bear the societal, health, and criminological costs of this new legislation without any compensation in terms of resourcing or any non-police officer authority to enforce the Cannabis Act.

Financial Impact

None.

Conclusion

Following direction from the General Purposes Committee, staff will submit the above responses to the questionnaire and continue to research the issues surrounding the Federal government's proposed regulatory regime for the *Cannabis Act* as well as the Province's *Cannabis Control and Licensing Act*.



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MC:mc

Att. 1: Proposed Regulations for Additional Cannabis Products
Att. 2: Health Canada Additional Cannabis Products Backgrounder



PROPOSED REGULATIONS FOR ADDITIONAL CANNABIS PRODUCTS

We want to hear from you! Have your say at Canada.ca/Cannabis



	EDIBLE CANNABIS (SOLID)	EDIBLE CANNABIS (BEVERAGE)	CANNABIS EXTRACT (INGESTED)	CANNABIS EXTRACT (INHALED)	CANNABIS EXTRACT (CONCENTRATED THC)	CANNABIS TOPICAL
THC LIMIT	<ul style="list-style-type: none"> ▶ 10 mg of THC per package 	<ul style="list-style-type: none"> ▶ 10 mg of THC per container 	<ul style="list-style-type: none"> ▶ 10 mg of THC per unit (such as a capsule) or dispensed amount ▶ 1000 mg of THC per package 	<ul style="list-style-type: none"> ▶ 1000 mg of THC per package 	<ul style="list-style-type: none"> ▶ 1000 mg of THC per package 	<ul style="list-style-type: none"> ▶ 1000 mg of THC per package
PRODUCT RULES	<ul style="list-style-type: none"> ▶ No added vitamins, minerals ▶ Limits on caffeine ▶ No added alcohol 	<ul style="list-style-type: none"> ▶ No added vitamins, minerals ▶ Limits on caffeine ▶ No added alcohol 	<ul style="list-style-type: none"> ▶ No added vitamins or minerals ▶ No sugars, colours or sweeteners ▶ No nicotine or caffeine 	<ul style="list-style-type: none"> ▶ No sugars, colours or sweeteners ▶ No nicotine or caffeine 	<ul style="list-style-type: none"> ▶ No sugars, colours or sweeteners ▶ No nicotine or caffeine 	<ul style="list-style-type: none"> ▶ For use on skin, hair and nails ▶ Only cosmetic grade ingredients ▶ Not for use in eyes or on damaged skin
PACKAGING	<ul style="list-style-type: none"> ▶ Child-resistant ▶ Plain 	<ul style="list-style-type: none"> ▶ Child-resistant ▶ Plain 	<ul style="list-style-type: none"> ▶ Maximum package size of 90 mL for liquid extracts ▶ Child-resistant ▶ Plain ▶ Must have dispensing device if not in unit form 	<ul style="list-style-type: none"> ▶ Maximum package size of 90 mL for liquid extracts ▶ Child-resistant ▶ Plain 	<ul style="list-style-type: none"> ▶ Maximum package size of 7.5 g ▶ Child-resistant ▶ Plain 	<ul style="list-style-type: none"> ▶ Child-resistant ▶ Plain
LABEL	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Nutrition Facts Table 	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Nutrition Facts Table 	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Intended Use 	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Intended Use 	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Intended use ▶ Directions for use ▶ Warning statement about not swallowing or using on broken skin 	<ul style="list-style-type: none"> ▶ Standardized cannabis symbol for products containing THC ▶ Health Warning Message ▶ THC/CBD content ▶ Ingredient list ▶ Allergens ▶ Intended use ▶ Directions for use ▶ Warning statement about not swallowing or using on broken skin
OTHER	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health or dietary claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol 	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health or dietary claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol 	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol 	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol 	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol 	<ul style="list-style-type: none"> ▶ Must not be appealing to kids ▶ No health or cosmetic claims ▶ No elements that would associate product with alcoholic beverages or brands of alcohol

Disclaimer: This is not a complete list of proposed regulatory rules for each class of cannabis. It is also not a complete list of product examples. For more information on the proposed amendments to the Cannabis Regulations, please visit Canada.ca/Cannabis.



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Backgrounder: Consultation on the strict regulation of additional cannabis products

From: [Health Canada](#)

Backgrounder

December 2018

Health Canada is launching a 60-day public consultation on draft regulations addressing additional cannabis products, namely edible cannabis, cannabis extracts and cannabis topicals.

The draft regulations are designed to better protect the health and safety of Canadians through strict regulatory controls and to enable the legal industry to displace the illegal market. These cannabis products will be permitted for legal sale under the Cannabis Act no later than October 17, 2019.

Stakeholders and Canadians who are interested in participating in the consultation are encouraged to review the draft regulations. This new consultation builds on the extensive consultations conducted by the Task Force on Cannabis Legalization and Regulation. Comments received from this consultation will be carefully reviewed, and the feedback will inform the development of the regulations. The online consultation will be open until February 20, 2019.

Edible cannabis

Draft regulations propose the following:

- Restricting the use of ingredients that could increase the appeal of edible cannabis to young persons, increase the risk of food-borne illness and accidental consumption, and encourage over-consumption.
- Placing a hard cap of 10 mg of THC on the amount of THC that could be in a package of edible cannabis.
- Requiring child-resistant and plain packaging for edible cannabis to lower the risk of accidental ingestion and making packages less appealing to young persons.
 - The label would need to display the standardized cannabis symbol and a health warning message.
 - It would be prohibited to make any claims respecting health benefits or nutrition on the label.
- Putting in place strict new manufacturing controls for the production of edible cannabis products to reduce the risk of food-borne illness; and

- Prohibiting the production of food and edible cannabis in the same facility to ensure the safety and integrity of Canada's food system.

Cannabis extracts

Draft regulations propose the following:

- Restricting the use of certain ingredients that could appeal to young persons, such as sweeteners and colourants, or ingredients that could encourage consumption, such as nicotine.
- Prohibiting certain flavours that are appealing to youth from being displayed on a product label, consistent with rules for other vaping products.
- Placing a hard cap on the amount of THC that could be in a unit of a cannabis extract—such as a capsule—of 10 mg of THC per unit. The total amount of THC in a package would be capped at 1,000 mg (e.g., 100 10-mg capsules).
- Requiring child-resistant and plain packaging for cannabis extracts. All packaging, as well as certain pre-filled accessories, such as a vape pen, would be required to display the standardized cannabis symbol.
- Prohibiting any claims respecting health benefits on the label.
- Putting in place strict new manufacturing controls for the production of cannabis extracts to control the quality of the products.

Cannabis topicals

Draft regulations propose the following:

- Like edible cannabis and cannabis extracts, restrictions would be placed on the types of ingredients that could be added to cannabis topicals.
- A hard cap of 1,000 mg of THC would be placed on each package of a cannabis topical.
- The packaging would need to be child-resistant and display the standardized cannabis symbol and a health warning message.
- Any claims respecting health benefits on the label would be prohibited.

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