



The politics of pot in Canada: Consumers, enforcers, and profiteers

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The Canadian federal government legalized recreational cannabis on October 12, 2018, marking the beginning of a new policy era influenced by classical libertarianism, bringing new challenges of balancing profits with public safety. Legalizing cannabis has been a revolutionary event for some Canadian provinces, but Canada is not a lone actor in this space. According to MacIver (2017), twenty-one countries and jurisdictions have legalized cannabis, either partially or fully, recreationally or for medicinal purposes, worldwide.

Some countries and states have been more cautious than others with implementing pot policy. For example, the federal government in India bans cannabis; however, several individual states have legalized it for various purposes. The situation is similar in Argentina, Jamaica, and Poland; however, most countries are still instituting partial legalization for medicinal use only. MacIver (2017) found that only a small minority—Canada, the Netherlands, and Uruguay—have decriminalized, either formally with changed laws or through non-enforcement practice, recreational and medical use of marijuana (Table I).

The availability of cannabis across Canada has benefitted many individuals struggling with pain management, but it has also resulted in a grey policy area around how best to regulate it, maintain accountability, and ensure public safety for the masses. Provincial and territorial governments have struggled to institute effective policies around safe cannabis consumption and appropriate rules for retailers and consumers, prior to legalization. The informality around these rules benefits some, such as retailers and governments who make money from sales, and potentially harms others, most notably consumers. This begs the question of who the real beneficiaries of legalizing cannabis are.

The Mechanics of Profit

Legalizing cannabis has resulted in substantial profits for government through “sin taxes,” which are levies that are collected on any potentially harmful substance such as cannabis, alcohol, tobacco, and gambling, to name a few (Mintz, 2018). The rationale for profitable taxation stems from an attempt to discourage access and control public safety. Economist Jack Mintz (2018) argues that heavy taxation is less about preserving public safety and more about

government profit, asserting that the sub-text behind institutionalizing sin taxes is government taking advantage of insatiable markets that would have otherwise been exploited by organized crime. The argument here is that Canadians living at, or near, the poverty line are often the ones who struggle with substance abuse. Instead of focusing on connecting them with the appropriate resources for treatment or behaviour avoidance, as in the case of unhealthy fast foods, cannabis consumption, or alcoholism, these individuals are instead disproportionately penalized by being forced to pay higher prices when purchasing cannabis. In their article on

TABLE I Countries that have legalized marijuana as of June 29, 2018

Jurisdiction	Status on Cannabis
Argentina	Partial medical legalization
Australia	Medical legalization
Chile	Medical legalization
Colombia	Medical legalization
Croatia	Medical legalization
Czech Republic	Medical legalization
Germany	Medical legalization
India	Legal in some states
Israel	Medical legalization
Italy	Medical legalization
Jamaica	Partial medical legalization
Macedonia	Medical legalization
Mexico	Medical legalization
Netherlands	Legalized (medical and recreational)
Philippines	Medical legalization
Poland	Partial medical legalization
Puerto Rico	Medical legalization
Turkey	Medical legalization
USA	Legal in some states
Uruguay	Legalized (medical and recreational)

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equity impacts of price policies, Sassi et al. (2018) note that high-income households outpace low-income households when it comes to spending on products that are potentially harmful if consumed in excess. However, low-income households still bear a heavier burden from these taxes, since the expense represents a relatively higher share of their overall household expenditures (Sassi et al., 2018).

In the 2016/17 fiscal year, Canada's federal government collected \$11.9 billion worth of sin taxes from revenue, excise, and customs duties related to alcohol alone. Mintz (2018) notes that this number jumps to \$28 billion if tobacco sales are factored in. According to the Canadian Center for Substance Abuse and Addictions (2019), most of these taxes are paid by Canadians struggling with addictions. Governments' profits from these products are so substantial that they are comparable to Canada's overall Goods and Services Tax (GST) revenues, so it is easy to see the appeal in legalizing cannabis, which, to date has been under-regulated.

In Manitoba, for example, marijuana users are required to pay provincial sales tax on non-medical marijuana, as well as the federal GST on both medical and non-medical marijuana (Manitoba Government, 2019). Kavanagh (2018) explains that, at the same time, marijuana retailers are required to pay the provincial government six per cent of all their revenues under a social corporate responsibility tax. According to Young (2018), while taxation may be a deterrent to consumption, regulating certain behaviours and slowing down consumption for some, it is generally less effective than other remedies, which target treatment and focus on prevention.

The Process of Building Proactive Policy

Normalizing recreational cannabis in the mainstream continues to challenge our values and raise questions around the future of harm prevention and harm reduction. There are multiple ways to take in this substance, but smoking remains the most common method. However, oral ingestion, in the form of food and candy, has been gaining popularity, particularly among younger users. This is potentially concerning, Webster (2019) explains, from a medical standpoint, given the lack of understanding of the impacts of edible cannabis on the human brain. What's more, retailers are rapidly responding to the growing market of edibles, further blurring the line between what is safe or potentially dangerous.

In his article on the cannabis retail market, Paul Webster (2019) explains that Health Canada and its provincial and territorial counterparts have not done enough to educate the public on the adverse effects of cannabis or to encourage prevention-type policies. The federal government does not currently control the subcategory of cannabis edibles. This means there is a lack of regulation on the dosage of the active ingredient, tetrahydrocannabinol (THC), in food and other body products. According to the Government of Canada (2018), they can be lethal if uncontrolled since THC determines how the brain and body respond to cannabis, including the high and intoxication. This has caused confusion for many consumers around what is a safe amount of chocolate, gummy bears, or even THC-based body ointment. For others, it has made it easier to develop and sell products, free of regulatory hurdles and administrative obstacles.

The federal government has only recently begun to think about regulating the distribution of cannabis in its various

forms, but these safeguards are not keeping up with demand. This is a problem in schools, where children can bring in cannabis as contraband, in its various consumable forms, including baked goods or vaporizers, which are often undetectable. This was evident in feedback received from police officers, who report that it is already a growing concern. Furthermore, cannabis may also be consumed through homemade or commercial products containing concentrated extracts and oils and can be masked in any number of products from edible foods to lip gloss and creams.

An obvious remedy for the lack of regulation around edibles and body products, in particular, includes a greater role for government to support research in this emerging market. An example includes devoting more cannabis-related tax revenue to study how edible cannabis impacts the brain, as well as explicit laws to govern the edibles industry. While the physiological effects of cannabis are beyond the scope of this article, it is fair to say that there are some negative effects associated with overuse, another aspect that authorities will need more time to research and assess.

Forest (2018) found that police and prosecutors across the country have rushed to create bulletproof policies to protect public safety and the rights of all involved, and hopefully withstand the inevitable court challenges that will flow from new charges related to legalization. The Federation of Canadian Municipalities (FCM, 2018) funded research, creating a comprehensive "Municipal Guide to Cannabis Legalization: A roadmap for Canadian local governments," which states that, "If a local government is concerned about the impact of Bill C-46 (The Cannabis Act), consultation with local police forces and the RCMP is recommended."

However, police agencies across Canada are struggling to develop policies of their own, not only with respect to enforcement and control, but also their own human resources policies. The first round of rules governing consumption within emergency services ranges from absolute prohibition to the requirement for police officers to be "fit for duty." This means that consumption, like alcohol use, is not prohibited but it must not affect officers' ability to perform their roles. These rules will be challenging, though, as scientific opinions about the effects of residual cannabis and how long it lingers in the human body are mixed. Policing strategists are particularly sensitive to the potential of making bad case law that could bind law enforcement agencies across Canada to difficult enforcement policies. For example, if the roadside sobriety tests, which are being developed in haste, are challenged and are ruled unlawful, what tools are the police left with to ensure road safety? This is a concern, as people *will* drive impaired and there are real and significant public safety issues associated with impaired driving.

Other jurisdictions are already dealing with the inescapable effects of legalization, and Canada can learn from their experiences. In Colorado, for example, HIDTA (2017) noted that the impacts of the partial legalization of cannabis in 2013 have been measured in detail. They report, "Marijuana-related traffic deaths when a driver was positive for marijuana more than doubled from 55 deaths in 2013 to 125 deaths in 2016" (HIDTA, 2017, p. 1). The report further highlights a 66 percent increase in marijuana-related traffic deaths in the four-year average from 2013 to 2016, over the four year average prior to legalization, from 2009 to 2012

(HIDTA, 2017, p. 1). HIDTA (2017, p. 3) explains that another troubling statistical finding in Colorado was a 72% increase in cannabis-related hospitalizations in the three years following legalization. Furthermore, the state experienced an 11% increase in crime from 2013 to 2016 in the years following legalization (HIDTA, 2017, p. 5). These outcomes have important implications for our justice, health, and education systems, among others, that will need to be pre-emptive in their remedies. One positive effect of legalization, however, may be the increased researchable data that will flow from legal pot sales. This new information may lead to discoveries about the social impacts of cannabis use and inform new policy directions in the future.

CONCLUSIONS

Legalizing cannabis has cast Canada as a liberal democracy of new proportions in the international context. The long-term impacts of cannabis possession and consumption will not be known for several decades. In the meantime, however, our focus should be on research and development around various ingestibles and their impacts on the developing or developed brain, as well as eliminating the grey areas that still exist in our policies.

Canadians, in many ways, can feel proud to stand among the ranks of other progressive democracies with strong reputations for pioneering social change, like cannabis legalization. At the same time, perhaps we need to tread cautiously, heeding the wisdom of our Indigenous elders, and “think seven generations into the future.” How will we protect our youth from the potential impacts of what we do today? The current and future well-being of our communities must be our fundamental priority as we both temper and meet the needs and goals of all the stakeholders: the consumers, the enforcers and the profiteers.

CONFLICT OF INTEREST DISCLOSURE

The authors have no conflicts of interest to declare.

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