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HEALTH CANADA LISTENING SESSIONS

CONVERSATION GUIDE

On March 25, 2023, Health Canada published a Notice of Intent, initiating a 60-day public comment period on potential amendments to the Cannabis Regulations.

Health Canada is seeking feedback and comments on potential amendments to the Cannabis Regulations that aim to:

1. Streamline and clarify existing requirements,
2. Eliminate inefficiencies in the regulations such as duplications between requirements, and
3. Reduce administrative and regulatory burdens where possible, while continuing to meet the public health and public safety objectives in the Cannabis Act.

While our upcoming sessions will address operational and administrative efficiencies for Cannabis Act licence holders, we will also take a step back and revisit one of the key objectives of cannabis legalization – displacing the illicit market. Maximizing operational and administrative efficiency means little if we cannot effectively communicate with consumers to sell them products they want to buy and create the purchase experience they desire.

While public health and safety is paramount, it cannot be considered through the narrow lens of the regulated market only. It must also take into account the reality of the still-pervasive unregulated market. Public health and safety will only be optimized once the regulated industry has succeeded in displacing the illicit market.

We must equip licence holders with the tools needed to convince legacy market consumers to buy from a regulated source. It is through this lens that we will discuss the questions posed by Health Canada in the consultation:

Session 1 – Packaging and Labelling Requirements for Cannabis Products and other Regulatory Issues (April 28th):

1. Should Health Canada consider amending packaging requirements for dried and fresh cannabis?
2. Are there labelling requirements that could be changed without public health or public safety impacts? What required information should remain, and what information could be removed? Why or why not?
3. Do you have any suggestions to simplify the requirements to include delta-9-THC and CBD content information on product labels?
4. Should the requirement to include delta-9-THC content information on product labels apply to the total of all intoxicating cannabinoids, such as delta-8-THC? Why or why not? How could such a requirement be established in an efficient manner that is simple to comply with?
5. Are there other packaging and labelling requirements that Health Canada should consider for a regulatory amendment? Why and what is the current impact of these requirements on licence holders and consumers?

Session 2 – Licensing & Personnel (May 4th):

1. Are there any activities with cannabis that are not currently authorized under existing licences that could be authorized? What specific activities, for which classes of cannabis, and for what classes and subclasses of licences? How would such changes streamline the regulations or lead to greater efficiencies?
2. Are there any activities with cannabis that organizations should be able to carry out, without the need to hold a licence or permit (for example, the possession of small amounts of licit cannabis for the purpose of laboratory research)? What specific activities and for what classes of cannabis? What measures, including regulatory requirements, should apply to mitigate public health and public safety risks?
3. What measures could be taken to increase flexibility for licensed cannabis processors and to reduce the burden on the Quality Assurance Person (QAP)?
4. Are there personnel security requirements that could be changed without increasing the risk of diversion or inversion of cannabis? What specific requirements, and for what classes and subclasses of licences? Why or why not?
5. Are there physical security requirements that could be changed without posing a risk to public safety (for example, no visual monitoring during “off-season” for outdoor cultivation)? What specific requirements, and for what classes and subclasses of licences? Why or why not?

Session 3 – Production Requirements (May 11th):

1. Are there any changes to the current production requirements that could create efficiencies for holders of a micro-cultivation or micro-processing licence?
2. Are there regulatory requirements from other relevant control frameworks, such as those for food, vaping products, or cosmetics, that Health Canada should consider? Why or why not? For which classes of cannabis?
3. Are there certain production requirements that could be changed or eliminated for licensed processors that are limited in what activities with cannabis they are authorized to undertake (for example only authorized to store cannabis products)? Which requirements, and under what circumstances?
4. Should the limits on the maximum quantity of delta-9-THC that can be contained in a cannabis product (by container and ingestible unit) apply to the sum total of all intoxicating cannabinoids found in the product? Why or why not? How could such a requirement be established in an efficient manner that is simple to comply with?

Our conversations will not be limited to these specific questions. Our intention in moderating these listening sessions is to also consider whether Health Canada is asking the right questions. Should the conversation about intoxicating cannabinoids also consider the effect of increasing the total amount of intoxicating cannabinoids in edible cannabis products to 100mg? Should promotional restrictions be finessed to enhance the safety and security of cannabis retail stores by permitting transparent storefronts? What other questions should the regulator be asking? A healthy and thriving regulated cannabis industry must permit licence holders to operate both efficiently and effectively.

We hope this provides some food for thought. Please come to our discussions with your ideas on the regulatory changes that are required to unlock the true potential of the industry. We ask that you participate in the live polling during these sessions and also complete the consultation survey that will be distributed to you. Your responses will help us prepare a tool that will assist you with submission of a response to the consultation. This will be discussed further in our fourth session on May 15th.

Although any regulatory amendments flowing from this consultation will be subject to further stakeholder consultation, the time to influence policy and steer the conversation is now. We must provide Health Canada with a clear position on what is required to ensure the future of our industry, and this message must be echoed in as many responses as possible.

We look forward to your participation in our sessions. Get ready to engage and mobilize!