



MEASURING THE IMPACT OF
RECREATIONAL MARIJUANA

POTENTIAL APPROACHES AND THE
FACILITATION OF GOVERNMENT GOALS

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MEMORANDUM FOR THE DEPUTY MINISTER

THE DISTRIBUTION OF RECREATIONAL MARIJUANA POTENTIAL APPROACHES AND THE FACILITATION GOVERNMENT GOALS

SUMMARY

**To address Canadians concern with the legalization of recreational marijuana
Government needs to measure the success, or not, of this policy.**

**The public should be engaged in helping to determine, and understand, how to
measure success in achieving the following 3 legalization goals.**

**Measurement of achievement of these 3 goals, should be a point of focus of the
Government's response to the Task Force Report on Legalizing Marijuana.**

Options for measurement are presented to start a public measurement consultation.

Issue

The Canadian public has expressed concerns about marijuana legalization. However there appears to be 3 policy goals, central to the conversation of students,¹ which they believe could garner general public support. Further, these three points were noted in the Task Force discussion paper on the legalization, regulation and restriction of access to marijuana. These objectives are:

- **Elimination of the underground marketplace**
- **Limiting exposure to youth**
- **Standardization of product quality²**

In the event that new legislation, legalizing the recreational use and possession of marijuana is passed, the government will be responsible for providing proof to Canadian citizens that the goals above have been met. This report contains recommendations on how government may approach this difficult matter.

¹ Class discussion Dalhousie CR-MBA 2017 Cohort

² Task Force on Marijuana Legalization and Regulation.

Background

In the 2015 election, Prime Minister Trudeau ran on a platform that included the legalization of recreational marijuana. Upon the Liberal government's successful election, the *Task Force for the Legalization and Regulation of Marijuana* was established to consult Canadians and material experts, in the development of a legislative proposal. The task force delivered their report to ministers in November 2016.

The report will be presented to the public once the ministers' concerns and recommendations have been taken into consideration. The government has committed to introducing legislation for recreational legalization in 2017. Part of the legislative rollout should be an engagement of the public on how to measure success of the policy.

Designing a Regulatory Model

Government should focus on measuring the positives, to incent and support positive behavior.³ We have determined as a society that strict punitive approaches for the regulation of recreational marijuana have not worked. To protect against the potential of continuing harm, particularly to youth, society should be engaged in creating the measures to identify what a positive implementation would look like.

Government, as part of the release of the new policy, should engage Canadians to identify how success should be measured against the above 3 objectives and other positives associated with this policy change. To kick start the "measuring success" discussion, recommendations for each objective are presented below.

Options for Starting the Measurement Conversation

Elimination of the Underground Marketplace

Measuring the status of an underground marketplace is difficult, however it will be key for the government to prove whether or not legalization has had a diminishing impact on black market marijuana sales.

Recommendation – To measure the impact of recreational marijuana legalization on the black market, the government must collect data on individual consumption nationwide. Therefore, it is recommended that future censuses include a question pertaining to average yearly consumption of marijuana by gram. This data can then be compared against the number of grams sold for that year. Based on whether or not total grams consumed and total grams sold are closely related, the government will be able to provide an informed estimate regarding the size of the underground marijuana marketplace.

It is important to note that the census includes a mandatory and voluntary sections. The Charter of Rights and Freedom's states that an individual cannot be made to incriminate themselves, however when marijuana is legalized this will no longer be an issue. Therefore, it is

³ The Character of Harms by Malcolm Sparrow

recommended that the government consider placing questions related to marijuana in the mandatory section.

Limiting Exposure to Youth

Demonstrating whether, or not, legalization has successfully limited youth access to marijuana will be a key determinant in the perceived success or failure of the new legislation. A recommendation regarding how the Canadian government should approach measurement of this impact has been provided below.

Recommendation – It is recommended that the government develop a database, to be utilized by law enforcement officers, through which all reported incidents of youth possession and consumption of marijuana will be input.

The database will keep identity anonymous so not to negatively impact the individual, though will require information regarding age, sex and location. The resulting data will help facilitate year over year comparisons, providing proof of the new policy's impact on youth exposure, in the short term and long term.

The government should work to have this system in place prior to legalization as it will be critical to provide authorities with the necessary training to convey the purpose and effectively utilize the database.

Standardization of Product Quality

Standardization of marijuana is of critical importance to Canadian society as it can have a direct impact on the health of citizens. Further, the development of meaningful research regarding the impact of marijuana on youth and adults, is contingent upon consistent substance quality and form. Therefore, it is critical that government be able to effectively measure substance quality upon legalization so to demonstrate the success/failure of the policy change.

Recommendation – It is recommended that the government include a quality report mandate for licensed producers (LP) in their legislative proposal. This mandate should place legal responsibility on the LP for providing government with individual quality and content reports for all crops.

Further, government should work to establish testing clinics where individuals may bring their marijuana products to be tested if an issue in quality or content is suspected. This will aid in the identification of any unsatisfactory product that may have been missed or unreported by LP's. In addition, it will serve to increase the producer's accountability to society and consumers, strengthening the commitment to quality excellence.

Overall, this approach will ensure that the government receives consistent and accurate data, from various sources, to measure the quality of all marijuana crops produced for public consumption.

Concluding Statement

The legalization of marijuana is intended to have a positive impact on Canadian society by:

- Eliminating the underground marketplace
- Limiting exposure to youth
- Standardizing product quality

We need to focus on supporting a positive approach to avoid the significant problems that prohibition has caused. However, there are potential negative consequences, which policies are needed to address. Upon legalization, the government will be responsible for presenting Canadians with proof of impact. Therefore, it is critical that methods for measuring the achievement of objectives be a point of focus in Government's response to the Task Force Report on Legalizing Marijuana.

Bibliography

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 - 4 Sparrow, Malcolm; *The Regulatory Craft*, 2000; Cambridge University Press
 - 5 Sparrow, Malcolm; *The Character of Harms*, 2008; Cambridge University Press
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