

'O Cannabis': A History of Cannabis Legalization in Canada

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INTRODUCTION

The legalization of cannabis in Canada was a monumental moment in our history. The fact that Canada was the second country in the world, after Uruguay,¹ to do so may be globally significant, but it simultaneously reveals much about the history that made it possible. For Canadians, cannabis is more accessible than ever: glossy, professional shops compete to line the streets of the country, popping up with unprecedented frequency. There are now more than 3600 legal cannabis storefronts across the country, with 28 in the city of Victoria alone.² This is more than the total number of Tim Horton's locations in the country (3590 as of February 2024.³) So how did we get here? How is it that stores selling a substance that was once the cause of numerous jail sentences now outnumber the iconic Canadian coffee chain? What were the circumstances that led to legalization and what are its consequences?

I will explore these questions by drawing on existing scholarship to develop a history of legalization. The historiography provides aTw 5.39 0 Tgrael

to understand how cannabis legalization eventually transpired, the history of the regulations—and the arguments for and against them—must be plotted in a way that captures the plurality of perspectives on the issue. The historiography on cannabis criminalization therefore explores the questions of how and why cannabis was legalized in Canada.

One of the earliest histories on the subject is a legal work authored by Melvyn Green in 1979 called “A History of Canadian Narcotics Control: The Formative Years.” Green outlines political and social reasons behind the criminalization of cannabis in 1923, focusing particularly on the association of opium with Chinese-Canadians. Green argues that toward the beginning of the twentieth century job opportunities began to shrink due to an economic slump and he suggests that white labourers began to blame and resent Chinese-Canadians for this.⁴ In 1907,

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Green also makes the point that Mackenzie King played a significant role in the early days of Canadian drug prohibition.⁸ King was considered to be an opium expert—especially after his visit to the Shanghai Opium Commission of 1909, an American-sponsored international conference to reduce opium traffic and use—and he was able to put forth the Opium and Drug Act of 1911 as a result.⁹ However, Green asserts that since the 1908 provisions only served to make opium smuggling more profitable, the 1911 iteration specifically targeted the consumer by allowing for police to search and seize without a warrant as well as by introducing fines and prison time for offenders.¹⁰ Green argues that the Opium and Drug Act of 1911 was the “true antecedent” to the “current” legislation in 1979 because it set up a system of punishment and classified cannabis as a drug that needed to be heavily controlled by law enforcement.¹¹ He explains the significance of the Opium and Drug Act of 1911 and its methods for controlling drug use that remained influential until 1979, when Green published this work.

During the early 1920s, the regulations became stricter with new amendments to allow for whipping and deportation of foreigners as punishment, which Green suggests may have been due to the assumption that the severe laws would only affect the Asian population.¹² He also makes reference to Emily Murphy, a Temperance movement leader and first female magistrate, and her 1922 book, *The Black Candle*, which also circulated these racist themes and which Green argues was the first book to draw the Canadian public attention to cannabis with her chapter “Marahuana—A New Menace.”¹³ Further, he argues that it took until the 1960s for attitudes around cannabis to ease and he attfora.orlitnd hhed thTD[(due)4 (t)-2 (o fok t)-2 ((f)3 (e)-6 (c)4 (t2 (o

population by this time was primarily white and middle class.¹⁴ Green's interpretation and analysis is foundational and his ideas continually reverberate throughout the scholarship on this topic.

Published in the early 1990s, Patricia Erickson's work also provides valuable insight into the trends of the 1990s as she neatly organizes the history of drug regulation in Canada into periods. She splits the 20th century into three distinct eras, beginning with prohibition in 1908-1969, liberalization in 1969-1986, and prohibition again in 1986-1992.¹⁵ She notes the criminalization of cannabis in 1923 and argues that up until the late 1960s, the general Canadian public accepted these regulations and a significant number of drug offenders were arrested and incarcerated.¹⁶ According to Erickson, this period in the history of Canadian drug policy included harsh punishment for possession, mainly targeting Chinese-Canadian labourers who were subjected to rampant anti-Asian sentiments.¹⁷

Erickson interprets 1969-1986 as a time of liberalization because sentences for drug crimes became less severe. Within this period, there were several debates that took place about legislative change as "the law was widely assailed for making criminals out of middle class youth."¹⁸ Her final section focuses on 1986-1992, which she understands as a period of "resurgence of prohibitionism."¹⁹ She assigns some of the blame to American president Ronald Reagan who, in 1986, took a hard-line stance against drugs declaring them to be dangerous. Not long after, Canadian Prime Minister

until 1937.³⁰ Carstairs situates its criminalization within the global trend in drug prohibition and argues that this was more likely the reason for government concern about cannabis, rather than rampant and problematic issues of use. Like Green, Carstairs references Mackenzie King's attendance at The Hague Opium Conference in 1911-12, which discussed 'Indian Hemp' and its potential for scientific research.³¹ During the Geneva Convention of 1925, the use of 'Indian Hemp' was limited to medical and scientific use.³² Since cannabis was criminalized in Canada in 1923, Carstairs argues in her 2017 book, *Jailed for Possession*, that cannabis was added to the schedule after the Director of the Federal Division of Narcotics Control had gone to the meetings of the League of Nations and anticipated that the drug would be internationally controlled soon anyway. It was added to the Canadian schedule without parliamentary debate.³³ Carstairs dispels the notion that Emily Murphy's book, *The Black Candle*, was responsible for cannabis

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pharmacies and Chinese shops until the rise of industrialization brought about austere Victorian attitudes toward mood-altering substances, likely because these substances distracted from work, which encouraged temperance movements and the eventual passage of prohibition laws in 1908 and 1911.³⁶ These laws were subject to interpretation by law enforcement and class and race were factors that affected whether a person was punished. While middle and upper-class white people got their drugs from doctors, Chinese-Canadian drug users were more frequently targeted by law enforcement due to racism.³⁷ Carstairs pays specific attention to the first administrators of these laws and makes it clear that power was centralized in the hands of the police.³⁸ Carstairs argues that criminalizing cannabis was primarily concerned with carrying out punishment rather than protecting public health.

neglect of a substance that very few Canadians had ever interacted with by 1931. Grayson makes

cannabis use, these opponents, many of which were concerned parents, believed that cannabis use created a sense of immorality amongst youth which would make them lead lives that did not fit the status quo.

that property destruction would take place, swinging riot sticks and charging against the crowd on horseback.⁵⁸

youth.⁶⁴ This meant that the Canadian government could no longer associate cannabis use with

This suggests that criminalization of cannabis is like a war and that arresting those in possession of cannabis represents human failure. Boyd reinforces this argument by stating that “substance abuse, whether illegal or legal, is most fairly cast as an issue of public health, not a moral question.”⁷⁶ Like other scholars before him, Boyd argues that the policy and regulations did not solve the perceived issue of drug use and rather, caused more problems.⁷⁷

Boyd also argues that the western drugs like alcohol, tobacco and pharmaceuticals were seen as “affluent”⁷⁸ because of their legality and common use by white Canadians. He proposes that these legal drugs were adversely compared to the “bad” drugs of the “third world” including cocaine, opium, and cannabis.⁷⁹ Linking his argument to Green, Boyd also reveals that the trends of racism and western superiority permeated Canadian cannabis politics, including the perception of the plant itself as a “third world” substance. Even though Canadians thought these illegal drugs were “bad,” he argues, “High rates of premature death are even more closely tied to the use of legal drugs than they are to illegal drugs, even when differences in rates of use are taken into account.”⁸⁰ He argues that “the drugs that are actually killing us are the legal ones.”⁸¹ Boyd suggests that legal drugs, like alcohol and tobacco, are far more dangerous than cannabis and because of that, the continued criminalization of cannabis must have to do with social factors as opposed to concerns about protecting public health.

Susan Boyd and Connie Carter also condemn cannabis criminalization through their analysis of the media representation of cannabis grow-ops, which they argue delayed the process

⁷⁶ Neil Boyd, *High Society: Legal and Illegal Drugs in Canada*, (Toronto: Key Porter Books, 1991), 12.

⁷⁷ For more information on how ‘cannabis criminals’ were created and a study that argues criminalization did not deter use and only caused harm, see: Patricia G. Erickson, *Cannabis Criminals: The Social Effects of Punishment on Drug Users*. 6.9 (n C)ghm Punishment on

of legalization. Boyd and Carter discuss how arguments about violations of the Charter of Rights and Freedoms have played a role in grow-op politics, seeing as section 8 stipulates that “Everyone has the right to be secure against unreasonable search or seizure.”⁸² By 2007, many homeowners challenged the BC Safety Standards Act, which allowed for the RCMP to enter homes and conduct inspections without a warrant.⁸³ Boyd and Carter argue that these provisions used the reasoning of concern for public safety, suggesting that the harms of grow-ops outweighed constitutional freedoms, yet the authors demonstrate, through a series of examples, that the risk to public safety was not nearly as harmful as the municipal bylaws and media reports made it out to be. One of these examples is their reference to the issue of children living in grow-ops, and how the media recirculated stories about these few cases several times to make the issue seem much worse.⁸⁴ In addition to this, there is no evidence to suggest that a child living in a situation with a grow-op is in no more medical danger than a child who is growing up alongside hot-houses and other cultivation processes.⁸⁵ This fallacious argument relies on the notion that children are harmed and it was effective in damaging the reputation of grow-ops because an appeal to emotion, specifically one that references children, is a powerful rhetorical tool. Furthermore, Boyd and Carter argue that most grow-ops are not linked to organized crime and in reality, many grow-ops are not even interested in turning a profit and instead, run their operations on the ideological principle that cannabis is medicine.⁸⁶ Susan Boyd provides an example of these wholesome operations and ideologies behind cannabis sales in her analysis of

⁸² Boyd and Carter, *Killer Weed*, 149.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 184.

⁸⁵ *Ibid.*, 156.

⁸⁶ *Ibid.*

Commons, the Liberal government put together a Task Force of individuals from a variety of fields and areas of expertise.

The Cannabis Act, which was developed as a result of the Task Force, was debated several times in the House of Commons before being amended, passed, and made into law to regulate legal cannabis. The Task Force and the Cannabis Act were successful where the Le Dain Commission failed due to a combination of social circumstances influenced by years of activism and media reporting that normalized and promoted cannabis use, thorough research that focused on constructing a framework for legal cannabis, and a political desire to name and rectify the failures of criminalization. While these circumstances culminated in cannabis legalization in 2018, the consequences of legalization are an equally crucial element of the history. These themes are taken up at the end of the chapter.

ACTIVISM

In the mid 1990s, in a new wave of cannabis activism, Marc Emery was leading the way with his store called 'Hemp BC,' which influenced activists to become entrepreneurs across Canada, despite the constant threats of police raids and oftentimes, and in the case of Hemp B.C, ultimate closure.⁹² The internet was a crucial reason as to why the movement was able to gain some major traction in the 90s and early 2000s.⁹³ There was now an uncensored, online landscape for people to share information about cannabis and raise awareness in ways that could not have been done before. Emery used this new domain to create Pot TV in 1999, which was an internet show that educated viewers about cannabis.⁹⁴ This was a peaceful way to spread the

⁹² Dana Larsen and Patrick Dowers, *Cannabis in Canada: An Illustrated History*, (Vancouver: Hairy Pothead Press, 2015), 66.

⁹³ Ibid.

⁹⁴ Ibid.

message of cannabis decriminalization and fight the war on drugs. Another example of civil disobedience was by Ted Smith, the founder of the Victoria Cannabis Buyers' Club for medical use, who was arrested for sharing joints and cookies with the University of Victoria Hempology 101 club.⁹⁵ Smith is an example of how these activists were able to make an impact, because even though he was sentenced to only one day in jail, he was acquitted after a drawn-out court battle.⁹⁶ These activists, and many others, exemplified the power of civil disobedience. Jodie Emery's work has chronicled this period of activism⁹⁷ and showed that there was a significant desire to bring about the legalization of cannabis.

The issue of medical cannabis complicated the process of legalization in its 2018 iteration by leading to the creation of a bifurcated system. Before this, in 1998, an AIDS patient called Jim Wakeford sued the Canadian government in order to get medical cannabis.⁹⁸ Ultimately, the judges decided in his favour and ruled that he could have an exemption under Section 56 of the Controlled Drugs and Substances Act which stipulated that exemptions could be made for "Scientific (sic) purpose or the public interest." Wakeford's case set off a chain reaction of others who attempted to get an exemption. However, the bureaucratic and lengthy process led most right back to Emery's thriving seed business that came as a result of Hemp BC's closure.⁹⁹ Pressure from people like Wakeford led to the legalization of medical cannabis in 2001 with regulatory power in the hands of physicians for people with chronic illnesses that

⁹⁵ Ibid.

⁹⁶ Ibid., 67.

⁹⁷ For more stories and explanations of activism in the 2000s, see: Jodie Emery, "Cannabis Activism in Canada: Reflections on a Movement in Transition," in *T ref*(r)-5-7.0 9.91 Tf0 [Nul penT re, (E9.9e)(n)5.1ddE9.9A,er1.1ddnct1-4. (E9.9H (ct1-*

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in 2011, his “omnibus crime bill” which introduced mandatory minimum sentencing for cannabis was finally brought into effect in 2012.¹⁰⁸ Just one year later, he was quoted as saying, while giving a speech in Kelowna, that “Sir John A. spoke to British Columbians about the things that matter, about jobs and prosperity, about a Canada united and strong, about economic growth not grow-ops, about a national dream, not a pipe dream.”¹⁰⁹ This mix of rhetoric and comedy about a substance that he once deemed analogous to crystal meth¹¹⁰ is telling about his attitudes toward cannabis specifically. In this speech, Harper departs from his initial seriousness about cannabis¹¹¹ and uses sarcasm to make the argument that there were more important things for the Canadian government to worry about than cannabis policy. This willingness to make a tongue-in-cheek statement

controlled.¹¹⁹ The 2015 article defends cannabis legalization with its explanation of this report and yet, *Maclean's* was the same magazine responsible for publishing Emily Murphy's claims about cannabis as a 'menace' almost one-hundred years earlier. The longevity of *Maclean's* reveals the drastic change in social values and how *Maclean's* has been dedicated both to reflecting Canadian beliefs and influencing them as they have shifted over time. Mainstream media throughout the Harper era mainly reported cases of arrests and drug-busts,¹²⁰ and studies into cannabis use amongst Canadians.¹²¹ In 1979, Melvyn Green argued that the "moral residue

¹¹⁹ Ibid.

¹²⁰ See: Dimmock, Gary. "Medicinal Marijuana Operation Broken Up in RCMP Raid: AIDS Patient Weeps as Mounties Smash Drug-Growing Equipment," *The Ottawa Citizen*, March 18, 1999, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/medicinal-marijuana-operation-broken-up-rcmp-raid/docview/240271090/se-2> (accessed March 29, 2024). Rita Legault, "Citizens Help Cops Capture Cannabis Cultivators: Bust was an Uphill Climb," *Record*, March 21, 2000, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/citizens-help-cops-capture-cannabis-cultivators/docview/356174250/se-2> (accessed March 29, 2024). "Pregnant Cannabis Cafe Owner Sentenced to One Year in Jail for Selling Pot," *Canadian Press NewsWire*, June 1, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/pregnant-cannabis-cafe-owner-sentenced-one-year/docview/359648710/se-2> (accessed March 29, 2024). Brad Badelt, "'Prince of Pot' Arrested," *Edmonton Journal*, July 30, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/prince-pot-arrested/docview/253240343/se-2> (accessed March 29, 2024). "Pot Smoker Charged with Trafficking Says Charge is Discrimination," *Canadian Press NewsWire*, January 12, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/pot-smoker-charged-with-trafficking-says-charge/docview/359768777/se-2> (accessed March 29, 2024). "Owner of New Brunswick Cafe found Guilty of Trafficking Marijuana," *Canadian Press NewsWire*, February 21, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/owner-new-brunswick-cafe-found-guilty-trafficking/docview/359668885/se-2> (accessed March 29, 2024). "Medical Marijuana Activist Gets Jail Time for Trafficking Conviction," *Canadian Press NewsWire*, Mar 28, 2007, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/medical-marijuana-activist-gets-jail-time/docview/359952299/se-2> (accessed March 29, 2024). Jon Willing, "Four Charged with Drug Offences After Cops Raid Grow Ops," *The Ottawa Sun*, Jan 11, 2008, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/four-charged-with-drug-offences-after-cops-raid/docview/2182605570/se-2> (accessed March 29, 2024). "Police Plan 25 Arrests at Cannabis Clubs in Quebec," *Moose Jaw Times Herald*, June 4, 2010, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/police-plan-25-arrests-at-cannabis-clubs-quebec/docview/2004377876/se-2> (accessed March 29, 2024). "Two Facing Charges After N.S. Mounties Raid Marijuana Grow-Op in Home: Two Facing Charges in N.S. Grow-Op Bust," *The Canadian Press*,

of seventy years of prohibitionism continues to exert considerable force.”¹²² By the 2000s, this “moral residue” was beginning to fade in favour of different arguments. The media in this era reflected the interest in the consequences of Harper’s draconian policy and further engaged Canadians in a conversation about how cannabis should be controlled.

LIBERAL TASK FORCE

In order for Trudeau’s Liberal government to approach the mammoth task of legalizing cannabis, there needed to be a well-researched framework before drawing legislation. Therefore, the Cannabis Act was developed after a 5-month study completed in November 2016 by the Task Force on Cannabis Legalization and Regulation. This report, which is reminiscent of the Le Dain Commission (1969-1972), took substantially less time to complete than its predecessor. The Task Force was made up of several different experts, including the key scholar, Dr. Susan Boyd, whose support for decriminalization is evident throughout the report. However, the Task Force notably lacked an Indigenous member’s perspective since “Internal Justice Canada files, although heavily redacted, indicate that no Indigenous person was seriously considered to sit as a Task Force member.”¹²³ Apart from this major oversight in building the Task Force, the report boasts a robust number of contributors including several cities, cannabis farms, medical associations, compassion clubs, First Nations authorities, and various advocacy groups, to name a few.¹²⁴ Their research covered a variety of topics including minimizing harm, establishing a safe supply of cannabis, ensuring public safety, and the issue of medical access.¹²⁵ The Task

¹²² Green, *A History of Canadian Narcotics Control*, 79.

¹²³ Andrew Crosby, “Contesting Cannabis: Indigenous Jurisdiction and Legalization.” *Canadian Public Administration* 62, no. 4 (2019): 637.

¹²⁴ Health Canada. *A Framework for the Legalization and Regulation of Cannabis in Canada: The Final Report of the Task Force on Cannabis Legalization and Regulation*. [Ottawa], 2016. 60-66. <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/laws-regulations/task-force-cannabis-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html> .

¹²⁵ Health Canada. *A Framework for the Legalization and Regulation of Cannabis in Canada*, 55.

the Bill are that they held firm in their belief that it would protect youth and enhance public safety and that the only route to do so would be to move forward with legalization and reject decriminalization altogether.

The most pressing concern of Bill C-45 was to protect the youth: the political parties believed in fundamentally different means of accomplishing this. The Liberals argued that controlling cannabis would keep cannabis “out of the hands of children.”¹³⁵ The official opposition at the time of legalization, the Conservative Party of Canada, shared the same concerns for protecting Canadian youth. However, they disagreed with the Liberal assertion that legalization would keep cannabis out of the hands of youth. A Conservative MP, Rosemarie Falk, presented the opinions of scientists by quoting the Canadian Medical Association in saying that children and youth are at a greater risk of adverse health outcomes, like addiction, cardiovascular and pulmonary issues, mental health issues, and cognitive impairment since their brains are still developing until age 25.¹³⁶ Falk argued that since the Bill’s definition of a *young person* that is restricted from accessing cannabis is someone under the age of 18, the law, if passed, would allow for 18 year-olds to legally use cannabis. This allowance, she argued, would flout legitimate concerns that cannabis use before the age of 25 increases health risks.¹³⁷ The Liberal rebuttal tended to cite the fact that making it illegal has historically not made a difference in whether or not young people were able to access cannabis.¹³⁸ The Conservatives countered this by probing the part of the Cannabis Act that allowed for home-growing. The Conservative argument pointed out the contradiction in the Liberal reasoning that said their goal was to protect

children but that they would allow for up to four cannabis plants to be grown in the home.¹³⁹ It seemed, the Conservatives

tended to be grounded in appeals to emotion and critical questioning about the implications of the Cannabis Act. While outright appeals to morality seem to have disappeared from the Conservative rhetoric throughout these debates, this Conservative MP tells the tragic story about a young person's death as a way to delegitimize cannabis use. This type of argument demonstrates a shift in discursive strategy, suggesting that by 2017, arguments against cannabis legalization on the basis that cannabis use is immoral did not have much credibility anymore in the Canadian political consciousness and the Conservatives had to resort to emotional appeals to life and death.

As for the issue of immediate legalizati BMC 1P2 515.84

of plants and in May 2018, the Act was changed to allow for premiers to ban home-growing.¹⁴⁷ In June 2018, the Cannabis Act was passed with a vote of 52 to 29, with two abstentions.¹⁴⁸

The Cannabis Act was given Royal Assent to become law in June 2018. It is a massive piece of legislation with a total of fifteen parts. The expressed purpose of the Act was to protect public health and safety.¹⁴⁹ The highlights of the Cannabis Act include its requirement for child-resistant packaging with a standardized cannabis symbol, allowing flexibility for provinces to adjust the legal age of possession but prohibiting access for those under the age of 18 across the country, and restricting the promotion of cannabis or anything cannabis-related with the exception of inside dispensaries.¹⁵⁰ As well, the Cannabis Act prohibited the public possession of 30 or more grams of legal, dried cannabis, a 10 mg limit for THC in edibles, displaying cannabis and cannabis packaging in a way that a young person could see (through windows), and an allowance for up to four cannabis plants in the home.¹⁵¹ The Cannabis Act effectively regulates every possible aspect of legal cannabis, from cultivation to licensing, making it so that the legal market is forced to comply with a plethora of strict rules intended to protect the public.

CONSEQUENCES

Despite its positive intentions, there were elements of the Cannabis Act that led to negative consequences for both users and the burgeoning industry. Since the Cannabis Act was

¹⁴⁷ “Timeline of Key Events in Marijuana Bill’s Passage through Parliament,” *CTV News*, June 20, 2018. <https://www.ctvnews.ca/politics/timeline-of-key-events-in-marijuana-bill-s-passage-through-parliament-1.3958662?cache=enzvogqbavvrgvzn>.

¹⁴⁸ Ibid.

¹⁴⁹ *Cannabis Act, Statutes of Canada* 2018, c.16. <https://laws-lois.justice.gc.ca/eng/acts/c-24.5/FullText.html>

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

it is perfectly acceptable, and mandatory according to the Cannabis Act,¹⁵⁷ to sacrifice the safety of many individuals under the age of 25 in order to prevent children from seeing inside the store. This consequence is indicative of the holes in the Cannabis Act that have led to a relatively chaotic transition with regulations that did not apply in a practical way.

One of the major goals of the Cannabis Act is to eventually eliminate the illegal market. This illicit market, better understood colloquially as the ‘grey market,’ are storefronts or other points of sale that do not operate in compliance with the Cannabis Act regulations yet still manage to have a major place in the industry. The illegal market still draws in many customers due to the extremely high excise taxes and limitations on purchases and edibles in the legal market. Regulations like the 10mg of THC limit on edibles¹⁵⁸ or the fact that “nearly 50 per cent of the price of a basket of legal cannabis products is due to government taxes and provincial markups” make the ‘grey market,’ which circumvents these regulations and taxes, more attractive to people who want cheaper and stronger cannabis. This means that one of the major goals of the Cannabis Act, that the illegal market would be eliminated, will not be accomplished unless the regulations are adjusted to meet consumer needs.

The issue of packaging has also been problematic for the legal market. Since the Cannabis Act was written with the intention to reduce any possibility of a child accessing cannabis, ET/Artifact BMC 1 g72 237 447.48 13384ET/Artifact BI (o8pD 25 13384E[bi]-2 (s)-2384E[bd noo m

many potential research questions.¹⁶⁵ As well, the history of medical cannabis requires completely separate and focused attention. For many, cannabis is medicine, and its history and continued struggle to be understood as such indicates that there is still room for attitudes to change. There is also tremendous potential for local, micro-history that focuses on specific parts

Bibliography

Primary Sources

“About the Cannabis Museum Amsterdam” Cannabis Museum Amsterdam, <https://cannabismuseum-amsterdam.com/>. (accessed March 30, 2024)

“About Us.” Stop the Violence BC. <https://stoptheviolencebc.org/>. (accessed 27 March 2024)

Badelt, Brad. "Prince of Pot' Arrested." *Edmonton Journal*, July 30, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/prince-pot-arrested/docview/253240343/se-2> (accessed March 29, 2024).

“Barcelona.” Hash Marihuana & Hemp Museum, <https://hashmuseum.com/en/barcelona/>. (accessed March 30, 2024)

Bond, Meredith. “Pot Store Owners Pushing for End to Rule That Products Can’t Be Visible from Front Window.” *CityNews Toronto*, April 19, 2023. <https://toronto.citynews.ca/2023/04/19/pot-stores-product-visibility-front-window/>.

Brewster, Murray, "Do I Seem Like I Smoke?' Harper Asks as Marijuana Debate Smoulders." *CTV News*, 29 April 2013.

<https://www.ctvnews.ca/politics/do-i-seem-like-i-smoke-harper-ask-1.1456160>

Castaldi, Malena and Felipe Llambias. "Uruguay Becomes First Country to Legalize Marijuana Trade" *Reuters*, December 10, 2013. <https://www.reuters.com/article/idUSBRE9BA015/>.

"Courts Allow Jim Wakeford to Smoke and Grow Marijuana in 1999." CBC Radio-Canada News Archives, <https://www.cbc.ca/player/play/1627332841>. (accessed 27 March 2024)

Dimmock, Gary. "Medicinal Marijuana Operation Broken Up in RCMP Raid: AIDS Patient Weeps as Mounties Smash Drug-Growing Equipment." *The Ottawa Citizen*, March 18, 1999,

Israel, Solomon Matt Lamers, Chris Roberts, and Kate Robertson, "Canadian Recreational Cannabis Stores by Province and Territory," *MJBizDaily*, January 20, 2024.

<https://mjbizdaily.com/canadian-cannabis-stores-by-provinces-territories/#:~:text=As%20of%20January%202024%2C%20there,residents%20at%20the%20national%20level.>

Knox, Jack. "Rules Surrounding Medicinal Marijuana Somewhat Hazy." *Times - Colonist*, February 3, 2009, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/rules-surrounding-medicinal-marijuana-somewhat/docview/348318654/se-2> (accessed March 29, 2024).

Lamers, Matt. "Canada Destroyed 3.7 million Pounds of Unsold, Unpackaged Cannabis since 2018." *MJBizDaily*, January 5, 2024. <https://mjbizdaily.com/canada-destroyed-3-million-pounds-of-unsold-unpackaged-cannabis-since-2018/>.

Larsen, Dana and Patrick Dowers. *Cannabis in Canada: An Illustrated History*. Vancouver: Hairy Pothead Press, 2015.

"Legalize marijuana sales, say B.C. experts." *CBC News*, October 27, 2011.

<https://www.cbc.ca/news/canada/british-columbia/legalize-marijuana-sales-say-b-c-experts-1.1054353>

Legault, Rita. "Citizens Help Cops Capture Cannabis Cultivators: Bust was an Uphill Climb." *Record*, March 21, 2000, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/citizens-help-cops-capture-cannabis-cultivators/docview/356174250/se-2> (accessed March 29, 2024).

MacQueen, Ken. "Harper's Pot Stance versus Science." *Macleans's*, August 12, 2015.

<https://macleans.ca/news/canada/harpers-pot-stance-versus-science/>.

"Marijuana Use Doubled Over Past Decade: Study." *CBC News*, November 25, 2004.

<https://www.cbc.ca/news/canada/marijuana-use-doubled-over-past-decade-study-1.474179>.

"Medical Marijuana Activist Gets Jail Time for Trafficking Conviction." *Canadian Press NewsWire*, Mar 28, 2007, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/medical-marijuana-activist-gets-jail-time/docview/359952299/se-2> (accessed March 29, 2024).

Mulgrew, Ian. *Bud Inc.: Inside Canada's Marijuana Industry*. Vintage Canada, 2006.

"Number of Tim Hortons locations in Canada in 2024," *ScrapeHero*, /se

ul112.5w 0.ei22 (a)4 (n.)30 (a)4 (2uana 16mc4-104 2 ()3 ()-10 (T)1 (e)2s(26f(a)4 (n.))TJ/TT-s)-1 (3(a)6 ()y)2O.:)3 (

"Police Plan 25 Arrests at Cannabis Clubs in Quebec." *Moose Jaw Times Herald*, June 4, 2010, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/police-plan-25-arrests-at-cannabis-clubs-quebec/docview/2004377876/se-2> (accessed March 29, 2024).

"Pot laws hurting society." *Winnipeg Free Press* (*One*

“What Worries Critics about Omnibus Crime Bill.” *CBC News*, March 14, 2012.
<https://www.cbc.ca/news/canada/what-worries-critics-about-omnibus-crime-bill-1.1244907>.
MacQueen, Ken. “Why It’s Time to Legalize Marijuana.” *Maclean’s*, June 10, 2013.
<https://macleans.ca/news/canada/why-its-time-to-legalize-marijuana/>.

Willing, Jon. "Four Charged with Drug Offences After Cops Raid Grow Ops." *The Ottawa Sun*, Jan 11, 2008, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/four-charged-with-drug-offences-after>

