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Thursday, March 22, 2018

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Thursday, March 22, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### FESTIVAL OF NAVROZ

**Hon. Mobina S. B. Jaffer:** Honourable senators, it's great to be back.

Honourable senators, yesterday Canadian Ismaili Muslims and Muslims from the Persian, Central Asian, Syrian and other communities celebrated the festival of Navroz. Navroz marks the beginning of a new year and the first day of Spring. More generally, it signifies a time of spiritual renewal and physical rejuvenation, as well as the spirit of gratitude for blessings and an outlook of hope and optimism toward the future.

On March 21, to commemorate this joyous occasion, Prime Minister Trudeau was at the Ismaili Centre in Toronto. Prime Minister Trudeau spoke of the contributions of the Ismaili community to Canada. His sincere words truly touched the Ismaili community members. The Navroz event took place at the Ismaili Centre in Toronto, which is part of the network of centres located in Vancouver, London, Lisbon, Dubai and Dushanbe which host programs that stimulate the intellect, encourage dialogue and celebrate cultural diversity.

The cultural diversity on display at the centre was pluralism in action and was a small reflection of the wider Canadian community. The celebration was a showcase of Canadians from different backgrounds and cultures coming together to commemorate different traditions. It is this pluralism that defines Canada and makes us a strong country.

Honourable senators I would like to end by quoting the words of President Talib of the Ismaili National Council who spoke yesterday at the event.

Over the course of its history, Canada has been a fertile country of opportunity. It has encouraged people from all walks of life to plant strong roots for themselves and their families while being caringly nourished by a kind and generous Canadian spirit. Rooted in common values of compassion, pluralism and respect for each other, we have blossomed.

Honourable senators, happy Navroz to all of you and a happy new year.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Diane Bergeron and Thomas Simpson from the Canadian National Institute for the Blind. They are the guests of the Honourable Senator Petitclerc.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

### CANADIAN NATIONAL INSTITUTE FOR THE BLIND

#### ONE HUNDREDTH ANNIVERSARY

**Hon. Chantal Petitclerc:** Honourable senators, the Canadian National Institute for the Blind celebrates 100 years of existence this month.

The circumstances that led to the foundation of this organization, one of Canada's oldest charities, deserve to be remembered.

*[Translation]*

As a result of the 1917 Halifax explosion, 850 Haligonians lost their sight or suffered severe eye injuries. At the same time, blindness was on the rise, as First World War veterans who had lost their sight in battle returned to Canada.

In those days, blind people faced a grim future, inevitably ending up jobless and living in poverty.

It was in that context, and especially out of a desire to address these socio-economic problems, that seven Canadian veterans and civilians, several of whom were blind, decided to develop modern approaches for helping Canadians with vision loss. On March 31, 1918, they founded the Canadian National Institute for the Blind.

*[English]*

In its 100 years of existence, CNIB led and continued to major advances in programs, services and human rights for those they serve, whether children, teenagers, adults or seniors.

This year of celebration will be an opportunity of celebrating the dignity, struggles and achievements of people with sight loss. CNIB will be honouring and storytelling, with focus on people, past and present, who have contributed to changing what it is to be blind today.

The world is changing fast, attitudes are evolving and technology transforms everything about how we live, work, play and connect. These changes bring so much potential and hope for people with sight loss, but there are also many barriers we still need to tear down.

On its one hundredth anniversary, CNIB seized this opportunity to look ahead to a bold, ambitious future for people with sight loss in Canada. Please join me in recognizing the dedication and contributions of many Canadians who are affected by blindness and an army of passionate supporters that stretches coast to coast. Because they believe in ability and equal opportunities, they joined their efforts to create the future that the founders of CNIB imagined.

### SUMMER JOBS ATTESTATION

**Hon. Pamela Wallin:** Honourable senators, in recent weeks I have received dozens of emails and personal representations from people at home concerned that their constitutional rights are under attack. Applicants for the Canada Summer Jobs 2018 funds must now sign an attestation that both the job and the organization's core mandate respect individual human rights in Canada, including reproductive rights. People are rightly concerned that in order to receive funding for important community activities they must forfeit their constitutional right to freedom of belief, and forfeit their constitutional right to hold views that differ from the government's on religion or social policy or matters of conscience.

If they want to hire a student, they are left with two unpalatable choices: lie on the form, or sign a piece of paper with which they disagree, again, just to hire a summer student.

In this government's pursuit of promoting their personal and political vision, they have forgotten one key point: Canadians have the Charter right to freedom of expression, belief and opinion. A person is required to follow the law just as much as the Constitution allows them to disagree with it.

Since I was 17 years old I have been working for a woman's right to choose. I opened the first Women's Centre at the University of Regina way back when, but freedom of choice is just that. I don't pick and choose which Charter and constitutional rights people must follow. I don't insist everyone agrees with me or I won't raise their concerns here in the Senate. I can disagree with one's belief while supporting their right to hold that belief.

The vast majority of applicants do not engage in political activities, certainly not at summer camp or at local museums or community centres. Being pro-choice or pro-life should not be a factor in whether you have access to government job creation funds when the task at hand is canoeing or swimming.

In one letter I received, a resident stated:

For some of these children, this week of camp is the only positive experience they will have all summer.

• (1340)

They went on to say:

I feel that this requirement violates our freedom of religion, and our freedom of speech in a country that was built on these very values.

Punishing organizations that just want to give youth a great summer job and experience is detrimental to the valuable community work these organizations carry out. As *Star* columnist Chantal Hébert points out:

If anything, government efforts to force-march the electorate to a preordained vision of society have a high potential of achieving the opposite.

This attestation in its current form will achieve just that — the opposite of its intent.

[*Translation*]

### THE LATE DENNIS J. FURLONG

**Hon. Percy Mockler:** Honourable senators, it's going to be hard for me to give this speech.

[*English*]

In New Brunswick, on March 9, 2018, we lost a remarkable person, a man named Dennis. He loved sharing stories from his native province of Newfoundland and Labrador with anyone who wanted to listen, and we did listen a lot in New Brunswick to our beloved friend.

For us New Brunswickers, we adopted him 40 years ago in our homes and as a medical doctor named Dennis Furlong in Dalhousie, New Brunswick. For First Nations people, for Acadians, visible minorities, for francophones and anglophones alike in New Brunswick, the name Dennis had become just a name, the way he always wanted it. He would say, "Percy, I'm just Dennis," but in his language from Newfoundland he would say: "My name, boy, is Dennis."

For all of us in New Brunswick, we lost an icon. He was our icon with many accomplishments that earned him respect nationally and internationally. Time does not permit me to highlight all his road map. However, honourable senators, I want to share a few remarkable success stories with Dennis.

As a former athlete he was instrumental in bringing the 2003 Canada Winter Games to New Brunswick, and they were the first to be held in a Mi'kmaq community.

Dennis served in the Legislative Assembly of New Brunswick as Minister of Health and Education. He laid down the foundation to modernize both the health and education systems under Premier Bernard Lord.

Dennis published a book entitled, *Medicare Myths*. These suggestions are a product of his life experience over 50 years in the practice of medicine.

Dennis, a businessman, invented a high-tech shoe for race walking. He also won a gold medal at the Canadian Senior Games in Vancouver.

Honourable senators, Dennis will be remembered as a worthy extraordinary individual, as a caring man, a husband, a father, a grandfather and a dedicated leader in his community.

As he requested, Dennis was given a Mi'kmaq ceremony in the First Nation community hall that he championed with the leader of that time.

As I conclude, I want to quote his son Robin and his spouse Pierrette.

Robin said: "If success is measured by the number of attendees at your event today, you would have got another gold medal."

Pierrette Arseneault Furlong said to the children and stepchild: "Your dad will rise again through you, your children and grandchildren." She also thanked the people of Eel River Bar First Nation and said to them, "He has heard your drums."

To the Furlong family, our sincere condolences from the Senate of Canada. The New Brunswick senators want to say:

[*Translation*]

Dennis, our friend, you've earned your stripes.

[*English*]

#### THE LATE LARRY KWONG

**Hon. Victor Oh:** Honourable senators, I rise today to pay tribute to Larry Kwong, the first Chinese Canadian and the first hockey player of Asian heritage to play in the National Hockey League. Larry passed away earlier this week on March 20 at the age of 94.

Larry, known as "King Kwong" by his teammates, was born on June 17, 1923, in Vernon, British Columbia. He was the second youngest of a family of 15 whose parents emigrated from China to Canada in search of a better life.

Larry was drawn to hockey at a young age and excelled on the ice. He eventually joined the Smoke Eaters, a team based in Trail, British Columbia. A benefit of being on the team was that the players were awarded well-paying jobs at the local smelter for their success on the ice.

Although Larry made the team, he was not given a job like his teammates because of his ethnicity. However, his experience did not deter Larry from pursuing other opportunities in hockey and life.

Shortly after the end of World War II, Larry was scouted by the New York Rangers after he played for the Canadian army hockey team and decided to sign on with their Rovers farm team in 1946.

[ Senator Mockler ]

One day in March 1948, Larry received a call from the head coach of the Rangers inviting him to Montreal, Quebec, to play against the Montreal Canadiens. Larry played in the third period for barely a minute before being called off the ice without explanation. That was the first and the last time Larry would play in the NHL. This happened a year after the Chinese Immigration Act, which virtually banned the entrance of all Chinese immigrants to Canada, was repealed.

In jumping over the barrier between the bench and the ice to play during that final period, Larry also jumped over another barrier, one that is not unique to the NHL. The barrier that I am referring to is the one that continues to prevent minorities from opportunities based on their physical appearance and cultural heritage.

Although Larry's historic moment only lasted one minute, it was that one minute that changed the history of the NHL.

If it were not for Canadians like Larry, who not only jump over the barriers but break them down, many of us would not be in this room today, including myself.

The loss of Larry is one felt deeply by the Chinese Canadian community. His resiliency and charisma will not be forgotten. I ask all honourable senators to join me in recognizing the lasting legacy of Larry Kwong and in offering our sincere condolences to his family.

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## ROUTINE PROCEEDINGS

### REPORTS RELATED TO CANNABIS

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I ask for leave to table, in both official languages, documents entitled *Child Well-being in Rich Countries: A Comparative Overview; Prevalence and Correlates of Marijuana Use in Canada, 2012*; and *Social Determinants of Health and Well-being Among Young People*.

These are the documents to which I referred in responding to Senator Dean's question. I know from Senator Housakos that there was a desire for me to table these documents, and I'm happy to do so with leave.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

CHILD WELL-BEING IN RICH COUNTRIES: A COMPARATIVE OVERVIEW—DOCUMENT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, *Child well-being in rich countries: A comparative overview*.

PREVALENCE AND CORRELATES OF MARIJUANA USE IN CANADA,  
2012—DOCUMENT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, Prevalence and correlates of marijuana use in Canada, 2012.

SOCIAL DETERMINANTS OF HEALTH AND WELL-BEING AMONG  
YOUNG PEOPLE—DOCUMENT TABLED

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, Social determinants of health and well-being among young people.

**THE ESTIMATES, 2017-18**

SUPPLEMENTARY ESTIMATES (C)—TWENTY-FIFTH REPORT OF  
NATIONAL FINANCE COMMITTEE TABLED

**Hon. Percy Mockler:** Honourable senators, I have the honour to table, in both official languages, the twenty-fifth report of the Standing Senate Committee on National Finance entitled *Final Report on the Supplementary Estimates (C), 2017-18*.

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

**THE ESTIMATES, 2018-19**

INTERIM ESTIMATES—TWENTY-SIXTH REPORT OF NATIONAL  
FINANCE COMMITTEE TABLED

**Hon. Percy Mockler:** Honourable senators, I have the honour to table, in both official languages, the twenty-sixth report of the Standing Senate Committee on National Finance entitled *Final Report on the 2018-19 Interim Estimates*.

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1350)

**INTERNATIONAL MOTHER LANGUAGE DAY BILL**

FIRST READING

**Hon. Mobina S. B. Jaffer** introduced Bill S-247, An Act to establish International Mother Language Day.

(Bill read first time.)

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

(On motion of Senator Jaffer, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

**PARLAMERICAS**

PLENARY ASSEMBLY AND MEETING OF THE BOARD OF  
DIRECTORS, NOVEMBER 15-17, 2017—REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Section of ParlAmericas respecting its participation at the 44th Board of Directors meeting and the 14th Plenary Assembly of ParlAmericas, held in Medellin, Columbia, from November 15 to 17, 2017.

**CANADA-UNITED STATES INTER-PARLIAMENTARY  
GROUP**

PACIFIC NORTHWEST ECONOMIC REGION ANNUAL SUMMIT,  
JULY 23-27, 2017—REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Pacific Northwest Economic Region 27th Annual Summit, held in Portland, Oregon, United States of America, from July 23 to 27, 2017.

ANNUAL MEETING OF THE COUNCIL OF STATE GOVERNMENTS  
SOUTHERN LEGISLATIVE CONFERENCE, JULY 29-AUGUST 2, 2017—  
REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the 71st annual meeting of the Council of State Governments' Southern Legislative Conference, held in Biloxi, Mississippi, United States of America, from July 29 to August 2, 2017.

U.S. CONGRESSIONAL MEETINGS, NOVEMBER 27-29, 2017—  
REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States

Inter-Parliamentary Group respecting its participation at United States Congressional Meetings, held in Washington, D.C., United States of America, from November 27 to 29, 2017.

## QUESTION PERIOD

### NATIONAL REVENUE

#### INCOME SPLITTING

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, my question is for the Government Representative in the Senate concerning a report issued by the Parliamentary Budget Officer on March 8 that looked into the recent tax changes regarding income splitting. Small businesses were left in the dark about the details of these changes until December 13, just two and half weeks before they came into effect on January 1.

[*Translation*]

The Parliamentary Budget Officer was unable to tell us exactly who the new rules would apply to. That is bad news for small businesses, which will also have to figure that out.

[*English*]

The PBO, therefore, presented a range of scenarios and reported that the tax changes will likely cost local businesses \$586 million, which is about double the projected revenues stated in last month's budget.

Will the government admit that these rule changes are nothing more than a tax grab on local businesses that will only lead to more confusion and/or more litigation?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question, the answer to which is no. It is the government's view that tax fairness requires the closing of tax loopholes, and the adjustments made in income sprinkling measures are designed to ensure tax fairness. Those measures, as the senator will know, were referenced in the budget and I anticipate will be included in the budget implementation act, and I look forward to having this debate in this chamber.

**Senator Smith:** Thank you, Mr. Leader. In response to the PBO's report, the Canadian Federation of Independent Business stated, "... the new rules will remain a confusing mess for small business owners."

I get from listening to that quote that there seems to be — going back to my first question — the issue of confusion and lack of clarity in terms of the actual execution. The CFIB also asked that the government follow the advice of the Standing Senate Committee on National Finance to delay implementation for one year, advice the government rejected.

[ Senator MacDonald ]

I guess the question is, quite simply, why won't the government acknowledge the facts about its desire to forge ahead with this change and that the so-called tax fairness is just a way to force Canadians and local businesses to pay for the government's spending and the huge deficit of the government?

**Senator Harder:** Again, let me reassure the chamber that these measures are entirely consistent with the government's objective of ensuring that the tax system is fairer. The measures the minister announced that are reflected in the budget reflect a period of consultation, including the input from the Senate committee report. And the government is confident that the measures going forward now are those that are appropriate to ensure tax fairness.

### HEALTH

#### CANNABIS STATISTICS—TABLED REPORTS

**Hon. Leo Housakos:** My question is for the Government Representative in the Senate.

Senator Harder, despite not having yet provided a response to my question that dates back to February 15, in which I asked you to check with your government as to the origins and validity of statistics that are constantly being used by government ministers, government senators in this chamber, the bill's sponsor, even the Prime Minister as of just a couple of hours ago and even senior officials from Foreign Affairs in front of our Foreign Affairs Committee yesterday to say that, of course, youth in Canada are among the highest users of marijuana in the world. Again, consistent with what we've experienced, we asked the officials from Foreign Affairs to table the source of that report and the methodology, and of course they skated so well they deserve a gold medal.

It's government ministers who have said in the past that that report stemmed from Justice Canada, but Justice Canada says it has nothing to do with Justice Canada; go to Statistics Canada. We go to Statistics Canada, and they say it's a report done by UNICEF. Yesterday, I think, in one of your answers you gave the impression that it was sponsored or conducted by the WHO. Senator Dean, the sponsor of this bill, in response to my speech a few days ago, cited another organization and some other statistics.

As you can appreciate, Senator Harder, we are getting the impression this government is cherry-picking. Will you table the source of the report and the methodology? Most importantly, don't you think that the report should have been tabled in this chamber or, for that matter, tabled in the other house right at the outset, when this legislation was being studied?

We heard a few weeks ago, I think it was Health Canada announcing another report. Now they are doing an analysis of waste water treatment in Canada. Don't you think you have an obligation to table those reports so that they can be perused properly? Why is the Government of Canada doing a waste water treatment analysis that hasn't even started yet on legislation that you expect us to pass in the next few days?



**Hon. Peter Harder (Government Representative in the Senate):** While the senator was out of the chamber, I did table those reports earlier today.

**Senator Housakos:** I appreciate it, so I'm going back to the premise of my question again, government leader.

Don't you think that the reports should have been published months ago when the legislation was being studied in the House of Commons and voted on? How are we supposed to be voting today on legislation when you are basing the foundation of this legislation on a report and on statistics that you just tabled today? Why wasn't it tabled two months ago?

**Senator Harder:** The reports to which I referred in my answer yesterday are public reports. They have been published for, in some cases, a couple of years. I took it upon myself, given the comments of the honourable senator yesterday in light of the question I was asked, whether I would table them, and I have done so happily.

## TREASURY BOARD

### ACCOMMODATION FOR CANADIANS WHO ARE VISUALLY IMPAIRED

**Hon. Patricia Bovey:** My question is for the Government Representative in the Senate. It's one I would have asked Minister Brison if we had had the time the other day. My question is regarding Budget 2018 and the CNIB's request for continued funding of \$3 million to produce alternate format print materials and to consult with relevant stakeholders to form a long-term strategy to sustainably produce these print materials.

• (1400)

We know that Canadians who have visual impairments are marginalized in our society, that they have some of the highest unemployment rates and face day-to-day difficulties.

Budget 2018 has been lauded for its theme of inclusiveness, and rightly so in most aspects. I read the budget submission of the CNIB asking for that continued level of funding, an ask that was not included in the budget as presented in the other place.

I wonder if the minister could please assure this chamber that this critically important funding will be restored following Minister Duncan's March 10 announcement for \$2.5 million, not \$3 million, even though from what I have read the department is without the source of funds to support this work for visually impaired Canadians.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question and I will take note of it.

## EMPLOYMENT, WORKFORCE DEVELOPMENT AND LABOUR

### SUMMER JOBS ATTESTATION

**Hon. Pamela Wallin:** My question is for the Government Representative and it follows up on my earlier statement this afternoon regarding the Canada Summer Jobs attestation. I would ask you to bring this to the attention of government.

There are two points. Did the government test the constitutionality of requiring applicants for the Canada Summer Jobs program to sign a form agreeing to the government's specific view of human and reproductive rights, and if so, can we see the ruling by Justice or outside counsel or what might be the equivalent of a Charter statement?

And the second point: Will the government reconsider the wording of the attestation for next year's program as to allow organizations to sign the form while also maintaining comfort that they retain their own fundamental freedoms of conscience, belief and expression? It seems a simple fix by simply asserting that the program would not fund organizations whose primary activities included partisan political activity or activity which does not respect or which is intended to undermine established individual rights in Canada. It seems it would have been easier to say that in the first place.

I sincerely hope that in the future the government realizes that the diversity of opinions in this country is important and that a Canadian can hold opinions that differ from that of the Prime Minister and concurrently promise to respect the rights of others.

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for her question as well as her statement. I had earlier noted the statement to make sure it was brought to the attention of the minister and I will make sure the question is as well and look forward to reporting back.

I want to assure all senators that the intention of the Government of Canada is not to undermine respect for individual liberties and freedoms but rather the contrary.

### EMPLOYMENT INSURANCE—SEASONAL WORKERS

**Hon. Rose-May Poirier:** My question is for the government leader in the Senate.

In the budget the government proposed funding to eliminate the black hole for seasonal workers who need EI to make ends meet during the off-season. Yet again the government offered a Band-Aid solution with yet another pilot project instead of resolving the issue of the black hole. The black hole for families is still as much present today after the announcement was made as it was last week.

Leader, why is the government proposing yet another pilot project instead of actually fixing the issue of the black hole for the seasonal workers?

**Hon. Peter Harder (Government Representative in the Senate):** Again, I thank the honourable senator for her question.

With respect to the actions that the government undertook in this budget with respect to the so-called black hole phenomenon, that is going to be fully described and brought to the attention of the chamber in the context of the Budget Implementation Act.

It is the view of the government that this pilot is necessary before a further public policy program can be put in place, and I look forward to having more extensive debate on this matter as we debate the bill.

**Senator Poirier:** Not only is the pilot project only for a short term, but not every seasonal worker can even benefit from it. If a seasonal worker has less than two years of experience, he or she will suffer for the black hole period since they won't qualify for the project. How can you call that fair? So you see the black hole is still very much present.

Seasonal workers deserve better from this government. Will the government stop proposing Band-Aid solutions and adapt EI programs to the realities of seasonal workers, specifically in rural Canada?

**Senator Harder:** Again, I thank the honourable senator for her question and will bring forward the desire on her part to see this as an ongoing full-time program and adapt it to the EI program. That's not the choice this government has made, but I will bring her views to the attention of the minister concerned.

[*Translation*]

## PUBLIC SERVICES AND PROCUREMENT

### SERVICE CONTRACT FOR CHRISTOPHER WYLIE

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. Over the past few days, Facebook users learned the shocking news that their data were used, without their knowledge, in election campaigns in the United States and Great Britain.

We have also learned that the architect of the system is Canadian, a man named Christopher Wylie, a Liberal Party operative and former employee of parliamentary leaders Stéphane Dion and Michael Ignatieff.

In 2016, the Liberal Caucus Research Bureau awarded Christopher Wylie a \$100,000 contract paid for with taxpayers' money and the parliamentary budget. Leader, Canadians definitely have a right to know why the Liberals paid that individual \$100,000. What services did Christopher Wylie provide to the government caucus? Can the leader commit to making the details of his contract public?

[*English*]

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. He will know that these expenditures are not part of the Government of Canada nor is this matter one for which I have responsibility to report.

[*Translation*]

**Senator Carignan:** Can the leader confirm that the governing party did not have access to the personal data of Facebook users?

[*English*]

**Senator Harder:** I thank the honourable senator for his question and I will endeavour to be able to respond.

## PRIVY COUNCIL OFFICE

### MILITARY GRIEVANCES REVIEW COMMITTEE—VACANCIES

**Hon. Paul E. McIntyre:** My question is for the government leader in the Senate. It concerns an issue I raised last year regarding vacancies at the Military Grievances External Review Committee.

In January, about eight months after I asked the government leader about the vacancies at this committee, the government announced appointments to fill some of the positions. However, as we all know, Ms. Caroline Maynard, the former interim chair of the committee, was recently confirmed as the new Information Commissioner. As well, a part-time vice-chair position has yet to be filled, even though the application deadline was November 23, 2016.

Could the government leader please make inquiries and tell us when it expects to fill the positions of chair and vice-chair of the Military Grievances External Review Committee?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question and I would be happy to do so.

**Senator McIntyre:** On May 11 of last year, I asked the government leader if there was a current backlog of cases before the Military Grievances External Review Committee, as its 2016 annual report stated that the committee has seen a surge of cases in recent years.

The government leader stated that he would respond, but I have yet to receive a delayed answer for my question. Could the government leader please provide an answer to my question?

**Senator Harder:** I would be delighted to do so. I do, though, recall that Ms. Maynard, when she was here, spoke of that backlog, how her priority had been to reduce it and how successful she had been, but I would be happy to make inquiries and report.

**PUBLIC SAFETY**

## CYBERSECURITY

**Hon. Thanh Hai Ngo:** My question is for the Leader of the Government in the Senate.

Three former directors of Canada's key national security agencies, Mr. Ward Elcock, Mr. John Adams and Mr. Richard Fadden, are urging the federal government to heed the warning of the CIA, FBI, National Security Agency and Defence Intelligence Agency and cut ties with Huawei, the giant Chinese smartphone and telecom equipment maker.

It was uncovered that Huawei poses a cybersecurity threat to American customers. The smartphone and networking equipment could be used to conduct undetected espionage, especially the next advanced generation of 5G technology.

So why is China, a dominant malicious actor in the information domain, building the future of our Internet is beyond Canadians. This Chinese state-owned enterprise has been operating and growing in the fifth generation technology in Canada under the watchful eyes of our intelligence agencies, yet Public Safety Minister Ralph Goodale does not think that China is a threat to Canada's cybersecurity.

• (1410)

Why is the minister refusing to listen to the warnings of three former directors of Canada's key national security agency, as well as a former Canadian Privacy Commissioner?

**Hon. Peter Harder (Government Representative in the Senate):** I thank the honourable senator for his question. As he knows, the matter was raised with the minister concerned, who has stated forcefully that the Government of Canada takes the concerns expressed by former officials very seriously, and it takes the security of its critical infrastructure equally seriously.

The CSE, which is the organization in which two of the referenced individuals worked, provides advice and guidance on information technology security to the Government of Canada, including equipment manufacturers that are part of the Canadian supply chain. The CSE works to address cybersecurity concerns in Canada's communications infrastructure. That work is robust and highly respected, and the professionals involved in those organizations are well listened to.

This is obviously work that is done in collaboration with our telecommunications providers and equipment vendors. I want to stress that CSE, alongside Public Safety Canada, shares security advice and guidance with private-sector owners and operators of Canada's critical information infrastructures so that they, too, can make more robust and resilient the networks that are in the private sector.

The minister has made clear, and I want to emphasize, that the government is not able to comment on specific companies' products or providers, but Canadians can be assured that the government works diligently to monitor for security threats and that there are measures in place to protect Canada's systems.

**Senator Ngo:** Mr. Fadden, a former CSIS director who also served as national security adviser to Prime Minister Trudeau, has stated that Huawei is not a trusted partner for the future of Canada's telecommunications networks. He is among other experts who are warning the government to reconsider its engagement with China.

So why does this government continue to allow a Chinese company that works at arm's length to a totalitarian governance regime to acquire Canadian companies? It represents a threat to our infrastructure and security.

**Senator Harder:** Clearly, Mr. Fadden and others are entitled to their opinion. The government takes their professionalism very seriously, as well as their dedication in the job when they were there and in the comments they make outside of the job experience. However, the government is also confident in the role that is being played by CSE, Public Safety Canada and our other intelligence services to be vigilant in terms of the challenge of new cybersecurity.

[Translation]

**FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

## RELATIONS WITH FOREIGN STATES

**Hon. Claude Carignan:** My question is for the Leader of the Government in the Senate. King Philippe and Queen Mathilde of Belgium spent last week in Canada. They were accompanied by seven ministers, including the deputy prime minister, representatives of Belgium's three regions, and a number of business people. One of their reasons for visiting Canada was to thank us for the sacrifices Canadian soldiers made in the liberation of Belgium in 1918.

Prime Minister Trudeau refused to meet with them. What's even more insulting is that during their visit to Rideau Hall, the German flag was flown. This is the country from which Canada helped liberate Belgium.

These events come on the heels of the Prime Minister's resounding failures in China and India, and after he infuriated our partners, including Japan and Australia, by skipping an official dinner at a time when the European free trade agreement is coming into force — an agreement in which Belgium played a pivotal role.

Senator Harder, what's the matter with our foreign policy? Is this the way to show that Canada is back?

[English]

**Hon. Peter Harder (Government Representative in the Senate):** In response to the number of questions and innuendos attached to the honourable senator's statement, let me simply say with respect to the visit of the King of Belgium that he was received by our Governor General. A number of ministers participated in the round table and in the discussions with both the official delegation and the business delegation that

accompanied it. It was an important expression of Canada-Belgium ties, and the Government of Canada appreciated the visit very much.

The government's agenda is highly active on the international scale. I don't want to go into each of the segments of the preamble, but let me assure you that whether it comes to securing the common economic space of North America or expanding our trade relationships through the Canada-Europe free trade agreement, or whether it's through the TPP in building an unprecedented relationship of trade relations with the whole community of ASEAN and Asian countries, this government is very active and looks forward to continuing to achieve success.

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## ORDERS OF THE DAY

### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, I am prepared to rule on the question of privilege raised by Senator Beyak on February 26, concerning Motion 302, which was moved by Senator Pate. If adopted, this motion would direct the Senate administration to temporarily cease to support Senator Beyak's website. Many senators took part in the debate on the matter, and I thank all colleagues for their contributions.

During the debate, the terms "point of order" and "question of privilege" were sometimes used interchangeably. There are, however, important differences between the two. A question of privilege arises when there is an alleged breach of the powers, rights or immunities of the Senate, a committee or a senator — what we refer to as parliamentary privilege. A point of order, on the other hand, relates strictly to procedural issues — the internal proceedings of the Senate or a committee — and arises when there may have been a departure from the *Rules of the Senate*, established procedure or customary practice.

Although senators enjoy the protection of privilege to enable them to carry out their parliamentary functions, they are nonetheless subject to the Rules, procedures and practices, which are expressions of the Senate's own parliamentary privileges, both to manage its internal affairs and to control its proceedings. As part of the exercise of this right, the Senate has established specific procedures that govern how to deal with questions of privilege, such as the one raised by Senator Beyak. As Speaker, my role at this stage is solely to evaluate an alleged breach in terms of those procedural requirements, and to determine whether there is a *prima facie* question of privilege. I do not deal with the substance of a complaint, which would be for the Senate itself to deal with after a ruling if a matter goes to the next stage.

Rule 13-2(1) requires that four criteria be met for a question of privilege to be accorded priority. All four criteria must be met, and it is always helpful if senators frame their

remarks around these four criteria when debating a question of privilege. Doing so can help the Speaker in evaluating the issue.

The first criterion is that the issue must "be raised at the earliest opportunity". When a question of privilege deals with a notice, which is the case here, rule 4-11(2)(a) must also be considered. This rule requires that the question of privilege be raised "only at the time the order is first called for consideration". Notice of Motion 302 was given on February 14. It was called for consideration at the next sitting, on February 15, and moved for adoption. Senator Beyak's question of privilege should, therefore, have been raised on that day, and not on February 26.

The second criterion is that the issue must "be a matter that directly concerns the privileges of the Senate, any of its committees or any Senator". Before actually dealing with this criterion, let me be clear; I am not determining whether a senator's website is protected by privilege or not. I am, instead, simply considering what the effects would be, in the current case, if one were to accept that a web site is protected.

The second criterion mentions the privileges of the entire Senate, of its committees and of individual senators. This can sometimes create situations in which consideration must be given to how the privileges of the institution and those of individuals relate to each other. Privilege allows each senator to contribute fully and freely to the work of the Senate. However, as noted in a ruling of February 24, 2016, to which Senator Pratte made reference:

Our privileges as individuals cannot trump those of the Senate itself. As stated in Erskine May, at page 203 of the 24th edition, "Fundamentally ... it is only as a means to the effective discharge of the collective functions of the House that the individual privileges are enjoyed by Members".

A similar point was made in a ruling of May 23, 2013, which noted "... that the privileges and rights exercised by the Senate itself take precedence over those of individual senators", and that the Senate can regulate its internal affairs.

The rights or benefits of individual senators may therefore be restricted by decisions of the Senate. As in the case of Motion 302, this means that the Senate has a preeminent right to decide how it will manage its internal affairs, including the use of resources by honourable senators.

This analysis also helps us when considering the third criterion, which requires that a question of privilege "be raised to correct a grave and serious breach". In a situation where there is, potentially, a divergence between the Senate's rights and those of an individual senator, the former must be given preeminence. To quote the ruling of February 24, 2016, "... privileges exist to serve the institution itself. The Senate's decisions cannot breach the Senate's privileges."

The fourth criterion states that a question of privilege must “be raised to seek a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available”. In the case of Motion 302, there are alternate processes available. These include debate, amendments, referral to committee, and, eventually, defeat or adoption of the motion. If the Senate were either to adopt or reject the motion, this decision would be an expression of its right to manage its internal affairs and to decide how its resources can be used.

Before concluding, honourable senators, let me recognize that issues relating to privilege can be complicated. I therefore invite all colleagues to review the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament, tabled in the Senate on June 2, 2015, which provided a comprehensive overview of the state of privilege in Canada.

Based on this analysis of the four criteria, the requirements of rule 13-2(1) have not been met. I must, therefore, rule that there is no prima facie question of privilege. I do, however, encourage colleagues to take part in the debate on Motion 302. As many senators expressed concerns regarding the motion, it is obviously a matter of great interest to the Senate. I thank all honourable senators for their attention and their interest in this important matter.

## BUSINESS OF THE SENATE

[*Translation*]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-45, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

## CANNABIS BILL

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dean, seconded by the Honourable Senator Forest, for the second reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

**Hon. Judith Seidman:** Honourable senators, I rise today to speak to Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

Before I begin, I want to thank all of my colleagues for their tireless work in studying the bill. In particular, I want to recognize the work of my Social Affairs colleague and sponsor, Senator Dean; and the critic, Senator Carignan.

Many important issues have already been raised in this chamber. However, there is nothing more important than the health and well-being of our children. As we consider the complex legislation before us, we have a responsibility as senators to answer to our satisfaction some fundamental questions raised by this debate.

The government has told Canadians three things: First, that our youth smoke more cannabis than teenagers anywhere else in the world; second, that the problem is getting worse; and, third, that legalizing cannabis through direct sale to persons over the age of 18 is the best and only way to solve the problem.

Many honourable senators have already cast doubt on the accuracy of these assertions and for good reason. The United Nations Office on Drugs and Crime has compiled comprehensive global statistics which show that recent cannabis use in at least eight other countries exceeds use among Canadian teenagers aged 15 to 16. The most recent Canadian student tobacco alcohol and drugs survey, a national biennial survey conducted in partnership with Health Canada, found that cannabis use among teenagers in Grades 7 to 12 has declined steadily, falling from 27 per cent in 2008 to 17 per cent in 2014.

A cross-national peer-reviewed study published in the Journal of the Public Library of Science conducted to understand the effects of cannabis legalization on adolescents found that cannabis liberalization in 38 different countries was associated with higher levels of more frequent cannabis use among teenagers.

Nevertheless, the government has made clear that no matter what the facts are and no matter where the gaps lie in evidence and knowledge, it will stay the course. The task before us, therefore, must become to ensure that the framework outlined in Bill C-45 minimizes the harms associated with the legalization of cannabis, especially for children and teenagers.

The health hazards associated with cannabis use have been well enumerated in this chamber. The Centre for Addiction and Mental Health, Canada’s largest mental health and addiction hospital, has stated unequivocally that cannabis is not a benign substance and its health harms increase with intensity of use.

We know that while adults are susceptible to the harms of cannabis, teenagers’ developing brains are at greatest risk. The Canadian Paediatric Society cautions that marijuana use in youth is strongly linked to cannabis dependence and other substance abuse disorders; the initiation and maintenance of tobacco smoking; an increased presence of mental illness, including depression, anxiety and psychosis; impaired neurological development and cognitive decline and diminished school performance and lifetime achievement.

Moreover, we cannot forget that when we talk about cannabis use, we are talking about smoking. The vast majority of cannabis consumed in Canada is inhaled, with nearly 90 per cent being smoked in a joint, a pipe or a bong.

Professor David Sweanor, a noted public health expert at the University of Ottawa, makes this connection crystal clear:

Smoking involves combustion. Combustion results in unwanted and harmful chemicals being inhaled into the lungs. Although the way people smoke tobacco and marijuana differs in ways such as the amount they smoke and how deeply they inhale, the fact remains that inhaling smoke is a particularly harmful practice.

If the government refuses to acknowledge that legalization alone won't reduce the prevalence of cannabis use among adolescents, we must ask ourselves how the legislation before us today specifically addresses those associated harms.

Honourable senators, the fact is that some of the provisions contained in Bill C-45 are starkly at odds with the government's stated objective of harm reduction, especially when it comes to our kids.

I recently expressed concerns that cannabis legislation will re-normalize tobacco use and reduce perceptions of the risk of cannabis smoking.

Honourable senators, when I think about the independent, non-partisan work undertaken in this chamber just last year on Bill S-5, I find it hard to believe that only a few months later we find ourselves debating legislation that threatens to undo our progress.

- (1430)

Simply put, this government's approach to cannabis and to tobacco are fundamentally different, despite the fact that the health minister sat before us in this chamber and told us they were the same. Honourable senators are free to draw their own conclusions as to why that's the case, but the facts remain.

Tobacco regulation has focused on reducing use, with eventual elimination. Nearly all forms of marketing are banned. Tobacco packages include graphic warnings, and if the government doesn't backtrack on the commitments it made in Bill S-5, soon they will be sold in identical plain packages. It is heavily taxed to disincentivize its use. Smoking is banned in all indoor public places. And it's working. Canadians are butting out in record numbers, a true public health success story.

In 1980, one in three Canadians smoked cigarettes. Today, that number is less than one in five. Compare that with the government's plan for regulating marijuana, which contains far fewer restrictions than were even recommended by their own expert task force.

While it's true that Bill C-45 prohibits the promotion, packaging and labelling of cannabis that may be appealing to young persons, colours and logos will be permitted, and the door to adult advertising is wide open.

Cannabis will be sold at so-called competitive prices, with a gram being sold for much less than a pack of cigarettes. Several jurisdictions have already signalled interest in licensing indoor smoking lounges.

Condominium and apartment dwellers are grappling with the prospect of their homes being infiltrated by the odour of secondhand cannabis smoke.

As public health experts have pointed out, the government's approach to regulating cannabis promotion has far more in common with how we regulate alcohol, an approach that has failed to protect underage users, the exact same population we are trying to protect.

With a patchwork system of provincial regulations, alcohol manufacturers have become adept at exploiting obvious loopholes. In some provinces, alcohol billboards appear outside of school property. Children and teenagers are regularly exposed to enticing commercials on television, and despite federal rules in place that are similar to those outlined in Bill C-45, alcohol ads appear regularly on Facebook and other social networks. We are kidding ourselves if we think the same thing won't happen with cannabis.

It is simply not realistic to expect that other bodies will step in and regulate appropriately. Cannabis producers have already seized the opportunity to develop their own guidelines. Voluntary advertising and marketing codes have always proven themselves to be ripe for exploitation.

If we truly believe that the intent of this legislation is, as the government says, to strictly regulate and restrict access to keep it away from children, we have a responsibility to ensure that we learn from our experiences with alcohol and tobacco and stop the aggressive promotion of marijuana products to young people before it begins.

To quote David Hammond, Professor of Public Health at the University of Waterloo:

I struggle to think of any public health benefit to promoting these products. . . . If the Liberals are serious about public health, they should enforce plain packaging. . . . It's a good test of their commitment.

Of course, while the government claims that the design it unveiled earlier this week qualifies as plain packaging, they do not meet the World Health Organization's plain packaging standards for tobacco.

But marketing and promotion are only one side of the equation. Equally important is our commitment to public health education and research. Again, there are critical lessons to be learned from our past success.

The federal Tobacco Control Strategy has helped to reduce smoking rates to an all-time low. Over the past five years, the federal government has devoted over \$230 million to protect Canadians, especially young people, from the health consequences of tobacco use. Programs include extensive public education campaigns to prevent children and youth from starting to smoke, helping people to quit smoking and helping Canadians to protect themselves from second-hand smoke.

The fact of the matter is that, when done right, public education works, but this government has already fallen behind before legalization has even begun. Over the past year, we have heard clearly from American experts in states where cannabis is legal that public education programs must be in place to allow meaningful lead time before legal cannabis is made available. Yet, despite multiple funding announcements, a comprehensive public health campaign is still not yet under way.

Honourable senators, cannabis legalization was a 2015 campaign promise of this government. It is beyond comprehension that they have waited nearly three years, and counting, to take action on education.

The evidence shows that fewer adolescents today believe that cannabis use has any serious health risks. Imagine that. Fewer adolescents today believe that cannabis use has any serious health risks. Without immediate and sustained public education, legalization has the potential to normalize use.

Furthermore, as the Canadian Medical Association has pointed out, government control over the source of cannabis for sale creates the perception that cannabis is safe to consume. Common sense suggests that this will increase consumption going forward.

We know what we need to do to improve our chances of success in reducing the harm — high-quality educational interventions, including skills-based training programs, social marketing interventions and mass media campaigns. Education should focus not only on cannabis's general risks but also on the specific harms to young people who use it. We cannot ignore the dangers of smoking. Most importantly, we need to do it now.

The government's legalization agenda is divisive, and there are myriad challenges ahead. But, in this moment, we must use the tools available to us to ensure Canadians and their children are protected as best we can. Tobacco taught us valuable lessons about how to limit the youth appeal of a dangerous drug. Marketing and promotion must be heavily restricted, and public education must be comprehensive and far-reaching.

In closing, honourable senators, let me say this: We have been told, time and time again, that Bill C-45 is, first and foremost, about harm reduction. If the government continues to insist upon pursuing legalization in order to meet its political commitments, it is our responsibility to ensure that the framework does in fact reduce the harm.

[*Translation*]

**Hon. Marie-Françoise Mégie:** Honourable senators, I rise today to join my voice to that of many of my colleagues in this chamber. I want to start by thanking Senator Dean for his tireless efforts to provide important data for our consideration.

Statistics from a range of reliable sources show that Canada is one of the countries where there is a very high prevalence of cannabis consumption by youth under 20. I will go over some of the health concerns associated with this problematic situation.

The human body produces its own cannabinoids, which are known as endocannabinoids or endogenous cannabinoids since they are produced within the organism. These substances act as natural messengers. They transmit information about the state of the organism to both the brain and other organs. The main purpose of the endocannabinoid system is to regulate and maintain a stable environment within the human body. It is responsible for regulating appetite, motor coordination, sensory perception and pain perception.

The key active ingredients produced by the marijuana plant are also cannabinoids. They are exogenous cannabinoids, with THC being the most significant. THC is responsible for the psychotropic effects that make it enticing to use cannabis for recreational purposes.

Cannabidiol, or CBD, is one of the hundred or so cannabinoids that can be extracted from this plant. It is often used for medicinal purposes since it does not have a psychoactive effect. Scientists are very interested in CBD for its usefulness in managing epilepsy, including in children. There are currently a number of interesting studies looking into this.

Both exogenous and endogenous cannabinoids use the same brain pathways. Their modes of action are different and poorly understood. THC can take their place and linger for several hours causing an imbalance in the endocannabinoid system.

• (1440)

There is a growing interest in the therapeutic value of cannabis, which has been recognized by chronic pain and palliative care experts. The anti-inflammatory and analgesic properties of cannabis can help manage chronic pain, neuropathic pain and painful muscle spasms, which are often symptoms of multiple sclerosis.

Cannabis is also used to control the nausea and vomiting caused by chemotherapy. It can also help stimulate appetite, especially among AIDS patients. Products used for this therapeutic purpose are also cannabinoids. One of them is sold as an oral spray, while two others are synthetic cannabinoids known as Nabilone and Dronabinol. They are sold in capsules with very specific dosages. These products received a notice of compliance from Health Canada based on evidence of clinical effectiveness and can be prescribed by doctors.

A study published in the June 2016 issue of *The Journal of Pain* showed that the use of cannabis to control chronic pain resulted in a 64 per cent reduction in opioid use.

My colleagues who work in the area of chronic pain management pointed out to me that patients whose pain is not adequately controlled by opioids prefer to add small doses of cannabis and at the same time reduce their doses of opioids. This helps avert the need to increase opioid doses, preventing the associated side effects.

In this context, some people prefer to smoke or consume cannabis oil, but only a small group of medical specialists are authorized to prescribe cannabis in this form. Furthermore, patients who prefer this form of cannabis must obtain an exemption form.

A 2014 study published in *JAMA Internal Medicine* indicated that the number of opioid-related deaths dropped by 33 per cent in the 13 states where cannabis is legal. That information was gathered over the six years following the legalization of cannabis.

Let's now talk about the harmful effects of cannabis on young people. An increasing number of scientific studies are finding that marijuana use may not be as safe as people tend to believe. Since young people's neurons do not stop developing until about the age of 25, this drug may have a negative impact on adolescent brain development.

Marijuana can cause psychosis, hallucinations, paranoid delusions, altered cognition and addiction. It may also facilitate the onset of schizophrenia. Dr. Romina Mizrahi, Director of the Focus on Youth Psychosis Prevention Clinic in Toronto, said that the use of marijuana doubles the risk of psychosis for young people who are prone to mental health issues. That is particularly true for those who have a personal or family history of psychosis. However, cannabis can cause acute transient psychosis among adolescents even if they have no history of mental illness.

In the interest of clarity, I would like to explain the difference between a psychotic episode and schizophrenia. Psychosis is a temporary loss of contact with reality. It may be drug or alcohol induced or it may be an indicator of an underlying mental disorder such as schizophrenia, bipolar disorder or depression. However, psychosis is not a permanent condition. It is treatable, and most people who experience it are able to live productive lives.

Schizophrenia is a brain disorder that affects a person's thoughts, feelings, emotions, perceptions and behaviour. However, not all of these functions are affected at the same time or to the same extent. Many people with schizophrenia can exhibit perfectly normal behaviour for long periods of time. The illness manifests itself through acute psychotic episodes, followed by various chronic symptoms. Generally speaking, it first manifests itself in late adolescence or early adulthood, usually between the ages of 15 and 30. Unfortunately, that coincides with the age at which young people are introduced to drugs.

The literature speaks of an individual predisposition, a genetic predisposition, a cerebral metabolism imbalance involving the neurotransmitters dopamine and glutamate, and triggering factors

like major life events, cannabis, and so on. This shows that the connection between cannabis and psychosis is not a simple cause-and-effect relationship. However, strong evidence remains that a pre-existing vulnerability to psychosis is a key factor modulating the relationship between cannabis consumption and psychosis. Other factors that come into play include the amount taken, the concentration of the substance, the frequency of use, and the setting in which it's taken.

Recently, one of my colleagues, a family doctor who works in a substance abuse clinic, told me that a serious investigation is needed to determine the reasons why young people take cannabis. Besides a desire to fit in, some young people say they take it to improve their focus or to overcome feelings of shyness. Doctors must be sure to check for comorbid conditions such as attention deficit disorder, depression, or a predisposition to schizophrenia. These are all vulnerability factors that put young people at risk of experiencing harmful effects from cannabis consumption. In order for a course of treatment to succeed, it must address comorbidities while managing drug consumption.

Alongside the youth vulnerability theory, Reiman and Burnett, from the Drug Policy Alliance, also raise the self-medication theory. This theory holds that individuals who present with psychotic symptoms use cannabis to self-medicate before they are formally diagnosed with psychosis. The authors clearly state that individuals who have shown symptoms of psychosis are more likely to smoke cannabis. This makes it hard to determine which came first, the psychosis or the cannabis use.

Other acute effects include withdrawal symptoms. People who quit after heavy use can experience irritability, anxiety and sleep problems. Heavy use refers to daily or almost daily consumption for at least a few months. Withdrawal symptoms appear from 24 hours to 72 hours after the last consumption and can last from one to two weeks. Sleep problems can last up to one month. In addition to the acute effects just mentioned, there is also functional impairment, which includes diminished performance or absenteeism at school, decreased participation in activities, withdrawal from friendships and family conflicts.

However, those harmful effects on cognition and attention and the psychotic episodes are also manifestations of excessive alcohol consumption. Alcohol abuse has serious consequences and can result in alcoholic coma and death. A paramedic told me that he deals with alcohol-related psychoses far more often than cannabis-related ones. In 1971, the World Health Organization classified psychotropic substances according to their risks. Alcohol ranks first, cocaine ranks second and cannabis ranks ninth, in last place. Although alcohol is harmful, it is still a legal drug. This was a comment I heard from the young people who participated in my focus group last week.

Honourable senators, regardless of our position on the legalization of marijuana, we must recognize these alarming facts, as mentioned earlier on. How do we reconcile what I just mentioned with the fact that youth aged 12 to 17 will soon be able to possess up to five grams of cannabis? Why do you think young people choose to have cannabis in their possession? They are either going to use it or sell it. I, for one, thought that the legalization of cannabis was meant to stifle the black market, not enable it.



Add to that the possibility of growing marijuana at home. How will parents ever notice that one or two marijuana buds are missing from one of their four plants? What will they say when their 12-year-old suggests growing cannabis? It will be legal, after all. It is not a harmless substance; its negative effects on our young people will affect society as a whole. Therefore, we have a duty to regulate and restrict access to cannabis.

In order to justify home marijuana cultivation, many have compared it to making wine at home, which is legal. This argument is rather simplistic. Making wine is far more labour-intensive than growing a plant. Indeed, winemaking requires a certain amount of knowledge, without which it is difficult to make wine for personal consumption.

Given the dangers of cannabis use, we must adopt a public health approach. In particular, we must at all costs delay the age at which people begin using cannabis. We must work to decrease the frequency of consumption in order to reduce addiction problems. Moreover, we must ensure that non-consumers do not begin consuming cannabis simply because it is legal.

• (1450)

To achieve these goals, we must make a collective effort to introduce adequate and supported awareness and prevention campaigns. To ensure public safety, these measures must work in synergy with the communications strategies that are adopted. In addition to the usual media, digital networks should also be considered.

Furthermore, effective implementation entails taking the necessary time to ensure that legalization goes smoothly. After nearly a century of prohibition, people have the right to expect a smooth transition. Members of our communities should have the opportunity to prepare for the new challenges they will face.

Let's focus our energies on educating young people, parents and families, and on training resources. These individuals will have a presence in schools and in our communities. Canadians must be made aware of the dangers of addiction, impaired driving and consumption.

We will also need a federal management framework to regulate the production, points of sale, quality and safety of the products available on the market.

We absolutely must invest in research. With legalization, it will be easier to report use to researchers and physicians, and the data collected will be more reliable. This will also foster a better understanding of the effects of cannabis, so that it can be used safely and so that potential health problems can be avoided.

Honourable senators, legalization may be inevitable, but not at any price. Let's take advantage of this momentum to engage in deep and meaningful discussions in the various senate committees. Thank you.

**The Hon. the Speaker *pro tempore*:** Senator Mégie, would you accept a question from Senator Galvez?

**Senator Mégie:** Yes, gladly.

**Hon. Rosa Galvez:** Thank you very much for your interesting speech. When I was a teacher, I often saw students who had a hard time concentrating, and after speaking with them, they would admit to having begun using cannabis ostensibly to help them concentrate. A few months later, however, it usually had the opposite effect. They described feelings of anxiety and fear, as though they were having waking nightmares; does that qualify as a psychotic episode?

**The Hon. the Speaker *pro tempore*:** Senator Mégie, your time is up.

Would you like another five minutes?

**Senator Mégie:** Yes, please.

It's a bit like the chicken and egg theory. They often experience symptoms similar to discomfort or lack of concentration, the same symptoms as attention deficit disorder, or ADD.

If these students received the care they need from their family doctors, they would not have to resort to cannabis. Sometimes it can be something as mundane as an oral presentation in front of the class. Imagine a shy student who feels better after smoking a joint. What will happen next? She will want to smoke another joint before the next stressful activity, and things e cycle begins.

This individual's family doctor needs to look into this a little more closely to see what's really going on. If it's really a question of attention deficit disorder and the doctor treats that, it should reduce the risk that this person continues using until he or she has a bad trip.

**The Hon. the Speaker *pro tempore*:** Senator Mégie, will you take a question from Senator Moncion?

**Senator Mégie:** Yes, with pleasure.

**Hon. Lucie Moncion:** In your speech, you mentioned that the effects of alcohol are even more harmful than those of cannabis.

**Senator Mégie:** Yes, they are similar, but alcohol consumption can lead to an alcohol-induced coma and death, as we saw recently in Quebec. With marijuana, the person could sleep for a week, but he or she would not die, unless the marijuana was mixed with other hard drugs.

Given that the use of cannabis is currently illegal, those who use it get it wherever they can without knowing what it contains.

**Senator Moncion:** Senator, I would like to once again call upon your medical expertise. Alcohol is considered a poison that affects various organs, such as the heart, liver, and kidneys. Marijuana is considered a poison that affects the brain, but can a person overdose on cannabis the same way one can overdose on alcohol?

**Senator Mégie:** Both are possible. Those who overdose on alcohol wind up in the hospital because they are delirious, while those who overdose on cannabis wind up in the hospital because of psychosis.

[*English*]

**Hon. Carolyn Stewart Olsen:** You mentioned in your speech that the effects of cannabis in young people who are affected are usually reversible, or are reversible, but I know from personal experience that young people have severe brain damage from the use of cannabis that has not been reversible. I'm not sure what you meant by that.

[*Translation*]

**Senator Mégie:** When it first occurs, the acute psychosis is transient, but the use of cannabis can have more lasting effects. It can destroy brain cells and cause a lack of concentration, which may lead young people to drop out of school. That is different. It is the acute phase, the psychosis, that is transient.

The person does not remain in a psychotic state his or her whole life. If that is the case, there is something else wrong. It is not a result of marijuana.

[*English*]

**Hon. Thanh Hai Ngo:** Honourable Senators, I would like to join the debate on Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

Throughout our tenure in the Senate, we have the privilege of reviewing several momentous government bills.

The opportunity to add our voices on legislation that proposes a major shift in Canadian public policy, such as the cannabis act, is the hallmark of this great chamber, and I am very grateful for this honour.

Let me start by thanking our colleague Senator Dean, who, as the sponsor of Bill C-45, promoted and encouraged an informed and inclusive review of a popular government initiative.

[*Translation*]

Like many of my colleagues who spoke before me, I've been preoccupied with this issue since the last federal election. The government is putting considerable pressure on this chamber to study the legislation legalizing recreational cannabis post-haste.

[ Senator Mégie ]

Marijuana consumption is an important topic of which I have very limited knowledge. However, I listened, I became informed, and I am deeply concerned by some of the statements I heard.

Today I want to express my doubts about the intent behind this bill and my serious concern about its impact on young people and their health, its repercussions on schools and our communities' cultural perspectives on this paradigm shift.

Honourable senators, as part of the study of the cannabis legalization bill, we have to spend more time weighing the risks that legalizing recreational marijuana will pose to young Canadians.

• (1500)

Because of marijuana legalization, more young people now believe it is a harmless substance, which is just not true. We are just now discovering the impact of marijuana normalization on young Canadians' health and brain development. For teenagers, the potential risk is very high because they don't know exactly how the drug affects them. Research shows that the average teenager naively believes marijuana can cure cancer, is less harmful than cigarettes, can enhance the immune system, and is harmless and not addictive.

Normalization of marijuana use and consumption levels are worrisome mainly because the brains of people under 25 are still vulnerable. We need to understand that because regular marijuana consumption has permanent negative effects on brain development, including the socioemotional development of people in that age group.

According to the Canadian Psychological Association, verbal learning, memory and attention are most consistently impaired by acute and chronic cannabis use. In some cases, the effects remain even after cannabis use is discontinued. Myriad studies have shown that regular or heavy cannabis use in adolescence is related to poorer educational outcomes, lower income, suicidality, greater welfare dependence and unemployment, and lower relationship and life satisfaction.

Neuroscientists have found that elevated exposure to THC can cause temporary symptoms associated with schizophrenia, such as paranoia, cognitive deficits and even psychotic episodes. This research reminds us that teenagers use marijuana more than any other drug, even cigarettes.

[*English*]

The federal government is proposing to restrict young people's access to marijuana and prohibit persons between the ages of 12 and 17 from possessing or distributing more than five grams of cannabis under the Youth Criminal Justice Act. The question remains: How will this measure affect our youth?

According to the U.S. National Library of Medicine, the typical joint weighs about 0.4 grams. Let's say we round that number up to 0.5 grams. That would allow a minor to turn his or her legally possessed quantity of five grams into a total of 10 joints on any given day.

I am rounding that amount into individual joints to demonstrate how this prohibited limit is more than enough for any minor, someone between the ages of 12 and 17, to consume enough marijuana on a daily basis to develop an acute cannabis problem.

Honourable senators, I'm using this imagery to demonstrate that addiction is a stronger possibility for youth under this legislation.

Overall, approximately 9 per cent of users become addicted to marijuana, and about 17 per cent of those who start during adolescence become addicted.

So make no mistake, our youth will be the first victims of this bill and its specific provisions designed to help keep cannabis and cannabis products out of the hands of children.

I am concerned that the debate on this legislation seems to give tacit approval to the idea that marijuana is not addictive. As a consequence, young people's perception of risk remains low.

Although marijuana might not be as addictive as alcohol or other substances, I am concerned about the justifications that are being given for the bill, which seem to encourage consumption even though research indicates that weed is harmful.

There is a great lack of information in Canada about how this substance affects brain development, but one thing is for sure — it is addictive. We are now realizing the magnitude of this addiction problem among our youth.

We need to take this into account because more teens are now smoking marijuana than cigarettes.

Marijuana is the number one reason why adolescents seek substance-abuse treatment in the United States.

According to the Arapahoe House treatment network in Colorado, teenage admissions for marijuana addiction in Colorado increased by 66 per cent between 2011 and 2014, correlating with the legalization of the recreational use of marijuana.

The National Survey on Drug Use and Health indicates that people who begin using marijuana before the age of 18 are four to seven times more likely to develop a marijuana use disorder than adults.

Honourable Senators, according to the Canadian Centre on Substance Use and Addiction, cannabis use among high school students is a national pattern with long-term impacts on their health, motivation and future.

As a former teacher, when I read this research, I cannot help but think how this legislation will affect our young students and impact our schools.

If we look at the American example again, in a 2015 survey of 95 school resource officers, 90 per cent responded that they have seen an increase in marijuana-related incidents in their schools since marijuana legalization.

In a similar survey of 188 school counsellors, 69 per cent responded that, since marijuana legalization, they have seen an increase in marijuana-related incidents in their school.

I'll say it again: These facts are especially important given that Canadians under 18 are big fans of the drug, with about 26,000 Ontario teenagers using it daily according to the Canadian Association of Mental Health.

In 2013 UNICEF found that Canadian youth were the biggest pot smokers among the world's 29 richest countries.

Senator Harder explained yesterday how this statistic about cannabis consumption among young Canadians fluctuates over time. However, Canadian surveys consistently indicate a national pattern in cannabis use among our youth which remains alarming overall.

Without greater awareness, recreational marijuana use in adolescence will have implications for academic functioning as well as social and occupational functioning extending into later life.

Honourable Senators, throughout the year I have attended several town hall meetings in communities across the country to address various policy concerns, including the upcoming legalization of marijuana, to grasp a better understanding of their views.

There was a litany of concerns expressed by the members of the communities I visited in Montreal, Toronto, Edmonton, Calgary and Vancouver about this upcoming change.

Like many other naturalized Canadians who are following the debate on this bill, I see legalizing a drug for people's enjoyment as an absurd subject to legislate.

No one in the town hall meeting welcomed this legislation. The community members I met with had serious concerns about the health impacts, and they shared their worries about youth.

For many of these communities, legalizing cannabis is almost perceived as an attack on their youth and their health. They are afraid of seeing new stores opening, neighbours growing their own plants, and their young children having easier access. Older generations expressed their concern about how this most commonly used drug in Canada is already impacting our younger generations and new Canadians.

While Bill C-45 is a "smoking hot" political issue in some groups, I have noticed that Asian Canadians' experience with legalization has been underappreciated.

• (1510)

Much more awareness is needed in this community. Substance abuse problems have been largely minimized or denied because of the stereotype of Asian Canadians as a model community. This should be of concern, because Canadians of Asian origin represent 17.7 per cent of the Canadian population according to the 2016 Census and are one of Canada's fastest-growing population groups as a result of immigration.

In this community, it is important to understand that people do not tend to seek help, mainly because there is a stigma associated with substance use in Canadian Asian communities. Because of this cultural stigma, many Asian Canadians are not yet ready to openly discuss substance use problems. Communities associated with this type of drug with insanity, loss of moral responsibility and lack of self-control. Consequently, cultural responses to substance abuse and the use of marijuana are heavily influenced by the sense of shame and the fear of losing face and disgracing family members. Because of the fear of losing face, substance users in the family usually attempt to resolve the problem on their own. Seeking outside professional help is commonly considered a last resort.

Currently, the availability of a culturally appropriate and sensitive continuum of care for substance abuse treatment for the Asian Canadian population is simply lacking, perhaps with the exception of a few major metropolitan cities.

Honourable senators, I believe that we are entitled to our own opinions, but not our own facts. There is no denying the health risk that legalizing marijuana will pose for our youth and our school system.

The government promised \$36.4 million over five years for public awareness, yet we know that the value of the illegal cannabis market is about \$22.6 billion. We should not pinch pennies when it comes to mitigating the impact that legalization will have on our youth. The current approach sends a dangerous message to our community.

In legalizing the recreational use of this harmful substance, the government must do its utmost to ensure a proper awareness campaign is in place for Canadian youth who continue to use cannabis at the highest rate in the world.

Under this version, I cannot support this bill.

We are fulfilling our duty as the chamber of sober second thought. I hope that the standing committees will examine the impact this current legislation will have on the well-being of our youth and consider the contextual barriers for ethnocultural populations. I look forward to hearing their findings at the report stage and look forward to participating in this debate. Thank you.

**Hon. A. Raynell Andreychuk:** Honourable colleagues, I hope I'm not going to take over the mantle of Senator Baker who would stand up and say, "I only want to say a few words."

My intention is to say only a few words, so correct me if I go longer.

I applaud all the senators who are participating in this debate. This is the Senate at its finest, when research has been done very thoroughly from so many perspectives.

I did have my speech with my findings, but I thought it's been done adequately, so what I really want to do is touch on a few points that are important to me and points that I haven't heard as much about. So I want to associate myself with all the honourable senators who have raised concerns about this bill.

One reason I have concerns about this bill is that I believe the government has the right to introduce whatever legislation it wishes, but in a modern society such as Canada, it has a responsibility to put forward a strategy, to cost it out, to time plan it, and to make sure that the public is sufficiently aware that they can have a reasoned and fulsome debate in the community.

My concern is that that has not happened. An announcement was made in a platform of a party, and after there was an announcement to proceed, but it has been very piecemeal, and I think that those who were engaged and wish to change the laws on marijuana have been involved to a certain extent. Others are just coming forward. I pine for the old days when we had white and green papers and people could respond and engage.

Granted, there may have been some stakeholder meetings and some focus groups, but I don't think the Canadian public has been involved on something that will fundamentally change their lives. That will be a crucial point we will face in the future.

I've heard that medical marijuana is here, but we are now going to go into recreational use. Regulation will make it a safer product. That may be, but the people I've dealt with in my past are the most vulnerable. I wouldn't say that they use drugs for recreation. They often use drugs for desperation. They are the ones who will perhaps continue with marijuana on the street, because the black market will not go away, or they'll change to other drugs and other ways to cope.

I have heard very little debate from the government or others on how we will deal with the most vulnerable communities, those that I used to see in social services, those that I see on the streets, those that are in poverty-stricken positions, those that are coming and finding that life is not the way they thought it could be.

So I would hope that the government pays attention, because it's important.

The most important point is children. We are going to shift what was illegal to legal. However, at the moment it's illegal. The government has some responsibility through the criminal courts, through legislation, but once it switches, the government will have the responsibility to ensure the usage and the consequences, both known consequences and unintended consequences.

Canada signed on to the UN Convention on the Rights of the Child. We said we will protect the health and well-being of children. We know maturing minds are difficult to deal with. Canada will now have an obligation in a way that it has not had before. I haven't heard much about what kind of support services families in crisis will receive when this occurs.

Yes, people have said we've dealt with alcohol, but it was only recently in the last number of decades that we understood what fetal alcohol syndrome does to children. It is a lifelong sentence, not only for those children but also for their families. The same could happen here, from what I've heard from the very kind senators who did all the research. We really don't know the full consequences of marijuana. Yet we are going to say as a government and as a society, if we pass this bill, that's okay, we will monitor it. We are going to experiment and test on future generations without the proper analysis and proper supports that go with the dollars. For alcohol addiction we give some money, and it looks like a lot, but it's not. Most of the money gets directed to general revenue, and I think that will be a shame.

Everyone has touched on education. We raised this issue at the National Finance Committee with Minister Friesen, the Finance Minister in Manitoba.

• (1520)

Here is his quote on December 8, 2017. He said:

If we want to do this well we require adequate time. Mistakes are going to be made here, and Canadians should be disabused of any notion to the contrary. Like it or not . . . cannabis will be legal.

He was speaking before the July 2 date was perhaps in question.

He went on to say:

Our premier spoke to the governor of Colorado and he said, "If we had only more time." He reflected on one point. "Looking back now, we had no idea." When you look at the morbidity rates, injury and death on highways, mental illness and suicide rates among youth, there is so much to get right. We can't underscore enough the importance of even things like an education campaign.

And then Minister Friesen said:

I'm a former educator. I know what it means to deliver a message but to truly teach and change behaviour takes a long time. Youth need to hear this message again and again.

My difficulty is that I've heard from the government, "We will do this. We have a campaign. We're preparing. We are planning." Yet we are months from what the government anticipates will be law. There is no time to prepare adequately, and that concerns me. It's a governance issue, not a question of whether their policy is the right one or not.

I have another issue. The Prime Minister recently said that his approach to Aboriginals in our communities will be on a rights-based approach, yet most of the Aboriginal communities I deal with have not been consulted and have not had their full say. Is this the rights-based approach that we are offering?

One other area is international obligations. We know that three conventions will be violated and perhaps more. Our Foreign

Affairs and International Trade Committee is just starting its study on this.

We know that Canada has been on the forefront of saying no reservations on any international convention, no pulling out. We have built, over decades, an international network of conventions, and we've been on the vanguard to say, "No, you can't pick and choose." Often it's a watered down consensus on a convention. We want to strive and have people adhere to those conventions, declarations and protocols. We are now moving on and we don't know what that will mean.

It may be that some way will be found, but we know that very limited measures are in place. Very little thought has been given. How do we get out of this conundrum?

We're now facing a world where international norms are at risk. We know the countries who do not wish the norms and values that we've set out, who don't adhere to the international covenant on human rights. We have built up at least some semblance of an international order. We risk now for the first time either having to pull out or provide a reservation or find some way. We will be signalling for the first time in many decades that we do not have the full respect of these agreements that we have signed, and I think it's very crucial in this world.

I was here when Senator Nolin was here. Senator Nolin and I did not agree. I did not want to legalize marijuana; he did. He convinced the Senate to conduct a study. There has been this myth that it is a Senate study. He did a study. He was given the adequate resources and he did an adequate job on that.

When the report was tabled in the chamber, there was no appetite to approve it. Instead, Senator Nolin gave notice of an inquiry and spoke to it. That inquiry did not proceed. It fell off the Order Paper at prorogation.

I must say that I think we should all read it, because it wasn't a conclusion of legalizing marijuana; it was a conclusion of strategies of how to get there. There are some excellent, excellent road maps, and had we followed them, perhaps all of us could have lived with the change in our society. It is thoughtful.

I have gone from recommendation 1 to recommendation 11. If only we had followed Senator Nolin's report we would not be in this difficult situation of being asked to pass a law without what I call the homework from the government being done.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise also today to speak at second reading of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

So much has been said already and, like Senator Andreychuk, I chose to highlight a few additional points that I felt were not as fully discussed. But I want to first commend both the sponsor, our critic Senator Carignan, the committees that are currently looking at portions of this very important bill for our chamber, and all the senators and their staff who have supported the research, the drafting and other work that we do every day, including my own.

I have looked at this bill carefully. The objectives outlined as the goals of this legislation are really important. I agreed to these objectives in writing: to prevent young persons from accessing cannabis; to protect public health and public safety by establishing strict product safety and product requirements; and to deter criminal activity by imposing serious criminal penalties for those operating outside the legal framework.

The bill is also intended to reduce the burden on the criminal justice system in relation to cannabis. As a former educator, I am fully aware of that. My husband is still a teacher in British Columbia, working with youth at risk, so he knows the challenges these youth have faced and continue to face when it comes to the legal system.

I understand we are grappling with this issue because a timeline has been imposed on us, but as a chamber, we know that it is so important, as Senator Andreychuk has expressed, that the homework must be done. We have to ensure that if we are going to enact something as historic and as serious as Bill C-45, Canadians and Canadian society must be ready.

Physicians and pediatricians are concerned about the effects of cannabis use on brain development and on mental health. I want to thank Senator Mégie for her expertise and what she has put on record today.

Provincial, territorial and municipal governments are not yet prepared for legalization, based on conversations I have had in British Columbia. Our Minister of Public Safety just a few weeks ago said to me, “Can you wait? We’re not ready.” Yet I hope that they will appear before committees or at least respond to committees about what they are doing. What is the state of preparedness in each of our provinces? For me, it is British Columbia.

My question to our provincial leaders would be: What consultations have happened with municipalities? I also have spoken to city councillors and mayors who are very concerned about conversations that have taken place about revenue sharing, but also the lack of consultation and conversation around burden sharing or all of the negative effects that municipalities will have to deal with on the ground. How will they be able to really support the changes that will happen if they are not adequately funded or discussions have not taken place on the very important sharing of responsibilities that will have to happen with provinces and municipalities? So I hope that councillors and municipalities will also respond to our committee when they look at this legislation, should it pass today.

• (1530)

Police and law enforcement agencies are not yet equipped to deal with the burden of this legislation. We are aware of that. And we know that that will have to be very carefully addressed.

But there is also the Canadian military. I was at a regimental dinner and sat next to a commanding officer who talked about being a soldier of many decades, that there has been a zero tolerance policy on this. So what will happen with legalization? He is hoping that the Canadian military will continue with the same policies, but these are all details that will have to be carefully worked out.

He said the government has invested \$100,000— I haven’t verified— on getting virtual reality goggles to help military personnel experience what it would be like to be under the influence of cannabis on the job. As I was listening to this, I just thought there seems to be something very worrisome about how everything will be carefully rolled out if it is rushed and if there hasn’t been conversation about this. He was waiting for certain details and direction. I think that is a very important consideration.

There are many other stakeholders who have also weighed in. We have seen media reports, we have received letters and emails, and this afternoon I met with a foreign diplomat who was returning to Korea after five and a half years abroad. He was in the United States and then in Canada for three years. He was worried about Korean nationals coming to Canada and Canadians visiting or working and living in Korea because of the laws of Korea that list marijuana as an illegal substance. There are some very severe consequences.

I thought it would be important for us to look at the punishment Canadians could face when either intentionally or unintentionally travelling and purchasing or using cannabis outside of Canada, which I would hope that our embassies, consulates and all the officials working outside of Canada, with Canadians travelling to some very popular destinations and working in other places, that these conversations, as well as preparations, have been made.

In 2017, a report entitled *Cannabis legislation in Europe* was published by the European Monitoring Centre for Drugs and Drug Addiction discussing cannabis in a European Union context. According to the report, possession of cannabis for personal use can lead to incarceration in the U.K., France and Germany, among many other European Union countries, even with the more liberal-leaning Scandinavian EU members, including Sweden, Norway and Finland. The penalties for possession of cannabis for personal use include incarceration.

While European countries vary in their punishments for possession, production and trafficking in cannabis, there are many countries that have even more severe punishments for similar crimes. In Saudi Arabia, penalties range from imprisonment to execution. In the United Arab Emirates, the punishment is a mandatory prison sentence. In a fellow Commonwealth country in South Africa, the use, possession or production of cannabis in public is illegal. And China, a G7 partner to Canada, enforces the illegality of cannabis domestically, with punishments ranging from a short prison sentence, fine or deportation.

Going back to Korea, because of conversations that I have had with members of the Korean Ministry of Foreign Affairs, there was a recent release that stated:

In accordance with the nationality principle, all Koreans should follow the Korean law. The Korean government will step up inspections of people who come from Canada and their belongings, as well as all packages from the country. Please be aware that Koreans can face serious legal consequences for having or using it.

Now, of course, we are Canadians and we are most concerned about the impact of this legislation on Canadians and Canadian lives. We talk about being part of the global community, and with the kind of work that I do with various countries being part of bilateral and multilateral groups, I think we have to look at what our legislation will do in impacting our partners and other jurisdictions and Canadians who travel to those places.

In Korea, the penalty for possession of cannabis is up to five years of imprisonment or a fine of \$60,000 Canadian. This law applies to both Korean nationals and foreigners on Korean soil and Korean nationals on foreign soil.

Senator Andreychuk spoke about the UN treaties to which we are a signatory, and I was thinking about our commitments to our world partners and what we have already committed to. These are concerns that I share as well, along with some of the other concerns that have been raised in various speeches.

So honourable senators, as you can see, the international community has various laws and punishments related to cannabis use, possession and trafficking. With Canada being the first G7 country to legalize cannabis, this represents new territory not only for Canadians but for our foreign service that is responsible for representing Canadians internationally and ensuring their safety abroad.

On a very personal level, I have heard a lot of concerns raised about our youth. As an educator who has spent quite a bit of time with youth and young adults, middle school but largely high school students, as teachers, we always talk about authentic assessment. We give tests and the grades will reveal in that moment perhaps the student's lack of preparation and/or lack of completion of assignments. The numbers do tell a certain truth, but we also look at anecdotal evidence as part of our assessment because that too reveals important facts that cannot be measured through a test.

Though we look at various numbers, whether or not youth are using more or less marijuana, those numbers will fluctuate, as others have said. But on an anecdotal level, I can tell you that in all my years of teaching, I cannot think of a single student whose habitual use of marijuana helped with their studies. If anything, I have seen too many students who were not able to complete school, drop out unnecessarily, and developed a habitual use of marijuana. It may not be addicting in the way other drugs are, but the euphoric state of being for them, if they are escaping conflict situations in their homes or in their lives, they use it for escape and it did affect what was happening.

I'm trying to imagine teachers in schools, where in my husband's school, students are sent home because they are high. There are 18-year-olds in school. There is an inconsistency between what teachers can do if a student is of legal age, if some provinces have set the age at 18, and those who are not. As you know with youth, if the legal age is 18, we know there will be kids close to 18 or even several years younger, and there will just be exposure to this drug that at this time is illegal but will become legal. There is a lot of concern around that.

• (1540)

I was reviewing the mountain of documents that we all have looked through. The Library of Parliament sent us a legislative summary for Bill C-45, and on page 1 of the document there is an overview of cannabis and its health effects. I read this again last night. If I may refresh your memories:

Cannabis is the common name for a hemp plant belonging to the genus *Cannabis* that grows in temperate and tropical climates. The leaves and flowering tops of cannabis plants contain almost 500 distinct compounds, the principal ones being delta-9-tetrahydrocannabinol (delta 9-THC or THC), cannabidiol and cannabinol. Of those compounds, THC is responsible for many, if not most, of the euphoric and addictive effects of cannabis.

According to the World Health Organization, cannabis use can have both short- and long-term effects. In the short term, cannabis use can impair cognitive functioning and motor coordination, which can interfere with —

**The Hon. the Speaker *pro tempore*:** I'm sorry, your time is up.

**Senator Martin:** May I ask for five more minutes?

**The Hon. the Speaker *pro tempore*:** Is five more minutes agreeable, honourable senators?

**Hon. Senators:** Agreed.

**Senator Martin:** Thank you.

— which can interfere with driving and increase the risk for injuries more generally. A minority of first-time users may experience anxiety and psychotic symptoms. Acute exposure may also lead to heart attack and stroke in some at-risk individuals.

Long-term use can result in cannabis abuse or dependence in approximately 9% of regular users. However, this risk increases to 16% among individuals who begin using cannabis in adolescence. With respect to cognitive function, individuals who initiate cannabis use in adolescence may also experience more lasting impairments to memory, concentration and other cognitive functions. In addition, maternal use during pregnancy has been shown to affect the development of children's cognitive functioning, behaviour, substance abuse and mental health.

Finally, long-term cannabis use may also play a role in the development of a broad range of other health conditions, such as mental illness, respiratory diseases, cancer and cardiovascular disease; however, there is limited or inconclusive evidence in these areas.

It may be inconclusive, but these notes are in our briefing document, and they are very alarming.

I know we are all very proud to be Canadian and proud of our record of excellence on the world stage, but the legalization of marijuana will make Canada an outlier in the world. We will be the second country and the first in the G7 to fully legalize marijuana.

I hope Canada will remain an outlier and that the world will not follow us in this regard, but today, after having heard the debate to this point and sharing the concerns that have been expressed, I wanted to add these words to the record and explain why I will be, on principle, voting against Bill C-45 at second reading.

**The Hon. the Speaker *pro tempore*:** Do you have a question, Senator Raine?

**Hon. Nancy Greene Raine:** Will the honourable senator take a question?

**Senator Martin:** Yes.

**Senator Raine:** As a former chancellor of Thompson Rivers University in Kamloops where we have an active program bringing in foreign students as part of our university population, I hadn't thought about the impact this will have on our relationship with so many countries that have chosen a completely different approach to marijuana.

Have you seen anything on whether this policy would have unintended consequences on the recruitment of foreign students in Canadian universities?

**Senator Martin:** That's a very good question. I haven't seen any studies related to this. However, when I met with a foreign diplomat this afternoon and we were talking about Koreans visiting Canada and Canadians going to Korea, he did express great concern. It is an illicit drug, it is illegal in Korea, and there are severe penalties. So the foreign affairs ministry has added this warning to all Koreans travelling to Canada and Canadians going to Korea.

I think that our neighbours and our partners around the world are watching this carefully. They will have to issue such statements, I would think, and look at this carefully. Students coming to Canada will have to remember the jurisdiction into which they will return. These are all very serious considerations that we should be making.

**Senator Raine:** Thank you.

**Hon. David M. Wells:** Honourable colleagues, I rise today to speak on Bill C-45, An Act Respecting Cannabis and to Amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

I stand here not necessarily to speak for or against this legislation as much as I am to speak up for some of the people who are not in this chamber, those who do not have the platform that we have but who may be more affected by this legislation than any of us. I am speaking about the children and youth of our country.

Colleagues, nothing I have heard in this debate or discussion so far on this legislation assures me that we are putting them and their interests first, yet we plot their future.

I do not wish to disparage the intention of anyone who feels that this legislation improves the current situation, but in my opinion and in the opinion of the many parents and educators, law enforcement and municipality officials in Newfoundland and Labrador and indeed across Canada as well as those in the medical profession I have spoken to about C-45, we fear that this bill will be doing more harm than good.

There are real and practical concerns about the health risks of cannabis use, where people will be allowed to smoke these newly legalized products, and what messages we are sending to children and their parents.

Listening to the government, it seems that tax revenue and revenue for producers and distributors are more important than protecting children. The government is choosing money over health, growth and development of what we often call our most valuable resource, our people, and in particular our young people.

I also take issue with the soft truths that proponents of this legislation give, that they are doing us a favour by legalizing a drug which, at a population level, is "less harmful than alcohol or tobacco."

My question is, is it good or bad, better or worse for children and young people to breathe marijuana smoke? Would it be better for their growth and development, their dreams and career ambitions, for their physical health and well-being and for their families? Colleagues, I know that this legislation still does not permit children or youth to smoke marijuana, yet by legalizing it, I believe, it will clearly give greater access. They will be subject to the devastating effects of second-hand smoke.

We know many things about the harms associated with cannabis, and I quote Health Canada's April 2017 publication *The Health Effects of Cannabis*.

The publication talks about the short-term effects on the brain from use of cannabis, which can include confusion, fatigue, impaired memory and concentration, anxiety, fear, panic, and even delusions and hallucinations.

It also notes that the longer-term effects on the brain from use of cannabis can include an increased risk of addiction, impairment to memory, concentration, intelligence, as well as impairment of one's ability to think clearly and make decisions.

It has been shown that frequent and heavy use of cannabis can affect brain development in children and adolescents. As we have heard, studies have shown brain development continues to 25 years of age.

I hope you can see why so many parents are having difficulty believing the line that this will be better and this legislation is good for Canada. How are we supposed to explain to their children when our message is that it's suddenly okay to smoke



marijuana? In fact, we're going to make it legal for their parents and older siblings to smoke marijuana. Colleagues, there is a reason why it's called "dope."

Canada has become a leader in the production and distribution of commercial marijuana products for medicinal uses. I commend the medical community and those in business who have spearheaded and developed this new, positive industry. However, just because we've become good at growing, it still doesn't deal with the basic problems that underlie this legislation.

The recreational marijuana market is estimated to be \$22 billion a year. So we're going to have a minimalist and as yet undefined public education campaign versus this massive new industry which will no doubt find ways to advertise and promote their products.

Our cloudy message to young Canadians is going to be "don't smoke marijuana." Meanwhile, down the road or across the street, you can legally buy it, and we have put the legal and moral stamp of the federal government on it. The real message is that there is nothing wrong with it.

In the government's opinion, without this legislation the rates of Canadians smoking marijuana will increase. However, they offer no such guarantee that rates will decrease as a result of Bill C-45. If and when this legislation becomes law, it should only happen after a long period of massive public education and awareness. In the meantime, children, youth and parents will try to deal with the very real impact that this legislation will have on their lives, their schools and their communities.

• (1550)

One of those impacts will likely be an increase in impaired driving. As my colleague Senator Manning has pointed out, the experience in Colorado should be instructive. He quotes numbers that state that legalization has doubled the number of drivers involved in fatal crashes who tested positive for marijuana; and in high school, the drug violations have increased by 71 per cent.

While this is not the subject matter of this legislation, it should concern us. We will have more people killed on our roads and highways; and the innocent, law-abiding drivers, and those walking on the sidewalks, will be injured or killed. We in this chamber may be contributing to that. That is not a debatable item to parents in Colorado; it is a fact, and it will be a fact in Canada.

The bottom line of this debate should not be measuring how much of the marijuana money will be made or how the proceeds will be divided. It should be based on good public policy that minimizes the risk and maximizes protection.

Colleagues, the government's stated goal is to keep marijuana out of the hands and criminals and youth, but hidden away in Division 1, section 8(1)(c), is a clause stating that youth ages 12 to 17 will be able to possess up to 5 grams of dried cannabis before facing criminal charges. Colleagues, to me, this is shocking.

I want to close my remarks on this legislation by referring to a couple of documents that have been prepared by organizations with expertise in health matters affecting youth. We've heard some of those reports already today.

The Canadian Psychiatric Association Position Statement on this issue, written in 2017, says that there needs to be a focus on children and young people because mental health disorders and substance abuse often start in this age group. They note that cannabis is the most widely used drug among Canadian youth, with 22 per cent of 15- to 19-year-olds admitting to having used it in the past year.

They go on to say that regular use of cannabis by youth can have negative effects on "cognition, including attention, memory, processing speed, visuospatial functioning and overall intelligence."

Early use of cannabis by young people increases the likelihood of developing a primary psychotic illness among those who are vulnerable. The Canadian Psychiatric Association calls for cannabis to be legalized only for those over 21 years of age, and suggests that limits on its potency and quantity should apply until the age of 25.

The Canadian Psychiatric Association also identifies an increased risk of schizophrenia and depression, as well as the earlier onset of symptoms of psychosis and bipolar disorder, among young people regularly using cannabis.

Additionally, colleagues, there is a paper from the Canadian Paediatric Society entitled *Cannabis and Canada's children and youth*. It states:

Cannabis use during adolescence can cause functional and structural changes to the developing brain, leading to damage.

It also writes:

In 2010, Canadian youth ranked first for cannabis use among 43 countries and regions across Europe and North America, with one-third of youth (regardless of gender) having tried cannabis at least once by age 15.

Their conclusion states:

Youth should not use cannabis recreationally because its many potentially harmful effects are serious. These effects are present in the entire population; however, the developing brain is especially sensitive to the negative consequences of cannabis use. Canadian youth are at significant risk for developing CUD —

— cannabis use disorder —

— and, possibly, for doubling their risk of having a psychotic illness. Driving under the influence of cannabis increases the risk for motor vehicle accidents.

And we know that cannabis use affects judgment.

Where cannabis has been legalized in the USA, children are requiring emergent medical care at greater rates due to unintentional ingestion.

Colleagues, that's not my opinion; that's from the report.

Honourable colleagues, I wanted to add this information and my thoughts to the official record of our debates in the Senate to help us understand the severity of the impact of any decision we make with this proposed legislation. If there was ever a time for the Senate to exercise its capacity for sober second thought, it is now.

**The Hon. the Speaker *pro tempore*:** Senator Lankin, do you have a question?

**Senator Lankin:** Yes.

**The Hon. the Speaker *pro tempore*:** Senator Wells, would you accept a question?

**Senator Wells:** Who is the question from? Sorry, Senator Lankin. Well, then no. Yes, I'll accept a question.

**Some Hon. Senators:** Oh, oh!

**Hon. Frances Lankin:** My friend and colleague, thank you very much for taking a question.

I appreciate the entirety of the case that you put forward, and I don't want to diminish that by zeroing in and asking a question on one point.

I share many of the concerns that you have. I come from probably a different perspective in terms of my belief that the war on drugs has not worked and that we need a public health approach. I think what is being discussed is whether or not this one makes the grade.

You said you found a hidden clause — I don't think it's hidden — that would not criminalize young people for possession under a certain amount, and you mentioned that you were shocked that they wouldn't be charged criminally. My understanding — and correct me if I'm wrong — is that they are still subject to an offence, but a provincial offence as opposed to a Criminal Code offence.

Are you suggesting that it would be better, in the context of this, to actually criminalize those young people?

**Senator Wells:** Thank you for your question, Senator Lankin. Not at all. By defining it in that way, it gives tacit approval to have it. That's my concern. I did find it hidden there. I don't know if you've ever read an omnibus bill. There are lots of things hidden in there. This is a bill that covers the full gamut but doesn't go far enough, in many cases, in the marijuana legalization legislation. Why doesn't it say from age 1 to age 17? If it doesn't specifically state that it is illegal to have it, it gives tacit approval to use it — or to have it — and to have it means to use it or sell it or be part of it.

[ Senator Wells ]

[*Translation*]

**Hon. Pierre-Hugues Boisvenu:** Before I begin my speech on Bill C-45, I would like to apologize for using a completely inappropriate expression earlier when talking about this drug, marijuana. It came out spontaneously when I was talking about the bill, and I want to apologize. This topic is very emotional for me, as I have loved ones whose lives have been destroyed by this drug.

Honourable senators, I rise today at second reading of Bill C-45, a bill that unfortunately raises more questions than it answers.

I want my comments to be very clear. I am in no way questioning the legitimacy of what this government is doing by going ahead with the legalization of marijuana. Since the bill was introduced in the other place, I have taken part in many discussions on talk shows on Quebec radio, and I have noted over and over again how worried parents are about the potential negative impacts of legalizing this drug.

I want to take a moment to commend the excellent work done by my colleague, Senator Carignan, and all members of the Standing Senate Committee on Legal and Constitutional Affairs in preparing for the work that lies ahead. I have noticed that the more we study this bill, the more unacceptable shortcomings we find in terms of the bill's objectives, which are, I repeat, to prevent young people from using cannabis and to take profits out of the hands of organized crime once it is legalized.

Personally, as a parent and grandparent, I cannot support this bill in its current form. The more I analyze it, the more I think we need to scrap it and start over. It will compromise the safety of our youth and the integrity of our society. This bill has too few checks and balances to adequately frame this new market, its investors and producers. It is clearly being rushed through by this government, which politicized the promotion of cannabis legalization and is now pressuring us to pass incomplete, imperfect, and unenforceable legislation.

The government claims that Bill C-45 was initially, I repeat, to have two objectives: reduce the role of organized crime and protect youth from marijuana consumption.

On protecting children, I find it particularly worrisome that children aged 12 to 17 can possess and distribute up to 5 grams of dried cannabis or, according to the regulations, 25 grams of fresh cannabis. Few advocates, if any, have demonstrated how sections 8 and 9 will keep cannabis out of the hands of innocent victims. How can a responsible parent accept such reasoning?

Is this an effective way of restricting youth's access to recreational cannabis and safeguarding them from the devastating effects of cannabis on their health, education, and personality? I doubt it, especially since we know that, today, in many cases, children start using this drug when they are only nine years old.

• (1600)

I have never agreed with criminal lawyer Michael Spratt, but this time, I agree with his criticism of Bill C-45's lack of consistency. I quote:

[English]

Bill C-45 also continues to criminalize anyone under 18 who possesses more than five grams of marijuana — an activity that will be perfectly legal for adults. Nowhere else in the Criminal Code is a youth criminalized for an act that is legal for an adult.

[Translation]

In other words, an adult found to be in possession of more than 30 grams of dried cannabis could end up with a \$200 fine, as set out in section 51. However, a young person aged 12 to 17 who is in possession of or distributes more than five grams would be subject to the Youth Criminal Justice Act. Is this inconsistent, irresponsible situation really going to protect children? Do we really want young people ending up in the youth criminal justice system? If so, they could end up there a long time.

The scientific community, and in particular psychiatrists, has some concerns about the pending legalization of cannabis. As my colleagues mentioned earlier, we know that cannabis is scientifically recognized for triggering psychoses. We currently do not have enough mental health resources to meet demand, and a number of young people are showing up at emergency rooms in a psychotic state after having consumed marijuana.

The Association des médecins psychiatres du Québec recommends that the sale of cannabis be prohibited to people under the age of 21. According to Dr. Édith Labonté, who sits on the association's board of directors, a compromise would be to pass a bill with a minimum age of 21. Credible studies confirm that the brain is still in development until the age of 25.

According to Dr. Karine Igartua, President of the Association des médecins psychiatres du Québec, the studies are clear. The higher the concentration of THC, the more frequently cannabis is consumed and the higher the risk of psychosis. Quebec psychiatrists recommended a maximum THC concentration of 15 per cent to 16 per cent. I still believe that we need to continue to study and learn more about the impact of the use of marijuana on the brain. The scientific studies that have been done to date are insufficient and legalization is a big risk, an unknown risk.

In Colorado, cannabis was legalized without any limits on THC concentration and it's possible to obtain cannabis with a THC concentration of over 30 per cent. We must find a way to limit the harmful effects of cannabis on the health of young people under the age of 25.

Let's talk about cannabis addiction. Dr. Bertha Madras, a psychobiologist in the alcohol and drug division of McLean Hospital, which is associated with Harvard Medical School, wrote, and I quote:

[English]

More than 15 percent of teens who try marijuana will become addicted, and those who use weekly report experiencing bizarre thoughts, paranoia, and hallucinations. Marijuana use during adolescence is associated with reduced motivation and poor educational and employment outcomes. . . . For youth ages 12 to 17 in the state of Colorado, past-month-use of marijuana increased 20 percent in the two years after legalization, compared with the two-year period before legalization. Drug-related suspensions and expulsions increased 40 percent.

[Translation]

Cannabis addiction is real and it can compromise young people's future. It can also create a financial burden for parents who have to pay astronomical amounts to send their children to detox centres. I believe that a provision should be added to the bill that would ensure that any fines charged to delinquent producers are put into a fund to be used exclusively for youth prevention initiatives and to provide support for detox centres. That would not be excessive considering how little effort the government is putting into this right now.

Sadly, the plight of Indigenous youth is also being overlooked in this matter. Christian Awashish, the chief of the community of Obedjiwan, says he is deeply troubled about the impact that marijuana legalization will have on youth in his community. His concerns caught my attention. On November 22 last year, he told Radio-Canada, and I quote:

This is disastrous for us. There is going to be increased drug use and greater access for children. . . . I can't imagine a scenario like this. I'm angry with the Canadian government's decision to go down this road.

I agree with the chief of the community of Obedjiwan. Indigenous youth, as all other youth in Canada, do not deserve to see their generation sacrificed for the benefit of the cannabis industry, its lobbyists and its shady investors, who will pocket hundreds of millions of dollars in profit at their expense. As Dr. Stanley Vollant, another member of the Indigenous community, has pointed out, although Indigenous communities can ban drug consumption on their lands, some are located so close to cities that the ban will not be effective.

When you analyze and support this bill, remember that the children, your children and grandchildren, should, in theory, be top of mind for the current government.

With regard to organized crime, the government's second argument for legalizing cannabis, the *Journal de Montréal* has raised a serious concern: 40 per cent of the cannabis producers operating today are financed with money from tax havens, typically the Cayman Islands. Let's not forget that much of the money that gets sent to tax havens comes from organized crime, which is selling illegal drugs here in Canada.

Nevertheless, the bill will not penalize individuals who have a criminal record for drug-related offences. Fraudsters and members of organized crime will not be covered by this exemption. This grey area that will allow organized crime to come back and gain partial control of the legal cannabis market.

Under subsection 5.1 of the Tobacco Act, a tobacco producer is subject to a \$300,000 fine and a maximum prison sentence of two years or either of those penalties if he adds any flavoured additives to the tobacco. However, under Bill C-45, an organization that solicits a young person to sell marijuana, for example, would face maximum fines of \$100,000. In other words, it is \$300,000 for tobacco and \$100,000 for selling marijuana. It is a double standard. That sentence will in no way deter organized crime from returning through the back door.

Under this bill, the minister would allow four marijuana plants per household, and would set up a tracking system to the tune of millions of dollars that will serve no purpose in apprehending individuals going around with trafficked cannabis in their pockets. Worse yet, if you grow an extra plant or two, you will be fined \$200 when the harvest from the plant is worth between \$1,000 and \$2,000.

We strongly believe that this legislation will result in a phenomenon known as the grey market, marijuana sold on the side illegally. The show JE on TVA consulted an investigator who specializes in organized crime. This experienced police officer was involved in dismantling a number of drug networks, mostly marijuana. He highly doubts that organized crime will be affected by the bill. Criminals do not have to pay taxes, and have no collective agreement or minimum wage to abide by. According to him, organized crime has been preparing to adjust quickly to the new legislation by cutting production costs. It will be like contraband cigarettes. I would remind you that in the Eastern Townships alone, where I live, 40 per cent of cigarettes smoked by high school students are purchased illegally. When taxes on the product increase, legal consumers go back to the illegal market.

[English]

The federal government missed a great opportunity to show leadership by prohibiting the sale of cannabis through the Internet. As of right now, provinces will need to decide if they will allow online sales or how they expect retailers to enforce minimum age requirements. Purchasing online and receiving through home delivery will create additional problems. As you know, it is pretty easy to lie about your age when you're in front of a computer screen.

[Translation]

In its January 1, 2018, edition, London's *Daily Telegraph* reported, and I quote:

[English]

Drug dealers are increasingly using social media sites such as Instagram and Snapchat to sell substances to young people, experts have warned. Youth workers have said the

“disturbing” trend has rapidly accelerated within the last 18 months, with dealers using the platforms to target children under 13 years old.

• (1610)

[Translation]

The committee that studies the bill must consider how organized crime will get around the law after the bill is passed. Criminals already sell their drugs online, yet the bill does not address this steadily growing problem. Canada is already behind the times.

The Conservatives oppose marijuana legalization. Their political platform supports decriminalizing simple possession and pardoning people with recent convictions. That would have been a more prudent approach and certainly more reassuring to fathers and mothers who view legalization as a tragedy for Canadian youth.

The Conservatives are not alone in preferring decriminalization to legalization. In a recent Radio-Canada interview, Innu surgeon Stanley Vollant, for whom I have tremendous respect, said:

I think the Trudeau government should decriminalize it right away and wait a while before legalizing it so there is enough time to prepare a proper framework for that.

As it dawns on Canadians what a shoddy, slapdash approach to legalizing this drug the government is taking, a growing majority believes that this alternative is the best way to deal with marijuana in Canada.

Honourable senators, I encourage you to make the responsible choice. I also encourage you to feel free to make the necessary amendments to this bill. MPs in the other place heard from 109 witnesses, but unfortunately, they adopted very few amendments.

Bill C-45 is an important piece of legislation that we are being asked to vote on in this chamber. When we study this bill, we must keep the interests of parents and young people in mind, not the interests of politicians or the cannabis industry and its lobbyists. We must think of young people and our most vulnerable citizens first. Legalizing marijuana, as this bill proposes, could lead these people down a dangerous path, and the government would then be forced to step in sooner or later to save them.

**The Hon. the Speaker *pro tempore*:** Your time is up, senator. Would you like another five minutes?

**Senator Boisvenu:** I would appreciate that, yes.

I will conclude my comments by saying that Canada has a duty to do better and to do something different to protect our youth. I will repeat that, at this time, in emergency rooms across Quebec, nearly 50 per cent of cases of psychosis are caused by cannabis intoxication. That is why I urge caution. The repercussions of cannabis-induced psychosis can be permanent.

I want to tell you about a doctor friend of mine. The parents are my age, and their 21-year-old son went to a party at the University of Montreal, where he smoked a joint. He is now 34 and has completed his studies, but he no longer has any hope of fully developing his skills.

Marijuana is a drug; it is not tobacco. It is 10 times more powerful when it is inhaled. I urge you, on behalf of the children of Canada, to be very cautious. We need to take our time and make sure that we are not creating more victims than we already have today. Thank you.

[English]

**Hon. Larry W. Smith (Leader of the Opposition):** Honourable senators, I rise today to speak to Bill C-45.

Since the bill was passed in the other place, we have heard significant concerns from many of our colleagues of all parties and groups here in the Senate, representing all corners of the country. And, fairly stated, they reflect the wide range of opinions held by Canadians. I think this has been a good and worthy exchange, as what we have heard will inform the work that remains before us and demonstrates the seriousness this matter requires.

It is my goal today to be faithful to my role as senator in this chamber, as a member of the Official Opposition, and to my obligation as Leader of the Opposition. At its core, this means our work must strive to ensure that all views contrary to those of the government be fully voiced and considered. We must be a voice for those Canadians who have significant and valid concerns about the policy choice their government is making.

[Translation]

As I said early on during my comments in committee of the whole on February 6, Conservative senators will examine Bill C-45 with the seriousness and careful attention it deserves.

[English]

I will briefly touch on five areas of particular concern to Canadians and cite general elements where the government appears to be less than fulsome in its consideration of the matters arising from their policy choices that they themselves advance as being in the interest of public safety and driven by a central commitment to harm reduction. Public safety and harm reduction is their standard, and the Senate is here to determine if that standard is met and, if found otherwise, advise and amend the legislation accordingly.

First, children and youth: As I've listened to my colleagues, I conclude that one of the more commonly held concerns deals with the impact that the government's policy approach, including legalization, will have on the health and well-being of our children and youth. Over the past few weeks, senators have received hundreds of letters and emails from concerned Canadians who wonder why the government is, in their view, putting the health and safety of our children at risk with this legislation.

[Translation]

As a result, it would be good to develop some public interest criteria to evaluate the government's choices to determine whether they are protecting our children and youth, as the government claims.

[English]

I want to pay particular attention to children living in homes where once this bill is passed, absent fear of significant legal penalties, there is likely to be increased direct and indirect exposure to cannabis. Whether it is consumption or homegrown plants, children are not afforded any protection from adults legally smoking up and growing plants.

Some may be likely to suggest that people smoke and grow now prior to the introduction of this bill. I'm certain that this is true, but they do so facing legal consequences that will be overturned if this bill is made law in its current form.

So I share the concern that having made great efforts over many decades to protect Canadians, particularly children, from the unwanted impacts of second-hand tobacco smoke, we ought to make extra efforts to not set back all of that progress by legalization without adequate protection.

The argument that the provinces will put in rules persists in our discussion. As of today, however, this remains unclear. Preparations to sell the product have taken place; however, they are unprepared to protect people who will be impacted and without any protection, not now, and maybe not for a long time, perhaps never. This issue needs to be addressed.

With regard to youth, health professionals have told us that the brain continues to develop until the age of 25, yet this legislation sets the legal age limit for consumption at 18. The Canadian Medical Association has stated the following: "We still want to set the age at 21, and maybe 25, because the damage done to the brain will be permanent."

[Translation]

If the brain continues to develop until the age of 25, it may be a good idea to take the Canadian Medical Association's advice to increase the age limit for consumption to protect the brain development of thousands of youth.

[English]

Next, public education and prevention: Shifting the focus, we have also learned concerns on the government's efforts aimed at prevention, education and protection of health and well-being. If legalization brings greater exposure and signals normalizing social acceptance, it then demands a corresponding harm reduction and public safety effort. We have seen responses from other jurisdictions that lead me to believe that the implementation of legalization so far is too advanced in comparison to prevention and education efforts. In other words, lots of words but not enough execution.

At the Committee of the Whole last month, the Minister of Health mentioned the government is investing \$46 million in public education and that the national program should be launched in March. I have yet to see this key national public education advertising campaign or any indication that we will in the near future. I did send a letter this week to the Minister of Health asking her that question, because I did ask it at the Committee of the Whole.

[*Translation*]

The Minister of Health said the following in committee of the whole. I quote:

... we have learned much information from our friends in Colorado. They told us that if they had to do this again, they would certainly move forward in making sure that public awareness was in place before the product became legal, and that's exactly what we're doing.

• (1620)

[*English*]

What they were saying is that if they had to do it over again, they'd put more money in and have a bigger program.

While Minister Petitpas Taylor said that this is exactly what is being done, I would argue that this is not the case. We are not ensuring that public awareness is in place before the product is legalized. How can it be in place when the national education campaign has yet to launch, even though we are a mere few weeks away from legalization? Dr. Mark Ware, co-chair of Ottawa's Marijuana Task Force has also stated:

Canada should immediately boost spending on intensive public education and research into the impacts of marijuana and not wait until 2018.

Fellow senators, please allow me to take the time to look at the educational timeline, as I find it very troublesome. It is a known fact that youth will better receive information from trusted mentors such as teachers, coaches and parents. It appears that the educational program targeting youth will not be prepared in time for this year's school cycle. When does school end? School ends in June. If training doesn't start before June, what happens during the summer? The kids play and fall asleep, and we all fall asleep during summer vacations.

So this means that our young generations will not be taught about the implications and dangers of consuming marijuana in schools prior to its legalization. The lack of planning by the government on the educational campaign is deeply concerning.

The recent budget announced funding amounting to \$18 million — that's on top of the 46 — in the next fiscal year. Senator Petitclerc was very clear in her definition of the percentage of dollars spent in Canada; it will be much less. But the funding will only kick in after marijuana legalization. It would seem to me that the Minister of Health is not taking to heart the lessons learned from Colorado, nor the advice from her own task force. If she were, we would have had a national

program launched and under way months if not years ago. The Liberal Party included marijuana legislation as a central point in their election platform.

The groundwork on educating the public, and especially our youth, should have begun as soon as the current government took office. But it was not, and in neglecting to do so, the government's commitment to a harm-reduction approach must be called into question.

Public safety is another area of common concern. Whether it is the government's decision to focus first on the legalization of smoking products — products that are banned in some jurisdictions where other forms are accepted — or the absence of THC regulations, there is ample cause for concern.

[*Translation*]

According to the Fédération des médecins spécialistes du Québec, the marijuana being consumed today has a much higher THC concentration, which can mean a greater risk of addiction for some consumers. Why doesn't this bill set THC limits to protect the brain development of our future generations?

[*English*]

That's basically just saying: Why do we not have a THC regulation now? It will be especially important to set limits on potency for edibles, concentrates and marijuana-infused products, as we have seen in the case of Colorado.

Honourable senators, would it not have been prudent to learn from Colorado's experience and set clear potency limits now? Perhaps, for that matter, legalize and strictly regulate these forms, while maintaining a ban on smoking marijuana? In this case, we have only a commitment to introduce regulations on edibles and extractives at some ambiguous later date. It seems a step backwards or at least a misplaced sense of priority.

A rigorous and comprehensive regulatory framework for public safety that enables this bill is clearly needed. The government, having chosen not to follow the normal regulatory development process and cutting corners along the way, will only present the final regulations after the bill becomes law.

I refer back to Question Period this week, when I asked Minister Brison: Why are you not putting this into the pre-period? He didn't answer the question. It was the most interesting answer I've ever heard. I couldn't understand a goddam word that was said.

Excuse my language. It is unparliamentary, but at the same time, we are citizens of Canada and we are fighting for citizens of Canada.

It will not, in a public and transparent manner, and following their own rules, pre-publish and consult on the final form of regulations. This, to many of us, is an alarming approach to a matter that the government claims is driven by public safety and harm reduction. Where is the harm reduction in cutting corners on regulations?

[ Senator Smith ]

Enforcement: I would like to speak to the black market traffic in marijuana. I will reiterate what several of my colleagues and RCMP witnesses at committee have already stated. This legislation will not eliminate the black market as this government so adamantly claims it will. With the delay in bringing edibles into the fold and leaving other marijuana-infused products outside of the legal framework, this bill will ensure that the black market continues. Home and outdoor growing will also fuel the black market, especially since the height restriction on plants in homes was removed.

My goodness, those plants are growing.

As my colleague Senator Vern White has said, the only way someone under 18 years of age can buy marijuana under this legislation is illegal, both in activity and in product. Imagine looking out across a classroom of 12 to 13-year-old children, all permitted to have five grams of pot on their desks.

I share the concern that there is a flaw in this legislation. Why have we left it to the provinces and territories to prohibit youth possession when we can demonstrate leadership and do it at the federal level? While youth under 18 can possess up to five grams of dried cannabis without offence in this legislation, it is a criminal offence to sell or give marijuana to youth under the age of 18. I have not heard much from the government, other than leaving it up to the provinces and territories about what strategies have been examined to minimize the likelihood that youth will be able to access the black market.

[Translation]

Furthermore, we know that foreign tax havens are being used to finance Canadian marijuana companies. In the past few weeks, several Quebec media outlets have reported that nearly half of the 86 companies that have received Health Canada permits to grow marijuana are financed with money from tax havens, which are often used for money laundering purposes by organized crime.

[English]

As recently as this past Tuesday, the government mused aloud about the changes they intend to make. Intend to make? I thought they had all of this thought through. This is clearly not the case.

This brings me to how this legislation will introduce new judicial burdens, despite claims from the government that the legislation will lessen them.

Throughout the study of Bill C-46 at the Standing Senate Committee on Legal and Constitutional Affairs, experts have repeatedly stated that this legislation is ahead of the science. There is currently no government-approved roadside testing technology for marijuana impairment. So what does that mean for the officers who are supposed to implement this on the streets?

The committee has also heard from witnesses that there will be constitutional challenges by people who are facing the consequences of having a criminal record for drug offences without scientific certainty. This is the opposite impact of what the government is intending.

Indigenous impacts: The Minister of Health highlighted that she had heard from our Indigenous communities that they also want to ensure that the programs are going to be currently sensitive and meet their needs. We have heard assurances that consultations have been held that meet the legal and constitutional obligations given to our special relationship with Canada's First Nations people.

I have examined the record and have come to the view that what has been done and what the government plans to do falls well short of the mark. What I hear leaves me unconvinced as to the government's intentions. I'm especially concerned with the impact on health for Indigenous people in Canada.

Over the last month, Senator Patterson has spent hours travelling and discussing this legislation with elders, leaders and concerned citizens all over the Far North, and the response has been clear. Communities are not prepared to implement this legislation as they are not receiving the necessary supports for addiction and mental health treatment.

[Translation]

Sadly, in Canada, suicide rates among First Nations youth aged 15 to 24 are five to six times higher than in the non-Indigenous population. In communities where depression and suicide are still widespread, I fear this bill does not put forth the extraordinary efforts it would take to help Indigenous peoples.

[English]

**Hon. Frances Lankin:** Thank you very much. I have a couple of questions, but I want to begin seeking clarification.

• (1630)

I agree with a lot of concerns you have raised, by the way. I did, however, hear you say that the law would permit a group of young people to have five grams of pot. I'm not disputing what you say, on their desk — that's not the issue — but that it would permit them. I didn't understand the bill that way. I'm wondering now, because Senator Boisvenu said the same thing. Am I misunderstanding something? Is that accurate what you said to us?

**Senator Smith:** Senator, I will take your question under advisement and double-check. From the information I have received, there would be an availability of children 12 to 17 to be able to have actual marijuana in their hands — excuse me? No, I'm not being critical. Did you have something to add?

My understanding is that some of the provinces are stepping up to disallow children or young people to have some of these options, and the point in here was, well, let's make sure if there is any confusion or conflict between the provinces and the federal body, let's get the federal body to take the initiative. Let's not push on the provinces what can be done at a federal level. What leadership should we be taking? Because it's easy to pass it on to someone else.

In my short life — which is getting longer, hopefully — it really bothers me when people in authority pass the buck to someone else and say, “You do it,” because it’s not for them to do it; it’s for us to do it.

**Senator Lankin:** Thank you. My understanding is that it doesn’t permit them. In fact, it is still is not permissible, but if they are found to have that amount, they will be treated under a juvenile system or a provincial system, and they will not be criminalized or have a record that will follow them and they won’t go to jail at that age. That’s my understanding. You said something different. I just wanted to make sure we were talking on the same facts.

The other thing that I find difficult in exercising judgment — that’s our job — is the conflict in views that come forward from professional organizations. So again, you and Senator Boisvenu referred, I believe, to the CMA and their view that the age limit should be higher. I think he said a compromise at 21; you said 21 to 25.

I was just wondering if you are aware. I was reading just this morning from a blog from the Canadian Association of Paediatric Health Centres and the pediatric chairs of universities who were here on the Hill giving a panel presentation sponsored by Senator Oh. These are two very credible medical organizations dealing with youth. They said that the consensus was that age 18 or the same age as alcohol, because in some provinces it’s 19, was preferable from a harm reduction point of view. I think that means being able to get in and do something with people, understanding they are probably going to smoke, let’s get it regulated and quality controlled and all of that.

That is not disputing the effect on the brain. It’s saying a better way of dealing with it is through a harm reduction approach. I was just wondering if you could comment on that with respect to the age preference?

**Senator Smith:** I did go to the presentation. I hope it was the same people you saw who were doctors. Each doctor was pretty consistent in saying it should be more than 18 years old; it should be between 21 to 25 because of the impact on development of the brain. And then, of course, people say publicly that, well, because of liquor laws we need to put it at 18 or 19. I understand that argument.

I guess the point that frustrates me is let’s look at other elements, and some of us in our families have it. We have people, grandmothers, aunts and uncles, who were alcoholics and passed that gene on to their children, and then grandchildren who now are alcoholics. The biggest growth with that type of addiction issue is with young girls 18 to 35 years old. I have a couple of friends whose daughters are 35 years old who are binge drinkers. If you have never seen someone who becomes addicted by being a binge drinker, I mean, I cry every time I see these people because they have been gone for treatment now for over two years. Their families have spent over \$200,000 just to get them through.

So the issue of age and doctors, when I hear five doctors say consistently the same thing, whether it’s 21 or 25, what they’re saying is the range we should have is between 21 and 25. The

issue is who has the political courage to try to implement that because of the factors that we say, well, kids are getting booze at 18 and 19. Well, God, I got beer when I was 13. I used to give somebody five bucks and they would buy us two beers. We would have two beers and smoke a cigarette and go home. My parents would say, “Have you had anything to drink?”

Guess what we learned. We learned that if you do it too often you’re not going to feel good. We were lucky. I didn’t have in my family anyone who had any alcoholic tendencies, so I learned the hard way. Is that the same thing that will happen with marijuana?

More importantly, if we have scientific evidence that brain development is affected from 21 to 25, I think we should listen to that. It’s important to listen to that and not say that no, because we can get booze at 18 or 19, we should leave it at 18 or 19. I’m not sure it’s the right thing to do.

**Senator Lankin:** One last question. Again, I think the point you raise is something we should explore very seriously at committee.

I will just let you know that the blog from these two organizations refers to that meeting and says that one the recommendations the panel talked about around minimum age was that the consensus that alignment with legal age of alcohol consumption was most desirable from a harm reduction perspective.

I don’t know how it went from the meeting to this, but I think this issue of harm reduction and where it fits in and to what degree is important for us to explore, because I have seen, in terms of treatment of alcoholism, the same thing, the harm reduction approach.

The last question I want to ask you, then, is I appreciate your commitment that people are going to be digging into these issues at committee, and I likewise want to do that. Does that mean you will vote in principle in favour of this bill to get it to committee?

**Senator Smith:** I’m glad you brought it up, because I have been very direct. I have a great relationship with the government leader because I respect him. I know he has a tough job to do, and I think hopefully he has some respect for what we are trying to do.

I’ll put it on the table now. We talked about that particular subject. Many of us have very strong feelings about this legislation.

Concluding remarks, because it doesn’t take 45 minutes to make a speech, hopefully, that makes some sense.

Honourable senators, we know that there are many outstanding concerns, and I appreciate the opportunity to speak with you today. The bill’s goal to protect youth, in its current form, is failing. This failure will be at the expense of irreparable damage to children and youth in particular and society in general.



[Translation]

As senators, we need to make the health and safety of Canadians our priority. Based on the evidence we have seen to date, not to mention the unforeseen consequences that have been observed elsewhere, it is clear that this bill is a cause for serious concern.

[English]

This government has decided to steamroll ahead, refusing to listen to the recommendations of medical experts, law enforcement experts and even other jurisdictions that have legalized marijuana. It is up to the Senate to demonstrate that there needs to be greater regard for the consequences, greater attention paid to managing the risks and concerns that have been identified, and serious action on public education.

Fellow senators, as members of the upper chamber, let us be faithful to our role of sober second thought and collectively make valuable contributions in the best interests of all Canadians. This is what Canadians expect us to do. If the key issues I've raised are not addressed, this bill will in fact not protect Canadians, and we will have failed Canadians.

[Translation]

Let us remember that our common cause lies in the difference we can and must make by working together to protect Canadian communities and families while we continue to study this bill. Thank you very much. If I can summarize, it's quite simple. There are a lot of holes in that legislation so you have two choices in your mind set: Do you move to try to make it acceptable or better or do you make a decision at this time?

• (1640)

[English]

We are in the opposition. The opposition's job is really to look at legislation and if we don't agree with it, we oppose it. So in this particular case, in asking me if I vote for it I would say that what is most important is for the government and the people who believe in the government's direction to vote very strongly with their hearts in favour of doing this, if this is what you want to.

**Senator Lankin:** Get it to committee!

**Senator Smith:** This is what the obligation of the government leader is to both the people on the other side and on this side of the table. Our role is to make sure we do understand what we're talking about and to make sure that we have talked amongst ourselves and come to a consensus.

We have a tremendous group with tremendous discipline and a tremendous respect for our kids in Canada. If you're asking me if I'm going to vote for it, well, we've already decided amongst ourselves largely to do what we think is right and I think I'll do what is right when we come to that point today. I would encourage you folks to do what you think is right because this is a government piece of legislation that the government puts forward and it's not for us to make that decision.

**The Hon. the Speaker:** I saw a number of senators rising first, Senator Raine. Senator Omidvar, do you have a question?

**Senator Omidvar:** Thank you, Your Honour. My questions have been asked and answered. I won't take up the honourable senator's time.

[Translation]

**Senator Moncion:** My question is for Senator Smith and relates to what he said about his group. I don't know whether you paid attention to the speeches given by the senators on this side of the chamber. However, I must say that we are not part of the opposition and we are not siding with the government.

Many senators shared their concerns about certain aspects of this legislation as it currently stands. The senators who spoke talked about the parts of the bill that they are uncomfortable with and their concerns. We expect all of the concerns identified, whether they have to do with age, packaging or edibles, to be examined in committee.

Moreover, you do not seem to want this bill to be examined in committee. My question is this: how do you expect this bill to be more carefully analyzed if it is not sent to committee?

**Senator Smith:** Thank you for your question, Senator Moncion. Just to be clear, what I said is that the government's job is to implement policies and laws. As members of the opposition, our job is to criticize and analyze.

I told Senator Harder that we would assess all of this in our role as the opposition. I never said that we didn't want to do this or that. What I said is that it was up to you as a parliamentary group to make your own choice, because on this side of the chamber, we will certainly choose how we want to proceed. That is the point I wanted to make.

**Senator Moncion:** I would like to make a clarification. As far as our group is concerned, every independent senator makes their own decision. Contrary to what you might think, we do not make decisions as a group.

In light of those facts, I would like to know how far along we can expect to move this bill.

**Senator Smith:** That is the challenge with the way the Prime Minister decided to structure your group. On some points you are asked to make up your own minds, independently. However, as a group, you have to follow the plan that you established. That is the truth.

To be honest, I don't want to cause any conflicts, because I believe that you are all very competent. However, on our side, we are very proud of our approach, which is in keeping with the rules of the Westminster parliamentary system. We are not consultants. Our group always makes its decisions after lengthy discussions and questions.

[English]

**Senator Raine:** Would the senator take another question?

**Senator Smith:** Yes, go ahead.

**Senator Raine:** As an independent senator — we are all independent senators. The only way you could be dismissed from this chamber is to be convicted of an indictable crime. We are independent. I pride myself on my independence.

As an independent, Conservative-thinking senator, I have a question for you because you have a lot of experience in business. I understand that when a product is a legal product for sale in our country, that comes with it — I think according to our Constitution and freedom of speech — the right to market and promote that product. My understanding also is that most businesses work by a bottom line where the whole idea of a business is to make money and, basically, to sell a product at a profit, increase your market share and drive value to the shareholders, even if they are located in an offshore country.

If we are going to go from a product that is not legal for sale to one that is legal for sale, do you think there is any possibility that there will be less of that product sold?

**Senator Smith:** Well, you are talking about two factors. First, what will the legal market be for marijuana? The president of Canopy Growth Corporation — after the first visit that Senator Dean set up — was eloquent when he started talking about his market cap and the expected market cap as his business would grow. As a legal producer, this market will grow significantly. At present, the illegal market in Canada is \$7 billion a year, so the legal market will be a multiple of that market. There is the legal sales and increase of market cap and then, in the legal market, will that legal market continue?

I don't have statistics in front of me, but I would guess that illegal market will continue. Will it thrive? I suggest it will thrive, and it may possibly thrive on people who are under age acquiring that product. Again, we have to look at what we're doing to see how this whole project will advance with the legal market and the illegal market.

Don't forget the people who invested in the companies. Half of the 86 companies that have investments are from offshore money and, in many situations, that comes not only through the wealthy in our country and in other countries, but also from organized crime. There are direct and indirect issues that affect legal sales and potentially illegal sales.

**Hon. André Pratte:** If I understand the Leader of the Opposition's position correctly, when he says that the federal government should not pass the buck for five, grams and less for youth, that means the federal government should throw the Criminal Code, with its full weight, at young people who have five grams or less. That's what this means. That's what the bill says, that for five grams and less the federal government will not sanction young people with a crime. That's all the bill says. Therefore, what the provinces can do and have done is say that the provincial law will apply to those young people.

Are you in favour of having crimes for young people aged 12 to 17 who have five grams or less; are you in favour of that?

**Senator Smith:** Could you repeat your question? There was a lot of noise.

• (1650)

**Senator Pratte:** Are you in favour of young people 12 to 17 with five grams or less of marijuana being charged with a crime?

**Senator Smith:** I think part of the motivation for your question is your perception of past governments and some of the tough on crime issues that were brought up. What I would suggest, because it is a question that is important, is that we thoroughly think through some of the issues that may be nebulous or grey areas with this new legislation with young people. Obviously there has been a move over time to try to make sure that we don't penalize young people unfairly.

I wouldn't appreciate having words trying to be put in my mouth as to whether I think criminalization and increasing criminal penalties is the answer. I think the real answer is making sure that whatever we do with implementing the policies surrounding legalization, we think it through, and we utilize every element possible to make sure that we have fairness.

One thing you haven't asked me any questions on, which is something that bothers me — on the Finance Committee we dealt with the Indigenous community. The Indigenous community to me is not being served. Just from what I hear from Senator Patterson, these poor folks are in remote areas with no infrastructure or support structure, not a strong police force and have to use RCMP and outside people. We need to make sure that these people, who are potentially the most threatened people, are going to be taken care of, the young people.

We saw these young kids come in here and saw the pride in their eyes when they were standing up. But think about the kids out in the boondocks who don't stand up. We have to take action. Stop talking and get things done to have results. We need results but it has to be action.

Most of our argument is based on a lot of talk, no action. Look at the track record, Senator Pratte; two and a half years, lots of promises, no results. My life has always been one thing, don't talk about promises, talk about results. In my life it has helped me. Hopefully for us as a group we can find some ways to make results. Our group does a great job, everybody involved, but let's focus on what we need to get results.

**Senator Pratte:** I'm not questioning your record, Senator Smith, you know that. My only question was the bill says that it would not be a crime to possess five grams or less for these youths, therefore you suggest that the federal government should do something for these young people, what is it that you suggest the federal government should do?

**Senator Smith:** Make sure that any confusion that could exist with the drug and with young people of a certain age, let's make sure we clarify it and set up the best possible situation or rule so that there are not people falling into traps that could be harmful to them and their future. If there is any confusion, let's identify

and fix the problem and let's stop talking about all the potential things that could happen. Let's fix the problem now. Let's do it now. That's the problem that many of us have with this legislation, it has too many holes.

**Hon. Nicole Eaton:** Leader, I'm going to follow on Senator Pratte's question about the five grams that are allowed to a person of 18 and younger. I've asked this question at the Standing Senate Committee on Legal and Constitutional Affairs and they do admit, yes, somebody could have five or six joints in their pocket. Senator Pratte is saying we don't want to use the full force of the law, but are you aware that we could choose to have zero tolerance for anybody under 18? We could also decriminalize so anybody caught with five grams or less could simply be a fineable offence and decriminalize that little section. Perhaps you have read the bill differently, I have found them to be unaware, not thought through.

Have you thought about if I'm 17 where will I buy it, because I can't buy it legally. So where am I going to get it?

**Senator Smith:** Senator Eaton, I had the opportunity to speak to the Association des Parents Catholiques du Québec, Canada. It was fascinating. Here are two points that you might find interesting. The ladies said that the vast majority of parents they speak with are not up to speed and are not aware of what is going on. One of the elements they want to protect young children against is they don't want any pot sold within one kilometre of the schools in the school zones. I asked the question, how do you prevent that without having enforcement nearby to make sure? They say the SAQ told us we won't set up within a kilometre of your facility. I'm not sure if any of these kids in primary or secondary school will go to an SAQ to buy it. There seems to be a lack of understanding of what parameters could exist.

My only point — and I said it to Senator Pratte without trying to be obnoxious — if there are holes and we can get things done up front, I think it is better to get things done in front of the action as opposed to behind the action. Even in business we had similar issues. You look back and do a postmortem or an audit and say that we could have done this better or that better, but what about if there were four or five things that we could do better right now? Let's do it now.

**Hon. Ratna Omidvar:** I think some of the issues you raised are issues many of us are concerned about; age limits, potency levels, interaction with other substances. You pose these questions. We get the answers to these questions in committee where we hear from witnesses, where we hear from stakeholders and we hear from experts. In fact you were part of the arrangement that sent the bill already to Aboriginal Affairs, to Legal, to Foreign Affairs and maybe some others, I'm not remembering. So I'm a little confused by the yin and yang here. You have sent this here, but you're blocking it here. You're posing questions. You have said that you will be voting against sending it to committee.

**Senator Plett:** He didn't say that.

**Senator Omidvar:** I heard that, so perhaps the honourable senator can clarify that for me. If you want answers to these very sensible, important questions, isn't the committee the right place to do so?

**Senator Smith:** Senator, I have the greatest respect for you. I met you early in your entrance into the Senate. Honestly, I don't remember saying anything about voting against sending this to committee. What I did say was in my discussions with the Leader of Government Representative, I suggested that we are not the ones who have to get your work done for you. What we are trying to do is be — no, no, seriously. People are saying we are going to block this. Well, we're looking at this and we have done a lot of study. Whatever decision we come up with, we have independent people who can do what they want because we will ask them what should we do. When we ask our folks what should we do and our folks tell us, we listen, because we have the discipline within our group because we work together to come to conclusions.

I never said what we were going to do. I said it to the media. I'm tired of people saying, "You're trying to block this." Wait a second, we are trying to do our jobs. What happens if we feel that there are enough significant issues involved, that we may not want to support something? Are we being obstructionist people? No. If the government has a program and a plan, it's up to the government to get its plan through. We haven't changed this great group of people yet into a bunch of consultants. I don't have a problem with consultants, but I do have a problem with people who feel they're in a position where there has to be some form of coordination and teamwork to get to a conclusion with whatever you do. We've got that.

• (1700)

This is what I think you folks are striving to create. You have Senator Woo and Senator Saint-Germain —

**Senator Lankin:** Definitely not that.

**Senator Smith:** If it's not that, whatever you want to have is what you're going to have. I'm just telling you what we have. Please do not tell us that we're being obstructionist and not doing our job. We are doing our job. We've worked very hard. Senator Carignan has been working very hard. He's got 800 articles and has been doing research. As our critic, he has been explaining what we are going to do. We have a strategy among our leadership group. We have everybody involved. We have social media people who are doing a great job.

But don't try to say to us that we're the ones who are blocking things. You are the ones who have to get it done. Senator Harder and I understand that.

Senator Lankin, I have the greatest respect for you. You and I have sat together and talked. I'm not pointing at anyone. I'm sorry; I should have cut my hand off. I went for a pass.

It comes to the point where it's up to you folks to make your choice. We will make ours, too, because we have the right to make our choice.

**The Hon. the Speaker:** On debate, Senator Carignan.

**Some Hon. Senators:** Hear, hear!

[*Translation*]

**Hon. Claude Carignan:** Honourable senators, it's almost time for the second reading vote on Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts.

The first thing I want to say is that my initial reaction when the Prime Minister made this campaign promise in June 2015 was one of surprise. Why? How did legalizing cannabis become a priority for our society, and, more importantly, how did giving up on the problem come to be seen as the solution? I have always believed in decriminalizing simple possession, and I don't think young people should bear the stigma of a criminal record for a minor offence. Our understanding of the subject has grown since the beginning of this debate, and I still believe that. However, the government wants to go further than that and make us the first country in the world to legalize the sale of cannabis.

I have tried to be as open-minded as possible about this, but, for a number of reasons, I am very deeply concerned about the push to legalize cannabis consumption so quickly. I would like to offer an objective and practical perspective on the issues associated with Bill C-45. By legalizing cannabis use hastily, without scientific evidence and against the advice of medical experts, the government is violating one of the modern-day public policy maker's guiding principles: the precautionary principle. This internationally recognized principle has been a statutory prerequisite for all French legislation since 2005. The precautionary principle applies to situations where there is insufficient evidence to scientifically establish the risk of a human activity causing significant harm to the environment, public health or food security.

In this case, the human activity in question is the legalization of cannabis, a product consumed by humans. This principle has been cited in certain court rulings in Canada and is enshrined in the Canada Consumer Product Safety Act. This bill will profoundly change our society. The haste with which it is being pushed through is troubling. Haste implies improvisation.

The Minister of Health says the act will come into force 8 to 12 weeks after Royal Assent. In the U.S. states that have legalized cannabis — by referendum, I should add — the effective date was 12 to 24 months after the legislation was signed into law. Colorado legalized cannabis on December 10, 2012, and sales began 12 months later, on January 1, 2014. Washington State legalized it on December 5, 2012, and sales did not begin until 18 months later, on July 8, 2014. Lastly, California legalized it on November 9, 2016, and sales began 13 months later, on January 1, 2018.

Uruguay spent four years getting ready before making cannabis available through a network of pharmacies. This gave local governments, police and health officials much more time to prepare for the change. They also had the benefit of 10 to 15 years' experience conducting random drug screening on high-risk workers such as public transit drivers, airline pilots, train engineers and school bus drivers.

Despite this, representatives of these U.S. states told us that when these laws came into effect, they realized they really were not prepared enough. Does Canada, a country 37 times bigger

than Colorado, seriously think it can do this in eight weeks? We've heard provincial governments, police forces, medical specialists and many other organizations beg the federal government to slow down so this important transformation can be done properly.

Whatever you think of Bill C-45, you have to admit that this has been a learning experience that launched a national debate on cannabis. For instance, we know that a growing number of Canadians feel that people shouldn't be saddled with a criminal record for possessing small amounts of the drug. Also, some of Bill C-45's objectives are certainly commendable. There even seems to be some consensus on that. It's always useful to point out what both sides agree on. I will mention three points. The following statements from the Minister of Justice at second reading reflect the intentions of Bill C-45: the first is to protect the health of young persons by restricting their access to cannabis; the second, to reduce the burden on the criminal justice system; and the third to enhance public awareness of the health risks associated with cannabis use.

It is fascinating that, despite unanimous agreement on those three intentions, there is still so much disparity between the "yeas," the "nays" and the "maybe, but on certain conditions." Why? The answer is simple: the execution of these three good intentions. In other words, how should Bill C-45 meet those objectives? Is legalization the only option for achieving the government's objectives?

[*English*]

First, a piece of good news is the fact that the primary reason for proposing Bill C-45 no longer exists. We now know, thanks to the September 2017 report by Statistics Canada and the 2017 UN drug report, that Canada does not have the highest cannabis use in the world, in particular among youth. This is very encouraging. In fact, according to Statistics Canada, between 2002 and 2012, the percentage of 16- and 17-year-olds reporting past-year use declined, and usage among those 18 to 25 remained unchanged. This was also confirmed by the Parliamentary Budget Officer's report on the fiscal consideration regarding cannabis:

Historical data from the Youth Smoking Survey . . . indicated a consistent and substantial decline in reported youth cannabis consumption in recent years.

[*Translation*]

To draft Bill C-45, the government set up a task force that released its report in December 2016.

• (1710)

[*English*]

I would like to talk about the task force. First, I think this 112-page report is helpful, even if it wasn't objective, but this was no fault of the task force, since members were only fulfilling their objectives as mandated by the government. Nor is it a thorough report when compared to the 800-page 2002 Senate report and the 1,000-page report of the Le Dain commission.

In fact, the task force report is not even scholarly. For instance, an example of a scholarly government report is the 2015 paper titled *Alcohol Consumption in Canada* by the Chief Public Health Officer, who at the time was Dr. Gregory Taylor. This study is half the size of the task force report and yet it has 705 citations, whereas the task force report has zero, with no bibliography. The reason this matters is because the task force report was used to draft Bill C-45. If the task force report lacks credibility, then we need to consider if this is also true of the bill itself, because as the Minister of Justice said to the Committee of the Whole:

... the government was informed in large part by the advice it received from the Task Force ...

[Translation]

Let's come back to the task force. To its credit, its report recognizes on page 1, and I quote:

We are aware of the shortcomings in our current knowledge base around cannabis and the effects of cannabis on human health and development.

... we recognize that cannabis policy, in its many dimensions, lacks comprehensive, high-quality research in many areas. On many issues throughout our discussions and deliberations, we have found that evidence is often non-existent, incomplete or inconclusive.

[English]

I would like to pause here and ask you what would happen if a pharmacological company said the same thing to the Canadian Health Products and Food Branch, the governing body that reviews drug applications. Just imagine a pharmacological company presenting its new drug to the FDA and then concluding by saying, "Even though the evidence for the efficacy of this new drug is non-existent, incomplete and even inconclusive, we would like the FDA to approve sales of our drug across Canada without a required prescription and, for convenience, allow people to buy it online." Perhaps members of the FDA would simply smile and say, "You are aware that you can't even buy codeine cough syrup without a prescription. Come back to us once you have performed clinical trials."

You might be asking yourself right now, why then did Health Canada approve cannabis? The short answer is they didn't. In a document titled *Information for Health Care Professionals* regarding cannabis use, which contains 1,000 citations, the document begins with a disclaimer in bold print:

Cannabis is not an approved therapeutic product and the provision of this information should not be interpreted as an endorsement of the use of this product, or cannabis generally, by Health Canada.

Here is something else that was not mentioned in the house but was addressed by the task force. The members acknowledged that:

It is more appropriate to refer to our recommendations as "evidence-informed" rather than "evidence-based" ...

And yet the Minister of Justice introduced the bill by stating:

Our government understands the complexity of [the legalization of cannabis]. That is why we have taken a cautious evidence-based approach.

But clearly the task force advised the government not to use the expression "evidence-based." Again in the same speech, she reiterated the fact that:

Our government believes in evidence-based policy.

And then in response to a question, she said:

Bill C-45 is an evidence-based piece of legislation that seeks to put in a complex regime to legalize and strictly regulate cannabis in this country. It is based on a substantive task force report.

[Translation]

In her speech at the United Nations, in 2016, the Minister of Health said, and I quote:

Our approach to drugs must be comprehensive, collaborative, and compassionate.

"Comprehensive" means "exhaustive."

I remind you that the task force wrote the following on page 5:

Our recommendations reflect the fact that the current scientific understanding of cannabis impairment has gaps and that more research and evidence, investments in law enforcement capacity, technology and tools, and comprehensive public education are needed urgently.

The chair of the task force said, and I quote:

We have discovered that the regulation of cannabis will touch every aspect of our society.

In commenting on other findings of this report, he said on page 17:

Yet current science is not definitive on a safe age for cannabis use ...

On page 6:

. . . there is consensus on the need for more research aimed at understanding, validating and approving cannabis-based medicines.

On page 15:

We know more about the short-term effects of cannabis use . . . We are less certain about some of the longer-term effects . . .

[English]

If there is any truth to even one of these concerns, then obviously further study will be required. This may explain why Uruguay took four years to fully implement their legislation, and distribution is through the network of pharmacies. For whatever reason, the Health Committee did not hear from a representative from Uruguay, so I'm curious to learn more about their approach, and in particular, why it took them four years.

If Canada implements Bill C-45 in 8 to 12 weeks, then the only people who will benefit from such an accelerated timeline are big corporations and some unknown stock holders hidden in tax havens.

[Translation]

Let us now come back to Bill C-45 in particular.

The government is telling us that one of the bill's objectives is to stamp out organized crime, which is supposedly behind the production and sale of cannabis. What fact-based evidence does the government have to back its assertion that legalizing the use of cannabis will reduce the activities of organized crime? We do not know.

On February 27, Radio-Canada reported on cannabis traffickers that have been operating for several years. This report highlighted the fact that traffickers are not the least bit worried about the future legalization of cannabis.

The following is an excerpt from this report:

Dealers say they are prepared to have a price war with the state.

"The government's price will always be higher because there is more bureaucracy," said Vincent, a cannabis dealer in Montréal.

A lower price for cannabis on the black market is not going to affect the income of street dealers.

Mélanie, who has been dealing for 30 years in downtown Montreal had this to say:

"You've got 30 grams. You won't go to jail for that. Once I've sold these, I will go and get 30 more some from my stash. I will keep dealing just the same."

[ Senator Carignan ]

By the way, I would like to point out that, in Quebec, Mélanie could have a stash of up to 150 grams without any legal consequences. In some provinces she could possess an unlimited amount.

Dear colleagues, this might give you a good idea of what is in store.

Still on the topic of organized crime, here is another enlightening comment. When he appeared before the Standing Senate Committee on Legal and Constitutional Affairs recently, Kevin Brosseau, Acting Commissioner of the Royal Canadian Mounted Police, called into question the statements of the Prime Minister and the federal ministers responsible for the legalization of cannabis that the drug must be legalized in order to eliminate the presence of organized crime in the illicit cannabis market, where these groups are making a fortune. Mr. Brosseau said, and I quote:

Given the involvement of organized crime in the illicit cannabis market, we do not expect the legislation will eliminate the presence of organized crime in the cannabis market. It will reduce it but it will not eliminate it.

. . . illicit markets and organized crime are constantly evolving, frankly one step ahead, seemingly, at times.

• (1720)

The Service de police de la Ville de Montréal or SPVM also expressed doubts concerning the government's claims and indicated that, in order to thwart law enforcement, organized crime has already changed its strategy in anticipation of the legalization of cannabis, which is scheduled for early July. The spokesperson for the SPVM said the following, and I quote:

Organized crime, as its name states, is organized. It adapts to the reality of the market.

That is what law enforcement is saying. Similarly, it is rather ironic that the government claims to want to get young people out of the hands of organized crime. Let us look at the habits of our young people now, when cannabis is illegal.

According to a technical report published by the Canadian Centre on Substance Use and Addiction in 2011, the rate of cannabis use for the previous year is estimated at 16.7 per cent to 32.4 per cent. According to the Canadian Student Tobacco, Alcohol and Drugs Survey, the rate of cannabis use among students in grades 10 to 12 was approximately 28 per cent in 2014-15. That means, honourable senators, that even though cannabis is illegal right now, young people can easily get their hands on it. That comes as no surprise, but what will happen when Bill C-45 is passed and the use of cannabis is still prohibited for young people? Those who are using it today will continue to do so.

What is more, since the bill allows four plants to be grown in private residences, how can anyone claim that youth won't have direct access? In light of these facts, it is unrealistic to believe that youth will be kept away from the black market and that their consumption will decrease.

[English]

We also need to hear more about the age limit to purchase cannabis. Of the G20 nations, apart from South Africa, Canada has, according to the WHO, the worst drunk driving record. This is hard to believe. Part of the reason is due to the legal age to purchase alcohol. According to the Ontario Ministry of Transportation, the peak ages of drinking and driving are 19, 20 and 21, and that drivers in this age group are almost one and a half times as likely to be involved in drinking and driving fatal and injury crashes than other drivers.

Now, it is true that some people are already driving stoned, but keep in mind that in Colorado and Washington State, cannabis-related fatalities since legalization become worse every year.

[Translation]

Under Bill C-45, the legal age for cannabis use would be 18, but the provinces would be able to increase this age. The provinces have so far set the legal age limit to 18 or 19. In the United States, all of the states that have legalized marijuana have set the legal age at 21. The notion of age is fundamental, and many of us have brought this up. Science shows that the brain continues to develop up to the age of 25. The use of cannabis before this age is a serious concern and is very dangerous. The submission presented by members of the Association des médecins psychiatres du Québec to the House of Commons during the study on Bill C-45 was quite worrisome. I quote:

Clinically, the regular use of cannabis among young persons translates into deficits in attention, in memory, in the speed of information processing, and in intelligence. Such disorders can lead to school failures.

Moreover, the use of cannabis increases the risk of developing psychotic disorders such as schizophrenia.

Psychiatrists, like many specialists, recommend increasing the legal age for cannabis use. Some of them favour 21 years of age, while others favour 25. In light of the science, it would be irresponsible not to consider these recommendations. Furthermore, health professionals also cautioned us about the concentrations of THC in cannabis. THC levels can sometimes reach 40 per cent, 50 per cent, or even 60 per cent. However, Bill C-45 does not even address this issue.

Both Bill C-45 and Bill C-46 have major flaws and their implementation could create chaos for provincial and municipal governments. In that regard, we already have a good example in the possibility of growing cannabis at home. Bill C-45 makes it an offence to grow more than four plants at home.

In Quebec, section 9, chapter 3 of the National Assembly's bill categorically prohibits anyone from growing cannabis for their personal use. The Government of Quebec is clear. It will not allow cannabis to be grown in people's homes. Apparently, Manitoba will be adopting a similar approach. In a recent article that appeared in *Le Devoir* on February 8 with the headline "Growing cannabis at home: Ottawa warns Quebec," the federal justice minister said:

Bill C-45 is permissive in the sense that, if some provinces want to adopt more restrictive provisions about growing plants at home, for example, they are free to do so. But there are limits.

I would really like the minister to tell us how else she can impose limits if not through legislation or regulation. What limits is she referring to? The Government of Quebec of course replied that it was confident that it was acting within its jurisdiction and that there were legal opinions in support of its position. It is quite obvious that this will go before the courts. They are doing nothing to help citizens have a proper understanding of the rules. However, in the speech she gave about Bill C-45 on May 30 in the other place, the minister said the following, and I quote:

Provinces and territories would generally be responsible for the distribution and sale components of the framework. They would also be able to create further restrictions as they saw fit . . . [and] along with the municipalities, could create additional rules for growing cannabis at home, including the possibility of lowering the number of plants allowed for residents and restricting the places in which cannabis could be consumed.

The government says it wants to protect young people's health by restricting their access to cannabis. How is it doing that? It wants to allow people to grow up to four cannabis plants per household, but it is not going to limit the size of the plants or their THC content. Picture this: a 19-year-old decides to grow his four legally permitted plants at home. He has two brothers aged 17 and 15. Can somebody explain to me how the government is going to prevent minors from accessing cannabis in this scenario? Police officers showed me photos of cannabis plants they seized while executing a search warrant. Tall as apple trees, their production capacity was phenomenal.

My point is that letting people grow cannabis at home will make it impossible to control quality, THC concentration, market price, underage access and traceability and impossible to issue health warnings and prevent people from growing cannabis near schools and in underprivileged communities. The logical solution would be to ban home growing. Even the college of veterinarians is worried about the health risks for pets. Yet the government is not worried about kids being able to access marijuana in their homes.

• (1730)

Honourable senators, I find it impossible to believe that the government's goal in legalizing cannabis is really to safeguard public health or public safety.

You will see, honourable senators, that with this bill, we are facing a colossal challenge. We need to try to cover all the angles and issues it raises, evaluate all the issues associated with it, highlight its many flaws, consider our options for possibly amending it to mitigate its harmful effects on our society, especially our youth, and amend it without adding any inconsistencies.

For example, yesterday, the Senate Standing Committee on Legal and Constitutional Affairs questioned Health Canada and Department of Justice officials about the incongruity of imposing

a \$200 fine for having a cannabis plant that is too tall when there is no height restriction set out in the bill. The officials told us that there was a height standard in the original bill, but it was unexpectedly deleted by the House of Commons during the amendment process, hence the incongruity of the \$200 fine.

To show us that the government has considered the impact of cannabis legalization on drivers, Bill C-46 on impaired driving was tabled at the same time as Bill C-45. However, that bill, which is currently being studied by the Standing Senate Committee on Legal and Constitutional Affairs, has been found to have serious flaws, as Senator Batters mentioned in her speech on Tuesday: constitutional problems, operational problems, and so on.

Our law enforcement agencies must be trained, equipped and prepared to properly deal with the new reality that Bill C-45 will likely create. Minister Fournier appeared to be thinking along the same lines in his letter to the Minister of Justice on February 23. He said:

In conclusion, we want to reiterate how important it is to delay the coming into force of the federal legislation until we have access to the appropriate scientific equipment. This is a matter of keeping our roads safe for our citizens.

On the topic of preventing impaired driving related accidents, both Bill C-45 and Bill C-46 fail to address the issue of public transportation operators. How can the government explain that it has done nothing in that regard, even though there have been some air and rail tragedies in recent years connected to operators who were impaired by drugs or alcohol? I remind senators that the Transportation Safety Board recommended government action in its report published on November 2, 2017, in response to a plane crash involving alcohol.

Bill C-46 introduces the notion of random or mandatory — the term used in the bill — screenings of motor vehicle operators for alcohol only. Nowhere in the bill does it mention random tests for drugs or — even worse — for public transportation operators. This means that if a customs officer suspects a pilot of being impaired, he or she could decide to ask the pilot to take a test after landing. However, it would be impossible to require a test before the pilot has taken off. This oversight or unwillingness to take action is staggering. The United States has required such tests for over 10 years for individuals who work in sensitive jobs, like pilots, train conductors, truck drivers, and people who work in nuclear energy.

Furthermore, what about cannabis use in the workplace? How are employers now supposed to handle employees who use the drug during their work hours, before work, or on their lunch or supper breaks? Some people will reply that this reality already exists and it will be nothing new, but that is false. Legalizing cannabis will normalize it. In fact, in my view, the debate surrounding legalization has already had that effect, and new problems are emerging.

As I said at the outset, I personally believe that we need to fix this poorly written bill at second reading and give the government a chance to do its homework and introduce a new bill taking all the issues into account. The experiences of other jurisdictions can be studied, but we must never forget that

Canada is the first and only country in the world to want to legalize marijuana use for people under the age of 21. More importantly, we need to base our decisions on what science has taught us regarding the damage to people's health caused by drug use. When I talk about people, I also mean we need to be particularly sensitive to how this will affect Indigenous peoples, who are severely affected by the scourge of drug abuse.

[*English*]

Everyone agrees that past governments and current policies have and are causing irrevocable affliction to Indigenous communities. This is one reason why the current government is seeking to adopt and implement the UN Declaration on the Rights of Indigenous Peoples. Part of this declaration is the right to self-determination. For this reason, I want to highlight a few statements by Regional Chief Isadore Day at the Health Committee hearings in September of last year. He said First Nations "... are also not prepared to deal with the ramifications of Bill C-45." He went on to ask: "... does Canada even know the full impacts of cannabis yet?"

Chief Day also reminded the committee that American Indian tribes were negatively impacted when Colorado and Washington legalized cannabis.

He reiterated that one of "... the biggest concern that first nations in Ontario and across the country have with Bill C-45 is the health and safety of our people."

He cited statistics that cannabis is the second most abused substance amongst Indigenous people. In Ontario alone, he added, "... an additional \$33 million was needed to treat first nations drug and alcohol addictions." He concluded by stating, "... there appear to be more questions than answers. This leaves first nations ... in a compromised state leading into an accelerated timeline ..."

Yet on September 12 Mr. Blair said that it is important that we focus on getting this job done as quickly as we are able.

I simply do not see the urgency, especially in light of Chief Day's concerns. Unlike fentanyl that causes, on average, four deaths a day in Canada, no one has died from a marijuana overdose.

[*Translation*]

Honourable senators, I urge you to vote against this bill at second reading. If, however, that is not the will of the majority, I urge the committees that will study this bill or do a pre-study to carefully consider some mitigation measures that could be added to Bill C-45 regarding, for instance, when it comes into force, the legal age for cannabis use, the use of money from tax havens in the commercialization of cannabis, crucial prevention that should come before cannabis legalization, random drug testing of public transit drivers and other high-risk employees, THC concentration in the cannabis to be legally sold, limits on domestic production, important clarifications to consider when it comes to shared constitutional jurisdictions, the impact on international treaties, border controls, access to neighbouring countries and allies, advertising, tracking systems, impacts on the workplace, the



price offered by the black market, the realities facing Indigenous peoples, and lastly, shareholders who try to hide behind a corporate shield.

• (1740)

There are so many questions and so few answers. To this flurry of questions I would add one last one: was this really necessary? I hope that senators will ask themselves whether legalizing cannabis will help our country to advance, make us stronger, and ensure that our country continues to change for the better.

I would have liked the minister to tell us that she looked at what other countries like Norway are doing. It has the lowest rate of consumption among young people. I would have liked the government to look at the best paths to take instead of the worst. I would have liked the government to model itself after the best and invest, like Norway is, in cultural and sporting activities instead of just throwing in the towel and accepting defeat. I can't believe that young Canadians are going to be used as guinea pigs for the rest of the world and Canada is becoming a research lab that will be used by other western countries.

At the beginning of my speech I talked to you about a government's duty to exercise due diligence, which is essential when we're faced with so many potential future risks. Honourable senators, I agree that we must get marijuana out of the hands of young people and get rid of organized crime. However, if the solution the government is proposing doesn't work and in five years we see that the government was wrong and that the situation has gotten worse, what then? Could we go back to the way things were? No, it's a one-way ticket. It's a trap.

In almost every speech, senators touched on the many uncertainties and questions surrounding cannabis legalization. Due diligence should be our guide from here on out. In the case of Bill C-45 specifically, given all of the uncertainty and all these unanswered questions, I believe that due diligence means not passing this bill and asking the government to go back to the drawing board.

Please, Mr. Trudeau, take a page from the best in the world, not the worst. Thank you.

[English]

**Some Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, I am going to call upon Senator Dean to speak next, but I wish to inform colleagues that, pursuant to rule 6-12, when I do that it will have the effect of closing debate.

**Hon. Tony Dean:** Honourable senators, I rise today as sponsor of Bill C-45 on right of final reply. I obviously want to comment on what I think has been helpful second reading debate on the bill. I thank all senators on every side of this place for speaking to this bill, which aims to take a public health and safety approach to cannabis through legalization, public education and regulation.

And given some of the discussion earlier this afternoon, I make these remarks in the spirit of compromise rather than division.

Our debates have been important in identifying some key policy issues, some opportunities and potential challenges associated with the government's efforts to better protect the health of young Canadians — and to address Canada's growing illegal cannabis market which, I think we all agree, is valued at between \$6 billion and \$7 billion annually.

We know — and we agree on this — that cannabis is today easily available and frequently used by young Canadians.

We know from Statistics Canada data, verified doubly and triply by the Library of Parliament, that one in five Canadians between ages 15 to 19 consume cannabis, and that number rises to one in three Canadians between the ages of 20 to 25. Whether that places Canada first, second or third in the world, we should be worried about it.

We also know that cannabis use by young people, again, from the Library of Parliament, did decline steadily up to 2012 from a couple of decades earlier and it has risen again since then through to 2015 — also verified by the Library of Parliament. And it is clear that early, frequent and heavy use of cannabis and other intoxicants by younger teenagers places them at considerable risk in the years that follow. The use of all intoxicants. And it's strikingly clear that our current approach to regulating cannabis has not been successful. It has not worked. It has failed and consumption patterns alone tell us that this is the case.

Large numbers of criminal convictions for possession have made the situation even worse — we have heard that in this chamber — and especially for younger Indigenous people and other racialized young Canadians. That's today, that's last year, that's five years ago and that is the present reality.

Now, key themes have emerged in the Senate's deliberation so far and we might have anticipated some of them. Senator Carignan has mentioned them and others have mentioned them. I'm not going to go into the pros and cons. There is information and evidence that informs a number of discourses around these issues. And we're going to have a chance to explore those further in committee, I hope.

But I want to mention the issues without commenting on their validity, such as the impact on Indigenous communities in terms of risks to health. And we also know, from the Aboriginal Peoples Committee that's on the road, about the impact on economic development opportunities for those Aboriginal communities who are interested in taking advantage of them.

We've heard about minimum age of consumption, as well we should. We've heard about the proposed decriminalization of cannabis possession for young people possessing five grams of cannabis or less. I'm just acknowledging these things. We've heard about home cultivation of cannabis. We've heard about the regulatory framework, THC potency and advertising, as raised by Senator Seidman today, appropriately. We've discussed the disruption of the illegal cannabis market with issues such as the calibration of legal and illegal prices being discussed. There has also been considerable discussion of public education on cannabis.

Given Canada's extremely high consumption rates of cannabis by younger people, we certainly know that just saying no hasn't worked. We have heard from senators in this chamber, including Senators Smith, Petitclerc and Stewart Olsen, that public education is critical to prevent our youth from being exposed to the potential harms of cannabis use. I couldn't agree more.

We found consensus on something. Let's record that.

Budget 2018 proposes to provide a further \$62.5 million over five years for public education initiatives in addition to the \$46 million announced earlier. This funding will support the involvement of community-based organizations and Indigenous organizations that are educating their communities on the risks associated with cannabis use.

• (1750)

A significant digital information campaign was launched on March 16. Many of us wouldn't have noticed that because of course it isn't aimed at us. There will be a TV campaign to follow in the weeks ahead.

I was seeing warning signs about drug-impaired driving on overhead gantries on motorways and highways in Ontario 18 months ago before this legislation was introduced in the House of Commons.

We have helpful low-risk use guidelines for cannabis developed by the Centre for Addition and Mental Health. Much more will follow in the weeks and months ahead and indeed we need to see and hear more. In this area and the related areas of research and treatment, I think many of us appreciate Senator Lankin's advice that we consider in this place the vehicle of observations for conveying our recommendations on the very best approach.

I want to talk some more on mental health, because mental health has been raised here repeatedly, as it should, given the impact of mental health on our communities and on our families, in many cases.

Colleagues, we have heard in this chamber some very honest, bruising and heartfelt concerns about experiences with mental health and addictions. I suspect that there are few of us in this place who have not been touched in our lives by those issues, few of us who have been spared from the ravages of alcoholism, other addictions and mental health issues in our extended families.

I'm no exception to that. I haven't been spared. I don't speak as one of people untouched. I understand what you're talking about when you talk about mental health issues.

We know that early and frequent use of intoxicants, including cannabis by teenagers, can result in mental health issues later in life. We also know that alcohol, cannabis and tobacco are often used in combination, and we know that young people experiencing mental health issues often self-medicate with cannabis and alcohol.

Senator Mégie brought her professional voice to this earlier today and we've all learned from it. These are all risk factors that should be of concern to all of us.

Now, I searched my soul and I searched the research and I looked across Canada to figure out where I can get advice on this. When I ask these questions, I look to the Centre for Additions and Mental Health, or CAMH, Canada's premier and world renowned research and treatment organization. I have benefited from CAMH programs. I imagine some of you have too. In fact, I know some of you have too.

Everything that CAMH does is based on science, on research and practice in its clinics, in its labs and on the streets. This has resulted in important harm-reduction products such as CAMH's *Canada's Lower-Risk Cannabis Use Guidelines* that were updated and released in 2017 and are an important contributor to public education and safe use; harm reduction.

CAMH has also contributed to cannabis policy debates. They have taken that research and science and converted it into policy advice.

Its 2014 Cannabis Policy Framework offered evidence and informed conclusions about cannabis and measures aimed at reducing harms. Copies of this report are being delivered and, in fact, will be in your offices when you return from the chamber this evening.

Here is what CAMH concluded in its report. Some things we know already. Cannabis use carries significant health risks, especially for people who use it frequently and/or begin to use it at early age. Criminalization of cannabis heightens these health harms and causes social harms. A public health approach focused on high-risk users and practices, similar to the approach used with alcohol and tobacco, allows for more control over the risk factors associated with cannabis-related harms.

CAMH says that from these conclusions flow another conclusion. It concludes that legalization combined with strict health-focused regulation provides an opportunity to reduce harms associated with cannabis use. However, CAMH tells us that this approach is not without risks. It advises us that legalization without regulation in areas such as setting a minimum age, prohibiting marketing and advertising, and curtailing higher-risk products may lead to an increase in cannabis use.

Now, senators, in view of our discussion over the last couple of months, this strikes me as being eminently solid, balanced and sensible advice. Why? Because it touches directly on some of the concerns that have been raised in this chamber on all sides, senators, and that are part of our consideration in looking at this bill.

I think this balance that CAMH talks about is one of the key aspects of finding that right balance. Getting that balance right is one of key aspects of our responsibility as we move forward to apply sober second thought to this bill and as we move into committee review and beyond.

Honourable senators, five Senate committees will study this legislation, which I think is unprecedented, outside of pre-budget review. With five Senate committees slated to take a look at various aspects of Bill C-45 — some of that committee work was requested and argued for by people on all sides of this chamber — I think Canadians should have confidence that we are proceeding diligently and responsibly to conduct in-depth hearings in order to review and, where appropriate, to improve the bill.

And colleagues, this is really what tonight’s vote is all about, isn’t it? Equipping us to do the job that we are empowered to do as senators.

Colleagues, beyond our vote, allowing us to hear from experts at all of those committees in ways that equip us to deliver on our constitutional responsibility to bring sober second thought to this bill is absolutely critical, and in doing that, to focus not just on a compendium of problems, a long list of problems and challenges, but also to focus on solutions, which is what Canadians expect of us.

Honourable colleagues, Canadians expect us to do this work, and we have a responsibility to meet these expectations. Canadians expect us to confront the issues associated with cannabis, not to sweep them back under the rug for another 20 years, senators, or to pretend that prohibition is working.

Honourable senators, Canadians want us to do our jobs, not to look the other way. Let’s now move the conversation and learning forward in a transparent and evidence-informed way, in the way that we do best. Let’s vote on second reading and refer the bill to committee. Let’s empower the Social Affairs Committee to join the other four committees in doing its work.

Colleagues, I thank all of you sincerely for the opportunity to contribute to this debate as the sponsor of this hugely important piece of legislation and I look forward to many conversations ahead.

Here is my promise to senators on all sides of this house, in every place, regardless of your office or your perspective. As I’ve done over the last several months, I will do my very, very best in working with you to contribute in a positive way and a deliberate way, as we continue our deliberations, to make this legislation the best it can be in responding to the harms of cannabis for young people in this country.

• (1800)

**The Hon. the Speaker:** Honourable senators, is it agreed that we not see the clock?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Are senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Dean, seconded by the Honourable Senator Forest, that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** I see two senators rising. Do we have agreement on the bell?

**Senator Mitchell:** Thirty minutes.

**The Hon. the Speaker:** The vote will take place at 6:31 p.m.

Call in the senators.

• (1830)

Motion agreed to and bill read second time on the following division:

YEAS  
THE HONOURABLE SENATORS

Bellemare	Hartling
Bernard	Jaffer
Black ( <i>Alberta</i> )	Joyal
Black ( <i>Centre Wellington</i> )	Lankin
Boniface	Marwah
Bovey	McCoy
Boyer	McPhedran
Brazeau	Mégie
Campbell	Mitchell
Cools	Moncion
Cormier	Munson
Coyle	Omidvar
Deacon	Pate
Dean	Petitclerc
Dupuis	Pratte
Eggleton	Richards
Furey	Ringuette
Gagné	Saint-Germain
Galvez	Sinclair

Gold	Verner
Greene	Wetston
Harder	Woo—44

NAYS  
THE HONOURABLE SENATORS

Andreychuk	Mockler
Batters	Neufeld
Beyak	Ngo
Boisvenu	Oh
Carignan	Plett
Dagenais	Poirier
Duffy	Raine
Eaton	Seidman
Housakos	Smith
MacDonald	Stewart Olsen
Manning	Tkachuk
Marshall	Unger
Martin	Wells
McInnis	White—29
McIntyre	

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, pursuant to the order adopted on February 15, 2018, the bill stands referred to the Standing Senate Committee on Social Affairs, Science and Technology.

(Pursuant to the order adopted on February 15, 2018, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

**CANADA BUSINESS CORPORATIONS ACT  
CANADA COOPERATIVES ACT  
CANADA NOT-FOR-PROFIT CORPORATIONS ACT  
COMPETITION ACT**

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Cormier, for the third reading of Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act, as amended.

**The Hon. the Speaker:** Are senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Wetston, seconded by the Honourable Senator Cormier, that the bill, as amended, be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

• (1840)

[*Translation*]

**THE SENATE**

MOTION TO AFFECT QUESTION PERIOD ON MARCH 27, 2018,  
ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of March 21, 2018, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, March 27, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

She said: Honourable senators, I move the motion standing in my name.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

### ADJOURNMENT

#### MOTION ADOPTED

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of March 21, 2018, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 27, 2018, at 2 p.m.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

### BUSINESS OF THE SENATE

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** After speaking with my colleagues in the other groups, we propose, with consent, that we move forward to the Notice Paper.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

(Motion agreed to.)

### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

#### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON THE STUDY OF THE IMPACT AND UTILIZATION OF CANADIAN CULTURE AND ARTS IN CANADIAN FOREIGN POLICY AND DIPLOMACY

**Hon. A. Raynell Andreychuk**, pursuant to notice of March 1, 2018, moved:

That, notwithstanding the order of the Senate adopted on Thursday, October 26, 2017, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its study on the impact and utilization of Canadian culture and arts in Canadian foreign policy and diplomacy, and other related matters, be extended from March 31, 2018 to December 31, 2018.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

### FISHERIES AND OCEANS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Fabian Manning**, pursuant to notice of March 20, 2018, moved:

That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, March 27, 2018, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

### HUMAN RIGHTS

#### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

**Hon. Wanda Elaine Thomas Bernard**, pursuant to notice of March 20, 2018, moved:

That, notwithstanding the order of the Senate adopted on Tuesday, March 28, 2017, the date for the final report of the Standing Senate Committee on Human Rights in relation to its study on issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human right obligations be extended from March 31, 2018 to October 31, 2019.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**

(Motion agreed to.)

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND  
ADJOURNMENT OF THE SENATE**Hon. Art Eggleton**, pursuant to notice of March 21, 2018,  
moved:

That, for the purposes of its consideration of Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, the Standing Senate Committee on Social Affairs, Science and Technology:

- (a) be authorized to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
- (b) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may be then be adjourned for more than a week, or for more than a day but less than a week.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

**ENERGY, THE ENVIRONMENT AND NATURAL  
RESOURCES**COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE  
SENATE**Hon. Rosa Galvez**, pursuant to notice of March 21, 2018,  
moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to meet at 5 p.m. on Tuesday, March 27, 2018, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

*(At 6:44 p.m., the Senate was continued until Tuesday, March 27, 2018, at 2 p.m.)*