

Third Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Justice

Chairperson
Mr. Doyle Piwniuk
Constituency of Arthur-Virden

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

Member	Constituency	Political Affiliation
ALLUM, James	Fort Garry-Riverview	NDP
ALTEMEYER, Rob	Wolseley	NDP
BINDLE, Kelly	Thompson	PC
CLARKE, Eileen, Hon.	Agassiz	PC
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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON JUSTICE**

Tuesday, May 8, 2018

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mr. Doyle Pivniuk
(Arthur-Virden)**

**VICE-CHAIRPERSON – Mr. Len Isleifson
(Brandon East)**

ATTENDANCE – 10 QUORUM – 6

Members of the Committee present:

Hon. Mr. Goertzen, Hon. Mrs. Stefanson

*Mr. Curry, Ms. Fontaine, Messrs. Graydon,
Helwer, Isleifson, Marcelino, Pivniuk, Swan*

APPEARING:

Hon. Jon Gerrard, MLA for River Heights

PUBLIC PRESENTERS:

*Bill 11–The Safe and Responsible Retailing of
Cannabis Act (Liquor and Gaming Control Act
and Manitoba Liquor and Lotteries Corporation
Act Amended)*

Ms. Sylvie Sabourin Grindle, private citizen

*Ms. Daphne Penrose, Advocate for Children and
Youth, Manitoba*

*Mr. Ralph Groening, Association of Manitoba
Municipalities*

*Mr. Alan Campbell, Manitoba School Boards
Association*

Mr. Michael Mailman, private citizen

Mr. Will Stewart, Hiku Brands

*Mr. Lorne Weiss, Manitoba Real Estate
Association*

Mr. Steven Stairs, private citizen

Mr. Ariel Gliner, The Joint Head Shop Inc.

Ms. Denise Elias, MADD Canada

*Bill 25–The Non-Smokers Health Protection and
Vapour Products Amendment Act (Prohibiting
Cannabis Consumption in Outdoor Public
Places)*

Ms. Sylvie Sabourin Grindle, private citizen

*Mr. Alan Campbell, Manitoba School Boards
Association*

Ms. Sarah Hawkins, Canadian Cancer Society

*Mr. Neil Johnston, Lung Association of
Manitoba*

Mr. Ariel Gliner, private citizen

Mr. Steven Stairs, 420 Organizing Committee

*Bill 26–The Impaired Driving Offences Act
(Various Acts Amended)*

*Mr. Alan Campbell, Manitoba School Boards
Association*

Ms. Denise Elias, MADD Canada

WRITTEN SUBMISSIONS:

*Bill 25–The Non-Smokers Health Protection and
Vapour Products Amendment Act (Prohibiting
Cannabis Consumption in Outdoor Public
Places)*

*John McDonald, Manitoba Tobacco Reduction
Alliance Inc.*

*Bill 26–The Impaired Driving Offences Act
(Various Acts Amended)*

*Joe Masi, Association of Manitoba
Municipalities*

MATTERS UNDER CONSIDERATION:

*Bill 4–The Legislative Assembly Amendment Act
(Member Changing Parties)*

*Bill 11–The Safe and Responsible Retailing of
Cannabis Act (Liquor and Gaming Control Act
and Manitoba Liquor and Lotteries Corporation
Act Amended)*

*Bill 25–The Non-Smokers Health Protection and
Vapour Products Amendment Act (Prohibiting
Cannabis Consumption in Outdoor Public
Places)*

*Bill 26–The Impaired Driving Offences Act
(Various Acts Amended)*

* * *

Mr. Chairperson: Good evening. Will this committee–standing committee of Justice please come to order. Our item–first item of business is to elect of a Vice-Chairperson.

Are there any nominations?

Mr. Reg Helwer (Brandon West): I—Mr. Chair, I nominate Len Isleifson.

Mr. Chairperson: Is there any other nominations?

I hear no other nominations, Mr. Isleifson is now elected Vice-Chairperson.

This meeting will be called to consider the following bills: Bill 4, The Legislative Assembly Amendment Act (Member Changing Parties); Bill 11, The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba lottery—Liquor and Lotteries Corporation Act amendment—Amended); Bill 25, The Non-Smokers Health Protection and Vapour Products Amendment Act, 'provibing'—'provibiding' cannabis consumption in outdoor public places; and Bill 26, The Impaired Driving Offences Act (Various Acts Amended).

I would like to inform all attendants of the provision of we—our rules regarding the hour of adjournment. The standing committee meeting is considered—a bill—must not sit past midnight to be—to hear public presentations or to consider clause by clause of a bill, except the unanimous consent of the committee.

We have a number of presenters registered to speak tonight, as noted in—on the list of presenters before you. On the topic of determining the order of public presentations, I will now note that there will be—have some out-of-town presenters in attendance, marked with the asterisk on the list. As well, I request that we received that Sylvia [*phonetic*] Sabourin Grindle to present first on bills 11 and 25 due to personal health reasons, and then Daphne Penrose requested to present first due to child-care arrangements.

With all these in mind, in that—what order does the committee wish to hear the presentations?

Mr. Andrew Swan (Minto): Mr. Chairperson, I propose as you've indicated, we heard from the out-of-town presenters as well as those individuals that you stated who, for various reasons, need to present early.

Mr. Chairperson: Okay. All in—which order?

Mr. Swan: Well, if you've said that some need to present first, I'd suggest we let them go first.

Mr. Chairperson: Okay, we'll do that. Okay, thanks.

Is that agreed by the committee? [*Agreed*]

Written submissions from the following persons have been received and distributed to committee members: Mr. John McDonald, Manitoba Tobacco Reduction Alliance, Inc. on Bill 25; Joe Masi, associated Manitoba municipalities, on Bill 26.

Does the committee agree to have these documents appear in the Hansard transcripts in—of this meeting? [*Agreed*]

Before we proceed with presentations, we do have a number of other items and points of information to be considered.

First of all, if there is anyone else in the audience who would like to make a presentation this evening, please register with staff at the entrance room—in front—the entrance in—at the desk at the front entrance.

First of all, is it any other—else—attendants would like to make a presentation? Okay, we got that.

Also all the information of all presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If we need help for photocopying, please speak to the staff—our staff at the back of the room.

As well, in accordance with the rules—item number—limits—time limits is 10 minutes and has been allotted for presentations, and another five minutes allowed for questions from committee members.

If the presenters is not in 'detendance', their names will be carried—will be called and they would be dropped to the bottom of the list. If the presenter is not in attendance with their name is called at the second time, they are removed from the presenters' list.

* (18:10)

Lastly, I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are ordered in order to provide a verbatim transcript. Each time every—someone wishes to speak, whether it's to be an MLA or a presenter, I first have to say their—the person's name. This is the single that—for Hansard to record—to return the mic on or off.

Thank you for your 'pratience', and we will proceed with the public presentations.

Bill 11—The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended)

Mr. Chairperson: Now I'll call on—first person is Sylvia [*phonetic*] Sabourin Grindle, a private citizen.

So, Sylvie, if you can come up to the mic.

Ms. Sylvie Sabourin Grindle (Private Citizen): Hello, good evening. You're all sitting so far away—
[*interjection*]

Mr. Chairperson: Before we start with the presentation, I'll get the Minister of Justice, the Honourable Stefanson, to come and take a seat.
[*interjection*]

Do you have any materials what you want to hand out, Ms. Grindle?

Ms. Sabourin Grindle: No, I don't have that. I'm sorry.

Mr. Chairperson: Okay. Please proceed with your presentation.

Ms. Sabourin Grindle: Thank you. I was just making a comment that I find you're all sitting so far away. I'm used to doing circle time with groups of children back when I was working and is—sitting like this.

But thank you for having me here again today and thank you for being here, taking the time to listen to my presentation.

My name is Sylvie Sabourin Grindle, also this evening is my friend Kerri Phoda [*phonetic*] and we have known each other for many years, and if I'm not able to present what I have prepared, she will continue for me.

Please understand that it may be difficult to articulate my thoughts and sometimes my sentences are distorted and I can be hard to follow. I will do my best to explain things to you because it's important for me that you understand how these bills affect me.

I currently live in Winnipeg. I grew up on a farm in the community of St. Jean Baptiste. I lived there with my family until the age of 18. I'm recognizing more and more that having been raised in a healthy, safe and stable home is a privilege that many don't have.

I had it easy for many years. This allowed me to experience life as a healthy person. Having all my basic needs met without needing to worry made it

easy for me to go to school and be involved in the community. I easily had the necessary means to survive which allowed me to dream big and do what I wanted and accomplish my goals.

I was able to have the career or my choice and jobs that I truly enjoyed. My husband and I even bought a home in the neighborhood of our choice. Needless to say, life has been good to me.

And then circumstances changed. I found myself unable to work because of mental health issues. I have been diagnosed with post traumatic stress disorder and associative disorders. Now I am 42 and this is my fourth year that I am considered disabled and not able to work. In fact, I'm not even considered to be functional.

I'm here to speak with you this evening not because I'm well enough or courageous enough to be here, I'm here because I'm too terrified not to be here. I'm scared of these laws being created which will limit access to my medication which I desperately need.

Part of my PTSD treatment includes medical cannabis. I have been prescribed 10 grams a day to help with my symptoms. I consume about five grams a day. This is the minimum that I need. I use cannabis all day long. Just like many of us who depend on glasses to be able to see all day, every day, the same goes for me and cannabis; I always require cannabis in order to function.

Five grams a day doesn't make me high. In fact, it barely even makes me happy. It definitely doesn't cure my PTSD, but it alleviates my symptoms enough so I could survive. After years of being emotionally numb, cannabis is allowing me to feel. It allowed me to go to therapy and it allows me to be part of family gatherings which I hadn't been able to do for many years.

While there are many people interested in the cannabis industry, my interest in the plant is that it be available to anyone who needs it, whenever and wherever they need it.

Quality of life matters and I will focus this presentation on the subject of mental—of trauma and mental health. I hope to help you understand why cannabis needs to be made available to those who need it, not criminalized because this just causes more pain.

Having the words to explain and express my feelings when I'm afraid or angry isn't easy.

Thankfully, I've had a lot of therapy—not enough though, but—and my recovery is still ongoing. Which—my recovery which is still ongoing has required a lot of what most traumatized and sick Manitobans don't have, like access to trauma-informed therapy and other supports.

I recognize the role that privilege has played in my recovery, as well as the ongoing support I receive; without it, I wouldn't be here. I wouldn't be able to even be here and definitely would not be presenting this evening. It's thanks to my other fellow friends in the cannabis community as well that I am able to be here today, and to my friend Kerri [*phonetic*] who helped me come here today.

Keeping in mind how difficult it was and what it took for me to be here and the fact that there are many, many sick and traumatized people in this province who depend on cannabis, it's safe to assume that there are many others who are also worried about these laws but are not well enough to be here. We are talking about people who have the most painful and debilitating physical conditions and people who are traumatized from experiencing things most people could not even imagine but still manage to survive.

Some cannabis users are dying and looking for relief; others, such as myself, who suffer from mental illness, use cannabis as part of our fight to live. We are discussing laws that will affect the quality of life and the safety of people that aren't even well enough to be here.

I'm very concerned that while these laws are meant to keep people safe, they will, in fact, cause a lot of stress and make the lives of many people a lot more difficult. I want to help you understand what psychological trauma is and its impact.

For an experience we consider psychologically traumatic, it means that there is nothing you can do to prevent it from happening; there is nothing you can do to prepare for it, and it is completely unexpected. Trauma can happen to anyone at any time anywhere. We don't like to think about those things, but it's the truth. Whether someone experienced a terrifying split-second or years, even decades of horror, trauma can happen to anyone. You might have heard the term trauma changes us. People say that because it's true.

I went from having a healthy nervous system to suddenly having a traumatized nervous system. I went from being able to regulate my emotions,

process my thoughts and feelings normally as they occurred, to being scared to death and highly reactive, even when everything is okay. I went from having a healthy sense of safety to never feeling safe.

Because trauma lives in our nervous system, the effect is ongoing. Every single time we are reminded of any aspect of a traumatic event, our amygdala signals to the rest of us that there is danger. Our body relives and feels the trauma happening all over again. This is called re-experiencing. For many people this occurs hundreds of times a day and never even get a chance to feel safe because they are constantly being triggered. We obviously cannot change anything that happened in the past, but the effects of the past remain, even for decades.

Then there's intergenerational trauma where children and adults of any age can experience painful feelings that were too much for their parents or their grandparents to feel. The pain can remain stuck for generations. It stays until someone is able to feel it to heal from it. Healing, however, requires actual safety, which is why many people don't have the chance to heal from past trauma because they are not even safe in the present.

I will now speak more regarding the no residential cultivation of cannabis. In the bill I saw it said a person must not cultivate cannabis in his or her residence. Well, marginalized and underprivileged people experience higher rates of trauma, so eventually—[*interjection*] I'll get to that—this is because trauma creates trauma.

Those who are most commonly affected are people of colour, refugees, anyone who needed to flee their family home or were apprehended. Many people who have been in accidents or have witnessed violence may also develop PTSD. Most people with PTSD developed it during childhood and have never experienced feeling safe. PTSD is also common amongst humanitarian workers, first responders, military personnel and veterans. All these people deserve the same respect, access to treatment and the same right to access medicine of their choice, including cannabis.

The reason I'm mentioning the various people who are affected by trauma is because these are likely the same groups of people who would likely use cannabis because cannabis helps with trauma. Having laws that make their lives more difficult isn't fair. According to the Manitoba Nurses Union, one in four nurses have symptoms of PTSD.

Manitoba also has the highest child apprehension rates in the world. It's safe to assume that there's a large amount of traumatized people in this province. Sadly, however, Manitoba has less than half the national average of psychologists. We have only 19 for every hundred thousand Manitobans. That is about 266 psychologists for the entire province and most of them aren't even able to help traumatized people heal.

Allowing everyone to grow and consume cannabis without needing to ask permission is what I would like to see. This includes in their homes, on their property, wherever they live, even inside apartments. Those who cannot afford any therapeutic care could at least grow and consume cannabis to help them feel better.

Experience is—

Mr. Chairperson: Ms. Grindle, you have one more minute.

Ms. Sabourin Grindle: One more minute?

* (18:20)

Mr. Chairperson: Yes.

Ms. Sabourin Grindle: Okay. My next one is shorter. Can I, like—

Mr. Chairperson: Oh, so you've got two presentations, right?

Ms. Sabourin Grindle: Yes, yes. I—okay.

Mr. Chairperson: Go ahead.

Ms. Sabourin Grindle: Thank you. I would love to be able to finish—

Mr. Chairperson: We'll deal with this one, yes. Okay.

Ms. Sabourin Grindle: Okay. Experience is the best teacher—but thank you for warning me. Experience is the best teacher, and when I couldn't work anymore I traded my good salary for a welfare cheque and a CPP disability cheque.

This has been eye-opening for me. I'm finally being educated on how those who require financial assistance have always been treated and how their lives are continuously being made more difficult. The only embarrassing part of being on welfare is the fact that I had no idea what it was like for my fellow Manitobans who lacked privilege until I found myself in that situation. I trusted that because this

was Canada, everyone was taken care of. I was totally wrong about that.

Mr. Chairperson: Ms. Grindle, your 10 minutes is done now, and I was—wondered if the committee wants to give leave to have it—to have you continue and wrap up the presentation. *[Agreed]*

So, Ms. Grindle, you have a few more minutes to continue your presentation—and it's just on this one bill here.

Ms. Sabourin Grindle: What's that?

Mr. Chairperson: It's only on this one bill. This—

Ms. Sabourin Grindle: Yes, yes, yes. I just, like it when I get through on—just one moment.

Mr. Chairperson: Okay. Sure.

Ms. Sabourin Grindle: Well, Bill 11 leaves out the most vulnerable people in our society from benefiting from a plant that will soon be available to those who could afford it. Getting a prescription can be costly and a difficult process. I don't even know how those who live in the remote communities would be able to get a prescription, and then to order cannabis from a licensed producer we need to have a credit card, and many people don't have that. And then I imagine delivery would also take a long time in certain communities. We need more accessibility, not barriers. I'm talking about people who have already been through enough.

Many of us—I'm so close to being done. Many of us have the time to grow. Growing itself could be healing. Being able to connect more deeply with your own medicine could even help with healing. This is an opportunity to give so many people a chance to heal.

I worry these laws will keep people from accessing their medication, and it will keep more innocent people in prison and I don't want that.

Thank you for listening and for being patient with me.

Mr. Chairperson: Well, Ms. Grindle, thank you for your presentation.

And what we'll do is we'll do the five-minute questions from this particular bill for Bill 11. So if you have any questions, I'll—Ms. Stefanson has a question or a comment?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I just have—I just wanted to thank you, Ms. Sabourin Grindle, for coming out

tonight and for sharing your very personal story with us this evening. We very much appreciate this. You're very passionate about this issue. You spoke very well this evening, and thank you again for sharing your story.

Mr. Chairperson: Any other questions?

Ms. Nahanni Fontaine (St. Johns): So I just want to say miigwech for your presentation. It does certainly take a lot of courage and a lot of strength to come and present in front of a bunch of politicians and, certainly, a room full of people. So I do just want to honour that, and I just want to say very quickly that I certainly already learnt a lot in respect of—we knew that some of the issues or some of the concerns with this particular legislation is the inability to grow within your home. And so I really do appreciate how you broke that down for all of us. And I hope that members opposite and the minister hear some of your concerns and would seriously reconsider them. So I say miigwech for that.

Mr. Chairperson: Any other questions?

Mr. Nic Curry (Kildonan): Thank you so much for your presentation. In someone who has struggled with speaking in public, I am impressed, and thank you so much for bringing that. Before politics I was in the military. I've worked with many people with post-traumatic stress who use medical access for cannabis to cope with their symptoms, and I think it's very brave of you to bring that—many people are embarrassed by that—and that you've shown such strength to be able to talk publicly about that on the record is very impressive.

And thank you so much, and I hope that you continue to work with, of course, your medical providers, but also your family and friends who I know will be such important supports. It is not a one-day thing; it is an ongoing process, and it sounds like you've done a lot of work in coping with the stressors that you have discussed. But when—and I hope you can continue that through this and I look forward to your ability to present on the next topic. Thank you.

Mr. Chairperson: Any other questions?

So, Ms. Grindle, that wraps up questions. So we can go on to the next presentation that you requested to—on Bill 25.

So—[interjection]—yes, which is the other minister, so we'll get the ministers to switch seats.

Floor Comment: Oh, different ones?

Mr. Chairperson: Yes, Mr. Goertzen now is the Minister of Health.

**Bill 25—The Non-Smokers Health Protection
and Vapour Products Amendment Act
(Prohibiting Cannabis Consumption
in Outdoor Public Places)**

Mr. Chairperson: Okay, Ms. Grindle, you can go ahead with your presentation.

Ms. Sylvie Sabourin Grindle (Private Citizen): Okay, now, this one is Bill 25. Again, it's a little bit of—well, anyways, what we hardly ever hear talk about are other illnesses brought on by trauma. Some are considered forms of PTSD. These include complex PTSD, post-traumatic slave syndrome, continuous traumatic stress disorder and post-incarceration syndrome, which is a combination of full-blown PTSD plus other severe debilitating symptoms. Dissociative disorders are also common and caused by trauma.

I'm mentioning these conditions which represent various sets of symptoms because those who experience these conditions are more likely to be targeted by police or other security personnel. A main component of each of these disorders is emotional dysregulation. Traumatized people don't react the same way that non-traumatized people do. I know this from experience. Before I was traumatized, my behaviour was fine. I chose my actions and generally I had a good attitude. Now, more often than not, my behaviour is governed by fear.

Keeping in mind how sensitive many of us are to triggers, I want you to understand that amongst trauma survivors one of the most common triggers are authority figures, so for me to interact with a police officer when I'm so terrified of them and explain the use of my medication isn't fair, and this scenario of being stopped by cops plays over in my mind and results in panic attacks simply by thinking about it. I've never even been in trouble with the law and yet I'm completely terrified of cops.

Because of my medicine and border laws I may never be allowed to leave Canada. I will come to accept this possibility, but I ask you to please allow me and many others the freedom to safely go for walks in our neighbourhoods and to travel and at least help us feel safe in our own province. Causing this level of anxiety and panic isn't healthy and isn't going to keep anyone safe, and putting someone's

parents in prison for cannabis won't be good for anyone either.

I want police officers and everyone else to assume that if anyone is using cannabis anywhere, it's because they require it. We're not criminals; we're just trying to survive.

The next part I want to talk about is The Mental Health Act. It turns out it's mental health awareness week, and the theme is Get Loud. And, since we are discussing part of The Mental Health Act, I would like to know if there are other—if there are mental health organizations present to show their support. That tends to be rare, and us patients are usually left to speak up and advocate for ourselves.

I'm here to raise my voice because I have to. Bill 25 would make it a criminal offence for anyone to bring me some cannabis if I were to be admitted into a psychiatric hospital. This is where people go when they are at their worst. Cannabis should be considered the same as a regular medicine and patients should be accommodated to safely use their medicine as needed.

When it comes to vehicles, as I have indicated, I consume cannabis all day long. When I want to visit my parents in St. Jean Baptiste or my in-laws in Swan River, I need to medicate all the way there. It's a long drive to Swan River, and this would mean many stops along the way where I'd need to exit the car and medicate somewhere. This would especially be difficult when it's really cold outside. I don't even know where I would stop along the way to safely medicate, and I don't how others would travel—who travel could be—can stay medicated with laws prohibiting us from doing so inside vehicles. Whether it's a car, motorhome, or boat, an off-road vehicle or a bicycle, we need to medicate as needed.

Thankfully, I have the support of my family and my husband's family and my friends, and I have the community support. I'm here now to ask for your support as well. I want to feel safe. I ask you to please consider my safety and my need to access my medication whenever, wherever I need it.

I appreciate your time. Thank you very much for listening to my presentation. I didn't focus on the specific articles in each bill as much as I wish I had. I wish I had—I was more advanced in my recovery to be able to present you something more comprehensible. This is all very difficult for me because I get triggered easily. Even just reading the bill is overwhelming. And—but I cannot wait until I

have all the right words to express myself because now is when we are discussing these laws. My main message for you this evening is that you decriminalize cannabis. I don't want anyone to be in prison because of cannabis. I want cannabis users to be accommodated so we can safely use it as needed. I don't want cannabis included in these bills, because it's a plant; it's a medicine. *[interjection]*

* (18:30)

Thank you. I had actually planned to give you a copy of my presentation, and I do have the list of resources that talk about cannabis, addictions, PTSD.

Mr. Chairperson: If you want, you can—Ms. Grindle, you can actually leave some of the information behind and get it photocopied with one of our staff in the back. Okay.

And I want to thank you for your two presentations that you did. You did a very good job, and so—we're going on for five minutes for questions. So I'll pass it on to the Minister of Health to have comments.

Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living): Thank you very much, Mrs. Grindle, add my thanks from my colleagues on both sides of the table for your presentation and echo their comments that you did a great job in—on providing information and advice for this committee.

You referenced, I think, and in a few different ways, your concern about the ability to access medicinal marijuana, and I want to assure you that the bill that we're speaking to right now, Bill 25, provides within it regulatory powers to make changes. All provinces are struggling with how to implement the decriminalization of marijuana and, certainly, we want to have some flexibility in that. So contained within this bill is that flexibility to look at medicinal marijuana differently than other consumption of cannabis and to see how we can ensure that those who are using it for medical purposes can still have the access they need for it. So your advice has been helpful as we look to regulatory provisions in the future around medicinal marijuana, and I appreciate you providing that here this evening.

Mr. Chairperson: Mrs. Grindle, go ahead if you have a—you can comment on that.

Ms. Sabourin Grindle: Well, just two comments. One is on a general comment. The things that I heard from you guys is commenting on my courage and ability to speak and that. I'm not here at all—at all—at

all—for that. I'm here because I'm so desperate, okay? I'm desperate. I'm not here for courage. I'm here because I'm desperate. I'm here for my safety. I'm here for my quality of life. That's why I'm here and that's what I need you guys to understand.

And even, like, the difference between medicinal marijuana or cannabis and regular or recreational—also cannabis is medicinal. If—those who are traumatized, we require it not to make us high, but to bring us back to normal, okay? It brings us normal. Those who may not require it, it might make them high, and then if it makes them have a good time and laugh, that's the best medicine.

So, on that note, thank you all so much for your time.

Mr. Chairperson: Mr. Swan has a question or comment.

Mr. Andrew Swan (Minto): Yes. Thank you for coming down and presenting.

As the minister has said, the government wants to pass this law, but the law actually doesn't specify a lot of things other than a pretty strict prohibition on where you can use cannabis. There's regulations the government then gets to pass after the act becomes law that could expand the prohibition or reduce the prohibition.

For your circumstances, what do you think is reasonable for where you should be able to use cannabis, given your situation.

Ms. Sabourin Grindle: Okay, I'll just explain, for one thing, what I would not do. What I would not do is smoke with—there's children around unless I absolutely have to, okay? I would not smoke inside buildings except for my own home or where I'm, you know, allowed to or whatever. I don't—I would not smoke, like—so don't assume that people who would, like, be rude about it, okay? The only time that—like, I'm discreet about it.

What I want is—like, I have agoraphobia. What I want is I want to be able to leave my home with—and if I forget my prescription at home, I want that to be fine. I want—because organizational skills—

Mr. Chairperson: Could you get closer to the mic, please?

Ms. Sabourin Grindle: Sorry.

Organizational skills for people who are traumatized is next to impossible. I couldn't even bring my driver's licence here today. I forgot it. It's—

so leaving the house is already—it takes everything that I've got. So I want to be able to just leave, and if I just have my pipe or whatever, not in its original container, just go wherever I want. If I'm walking down the street, if I'm at a bus stop, even where—because it's my medicine. I would need it if—just like if someone is—needs an EpiPen. It's—like, PTSD triggers are pretty much the same as allergies, food allergies. We cannot control them. We don't decide them and it needs immediate attention. You need to—like, you hold your breath and you can't—it's like almost the same thing. You can't breathe when you're triggered from PTSD and that's like—cannabis helps us with all that.

So, if I'm having a panic attack somewhere and I'm smoking or whatever—like, I—it's—I try not to do that. But, if I do it, I want it to be always understood that is because I have to. Like, myself and many others, whatever we do is the best that we can and we're just trying to survive, and we need you guys to be helping us feel safe in our city.

Like, even if I go to a festival or something and I have my medication in my backpack, I don't want to have to explain what's in my backpack to a security guard. I just want to go listen to music. Because explaining what's in my backpack, explaining my medication is triggering. It's all very triggering.

I just want to live again. I just want to be part of the world. I just want to go to music festivals. I just want to be able to walk down the sidewalk, go in the—on the—ride my bike, be able to just—if I feel like smoking, I smoke. And, if people don't like the smell, it's life, it's the price to pay. There is many survivors around here and, sorry, it's like sometimes when trauma happens you either die or survive. Some of us survive. Well, it comes with a cost and the cost is PTSD and that requires—oftentimes it requires cannabis. So we need you guys to support us and accommodate us.

Mr. Chairperson: Ms. Grindle, thanks a lot. The question time of five minutes is up. But thank you very much for your presentation.

Floor Comment: Thank you, also, for your time.

**Bill 11—The Safe and Responsible Retailing
of Cannabis Act (Liquor and Gaming
Control Act and Manitoba Liquor and Lotteries
Corporation Act Amended)**

(Continued)

Mr. Chairperson: So we'll call on the next individual, Ms. Daphne Penrose—Daphne.

Ms. Penrose, you have material to hand out? Yes. So our staff will hand it out and so I want to—can proceed with your presentation.

Ms. Daphne Penrose (Advocate for Children and Youth, Manitoba): Thank you for the opportunity to speak with you today. The Manitoba Advocate for Children and Youth is an independent office of the Manitoba Legislative Assembly. We represent the rights, interests and viewpoints of children, youth and young adults throughout Manitoba receiving, or entitled to receive, services under The Child and Family Services Act, The Adoptions Act, mental health services, domestic violence, sexual exploitation, youth justice, disability services and education.

Having extensively studied federal Bill C-45 in conjunction with provincial Bill 11, and looking at the potential impacts that the passage of these bills would have on Manitoba children, youth and young adults, we wish to express some concerns.

With the expanded mandate recently proclaimed for the Manitoba Advocate for Children and Youth, my office is committed to the protection and promotion of the rights of the province's children, youth and young adults, as guaranteed by the United Nations Convention on the Rights of the Child, further known as the UNCRC.

When discussing cannabis legislation, two important articles in the UNCRC need to be considered. Article 33 of the UNCRC states that government should take all appropriate measures, including legislative, administrative and social educational measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties.

There is little argument against the fact that legalization of cannabis has been presented as a public health approach, and as a means to protect the health of children and youth. While this has been a stated intention, aspects of both the federal bill and Manitoba's Bill 11 do not provide adequate protection under the UNCRC.

Additionally, article 3 of the UNCRC states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be the primary consideration.

To understand the impacts of legislative measures on children, youth, the UN committee on the rights of the child recommended that the child's rights impact assessment should be conducted when governments propose legislative change.

When considering Bill 11, a primary concern in the study of the bill should be whether or not the child's rights impact was undertaken. By focusing on and considering the rights of Manitoba's children and youth and young adults, the legalization of cannabis can meet its public health mandate, protect children and youth from the effects of cannabis consumption and the unintended consequences of the prohibitionist framework Manitoba has proposed for children and youth under the age of 19.

As a member of the Canadian Council of Children & Youth Advocates known as the CCCYA, I have been involved in presenting a number of concerns and recommendations regarding Bill C-45. On July 5th of 2017, the CCCYA provided recommendations to Prime Minister, the Right Honourable Justin Trudeau, and the Premier Rachel Notley, as the chair of the council of federation respecting analysis of and recommendations regarding Bill C-45.

*(18:40)

The letter provided spoke about the impacts of legalization on children and youth, and provided recommendations on the following areas: the effects of cannabis on the developing brain; youth access to cannabis; supplying cannabis to minors; the need for consistent regulations across Canada; the need to designate a portion of taxes to fund research, public education and treatment; the potential for over-criminalization of youth; and special consideration respecting indigenous children and youth.

Many of the concerns identified by CCCYA remain topical and relevant to the discussion on the impact of Bill 11. The issues noted at the federal level are important for Manitoba's children and youth, with our province presenting unique challenges for the legalization of cannabis.

Bill 11 does little to address the issue noted at the federal level and in some circumstances creates conflict and larger, more pressing questions. By focusing on the discussion of Bill 11 on Manitoba's public education strategy, age of access to cannabis, youth possession prohibitions and the impact on indigenous youth and community, the need for this

bill to be subject to further consultation and fuller consideration of the impact on children and youth rights will be exemplified.

Public education and health strategy: It is recognized that cannabis criminalization and conventional anti-drug messaging has failed to stem the use of cannabis by young people. With the upcoming legalization of cannabis, Canada and Manitoba will be provided with the opportunity to reframe the discussion with a public-health-oriented approach. An appropriate public health framework with supported education strategies can prioritize the reduction of health risks and social problems over goals such as punishment and drug abstinence.

The CCCYA previously recommended that at the national level a public-health-informed education strategy accompany the regulations of cannabis with the inclusion of youth component informed by the latest evidence that works to moderate use of substances by youth. As Manitoba rolls out its cannabis-related legislation special attention should be paid to the creation of a province-specific public health and education strategy focusing on youth.

Bill 11 indicates that the regulation of cannabis will fall under the previous Liquor and Gaming Authority of Manitoba, LGA. In the request for proposals released by the LGA in April of 2018, it's identified that the LGA's mandate will grow to include educating Manitobans about the responsible consumption of cannabis. The LGA states that the objective of their RFP and the initial education strategy is to communicate to adults in Manitoba what the laws will be for purchasing and consuming cannabis once it's legalized. The objective of phase 2 is to increase adult Manitobans' awareness of strategies for consuming cannabis responsibly and in a low-risk manner. Additionally, the RFP identifies the target audience as adult Manitobans.

There is concern that not enough attention is being paid to the education strategies that are focused on youth. In 2015 Statistics Canada provided information indicating the number of youth and young adults who used cannabis in that year was more than two and a half times that of adults. Additionally, research conducted by the Manitoba LGA through surveys in September 2007 identified that age 16 was the most common age respondents used cannabis for the first time. Other results from Manitoba cannabis survey include reported public safety concerns regarding preventing under-age consumption, preventing under-age purchase of

cannabis and the need for public education on the risks of cannabis used for children and youth. With this information it's concerning that Bill 11 does not include provisions on the responsibility for educating Manitoba's children and youth on the use of cannabis.

Bill 11 also does not fall in line with other CCCYA recommendations regarding the packaging of cannabis such that cannabis should contain information on potency and potential harmful effects, similar to the packaging on tobacco.

At the federal level the CCCYA provided a recommendation that specific portion of taxes collected from the sale of cannabis products be prescribed in legislation to support research, education, treatment and harm reduction efforts respecting cannabis. It is respectfully submitted that any taxes collected through the cannabis sales in Manitoba should be used for similar research, public education and treatment purposes.

It is a known fact that within the province there are currently many youths struggling with drug-related addictions. Their lives are at eminent risk due to the severity of their addictions, yet we have no long-term detox or safe houses or treatment beds for these youth. A very small portion of the taxes collected for the sale of these youth should be identified and used to treat—for treatment resources for children and youth that could literally save their lives.

Age of access and youth possession prohibitions: The CCCYA and Manitoba Advocate for Children and Youth have maintained the position that the Cannabis Act, Bill C-45, does not fully account for the potential harms of cannabis on the developing brain. By setting the age of access at 18, the effect of cannabis on young adult population was not fully taken into consideration in Bill C-45.

In order to address this gap, the CCCYA has previously provided recommendations to the federal government and Senate Standing Committee on Aboriginal Peoples that potency limits for cannabis products be set by either federal or provincial regulation, with potency restrictions set for those under the age of 25. The federal government has publicly provided information in an online question and answer that their decision to set the age limit for purchasing cannabis at 18 was based on a striking balance between risk factors and the knowledge that youth and young adults are already accessing cannabis.

Mr. Chairperson: Ms. Penrose, you have one more minute left.

Ms. Penrose: Can I just finish my presentation? This is very important.

Mr. Chairperson: Sure, if you have—the—'clead' for—to have the committee agree to presentation.

An Honourable Member: I'd move we allow Ms. Penrose to finish her presentation.

Mr. Chairperson: Agreed to the—for the committee? *[Agreed]*

We'll finish your presentation.

Ms. Penrose: Bill C-45 provided the provinces and territories with the discretion to increase—

Mr. Chairperson: Okay, sorry, my mic wasn't on, Ms. Penrose. But you have one more minute.

But, anyways, I guess Minister Swan had passed that we will continue with your presentation until you complete it. The committee agreed and so ordered. We'll have you continue with your presentation.

Ms. Penrose: Okay. Thank you. Sorry—Bill C-45 provided the provinces and the territories with the discretion to increase the age of access to cannabis as they deemed appropriate. As outlined in Bill 11, Manitoba has set the age of access to cannabis at 19.

Similar to Bill C-45, Bill 11 does not address the issue of cannabis potency for those under 25 and fails to address the potency harms of cannabis for that age group. There are serious and concerning questions that arise from defining a young person in Bill 11 as individuals under 19. Firstly, Manitoba's seemingly the only province that has proposed an age of access to cannabis that differs from the provincial—from the province's legal age of access to alcohol. Alberta and Quebec, two other provinces where the legal age for purchasing alcohol and tobacco is 18, both set the access to cannabis at 18, while setting the age at 19 falls in line with the provinces where the legal alcohol-consumption age is also 19. It is puzzling as to why Manitoba would have two varying ages of access to alcohol and cannabis.

In addition to providing provinces with the power to increase the age of access, the federal government provided provinces the opportunity to lower the possession limit of cannabis. Manitoba did not lower the position limit for adults but provided, in section 101.18, that "A young person must not

possess or consume cannabis." This lowers the possession limit outlined for young persons under 18 than it—than Bill C-45 does, which identifies there's no criminal penalties for possession up to 5 grams of dried cannabis. Further, 18-year-old adults would not be subject to criminal proceedings under Bill C-45 until possession exceeded 30 grams of dried cannabis.

The concern is that Bill 11 is creating an increased opportunity for criminalization of young persons 18 and under by including an outright prohibition on possession and consumption of cannabis. This concern is exasperated by the fact that Bill 11 and the act it amends, The Liquor and Gaming Control Act, do not set out specific penalties for young persons or minors who are found to be in violation of prohibitions set out in the act.

Bill 11 has increased the penalties for violation of the act by removing the individuals, will be prosecuted on summary convictions, increasing the maximum fine to \$100,000 and maximum imprisonment for one year. Wording in Bill C-45 makes it discretionary on whether youth will be liable on an indictable or summary conviction for cannabis-related offences. Due to the varying levels of disposition associated with these types of convictions, young persons will require a clear understanding of when their possession of cannabis will be subject to criminal sanctions.

The CCCYA supported the position that steps should be taken to avoid criminalization of youth by allowing for non-criminal sanctions such as confiscation and ticketing. While it's perfectly reasonable to identify that only those persons 19 and older will be allowed to purchase cannabis, it needs to be clearly identified how Manitoba law enforcement agencies will be enforcing possession of cannabis for those 18 and under. The federal government has identified the following objectives for cannabis legislation: restricting youth access to cannabis, protecting young people from the promotion or enticements to use cannabis, protecting public health and reducing the burden on the criminal justice system. With these objectives in mind, it becomes unclear why legislation would criminalize youth for consuming or being in possession of cannabis.

Bill 11 also states that a person must not give or sell, otherwise supply cannabis to a young person, and Bill C-45 has created new criminal offences for adults who supply cannabis to minors.

* (18:50)

Law enforcement efforts should focus on who is supplying cannabis to children and youth and should not limit youth criminalization—and should limit youth criminalization through confiscation and by providing education and resources to youth who violate the cannabis prohibitions.

Impact on indigenous youth and communities: Indigenous overrepresentation in the criminal justice system is a recognized concern in Manitoba for both adult and youth populations. Without clear regulations on how Bill 11's prohibition of youth possession in cannabis will be applied, there are concerns about how indigenous youth may be subject to increased criminalization over their non-indigenous peers. Inequitable access to diversion programs, support programs, mental health and addiction services will influence the potential for indigenous youth to be criminalized at a higher rate for cannabis possession. Additionally, mitigating the mental health risk factors of cannabis use in youth will be compounded within indigenous communities, as there are recognized disparities in access to needed services. Without concrete action to address these disparities, indigenous communities may raise legitimate claims to violation of their Charter rights.

The legacy of colonialism in Manitoba and across Canada has resulted in health and social disparities for indigenous children and youth. These same disparities can result in poor access to services including substance-use services as well as, most importantly, health-promotion strategies that do not take into consideration local conditions and cultural needs of indigenous children, youth and their families.

On behalf of the CCCYA, I delivered a presentation of our recommendations to the Standing Senate Committee on Aboriginal Peoples as part as their—as part of their canvassing for feedback on Bill C-45 and the impact on indigenous peoples. On May 1st, 2018, the committee released a report on the subject matter of Bill C-45 supporting the notion that the passing of Bill C-45 should be delayed by one year. One of the main themes arising from their report was the lack of culturally specific public education materials on the legislation pertaining to the legalization of cannabis and on the health effects of cannabis.

The Liquor and Gaming Authority RFP regarding Manitoba's education strategy does not address the concerns of indigenous people and

identified the education campaign would be released in English and French but no indigenous languages. Information contained in the Manitoba Cannabis Survey indicates residents of northern Manitoba who participate in the services consume cannabis at a higher rate than respondents in Winnipeg, Brandon and southern Manitoba in general. To have an education campaign that does not address the unique circumstances in Manitoba's northern communities would be short-sighted.

Additionally, the Standing Senate Committee recommended a delay in the passing of cannabis legislation because of the lack of meaningful consultation and the lack of full understanding of the economic development opportunities for indigenous communities. This lack of consultation resulted in questions around revenue sharing and how First Nations governments can be involved in the taxing authority over the sale of cannabis.

To reiterate a previous recommendation of the CCCYA, the Province should fulfill its inherent obligations to consult meaningfully with Manitoba indigenous bands, nations and communities, as well as indigenous youth on adapting legislation, regulation, health promotion, prevention, treatment programs to meet the needs of indigenous children, youth and young adults and their families.

In conclusion, while the legalization of cannabis has been supported as a harm-reduction approach intended to prevent young people from accessing cannabis and protecting public health and public safety, current proposed legislation falls short of these objectives. Bill 11 was the Province's opportunity to create a Manitoba approach to the regulation of cannabis, and numerous concerns have arisen on how this legislation will impact Manitoba's children, youth and young adults. Consideration must be given to this population, with the impacts on their rights identified, understood and mitigated in an appropriate manner.

The questions and concerns identified today should be seriously considered as Manitoba moves forward with its proposed legislation and subsequent public health and education campaigns. It is respectfully submitted that while Bill C-45 and Bill 11 may be passed, proclamation should not occur until indigenous communities are engaged in a meaningful consultation, health education strategies are fully developed and the available—and available to the public, and youth criminalization mitigated through policies or regulations supporting ticketing,

confiscation, education and resources for youth consuming or possessing cannabis.

Thank you.

Mr. Chairperson: Thank you for your presentation, Ms. Penrose, and we'll go on to questions, and I'll have a comment first from the Minister Stefanson—Ms. Stefanson.

Hon. Heather Stefanson (Minister of Justice and Attorney General): Thank you. Yes, thank you very much, Mr. Chair, and thank you, Ms. Penrose, for your presentation this evening. We certainly share many of the—of your concerns with respect to the federal government's decision to legalize cannabis, especially in the area of children and youth. And I think we've spoken out on many of those issues as well. But we certainly welcome your thoughts here this evening on behalf of your organization and we thank you for presenting them tonight.

Ms. Nahanni Fontaine (St. Johns): Miigwech, Ms. Penrose, for your presentation, a very robust presentation. I appreciate you and your staff for putting that together.

A couple of questions. So I am curious, has anybody from the Department of Justice reached out to you or your staff in respect of crafting this legislation and its impact on youth here in Manitoba?

Ms. Penrose: So we do have a meeting coming up on Thursday to discuss that and other issues as well. So—

Ms. Fontaine: So, for clarity, though, the question was had anybody reached out to you to seek your expertise or to consult with you prior to drafting this legislation.

Ms. Penrose: No. No, they did not.

Ms. Fontaine: So clearly, I would suggest that your office is—and your staff, who are some of the most phenomenal people that I know in respect of advocating for youth here in Manitoba, would have a level of expertise in respect of what we would need to do in respect of a public awareness campaign, specifically geared towards youth.

What are some of the things that you would like to see in that?

Ms. Penrose: So I think a very clear public education campaign about what is going to happen with law enforcement agencies; I would also like to make sure that we are not criminalizing children, that we are recognizing the disparities

that happen between indigenous communities and non-indigenous communities with respect to access to services.

Again, I am concerned about the prohibition piece because the data shows that children—not children, but youth are in fact engaging in the use of cannabis and having any cannabis on them at all up to the age of 19 is a criminal offence and when you are 18 and you get a possession charge, it is very different than when you are 16 years old and you get a possession charge, so—and that can follow you through your life in—you know, your friend is 19 in one day and they can have a number of grams on you, but you're 18, 11 months and two weeks and you're going to possibly get a criminal record, and so that disparity, I believe, needs to be addressed, and certainly we don't want to see more criminalization for children and youth and young people in the province.

And also just understanding that we have severely addicted children and youth in this province and trying to make sure that some of these tax dollars are being shaved off to make sure that we are addressing the ramifications that are going to happen as a result of kids using and then becoming addicted because of their own life circumstances and their lack of access to mental health. And, of course, you can then take that one step further to become aware that if you are in a community where there is no mental health or addictions services being provided to kids, but there's ample access to alcohol and drugs, that becomes even more problematic for those youth and young people. So—

Mr. Chairperson: Mr. Marcelino, Tyndall Park.

Mr. Ted Marcelino (Tyndall Park): Yes, just one quick question regarding this legislation. Are you of the opinion that maybe we would be better served if the legislation is put off until such time that proper consultation with the stakeholders who are more concerned about how it will affect them economically or even legally—do you think it would be better, like the Senate committee that recommended a delay, do you think it will help us as a province?

Mr. Chairperson: Ms. Penrose, we have one minute, but if you want to answer that question—okay.

Ms. Penrose: Yes, and I defer to folks here with the responsibility of moving the legislation or not. What I would say is that the regulations and policies that

are attached to this particular piece of legislation really need to be considered, thought out, with good public health education strategies and campaigns, with good—with the inclusion of youth in them. I believe that those are absolutely required. Consultation with indigenous communities about how to move forward in a way that they can respond to the needs that this is going to create in their community is also considered—needs to be considered. So—

* (19:00)

Mr. Chairperson: Well, the time is up for the questions and, Ms. Penrose, I want to thank you for your presentation and coming out here tonight.

Okay, so now we'll call on the next person on bill—we want to go back, Bill 11, out of town, and we're going to go talk to—call on Mr. Ralph Groening from Association of Manitoba Municipalities, and vice-president.

I just want to verify your last name—pronunciation of your last name. Is it Groening?

Mr. Ralph Groening (Association of Manitoba Municipalities): Matt Groening said on David Letterman, Groening as in raining.

Mr. Chairperson: Okay, Groening, okay. Okay, we—you can go ahead with your presentation. Do you also have materials that you hand out?

Mr. Groening: We do.

Mr. Chairperson: Okay.

Mr. Groening: Oh, they're over here. Yes.

Mr. Chairperson: Okay, great.

Mr. Groening: Thank you very much.

Good evening, committee, Chair, pleasure to be here.

Our federal government has offered us some interesting societal and social challenges, but I will, on behalf of the Association of Manitoba Municipalities, want to thank you for the opportunity to present some municipal concerns related to the legalization and regulation of recreational cannabis as well as Bill 11, which is The Safe and Responsible Retailing of Cannabis Act.

I'm going to begin my comments today by providing a brief overview of our association, AMM, and I'll talk about some specific concerns related to holding of mandatory—mandatory—

municipal plebiscites on cannabis sales and then provide some recommendations on how local governments can help manage the safe and responsible retailing of cannabis.

So AMM. Our association was formed in 1999, result of the merger between the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities. Association is bipartisan. We're independent, and our mission is to identify and address the needs and concerns of our members in order to achieve strong and effective municipal governments. Membership consists of all incorporated 137 municipalities in Manitoba, including the city of Winnipeg.

Now, the Minister of Municipal Relations, Jeff Wharton, has stated that municipalities are mature, responsible governments, accountable first and foremost to the citizens and electorate, and we fully support and agree with his statements.

Moreover, provincial governments have committed to providing us, municipalities, with more fair say in regard to the operation of their affairs. The AMM appreciates working with the various provincial government departments on the implementation of the cannabis retail distribution strategy. However, AMM believes that holding mandatory plebiscites following a council decision to allow—not—to not allow cannabis retail locations within is—within its municipality goes against the spirit of provincial government's commitment to give more say, to give fair say, to local councils.

Plebiscites are potentially divisive; they're polarizing for local communities, particularly given the lack of clear and consistent information that we have regarding this, the legalization and the regulation of recreational cannabis.

Meanwhile, currently, we understand that The Municipal Act and The Liquor and Gaming Control Act outline guidelines for holding municipal plebiscites. Thus, stipulation in Bill 11 is not clear when compared to these other pieces of legislation.

In addition, local councils do not—we do not—hold plebiscites on other municipal issues. Residents can, and they do, hold their municipal representatives accountable at the ballot box, which will happen again this October.

Now, the costs of holding a municipal plebiscite can be costly for municipalities. For example, the City of Brandon has estimated that holding a plebiscite not in conjunction with an election would

cost more than \$100,000. The decisions of local councils should be fully respected since council members make them with the very best interests of their municipalities in mind.

Therefore, our call—the AMM calls on the provincial government to remove sections regarding plebiscites on cannabis sales from the bill altogether and instead closely consult with our organization and 'manitoba' municipalities on how best to regulate access to cannabis with local communities.

The alternative approach would not only respect the autonomy and decisions of local council but also help to ensure consistent processes and guidelines across our municipal Manitoba.

Now a few comments on cost: AMM continues to urge the provincial government to co-develop a revenue-sharing model that respects municipal authority, increased costs that will be incurred due to the legalization and regulation of recreational cannabis.

The Federation of Canadian Municipalities, FCM, estimates that municipal administration, local policing costs, will total between 3 million and 4.75 million dollars per 500,000 residents as a result of legalization, which represents a range of approximately 210 to 335 million dollars per year of costs incurred by municipalities across Canada. In Manitoba that cost would exceed \$10 million annually.

We've done some work. We hired Probe Research and they recently—we commissioned a poll by Probe Research regarding the sharing of revenue from the sale of cannabis with municipalities, and that indicated that 59 per cent of Manitobans believe municipalities should receive at least half of the revenue from the sale of marijuana.

These survey results complement the need for fair say for local councils, as well as provide another example of how municipalities deserve a fair share of revenues, and Manitobans support this.

While we appreciate that the legalization and regulation of recreational cannabis is not a revenue-generating exercise, Manitoba municipalities are committed to ensuring their residents—our residents are safe and well served. As costs must not be downloaded on municipalities, AMM supports the FCM's call for a full one third—33 per cent of total annual excise tax revenue collected on cannabis sales, that that be allocated

to municipal governments to address municipal administration and policing costs.

The AMM also encourages the provincial and federal governments to support additional funding mechanisms to support costs incurred by municipalities should this excise tax revenue be insufficient to meet the costs.

So, in closing, our goal is to foster and build a federal, provincial, and municipal partnership that effectively addresses the needs of Manitoba municipalities as well as ensures the safety of their residents through properly resourced administration and enforcement mechanisms.

We also remain ready to work closely with the Province of Manitoba and Manitoba's 137 municipalities to effectively manage this new and challenging cannabis regime.

So thank you for the opportunity to provide these comments, and if you have any questions for me, I would be happy to answer them or do my best to answer them. Thank you.

Mr. Chairperson: Thank you for your presentation, Mr. Groening, and we'll go on to questions for about five minutes, and we'll pass it over to Minister Stefanson about commenting on your presentation.

Mrs. Stefanson: Thank you, Mr. Groening. I just wanted to thank you for coming out tonight and taking the time out of your schedule and presenting, as you always do, very eloquently on behalf of AMM, and we very much appreciate your comments this evening.

Mr. Andrew Swan (Minto): Mr. Groening, thank you for coming out tonight. It's always a pleasure dealing with you, and I know you do a good job as vice-president of AMM.

One of—your main concern is about the issue of the plebiscite. I know that last fall, before this bill was drafted and presented, municipalities were given a fairly short time frame to determine what they wanted to do about the prospective sale of cannabis in their communities.

Did that come about because of consultation with the government or was that something that was really sprung upon your members?

Mr. Groening: The survey that was prepared with the consultation of the Province of Manitoba with appropriate departments offered all the municipalities and all municipalities did comment on

their position. There was about 100 that were in favour. There was a number of them that were opposed, and then there was also a few of them that said simply we don't have enough information. We'll wait and see for further details before we decide. It was a non-binding response.

Mr. Swan: If the minister was to tell you tonight that she was prepared to remove the sections regarding plebiscites and cannabis sales from the bill, your membership would be content with that, keeping in mind you would still like there to be more consultation on how the revenue is going to be provided. Is that fair?

* (19:10)

Mr. Groening: It's very important and I appreciate that you mentioned the revenue component of our concerns in our presentation. That is absolutely essential and it's probably our primary concern. We think that the details of establishing the retail centres will—I believe that will roll out in a more or less orderly fashion. We are not particularly concerned except for the potential for the divisive and the required plebiscites, and so I'm very clear, and we're very clear, in our request to have that removed from the bill. Yes.

Mr. Chairperson: Any other further questions?

Mr. Groening, thanks again for your presentation and answering these questions, and thanks for coming out tonight.

Okay, we'll call the next presenter. And presenter No. 2 is Alan Campbell from Manitoba school board and association. And Mr. Campbell wants to present all three bills—11, 25, and 26, all together at one time for his 10 minutes allocated. Okay? Is it agreed to the committee to do all three bills? *[Agreed]*

Bill 11—The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended); Bill 25—The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places); Bill 26—The Impaired Driving Offences Act (Various Acts Amended)

Mr. Chairperson: We'll start with Bill 11. Is that the one that you have on your list first?

Floor Comment: Yes. My statement applies to all three.

Mr. Chairperson: Mr. Campbell? Yes, go ahead. Okay, Mr. Campbell, go ahead with your presentation.

Mr. Alan Campbell (Manitoba School Boards Association): Good evening. On behalf of the Manitoba School Boards Association, or MSBA, I would like to thank the committee for permitting us the opportunity to appear to address bills 11, 25 and 26. For sake of brevity, I would request leave of the committee, which has been granted, to use this appearance to address all three cornerstones in Manitoba's cannabis decriminalization framework. While we are registered to speak to all three bills this evening, we do appreciate that time is of the essence, and so my remarks will remain brief.

My name is Alan Campbell, and I am MSBA's vice-president for school boards with under 6,000 enrolments. We represent the 38 public school boards of Manitoba and are tasked with providing quality education for close to 185,000 students across this province. Among our many mandates, school boards strive to provide youth with the opportunity to mature and develop in a safe, healthy learning environment, enabling them to achieve educational success. We strive to educate young people so that as adults, they are informed, conscientious and autonomous citizens. It is our intention that they will become citizens who will assume their position as active members in the development of Manitoba's communities. Lastly, we remain committed to promoting the importance of our students' well-being and their ability to lead healthy lifestyles through nutrition, physical activity and the prevention of substance abuse.

These core mandates speak directly to the kind of outcomes that we hope all students will embrace prior to and following their completion of high school. Because of these mandates, school boards remain gravely concerned in the face of the decriminalization of cannabis.

Through our national association, the Canadian School Boards Association, we have collectively voiced these concerns to Ottawa. Notwithstanding, we do acknowledge that it is the intention of Canada's current government to so proceed. In this respect, Canada's provincial and territorial governments have been called upon to develop much of the legal policy framework that will serve to guide the decriminalization process, and in this respect, our own local school boards will greatly benefit in terms

of what is being proposed under bills 11, 25 and 26 here in Manitoba.

The government has been consultative with school boards on such significant matters as their proposed legal age for consumption, their proposed universal prohibition for—of the use of cannabis on or around school properties and a new set of provincial offences that will see the establishment of a parallel framework for cannabis in relation to drugged driving as currently exists when driving under the influence of alcohol impairment and intoxication.

There are many remaining considerations as Parliament moves to legalize marijuana from coast to coast. Here in Manitoba, however, many of our concerns have and will be addressed through the enactments of bills 11, 25 and 26. When added to the earlier cannabis harm reduction act that was introduced in the Manitoba Legislature, we sincerely appreciate the four-pronged approach that Manitoba has chosen to introduce.

To be clear, our appearance here today should not be misinterpreted. It remains our preference that all Manitobans should continue to strive for a drug-free society in which our nation's youth can continue to mature and develop in a safe, healthy learning environment and in which they as citizens continue to flourish and contribute to our future betterment as a community. However, if it is the final judgment of Canada's Parliament that this harmful and risk-laden substance be made more widely available to the public into the future, then we as school boards do appreciate that at least in Manitoba, under the scope of bills 11, 25 and 26, a far greater number of criminal offences related to production, distribution, sale, possession and use of cannabis will be the actual outcome of the current proposal to decriminalize the drug.

Several of these new offences also speak directly to the protection of our youth, and school boards therefore certainly appreciate such efforts. We therefore encourage the Manitoba Legislative Assembly to attend to passage of bills 11, 25 and 26 as expediently as possible. We believe that it is incumbent upon all members of the Assembly to ensure that as many measures as possible will be introduced, especially those designated to protect our children, our students and our schools.

With a genuine spirit of collaboration between Manitoba's government, the municipalities and school boards, and with a centralized licensure framework that is to be implemented by the Liquor

and Gaming Authority, we trust that all who have an interest in cannabis harm reduction will continue to work together in the years ahead to respect the letter and spirit of the laws that are being proposed by the government.

In this respect, that these three bills before the committee seek to address safe retail practices and processes, the prohibition of consumption in public places and enhanced criminalization of impaired driving, comes with Manitoba School Board's principled and non-partisan support. Thank you.

Mr. Chairperson: Thank you, Mr. Campbell, for your presentation, and now do the members have any questions for the presenter?

Hon. Heather Stefanson (Minister of Justice and Attorney General): Thank you very much, Mr. Campbell, for coming out and speaking on behalf of the Manitoba School Boards Association on these bills this evening. Very much appreciate you taking time out of your schedule and indicating your organization's support for these. We very much appreciate that. Thank you.

Mr. Andrew Swan (Minto): Mr. Campbell, thank you for coming down and presenting tonight. Will your association be working on protocols for children who may be prescribed cannabis or cannabis products for medical reasons?

Mr. Campbell: We have been consulting with our membership, as well as with existing regulations and legislation, and, as outlined, consulting with the government, go forward. Our membership has expressed a clear interest in wanting to make sure that we will have everything we need in terms of resources and a framework to speak to whatever the cases that you've outlined may be.

Mr. Chairperson: Any other further questions from the committee?

Mr. Campbell, thank you very much for your time, for your presentation, and for answering some of the questions, so thank you for coming out tonight.

Bill 11—The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended)

(Continued)

Mr. Chairperson: Okay, we'll go on to the next person from out of town. Is No. 5—is Michael Mailman—he's a private citizen. Is he here tonight?

Mr. Mailman, do you have any material to hand out? Okay, we'll get one of the staff members to deliver—distribute it.

Mr. Mailman, go ahead with—proceed with your presentation.

Mr. Michael Mailman (Private Citizen): Good evening, honourable Chair, committee members, residents and guests. This opportunity to speak is greatly appreciated. Your time is very valuable; I realize that.

I'd like to apologize for my weak voice. I just had a gastroscopy yesterday morning and having a bit of trouble with it, so, by way of introduction, my interest in cannabis and reason for speaking are based on a serious illness and a passion for plants that heal.

Cannabis has been a primary medicine for me now over 16 years. Over this time, I've become very intimate with the knowledge surrounding the plant and generally surrounding the laws that incorporate this plant. It's very sad to see how many people are currently being put at risk for the rest of their lives due to the current legislation, and for that reason alone, I would stress that moving forward with this bill as promptly as reasonably possible would be suggested.

* (19:20)

I run a small vegetable plant nursery, and I sell fresh produce, both of which are excesses of my own personal garden needs. I'm a member of various local volunteer organizations, majority of which are gardening organizations.

In consideration of your time, I will not exhaust all the minute details of this bill, rather sticking to just a few important points.

Disallowing cultivation of cannabis at a residence. The following is a recent test of home-growing risks in federal court by Justice Michael Phelan, known as *Allard v. Canada*. I'll directly quote Justice Phelan in his remarks: "I find that the evidence was insufficient and largely did not distinguish between legal cannabis growing operations under the MMAR and illegal growing operations. Additionally, there was limited, if any, expert evidence that convincingly asserted that these risks exist across the country and to a magnitude that mandates state interference."

"The Plaintiffs' rebuttal witness, Mr. Boileau, provided useful evidence that contextualized this risk

under the MMAR regime. If in compliance with the Safety Standards Act, electrical installations at legal indoor marijuana grow facilities by MMAR licence holders are just as safe as any other electrical installation at any other type of facility.

For the specific health issue of toxic mould, "I find that although mould appears to be a valid concern, the evidence demonstrates that the concern is extinguished with a proper ventilation system.

"I agree that the Plaintiffs have, on a balance of probabilities, demonstrated that cannabis can be produced safely and securely with limited risk to public safety and consistently with the promotion of public health. I again emphasize that the object of restriction is not to eliminate the risk of health and safety but to reduce it, and on that conception, there are very simple measures that can be taken to minimally impact the section 7 interests."

Accepting that fire, mould, diversion, theft and violence are risks that inherently exist to a certain degree—although I note that these risks were not detailed—this significant restriction punishes those who are able to safely provide by abiding with local laws and taking simple precautions to reduce such risk. A complete restriction is not minimal impairment. As mentioned above, the mould, fire risks are addressed by complying with the Safety Standards Act and installing proper ventilation systems. Further, as demonstrated by the Plaintiffs, a security system reduces the risk of theft and violence. Finally, risk of diversion is also present in the licensed production regime; thus, it is not demonstrated how this restriction has the effect of reducing this risk.

I'm sure many of you have already understood these concepts. And the trouble that many Manitoba residents are facing is not understanding why we would go against the federal government's decisions. The idea behind public safety and saving our children is of the utmost importance, but I have a hard time, as do many others, understanding who we're saving by taking four cannabis plants out of the home.

Residents of Manitoba would rather be regulated and informed of best practices, as is currently the case in the medical program, the ACMPR; the state of Colorado, and will be the case in majority of Canada, pending passage of Bill C-45.

Disallowing home cultivation will not stop the practice; rather, it will exacerbate the risks involved.

Local greenhouses, garden centres, garden clubs, communities and hydroponic shops have expressed interest in offering courses and workshops related to safe, cost-effective and efficient growing practices.

Disallowing residential cultivation greatly inhibits growth in the private sector as well. One hydroponic shop had to put a stop on an order for a complete grow closet under 16 square feet. This was intended to be marketed to people who quite likely will now not follow the law. They won't have access to learning materials at garden centres, they won't have access to electricians and ventilation systems because these things are hard to come by when doing things illegally and these are the reasons that illegal grow operations will cause the risks that we are considering.

Four plants does not make a grow op. That's a quote from Senator Ratna Omidvar discussing Bill C-45 in the Senate on April 30th, 2018.

Manitoba has a vibrant gardening community which deserves to be extended the privilege of growing a few cannabis plants for adult use. Many seniors who have helped shape this beautiful province have shown great interest. Not all can afford to purchase fresh, local and organic tomatoes. Meanwhile, most prefer not to go through the hassle of caring for that tomato plant daily when retail options are available.

Home cultivation would open the door to an important conversation with youth concerning the risks of cannabis. Households currently mitigate risks of other adult-only items such as pharmaceuticals, alcohol, et cetera. Cannabis becomes psychoactive only once harvested and dried. The cannabis while growing produces a THC acid which is a raw acid, non-psychoactive precursor to the THC cannabinoid. The risk is therefore much the same as product obtained from licensed retail outlets. All of these should be kept in a locked cabinet, as is already currently being done in most households with alcohol, prescription medications and medically recommended cannabis.

Mr. Chairperson: Mr. Mailman, you have one more minute left.

Mr. Mailman: I'll wrap up right there. I've left a few sources for—from my information at the bottom and I'm open to any questions.

Mr. Chairperson: Okay, Mr. Mailman, thank you very much for your presentation.

We'll go—if the committee has some questions, then we'll pass it on to Minister Stefanson.

Hon. Heather Stefanson (Minister of Justice and Attorney General): Just want to thank you, Mr. Mailman, for coming out tonight, taking time out of your schedule. I know this is an issue that you're very passionate about, and I just want to thank you for your presentation tonight.

Mr. Andrew Swan (Minto): Mr. Mailman, I want to thank you for your presentation.

As you know, the provincial government has the ability either to accept the federal law, which is four plants per person, or another number. Manitoba and Quebec have both chosen to go zero. If I understand your presentation, you're saying that banning home cultivation completely is going to have unintended consequences. Can you just elaborate on that a little bit more for the committee?

Mr. Mailman: Yes, absolutely, I believe that it's going to have unintended consequences. First of all, I think the concept of a plant count is ill-conceived. I think it has very little to do with the actual quantity of cannabis that can be harvested from a crop of cannabis. In fact, the square footage would be a much greater way of determining this factor and perhaps with proper consultations, our government could sit down and understand exactly what it is that we're trying to allow people to do, so as to suggest that we're not going to have people with 2,000-square-foot gardens in their residential areas. Rather, you know, a 16-square-foot or 25-square-foot garden is quite common for very many folks who have no interest in participating in illegal activities and also have no ability to afford such high prices that can and will be placed upon them.

* (19:30)

Mr. Chairperson: Any other questions from the committee?

Mr. Mailman, thank you very much for coming out, for your presentation, answering questions and coming out here tonight. Thank you.

Okay, we'll go on to next person from out of town is Will Stewart. He's with Hiku Brands, vice-president of corporation communication and public affairs.

Mr. Stewart, do you have any materials that you want to hand out?

Mr. Will Stewart (Hiku Brands): I don't.

Mr. Chairperson: Okay. Go ahead with your presentation, Mr. Stewart.

Mr. Stewart: Great. Thank you very much. Thank you for having me here this evening.

As you mentioned, my name's Will Stewart, vice-president of corporate communications and public affairs for Hiku. Hiku is a—one of Canada's first fully integrated cannabis companies. We have a retail footprint currently with nine stores across Canada that sell coffee and do cannabis education as well as sell cannabis paraphernalia called Tokyo Smoke. Tokyo Smoke is one—is fortunate enough to be awarded one of the four conditional master licences to open nine to 16 stores in the province of Manitoba. So we're very thankful for the opportunity for us to be able to conduct business here in your province, and we look forward to working with you co-operatively into the future.

I've spent the last number of years as a consultant in the public affairs space, consulting mainly in the cannabis space for about four years. With that, I've worked with a number of the licensed producers across Canada. I sit as a member of the board of advisers for Lift Cannabis or Lift & Co. They put on a series of cannabis expos as well as have ACMPR strain reviews and promote cannabis education for people who choose to consume it. I'm also a regular speaker on cannabis issues from coast to coast, fortunate enough to be presenting to you this evening, and I will be presenting to the Senate as part of their committee hearings on Bill C-45 in a couple of weeks as well.

As I mentioned before, Hiku is a brand management company. Tokyo Smoke will be very active in Manitoba. We very much look forward to opening those stores. We also have two licensed producers. We have DOJA out of the Okanagan Valley, which is a small-scale craft cannabis producer. We also have WeedMD, which we've recently announced a merger with, out of southwestern Ontario. Together, by about mid-2019, we'll produce 56,000 kilograms of cannabis ourselves, which we will use, of course, to stock our stores as well as stores where we're not allowed to—as well as provinces where we're not allowed to operate in, like, Ontario, Quebec and most of the eastern Canadian provinces that have chosen a different model for cannabis retail.

We also have a female-centric cannabis brand, started by April Pride, who's a 40-year-old mother

who felt that there was nothing in the cannabis space that actually spoke to her. She started Van der Pop, a female-centric education and cannabis brand as well. And we recently closed on another transaction to acquire a high-end paraphernalia company out of Montreal.

When we do get around to opening our stores here, we will obviously be following Bill 11 both to the letter and the spirit of the law. We will be starting with stores in Manitoba.

I wanted to come here tonight and take far less than my 10 minutes to say that we actually support Bill 11. We believe that Manitoba has taken a reasoned approach to the retailing of cannabis both from a freedom for the private sector but with the necessary government oversight that the people of Manitoba likely expect. We've done extensive public opinion polling across Canada which does show Canadians expect government oversight on this substance as it is not a benign substance, of course.

We find that the good balance that you've come up with here in Manitoba strikes the right tone in terms of allowing that private-sector creativity to bring stores at no cost to the government as well as different business models that speak to different parts of the cannabis culture sector, and there are many different types of cannabis consumers across Canada. Having those private-sector stores here allows different business models to test out who their customers really are.

We've had a great working relationship with many of the regulators in the province already so far. We, of course, have submitted many of our products to be carried by the Manitoba government agency which will then be sold into the stores, and we look forward to continuing to do more on that space.

Our stores—we'll start with four, up to four, in Winnipeg, once we are allowed to do so, as well as stores across other, smaller municipalities in order to support the government's objective of having both a rural and an urban footprint for cannabis stores to hopefully help stamp out the black market that I know is also one of your objectives. We've been working co-operatively with those municipalities and having discussions about how to integrate into their communities in an effective and reasoned way that supports local interests. At the end of the day, we will likely have 85 to 95 full-time-equivalent employees within the province that'll be working for us in our retail business and, I should mention, our

online business as well, which we seek to participate in as well.

We have—don't have any concerns with the legislation as it's written. I'm happy to take questions as they come. We do have questions about the legislation, which we expect to have answered by the regulators through a policy interpretation of some of the things that are in the legislation, so we're not too anxious about that, and that's where I will leave my comments this evening. Thank you for your work.

Mr. Chairperson: Thank you, Mr. Stewart, for your presentation, and we'll go on to questions, and I'll pass it on to Minister Stefanson.

Mrs. Stefanson: Thank you, Mr. Stewart, for being here tonight, for your presentation, and we very much appreciate your thoughts on this important piece of legislation.

Mr. Chairperson: Any other questions?

Ms. Nahanni Fontaine (St. Johns): Miigwech for your presentation. I am curious, in Winnipeg, you mention that you're going to have four locations. And where are you presently looking at those locations to be?

Mr. Stewart: We will have up to four locations. The most recent guidance from both the government and the City of Winnipeg is that we will be allowed up to four. So I don't want to presuppose that we'll be approved for all four.

I'm not at a point where we're ready to disclose where we're going to have them, but our stores are primarily geared at urban professionals in—with higher than average disposable income. So we're looking for heavy foot-traffic areas. We're looking for areas that would typically support an entertainment district, that type of thing.

Ms. Fontaine: So my colleague here indicates that you also mentioned that you're going to be targeting women in some of your advertising for particular cannabis products. I'd love to hear a little bit more about that.

Mr. Stewart: Yes, just—not that we'll be targeting women with our products. We have a brand solely dedicated to the woman cannabis consumer called Van der Pop. It was founded by April Pride. She was a 40-year-old mother of two who was a cannabis consumer, felt that most of the cannabis culture and

cannabis experiences that she had had did not speak to her as a woman. She started her own brand that we were fortunate enough to acquire. She is still with us and promoting that brand. It is the leading female cannabis brand in the space right now that focuses on education as well as on products, and an example of a female-centric product would be a nice leather purse that is also smell proof that you can keep your cannabis in when you're out and about.

Ms. Fontaine: So just one more final question. I do note that you had mentioned about, you know, moving towards the elimination of a black market. I am curious, though, if you juxtapose that you are kind of moving towards, you said, I think, more-income individuals, how do you see that kind of navigating between—I mean, those folks, I don't think, would necessarily be going to, maybe, their street corner, anyway. So how do you feel that that's going to work in kind of eliminating the black market?

Mr. Stewart: Yes, let me answer that in two ways, if I can. Our business model is clearly focused on the urban person. That doesn't mean that all the other business models for other cannabis stores are focused on the same demographic. Currently, we operate seven coffee stores in Canada, most of which are in Toronto. Five of them are in Toronto, and where we are at our best is where we have lots of foot traffic with a variety of backgrounds of people from both incomes and ethnicities. Through that, we've been able to reach already 500,000 people through our storefronts, and that includes purchasing coffee, but it also includes some of our education programs, et cetera.

We think that by educating and informing and providing an experiential retail environment, we will have customers that continue to come back to us simply because it is a better experience to purchase cannabis through our storefronts than it is, as you say, the guy down the street. Over time, I think people will start to migrate to retail environments. That's our assumption; we may have it totally wrong, and where we will find out is when we start to open stores in a legalized environment.

Mr. Chairperson: If there's no other further questions, Mr. Stewart, I want to thank you for coming out with your presentation and the questions you answered and thank you—thanks for coming again tonight.

**Bill 25—The Non-Smokers Health Protection
and Vapour Products Amendment Act
(Prohibiting Cannabis Consumption
in Outdoor Public Places)**

(Continued)

Mr. Chairperson: Okay, now we'll go on to the next persons from out of town for Bill 25. May we get the ministers—no, still Justice. Sarah Hopkins [*phonetic*], she's with Canadian Cancer Society.

So we'll let the ministers have some time to—and if you have materials to pass around, Ms. Hopkins [*phonetic*]. Okay. You're—proceed with your presentation, Ms. Hopkins [*phonetic*].

* (19:40)

Ms. Sarah Hawkins (Canadian Cancer Society): Thanks for having me today, members of the Standing Committee on Justice.

My name is Sarah Hawkins, and I am a health policy analyst with the Canadian Cancer Society here in Manitoba.

The Canadian Cancer Society is a national community-based organization of volunteers with a mission to eradicate cancer and enhance the quality of life of people living with cancer. Cannabis legalization has the potential to impact both cancer incidence rates and cancer treatment options and is thus an important issue for us and for the people we serve.

While there is relatively limited evidence of any direct link between long-term cannabis use and cancer, evidence suggests a significant link between cannabis use and tobacco use, which is the leading cause of—leading preventable cause of chronic disease in Manitoba. Studies show that up to 90 per cent of cannabis users are also tobacco users and that cannabis use during adolescence and early adulthood is associated with increased risk of tobacco use and nicotine dependence.

With significant effort in the last 30—or 50 years, tobacco use has declined dramatically in Manitoba. Smoking cannabis in public places has the potential to renormalize smoking behaviour and derail much of the progress we've made in tobacco reduction. And that is why the Canadian Cancer Society supports and commends the Manitoba government for introducing Bill 25. This prohibition on cannabis consumption in outdoor public places will significantly reduce the potential for cannabis legalization to renormalize public smoking. We

strongly hope that the precedents of this bill will lead to further expansions of 100 per cent smoke-free outdoor spaces throughout Manitoba.

During this opportunity to address amendments to an important piece of legislation, I would like to touch on a few additional areas where the law could and should be enhanced. These three areas include the co-location of retail stores, flavoured products and water pipes. I would also like to mention at least one way that the Canadian Cancer Society is interested in partnering with the government of Manitoba to ensure optimal social benefit from the cannabis laws currently under consideration.

Cannabis and tobacco are two of the most commonly used psychoactive substances in the world. Approximately 17 per cent of Canadians currently use tobacco products. When last surveyed, 12 per cent of Canadians used cannabis at some point during the previous years. According to the World Health Organization, Canadian youth have the second highest cannabis use rates in the world. Co-use or mixed use of cannabis and tobacco is common and is associated with an increased risk of adverse health effects compared with using cannabis alone. Tobacco and cannabis use may act as behavioural cues for increased use of either substance. Evidence shows that tobacco users who smoke cannabis are more likely to relapse when attempting to quit using tobacco. Consequently, any increase in overall cannabis use resulting from legalization may increase tobacco use, particularly among youth.

For these reasons, we strongly encourage the Manitoba government to help prevent mixed use by ensuring that cannabis stores are not co-located with stores that are licensed to sell tobacco. In fact, we recommend a minimum setback distance between cannabis stores and any tobacco or liquor stores in order to discourage mixed use. We further encourage the government to ban the sale of cannabis products mixed with tobacco and ban the sale of products such as tobacco blunt wraps.

In 2014, the Manitoba government introduced an amendment to The Non-Smokers Health Protection Act aimed at banning flavoured tobacco products. That bill has yet to be proclaimed. Despite some progress at the federal level, several tobacco products are still available in Manitoba in flavours that are particularly attractive to youth. If the bill remains unproclaimed, a new market of flavoured cannabis products will be given an

opportunity to flourish. Since the flavourings bill was originally introduced, several other provinces have implemented flavouring bans that go far beyond Manitoba's bill. I encourage this new government to take a hard look at that dated piece of legislation and put their own stamp on it. Don't just proclaim it but strengthen it so that kids in Manitoba are granted the same protections that so many of their peers in other provinces have been afforded. And please do so with urgency so that we stamp out flavoured cannabis products before the market takes root.

And, as you consider amendments to an act intended to protect non-smokers, we strongly encourage you to consider immediately closing a loophole in the ban on smokers—smoking in indoor public places. This loophole relates to water pipes and hookah lounges. Public venues designated for smoking water pipes are becoming more widespread, exposing many Manitobans, including hospitality workers, to dangerous and toxic levels of second-hand smoke while enticing youth to experiment with alternative forms of smoking. The products consumed using a water pipe are often referred to as shisha, which can contain tobacco, cannabis or blends of other herbs. These products are moist, heavenly—heavily flavoured and contain either honey or molasses. A typical session of water-pipe smoking is approximately 45 minutes long, performed in groups, and results in burning and smoking about 20 grams of shisha.

Depending on the product and smoking pattern of the user, water-pipe use can produce significant levels of nicotine, carbon monoxide, tar and other heavy metals. A water-pipe smoker may inhale as much smoke in a one-hour session as someone is—who has inhaled 100 or more cigarettes.

Establishments offering water pipe use in indoor public places exist because they claim to offer tobacco-free shisha products which do not fall under the definition of smoking regulated in the non-smoker's health protection and vapour production—products act. In practice, however, it's very hard to monitor and regulate the products being smoked in order to be sure of what they contain.

Further, there is the potential for prospective cannabis lounge operators to demand a similar exemption to allow smoking indoors. The water pipe exemption is not only difficult and expensive to regulate, but it sets a bad precedent.

Both the first-hand and second-hand smoke produced by water pipe use contains known

carcinogens at levels equal to or greater than other tobacco products. People who are around water pipe smoke are at risk of the same negative health outcomes seen from being exposed to second-hand tobacco smoke even if only herbal water pipe products are used.

The social nature of water pipe use has also contributed to the spread of communicable disease. For these reasons, water pipe use in public places has been banned in countries where use has flourished for centuries including Turkey, Syria and Kuwait. The United Arab Emirates also bans cafes and restaurants from serving water pipe products.

Second-hand smoke exposure is a major preventable contributor to acute and chronic adverse health outcomes that affect all Manitobans. Legislated smoking restrictions protect citizens and workers from the negative health effects of second-hand smoke exposure in public places and workplaces.

Water pipe use in hookah bars and restaurants denies protection to Manitoba workers. The herbal water pipe loophole should not exist. In order to protect the health and safety of all Manitoba workers, it should be illegal to smoke water pipes in bars and restaurants regardless of the nature of the product being consumed.

Finally, I would like to address the potential for partnerships related to smoking in multi-unit housing. With a 'blan'-ban on public outdoor cannabis smoking, we would hope that the majority of Manitobans choosing to smoke cannabis would do so on private property outdoors, but this will not always be the case, and it is likely that indoor smoking will increase.

This is of particular concern in multi-unit housing where it's virtually impossible to keep second-hand smoke from migrating from one unit to the next. Currently, 30 per cent of Manitobans live in multi-unit housing. This includes close to 20,000 households with kids, and more than 40,000 households maintained by senior citizens.

The median income of Manitobans living in multi-unit housing is roughly half the median income of those in single-detached homes, and even lower where the household is maintained by seniors. This population group has a disproportionality high level of vulnerable people.

All Manitobans deserve options so that they are not involuntarily exposed to second-hand smoke in

their homes. Well-developed smoke-free policies can give all residents options to be safe and healthy without denying anyone access to cannabis use.

In a smoke-free building, we recommend that alternative cannabis consumption options including vaping and other non-combustible forms of consumption be permitted. Property managers need to be educated about smoke-free policy development, implementation and enforcement. More work needs to be done to ensure that smoke-free options exist in all housing sectors.

The Canadian Cancer Society, in collaboration with other health stakeholders, is interested in partnering with the government of Manitoba to ensure that residents and property managers in multi-unit housing are properly engaged and empowered in the wake of cannabis legalization.

In closing, the Canadian Cancer Society commends the Manitoba government for the policy direction presented in Bill 25 and in other cannabis-related policies to date. As you regulate cannabis, we encourage you to continue to take tobacco regulation equally seriously.

While you have The Non-Smokers Health Protection and Vapour Product Act open for revision, please consider additional amendments related to the co-sales of tobacco and cannabis products, banning flavoured products, and banning water pipe use in indoor public places. Strong, complementary policies for both cannabis and tobacco will prove to be the easiest to enforce and the most beneficial for public health.

Thank you for your time.

Mr. Chairperson: Thank you, Ms. Hawkins, for your presentation.

And now we'll go on to questions from the committee, and we'll pass it on to the Minister Goertzen.

Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living): Thank you, Sarah, for your presentation and for all the work that you and others do at the Canadian Cancer Society fundraising and the variety of things that you do. And of course, we see you in community with volunteers and do incredible work in terms of awareness and prevention.

*(19:50)

So you've left us with a lot of different—or left me, for sure, with a lot of different thoughts, and I appreciate you bringing up the concern about mixed use, and statistics between the prevalence of youth who would both use tobacco and cannabis. That's interesting, in terms of education and where we might go with that type of education in the future.

I will commit to you to look again at the issue of flavoured tobacco. I know that there was some rethought on it when the federal legislation was being developed, but I commit that I'll go back and take a look at that to see if there's other things that can be done in Manitoba.

On the issue of hookah bars and water pipes, as mentioned in a previous presentation, there are regulatory abilities to close loopholes or to make changes within this act, and so that can be considered as well. And I share your concern on the multi-unit housing and ensuring that we don't have unintended consequences from the legislation.

So those are active discussions that we're having within the department as we move forward and looking at different regulations that might come forward. And certainly this part of the legislative process and hearing feedback is a big part of that consultation. So thank you very much for that.

Mr. Andrew Swan (Minto): Thank you, Ms. Hawkins, for presenting on behalf of the Canadian Cancer Society. Hopefully, I'll have time for two questions.

The first is that I know we were successful, largely from advice from the Canadian Cancer Society and other partners, in reducing youth tobacco use in Manitoba. I think all members of this committee are concerned about ensuring that the youth don't start or continue using cannabis. Is there some advice you can give the government on the best strategies to provide education and information for young people?

Ms. Hawkins: Wow. Advice? You definitely have to commit funds. That would be the main thing I think I would mention. Partnering—there's a lot of NGOs out here that are definitely interested in partnering, especially when financial support is available from the government. Be in the schools.

But, I mean, all of those things considered, tobacco and cannabis are very similar but they're also unique products that do need to be handled differently. The severity of the addiction of tobacco products is one of the reasons why we really feel that

it needs to be forefront when it comes to talking to children and youth about products or about any substance abuse.

Mr. Swan: Okay. I got time.

I thank you for your comments about smoke-free multi-unit housing and some of the complexities. I represent a big chunk of the inner city of Winnipeg where people, quite frankly, do not necessarily have access to private property outdoors. One of the suggestions you brought forward is that maybe there should be the ability for people who want to use cannabis to have other non-combustible forms of consumption—edibles. When this bill passes, unless and until the government moves ahead to bring in regulations, edibles are not going to be permitted in the province of Manitoba. So are you encouraging the government to think about that issue and perhaps move ahead to allow edibles, which avoids some of the challenges of smoking?

Ms. Hawkins: I wouldn't push the government to move any faster than they need to on that issue because I know it is incredibly complex.

Another option I think that's more readily available would be the option to vape cannabis products. Again, the research is not entirely 100 per cent out on the health safety of vaping, but it's pretty—the evidence suggests that it is—the second-hand vapour or emissions that come from vaping a cannabis product would be significantly less harmful to—second-hand—people inhaling those products than a traditional combustible product would be. So I think that would be our initial recommendation, would be to make sure that those are accessible.

Mr. Chairperson: Ms. Hawkins, thanks for coming out tonight and presenting and asking our questions. Thank you.

**Bill 11—The Safe and Responsible Retailing
of Cannabis Act (Liquor and
Gaming Control Act and Manitoba Liquor and
Lotteries Corporation Act Amended)**

(Continued)

Mr. Chairperson: Okay, now that we have—we've actually gone through all the out-of-town presenters, we're going to start—we'll have musical chairs again, the ministers, and we'll go on to Bill 11. The third person on the list was Lorne Weiss. He was with Manitoba Real Estate Association.

Mr. Weiss, do you have any materials to hand out?

Mr. Lorne Weiss (Manitoba Real Estate Association): I do.

Mr. Chairperson: Okay, we'll get one of our staff to hand them out. Mr. Weiss, you can proceed with your presentation.

Mr. Weiss: Thank you very much and good evening and thank you to the committee for giving me the opportunity to speak to you tonight.

My name is Lorne Weiss, and I am the current chair of the Manitoba Real Estate Association's political action committee.

Just a bit of quick background for the committee members on the Manitoba Real Estate Association—or, as we refer to it, MREA—MREA represents over 2,100 real estate professionals in the province of Manitoba. Our mission is to lead and empower real estate excellence through education, professional standards, advocacy and related services for realtors and the public that they serve.

I also think it would be valuable for committee members to know just how big an impact home sales have on the Manitoba economy. Over 6,500 jobs are created by home sales in Manitoba. The spinoff spending from each home sale is over \$50,000. Cumulatively, those home sales add up to an economic impact of \$770 million annually, equivalent to over 1 per cent of Manitoba's GDP.

While this bill is primarily aimed at consumers, legalization of recreational cannabis will have a host of impacts on all of our Manitoba families. The Manitoba Real Estate Association supports Bill 11, and we strongly support the zero tolerance policy for home growing in this bill. Quebec will also be banning recreational home growing, as home growing comes with a host of risks and hazards.

For clarity, the federal limits are not four plants for a year per house; the limits are four plants per crop. You can grow several crops a year. For example, some cannabis strains are ready for harvest in 10 weeks. This means you could get five crops in one year. There are also no limits on plant size. One crop with four plants could yield up to 600 grams of useable cannabis. With up to five crops a year, you could grow almost seven pounds—or, three kilos—of cannabis in a year. For comparison's sake, the average medical marijuana dosage, according to Health Canada, is one to three grams a day. At the

highest end of that range, that is less than two and a half pounds, or a little over one kilo a year. A recreational grower with four plants could therefore grow more than double or triple the amount needed for the average medical marijuana dosage.

Allowing for home growing enables for someone to grow a lot of cannabis, to put it mildly. The Canadian Medical Association has identified several potential health risks with home cultivation, such as high humidity and temperatures, risk of fire and the use of pesticides. In regards to fire risks, sometimes homes are rewired to bypass the high electrical bills. A City of Ottawa staff report indicated this patchy electrical work makes a fire 40 times—40 times—more likely in a home.

Chemicals used to produce cannabis can also be harmful to humans. These chemicals can get left inside residences and can potentially mix with re-vented air from furnaces or water heaters, leading to the buildup of poisonous gases. Regular growing of cannabis also leads to mould, spores and fungus in a home, increasing chances of respiratory and other illnesses. Mould can start growing within 28–24 to 48 hours if there is excess moisture in a home, and one cannabis plant produces the same amount of moisture as seven houseplants. Health Canada places indoor air quality as one of the most important elements in maintaining a healthy home.

Also, in regards to Health Canada regulations, medical growers require government approval to grow cannabis, restrict what pesticides can be used, and they must keep their grow rooms and cannabis under lock and key. Such quality control measures won't be in place for home growing, which creates a much higher health and safety risk. Children may have—might have access to the plants, and there's a lack of quality control for potency.

There can also be severe financial implications of home growing. There are virtually no remediation standards for former drug-production homes. Cost to properly remediate a former grow op can run into the tens of thousands of dollars. In addition, I'll echo what you've heard earlier this evening, we must consider the impacts of home growing on multi-family dwellings. Most multi-family units are smaller in size, increasing the damages and risks brought on by the increased humidity and mould. The costs for repairing a unit used to grow cannabis will be passed on to the other tenants, which will drive rents up, decreasing affordability.

In addition, the strong odours may impact other tenants' quality of life. Also, many seniors and young families with children live in multi-residential units. Children and seniors are more susceptible to respiratory illnesses, and we must be cognizant of the air quality in multi-family buildings. Also, I don't think that anyone wants their child growing up beside a grow op or having their parents spend their retirement years beside one.

* (20:00)

The Insurance Bureau of Canada calls any marijuana grow operation a high-risk activity. There are examples where even after remediation and bringing former grow ops up to building code standards, families were still denied home insurance. This applies on the lending side as well, as many lenders are very reluctant to finance former grow ops.

If allowed, home growing could have massive effects on our housing stock. In Denver, where home growing is legal, police estimate that one out of every 10 homes is now being used to grow cannabis. Growing one plant at home is one plant too many.

Realtors want to be a part of the solution to these potential issues. Legalization of recreational cannabis is new ground for all of us, and MREA has several options that we urge the committee and the Legislature to explore as they move forward.

Realtors must have the tools necessary to inform families on the largest investment decision of their lives. MREA strongly believes that prospective home buyers should be knowledgeable about cannabis-related activities that have occurred within homes for sale. We would also recommend the establishment of clear provincial remediation standards for homes previously used to produce drugs, including cannabis.

We encourage the provincial government to ensure that the home growing ban is strictly enforced. This will require co-ordination with municipal police forces, and we anticipate that the enforcement of home growing could be a challenge. The Canadian Association of Chiefs of Police is opposed to home growing and have stated that law enforcement's ability to enforce home growing is very limited, and they are concerned about diversions to the black market. The Association of Chiefs of Police has also labelled the electrical and fire hazards posed by home growing as a risk to first responders. In addition, they point out that home

growing runs counter to efforts to minimize the exposure and access of youth to cannabis. All of this underscores how illegal growing at home shouldn't be taken lightly. We can't treat illegal growing with a slap on the wrist. Penalties need to be severe in order to discourage illegal home growing.

To summarize, the Manitoba Real Estate Association supports Bill 11. We strongly support the home growing ban. Despite the ban, risk still exists, and we need to ensure that people are properly protected and informed about homes that were previously used to grow drugs such as cannabis. Clear remediation standards need to be set as well, and there needs to be strict penalties for those found guilty of home growing.

I would like to thank the committee members for taking the time to listen to the Manitoba Real Estate Association's position on this issue of great importance for realtors and all Manitobans, and I would be happy to answer any questions.

Mr. Chairperson: Mr. Weiss, thanks again for your presentation. And if the committee has questions, we'll pass it on to—Minister Stefanson.

Hon. Heather Stefanson (Minister of Justice and Attorney General): Thank you, Mr. Weiss, for being here on behalf of the Manitoba Real Estate Association and taking time out of your evening to be here and make this presentation. I think you bring forward some very important facts to consider as a committee, and so we thank you for bringing those forward tonight.

Ms. Nahanni Fontaine (St. Johns): Sorry, just to reiterate the minister's comments, thank you for coming out. And I think that you've provided us with some good information here, and I appreciate you coming out to present to us. Miigwech.

Mr. Chairperson: Is there any further question from the committee?

Mr. Weiss, thanks again for your presentation, and thank you for coming out tonight.

Okay. We'll go on to the next person on the list is Steven Stairs. He's with 420 Organizing Committee. Steven Stairs?

Mr. Stairs, do you have any material that you want to hand out?

Mr. Steven Stairs (Private Citizen): I don't, but just so we're clear, I'm actually presenting as a—not

from 420. I'm supposed to present for 420 on Bill 25. So there might have been a mix-up.

Mr. Chairperson: For 25?

Mr. Stairs: Yes.

Mr. Chairperson: Okay. We're doing 11 right now, so we'll call you back up when we're—

Mr. Stairs: That's fair for me.

Mr. Chairperson: Okay. Thank you very much. *[interjection]* Oh, sorry. *[interjection]* Okay. Oh, private citizen. Okay. Sorry about that. *[interjection]* Yes, come on up again. I didn't really quite hear you for—so far away from each other. So you're wanting to present as a private citizen for Bill 11?

Mr. Stairs: Correct.

Mr. Chairperson: So I didn't quite catch that. Sorry about that.

Okay. So you can proceed with your presentation.

Mr. Stairs: Yes, just let me pull out my notes here just quick, and we'll get going.

Sorry if—some of you may know I'm visually impaired, so I don't read scripts or anything like that. All my friends and my cannabis advocates here are quite more eloquent than I am. They can read, so good for them

I'm here regarding Bill 11 to just touch on some aspects of how this bill will unintentionally have consequences that I don't think the committee or, frankly, a lot of people in government have considered.

Just let me—sorry—screen went off.

If any of you who don't know me, my name is Steven Stairs. Already, as eloquently put by our Chair, I'm a cannabis advocate. I spend most of my time growing pot at home. Not going to lie. And just to the last presenter, my kids grow up around a grow op, and I'm perfectly okay with that. And they are honour roll students, so, just saying.

I spend most of my time—besides that, growing pot—advocating for cannabis rights in this province, whether or not it be where to consume, how patients have access, the consultations regarding who is going to be able to retail cannabis in this province. I see we already had someone from Hiku speak this evening, which was kind of nice. Mental note:

couldn't get a hold of you for 4/20, so next year, maybe that'll be nice.

Specifically, regarding Bill 11, there are some things that I'm very supportive of and also some things I'm extremely concerned about.

So, to touch on the things I'm supportive of, I like the idea that you guys have actually included a note about medical exemptions. Bill 25 and Bill 26 lack those, so I'll touch on that in a second. But the not being subject to any sort of provincial laws if you're federally licensed to consume cannabis or grow cannabis or any sorts of the two—even designated growers can sell cannabis to other patients, just so you guys know that one. These are all things that, you know, sound great. You know, you can not have the federal mandate, you know, be objected by the provincial legislation. Sounds good. I'm a big fan of that. Frankly, it seems like, with Bill 11, there was at least some, you know, cognitive acceptance that limiting a medical patient's right to consume cannabis, whether or not it's growing or consuming or whatever, might be maybe a bad idea for the government because, you know, you'd probably get challenged in court and probably lose because governments have already lost. So just setting that out there.

So that's great. I like the idea of that. We need it. However, Bill 11 limits the idea of—something that's already been touched on tonight is residential cultivation. Lots of people have come up this evening, given you facts, numbers, statistics. Great. I'm glad they could give you those, inform you. I'm glad. As a cannabis advocate, I kind of operate on a motive of: I don't bull—something. I tell it straight, as it is.

Some information you guys might not know from maybe not having such intimate relations with cannabis as I have, there are some unintended consequences going from not being able to grow that will penalize not only average citizens but also sick individuals as well.

For example, right now, cannabis is only available through a federally mandated program. You need a doctor to sign your access to that. That's how you get access. Seems very cut and dry. However, it leaves doctors as gatekeepers, and therefore finding a doctor to sign paperwork is quite hard. Therefore, a lot have—there's been two sides to this coin: one where there's free clinics where you can get access because they know you need it medically. And then there's also the flipside of that

where there's clinics that pop up, charging people who know that they could pay a fee and basically get a licence to do whatever they want medically. Kind of a crooked system. Needs to be addressed, hasn't. That's not your problem, though; that's a federal thing.

However, that still leaves positions—or patients in the position of not being able to have access to cannabis. Allowing people to grow medical—or recreational cannabis at home, even if it's only four plants, is still going to alleviate the stresses of a broken medical cannabis system that patients are falling victim of now. If you can easily grow four plants at home—to touch on the one to three grams earlier as most prescribed numbers, that's pretty accurate. About 50 per cent of the numbers out there are one-to-three-grams-a-day patients. Those patients who can't get access from a doctor or whatever the case might be due to financial reasons or, you know, growing constraints or something like that, they still would be able to benefit from home-growing in a safe, effective manner proven by court rulings, not by—based on rhetoric from police associations or something like that, that they would be able to be almost, you know, victorious in getting access to their medicine through a recreational model. It alleviates the stresses, like I said, of the broken system, and we fixed it. Like, it's a band-aid to a broken system, but at least the bleeding stopped.

* (20:10)

So why would you limit a patient's access? Growing cannabis can be done super effectively, very easily and very low risk. I mean, it's already been proven in the Allard decision. It's—can be—LED lights. I mean, how many of you grow a tomato on your plant—or, on your step, or something like that? You can grow cannabis in a very easy manner without doing mould risks, fire, damage, you know, theft. I've been on TV for about 10 years growing pot. No one's come to rob me. I never had a fire. I've never had mold. I've never had the police come. Because I'm a patient who grows medical cannabis because it saves my vision. It's a serious thing for me.

Now, if you eliminate people's right or ability to grow recreationally, what are the people who are going to be flooding the black market going to be doing? Now, they're going to be taking advantage of a black market system that they know they can go pay a fee, grow 50 plants legally in a basement somewhere, which is what I can do, but they're going

to transfer that over to the black market because they know that those other people can't grow a few medicinal plants. They can't afford the fee to go pay for a medical prescription that's basically invalid due to the ethics on how you got it. And you're going to have people rampantly abusing a medical cannabis system because they can; because you're limiting their free ability to do four plants. If everybody can grow four plants at home and everybody has a certain amount of cannabis, there's no need for a black market. Black markets exist due to demand. If you eliminate the demand, you eliminate the black market. I'm pretty sure that's what you guys wanted to do in this bill: protect public safety, keep our children safe, you know, blah, blah, blah, all that kind of good stuff. But if you don't put principles into place, you'll never actually complete that goal.

Maybe a little bit of street 'knowledges' from you—from me to you guys, but dealers are already surviving right now the way that the laws are written, and if you want to do anything to do to eliminate their ability to thrive with new legislation coming out, you have to address the supply-and-demand issue. Let people grow at home and let this whole thing about fire and mould and all these things go out the window. You guys could mandate guidelines: fireproof drywall, proper ventilations per—for cubic foot of volume for air ventilation, you know, proper wiring, employ more contractors to do grow op renovations and electricians to come out and do inspections. Like, this is all economic growth rather than holding back the progress of something that's clearly happening around us. Do we want to be leaders or do we want to be followers? And right now, this province seems like we're not even following. We're just trailing behind, figuring out what to do on the end.

This is a signed copy of Bill 11 that I got from my MLA. Thanks, by the way, Nic. I am proud to hold this in my hand if it comes along with amendments; amendments that make this bill make sense. As a cannabis advocate, I'd like to hold this up as some part of my past, something that I've been part of, but if it doesn't get amended to address the concerns that I've raised and other concerns that have been raised, it's just a piece of paper. I'm done.

Mr. Chairperson: Thank you, Mr. Stairs, for your presentation.

And I just want to let them know that the gallery shouldn't be participating in the—clapping or

applauding in the committee room. *[interjection]* Okay.

Mr.—again, Mr. Stairs, thank you very much for your presentation. So the committee is for—here for—to answer questions, and I'm going to pass it on to Minister Stefanson.

Mrs. Stefanson: Thanks, Mr. Stairs, for being here tonight, taking time out of your schedule. I know that you're very passionate about this issue. You've presented at committee before on this, and I always appreciate your comments, always well thought out and from your perspective, and we thank you for sharing those with us tonight.

Ms. Fontaine: Miigwech, Mr. Stairs, for coming to present. It is obviously very informative and something that obviously you live with every day and understand. And I would suggest to you, you would submit the benefits of cannabis—medical cannabis use, and you—we can see that when you're talking. And so I appreciate all of that honesty and that candor. I think that that is certainly the way to go in respect of this particular issue.

I know that when you held up the bill, the signed copy, you did specifically mention some amendments. I am curious, and it is an opportunity to put on the record what those specific amendments would be that you would like to see.

Mr. Stairs: The main amendment would be allowing home growing. That's my concern, personally. I don't have invested interests. I'm not from a lobby group. I'm not making money off what I'm doing tonight. I just want the ability for people to have their civil liberties enacted and put forth and simply to grow their own cannabis. I mean, if you can brew your own beer, make your own wine, why not cannabis?

Hon. Jon Gerrard (River Heights): Does the bill provide adequate protection for people who need cannabis for medical purposes?

Mr. Stairs: I think the bill kind of vaguely references a federal act and not trumping that jurisdiction. However, there are limitations in this bill, as well as Bill 25 and 26, regarding the specific protections, such as consuming places, or consumption sites, I should say, medicating in public, driving impaired, you know, possession amounts, things like that. That definitely would be much more beneficial and, I guess, comforting to the sick individuals who use medical cannabis, to have that written explicitly, rather than vaguely referenced.

Mr. Nic Curry (Kildonan): Yes. Thank you, Steven. It's good to see you here. We're overdue for a coffee, of course. So it's always a pleasure to speak with you on this matter, us being Garden City neighbours.

Now, something that you've touched on, I think it's especially important, your advocacy for the medical aspect to cannabis, how that conversation's evolving.

And it stands to reason, with the legalization of recreational cannabis, that there's a potential for the expanded capacity or even understanding of how the medical aspects of cannabis can happen. Can you just speak to a bit about how there is a future that perhaps we're going to see growth, and that certainly having the ability to change regulations, as has been discussed with this bill, will be useful to inform either our government or future governments as medical cannabis evolves and changes?

Mr. Stairs: Well, by the way, Nic, anytime coffee, we're good.

I think that this bill, honestly there is or—a section there, I think it's 101.9 or something like that, that references medical—or sorry, cannabis for research purposes in consumption and, you know, testing, and things like that, which, you know, as—me personally, as a medical patient, and someone who was a U of M grad, and they're, you know, very orientated to medical research, you know, campus that they have, that makes me really hopeful that we could, with licensed producers in Manitoba, with, you know, support from provincial legislation and, you know, local campuses, to have, you know, this burgeoning industry that has cannabis as a research tool that's being developed here in Manitoba.

I mean, our virology lab is world famous. Why not make our other universities? Like let's do some more research and development that can really benefit the world, and I think the legislation gives you that opportunity to at least start it, Nic.

Mr. Chairperson: Okay, if there's any other questions for Mr. Stairs?

Well, Mr. Stairs, thank you very much for your presentation and coming out here tonight and 'ansing' all our questions. Thank you.

Okay, next on the list for Bill 11 is Ariel Gliner.

Do you have any presentation—like, some material to hand out? Okay, we'll get one of our staff members to hand it out for you.

Mr. Gliner, you can proceed with your presentation.

Mr. Ariel Gliner (The Joint Head Shop Inc.): Good evening, honourable Chair, honourable members. I appreciate the opportunity to come before you today and give comments with respect to Bill 11, The Safe And Responsible Retailing of Cannabis Act.

My name is Ariel Gliner. I started my career working as a lawyer here in Winnipeg at Aikins, MacAulay and Thorvaldson, LLP, and am now the director of business development and regulatory compliance at The Joint Head Shop Inc.

The Joint is a retail store network consisting of 10 retail storefronts across Manitoba, Saskatchewan and Alberta, including six locations in Winnipeg. We sell, among other things, tobacco products and accessories, vaping products and accessories and cannabis accessories for medical purposes.

The Joint has held federal and provincial tobacco licences since it opened in 2007 and has held those licences in good standing without any violations since that time. Our windows are fully opaque, and customers are warned by signage on the front door that we are an 18-plus establishment and if they appear under the age of 25, they will be asked to provide approved identification on entry. If they fail to produce identification, or are under 18, they are asked to immediately leave.

Due to the changing nature of the industry and how quickly things are moving, we have also begun carrying social responsibility materials at all of our locations. These materials include Health Canada-certified information on smoking cessation strategies, and assistance with addiction to tobacco.

We have also recently begun offering a number of cannabis-related materials including the Cannabis Talk Kit available through Drug Free Kids Canada, which guides parents through talking with their children about cannabis use. We also distribute materials from Manitoba Public Insurance with respect to drug-impaired driving. We look forward to using our store locations to further assist in social responsibility messaging as needed, as we transition into a legalized cannabis regime.

* (20:20)

When, and if, Bill C-45 passes, we intend to expand our business to include the sale of cannabis accessories for recreational use. To that end, there is

little in Bill 11 that directly applies to us. The word cannabis accessory is not defined nor mentioned once.

That being said, the federal bill, C-45, contains a complete and very strict regulatory regime with respect to cannabis accessories, and provincial legislation is hardly needed on the same point. However, there is one specific amendment that should be made to Bill 11 with respect to cannabis accessories that I will get to shortly. Before that, I have some comments on one other aspect of Bill 11.

To begin with, Bill 11 is overall a very positive piece of legislation. It is both progressive and conservative and, in general, accomplishes the goal of balancing competing policy objectives that often conflict. This is especially true when we acknowledge the aggressive time frame under which this legislation must be passed and the constraints that come along with such an expedited process. But there is a glaring inconsistency in Bill 11, one which, I believe, will act counterproductively to its intended purposes and create more problems than it will solve.

Bill 11 creates a new legal class of Manitoba citizens being those who are under the age of 19 and specifically those under the age of 19 but over the age of 18. These individuals carry every single right and responsibility that every 19-year-old Manitoban does with one exception: they are prohibited from purchasing or being provided cannabis. Further, anyone over the age of 19 in Manitoba will be prohibited from sharing or consuming cannabis not only with those under the age of 18 but with someone over the age of 18 but under the age of 19. At the end of the day, it deliberately treats cannabis differently than other controlled substances and activities and treats 18-year-old Manitobans differently with respect to cannabis than it treats them with respect to almost everything else. I believe that this policy was created with the best of intentions but will lead to counterproductive results.

I want to make it clear that I am not arguing that the legal age for cannabis should be 18, per se, but it should be made consistent with substances that have similar or more dangerous effects. To date, every province in Canada has harmonized the age for legal consumption of cannabis with its legal drinking age—every province except Manitoba. There are good reasons for this harmonization, and I will review some of them now.

Eighteen-year-olds in Manitoba are adults for almost every purpose and for the most part are not in

high school anymore. They are in universities, in workplaces, in trade schools, technical colleges and other contexts where they are expected and encouraged to regularly socialize with individuals who are 19 years of age or older. Indeed, 18- and 19-year-olds have a great many things in common in this province: they can drink together at bars, smoke cigarettes outside together, gamble at casinos together, they can get married to each other, they can adopt children together, they can vote, they can join the military, they can enter into legal contracts, they can sue and get sued, they can stand trial for crimes as an adult, take out mortgages and start businesses. Manitoba law treats 18- and 19-year-olds in exactly the same manner for all of the above noted activities, but under Bill 11, if that 19-year-old shares legally purchased cannabis with the 18-year-old in his or her own home, they are now both criminals and subject to criminal prosecution and penalties of up to 14 years in prison.

More practically and less philosophically, this policy will be nearly impossible to enforce. For example, right now, if you meet somebody in a bar, you can generally assume they are old enough to drink. Once Bill 11 passes, anyone at a bar who wants to legally share a joint with someone else at the bar must now ask them for identification and make sure they are above 19 before they share their joint, this after drinking together in a licensed establishment. One can see how this might cause a large number of individuals to unknowingly commit criminal offences.

That is one specific situation that I think illustrates the practical enforcement issues that will arise with respect to these rules. It creates a situation where many of the benefits of regulation of cannabis will be lost if we begin burdening the justice system by charging and prosecuting cases related to the sharing of otherwise legal cannabis between otherwise legal adults. In light of the Supreme Court of Canada's Jordan decision, this will do nothing to ease the backlog of cases in provincial and federal courts and will continue to criminalize Manitobans for what would otherwise be considered a non-offence.

There are other very practical considerations. It must be acknowledged that current prohibition of cannabis has not stopped youth from using it. Some youth are going to use cannabis no matter how we regulate it. That is something that must be accepted. But this can be minimized with proper messaging and information that allows youth—and 18-year-olds,

for that matter—to make informed choices about substance use. By prohibiting 18-year-olds from purchasing legal cannabis, it will not guarantee they don't use it. But they will be left without the benefit of both a quality-controlled, regulated product and without any of the social responsibility messaging that will accompany its legal purchase. It will be sold by black market participants who are celebrating the fact that they now have that many more people to sell to in the future. The black market will enjoy a larger market share than it otherwise would. The cannabis sold will not be quality controlled. The purchaser will have no information about what's in it and no guarantees as to its safety.

The money paid for it will go into the black market tax free. Further, by delaying the age at which these individuals can access social responsible messaging and quality-controlled products, they are less likely to take advantage of them if they already access cannabis successfully in the illicit market. This will clearly work contrary to the stated goals of minimizing black—the black market and protecting youth. And this is all being done simply so that 18-year-olds do not have legal access to cannabis while being full-fledged adults in every other sense.

That brings me to my last point on the matter. There is a bigger concern here, and that has to do with respect for the administration of justice and respect for compliance with the law. If you want to be successful with this policy change, we need to create a regime that promotes and incentivizes compliance. Cannabis prohibition in Canada has failed, quite obviously. But its biggest failure has been in its needless criminalization of otherwise upstanding, productive members of society. This, in turn, has led to a situation where many young people—and older people, for that matter—have less respect for the law because they see how it can punish people in a disproportionate manner. The government now wants to say that 18-year-olds are adults, except when it comes to cannabis. Eighteen-year-olds will understand this is hypocritical. They will understand that this policy is not rooted in evidence. They will know that it makes absolutely no logical sense to allow an 18-year-old to purchase an unlimited amount of alcohol, but not any cannabis at all. They will know that this policy does not actually protect them in any meaningful way, but actually does the opposite of that by encouraging riskier behaviour such as binge drinking while criminalizing them and their friends for sharing cannabis together.

Eighteen-year-olds know that tobacco causes 37,000 Canadians to die each year. They know alcohol causes thousands of deaths due to its abuse each year. They know no one at all who has ever died directly from cannabis. Requiring a higher legal age of purchase for cannabis than either of those substances will rightly be seen as arbitrary, it will alienate a large group of young adults that would otherwise have every reason to be legally abiding citizens who respect the law. The result will be that the government will lose credibility with this group of people at the very time it needs that credibility the most of if it wants to have any meaningful impact on young peoples' choices in life, including with respect to cannabis.

If we as a society want to have a discussion about changing the legal age of use for controlled substances, that is a very reasonable conversation to have. However, the discussion and resulting policy changes must be made consistently and based on the evidence available that links age of consumption to the relative harm that each substance causes. Bill 11 does not do that, and hamstring what is otherwise a very positive and progressive piece of legislation.

For all those reasons, I would recommend that the definition of the term young person in Bill 11 be deleted, and anywhere it appears should be deleted and replaced with wording that references individuals who are under 18 years of age, similar to the current wording in The Liquor and Gaming Control Act.

I noted at the beginning of my presentation that I also had a comment to make about cannabis accessories. Bill C-45 states that it is prohibited to sell a cannabis accessory to a young person, young person being defined as those under the age of 18. Bill 11 does not mention cannabis accessories at all. If the legal age of cannabis use is 18, there is no issue. However, if the legal age is going to be 19, the bill as written creates an awkward situation where it will be legal to sell an 18-year-old a cannabis accessory, but not cannabis.

If we were going to make this bill as consistent as we can, and we are going to keep the age of 19 as age of purchase, I would recommend adding a definition of cannabis accessory to the bill that mirrors that in the cannabis act and include an extra provision that simply states that a person must not give, sell or otherwise supply cannabis accessory to a young person.

Thank you, and I'll look forward to answering any questions you may have.

Mr. Chairperson: Thank you very much, Mr. Gliner.

That was exactly 10 minutes. So we're going to ahead with questions here, and I'm going to pass it on to Minister Stefanson to ask you some questions and comments.

Mrs. Stefanson: Thanks, Mr. Gliner, for your presentation tonight. I think you—this is obviously a very well thought out presentation. You put a lot of work into this, and I appreciate your thoughts on this this evening.

I think there's certainly some very valid points that you bring forward, and we just appreciate you bringing that forward and taking the time tonight.

Mr. Chairperson: Mr.—Mrs.—Ms. Fontaine.

Sorry, I saw Mr. Gerrard, there, too.

Ms. Fontaine: Miigwech for your presentation. It is incredibly detailed, and I really do appreciate you unpacking the—how this is going to actually manifest itself in everyday life for adults—18-year-old adults—and this kind of—this in-between space that now there's this year in between where they can no longer—they can't purchase cannabis legally. And you did a really, really good job of unpacking that.

And, actually, I particularly appreciate the last pieces in respect of your amendment. So I really do appreciate all the hard work that went into this. Miigwech.

Mr. Gerrard: We've been very concerned about the potentials for criminalizing 18-year-olds for having cannabis, and you mention this.

Is there an alternative that—you could have a fine instead of a criminalization if somebody—for possessing marijuana—who's 18?

* (20:30)

Mr. Gliner: I believe that would require an amendment to the bill that would have to re-jig the category that's been created. Right now, the category applies to all individuals under 19. So there would no—be no way to treat an 18-year-old differently than, say, a 15-year-old or a 13-year-old. To treat 18-year-olds on their own would require an amendment to that part of the bill.

Mr. Gerrard: Could you provide—I mean, for somebody who is under 18, are they going to be criminalized under this law, and could they be fined

instead of being criminalized, if that was what would happen?

Mr. Gliner: I believe the way that C-45 has been set up and the way that the provincial law has been set up does specifically allow for exactly that. I don't—I'm not exactly sure how it would work with 18-year-olds, as they would fall into a very specific and awkward situation that they wouldn't in other provinces where the legislation is already worded around the age of 19. So I'm not sure exactly how we would effectively treat 18-year-olds different than those under 18 and differently than those 19-plus. And I think that would be more complicated than its worth, personally.

Mr. Chairperson: Is there any other further questions from the committee?

Mr. Gliner, thank you again for coming out, for your presentation and asking—or answering the questions.

So we'll—now we'll go on to the next presenter on—No. 10 is Denise Elias. Is that how you pronounce the last name? [*interjection*] Elias. Okay. And Denise is with MADD Canada.

Ms. Elias, do you have any material that you want to pass around? Any material that you want to pass around?

Ms. Denise Elias (MADD Canada): It's combined with Bill 26 as well.

Mr. Chairperson: Okay. Sure, you can—we'll pass them both around right now. [*interjection*] Oh, so you've got—your both presentations are combined with the two bills.

Ms. Elias: Yes.

Mr. Chairperson: Okay. Sure. We'll just pass it around and—[*interjection*] Minister Stefanson.

Mrs. Stefanson: Yes, if I could maybe just suggest to the committee—thank you, Ms. Elias. I know you have the two presentations tonight. As we've allowed others here tonight to present sequentially on both pieces of legislation, if we would allow Ms. Elias to do the same tonight as well, as a committee.

Mr. Chairperson: Is that agreed by the committee to present—the two bills at the same time?

Mr. Swan.

Mr. Andrew Swan (Minto): Just for clarification, is Ms. Elias—is she able to do both in 10 minutes, or do we need leave to extend the 10-minute period?

Mr. Chairperson: Ms. Elias, how—approximately for the two—like, the two bills that you wanted one presentation, how long do you think you'd need to present?

Ms. Elias: I can assure you, extremely brief.

Mr. Chairperson: Okay, sure.

Bill 11—The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended)

(Continued)

Mr. Chairperson: Ms. Elias, proceed with your presentation. Thank you.

Ms. Denise Elias (MADD Canada): Thank you very much. Thank you for allowing me to present on both bills and also for affording me the opportunity to be here this evening.

I am Denise Elias, and I am the current president of MADD, Winnipeg chapter.

I've been asked by MADD's chief executive officer, Andy Murie, to present on behalf of MADD Canada, and these are MADD Canada's comments on Bill 11 and on Bill 26. And I will go right to Bill 11.

Bill 11, The Safe and Responsible Retailing of Cannabis Act (Liquor and Gaming Control Act and Manitoba Liquor and Lotteries Corporation Act Amended). Cannabis retail—although MADD Canada would prefer that cannabis be sold through a government monopoly in stand-alone cannabis stores, MADD Canada is supportive of Manitoba's proposed retail regimen, which will authorize the sale of cannabis for recreational cannabis through private cannabis-only stores overseen by Manitoba Liquor & Lotteries Corporation.

Mr. Vice-Chairperson in the Chair

MLLC will be responsible for acquiring the cannabis for sale in the system. However, this retail system will require the Manitoba government to vigorously make use of its ability to audit and inspect cannabis retailers.

Home cultivation—MADD Canada is supportive on the ban on residential cultivation. Those are my comments on Bill 11.

Hon. Heather Stefanson (Minister of Justice and Attorney General): Well, thanks, Ms. Elias, for your comments on Bill 11.

I look forward to your comments on Bill 26 after as well. Thank you.

Mr. Vice-Chairperson: Ms. Elias, you can continue with your next comments.

Bill 26—The Impaired Driving Offences Act (Various Acts Amended)

(Continued)

Ms. Denise Elias (MADD Canada): Thank you very much.

As you know, MADD Canada's mandate is to stop impaired driving and to support victims of that very violent crime. If we were asked—if we were to be asked what is MADD's goal—what would MADD see as the ultimate—we would say that we would like to cease having a MADD. We would like to be at a time where there would be no need for a MADD organization whatsoever.

Bill 26, The Impaired Driving Offences Act. MADD Canada applauds Manitoba for prohibiting novice drivers from having a blood alcohol concentration, a BAC, above zero, and from having drugs in their body at a level sufficient to fail an oral fluid test. To further strengthen these proposed provisions, MADD Canada recommends that these prohibitions be expanded to apply to all drivers under the age of 22.

Further, in accordance with MADD Canada's pre-existing policy, police should be given the ability to demand an oral fluid test at random from any driver under the age of 22 or with less than five years of driving experience. Being able to demand testing at random is preferable to requiring the police to meet the individualized suspicion criteria in section 254(2)(b) of the Criminal Code. This provision requires the police to have reasonable grounds to suspect that the driver has alcohol or drugs in his or her body. Although this test would appear to establish a relatively low threshold; in practice, it is a significant obstacle to effective enforcement.

Failure to comply with Manitoba's graduated licensing program, alcohol and drug limits would be subject to the existing sanction of a 24-hour administrative licence suspension. The GLP alcohol and drug limits can be strengthened by increasing the duration of the ALS to 30 days. MADD Canada is also in favour of including vehicle impoundment with ALSs as it has greatly strengthened the deterrent impact of the law.

Vehicle impoundment. MADD Canada is supportive of the addition of provisions authorizing police to impound for 30 days the vehicles of drivers that have a prohibited blood drug level, whether alone or in combination with a prohibited BAC, as contemplated by section 253(3)(a) or (c) of the Criminal Code, once Bill C-46 becomes law. Moreover, Bill 26 could be further enhanced by implementing a seven-day vehicle impoundment for drivers that fail an oral fluid test and a 30-day vehicle impoundment for drivers that fail a drug recognition evaluation.

Administrative licence suspensions. MADD Canada is pleased that Bill 26 authorizes the police to impose a 90-day ALS on drivers that have a prohibited blood drug level, whether alone or in combination with a prohibited BAC, as contemplated by section 253(c)(a) or (c)-(3)(a) or (c) of the Criminal Code once bill 46 becomes law. MADD Canada also supports the introduction of a three-day ALS for drivers who fail an oral fluid test. However, this provision could be enhanced by increasing the duration to seven days.

MADD Canada supports allowing drivers who fail an oral fluid test to request that a second test be administered using the same equipment.

MADD Canada applauds the introduction of a six-month driver suspension following a conviction of having between 2 and 5 nanograms of THC under section 253(3)(b) of the Criminal Code once Bill C-46 becomes law. Comments on Bill 26.

Mr. Vice-Chairperson: Thank you very much for your presentation.

Do members of the committee have any questions for our presenter?

Hon. Heather Stefanson (Minister of Justice and Attorney General): Again, Denise, I just want to thank you so much for being here tonight and for everything you do to promote safety in our communities and from MADD Canada. You've been a tireless advocate and we just very much appreciate everything you do. Thank you.

Mr. Andrew Swan (Minto): I also want to thank you for coming down to present on behalf of MADD Canada. When I was the minister of Justice I had many opportunities to work with MADD Canada and MADD Winnipeg—*[interjection]* Yes, so please pass on my regards to Mr. Murie. I took him for Vietnamese food in the West End before this bill came down and he was able to give me some views

on what things could look like in the—with the decriminalization taking place.

So thank you so much for presenting to us tonight.

Mr. Vice-Chairperson: All right. Well, thank you very much for your presentation this evening.

* (20:40)

**Bill 25—The Non-Smokers Health Protection
and Vapour Products Amendment Act
(Prohibiting Cannabis Consumption
in Outdoor Public Places)**

(Continued)

Mr. Vice-Chairperson: I will now call on our next presenter. From the Manitoba Lung Association, Neil Johnston, in regards to Bill 25.

Mr. Johnston, do you have any written materials you'd like to be distributed to the committee?

Mr. Neil Johnston (Lung Association of Manitoba): Yes, I do.

Mr. Vice-Chairperson: Mr. Johnston, I'll ask you to proceed.

Mr. Johnston: Thanks, Mr. Chair. Ladies and gentlemen of the committee, ministers, thanks for the opportunity to address the proposed bill. I'm Neil Johnston. I'm a registered respiratory therapist and president and CEO of the Lung Association of Manitoba.

The Lung Association supports amendments for the reasons that follow. In addition, we recommend adding to the definition of smoking and elsewhere where relevant the emerging use of water pipes, also known as hookahs. Further, we request that the government increase investment in related public education and research. As an aside, I'd just like to endorse and support the comments my colleague from the Canadian Cancer Society Ms. Hawkins has made, substantiating a lot of the comments I'm about to make. And we're very much in alignment in our approach to a lot of these topics that relate to the topic at hand.

The Lung Association's position is that prevention is key to making our province free of lung disease. Accordingly, we encourage legislation such as this and caution the public against smoking cannabis or any other substance because of the risks it may pose to lung health. Our position is based on existing evidence and also on the acknowledgement that there's a lot to learn about smoking cannabis and

other novel substances, for example, liquids used in e-cigarettes.

We as a society learned about the hazards of smoking tobacco too late, and many of our friends and families are suffering and have suffered the consequences. We have the opportunity to avoid repeating this public health tragedy through thoughtful, comprehensive regulatory approaches in parallel with evidence-informed education as people consider these relatively novel products.

We do know that the inhalation of smoke is harmful to lung health, as the combustion of materials releases toxins and carcinogens. These are released regardless of the source, whether it's burning wood, tobacco or cannabis. Knowledge about the long-term effects of cannabis smoke is still limited, but early research studies have demonstrated harm that can lead to chronic bronchitis. Other studies suggest that frequent and heavy cannabis smoking is associated with cough-sputum-and sputum production, wheezing and a decline in lung function. Smoking of cannabis by persons who also smoke tobacco is of particular concern, as there is evidence that tobacco and cannabis smoking act synergistically to increase the risk of respiratory issues and chronic obstructive 'pulmy' disease.

Second-hand marijuana smoke contains many of the same toxins and chemicals found in directly inhaled marijuana smoke. More research on the health effects of second-hand marijuana smoke is needed. Until this issue is addressed, the Lung Association remains concerned about the potential harmful effects, especially among vulnerable populations such as children and youth.

Water pipe use in Manitoba is an emerging phenomenon. The World Health Organization has issued an advisory note on the health effects and recommended regulatory approaches. Smoke from water pipes contain many toxic substances known to cause cancer, heart disease and other diseases. As was previously mentioned by my colleague Ms. Hawkins, the WHA-WHO advisory note states that in a 20- to 80-minute water-pipe session, the user is exposed to the same amount of smoke as 100 cigarettes.

Recent media reports have identified the emergence of water pipe lounges in Winnipeg, and nationwide, the number of youth in grades 10 to 12 who have reported using a water pipe has increased year over year. Due to the health effects of water pipes, this is of great concern to the Lung

Association. We have an opportunity to close this loophole by ensuring that water pipes are included in smoke-free legislation.

Should this amendment apply to First Nations, we would ask and encourage that consultation with all appropriate 'indigenous' leaders be undertaken to promote buy-in and enhance successful implementation of this legislation. This will facilitate our role in developing and delivering education and awareness programs in conjunction with our indigenous partners.

In closing, the Lung Association supports the proposed act for the reasons previously mentioned above. In addition, we strongly recommend adding to the definition of smoking and, elsewhere in this bill and other legislation where relevant, the emerging use of water pipes. And, further, we request that government increase investment in related public education and research.

Thanks for your time.

Mr. Vice-Chairperson: Thank you very much for your presentation, Mr. Johnston.

Do any members of the committee have any comments?

Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living): Thank you as well, Mr. Johnston, for your presentation on behalf of the Lung Association and the work that you and everyone involved in the association does, not just by being at a committee, but each and every day. Thanks for staying for, I guess, almost three hours now to be here. No Jets game tonight, so it makes it a bit easier—don't have many competing things.

But I do want to acknowledge the comment you made particularly about the hookah pipes—and I know that's echoing the Canadian Cancer Society, and so we'll take that back for further consideration as committed to before—but also, your point about the parallels with smoking and that, you know, we don't have a lot of research when it comes to long-term cannabis use. But we know from the experience with smoking of tobacco that when evidence became clear or at least irrefutable, a lot of damage had been done already at that point, so there's a lot of need to be cautious. So I appreciate you raising those points.

Mr. Vice-Chairperson: Mr. Johnston, no comments?

Mr. Swan.

Mr. Andrew Swan (Minto): Thank you for coming down and presenting on behalf of the Manitoba Lung Association. We certainly appreciate the work that you do.

When this bill passes and when the federal bill passes, it appears that the only legal way to use cannabis will be by smoking or perhaps by vaping. The government has said that, at least at this time, edible cannabis products are not going to be on the table. Do you see that as a form of harm reduction if people who want to use cannabis have the choice to ingest cannabis without smoking it? *[interjection]*

Mr. Vice-Chairperson: Mr. Johnston.

Mr. Johnston: Oops. Sorry.

Mr. Vice-Chairperson: Go ahead.

Mr. Johnston: Yes, from the lung health perspective, if you can avoid burning it, that's the way to go. And so I think once we have some research behind some of these novel ways of using the substances, I think that will point the direction. We can't definitively say, from a public health, widespread perspective, that other modes of using these medications—or the substances, such as cannabis, will be in the end of the—at the end of the day be innocuous, but that's sort of where things are going.

And so I—certainly, from a lung health perspective, I think if you don't burn it, that's the way to go. And—but it's still really early days to say whether vaping or other approaches is going to be as innocuous as led to believe, particularly if you're heating a liquid which you don't necessarily know what all the ingredients in the liquid is, and you're heating them to form a vapour. That can also possibly cause some other consequences. So burning is definitely a problem. Then we have to take one step and see, is heating it to a high temperature also a problem as well.

Mr. Vice-Chairperson: Thank you for that.

Hon. Jon Gerrard (River Heights): Thank you for coming to present.

You've referenced some literature showing the association of smoking of marijuana, cannabis, and problems in lung function, chronic obstructive pulmonary disease.

Mr. Chairperson in the Chair

Is there any association with lung cancer or, with smoking cigarettes, esophageal cancer or lip? *[interjection]*

Mr. Chairperson: Oh, Mr. Johnson—or Johnston.

* (20:50)

Mr. Johnston: Yes, thanks. Yes, at the time, the literature is mixed, and there's some confounding factors of separating cannabis from tobacco. And we do know that in cannabis smoke, there are same—there are some similar carcinogens such as benzene that is found in tobacco. So there's a lot of overlap, but they are clearly different substances. And, in fact, looking—the evidence is sort of emerging that they do—cannabis smoke—pure cannabis smoke and pure tobacco smoke do work differently. But we don't know how differently, over how long. Those longitudinal studies need to be done.

But they are—they do—tobacco and cannabis work differently, and there may be some differences in the impact for—specifically for cancer. But we do know that long-term habitual use of cannabis does cause issues with airway inflammation. There's also suggestions of degree 'versability' that has to be teased out as well. So there's—I think the key is that we need to invest in the research. The research hasn't been done, because it's been, up to now, essentially, an illegal substance. And we feel that once that research is supported that these questions will be answered. But, in the meantime, let's not create another problem. We know the impact of smoking—83,000 Manitobans are estimated to have COPD from tobacco.

Mr. Chairperson: Mr. Johnston, thank you very much for your presentation and your answering our questions. Your five minutes is up here, and so I want to thank you again for coming out here tonight. Okay. Thanks.

Okay, we'll go on to the next presenter, Ariel Gliner from The Joint Head Shop Inc.

I just want to confirm, Mr. Gliner, that you're only presenting on Bill 25, right?

Mr. Ariel Gliner (Private Citizen): Yes. I'm not presenting on 26, and I also would like to say I'm presenting as a private citizen on 25 as opposed to 11.

Mr. Chairperson: On the 25. Okay, this—you're—as a private citizen. Okay. We'll put you down there for that.

Floor Comment: And I do have handouts as well.

Mr. Chairperson: And we'll get somebody to hand them out for you. Okay. Your presentation. Okay, you can proceed with your presentation, Mr. Gliner.

Mr. Gliner: Good evening, again, honourable members. I appreciate the opportunity to come before you today and give comments with respect to Bill 25, The Non-Smokers Health Protection and Vapour Products Act.

My name is Ariel Gliner. I started my career working as a lawyer here in Winnipeg at Aikins, MacAulay & Thorvaldson before becoming director of business development and regulatory compliance at The Joint Shop Inc., a retail store network in western Canada that sells, among other things, cannabis accessories for medical purposes. I am also an authorized medical cannabis user under the access to cannabis to medical purposes regulations and have been since 2014. I am speaking here today on this bill as a private citizen and authorized cannabis user.

Bill 25 proposes to limit the smoking and vaping of cannabis to private property with consent of the owner. Once this bill passes, it will be strictly prohibited to vape or smoke cannabis anywhere else, including in places where cigarette smoking is currently allowed. More distressingly, however, is that the bill does not contain any exception or exemption of any type for those that smoke or vape cannabis pursuant to a valid authorization under the ACMPR. This can be contrasted with Bill 11 that specifically states that this act does not apply to the consumption, possession, distribution, purchase, sale or cultivation of cannabis for medical purposes that occurs in accordance with the requirements of the applicable federal law.

Bill 25 has no such exemption, and it is difficult to understand why. Medical cannabis in Canada has been legal since the year 2000. Since that time, numerous court decisions, including *Allard v. Canada* and *R. v. Smith* have reaffirmed that individuals who have been medically authorized to use cannabis have a right to reasonable access to that cannabis. In the past, this has led to changes in the appropriate legislation to allow for designated growers, permitted alteration of cannabis products and has also led to human rights decisions that have ordered employers to accommodate those individuals using cannabis pursuant to a valid authorization.

The point is that reasonable access to medical cannabis is a term that is used holistically and does not simply refer to the ability to purchase or grow, although that is a big part of it. It may also, and probably does, mean that individuals have a right to use medically authorized cannabis in places other than their home. The effect of this bill is to force

medical cannabis users to stay within range of their home if they are to smoke or vape their medication. This eliminates the ability for a medical cannabis user to be away from home for more than a couple of hours in many cases. It makes it virtually impossible for many workers who are being accommodated to smoke or vape cannabis anywhere around their workplace, inside or outside. It prevents them from going on overnight camping trips. It means that medical cannabis users coming into Manitoba from elsewhere in Canada will be left with no choice but to forgo their medication or break the law. This is simply draconian.

For all those reasons and more, it is highly likely that applying the provisions in this bill to authorize medical cannabis users is unconstitutional. The provincial government has never provided any evidence whatsoever that providing an exception for medical users to the restrictions in Bill 25 would in any way harm public health or safety. The government is discriminating against those that use cannabis to manage their health and is doing so in a way that is not rationally connected to the government's objective. Forcing medical cannabis users to forgo their medication if they need to be away from home for any length of time actually causes them harm, rather than preventing it, which makes the law arbitrary. Finally, the harm caused to medical cannabis patients from this bill is completely disproportionate to any positive effects on public health and safety that may arise from refusing to give medical cannabis users an exemption in this case. This bill is simply not constitutionally sound as it relates to medical cannabis users.

I would therefore recommend that you carefully consider the practical effects this bill will have, and to amend the bill to provide an exception for medical cannabis users. Such an exemption would be similar to that contained in Bill 11, and could be worded as follows: This act does not apply to the consumption of cannabis for medical purposes that occurs in accordance with the requirements of the applicable federal law.

Secondly, quite apart from the arguments surrounding medical cannabis, there are other practical reasons for being cautious about prohibiting public use of recreational cannabis entirely. Since Colorado became the first North American jurisdiction to legalize cannabis for non-medical purposes, every jurisdiction that has followed suit has had to deal with the issue of where these products may be legally consumed, and Canada is no

exception. Public consumption of cannabis is prohibited in all legal jurisdictions, leaving private property as the only legal consumption space, and only with the owner's permission. This has caused a number of issues in these jurisdictions, including large numbers of individuals consuming cannabis in public. For example, when Colorado legalized cannabis for recreational use, the number of citations for public consumption rose from 118 to 668 in one year, an increase of 471 per cent. In Nevada, which legalized cannabis for non-medical purposes in July 2017, they are having the same issue, with tourists able to purchase cannabis legally, but not consume it in any location available to them.

It is likely that Canada will face the same issues as those faced by Colorado and Nevada, where the lack of legal places to consume cannabis have led to a large number of individuals choosing to consume in public parks, public streets and other areas where exposure to youth is both unlikely and unwelcome. Without a solution whereby individuals can consume cannabis in a safe and legitimate legal setting, it will invariably prove difficult for the Manitoba government to keep cannabis consumption out of public spaces. Many landlords, as well as hotels, who already ban smoking on their property, will almost certainly ban cannabis use as well. With cannabis use being legal, but the rental properties many people live in prohibiting its use, the only available alternative for a large portion of the population will be consuming cannabis in public.

Thank you, and I look forward to any questions you may have.

Mr. Chairperson: Thank you very much for your presentation, Mr. Gliner. And we'll have to go through if there's anybody on the committee wants to have a question.

And we'll pass it on to Mr. Goertzen.

Mr. Goertzen: Thank you very much. Welcome back to committee. Thank you for presenting on this bill, Mr. Gliner. You've done a good job of aligning your concerns. I noted you laid out your legal arguments for the Oakes test on the constitutional argument. Whether I agree with every conclusion of it, they're well laid out.

Certainly, on the issue of medical, or medicinal, marijuana, we recognize that that issue has to be considered. It's one of the reasons, the particular reasons we put in regulatory powers within the bill, so that can be considered. We don't control, as you

know, the federal timeline for the implementation of their bill, and that's still very much a matter of uncertainty in terms of the federal timeline based on what's happening in the Senate and in Ottawa. But we wanted to have flexibility within this bill to be able to make changes as they're needed and certainly we will consider the issue of medicinal marijuana as you've discussed within your presentation. So I appreciate that.

Mr. Chairperson: Mr. Swan. *[interjection]* Oh, Mr.—oh, do you want to respond, Mr. Gliner?

Mr. Gliner: I do accept that. I understand there is regulatory authority that does exist. I would allow for this. Generally speaking, though, when it comes to constitutional issues involving section 7 rights, it would be much better to have it in the bill itself as just a blanket exemption so there was no concern that regulations could, in the future, be passed which were not adequate, which would then require constitutional challenges or then could be easily changed to again be unconstitutional. The—with these types of issues, I would personally rather see it in the bill itself.

Mr. Swan: Mr. Gliner, thank you for your presentation and for the point you've made that there's a lot of discretion yet for this government to exercise when the bill passes to strike regulations.

* (21:00)

What do you think is the reasonable accommodation first for someone who simply wants to use cannabis recreationally?

Right now, we're told that if they don't have access to private property, likely not in their apartment block, there is no public space available. At the same time, it's not unreasonable for the government to want to put limits on where that could be. Exposure to children being the most obvious one.

What do you personally think is a reasonable accommodation or a reasonable limit?

Mr. Gliner: Honestly, as a medical patient, I have not thought that deeply about the recreational issue, all—other than what is on—than what I presented. But I haven't thought—the best—I think the best way to do it would be to provide very strict guidance as to what areas were—what public areas were off limits. And, other than that, leave it out—make sure you get the basics down: the schools, the playgrounds, those types of places. Other than that, though, it is going to be almost impossible to actually define—to look at

every single situation and decide whether it fits in or it fits out.

I would—there's a lot being talked about tourism and about these things and all these ancillary benefits. None of them are going to matter if everybody taking advantage of it is breaking the law, and that's what this bill is setting up.

Mr. Chairperson: Mr. Gerrard next.

Mr. Gerrard: Yes, it would seem that there are two potential approaches. One is to provide permits for areas where people could legally smoke cannabis or, alternatively, to designate areas where people can't use cannabis and make it very clear where those are not. Give me a perspective on those alternatives.

Mr. Gliner: Thank you for the question. Generally speaking, in my experience, which isn't much, and I'm no expert on the issue, but I would suggest being very clear about where you can't use it as opposed to where you can. The issue with saying where you can use it is that then everybody's going to, okay, what about this, what about this, what about this? And they'll have to amend it. And there's no—there's—or—it could be done. I just—I think it would be easier to do it from the other way and make sure that you have those areas you do not want it happening in not happening in. And then, as problems come up, you can add to that list through regulation, through prescribed places that aren't allowed.

Alternatively, you can also do the opposite and say, by prescribed regulation, decide which areas you can use it. You can also amend the legislation or give the Liquor and Gaming Authority the ability to hand out licences for consumption—commercial consumption spaces. Right now, that doesn't seem like—very possible because the only products available are going to be smoking and vaping products that aren't necessarily appropriate for indoor consumption spaces. But, going forward, once legalized—once edibles are legalized, that should be a high priority.

Mr. Chairperson: Mr. Swan, we can probably have one quick question.

Mr. Swan: Sure. For your own experience, then, as a user of medical cannabis, the proposed amendment you've added would be very broad, saying that you simply wouldn't be covered by this as long as you're a medical cannabis user. Do you think that's reasonable? Is there some other middle point that would be reasonable for the rights of those who use

medical cannabis but also protecting the rights of others?

Mr. Gliner: I don't think it is any less unreasonable than it being in Bill 25—or Bill 11, rather. I think the fact that this—the exact wording is in Bill 11. I think that was because the provincial government was making sure that they did not over tread on the ACMPR and made sure anything in the ACMPR was covered. But the ACMPR does not contain the—all the rights of cannabis patients. It only contains the rights that have been codified into the ACMPR. Through numerous court decisions, there are lots of common-law comments that have been made. And, if you look at them, it would seem that a lot of the legislation currently discussed could be ruled unconstitutional based on those decisions. The main problem is it's very difficult to get a medical cannabis patient in a position where they can constitutionally challenge legislation. So a lot of that never actually gets worked out.

Mr. Chairperson: Thank you, Mr. Gliner. We gave you an extra minute there for the question there, so thank you very much for your presentation and coming out here tonight and answering our questions. Thank you.

Okay. We'll go on to the final person I have on the list, Steven Stairs. I'll get you to come back up and present for Bill 25.

And it's going to be—he's representing 420 organization committee this time.

Mr. Stairs, you can proceed with your presentation.

Mr. Steven Stairs (420 Organizing Committee): I will in one second. I'm just going to pull up my notes again. And blindness makes my font quite big—so. All right.

Good evening. I didn't really thank everybody last time. I was little off focus, so this time, representing the company, I'll be a little more professional.

Thanks for having me. Appreciate it. As you mentioned, I'm representing Winnipeg 420 Organizing Committee. We are the non-profit that puts on the annual events at the Legislative Building right out front here. I'm sure you guys have all seen it, had to drive past it. Every year regarding cannabis—cannabis legalization, medical marijuana access, education, just the whole culture—that's our yearly annual event and about six years ago some

university students and I, along with my wife, decided to formalize, I guess, what was going on in front of the building here and took it to a whole new level where permits and insurance and good working relationships with you folks as well as the City and Province and police and all these kinds of places are well established and we continue to have a good, safe event every year.

So, on here, some concerns regarding this bill and how it will affect our event and also just how it affects people in general.

Our event has existed, you know, for many years; 420 is an annual celebration for those of you who don't know. It basically just revolves in cannabis culture. Started in California, '70s, progressed over time. Canada started having organized events, you know, in Vancouver and Toronto in the early '90s, and we've progressed, you know, ever since.

Along that has usually been a protest atmosphere regarding the unjust laws and the cannabis reform that needs to be enacted, whether or not it's provincially or federally. Over the past few years we've gotten a little bit of an olive branch, I guess, regarding our cause from the federal government, and it slowly progressed into where we are now where provincially we're arguing about the semantics of the proper bills and how to word it and things like that.

So, in all and all, we've kind of come a long way—really nice to see. There's a lot to be said for the organization leading from other advocates across the country in years previous where we've learned, you know what to do and what not to do, so it's not just the city that's done it. We've learned from other people and we've taken it into our own Manitoba approach where we try to have a good working relationship with everybody. It's kind of a Friendly Manitoba thing. I've got to patent that on our slogan. Does anybody have that yet?

So, anyway, so there's—our event goes on every year. Over the past few years, with legalization, we've taken on a more celebratory atmosphere note to it, incorporated a few more, I guess, events and activities at our event, everything from a police-escorted march to, you know, a live deejay performing live music, street vendors, education booths. This year we even had St. John Ambulance on staff to mitigate any sort of concerns that would come up health-wise regarding overconsumption of cannabis, which was actually an out given to us by

the security here at the building, so good on you guys.

We took that to heart and we wanted to make sure that we worked with everybody to ensure a safe, effective event.

I—just a—I'm going to paraphrase because, again, I don't read very well, but Minister Stefanson, actually, to paraphrase your own words: This event has gone on for many years in front of the Legislative Building. Organizers have worked with the city, provincial, and police officials to ensure that the event goes off smoothly and safely. And that paraphrases it, I guess.

I appreciate those words; I really do. Like, from me to you, really, I appreciate that because that's exactly what we want to do. We want to take the disorganized, you know, discriminated against, stereotyped group of cannabis users and legitimize what they're doing, give it credence, give it responsibility and ownership of what we are doing, and make it more of a publicly accepted event as years progress, and we think that we've done everything. All the hoops that have been put in front of us, we have jumped through with, you know, flying colours, even with some of the fire hoops. You know, it's been a good time.

But we've proven that with cannabis being illegal, without there being certain safety mitigation techniques such as checking ID, proper consumption, you know, advice and, you know, safe serving, things like that, even without those we've proven we can have a safe public event geared around cannabis where people consume cannabis in public.

* (21:10)

Now, granted, don't get me wrong. I'm not saying that we should be allowing, you know, people to be overtly smoking cannabis everywhere they want in public. That's not what I'm saying. What I'm saying is with no laws in place to govern the consumption, our community has held its own and done what we should do, given that there could laws in place that would give us more guidance to do exactly what we've done without that guidance.

So what I'm asking is: Why would you limit the consumption of cannabis in a public space 'blanketly', rather than giving designated spaces, or, in our case, it would be designated events that geared around cannabis to allow for consumption in a safe, geared manner, whether or not it might be a smoking tent—probably not a great idea. Seems like a fire

hazard, just off the top of my head. But maybe vaping.

Mr. Swan has indicated that the edibles concern is something that we are waiting for legislation to come forward from the federal government. Yes, we would like to have an edible garden. Why not? Why not have a cordoned off 18—or, I guess, 19-plus right now, garden where, you know, you have to go in, show ID. There's someone talking about safe serving guidelines. No one's serving anybody intoxicated, and you can go in and sit down and have a brownie or a cookie or whatever.

I think that would be great for certain festivals, certain events that already take place regarding, maybe, some more of that culture. Folk fest to be one maybe; Jazz fest to be another. I smoked pot at both of those. It's been great.

But, to have a safe place to do it in—make—means more sense—makes more sense rather than relegating people to, again, smoking inside your car. That's real safe. It's in a closed environment—not really good. Smoking in the public places, giving it to other people, second-hand smoke—probably not great either. But why not have designated places where you could, for example, vaporize?

Vaporizing is a great way to do it. I—our cancer representative, CancerCare Manitoba, was in here telling about the, you know, there needs to be more vaping and less smoking. Totally in favour of that—makes complete sense. But why would we allow no vaping in public, then?

Just—if this is non-carcinogenic, if it's better on my lungs, it's something that's lighter than normal tobacco smoke, so, therefore, it doesn't linger in the air, or, therefore, it doesn't have the same kind of second-hand smoke ability, why would we limit that? Isn't that what we want?

We wouldn't—we don't even want to encourage a—Health Canada recommended, by the way—way to consume cannabis publicly, rather than just limiting people and not giving them the correct information regarding the subject, and how to consume it most effectively and safely.

I think our event is a good indicator, publicly, of that we do take these options and do educate the public to let them know that this is a vaporizer; big difference between that and an e-cigarette, for example, you know. The combustibility's different. The processes are different. These are all things we

take very seriously, as the cannabis community, to educate the public. Educate yourselves.

We have an ability to already prove ourselves as credible without legislation. Why not give us the legislation or guidelines to follow with the legalization of cannabis, and not only us but other individuals as well? Other companies, other, you know, industries that want to grow and advance themselves with festivals or public education seminars or things like that.

There needs to be a much more precise way of wording this bill on how we limit it, and how we consume it. So maybe having exemptions for certain businesses, for festivals or for things like that. That sounds great, you know. But just 'blanketly' not allowing it; big concern.

The last note is—I'll do it quickly—is my friend Ari [*phonetic*] mentioned already the kind of vagaries and the lack of medical, I guess, guarantees or protections in the bill. For example, a whole way to get around, if people can't consume in public recreationally, they just, they're medical, and then you have a big medical festival, and then there's no way to stop it—just mental note.

But, also, there has to be a way to determine protections just based on simple things. I want to take five seconds—

Mr. Chairperson: Mr. Stairs, you have one more minute left.

Mr. Stairs: That's cool. I need about 30 seconds.

Mr. Chairperson: Okay. Go ahead, Mr. Stairs.

Mr. Stairs: So, based on that bill, was that illegal or was that not?

Mr. Chairperson: I don't—Mr. Stairs, I don't think you were supposed to do vaping in—

Mr. Stairs: I'm allowed to. That's the thing. Without the vagaries, there's no law that says I can't. Medically, I'm protected—

Mr. Chairperson: The thing is, we're doing here is that you're using it as an exhibit.

When it comes to committees or into—and even in our Chamber, we're not allowed to use—exhibits are not permitted.

Floor Comment: Precisely why we should have more laws, so I don't have to do this. I'm done.

Mr. Chairperson: Okay, so now we'll go on to questions, and minister—Jon—Mr. Gerrard?

Mr. Gerrard: From my perspective, it seems fairly easy to be able to provide a permit to use marijuana for—cannabis for 420 occasion. It becomes more cumbersome and more questionable about how you manage it day to day in the whole province in terms of where people can and can't smoke.

Mr. Stairs: I think that's very relevant. I think that's the whole reason why the point of having specific protections laid out is the key factor on where not only medical patients but, for example, whether or not there will be exemptions made for, you know, festivals or concerts or hotels, or whatever the case might be that want to specifically cater towards cannabis use—would be much more beneficial in the law to have it specifically written out rather than just referenced or vagued.

Mr. Swan: Mr. Stairs, thank you for coming down and speaking about Bill 25.

As you've said, I mean, it's a balance between the rights of those who want to use cannabis and the rights of those who don't, and I think you've given some helpful ideas.

One of the challenges the minister will tell you—that there are going to be regulations that may expand the use of cannabis in a permitted way or that may constrict it. The problem is that getting a bill passed is a very public process, as everybody sitting here tonight can see. Passing a regulation is a very private process because Cabinet simply goes and passes a submission.

If you—do you have any advice for the minister on what work still needs to be done? Who should he still be speaking to in terms of getting that balance right when regulations are ultimately passed under this act?

Mr. Stairs: Thank you, Mr. Swan, for that good question.

I actually—I just heard a quote, actually, today that I think best summarizes that—not—your answer. It was from the registrar—spokesperson for college of physicians and nurses on an unrelated topic I was listening to on CBC this afternoon. She—her quote was, a program—I guess, in this case, it would be legislation—is only as good as the consultation that took place with its stakeholders to begin with. And, unless this government constantly reaches out to the people that are actually affected by this law—and I—

you know, in Bill 11, for example, I don't mean, you know, people with big business and money to make, I mean the actual people who are affected by this law—specifically in this case, sick people.

I think that there needs to be much more broad consultation and actual understanding. And maybe even—you know, the federal government sent some people down to Colorado, and they did a little fact-finding tour and things like that. Was great, cool, good press. But maybe, you know—here, from me to you, I'm opening our cannabis community up to you guys. You guys come out to one of our events. Come, you know, experience one of our education seminars or one of our growing classes. There's things like that. You really start to understand what cannabis is and what it's all about. And maybe you can tell me the difference between a vaporizer and an e-cigarette by the end of the day.

So it's—I think that there needs to be much more broader consultations with the people it actually affects, rather than just the people who have the money to lobby against it.

Mr. Goertzen: Thank you, Mr. Stairs, for being at committee again this evening.

My friend from Minto said that this would be a—regulations would be a private issue. I—certainly, I think they'd be more flexible. I don't think anything on this topic will be particularly private in terms of changes, nor should they be. I think they'll be quite publicly discussed, as I think it is important to do.

When it comes to 420, certainly in my experience the event has been peaceful and, from what I know, it's been safe. And so, for those who are organizing it, I think that that speaks to their organizational skills. On the issue of edibles, because that's come up in a few different presentations and yours as well, I just want to let you know the most recent thing that I have heard in terms of my consultation with the federal Minister of Health—and I know there's other departments that are consulting as well—is they have indicated they're sort of a year away after the legalization of marijuana before they deal with the issue of edibles. And so it's somewhat difficult for us to put in legislation until we know where they're actually going federally. They've not—at least, not to me—given me clear indication of where they're heading.

* (21:20)

So that's part of that challenge, and likely part of the thing that regulations will be helpful for us down

the road when we get a clearer sense where the federal government is moving.

Mr. Chairperson: Great. Thanks, Mr. Stairs. That concludes the five-minute question time.

And so now that concludes the list of presenters I have before me.

Are there any other persons in attendance who wish to make a presentation? *[interjection]*

Okay. Sylvie Sabourin Gindle *[phonetic]*?

Ms. Sylvie Sabourin Grindle (Private Citizen): Yes. Sylvie Sabourin Grindle.

Mr. Chairperson: Grindle.

Ms. Sabourin Grindle: Just regarding the terms like intoxication and impairment, because it's often used when people talked about cannabis, but for-like, I'm just going to speak for myself, but probably other people feel the same way is that when-without cannabis I would be like-

Mr. Chairperson: Ms. Grindle, what-you actually spoke on Bill 11 and 25. Are you speaking on this-another bill?

Ms. Sabourin Grindle: Just the term-I just wanted to-

Mr. Chairperson: Does the committee agree to hear final words from Ms. Grindle? *[interjection]* A clarification? Go ahead. Agreed? Agreed by the committee? *[Agreed]*

Ms. Sabourin Grindle: Thank you. I just-yes, because it's important for me to-for people to understand that, like, for me, personally, when I use cannabis it makes me normal again, not perfect-like, not like as good as new, but it makes me normal again. Without cannabis, that's when I would be considered intoxicated or impaired. Just like glasses, like this-no; it's like this-it's better. But, if someone else were to wear my glasses, not for them, they might be considered visually impaired. But, you know what, it's-for me, cannabis makes me not impaired. It makes me normal. Thank you.

Mr. Chairperson: Thank you very much, Ms. Grindle.

Mr. Gerrard, he has-we have a question.

Mr. Gerrard: The-my question is this. You've talked about impairment and that-clearly the concern is to what extent you can actually test or measure where there's a relationship between blood levels of

cannabis and impairment, because there may not be anywhere near as clear of relationship of blood levels and impairment as there is with alcohol, and you're suggesting that for some people like yourself it may be the reverse.

Ms. Sabourin Grindle: I recommend, well, that people-it requires self-awareness, knowing what to-how much to take, when to take. It requires self-awareness, it requires me-like, I know when I need to medicate. My nervous system tells me when I need to medicate. My thoughts tell me when I need to medicate. If-I know when I need to medicate. So it's a matter of self-awareness, not a matter of an instruction. That's why, it's-like, I call it medicine, not a medication when you're given a certain time exactly. You're given advice from professionals, from doctors about-like, you know, how to medicate, but it's a matter of self-awareness and experimenting and learning for ourselves, learning about ourselves. Many people need to reconnect with themselves.

Mr. Chairperson: Thank you very much, Ms. Grindle.

Okay, so now that concludes all the presentation here tonight.

* * *

Mr. Chairperson: In what order does the committee wish to proceed with clause-by-clause consideration for these bills?

Mr. Swan: Mr. Chairperson, normally we'd just go numerically, but I've watched these two ministers flip chairs 19 times tonight. So perhaps we go numerically, but move Bill 25 to the very last bill.

Mr. Chairperson: To the very last bill? Is that agreed by the committee?

An Honourable Member: We can begin with Bill 25.

An Honourable Member: Begin, yes.

Mr. Chairperson: Bill 25? Okay, we're going to start with-

Some Honourable Members: Agreed.

Mr. Chairperson: It's agreed that the committee has agreed for bill number-to go for clause-by-clause through Bill 25 first.

During the consideration of the bill, the preamble and the enacting clause and the title are postponed until all clauses are being considered in

this—in the proper order. Also, if there are any agreement from the committee, the Chair will call clause-by-clause in blocks that confirm—conform to pages with understanding that we will stop at any particular clause or clauses where members may want to comment, question or amendments to purpose. Is that agreed? *[Agreed]*

Bill 25—The Non-Smokers Health Protection and Vapour Products Amendment Act (Prohibiting Cannabis Consumption in Outdoor Public Places)

(Continued)

Mr. Chairperson: We'll now—we'll proceed with Bill 25, clause by clause. Bill 25.

Does the minister respond for Bill 25 have any opening statements?

Hon. Kelvin Goertzen (Minister of Health, Seniors and Active Living): I did speak I think relatively extensively on the bill, at second reading, and given the opportunity would at third reading, as well, but certainly I think we've indicated that this is an evolving area of law and social policy in Canada. The desire to have flexibility in that is not just one that's based on principle; it's truly practical. Because we don't always know exactly where the different policies will evolve federally, we need some flexibility. We recognize that there will have to be some regulatory changes, particularly when it comes to the issue of medicinal marijuana, and those discussions have been taking place and will continue to take place.

And in the issue of hookahs, as come up during the evening, and also edibles, which will be something that'll be down the road a little bit, depending on where the federal government and their legislation takes it, that flexibility is important. I know my critic would suggest that it is probably not ideal to do some of these things by regulation, and I might not entirely disagree with him. And I think in an ideal situation in dealing with an issue like this when it comes with significant change in policy in Canada, more time might have been allocated to allow some of the specifics to be written in to legislation, as opposed to regulation, but that's not in the environment that we're in, given the federal government's timeline, and so sometimes the practical has to overrule the ideal. And that's the situation that exists. But, having said that, I think the bill strikes the right balance when it comes to community interests and community safety, and changes, of course, will come as things evolve.

Mr. Chairperson: We thank the minister.

Does the critic for the official opposition have an opening statement?

Mr. Andrew Swan (Minto): Yes, thank you, Mr. Chairperson.

Well, I mean, we appreciate the need for Bill 25, and I think this really is a matter of balance, of balancing different rights.

When the federal government gets around to passing the bill, we will have a new legal substance, but a regulated substance. And I think everybody agrees that there needs to be thoughtful regulation.

We are concerned that this is a very restrictive bill at the moment. And I—the minister has touched upon the main issue: it may be that regulation will allow a more complete balance to take place. We don't know that right now and we're being asked to support the bill without fully knowing where this is going to go. So I will have a few questions for the minister at a couple of different points, based on things that we've already talked about, but certainly based on some of the things we've heard tonight from witnesses who've actually spent a long night here, coming up on about three and a half hours, to come down and give us their view on what is an important piece of legislation.

Mr. Chairperson: We thank the member.

Clauses 1 and 2—pass.

Shall clauses 3 through 5 pass? I hear a no.

Mr. Swan: Just a couple of questions for the minister.

I mean, again, the definition of an outdoor public place is quite expansive, and this is a bill which, on its face, is going to have very different impacts for different people. If you own a house in the suburbs, it's not a problem. If you live in an apartment in the inner city of Winnipeg, on Sherbrook Street in my riding, this creates a situation where, unless there is a regulation to suggest something otherwise, you actually have no place—assuming that your landlord does not allow smoking cannabis—you have no legal place that you can go to consume a legal substance.

And I'm just wondering, did the minister—has he received a legal opinion on the Charter ramifications and the human rights ramifications from a law which is really going to have a differential impact on people based on whether or not they own or have access to private property.

Mr. Goertzen: And certainly we've had discussions with other jurisdictions as well, and I know Ontario, which has similar legislation to what we're bringing forward tonight but also have the regulatory powers, I believe, built into their legislation to make changes, are undergoing the same discussions.

In the Maritimes, there are provinces that have the same legislation, essentially, that we're debating tonight, but are looking at those regulatory changes.

So we're looking at them as well to see, for those who are living in multi-unit homes, who don't own their properties, you know, what kind of exceptions could be built in so that there are opportunities for those to use the substance once it's made legal in the future. We recognize, I think, that that has to be discussed further. That was the intention of the regulatory powers, and so I'm not close-minded to the concerns that are raised by the member.

* (21:30)

Mr. Swan: One of the issues that has come up, sort of in debate and also tonight, is the question of people who are prescribed cannabis for medical purposes. And it's been pointed out there are exemptions in some of the other bills that the Minister of Justice (Mrs. Stefanson) has brought forward, yet there is no express exemption in this bill.

Is it the minister's view that that would fit under the regulation-making powers under section 5.2 of the bill? Or where would this possible exemption fit in if the bill passes as it's printed?

Mr. Goertzen: It would be my expectation that it would come under regulatory powers, and it is my expectation that there will be additional exemptions made for those who have a prescription for cannabis. I mean, there are already, I think, some exemptions that exist for palliative-care units, as an example, but recognize that it needs to go further than that, and it's certainly our expectation it will. We'll be having some discussion with—I know there are medical cannabis associations in Manitoba, and certainly greater consultations with groups like that will be happening.

Mr. Chairperson: Any other questions?

Okay, we'll go back to—clauses 3 through 5—pass; clauses 6 through 9—pass; clauses 10 through 13—pass.

Shall clauses 14 and 15 pass?

Some Honourable Members: Pass.

An Honourable Member: No.

Mr. Chairperson: I hear no.

Mr. Swan: Just a question. Section 15 says the act comes into force on a day to be fixed by proclamation. We accept that's reasonable, given that we don't know exactly what day the federal legislation will come into effect, but do we have the minister's commitment that the bill will come into force on or as soon after that date as possible?

Mr. Goertzen: That is certainly the expectation, but the member for Minto (Mr. Swan) is correct. There's—it is a moving target in terms of what's happening with the federal legislation. You know, I heard via public media today more concerns about the timeline and what's happening in the federal process. And so it's a moving target. But I think, with all of the legislation, it was the expectation in Manitoba that we would have legislation in place on or before the federal bill is passed.

Manitoba made a commitment to be prepared on a multitude of levels for the legalization of marijuana, even though we expressed concerns and, I think, still express concerns, in terms of the aggressive timeline on it. And some of the, you know, some of the repercussions of that are playing out here tonight in terms of how the bill has been formulated, and people expressed concerns about that, but they're not unrelated to the fact that the timeline has been aggressive. And that's not just a Manitoba position, that's the position, I believe, of all provincial provinces.

Mr. Chairperson: Further questions?

Clauses 14 and 15—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 4—The Legislative Assembly Amendment Act (Member Changing Parties)

Mr. Chairperson: Okay, now we'll move on to Bill 4, clause by clause.

Does the minister responsible for Bill 4 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I think I've already put some words on the record with respect to this piece of legislation in second reading of the bill, and certainly we'll have another opportunity at third reading, and I think in the interest of time, I am prepared to move forward on it.

Mr. Chairperson: We thank the minister.

Does the critic for the official opposition have an opening statement?

Ms. Nahanni Fontaine (St. Johns): So I do want to just put on the record very, very briefly that certainly I think that we've heard some really good presentations today in respect of some of the concerns, real concerns in respect of Bill 11 that I would suggest that we also have, particularly in respect of—*[interjection]* Oh.

Mr. Chairperson: Okay, we want to thank the member.

Clauses 1 through 3—pass; enacting clause—pass; title—pass. Bill be reported.

**Bill 11—The Safe and Responsible Retailing
of Cannabis Act (Liquor and Gaming Control Act
and Manitoba Liquor and Lotteries Corporation
Act Amended)**
(Continued)

Mr. Chairperson: Okay, now we'll get on to Bill 11.

Does the minister responsible for bill have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): And just briefly, I have put some words on the record with respect to Bill 11, and in second reading. I will again in third reading. For tonight I think it's very important that we had such a great opportunity with respect to the committee process, is to have people come in from all areas and express their interest in the piece of legislation and point out some areas of concerns that sometimes they have in some areas that they are in support of, and I think that that's what's so great about the committee process.

And certainly I have a tremendous amount of respect for all those that took the time out of their schedule tonight to be here and to share with us some very personal stories at times and some stories on behalf of their organization and some points of clarification on behalf of their organizations.

So I want to thank everyone who came out tonight. I think this is indicative of what we're faced with here, which is a piece of legislation, a couple pieces of legislation that were brought forward by the federal government. This is a significant change in public policy in our country. We have always, with respect to this issue, taken a public health and safety approach on behalf of Manitobans with

respect to this legislation and other legislation that we brought forward as a result of Bill C-45 and C-46 with the federal government.

I think that this is going to be an ongoing process. The Minister of Health had stated earlier that I don't think this is the last time we'll be before a committee with respect to changes or that we'll see regulatory changes down the road with respect to changes that need to take place as well.

I think it's very important to understand that, and that we have respect for Manitobans. We will continue to listen to Manitobans and make sure that their voices are heard.

So I think with that, Mr. Chair, I'll leave it at that tonight and I'll look forward to going clause by clause.

Mr. Chairperson: We thank Minister Stefanson.

Does the critic for the official opposition have an opening statement?

Ms. Nahanni Fontaine (St. Johns): On this again, so I will just kind of repeat what I was starting to say, so I do really want to just acknowledge everybody that came out to present on Bill 11, and I think that we can—everyone at this table can agree that we hold some pretty phenomenal presentations. And I would suggest that Ariel Gliner's and Daphne Penrose really did a good job of kind of unpacking some of the consequences in respect of the age to be able to legally purchase cannabis, so I think that that's something that we have concerns about and I think that it's something that we should, or—well, we will be looking at potentially in report stage amendments.

Mr. Chairperson: We thank the member.

Clauses 1 and 2—pass; clause 3—pass; clauses 4 through 7—pass; clauses 8 through 11—pass; clause 12—pass; clauses 13 through 15—pass; clauses 16 through 19—pass; clauses 20 and 21—pass; clauses 22 through 25—pass; clauses 26 through 28—pass; clauses 29 and 30—pass; clauses 31 and 32—pass; clauses 33 through 35—pass; clauses 36 to 38—pass; clauses 39 through 41—pass; clauses 42 and 43—pass; clauses 44 and 45—pass; clauses 46 to 50—pass; clauses 51 through 53—pass; clauses 54 through 57—pass; enacting clause—pass; title—pass. Bill be reported.

* (21:40)

**Bill 26—The Impaired Driving Offences Act
(Various Acts Amended)**
(Continued)

Mr. Chairperson: And then we'll get on to the last bill of the night, Bill 26.

Does the minister responsible for Bill 26 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): Again, I just want to thank those people who came forward to committee tonight and spoke very passionately about Bill 26. Again, we've always taken a public health and safety approach to the legalization of cannabis that is brought on by the federal government through Bill C-45 and 46. So I think I'll leave my comments at that. I put extensive words on the record in second reading. I'm sure we will have another opportunity after this to put some more words on the record. So I'll leave it at that tonight, Mr. Chair.

Mr. Chairperson: We thank, Minister Stefanson.

Does the critic for the official opposition have an opening statement?

Ms. Nahanni Fontaine (St. Johns): I am good. Thank you.

Mr. Chairperson: Okay, we thank the member.

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; clauses 5 and 6—pass; clause 7—pass; clause 8—pass; clause 9—pass; clause 10—pass; clause 11—pass; enacting clause—pass; title—pass. Bill be reported.

I guess the hour being 9:44, is it the will of the committee to rise? What is the will of committee?

Some Honourable Members: Rise.

Mr. Chairperson: Rise. Three rises. I want to go. Thanks, everyone.

COMMITTEE ROSE AT: 9:44 p.m.

WRITTEN SUBMISSIONS

Re: Bill 25

Good evening ladies and gentlemen. My name is John McDonald and I am speaking on behalf of MANTRA, the Manitoba Tobacco Reduction Alliance.

MANTRA is a non-profit organization formed in 2002 and, working with the Province of Manitoba, other respected non-profit organizations that are

present here this evening and a number of health care professionals throughout Manitoba, our aim is to reduce the use of tobacco and other substances such as cannabis, vape, water pipes and heat not burn devices.

MANTRA is here this evening to show our support for Bill 25—The Non-Smokers Health Protection and Vapour Products Amendment Act.

Bill 25 strengthens Manitoba's resolve to de-normalize the act of smoking. The definition of "outdoor places" included within this Bill relates directly to the protection of Manitobans from secondhand cannabis smoke. It is a strong definition and our government should be applauded for such a position.

MANTRA, and I am confident that our non-profit allies and health care professionals from around Manitoba, would also challenge this government to extend this definition beyond cannabis to include all forms of smoking and related devices. This same definition needs to apply to outdoor smoking of tobacco, vaping of any substance and/or use of an e-cigarette whether a burn style or a heat not burn style. There is solid scientific evidence that demonstrates there is no safe level of exposure to secondhand smoke. Smoking and secondhand smoke is one of the single largest contributors to acute and chronic negative health outcomes in Manitoba. Why then honourable members are we not taking every possible opportunity to limit this exposure for those who have chosen not to smoke tobacco, cannabis or vaping product. We here are not asking government to legislate away a person's right to inhale tobacco, cannabis or a vape product however, non-smokers should have equal rights to not inhale any second hand smoke from any of these sources. Equal application of the outdoor places definition provides for the rights of all Manitobans.

Addition of Water Pipes to Regulation

The use of water pipes is a growing issue in Manitoba. It is important to note that the World Health Organization (WHO) has issued an advisory note on the health effects of using water pipes and recommended regulatory approaches. Substances used in water pipes can contain many toxic substances. Whether it is tobacco that is used or other burned substance, many of these toxins are known to cause diseases like lung cancer and heart disease. Our friends here from the Lung Association can speak best about the effects of small particulate matter on the lungs and the respiratory tract. The

WHO advisory note goes on to show that the user of water pipes can be exposed to the same amount of smoke as 100 cigarettes depending on the duration of the water pipe session. Secondhand smoke in this situation is also significantly elevated. Media reports here in Winnipeg speak to the growing number of water pipe or hookah lounges emerging in our communities. Canada wide surveys of student use of tobacco, alcohol and drugs show that the number of youth in grades 10-12 who reported using a water pipe has increased year over year. Honourable members there is an opportunity, while this committee reviews the amendments laid out in Bill 25, to consider closing this loophole and also include water pipes to the ban on smoking in indoor public spaces.

Education, Research and Advertising

Honourable members of this committee we have known now for decades that tobacco smoking is the leading cause of preventable chronic illness. Tobacco companies recognize their legal obligation to warn people of the hazards of smoking. There is generally no argument or dispute regarding these harms. It is however easy to research back in time to find examples of advertising to the contrary, a time when research into these hazards had not yet considered the negative health impacts as research tells us today.

MANTRA and our friends presenting here today want to advise and caution the public and the members of this committee that research around the use of cannabis and the effects of second hand smoke from cannabis may pose health concerns that have yet to be considered. This same position is true of the vape industry including the emerging "heat not burn" products being developed by the big tobacco industry companies. If these products are permitted to be brought to market without strict legislative controls in place to ensure that youth do not start using these products and that the act of "smoking" is not re-normalized then society may face new unanticipated health concerns as we did 60 years ago when tobacco advertisers could use almost any means to promote their products.

MANTRA would like to encourage the Province of Manitoba to proclaim legislation and regulation to ensure the advertising of tobacco, cannabis and vapour related products are held to the same regulatory standard. Manitoba has taken a significant leadership role in de-normalizing smoking. The federal government is striving for a reduction in tobacco use to a target of only 5% of the population

smoking by the year 2035. Ensuring that Manitobans are not subjected to advertising promoting new behaviours that may re-normalize the act of smoking is critical in having Manitoba reach this target.

MANTRA would like to encourage the Province of Manitoba to dedicate funding for research that will address acute and long-term effects of marijuana and vapour related product use on respiratory health.

MANTRA would like to encourage the Province of Manitoba to dedicate funding to public education on the health effects of marijuana and vapour products. While these are emerging issues it is key that the public be made aware of the latest research and information regarding the effects that cannabis and vapour products may have on their health.

In closing, MANTRA supports the amendments set out in Bill 25 and commends the government for the strong steps taken in these initial amendments. MANTRA recognizes that cannabis is currently an important topic on the national stage and would like to encourage the Province of Manitoba to continue its strong leadership in tobacco control and extend that strength to being strong leaders in the control of vapour products. Comprehensive, coordinated and complimentary regulations governing smoking related actions will continue to safeguard Manitobans as this industry continues to evolve.

John McDonald
Executive Director
Manitoba Tobacco Reduction Alliance Inc.

Re: Bill 26

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM), which represents Manitoba's 137 municipalities, I am writing to provide some comments regarding Bill 26: The Impaired Driving Offences Act.

In light of the forthcoming legalization and regulation of recreational cannabis, local governments will face significant new enforcement and operational challenges in the months and years ahead, particularly related to policing. In fact, the Federation of Canadian Municipalities (FCM) estimates municipal administration and local policing costs will total \$3-4.75 million per 500,000 residents as a result of legalization, which represents a range of approximately \$210-335 million per year in costs

incurred by municipalities across Canada. Thus, Manitoba municipalities may incur costs that exceed \$10 million on an annual basis.

As these costs must not be downloaded onto municipalities, the AMM supports the FCM's call for one-third (33%) of total annual excise tax revenue collected on cannabis sales be allocated to municipal governments to address municipal administration and policing costs. The AMM also encourages the provincial and federal governments to explore additional funding mechanisms to support costs incurred by municipalities should excise tax revenues be insufficient. It is imperative that municipalities be included as meaningful participants in revenue-sharing conversations while a revenue-sharing model must be co-developed that respects municipal authority.

Several Manitoba municipalities have their own police forces or contracts with the Royal Canadian Mounted Police (RCMP) to deliver policing services and increased expenditures in the areas of

education, equipment, training, and enforcement are expected. Therefore, proactive communication and consultation with municipal police forces and the RCMP is highly recommended to ensure understanding of these legislative changes as well as the provision of tools and resources to responsibly protect and serve local communities.

In closing, Manitoba municipalities are committed to ensuring their residents are safe and well-served. The AMM will continue to work with the provincial government to effectively address and respond to the challenges posed by the legalization of cannabis within the timeframe established by the federal government.

Thank you for the opportunity to provide these brief comments.

Sincerely,

Joe Masi
Executive Director,
Association of Manitoba Municipalities

The Legislative Assembly of Manitoba Debates and Proceedings
are also available on the Internet at the following address:

<http://www.gov.mb.ca/legislature/hansard/hansard.html>