

PUBLICATION

How should the law regulate Cannabis Edibles, Extracts & Topical Products? The Federal Government wants to hear from YOU!

February 12, 2019

Marijuana legalization on October 17, 2018 is a date that will go down in the history of our country. One year later (October 17, 2019) the Cannabis Act will authorize the legalized sale of:

- edibles containing cannabis (gummies, butter, capsules, etc.)
- cannabis extracts (waxes, oils, etc.)
- cannabis topicals (lotions, balms, oils, etc.)

The federal government has announced a set of proposed new rules and amendments which will deal with the roll-out of these new legalized products through a consultation process with the public.

We as citizens have the chance now to voice our opinions to the Government on these new amendments up until February 20th, 2019.

Background & Current Proposals

The amendment to the Cannabis Act will add edibles, extracts and topical products to the existing legislation, allowing federal licence holders, authorized distributors and retailers to sell them.

The proposed amendments align with the government's goal of getting rid of the illegal cannabis market here in our country. Additionally, these amendments are estimated to generate \$5.8 million annually as well as create a host of non-tangible benefits to our public health and safety.

- The aim of the proposed amendments is to reduce:
 - appeal of cannabis products to youth
- risk of accidental consumption, especially of edible cannabis (including by youth)
- risk of overconsumption associated with edible cannabis (due to the delay in experiencing the effects when ingested)
- risk of foodborne illness associated with the production and consumption of edible cannabis
- risk of dependence and other negative health effects associated with cannabis products with a higher concentration of THC or cannabis products that contain ethyl alcohol or caffeine
- potential health/safety risks associated with the use of certain solvents, carriers, and diluents

Good Production Practices

When it comes to the production, distribution and storage of cannabis - it is proposed that the following requirements be added, specifically for protection of consumers of edible cannabis:

1. Cleanliness of equipment used in the transport and production of cannabis products;
2. Air filtration requirements in production facilities will be increased to prevent contamination;
3. Sanitation requirements to increase (requirement of hand cleaning/sanitizing stations in buildings where cannabis is produced) along with employee footwear, clothing and protective covering;
4. Addition of contamination controls, competency and qualifications of employees, and written preventative control plans by licensed processors and proof of the plans' implementation;
5. More proactive investigations if there is even mere suspicion of any ingredient being harmful or posing a risk to consumers;
6. Animal and pest control measures to be implemented in processing facilities;
7. Any water coming into contact with any cannabis product shall be potable unless the water does not pose a risk of contamination.

Other Highlights from proposed amendments:

Ingredients & Composition

- All products must be “shelf stable” and must not require refrigeration or freezing;
- Use of caffeine as an additive is prohibited (however if something has naturally occurring caffeine such as tea or chocolate, then this is allowed);
- Forms that pose a greater risk to health, such as eye drops, needles, or abrasives will be prohibited; Flavouring agents are allowed but no sugars, sweeteners, or sweetening agents;
- Use of meat, poultry, or fish products is banned, unless these products are dried by a person authorized under provincial or territorial law;
- A small concentration of ethyl alcohol in edible cannabis (that does not exceed 0.5% weight for weight), given that ethyl alcohol is often present as a by-product in fermented ingredients or products (i.e. vinegars);
- Any topical products cannot contain any ingredient that are prohibited or restricted in cosmetics which are detailed [here](#).

Packaging Requirements

- Packaging must be plain, include the standardized cannabis symbol, established health warning messages, THC & CBD content and must be child-resistant;
- Ingredients must be listed, and specifically any allergens, gluten or sulphites;
- Must include a “Best-before” date & cannabis-specific nutrition facts table;
- Cannot “promote” any product by claiming nutritional/health/cosmetic benefits (i.e. lowers cholesterol) or “reduces the appearance of wrinkles”)

Read in more detail about the proposed packaging regulations [here](#).

Limits on THC Amounts

- Edibles – 10 milligrams of THC per discrete unit and per package
- Extracts – 10 milligrams of THC per discrete unit and 1,000 milligrams (1 gram) of THC per single package.
- Topicals – 1,000 milligrams (1 gram) of THC per package

How to make your voice heard

The Federal Government is consulting the public now until February 20th, 2019 - giving citizens a chance to voice our input on the new amendments before the final regulations are finalized.

Additionally, Health Canada will be hosting round-table discussions throughout the country during this consultation period and the government is engaging Indigenous governments, organizations and communities across Canada to make sure that their interests are heard.

If you, as a citizen of Canada want your voice heard, now is your chance.

Have your say. [Click here](#) for more information and to complete the government online questionnaire.

If you have questions about starting your own cannabis business or moving an existing business into the cannabis space, our Cannabis Group is here to help.