

‘O Cannabis’: A History of Cannabis Legalization in Canada

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INTRODUCTION

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

I will explore these questions by drawing on existing scholarship to develop a history of legalization. The historiography provides a timeline in order to understand both how and why cannabis was criminalized and controlled throughout the twentieth century. The cited scholars vary in their approaches to the history, and while they generally build on one another, each offers a way to outline the history of different periods. Charting and outlining these periods, the first

¹ Malena Castaldi and Felipe Llambias, "Uruguay Becomes First Country to Legalize Marijuana Trade," *Reuters*, December 10, 2013. <https://www.reuters.com/article/idUSBRE9BA015/>.

² Solomon Israel, Matt Lamers, Chris Roberts, and Kate Robertson, "Canadian Recreational Cannabis Stores by Province and Territory," *MJBizDaily*, January 20, 2024. <https://mjbizdaily.com/canadian-cannabis-stores-by-provinces-territories/#:~:text=As%20of%20January%202024%2C%20there,residents%20at%20the%20national%20level.1.>

³ "Number of Tim Hortons locations in Canada in 2024," *ScrapeHero*, March 19, 2024. <https://www.scrapehero.com/location-reports/Tim%20Hortons-Canada/#:~:text=How%20many%20Tim%20Hortons%20restaurants,Tim%20Hortons%20restaurants%20in%20Canada.>

chapter of this thesis begins with an analysis of the historiography of Canadian cannabis history, pulling from material published from as early as 1980 until 2023. The second chapter focuses on the recent history of cannabis legalization in Canada, functioning as my contribution to the scholarship. In that chapter, I interpret the activism that inspired new legislation, the Liberal government's Task Force, the Cannabis Act, the House of Commons debates, media coverage as a reflection of public opinion on cannabis, and finally, the consequences of legalization.

CHAPTER 1: Historiography

Cannabis was criminalized in Canada only a century ago. Nevertheless, despite its relatively young status as a subject of criminal law and historical analysis, key social historians have engaged in a discussion of cannabis that helps to provide a timeline as well as a reflection of the arguments surrounding its regulation. In this section, I map the history chronologically using the scholarship that explains the history of Canadian cannabis regulation in order to answer the questions of why cannabis was criminalized in the first place and the reasons why this initial legislation eventually ceased to matter. In particular, I will utilize this scholarship to show the dynamic motivations that underpinned cannabis' long-standing illegal status as well as those which guided efforts toward legalization. The arguments within the scholarship directly address the criminalization of cannabis in a way that can aid in explaining why legalization happened in 2018 rather than at an earlier time. The attitudes toward cannabis legalization—both within the historiography and the history itself—provide the thread for my historiographical analysis that understands the varying perspectives on cannabis regulation, its enforcement, and the resistance against it. The attempts at decriminalization, as made by individuals, advocacy groups, and government bodies, must also be analyzed alongside the ways in which Canadian citizens and the government attempted to control drugs and the people that used and produced them. In order

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

One of the earliest histories on the subject is a legal work authored by Melvyn Green in 1979 called “A History of Canadian Narcotics Control: The Formative Years.” Green outlines political and social reasons behind the criminalization of cannabis in 1923, focusing particularly on the association of opium with Chinese-Canadians. Green argues that toward the beginning of the twentieth century job opportunities began to shrink due to an economic slump and he suggests that white labourers began to blame and resent Chinese-Canadians for this.⁴ In 1907, these feelings of white superiority culminated in an Anti-Asiatic demonstration in Vancouver which led to a riot.⁵ At the time, Mackenzie King, the Deputy Minister of Labour, was sent to investigate the consequences of the riot. In addition to looking into the destruction of Asian businesses, King chose to use this as an opportunity to report on opium as a private citizen. In his investigation, King argued that opium was an “evil” and recommended it be prohibited. His arguments also appealed to Christian “principles of morality.”⁶ These recommendations were implemented in the 1908 Opium Act, which Green argues was mainly influenced by Mackenzie King’s “moral entrepreneurship”⁷ as he convinced Canadians that drug use was inherently harmful to society.

⁴ Melvyn Green, “A History of Canadian Narcotics Control: The Formative Years,” *University of Toronto Faculty of Law Review* 37, no. 1 (1979): 44

⁵ This riot began as a parade according to: Michael Barnholden, “Anti-Asian Riots 1907: Jap Riot 1942.” In *Reading the Riot Act*. Vancouver: Anvil Press, 2005.

⁶ Melvyn Green, “A History of Canadian Narcotics Control,” 47.

⁷ *Ibid.*

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

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

⁸ Ibid., 48.

⁹ Ibid., 49.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid., 57.

¹³ Ibid., 54.

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

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

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

¹⁴ Ibid., 79.

¹⁵ Patricia G. Erickson, "Recent Trends in Canadian Drug Policy: The Decline and Resurgence of Prohibitionism," *Daedalus* 121, no. 3 (1992): 244.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., 247.

¹⁹ Ibid., 248.

Drug Strategy with new offenses and laws, which was renewed during the same year of Erickson's publication.²⁰ She reflects on the era she writes from when she explains how Canada's Drug Strategy gave police the power to seize assets of drug offenders, banned drug paraphernalia, and blocked literature like the magazine, *High Times*, from entering the country.²¹ She concludes by arguing that Canada should focus on a more health-directed policy and that continued prohibition of cannabis may "...create more problems than it solves."²² Erickson lays out a detailed history and her organization of thematic periods helps explain that the history of cannabis regulation has not been static but rather represents the ebb and flow in trends of drug policy. However, the initial criminalization in 1923, as the first wave of cannabis prohibition remained a major point of interest for scholars, many of whom continued to build on the understanding of that period.

Catherine Carstairs' work, published in 1999, specifically focuses on the racialization of the drug panic in the 1920s that allowed for prohibition in the first place. She argues that organizations like women's groups, newspapers, and church congregations managed campaigns that blamed the Chinese-Canadians for corrupting white, Canadian youth with opium, which was considered to be an evil substance.²³ These campaigns and their clamour for harsher legislation were heard and in 1921, the maximum sentencing was increased from one year to seven and by 1922, foreigners could be deported if they were convicted of trafficking or possession and police could search any location except a "dwelling-house" without a warrant.²⁴ In 1923, 'marijuana' was added to the Schedule of Restricted Drugs and by the mid-1920s, Carstairs argues that

²⁰ Ibid.

²¹ Ibid., 249.

²² Ibid., 260.

²³ Catherine Carstairs, "Deporting 'Ah sin' to Save the White Race: Moral Panic, Racialization, and the Extension of Canadian Drug Laws in the 1920s," *Canadian Bulletin of Medical History* 16, no. 1 (1999): 65.

²⁴ Ibid.

Canada had entered a new era of total drug prohibition.²⁵ She asserts that the moral panic concerning drugs in the 1920s continued to negatively impact Chinese-Canadians who were already suffering from stigmatization and effectively made it so that the new legislation would not just affect this racialized group, but would also compromise the civil liberties of all Canadians by allowing for warrantless searches.²⁶ In this book, Carstairs closely examines the racist roots of cannabis criminalization and its effects.

Like Green, Carstairs also traces the drug panic back to Emily Murphy's 1922 *Mclean's* articles and her 1923 book, *The Black Candle*. In these writings, Murphy associated the perceived drug threat with Chinese-Canadians by suggesting that opium usage would lead to sexual relations that could result in mixed race children, resulting in a degradation of the "white race."²⁷ Carstairs argues that Murphy's contributions to the panic were not the driving force behind the *Opium and Narcotic Drug Act* of 1929, but rather, worked to spread the racist notion of a Chinese "moral contagion"²⁸ across Canada warning the public against drug use. While Carstairs dedicates much of this discussion to dealing with the racialization of the 1920s drug panic, her main argument is that this moral panic enabled large legislative changes that would have lasting consequences for all Canadians.

Given the minimal use of cannabis as a recreational substance in Canada, its addition to the Schedule of the Opium and Narcotic Drug Act in 1923 was seemingly without a cause. In 1991, another group of scholars, in the field of sociology, referred to the criminalization of cannabis in 1923 as "a solution without a problem"²⁹ since there were no cannabis arrests made

²⁵ Ibid.

²⁶ Ibid., 68.

²⁷ Ibid., 71.

²⁸ Ibid., 82.

²⁹ P. J Giffen, Shirley Jane Endicott, and Sylvia Boorman, *Panic and Indifference: The Politics of Canada's Drug Laws: A Study in the Sociology of Law*, (Ottawa: Canadian Centre on Substance Abuse, 1991),182.

until 1937.³⁰ Carstairs situates its criminalization within the global trend in drug prohibition and argues that this was more likely the reason for government concern about cannabis, rather than rampant and problematic issues of use. Like Green, Carstairs references Mackenzie King's attendance at The Hague Opium Conference in 1911-12, which discussed 'Indian Hemp' and its potential for scientific research.³¹ During the Geneva Convention of 1925, the use of 'Indian Hemp' was limited to medical and scientific use.³² Since cannabis was criminalized in Canada in 1923, Carstairs argues in her 2017 book, *Jailed for Possession*, that cannabis was added to the schedule after the Director of the Federal Division of Narcotics Control had gone to the meetings of the League of Nations and anticipated that the drug would be internationally controlled soon anyway. It was added to the Canadian schedule without parliamentary debate.³³ Carstairs dispels the notion that Emily Murphy's book, *The Black Candle*, was responsible for cannabis criminalization³⁴ and instead, points to the international developments that sought to control the substance as a more plausible basis for the legislation. Carstairs ominously concludes her 1999 article by positing that the civil rights and liberties³⁵ of all Canadians would be affected by this legislation of the early twentieth century.

In the 2017 book *Jailed for Possession*, Carstairs refers to the 1920s-1960s as the 'classic' period of criminalization. In this period there was not a significant amount of cannabis use. Instead, she discusses that the precursors to concerns about cannabis were seen with drugs like opium, cocaine, and morphine. She explains that these drugs had been available at

³⁰Ibid.

³¹ Catherine Carstairs, *Jailed for Possession: Illegal Drug Use, Regulation, and Power in Canada, 1920-1961* (Toronto: University of Toronto Press, 2017), 31.

³² Ibid.

³³ Ibid., 32.

³⁴ Ibid., 31.

³⁵ Carstairs, "Deporting 'Ah sin' to Save the White Race," 83.

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

Kyle Grayson, a political science scholar, adds to the historiography of cannabis legalization in Canada by reflecting many of the same stories and issues that the other key scholars identify but specifically focuses on the logical missteps involved in how cannabis was regulated in Canada. For example, when discussing the 1931 Geneva Convention on Narcotic Drugs, he mentions that the Canadian Minister of National Health and Pensions did not even know if cannabis was legal or not when he declared that cannabis should be added to the schedule, even though it had already been prohibited.³⁹ This suggests either a genuine gap in knowledge about how the Canadian government was regulating cannabis or a general political

³⁶ Catherine Carstairs, *Jailed for Possession: Illegal Drug Use, Regulation, and Power in Canada, 1920-1961* (Toronto: University of Toronto Press, 2017), 6.

³⁷ *Ibid.*, 64.

³⁸ *Ibid.*, 9

³⁹ Kyle Grayson, *Chasing Dragons: Security, Identity, and Illicit Drugs in Canada*, (Toronto: University of Toronto Press, 2016), 148.

Erickson made a similar insinuation when she categorized the period of resurgence of prohibitionism in the 80s as one of “malign neglect.” Erickson, “Recent Trends in Canadian Drug Policy,” 247.

neglect of a substance that very few Canadians had ever interacted with by 1931. Grayson makes the point that Canadian political attitudes toward cannabis were uninformed in the early days of prohibition.

Grayson also discusses a *Maclean's* article, published in 1938, that details 'Reefer Madness' in users of cannabis. This article claimed that the plant could send a large part of the Canadian population to insane asylums while also making the association of cannabis use with sexual impropriety and communism.⁴⁰ Susan Boyd, Connie Carter, and Donald Macpherson also note these media representations and explain that Colonel C.H.L. Sharman, the chief of the Division of Narcotic Control from 1927-1946, who firmly believed that drug use led to criminality, sent information to *Canadian Medical Association Journal*, ultimately playing a major role in shaping public perception of drug users as not just morally weak, but as dangerous, criminal addicts.⁴¹ The confusion about legislation, even amongst politicians, and the creation of a 'criminal addict' were missteps in policy that contributed to the maintenance of cannabis as an illegal substance. Grayson criticizes these policies within the theoretical frameworks of securitization and biopolitics. Grayson argues that it was the representations of cannabis in the 1920s and 1930s that contributed to the securitization of cannabis.⁴² He claims that "an issue becomes securitized when it is presented as an existential threat that requires emergency measures and that justifies actions outside the bounds of normal political procedure."⁴³ The representations, designed by publications like *Maclean's* and by individuals like Murphy and Colonel C. H. L. Sharman, incited a sense of emergency amongst the Canadian public and

⁴⁰ Grayson, *Chasing Dragons*, 150.

⁴¹ Susan C. Boyd, Connie Carter, and Donald MacPherson, *More Harm than Good: Drug Policy in Canada*, (Nova Scotia: Fernwood Publishing, 2016), 19.

⁴² Grayson, *Chasing Dragons*, 150.

⁴³ *Ibid.*, 39.

influenced them to comply with political procedures that would use law enforcement to control cannabis.

In Marcel Martel's contribution to the academic conversation, *Not this Time: Canadians, Public Policy, and the Marijuana Question, 1961-1975*, he represents the factors that marked a shift in public opinion and caused the first earnest government attempt at understanding cannabis as less of a danger to Canadian society, and more as a recreational substance. Martel makes it clear that cannabis possession was punished more severely because it was classified under the Narcotic Control Act of 1961 and not the Food and Drugs Act.⁴⁴ This classification meant that those who committed drug crimes ranging from possession to trafficking, to cultivation, were subject to increased penalties and because the Narcotic Control Act also removed minimum penalties, those who were charged with possession could face up to seven years of jail time.⁴⁵ Martel includes this point to demonstrate that these punitive measures for cannabis possession inspired the baby boom generation to confront the law and protest against the harsh regulations. Martel argues that these people exemplified the generational gap in that they "questioned the foundations of authority and championed new values that came to be defined as counterculture."⁴⁶ He illustrates this by claiming that much of the cannabis debate in the 1960s was central to the baby boom generation of young people who had a more relaxed approach to drug use. Martel notes that opponents to this counterculture worried that cannabis use led to a loss of motivation and reliance on drugs for pleasure. In their arguments against recreational

⁴⁴ Marcel Martel, *Not This Time: Canadians, Public Policy, and the Marijuana Question, 1961-1975*, (Toronto: University of Toronto Press, 2006), 4.

⁴⁵ Ibid.

Benedikt Fischer, Kari Ala-Leppilampi, Eric Single, and Amanda Robins, "Cannabis Law Reform in Canada: Is the 'Saga of Promise, Hesitation and Retreat' Coming to an End?" *Canadian Journal of Criminology and Criminal Justice* 45, no. 3 (2003): 269.

⁴⁶ Martel, *Not This Time*, 5.

cannabis use, these opponents, many of which were concerned parents, believed that cannabis use created a sense of immorality amongst youth which would make them lead lives that did not fit the status quo.⁴⁷ These concerns from opponents to decriminalization in the 1960s were markedly different from the racist arguments associated with the beginning of the twentieth century: the concerns of 1961-1975 were more focused on the negative side effects of use and the judgement that recreational use was “an attack on morality”⁴⁸ because of the belief that drugs should be used strictly for medical purposes, not for pleasure. This clash between the distinct morals of a new generation and the significant increase in cannabis use amongst young, middle-class people⁴⁹ in opposition to the anti-drug principles of their parents, made it so that cannabis use became a topic of debate.

Martel constructs a fourteen-year history from 1961-1975, using the perspectives of four separate interest groups. These groups include university students who provoked legal action by using their voices to speak against criminalization, organizing conferences, or simply by smoking cannabis in public, as well as the police who enforced the laws that were being challenged, the Canadian Medical Association (CMA) that saw drugs as a problem but preferred treatment to legal consequences, and the pharmaceutical industry in the form of the Council on Drug Abuse (CODA) which outright rejected any and all illicit drug use in order to avoid state control over the industry.⁵⁰ Due to the limited resources and constant change in leadership,⁵¹ the university students could not organize solidarity with other groups because there was no unanimity amongst the university student lobby.⁵² The doctors of the CMA were also divided on

⁴⁷ Ibid., 13.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid., 74.

⁵¹ Ibid.

⁵² Ibid., 44.

the issue and since they lacked support from the pharmaceutical industry, they could not come to a consensus on whether or not they wanted the authority to prescribe cannabis. This meant that law enforcement continued to control cannabis use and unfortunately for cannabis advocates, the police focus was dedicated to preventing “...the collapse of social values”⁵³ rather than researching and understanding the uses of cannabis. Martel’s explanation of the dynamics within and amongst these groups reveals the disorganization of the groups’ conflicting interests and how social change regarding the substance was stop-and-go throughout the years he examines.

Whereas Martel mapped the history of the large social contexts by explaining how student and youth populations in Canada attempted to bring about social change, Michael Boudreau focuses on one such example of these attempts in his study on a specific protest, known as the Gastown Riot, organized by the Youth International Party or the ‘Yippies’ in Vancouver in 1971. Boudreau argues that the Gastown Riot exemplified the readiness of law enforcement to use brutality in order to maintain social order.⁵⁴ The Vancouver Police were concerned with the prevalence of drug use in Gastown and launched Operation Dustpan,⁵⁵ a name which implies a cleaning-up of sorts, to drive these ‘Yippies,’ and those that sympathized with their cause,⁵⁶ out of Gastown. These groups became increasingly frustrated with ‘dustpan’ treatment, and in turn, accused the government of using fascist tactics to control youth practices and organized a smoke-in to protest.⁵⁷ While it had started off as a peaceful jamboree with ice-cream sandwiches and a ten-foot joint, it ended with police officers, under the false assumptions

⁵³ Ibid., 201.

⁵⁴ Michael Boudreau, “The ‘Struggle for a Different World’: The 1971 Gastown Riot in Vancouver,” in *Debating Dissent: The Sixties in Canada*, ed. Dominique Clement, Lara Campbell, and Greg Kealey, 117-133, (Toronto: University of Toronto Press 2012), 39.

⁵⁵ Ibid., 50.

⁵⁶ For more information about the youth culture, who they were and how they were perceived, see: Marcel Martel, “‘They Smell Bad, Have Diseases, and Are Lazy’: RCMP Officers Reporting on Hippies in the Late Sixties.” *Canadian Historical Review* 102, no. S2 (2021): 451–75.

⁵⁷ Boudreau, “The ‘Struggle for a Different World,’” 39.

that property destruction would take place, swinging riot sticks and charging against the crowd on horseback.⁵⁸ The police later admitted that the protest had been peaceful until they charged into the people,⁵⁹ which is particularly jarring as Boudreau includes accounts of the event that confirm that the protesters were at risk of being killed.⁶⁰ This specific example has an important place in the history of cannabis regulation in Canada because it demonstrates that there were instances of violence in the grassroots struggle for legalization. In order to understand how legalization came about, the stories of those whose lives were put in danger while advocating peacefully for the cause must also be known.

Kyle Grayson approaches the same period, the early 1970s, by examining how politicians considered cannabis a threat to the health and wellbeing of Canadians. Grayson applies Foucault's theory of biopolitics defined as "...those endeavours which attempt to rationalize the problems presented to governmental practice by the phenomena characteristics of living human beings constituted as a population."⁶¹ He details the watershed moment in Canadian drug policy, the Le Dain Commission,⁶² to examine how the Canadian government attempted to rationalize drug problems by investigating the drug use characteristics of the Canadian population. This argument, that the reasoning behind the Le Dain Commission of Inquiry on the Non-Medical Use of Drugs 1969-1972 had to do with a change in usership, relates back to Martel's earlier claims. The number of marijuana offence convictions had increased from 42 people in 1965 to 10, 695 in 1972⁶³ and many of those who were arrested were upper- and middle- class Canadian

⁵⁸ Ibid., 57.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Grayson, *Chasing Dragons*, 112.

⁶² For more about the intricacies of the Le Dain Commission and the Chair, Gerald Le Dain, see: Melvyn Green, "An Accidental Soldier in the War against the War on Drugs." In *Tracings of Gerald Le Dain's Life in the Law*, edited by G. Blaine Baker and Richard Janda, 133-168. Montreal: McGill-Queen's University Press, 2019.

⁶³ Grayson, *Chasing Dragons*, 150.

youth.⁶⁴ This meant that the Canadian government could no longer associate cannabis use with ‘criminal addicts’ since they were forced to confront the reality that cannabis use was becoming more widespread. Thus, the Le Dain Commission, headed by the Chair Gerald Le Dain, produced 120 projects and three public reports over four years, one of which was exclusively concerned with cannabis.⁶⁵ The report impacted Canadian drug discourse, as it used the word ‘user’ instead of ‘addict’ and concluded that “the moderate use of hemp (i.e., marijuana) may be beneficial; while excessive use might cause some health problems, including bronchitis and mental illness in persons predisposed to psychiatric episodes, these effects were extremely rare.”⁶⁶ The government suggestion that hemp could be beneficial was a dramatic shift from its Murphian label as a menace. When the research was completed, the Le Dain Commission recommended decriminalization, and while it still enforced biopolitical concerns of maintaining public health through controlling drug use, they ultimately concluded that drug use should be the concern of public health as opposed to law enforcement,⁶⁷ “...replacing incarceration with probation and medical treatment.”⁶⁸ Grayson argues that the Le Dain Commission was a reaction to the shifting behaviours in cannabis use and the emergence of resistance to compliance with the drug laws.

The outcomes of the Le Dain Commission did not fully reflect its recommendations because even though there were reforms lessening the severity of punishment for cannabis possession, the Commission was unsuccessful in transferring cannabis from the jurisdiction of the Narcotic Control Act to the Food and Drugs Act.⁶⁹ Since cannabis was kept under the

⁶⁴ Ibid.

⁶⁵ Ibid., 152.

⁶⁶ Ibid., 153.

⁶⁷ Ibid., 155.

⁶⁸ Ibid.

⁶⁹ Ibid.

Narcotic Control Act, which used punitive measures, this meant that at one point, Canada's rate of drug offences were the highest in the world between 1980 and 1985.⁷⁰ The response to the Le Dain Commission did not result in decriminalization of cannabis because, Grayson suggests, law enforcement introduced different concerns. The Le Dain Commission made it so that the public was less convinced that cannabis use could cause violent behaviour, but the law enforcement became concerned with the idea of cannabis as a gateway drug to harder substances, like heroin.⁷¹ In addition, police argued that cannabis made users "apathetic and unambitious."⁷² The dissemination of these assertions about cannabis use were responsible for halting the process of decriminalization.

Neil Boyd's essential work on this topic, *High Society*, compares the regulation and use of cannabis to other substances, both legal and illicit, to condemn the War on Drugs. It is also crucial to note that Boyd published this book amidst the Canadian War on Drugs.⁷³ He calls this war a complete failure, as there was no discernible evidence to suggest a significant problem with drug use at the time that Prime Minister Brian Mulroney decided to target the issue and introduce new legislation to increase incarceration of drug producers and users because he claimed that there was a "drug epidemic."⁷⁴ Boyd's argument focuses on the idea that the War on Drugs in Canada was completely misguided:

When we criminalize a particular substance, we pay attention to only a small part of the picture. Criminalization is a metaphor for war, a battle in which the domestic military are asked to arrest and convict those who possess certain psychoactives. And this war on drugs, like all other wars, is a statement of human failure. There aren't so much good or bad drugs as there are good and bad relationships with drugs.⁷⁵

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid., 156.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

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

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

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

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

⁷⁷ For more information on how ‘cannabis criminals’ were created and a study that argues criminalization did not deter use and only caused harm, see: Patricia G. Erickson, *Cannabis Criminals: The Social Effects of Punishment on Drug Users*. Toronto: Addiction Research Foundation, 1980.

⁷⁸ Neil Boyd, *High Society: Legal and Illegal Drugs in Canada*, (Toronto: Key Porter Books, 1991), 12.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*, 14.

⁸¹ *Ibid.*, 13.

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

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

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 184.

⁸⁵ *Ibid.*, 156.

⁸⁶ *Ibid.*

medical cannabis compassion clubs.⁸⁷ Often run by women, these clubs are non-profit organizations that seek to provide medical relief with cannabis to those who desire alternative pain management and healthcare options.⁸⁸

The 1990s and early 2000s saw a resurgence in the cannabis legalization movement that had been suppressed for most of the 1980s. While there were some advances made for medical cannabis, there were still attempts at arousing a drug scare about cannabis. In their book, *More Harm than Good*, Boyd, Carter, and Macpherson explain that the problem of drugs in Canada is entirely socially constructed and the claim-makers, like newspapers and radio, shaped the way that the public thought about cannabis as a problem.⁸⁹ Boyd adds to Carstairs' argument that the drug "problem" is a social construct when they state that contemporary media played a role in developing a "drug scare"⁹⁰ regarding grow-ops and ultimately, about cannabis itself. Headlines like "Clues that your dream home might have been a grow-op (2007)" and "Homes used to grow pot pose serious mould risk: But no sure way to know if property once used as a drug house (2008)"⁹¹ were designed to make the public focus on the dangers of grow-ops. However, Boyd and Carter's research demonstrates that the industry was not as insidious as some headlines made it out to be and that this 'scare' around cannabis was in fact, socially constructed, just as Carstairs' argues about the 1920s.

Cannabis historians collectively offer different valuable insights into the functions and effects of Canadian drug policy throughout the twentieth century. While each of the scholars

⁸⁷ Susan C. Boyd, *Busted: An Illustrated History of Drug Prohibition in Canada*. (Winnipeg: Fernwood Publishing, 2017), 146.

⁸⁸ *Ibid.*, 146.

⁸⁹ Susan C. Boyd, Connie Carter, and Donald MacPherson, *More Harm Than Good: Drug Policy in Canada*, (Nova Scotia: Fernwood Publishing, 2016), 6.

⁹⁰ Boyd and Carter, *Killer Weed*, 186.

⁹¹ *Ibid.*, 137.

offer a specific focus, there is a common thread within the historiography that seeks to identify the problem of addressing cannabis as a matter of crime and punishment or as a matter of health and safety. This is the central issue that made it tremendously difficult for cannabis to be decriminalized, even though it inspired a substantial amount of debate, particularly in the last forty years of the twentieth century. These scholars outline the century-long struggle for a different approach to a substance with a dangerous reputation and a legal past steeped in racism and classism. They focus on the failure of the punitive measures and how the substance had a veritable army of supporters whose resistance was felt by the government in its attempts to deal with the implications of old legislation and steadfast concerns for societal harm. The work done by these scholars categorically does not sing the praises of cannabis use, but rather informs readers of the injustices that have plagued cannabis regulation history. I suggest that these representations of the past are charged with explicit criticism of the Canadian government and the law. In recognizing this, it is reasonable to suggest that these scholars contributed to a Canadian intellectual reckoning that cannabis should not be criminalized.

CHAPTER 2: Legalization

INTRODUCTION

Cannabis legalization in Canada is most directly a result of Justin Trudeau's 2015 election since he campaigned on the promise that he would legalize cannabis. This was a priority for the new Liberal government and reflected the interests of advocates that had been struggling throughout the first few years of the 21st century to legitimize the legalization of cannabis. These advocates were responsible for creating an environment in which the Liberals could satisfy Canadians' desires and concerns that had been denied during the Harper era of 2006-2015. In order to fulfill the campaign promise and to construct a bill that would pass in the House of

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

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

ACTIVISM

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

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

⁹³ Ibid.

⁹⁴ Ibid.

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

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

⁹⁵ Ibid.

⁹⁶ Ibid., 67.

⁹⁷ For more stories and explanations of activism in the 2000s, see: Jodie Emery, "Cannabis Activism in Canada: Reflections on a Movement in Transition," in *The High North*, ed. Andrew D. Hathaway and Clayton James Smith McCann (Vancouver: University of British Columbia 2022), 286-311.

⁹⁸ "Courts Allow Jim Wakeford to Smoke and Grow Marijuana in 1999," CBC Radio-Canada News Archives, <https://www.cbc.ca/player/play/1627332841>. (accessed 27 March 2024)

⁹⁹ Larsen and Dowers, *Cannabis in Canada*, 72.

could not be treated with conventional methods.¹⁰⁰ This was a major win for the activists and had a lasting effect on Canadian cannabis policy.

While users and patients exhibited the most mobilization, cannabis legalization had other supporters in a different, and unexpected, form. In 2011, a group in British Columbia called ‘Stop the Violence’ was made up of “police officers, health professionals, legal experts, and academics...calling for the legalization and regulated sale of marijuana.”¹⁰¹ It is of particular interest that this group had significant police involvement, seeing as law enforcement had historically been the most powerful opponent to the legalization of cannabis. The fact that police were involved in the fight for legalization in 2011 shows a drastic change in attitudes. They argued that prohibition only worsened gang violence and made it easier for youth to access cannabis due to the convenience provided by organized crime.¹⁰² This group made the explicit argument to model the control of cannabis after tobacco and alcohol in order for the government to properly tax and regulate the substance.¹⁰³ This claim that the government should properly tax the sale of cannabis must have been salient, seeing as the economic potential for the cannabis industry was known to be vast. Ian Mulgrew wrote in his 2006 book, *Bud Inc*, that “Canadian cannabis consumers annually spent at least \$1.8 billion on bud...the size of the B.C market alone was worth \$2 billion in 2000-almost 3 percent of the provincial GDP.”¹⁰⁴ Whether the government was ready to accept it or not, it was unequivocally true that there was money to be made. As for “Stop the Violence,” this was a group whose views were more directly in line with

¹⁰⁰ Minsup Shim, Hai Nguyen, and Paul Grootendorst, “Lessons from 20 years of medical cannabis use in Canada” *PLoS One* 18, no. 3 (March 2023): 1.

¹⁰¹ “Legalize marijuana sales, say B.C. experts,” *CBC News*, October 27, 2011, <https://www.cbc.ca/news/canada/british-columbia/legalize-marijuana-sales-say-b-c-experts-1.1054353>

¹⁰² *Ibid.*

¹⁰³ “About Us,” Stop the Violence BC. <https://stoptheviolencebc.org/>, (accessed 27 March 2024).

¹⁰⁴ Ian Mulgrew, *Bud Inc.: Inside Canada’s Marijuana Industry*. Vintage Canada, 2006.

what the goals of the Cannabis Act would be. The “Stop the Violence” group shared many of the same arguments that the Liberal government made while defending the Cannabis Act in the House of Commons.

HARPER

While the early 2000s showed some progress in regard to medical cannabis, the election of Stephen Harper as Prime Minister with his hard-line position against legalizing cannabis halted any further advancements. The Liberals constructed their arguments on the basis that Harper’s polemics to keep cannabis illegal were another example of the failures of criminalization. I suggest that Harper’s “tough on crime agenda”¹⁰⁵ was the most powerful opposition to legalizing cannabis that Canada had seen for some time. As such, it is significant that legalization happened only three years after the Harper government was voted out because it reveals that his attempts at rejecting the issue of medical and recreational cannabis and treating it as an issue of crime and punishment, did not resonate with the Canadian populace when it came time to vote in 2015. In 2005, the CBC reported that “his party would introduce mandatory prison time for anyone convicted of running marijuana grow operations... the Tories would ban conditional sentences and house arrest for serious and repeat drug offenders.”¹⁰⁶ Harper even went so far as to posit that “Criminals who are cultivating marijuana in grow ops, manufacturing crystal meth in labs or selling crack cocaine on our streets have to know if they are caught, they will not get a slap on the wrist.”¹⁰⁷ When Harper’s Conservatives won the majority government

¹⁰⁵Government of Canada, Department of Justice. *A Values and Evidence Approach to Sentencing Purposes and Principles.* “Attempting to Change Canadian Values on Sentencing: The Harper Decade, [Ottawa], 2023, <https://www.justice.gc.ca/eng/rp-pr/jr/vea-avp/p3.html>. (accessed 27 March 2024).

¹⁰⁶ “Harper Pledges Minimum Drug Sentences,” *CBC News*, December 4, 2005, <https://www.cbc.ca/news/canada/harper-pledges-minimum-drug-sentences-1.566030#:~:text=A%20Conservative%20government%20would%20legislate,says%20party%20leader%20Stephen%20Harper>.

¹⁰⁷ *Ibid.*

in 2011, his “omnibus crime bill” which introduced mandatory minimum sentencing for cannabis was finally brought into effect in 2012.¹⁰⁸ Just one year later, he was quoted as saying, while giving a speech in Kelowna, that “Sir John A. spoke to British Columbians about the things that matter, about jobs and prosperity, about a Canada united and strong, about economic growth not grow-ops, about a national dream, not a pipe dream.”¹⁰⁹ This mix of rhetoric and comedy about a substance that he once deemed analogous to crystal meth¹¹⁰ is telling about his attitudes toward cannabis specifically. In this speech, Harper departs from his initial seriousness about cannabis¹¹¹ and uses sarcasm to make the argument that there were more important things for the Canadian government to worry about than cannabis policy. This willingness to make a tongue-in-cheek statement about cannabis with a crowd while there were 405,000 arrests made for cannabis possession during his first 6 years as prime minister¹¹² is representative of a type of cognitive dissonance. Harper’s legislation treated cannabis as a dangerous criminal issue, warranting a tremendous number of arrests, but he simultaneously spoke to crowds about how the government should not spend time trying to understand the substance and its uses because it is not one of the “things that matter[s].”¹¹³ These beliefs are fundamentally in conflict. I argue that this type of prohibition in the form of punitive laws and Harper’s blasé attitude¹¹⁴ regarding the gravity of his legislation, were respectively the most significant hindrances to legalization in

¹⁰⁸“What Worries Critics about Omnibus Crime Bill,” *CBC News*, March 14, 2012, <https://www.cbc.ca/news/canada/what-worries-critics-about-omnibus-crime-bill-1.1244907>.

¹⁰⁹ “Stephen Harper evokes ‘Sir John A’ joke about B.C. marijuana debate,” *National Post*, September 14, 2013, <https://nationalpost.com/news/politics/stephen-harper-evokes-sir-john-a-in-joke-about-b-c-marijuana-debate>

¹¹⁰ “Harper Pledges Minimum Drug Sentences.”

¹¹¹ Ibid.

¹¹² Ken MacQueen, “Why It’s Time to Legalize Marijuana,” *Maclean’s*, June 10, 2013, <https://macleans.ca/news/canada/why-its-time-to-legalize-marijuana/>.

¹¹³ “Stephen Harper evokes ‘Sir John A’ Joke about B.C. Marijuana Debate.”

¹¹⁴ Also see: Murray Brewster, “Do I Seem Like I Smoke? Harper Asks as Marijuana Debate Smoulders,” *CTV News*, 29 April 2013.

<https://www.ctvnews.ca/politics/do-i-seem-like-i-smoke-harper-asks-as-marijuana-debate-smoulders-1.1432304>.

Canada in recent history. As well, this chokepoint in Canadian drug policy would serve to galvanize Justin Trudeau into arguing against punitive measures and to ultimately adopt a different approach by promising legalization in his election campaign.¹¹⁵

As Harper's regime continued to prohibit cannabis possession, the mainstream media started criticizing the government. In 2015, during the election campaign, *Maclean's* magazine took aim at Harper's stance on cannabis as an addictive substance that should not be legalized and refuted each of his claims with evidence from a report done by the Toronto-based International Centre for Science in Drug Policy.¹¹⁶ This report claimed that more than 90 percent of cannabis users do not become addicted and that the stronger potency of THC in modern cannabis could potentially be beneficial because it means that users would smoke less and with legalization, regulation of these THC levels would be under the purview of the government rather than illegal entrepreneurs.¹¹⁷ As well, the report found that Harper's claim that legalization would lead to an increase in use was bogus, seeing as Canada has "the highest rates of teen use of marijuana of any industrialized country,"¹¹⁸ indicating dysfunction with the existing system of prohibition. The report also claimed that criminal market profits have decreased in places that have legalized cannabis (Colorado, Uruguay), and that treating cannabis like alcohol and tobacco could reduce harms that come with drug use because it would be

¹¹⁵ Josh Elliott, "Liberals 'committed' to Legalizing Marijuana: Trudeau." *CTV News*, September 30, 2015. <https://www.ctvnews.ca/politics/election/liberals-committed-to-legalizing-marijuana-trudeau-1.2588260?cache=ngyhfxv>.

¹¹⁶ Ken MacQueen, "Harper's Pot Stance versus Science," *Maclean's*, August 12, 2015, <https://macleans.ca/news/canada/harpers-pot-stance-versus-science/>.

A study conducted in 2023 addresses the extent to which the press reflects public opinion by examining the framing of cannabis in the news from 2016-2019. Their findings indicate that Canadian newspapers were keeping the public informed about how legalization should work, rather than focusing on whether legalization should even happen, and that this type of coverage ultimately improved public perception of recreational cannabis. See: Joseph Aversa, Evan Cleave, Jenna Jacobson, Tony Hernandez, Stephanie Dizonno, and Micheal Macdonald, "Rollin' Papers: Newspaper Coverage of Cannabis Legalization in Canada," *Newspaper Research Journal* 44, no. 2 (2023):168.

¹¹⁷ "Harper's Pot Stance versus Science."

¹¹⁸ *Ibid.*

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

¹¹⁹ Ibid.

¹²⁰ See: Dimmock, Gary. "Medicinal Marijuana Operation Broken Up in RCMP Raid: AIDS Patient Weeps as Mounties Smash Drug-Growing Equipment," *The Ottawa Citizen*, March 18, 1999, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/medicinal-marijuana-operation-broken-up-rcmp-raid/docview/240271090/se-2> (accessed March 29, 2024). Rita Legault, "Citizens Help Cops Capture Cannabis Cultivators: Bust was an Uphill Climb," *Record*, March 21, 2000, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/citizens-help-cops-capture-cannabis-cultivators/docview/356174250/se-2> (accessed March 29, 2024). "Pregnant Cannabis Cafe Owner Sentenced to One Year in Jail for Selling Pot," *Canadian Press NewsWire*, June 1, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/pregnant-cannabis-cafe-owner-sentenced-one-year/docview/359648710/se-2> (accessed March 29, 2024). Brad Badelt, "'Prince of Pot' Arrested," *Edmonton Journal*, July 30, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/prince-pot-arrested/docview/253240343/se-2> (accessed March 29, 2024). "Pot Smoker Charged with Trafficking Says Charge is Discrimination," *Canadian Press NewsWire*, January 12, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/pot-smoker-charged-with-trafficking-says-charge/docview/359768777/se-2> (accessed March 29, 2024). "Owner of New Brunswick Cafe found Guilty of Trafficking Marijuana," *Canadian Press NewsWire*, February 21, 2005, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/owner-new-brunswick-cafe-found-guilty-trafficking/docview/359668885/se-2> (accessed March 29, 2024). "Medical Marijuana Activist Gets Jail Time for Trafficking Conviction," *Canadian Press NewsWire*, Mar 28, 2007, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/medical-marijuana-activist-gets-jail-time/docview/359952299/se-2> (accessed March 29, 2024). Jon Willing, "Four Charged with Drug Offences After Cops Raid Grow Ops," *The Ottawa Sun*, Jan 11, 2008, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/four-charged-with-drug-offences-after-cops-raid/docview/2182605570/se-2> (accessed March 29, 2024). "Police Plan 25 Arrests at Cannabis Clubs in Quebec," *Moose Jaw Times Herald*, June 4, 2010, <http://search.proquest.com.ezproxy.library.uvic.ca/newspapers/police-plan-25-arrests-at-cannabis-clubs-quebec/docview/2004377876/se-2> (accessed March 29, 2024). "Two Facing Charges After N.S. Mounties Raid Marijuana Grow-Op in Home: Two Facing Charges in N.S. Grow-Op Bust," *The Canadian Press*, March 1, 2011, <http://search.proquest.com.ezproxy.library.uvic.ca/wire-feeds/two-facing-charges-after-n-s-mounties-raid/docview/854920272/se-2> (accessed March 29, 2024)

¹²¹"Marijuana Use Doubled Over Past Decade: Study," *CBC News*, November 25, 2004, <https://www.cbc.ca/news/canada/marijuana-use-doubled-over-past-decade-study-1.474179>.

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

LIBERAL TASK FORCE

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

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

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

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

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

Force's sources included American states that had already developed some strategies for managing legal cannabis like "including a price and tax scheme based on potency to discourage purchase of high-potency products."¹²⁶ In their report, the Task Force justified the need for a change in policy by proposing recommendations for a legal cannabis system in Canada.

While the Task Force was designed to make suggestions for a potential legal cannabis framework, they were also very transparent about the tensions and contradictions involved in each of their recommendations. For example, the Task Force examined the conflict between two of their goals which were to both eliminate the illegal market and prevent young people from using cannabis by "establishing higher age limits, adapting pricing strategies to discourage consumption, and imposing limitations to minimize promotion and commercialization."¹²⁷ The Task Force recognized that imposing limitations would mean that the legal market would not be able to compete with the illicit market, but that the lack of proper restrictions could lead to harm. While the Task Force references Colorado's legal limit of 10mg for edibles, the Task Force did not name this amount in their recommendation and suggested to "Set a maximum amount of THC per serving and per product."¹²⁸ It seems that in many of their recommendations, the Task Force attempts to strike a balance between two extreme sides of a spectrum where on "...one end prohibition leads to thriving criminal markets and at the other unregulated, legal free markets lead to unrestrained commercialization."¹²⁹ Overall, this report was extensive, and the authors and contributors were effectively able to produce a framework that could be applied if cannabis became legal.

PARLIAMENTARY DEBATES

¹²⁶ Ibid., 3.

¹²⁷ Ibid., 11.

¹²⁸ Ibid., 3.

¹²⁹ Ibid.

When the Cannabis Act or Bill C-45, the product of Trudeau’s election promise and the hard work of the Task Force, was ready to be presented for review in The House of Commons, the debates revolved around the same themes. These included the primary concern of protecting youth, as well as the speed of legalization and the potential consequences of legalizing cannabis instead of decriminalizing it, the broad health risks, and how the new, legal industry would work. The Liberal argument laid out the goals of the Cannabis Act for the other parties to respond to and several debates ensued before the final decision was made.

In its second reading in May of 2017, the main goals of the Liberal government were laid out by the sponsor of the Bill, Jody Wilson-Raybould. The Liberal government’s “evidence-based approach”¹³⁰ was foundational to most of their arguments. Often citing the thorough report conducted by the Task Force on Cannabis Legalization and Regulation, Wilson-Raybould argued that prohibition had failed and that the main aim of Bill C-45 was to protect public safety, specifically with regard to youth.¹³¹ She continued to argue that the bill would:

protect young people from advertising...that are likely to encourage them to use cannabis...provide for the lawful protection of cannabis to reduce legal activities...deter illegal activities in relation to cannabis through appropriate sanctions and enforcement measures...reduce the burden on the criminal justice system...provide Canadians with access to a quality-controlled supply of cannabis; and...enhance public awareness of the health risks associated with cannabis use.¹³²

Wilson-Raybould also maintained that the existing system for medical cannabis would remain intact, and that there would be two separate frameworks,¹³³ in compliance with the recommendations from the Task Force.¹³⁴ The main takeaways from the Liberal introduction of

¹³⁰ Canada, *House of Commons Debates*, 30 May 2017 (Jody Wilson-Raybould, Lib) <https://openparliament.ca/bills/42-1/C-45/?page=1>

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

¹³⁴ Health Canada. *A Framework for the Legalization and Regulation of Cannabis in Canada*, 6.

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

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

¹³⁵ Ibid.

¹³⁶ Canada. *House of Commons Debates*, 18 June 2018 (Mrs. Rosemarie Falk, CPC), <https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-316/hansard>

¹³⁷ Ibid.

¹³⁸ Canada. *House of Commons Debates*, 18 June 2018 (Mr. Bill Blair, Lib), <https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-316/hansard>

children but that they would allow for up to four cannabis plants to be grown in the home.¹³⁹ It seemed, the Conservatives argued, that parents growing cannabis plants in the kitchen and living rooms of their homes would make the drug potentially more accessible to children than ever. Wilson-Raybould argued that parents who would now be allowed to grow up to four cannabis plants in the home would be responsible for the safety of their children and she frequently compared this responsibility to keeping prescription drugs and alcohol in the home.¹⁴⁰ She echoed Neil Boyd's arguments in her claim that the harms of cannabis should be compared to the harms of alcohol and prescription drugs. She used this argument to highlight the illogical conviction that parents should be allowed the freedom to use their own discretion with dangerous drugs like alcohol in the home, but that they cannot be trusted to do the same with cannabis. Although both arguments sought to protect youth from the harmful effects of cannabis, they did not agree on how to achieve this. The Liberals refuted the Conservative assertion that the Cannabis Act would put children in danger by consistently referring to the research conducted by the Task Force and by pointing out the faulty logic rooted in the false idea that cannabis is more harmful than other legal drugs. In terms of safety risks, one of the conservative MPs said,

As a father of a daughter who suffered mental health issues to the point of taking her own life this past summer, I have seen first-hand the risks of drugs at an early age. My family and I have seen this path and what it leads to, the hurt and the pain, the suffering. We have felt the consequences most directly as many, too many, other families have."¹⁴¹

This particular MP used the story of his own late daughter's relationship with drugs as an example of a potential consequence of legalization, though he does not explicitly say that his daughter's drug use was cannabis related. This is an example of how the Conservative arguments

¹³⁹ Ibid., (Mr. Ted Falk, CPC).

¹⁴⁰ Ibid. (Jody Wilson-Raybould, Lib).

¹⁴¹ Canada. *House of Commons Debates*, 24 November 2017 (Mr. David Sweet, CPC)
<https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-238/hansard>

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

As for the issue of immediate legalization, instead of scaffolding the process into stages beginning with decriminalization, the NDP argued that the legalization was moving too quickly. The NDP arguments seemed to centralize the issue of cannabis arrests and criticized the Liberal agenda by saying that “As we debate this legislation, and the government is giving itself a pat on the back for meeting one of its promises, this is all being done in the light of the fact that many Canadians are still getting criminal records for possession, and it very disproportionately affects our youth and racialized Canadians.”¹⁴² The NDP argued that the first step in legalizing cannabis should be to address those who have been targeted and harmed by its criminalization. This critical approach, coupled with the baseline Conservative observations that there would not be enough time to adequately understand the safety risks, meant that the Liberals had to rely on their trust in the Task Force recommendations and research¹⁴³ as a means of defending the Act.

In addition to these concerns about protecting the youth as well as public safety, some politicians expressed apprehension about what the new, legal industry would look like. An NDP

¹⁴² Canada. *House of Commons Debates*, 30 May 2017 (Mr. Alistair MacGregor NDP)
<https://openparliament.ca/bills/42-1/C-45/?page=2>

¹⁴³ *Ibid.*, (Mr. Bill Blair, Lib).

MP representing the Kootenays made the rather prophetic statement that “One of the concerns that was really prominent in my riding was trying to ensure that small growers, which are very prevalent in parts of my riding, continue to have a role in the future of legalizing cannabis in Canada. If not, I can pretty well guarantee that there will continue to be a black market for marijuana.”¹⁴⁴ Elizabeth May, a Green Party MP, backed up this argument by adding her concern that “...a product that has such high profit margins [should] not be overtaken and run by the cigarette industry or any of the existing large corporations that could force out smaller producers.”¹⁴⁵ These points directly address potential consequences for those who have already been growing and supplying cannabis and who, ostensibly, would possess the most wisdom and experience regarding cannabis cultivation and ethical marketing. Another concern has to do with how the new industry would be taxed: an NDP MP claimed “We do not want this simply to be a cash cow for the government. We want to make sure that the funds would be generated for a reliable stream of revenue for research and prevention.”¹⁴⁶ These MPs considered the economic implications of passing the Bill and reflected concerns about how to hold the government accountable should cannabis be legalized.

THE CANNABIS ACT

These House of Commons debates resulted in several amendments to the Act before it was passed. Most of these were technical changes, with the most significant changes having to do with growing plants in the home. The first change, in 2017, removed limitations on the height

¹⁴⁴ Ibid., (Wayne Stetski NDP).

¹⁴⁵ Ibid., (Elizabeth May, Green).

¹⁴⁶ Ibid., (Allistair MacGregor, NDP).

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

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

CONSEQUENCES

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

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

¹⁴⁸ *Ibid.*

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

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

not developed with the aim to improve the experience for recreational or even medicinal users—as it was primarily concerned with public safety—this meant that legalization did not necessarily have the effects that advocates and activists had dreamed about. Legalization did not improve access for medical users, nor did it meet potency desires. The consequences of legalization are constantly being revealed and there were some that were evident at its outset. The regulations of the Cannabis Act have had adverse effects for purveyors of “Craft Bud,” how the stores in the legal market operate, for consumers with regard to taxation, limitations of purchases, the sale of edibles, and the environmentally unsustainable packaging and waste. These are some of the main problems that have been associated with the genesis of cannabis legalization in Canada and they are already essential components of Canadian cannabis history.

An example of the “profit over people” problem with the legal cannabis industry has to do with “Craft Bud,” and the growers that had built up reputations of legitimacy and trustworthiness pre-legalization and which arguably should have been bolstered by the legalization of cannabis. Unfortunately, the opposite is true. A *National Post* article from 2023, “How the Federal Government has Milked the Cannabis Business Almost to Death,” outlines what legalization should have done: “at least introduce[d] a tier for micro and craft growers that offers more relief and encourages small and independent businesses.”¹⁵² Instead, the legacy of the Cannabis Act has meant that small businesses have suffered, like Fritz’s Cannabis Company in Ontario which operated before legalization. This business trusted that as a “fully Canadian Mom and Pop legacy brand with a devoted following, they would have a good shot at surviving the regulated landscape. But their pockets couldn’t stack up against larger businesses that have

¹⁵² Sam Riches, “How the Federal Government Has Milked the Cannabis Business Almost to Death” *National Post*, December 28, 2023, <https://nationalpost.com/news/canada/cannabis-excise-tax-milking-the-industry/wcm/cb8120d9-0048-48b1-8d64-b4f533997632/amp/>.

been operating at a loss for years as the market consolidates.”¹⁵³ Consequences like these are due in part to the staggeringly high excise taxes since “nearly 50 per cent of the price of a basket of legal cannabis products is due to government taxes and provincial markups.” If nearly half of the price of legal cannabis is made up of tax, it seems as though the government has prioritized making as much money as possible from legal cannabis. Legalization should have buoyed these independent businesses and knowledge-holders like the owners of Fritz’s, but instead, those who were privileged enough to afford the high taxes took up the space that Mom and Pop pot shops once had during the pre-legal days.

Another consequence of the Cannabis Act had to do with one of the regulations that was put in place to “protect” children: frosting the windows of cannabis retailers so that the products were not visible to minors. One store owner said that “With the frosted windows, it was giving criminals a chance to come in and do whatever they want and have lots of time to do it because nobody could see that anything was going on.”¹⁵⁴ This was an oversight that came out of a desire to protect youth, but rather, ended up putting the people who work at dispensaries, 13.4% of whom are between the ages of 18 and 24,¹⁵⁵ in danger. It seems that the argument of protecting young people, and the definition of young people, can be used to whatever advantage the government chooses. If it has to do with discouraging cannabis use amongst young people, the argument was made in parliament that brains are not fully developed until 25 years of age and that advertising should be regulated to prevent use and protect those young people.¹⁵⁶ However,

¹⁵³ Ibid.

¹⁵⁴ Meredith Bond, “Pot Store Owners Pushing for End to Rule That Products Can’t Be Visible from Front Window,” *CityNews Toronto*, April 19, 2023, <https://toronto.citynews.ca/2023/04/19/pot-stores-product-visibility-front-window/>.

¹⁵⁵ Nicholas C Peiper, Camille Gourdet, Angélica Meinhofer, Amanda Reiman, and Nicco Reggente, “Medical Decision-Making Processes and Online Behaviors among Cannabis Dispensary Staff,” *Substance Abuse: Research and Treatment* 11 (January 1, 2017).

¹⁵⁶ Canada. *House of Commons Debates*, 18 June 2018 (Mrs. Rosemarie Falk, CPC), <https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-316/hansard>

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

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

The issue of packaging has also been problematic for the legal market. Since the Cannabis Act was written with the intention to reduce any possibility of a child accessing cannabis, the packaging regulations did not consider the environmental impact at all. A study from Toronto Metropolitan University suggested that “...between October 2018 and August 2019, between 5.8 million and 6.4 million kilograms of plastic cannabis packaging ended up in

¹⁵⁷ *Cannabis Act, Statutes of Canada* 2018, c.16. <https://laws-lois.justice.gc.ca/eng/acts/c-24.5/FullText.html>

¹⁵⁸ Ted Smith, “Legal Updates from the Victoria Cannabis Buyers’ Club.” Cannabis Digest, November 14, 2023. <https://cannabisdigest.ca/>.

Canadian landfills.”¹⁵⁹ This is a disgusting amount of waste, especially when considering that cannabis comes from the hemp plant, which can be produced for packaging material since “cannabis hemp is, overall, the strongest, most-durable, longest-lasting natural soft-fiber on the planet.”¹⁶⁰ The wastefulness of the new legal market is blatantly neglectful of a fairly obvious hemp solution. As well, cannabis flower destruction has also become a hallmark of the legal market. In 2022, due to an imbalance in supply and demand “More than 1.7 billion grams (3.7 million pounds) of unsold, unpackaged dried flower have been destroyed since Canada became the first large country to legalize recreational cannabis sales.”¹⁶¹ There has been too much supply because there are too many licensed cultivators whose value was determined by how much cannabis they could grow, rather than what would sell, leading to a completely saturated market of low-quality greenhouse cannabis that could not be sold.¹⁶² It is fair to say that wasting product at this rate, and contributing to environmental damage, was not what activists and cannabis users had in mind when they risked going to jail for the cause of legalization.

There are clearly problems with the way cannabis has been legalized. Nonetheless, legalization still happened and now is the time to reckon with the consequences, learn from them, and improve the system. Now, at least, there exists a structure to be improved upon and people no longer need to risk jail time in order to use cannabis and fight for its legitimacy.

CONCLUSION

¹⁵⁹ “The Cannabis Industry Has a Plastic Waste Problem - but Some Are Finding Solutions,” CBC News, December 15, 2022. <https://www.cbc.ca/news/science/what-on-earth-cannabis-plastic-waste-1.6687271>.

¹⁶⁰ Jack Herer, *The Emperor Wears No Clothes*, (Van Nuys: Ah Ha Publishing, 1985), 5.

¹⁶¹ Matt Lamers, “Canada Destroyed 3.7 Million Pounds of Unsold, Unpackaged Cannabis since 2018.” MJBizDaily, January 5, 2024, <https://mjbizdaily.com/canada-destroyed-3-million-pounds-of-unsold-unpackaged-cannabis-since-2018/>.

¹⁶² Ibid.

The history of cannabis legalization in Canada is one that reflects major changes in public consciousness regarding the substance. Since its criminalization, there have been people who have suffered because the substance was misunderstood. It may have taken almost a century, but there has been a substantial amount of progress that has provided the many weed-loving Canadians with a situation where they no longer need to choose between obeying the law and using cannabis. Ultimately, this historiography and primary source analysis tell the history of criminalization and the struggle for legalization. The motivations behind this struggle are dynamic, changing periodically, and understanding the attitudes that are implicit in both cannabis policy and resistance is an inherently valuable part of Canadian historical knowledge.

There is so much more work to be done, both in the industry and within academia to understand how to best regulate cannabis use. The scope of this thesis could not possibly allow for me to address the fulcrum of issues that surround this topic. Firstly, there is important work being done to understand the Indigenous Peoples' relationship with cannabis and the impact of criminalization and legislation on these communities.¹⁶³ Racism has been intertwined with Canadian cannabis policy from its inception and another area for research focuses on how racial minorities have been specifically targeted by law enforcement.¹⁶⁴ As a woman working in the cannabis industry as a budtender, I have experienced a unique kind of sexism that deserves an analysis of its own. The specifically gendered aspects of cannabis history, and the implications of gender in the unfolding history of this new industry are also under examination and provide

¹⁶³See: Konstantia Koutouki and Katherine Lofts, "Cannabis, Reconciliation, and the Rights of Indigenous Peoples: Prospects and Challenges for Cannabis Legalization in Canada" *Alberta Law Review* 3 (2019): 709

¹⁶⁴ See: Rachel Browne, "Black and Indigenous People Are Overrepresented in Canada's weed arrests." *Vice News*, 2018. https://www.vice.com/en_ca/article/d35eyq/black-and-indigenouspeople-are-overrepresented-in-canadas-weed-arrests (accessed September 29, 2023)

Akwatu Khenti, "The Canadian War on Drugs: Structural Violence and Unequal Treatment of Black Canadians." *The International journal of drug policy* 25, no. 2 (2014): 190–195.

many potential research questions.¹⁶⁵ As well, the history of medical cannabis requires completely separate and focused attention. For many, cannabis is medicine, and its history and continued struggle to be understood as such indicates that there is still room for attitudes to change. There is also tremendous potential for local, micro-history that focuses on specific parts of the country. For example, the province of B.C and its major hotspots for cannabis cultivation, like the Kootenays and the Gulf Islands,¹⁶⁶ are full of stories that should also be included and historically analyzed. Following this, public history could be a flourishing frontier for cannabis historians in Canada. I visited Ted Smith at the Victoria Cannabis Buyers' Club while conducting my research and he showed me his treasure trove of materials including books, posters, pictures, costumes, and other various artefacts that should absolutely be available for public viewing in a museum.¹⁶⁷ The history of cannabis is directly linked to the history of Canadians and our shifting values and a museum of cannabis history in Canada would provide an opportunity to visualize and interact with this part of our nationhood. The study of Canadian cannabis history is as fascinating as it is ongoing. Every day something interesting happens in the realm of cannabis in Canada, and it is a historian's responsibility to keep track of such things.

¹⁶⁵ See: Kittel, Jacqueline, "Women in Weed: Gender, Race, and Class in the Cannabis Industry," *The Arbutus Review* 9, no. 1 (September 2018): 32–45.

¹⁶⁶ Drew Edwards, *West Coast Smoke*. Toronto: Warwick Pub., 2000.
Steven T. Easton, "Marijuana growth in British Columbia." *Public Policy Sources* no. 74 (2004).

¹⁶⁷ See: "About the Cannabis Museum Amsterdam" Cannabis Museum Amsterdam, <https://cannabismuseum-amsterdam.com/>. (accessed March 30, 2024) "Barcelona." Hash Marihuana & Hemp Museum, <https://hashmuseum.com/en/barcelona/>. (accessed March 30, 2024)

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