



September 8, 2020

Open Letter and Delivered by E-mail

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
80 Wellington St.
Ottawa, ON K1A 0A2

The Honourable Patty Hajdu, P.C., M.P.
Minister of Health
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister Trudeau & Minister Hajdu,

RE: Racial Equity Impact Assessment of the *Cannabis Act*

In legalizing cannabis, this federal government accomplished what many believed could not be achieved. Legalization sent a positive message to Canadians and to the rest of the world that we were ready to move away from the ineffective and discriminatory war on drugs and towards an approach to cannabis that focused on harm reduction and compassion. This monumental shift—ushered in through the *Cannabis Act*—must be applauded.

Today, however, we are asking your government to go further.

Cannabis Amnesty is calling on the Canadian government to commit to undertaking a Racial Equity Impact Assessment as part of its three-year review of the *Cannabis Act*. The legislated three-year review of the *Cannabis Act* provides an opportunity for a critical assessment of the administration and operation of this watershed legislation and to enhance its potential to be a tool for racial equity.

The story of the enforcement of cannabis laws in Canada is one of historical injustice and inequality. Indeed, it is undisputed by this government that one of the greatest injustices in our country is the disparity and disproportionality of the enforcement of cannabis laws and the impact it has had on Black communities, Indigenous communities and those in our most vulnerable neighbourhoods.¹ Despite similar rates of use across racial groups, BIPOC (“Black, Indigenous, People of Colour”) communities are disproportionately stopped, searched, arrested,

¹ Solomon, Evan. “A bad trip: Legalizing pot is about race.” *Maclean's*. April 14, 2017. Available at: <https://www.macleans.ca/politics/ottawa/a-bad-trip-legalizing-pot-is-about-race/>



prosecuted and incarcerated for cannabis possession offences than White Canadians.²

Given this history, the development of the legalization framework, as well as its implementation, should have involved robust consultation with Black and other racialized groups. This was not the case. The Task Force on Cannabis Legalization and Regulation engaged with law enforcement, Indigenous peoples and youth, among others, but it did not adequately seek out the perspective of individuals or groups representing Black and other racialized Canadians. It is our position that this was a glaring error that must be fixed if Canada is to overcome its history of discriminatory cannabis regulation and enforcement.

The opportunity to address this error comes in the form of a legislated review under section 151.1 of the *Cannabis Act*. Under the act, this review must take place before October 17, 2021. Section 151.1 requires the Minister to conduct a review of the *Cannabis Act* and its administration and operation. This provision mentions an assessment of the impact of the *Cannabis Act* on the health and consumption of young persons, as well as Indigenous persons and communities. While this provision makes no mention of assessing the *Act's* impact on Black and racialized persons, the possibility of doing so is not excluded by its language.

A **Racial Equity Impact Assessment** as part of the three-year review of the *Cannabis Act* would allow the government to determine the following:

- The impact of cannabis legalization on the physical and mental health of BIPOC communities, including on their cannabis consumption habits.
- Whether BIPOC are disproportionately stopped, investigated, searched, arrested, prosecuted and incarcerated for the new cannabis offences created under the *Cannabis Act*;
- Whether legalization has had an impact on the relationship between police and BIPOC communities from the point of view of these communities;
- Whether legalization has had an impact on the way that BIPOC perceive how government treats them;
- Do BIPOC communities see legalization as something relevant to their lives or done to benefit the interests of their communities? Or do they see themselves as alienated from legalization?
- Have BIPOC been able to benefit financially from legalization? I.e. What do the numbers tell us about how many licenses have been issued to BIPOC? Do they participate in the industry in other ways?

² For a more comprehensive analysis of this phenomenon, see, Owusu-Bempah, Akwasi & Alex Luscombe (May 4, 2018), *Cannabis Legalization and the Need for Amnesty*, Available at:

https://www.cannabisamnesty.ca/cannabis_legalization_and_the_need_for_amnesty.



- What barriers do BIPOC face in entering the legal cannabis industry?
- How many BIPOC have benefitted from C-93 simple cannabis possession pardons? Given the small number of C-93 pardons that have been issued to date, what barriers to accessing these pardons exist in BIPOC communities?

Given what we now know about the insidious way that cannabis regulation has historically been a vehicle for systemic racism in Canada, conducting a three-year review of the *Cannabis Act* in the absence of a racial equity impact assessment would be negligent. Answering these questions is critical to determining whether the *Cannabis Act* has decreased the disproportionate way in which cannabis laws have negatively impacted BIPOC communities, or whether it merely continues this unacceptable legacy of system racism.

Cannabis Amnesty looks forward to discussing this important initiative with you at your earliest convenience.

Yours truly,

Akwasi Owusu-Bempah
Director of Research

Annamaria Enenajor
Founder and Executive Director



cc:

The Honourable Bill Blair, P.C., M.P., Minister of Public Safety and Emergency Preparedness
The Honourable Bardish Chagger, P.C., M.P., Minister of Diversity and Inclusion and Youth
The Honourable David Lametti, P.C., Q.C., M.P., Minister of Justice

And:

The Honourable Greg Fergus, M.P.
The Honourable Hedy Fry, M.P.
The Honourable Ahmed Hussen, M.P.
The Honourable Nathaniel Erskine-Smith, M.P.
The Honourable Matthew Green, M.P.
The Honourable Don Davies, M.P.
The Honourable Jack Harris, M.P.
The Honourable Scott Reid, M.P.
The Honourable Erin O'Toole, M.P.
The Honourable Wanda Thomas Bernard, Senator
The Honourable Marie-Françoise Mégie, Senator
The Honourable Rosemary Moodie, Sr.



ABOUT US

Cannabis Amnesty is an independent, not-for-profit advocacy group focused on righting historical wrongs caused by decades of cannabis prohibition, particularly its impact on racialized communities. It was founded in April 2018 in response to the absence of federal legislation addressing the stigma of previous convictions for offences that would no longer be illegal under the *Cannabis Act*. Since then, it has campaigned for the government to enact legislation to delete criminal records relating to the simple possession of cannabis, launched public education campaign to fight the stigma associated with cannabis convictions and worked on criminal justice reform to make sure that the legal structures that allowed marginalized communities to be overrepresented in cannabis prosecutions are dismantled.

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