

Mayor Eisenberger and Members of Hamilton City Council
Hamilton City Hall 2nd Floor
71 Main Street West
Hamilton, Ontario
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Dear Mayor Eisenberger and Members of City Council:

My name is Jenna Valleriani, I'm a postdoctoral fellow in the Faculty of Medicine at the University of British Columbia. I've studied cannabis for over 7 years, focusing on different areas of policy, public and community health, youth education and entrepreneurship. I work with various groups such as Canadian Students for Sensible Drug Policy and the National Institute for Cannabis Health and Education. I once called Hamilton home, and as such would like to address the idea of opting in and out cannabis retail in the city.

The first thing to highlight is that the most recent announcement by the AGCO means cannabis retail, as of April, will be limited to 25 licenses, licenses which are spread out according to geographical region. This means that Hamilton could reasonable expect 1, maybe 2 licenses to be granted in this jurisdiction for April. The city should view this as a by-design phased in approach, which will allow the city time to ease into the issue of legal retail in the city. We know that stores need approval from the municipality, and this staggered approach will allow the city to work closely with those lucky few who will granted these licenses, and to remain flexible and nimble to address any community concerns that may arise.

Undoubtedly, Hamilton has a very colourful history with illegal medical and non-medical cannabis dispensaries, once dubbed the "wild west" of cannabis access. This includes a high-profile case won by a Hamilton medical cannabis dispensary, effectively allowing them to stay open in the city. However, this injunction speaks to the gaps in the medical cannabis program which relies on online access to a limited range of products by mail only, and is part of a larger issue around medical cannabis access that has plagued Canadian courts at all levels for two decades. But, this should not be confused with the current municipal decision around non-medical cannabis retail stores.

Non-medical cannabis retail remains a nuanced issue which seems to evoke a lot of diverse opinions, but Hamilton should opt in to cannabis retail to promote regulated access to a newly legalized product.

The most straightforward argument which cuts across opinions is potential revenue for the city. While the provincial government has said it will set aside funding to assist municipalities who opt in, there is also a share of business licensing, revenue and profits generated from the excise tax on

the sales of cannabis - up to 50% of the surplus going to municipalities that allow retail stores. For example to start, a city like Peterborough, a city with a population of 81,000 people, one sixth the population of Hamilton, is being given \$186,000 from the Ontario Cannabis Legalization Implementation Fund to be used for cannabis policies and enforcement. There is also a case for stimulation of the local economy, supporting small business and fostering entrepreneurship and new jobs in the city.

From a public health perspective, what seems to be the most critical aspect of opting in is allowing adult constituents reasonable access to legal and regulated cannabis products, much like we do when it comes to alcohol (even despite alcohol's higher harm potential and significant disease burden on global health).

If Hamilton decides to opt out, the underground market will persist, even thrive, under these conditions. Patterns of access through illegal avenues will likely remain unchanged. Illegal stores will continue to open and close, even despite new and higher penalties, which will cost the city more to enforce, and a majority of people's literacy around these new laws means it will also foster confusion around illegal and legal access points. Offering a regulated avenue, legal retail stores also function as a critical point of access to education and information on how to reduce any harms associated with cannabis use. While I am not arguing that the underground economy will simply disappear if Hamilton opts in, opting in will serve to undermine that market over time, and slowly build trust with consumers over the next couple of years. Fostering more consumers to "go legal" should be considered a win.

While adults can access cannabis online through the Ontario Cannabis Store (OCS), consumers have made it clear through the relative explosion of illegal storefronts over the last five years that there is a preference for many for in person access. Further, the OCS currently only accepts credit cards, charges shipping, has been plagued with massive delays and complications over the last two months. As someone who works with marginalized communities in the downtown east side of Vancouver, it seems critical to also point out that consumers need a fixed address to receive shipments which, in combination with the above points, effectively serves to undermine access and affordability.

It's also important to remember that cannabis retail stores have not been set up as some "free for all" and will be different from the current state of illegal cannabis dispensaries. There are many important rules around the 'where, what and why' - for example, they will need to be 150 meters from schools, and will not allow anyone under 19 to enter, even if accompanied by a parent or guardian. Windows can not be transparent, so there's no concern of young people being able to look in. Further, there's no scientific literature to suggest retail stores in and of themselves pose risk to young people, particularly considering the rules around how these stores must run. We've all heard the phrase "the underground market doesn't ID" - and there is some truth to that - there

is nothing about a thriving underground economy that serves to protect young people. There is also ample flexibility for municipalities to layer on any additional by laws they may feel are appropriate.

There are ways to ensure this is done responsibly, and council can use their powers to address pressing community concerns. But legal, accessible and regulated storefronts for adults in this city is a critical piece of supporting public health, which consider a plethora of issues- including criminalization, health, public safety and regulation. Hamilton could have control over what these stores look like and how they operate, and this is better than a persistent unregulated market which affords us no control over cannabis access in the city.

Thank you for your time.

Sincerely

Jenna Valleriani