

Terms of Reference

Expert Panel on the *Cannabis Act* Legislative Review

Context

With the coming into force of the *Cannabis Act* on October 17, 2018, the Government of Canada put in place a new modern cannabis control framework to strictly regulate and restrict access to cannabis. Designed with the intent of protecting public health and public safety and preventing young people from accessing cannabis, the *Cannabis Act* and its regulations provide the foundation for a public health approach by regulating the production, distribution and sale of cannabis, and by establishing a strong control framework to better protect Canadians and minimize the harms associated with cannabis use. Specifically, the purposes of the *Cannabis Act* as described in Section 7 of the Act are to:

- a) Protect the health of young persons by restricting their access to cannabis;
- b) Protect young persons and others from inducements to use cannabis;
- c) Provide for the licit production of cannabis to reduce illicit activities in relation to cannabis;
- d) Deter illicit activities through appropriate sanctions and enforcement measures;
- e) Reduce the burden on the criminal justice system in relation to cannabis;
- f) Provide access to a quality-controlled supply of cannabis; and
- g) Enhance public awareness of the health risks associated with cannabis use.

Over the past three years, the Minister of Health, with the support of the Minister of Public Safety and Emergency Preparedness and the Minister of Justice, and together with provinces and territories, as well as Indigenous leaders, communities and organizations, has worked diligently to support the effective implementation of the cannabis legislative framework. Through coordinated action and effective stewardship, the Government of Canada, and its partners, have made progress toward the implementation of the cannabis framework by putting in place measures aimed at protecting children and youth from accessing cannabis; establishing a strictly regulated, legal supply chain for cannabis, and by significantly investing in public education, awareness, research, monitoring and surveillance efforts.

From the outset, the Government of Canada has recognized that effective implementation of the new legal framework set out in the *Cannabis Act* was not a singular event. It would take sustained focus, resources and effort over time and the continuous evaluation of the impact of the legislation and progress being made towards achieving the Act's objectives. It would also require flexibility within the legislative framework to adapt or respond to ongoing and emerging policy needs following implementation. In this vein, the *Cannabis Act* mandates a review of the Act and its implementation three years following its coming into force to assess progress towards achieving the goals of the Act, and to help ensure that the legislative framework is meeting the needs and expectations of Canadians.

Mandate

The *Cannabis Act* (section 151.1) requires that the Minister of Health cause a review of the Act and its administration and operation three years after coming into force, and that a report on the review, including any findings or recommendations resulting from the review, be tabled in both Houses of Parliament within 18 months. This review is required to address the Act's administration and operations, including the impact of the Act on public health and, in particular, on the health and consumption habits of young persons in respect of cannabis use, the impact of cannabis on Indigenous persons and communities, and the impact of the cultivation of cannabis plants in a dwelling-house.

To fulfill the requirements set out on section 151.1 of the Act, and in accordance with *Health Canada's Policy on External Advisory Bodies*, the Minister of Health and the Minister of Mental Health and Addictions are appointing an independent Panel of Experts (hereby referred to as the Expert Panel or Panel) to lead a review of the *Cannabis Act*. The Expert Panel will have a mandate to:

- Undertake a factual, evidence-informed assessment of the cannabis legislative framework and its administration and operation three years after its coming into force in accordance with the requirements set out in these Terms of Reference;
- Engage broadly with the public, other orders of government, Indigenous communities and organizations, youth, marginalized and racialized communities, private sector and experts in relevant fields, including but not limited to, public health, substance use, criminal justice, law enforcement and cannabis industry to gather perspectives that will inform the review; and
- Provide independent, expert advice to the Ministers on progress made towards achieving the Act's purpose, as well as priority areas for action aimed at strengthening the implementation of the *Cannabis Act*.

The Expert Panel will carry out its mandate in a manner that respects the principles of impartiality, transparency, diversity and inclusion, and appropriate stewardship of public resources.

Membership

The Expert Panel will consist of five members, including a Panel Chair, experts in the areas of public health and public safety, and an Indigenous person with broad experience engaging Indigenous communities and organizations on cannabis-related matters, or other areas relevant to the review. In addition, the composition of the Expert Panel will be representative of Canada's diversity by reflecting an appropriate balance in terms of gender, ethnicity, regional geographic representation and official languages, within the bounds of its five-member composition.

Panel members will be appointed pursuant to *Health Canada's Policy on External Advisory Bodies* to provide advice to the Minister of Health and the Minister of Mental Health and Addictions. Panel members will serve at the Ministers' pleasure, for the duration of their appointed term. In carrying

out the duties outlined in these Terms of Reference, Panel members are required to act in their individual capacity and not as representatives of any current or prior organizational affiliations.

ROLES AND RESPONSIBILITIES OF THE EXPERT PANEL

The responsibilities of the Panel Chair include:

- Leading the Panel in achieving the mandate outlined in these Terms of Reference;
- Overseeing and chairing meetings and facilitating discussion among members;
- Facilitating the Panel's arrival at consensus positions in its analysis and findings;
- Soliciting input from a wide variety of sources to inform the Panel's work;
- Providing periodic updates to the Ministers on the progress of the Panel's work;
- Being available and prepared to participate in meetings (and public forums, if necessary);
- Representing the Panel in the media and other public venues; and

The responsibilities of Panel members include:

- Providing advice on research, trends and information in their field of expertise;
- Working constructively with the Panel Chair and other Panel members to carry out the review;
- Being available and prepared to participate in meetings (and public forums, if necessary);
- Participating in engagement activities and reflecting public input received; and
- Contributing to the development of deliverables, including an interim report and final report.

PROCESS TO WITHDRAW

Any Panel member considering withdrawing from the Expert Panel will be asked to provide two weeks advance written notification to the Panel Chair and Secretariat. In the event that a Panel member resigns or is unable to continue their duties, the remaining members shall constitute the Panel unless the Ministers determines otherwise. In such circumstances, the Ministers may choose to replace the Panel member. The withdrawing member will continue to be bound by the confidentiality provisions outlined in these Terms of Reference.

SECRETARIAT

The Expert Panel will be supported by a dedicated Secretariat, housed in the Controlled Substances and Cannabis Branch, Health Canada. At the direction of the Expert Panel, the Secretariat will provide planning, logistical, research, analytical, policy and communications support to the Panel, including coordinating engagement activities; preparing background information and discussion materials; collecting and analyzing data and evidence on the cannabis legislative framework; supporting the preparation of the interim and final reports; and supporting communications and media responses.

The Director General of the Strategic Policy Directorate, Controlled Substances and Cannabis Branch, Health Canada, will serve as the head of the Secretariat, and in this capacity will have delegated decision-making authority on administrative matters pertaining to the work of the Expert Panel, and the review process as outlined in these Terms of Reference.

Scope of Work

The Expert Panel will focus its work on undertaking a factual, evidence-informed inquiry and assessment of the Act's performance relative to its purposes, and stemming from its findings, will identify priority areas for action aimed at improving the functioning of the Act. In carrying out its review of the *Cannabis Act*, the Expert Panel will be guided by the lines of inquiry identified below.

The Expert Panel will also apply a Sex and Gender-based Analysis Plus (SGBA plus) lens in its review of the *Cannabis Act* by taking steps to systematically integrate sex, gender, and intersectional considerations in its work. In conducting its review, the Panel is encouraged to examine the degree to which different sub-groups of the population might be at greater risk of harm or face greater barriers to benefitting from the Act (including barriers to participation in the legal industry) based on identity or socio-economic factors.

In carrying out its review, the Panel will consider the requirements outlined in section 151.1 of the Act. The panel will also broaden its focus by developing lines of inquiry in relation to the economic, social and environmental impacts of the Act.

PROTECTING YOUNG PERSONS

In creating a new legislative framework for the legalization and regulation of cannabis, one of the Government of Canada's objectives was to keep cannabis out of the hands of children and youth. Further to this commitment, the *Cannabis Act* sets out measures aimed at protecting the health of young persons by restricting their access to cannabis, by protecting youth and young persons from inducements to use cannabis, and by providing youth and young persons with information to support decisions regarding cannabis use. The Panel is hereby asked to examine the following questions:

- How have cannabis use trends, including access to cannabis by young persons, types of products consumed and harm outcomes associated with cannabis use evolved following the legalization and regulation of cannabis?
- How have the knowledge, perceptions and attitudes of young persons toward cannabis changed following the legalization and regulation of cannabis?
- To what extent are the public health safeguards outlined in the *Cannabis Act* and its regulations including restrictions on access and prohibitions on inducements to use cannabis, effective in protecting the health of young persons and in restricting their access to cannabis?

SAFEGUARDING PUBLIC HEALTH – A COMPREHENSIVE PUBLIC HEALTH APPROACH

The *Cannabis Act* implements a comprehensive public health approach to the legalization and regulation of cannabis by establishing a strictly regulated, quality-controlled supply of cannabis accessible to adults, by putting in place measures aimed at minimizing harms associated with

cannabis use, and providing the public with evidence-based information to support informed choices about cannabis consumption. In assessing the impacts of these measures in safeguarding public health, the Panel will examine the following questions:

- How have knowledge, awareness and perceptions of the risks associated with cannabis use among adults of legal age changed since the legalization and regulation of cannabis?
- What have been the changes in cannabis use prevalence, cannabis use risk behaviours and public health harms among adults of legal age since the legalization and regulation of cannabis?
- To what extent do the provisions of the *Cannabis Act* and its regulations achieve the goal of protecting public health while allowing for the establishment of a legal, regulated industry capable of providing a quality-controlled supply of cannabis?

PROTECTING PUBLIC SAFETY – A STRICTLY REGULATED, LEGAL SUPPLY CHAIN FOR CANNABIS

The *Cannabis Act* creates a legal and regulatory framework for controlling the production, distribution, sale and possession of cannabis in Canada. In so doing, the Act aims to establish a legal, regulated supply of cannabis, deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures, and reduce the burden on the criminal justice system in relation to cannabis. In assessing the performance of the Act in meeting its public safety objectives, the Panel will examine the following questions:

- What progress has been made toward the establishment of a diverse, competitive legal cannabis industry in Canada that serves the principal purposes of the *Cannabis Act* since the legalization and regulation of cannabis?
- To what extent do the provisions of the Act and its regulations, including the licensing, physical and personnel security, and other requirements, provide an appropriate level of regulatory oversight to advance public health and public safety objectives, while allowing for the establishment of a diverse and competitive legal cannabis industry?
- What have been the trends in the home cultivation of cannabis for non-medical purposes since the legalization and regulation of cannabis? What have been the impacts of home cultivation (i.e., on use and supply outcomes) from a public health and public safety standpoint?

DETECTING CRIMINAL ACTIVITY AND DISPLACING THE ILLICIT MARKET

Decades of criminal prohibition provided an advantageous environment for the illicit production, distribution and sale of cannabis in communities across Canada, fuelling criminal activity and placing the health and safety of Canadians at risk. With the implementation of the *Cannabis Act*, the Government of Canada put in place an enforceable framework of rules, backed by strict sanctions and penalties, with a view to dismantling the illicit market, deterring cannabis-related criminal

activity and reducing the burden on the criminal justice system. To assess progress towards the achievement of these goals, the Panel will examine the following questions:

- How has legalization and regulation and the creation of a legal cannabis industry affected the landscape of illicit activities including trafficking, the transport of cannabis across the border, illicit production and supply of cannabis in Canada?
- How has consumers' sourcing of cannabis from the illicit market changed since the legalization and regulation of cannabis?
- Is the geographic distribution of retail outlets in communities across the country adequate to provide adults of legal age with access to a legal supply of cannabis, thereby supporting the displacement of the illicit market?
- Since the legalization and regulation of cannabis, what trends are observed in prohibited cannabis activities under the *Cannabis Act*, and what has been the impact on the criminal justice system for cannabis-related offences?
- To what degree have the sanctions and enforcement measures available under the *Cannabis Act* since the legalization and regulation of cannabis deterred illicit activities?

ACCESS TO CANNABIS FOR MEDICAL PURPOSES

Canada's access to cannabis for medical purposes program has been established and modified in response to successive court decisions determining that Canadians have a constitutionally protected right to reasonable access to cannabis for medical purposes.

In its final report to the Government of Canada, entitled *A Framework for the Legalization and Regulation of Cannabis in Canada*, the 2016 Task Force on Cannabis Legalization and Regulation recommended a number of actions to preserve the integrity of the medical access framework. Specifically, the Task Force called on the federal government to maintain a separate regulatory regime for medical access; monitor and evaluate patients' access to cannabis for medical purposes on an ongoing basis to ensure that the market provides reasonable affordability and availability; and evaluate the medical access framework within five years.

With the coming into force of the *Cannabis Act*, the Government of Canada introduced regulatory measures to maintain a distinct medical access regime. In light of the Government of Canada's commitment to providing reasonable access to cannabis for medical purposes, and recognizing the importance of a well-functioning medical access framework in achieving the public health and public safety goals of the broader cannabis framework, the Panel will examine the following questions:

- To what extent have there been changes in reasonable access to cannabis for medical purposes, including the affordability, availability, variety of products, and number of access points since the legalization and regulation of cannabis?
- How has the legalization and regulation of cannabis influenced the medical access framework, and more specifically, the personal and designated production component of the framework? Are there sufficient public health and public safety controls in place to advance public health and public safety objectives, and to mitigate risks associated with the medical access framework? Are the current methods of access and products available meeting the needs of patients?

IMPACTS ON INDIGENOUS PEOPLES AND COMMUNITIES

Indigenous peoples and communities are advocates for an effective framework of rules to regulate cannabis in their communities, and which carefully considers their diverse interests and rights to self-determination. Since 2016, the federal government has engaged extensively with Indigenous leaders, communities and organizations to share information, hear perspectives and to work collaboratively to address shared objectives, and diverse community priorities such as participation in the regulated cannabis industry.

Through ongoing dialogue, First Nations, Inuit and Métis representatives have highlighted a number of priority areas of focus to potentially strengthen the implementation of the *Cannabis Act* in their communities. These areas of focus include, but are not limited to: Indigenous jurisdiction including increased involvement or oversight of cannabis activities within their communities; culturally appropriate public education and awareness and the provision of mental wellness services; public safety measures targeted to the needs of communities; economic development and Indigenous participation in the legal cannabis industry; and, taxation and revenue sharing.

Building on the results of prior federal engagement, the Expert Panel will engage First Nations, Inuit and Métis leadership to validate priority areas of focus specific to their communities. Informed by the priority areas of focus identified, the Panel will work with First Nations, Inuit, and Métis partners and communities to develop specific lines of inquiry and/or areas of focus for assessing the impacts of the *Cannabis Act* on Indigenous peoples and communities. In the interest of transparency and at the discretion of the Panel Chair, the lines of inquiry may be appended to these Terms of Reference.

The Review Process

A PHASED APPROACH

The Expert Panel will adopt a phased approach in carrying out its review of the *Cannabis Act*. During the first phase of its work, the Panel will focus on undertaking a factual assessment of the Act's performance and impacts to date through issues identification, evidence gathering and analysis, engagement with First Nations, Inuit and Métis Peoples to determine areas of focus to guide the

review, and stakeholder consultations. The first phase of the Panel's work will culminate in the development of an interim report to the Minister of Health and the Minister of Mental Health and Addictions outlining findings from the Panel's factual inquiry, and key outcomes from public and stakeholder consultations (in a format determined by the Panel Chair in consultation with the Secretariat). Following the provision of the Panel's interim report to the Ministers, the Ministers may, at the request of the Panel Chair or at the Ministers' own discretion, amend the Panel's Terms of Reference to provide direction on the prioritization of issues, and/or to outline processes and next steps in response to the Panel's findings.

Based on the findings of phase one, the second phase of the Expert Panel's work will focus on providing advice on areas of the legislative framework or its implementation to prioritize for improvement or reform. At the discretion of the Panel Chair, the Panel may engage with specific stakeholders, other levels of government and/or with Indigenous groups and communities in formulating its advice. The second phase of the Panel's work will culminate in the preparation of a report to Parliament highlighting the review's finding and outcomes. As per subsection 151.1(2) of the *Cannabis Act*, the Minister of Health will be responsible for tabling the Panel's report in both Houses of Parliament no later than 18 months following the commencement of the legislative review.

DIVERSITY OF PERSPECTIVES

The Expert Panel will solicit input from the public and a wide range of stakeholders to inform its assessment of the *Cannabis Act*. This will include engagement with public health organizations, health professionals, public safety and law enforcement groups, cannabis licence holders, cannabis industry associations, researchers and academia, youth and young adults, Indigenous leaders and communities, other orders of government, patient groups, racialized communities, those at risk of cannabis related harms, and other interested parties. The Panel's engagement activities will be informed by the results of an online engagement exercise, supported by a paper to be made available on Health Canada's website. The Panel will use a range of tools to engage the public and stakeholders, bearing in mind public health measures in place in response to the COVID-19 pandemic. In this regard, consultation activities will occur virtually with limited flexibility to host in-person meetings.

The Expert Panel will engage directly with Indigenous organizations, groups, communities and individuals during its review. The Panel will work with Indigenous leadership and communities to prepare an Indigenous Engagement Plan, outlining how and when it will conduct Indigenous engagement activities and the governance mechanisms to facilitate Indigenous participation in the review. The Indigenous Engagement Plan will include opportunities for community-based, regional and national engagement using engagement tools targeted to First Nations, Inuit and Métis Peoples and communities. In addition, the Panel will provide opportunities for Indigenous engagement across all areas of the review, and will reflect the perspectives of Indigenous participants in the findings and outcomes of the review.

COMPLEMENTARY FEDERAL MANDATES

Recognizing that the cannabis legislative framework engages the mandates of various federal departments and agencies, including the Department of Justice, Public Safety Canada and portfolio agencies, and the Department of Finance, the Panel, with the support of the Secretariat, will leverage existing federal governance mechanisms to engage federal departments and agencies over the course of the review.

Insofar as the Panel may encounter matters that fall beyond the purview of its mandate, the Panel may offer observations and will take steps to refer such matters to the appropriate federal departments and agencies with the authorities to consider such matters.

It is acknowledged that over the course of the Expert Panel's mandate, federal departments and agencies may undertake separate and parallel reviews, evaluation or audit exercises that may have relevance and implications for the *Cannabis Act* legislative review. As appropriate, the Secretariat will keep the Expert Panel informed of relevant reviews, and audits and evaluations underway in an effort to minimize duplication and to facilitate alignment of efforts.

Further, as announced in Budget 2022, the Department of Innovation, Science and Economic Development will lead a new cannabis strategy table to support an ongoing dialogue with businesses and stakeholders in the cannabis sector. It is expected that this table will provide an opportunity for the government to hear from industry leaders and identify ways to work together to grow the legal cannabis sector in Canada. As appropriate, the Secretariat will keep the Expert Panel informed of outcomes from this table.

RESPONSIVENESS TO THE INTERESTS AND ASPIRATIONS OF INDIGENOUS PEOPLES

Recognizing the important work underway federally to achieve reconciliation with Indigenous peoples through a renewed, nation-to-nation relationship, the Expert Panel's work will be guided by the *Principles respecting the Government of Canada's relationship with Indigenous peoples*. The Panel will conduct its review in a manner that seeks to advance progress towards the broader goals of reconciliation. Specifically, the Panel will adopt a distinctions-based approach and will seek to facilitate effective and meaningful participation of Indigenous peoples and communities as it undertakes its work. Furthermore, the Panel will ensure that its work is informed by the *United Nations Declaration on the Rights of Indigenous Peoples* and the rights and principles that it describes.

A Distinction-Based Approach

The Government of Canada recognizes First Nations, Inuit and Métis as distinct, rights-bearing communities with their own histories, cultures and interests. With this recognition, the Expert Panel will adopt a distinctions-based approach in conducting a review of the impacts of the *Cannabis Act* on First Nations, Inuit and Métis Peoples and communities. This will include the development of

targeted engagement approaches and tailoring aspects of the review to the respective goals and priorities of First Nations, Inuit and Métis people and communities.

Respecting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

UNDRIP is a statement of the collective and individual rights that are necessary for the survival, dignity and well-being of Indigenous peoples around the world based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA) received Royal Assent and immediately came into force. This legislation advances the implementation of the Declaration as a key step in renewing the Government of Canada's relationship with Indigenous peoples.

The *Cannabis Act* legislative review will be conducted in a manner that advances core principles outlined in UNDRIP. In particular, it is recognized that:

- Indigenous peoples have the right to participate in decision-making in matters that would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (Article 18).
- States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (Article 19).
- Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions (Article 23).

Effective Indigenous Participation

To achieve effective participation of First Nations, Inuit and Métis in the review process, the Expert Panel will put in place processes that affords opportunities for input at the individual, community, regional and national level. The Panel shall work collaboratively with First Nations, Inuit and Métis, organizations and leaders to assess the impacts of the *Cannabis Act* on their communities, and to outline priority areas for actions, findings or recommendations aimed at ensuring that the cannabis legislative framework is responsive to the interests of Indigenous communities.

The Panel, with the approval of the Minister of Health and the Minister of Mental Health and Addictions, may introduce new provisions, or amend provisions outlined in these Terms of Reference. These amendments include, but are not limited to, defining areas of focus for the review with First Nations, Inuit and Métis peoples, and putting in place processes for jointly developing deliverables and key outputs with Indigenous communities. These amendments would help ensure that the legislative review process remains responsive to the interests and expectations of First Nations, Inuit and Métis Peoples and communities, and are aligned with federal guidance on the implementation of UNDRIP.

RECOGNIZING AND RESPECTING JURISDICTIONAL ROLES

Provincial/territorial governments, Indigenous governments and municipal governments play important and distinct roles in the implementation of the cannabis framework. Provinces and territories are responsible for developing, implementing, and enforcing distribution and retail sale of cannabis for non-medical purposes, and have authority to put in place more stringent public health and safety measures (beyond the minimum standards set out in the *Cannabis Act*) within their jurisdictions.

In carrying out its review of the *Cannabis Act*, the Expert Panel will conduct its work in a manner that respects jurisdictional roles and responsibilities. In this regard, the Panel will work closely with provinces, territories, Indigenous governments, and municipal governments during the inquiry phase of its work to gather evidence on aspects of the cannabis framework tied to provincial/territorial retail and distribution models. The Panel will also work with provinces and territories during the second phase of its work to identify priority areas for action that may have implications for provincial/territorial jurisdictions under the *Cannabis Act*.

Furthermore, the Panel will conduct its work with due consideration for the Government of Canada's commitments to a renewed, nation-to-nation relationship with Indigenous peoples, based on recognition of rights, respect, co-operation and partnership, and Indigenous peoples' inherent right to self-determination, including the right to self-government.

Procedural Matters

CONDUCT, AFFILIATIONS AND INTERESTS

Expert Panel members are expected to interact in an unbiased, professional, respectful and fair manner with organizations or individuals they engage as part of their duties, including with the Secretariat. Panel members are expected to refrain from using their position as a Panel member for their private gain or that of any other person, company, or organization. Panel members are expected to notify the Secretariat and the Chair of any changes in the status of their affiliations and interests relevant to their mandate.

To be considered for appointment, Expert Panel members are required to complete and return an Affiliations and Interests Declaration Form, and to update their Declaration in writing to the chair if their situation changes regarding any possible conflict of interest. Every effort will be made to guard against all types of conflicts of interest, whether real or perceived.

CONFIDENTIALITY

Expert Panel members may receive confidential information in the course of conducting the review. A Confidentiality Agreement must be signed by Panel members before participating in the review. The Confidentiality Agreement prohibits the disclosure of any confidential information received through participation in the Expert Panel, including information received orally or in writing, through email correspondence, video and telephone calls, print materials, and meeting discussions in any format applicable for the duration of the panel and thereafter.

Documents or information obtained while serving on the Expert Panel should be used only in the context of fulfilling the duties and mandate of the Expert Panel. Any documents or information obtained through a meeting of the Expert Panel will be kept strictly confidential by the members, unless prior approval to disclose is obtained in writing from the named Government of Canada representative. Documents used for the purposes of the review must be securely stored at all times, and must be returned to Health Canada or permanently deleted upon request.

In dealings with any public forums (e.g., social media) and in interpersonal conversations, Panel members will show sensitivity and discretion regarding the activities of the Expert Panel. Where there is uncertainty regarding the disclosure of specific information, members should consult with the Secretariat to receive approval in writing to disclose the information.

COMMUNICATIONS

The Panel Chair will serve as spokesperson in all matters relating to the media and public forums (e.g., social media) unless delegated to a member. In this capacity, the Panel Chair may speak to the Expert Panel's mandate and activities, but is restricted during and after the review from expressing their personal views on the Government of Canada's position or on advice or recommendations intended for the Government of Canada.

The Panel Chair will immediately inform the Secretariat of any media inquiries received. With the approval of the Secretariat, the Panel Chair may respond to media inquiries related to the Panel's mandate and work. Health Canada Media Relations will respond to media calls directed to the Department and will refer questions about the Expert Panel to the Panel Chair. In all communications activities, Panel members must abide by the confidentiality rules outlined in the Confidentiality Agreement.

External communications activities, including the publication of web content and the issuance of news releases, will be led by Health Canada's Communications and Public Affairs Branch.

INTELLECTUAL PROPERTY

Intellectual property rights arising from the work of the Expert Panel shall vest with His Majesty the King in right of Canada as represented by the Minister of Health and the Minister of Mental Health and Addictions.

REMUNERATION, TRAVEL AND ACCOMMODATION

Panel Chair

As detailed in these Terms of Reference, the Panel Chair will have specific responsibilities and deliverables throughout the review process in addition to their duties as an Expert Panel Member. As a result of these additional responsibilities and the time commitment required, the Panel Chair will be remunerated through a sole source contract. Remuneration under these circumstances is consistent with *Health Canada's Policy on External Advisory Boards*.

In accordance with their contract, the Panel Chair will be required to attend in-person meetings with stakeholders outside the National Capital Region, but within Canada, from time to time and will make the necessary arrangements to attend.

Expert Panel (Excluding the Panel Chair)

Expert Panel members will carry out the tasks outlined in these Terms of Reference and will be provided with a nominal monetary payment in recognition of their contributions following the interim and final reports.

Arrangement of travel and accommodations, and reimbursement of travel expenses for Panel members participating in approved Panel activities will occur in accordance with *Treasury Board's Directive on the Management of Expenditures on Travel, Hospitality and Conferences*. As required, the Secretariat will make travel and accommodation arrangements for Panel members.

Applicable Codes of Conduct

Expert Panel members will be required to comply with relevant organizational codes of conduct, including *Health Canada's Policy on External Advisory Boards*, the *Values and Ethics Code for the Public Sector* and the *Directive on Conflict of Interest*.

REASONS FOR TERMINATION

Panel members who fail to fulfill their duties in accordance with these Terms of Reference may give cause for termination. In this event, the Minister of Health and the Minister of Mental Health and Addictions will advise the member in writing, stating the reason for the termination and the effective date.

OBSERVERS AND EXPERT ADVICE

The Secretariat, or the Expert Panel Chair, may allow federal officials to observe a meeting or part of a meeting and to respond to questions from Expert Panel members. Where a Panel member or a federal official cannot provide expertise in relation to a matter that has arisen in the course of the review, the Expert Panel, through the support of Health Canada, may retain the services of external experts, on a compensatory or non-compensatory basis, on subjects within its mandate.

The Secretariat will ensure that observers or external experts, other than federal officials, participating in any of the Expert Panel's activities (e.g., meetings, telephone or video discussions, email exchanges, or in any other form of communication) have received clear instructions on the confidentiality of the proceedings. Officials invited to participate in meetings of the Expert Panel may be required to complete an Affiliations and Interests Declaration Form, and/or a Confidentiality Agreement, among other requirements.

KEY DELIVERABLES

Key deliverables resulting from the Panel's work will include:

- Provision of status updates to the Minister of Health and the Minister of Mental Health and Addictions, at their leisure, on the Panel's work and progress towards delivering on its mandate;
- Publication of a "What We Heard Report" outlining key outcomes from the Panel's public and stakeholder consultations, including engagements with First Nations, Inuit and Métis Peoples and communities, and as relevant, findings from the online engagement process launched by Health Canada to inform the Panel's work;
- Development of an interim report to the Minister of Health and the Minister of Mental Health and Addictions outlining findings from the first phase of the Expert Panel's work close to the midway point of the Panel's term; and,
- Development of a final report to the Ministers that would be tabled in Parliament no later than 18 months following the establishment of the Panel, on a date determined by the Ministers. The Ministers will be responsible for determining the timing and mode of release of the final report and will consult the Panel Chair before proceeding with the release.

DURATION OF THE PANEL'S WORK

Completion of the Expert Panel's review of the *Cannabis Act* will occur within the time period set out in the Act. Accordingly, the Panel will operate for a period of 18 months after being confirmed, at which point the Ministers could extend participation of some or all Panel members or appoint new members.

OFFICIAL LANGUAGES

The Expert Panel will make publicly available, in both official languages, all deliverables and any other documents produced for the purpose of communicating information to the public. Documents provided to the Panel will be made publicly available in the language received.

In keeping with the federal *Official Languages Act*, Panel members have the right to receive documents and participate in discussions in the official language of their choice. The Secretariat will be responsible for providing translation services.

CLARIFICATION TO THE TERMS OF REFERENCE

By way of letter from the Panel Chair, the Panel may request clarification of its Terms of Reference from the Secretariat. In order to comply with the timelines of these Terms of Reference, the Panel shall continue with its review to the extent possible while waiting for a response.



Minister of Health



Minister of Mental Health and Addictions
Associate Minister of Health