

Health Canada statement to *MJBizDaily*

***MJBizDaily*'s question to Health Canada: What does Health Canada intend to do, if anything, to increase the number of federally licensed cannabis businesses on reserves?**

Health Canada's answer:

Under the Cannabis Act, federal, provincial and territorial governments share responsibility for overseeing cannabis production, distribution and sale in Canada. The federal government is responsible for establishing the requirements for producers who grow and manufacture cannabis and the strict, consistent national rules and standards for products, packaging and labelling and prohibitions on promotion, which are designed to protect the health and safety of Canadians across the country. Provinces and territories are responsible for determining how cannabis is distributed and sold in their jurisdictions, subject to minimum conditions set out in the Cannabis Act.

Health Canada is committed to supporting the growth of a diverse and inclusive cannabis industry. As part of this commitment, the department has taken targeted actions to assist interested Indigenous communities with their participation in the cannabis industry, including the establishment of an Indigenous Navigator Service.

The Indigenous Navigator Service offered by Health Canada provides assistance and guidance to Indigenous-affiliated applicants throughout the licensing application process, in order to better support Indigenous communities' participation in the production and manufacturing of cannabis and ultimately, to increase the number of Indigenous licence holders. Upon application, self-identified Indigenous applicants who wish to become licence holders of legal cannabis can be referred to the team that offers this service. At all points throughout the application process and following licensing, the Navigator team is available via email, telephone, or face-to-face meetings, if needed, to respond to preliminary application queries, during initial licensing, and beyond to licence amendments and expansion requests.

Health Canada also has in place a licensing review process specifically for Indigenous and Indigenous-affiliated applicants that provides the option to ask for a two-stage review that lets them start applying without a fully built site. This process allows Indigenous applicants to submit documents for review and approval by Health Canada, whereas other applicants need to have a site that is fully built and operational at the time of submission. This document-only review allows consultation with the applicable First Nations government to take place throughout the application process. At the end of the document review, the applicant receives a letter which can be used to secure funding or to present to local government (i.e., Band councils) to show that the Department has no objection to the proposal. Once the site is fully built and operational, a site evidence package is submitted and the site, as well as any updated documents, is reviewed by Health Canada for compliance with the Cannabis Regulations, and a licensing decision is made at that time.

In addition, since 2019, departmental officials have been meeting with stakeholders to identify ways to remove barriers that may exist for Indigenous and other underrepresented applicants. Through these discussions, a number of key concerns and barriers were identified. In response, Health Canada has been taking steps to improve the cannabis licensing program to better support existing and potential stakeholders. In 2022, the department hosted a Diversity, Equity and Inclusion forum as part of its strategy to identify further opportunities for program improvement.

Health Canada also took other actions in recent months, including taking steps to improve its approach to providing client services to the cannabis industry, diversifying the range of stakeholders involved in consultations, including increased consultation with Indigenous communities, and increasing its presence on social media to share information to a wider and more diverse audience.

In September 2022, the Minister of Health and Minister of Mental Health and Addictions named an independent Expert Panel to lead the legislative review of the Cannabis Act. The Expert Panel is engaging with Indigenous representatives from across Canada to hear their perspectives on the impact of the Cannabis Act on Indigenous peoples and communities. Amongst other areas, the Expert Panel is mandated to focus on the “ impacts on Indigenous peoples, racialized communities, and women who might be at greater risk of harm or face greater barriers to participation in the legal industry based on identity or socio-economic factors.” The Panel’s report will be tabled by the Minister of Health in both Houses of Parliament at the end of the 18-month legislative review period, by March 22, 2024.