

My Words, or Yours? Analyzing the Development of Cannabis Legislation in Canada



Cynthia Huo
 Supervisor: Dr. Christopher Alcantara
 Department of Political Science, Western University
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INTRODUCTION

Cannabis was legalized in Canada by the federal government on October 17, 2018. Leading up to this, provincial and territorial (PT) governments had just 18 months to develop their own cannabis policies, in areas such as its distribution and public consumption.

The federal government provided PTs with both a federal framework and direction, two things the literature suggests would lead to policy diffusion through coercion. **Policy diffusion is defined as the cross-jurisdictional process by which policies spread among governments in Canada's federal system** (Boyd 2021, 3). There are five common mechanisms of diffusion (Boyd 2021, 9-10): learning (policy adoption as a result of its success elsewhere), competition (emulate policies to attract/retain economic activity), imitation (copying another jurisdiction's policy), normative pressures (policy adoption for moral reasons) and coercion (policy adoption is forced or incentivized by the central government).

In practice, this means that **we would expect to see PT governments collaborate with and learn from each other during the policy development phase, resulting in similar cannabis laws.**

However, Wesley (2021) found that **PT governments turned inward rather than outward in developing their own cannabis regulations**, choosing to emulate their existing tobacco and alcohol regimes instead of aligning their policies with that of other PTs. To support his findings, he analyzed each PT's policy framework and conducted interviews with public servants from both levels of government.

RESEARCH QUESTIONS

This project seeks to empirically test Wesley's findings by answering the following questions:

1. **To what extent is there shared language between each PT's cannabis laws?**
2. **To what extent is there shared language between cannabis, alcohol, and tobacco laws within each PT? How does this compare to similarities between each PT's cannabis laws?**

METHODS

- Collected versions of each PT's cannabis, alcohol, and tobacco laws that were in effect as of October 17, 2018 (Alberta and Manitoba were excluded because their cannabis and alcohol laws were combined into one Act.)
- Ran each legislation through WCopyfind, a plagiarism detection software, to look for meaningful overlapping language:
 - (a) Between all PTs' cannabis laws
 - (b) Within each PT: between their cannabis, alcohol, and tobacco laws

RESULTS

Figure 1. Comparing the percentage of each PT's cannabis law that share language with other PTs' cannabis laws (green), the PT's own alcohol laws (red), and the PT's own tobacco laws (blue).

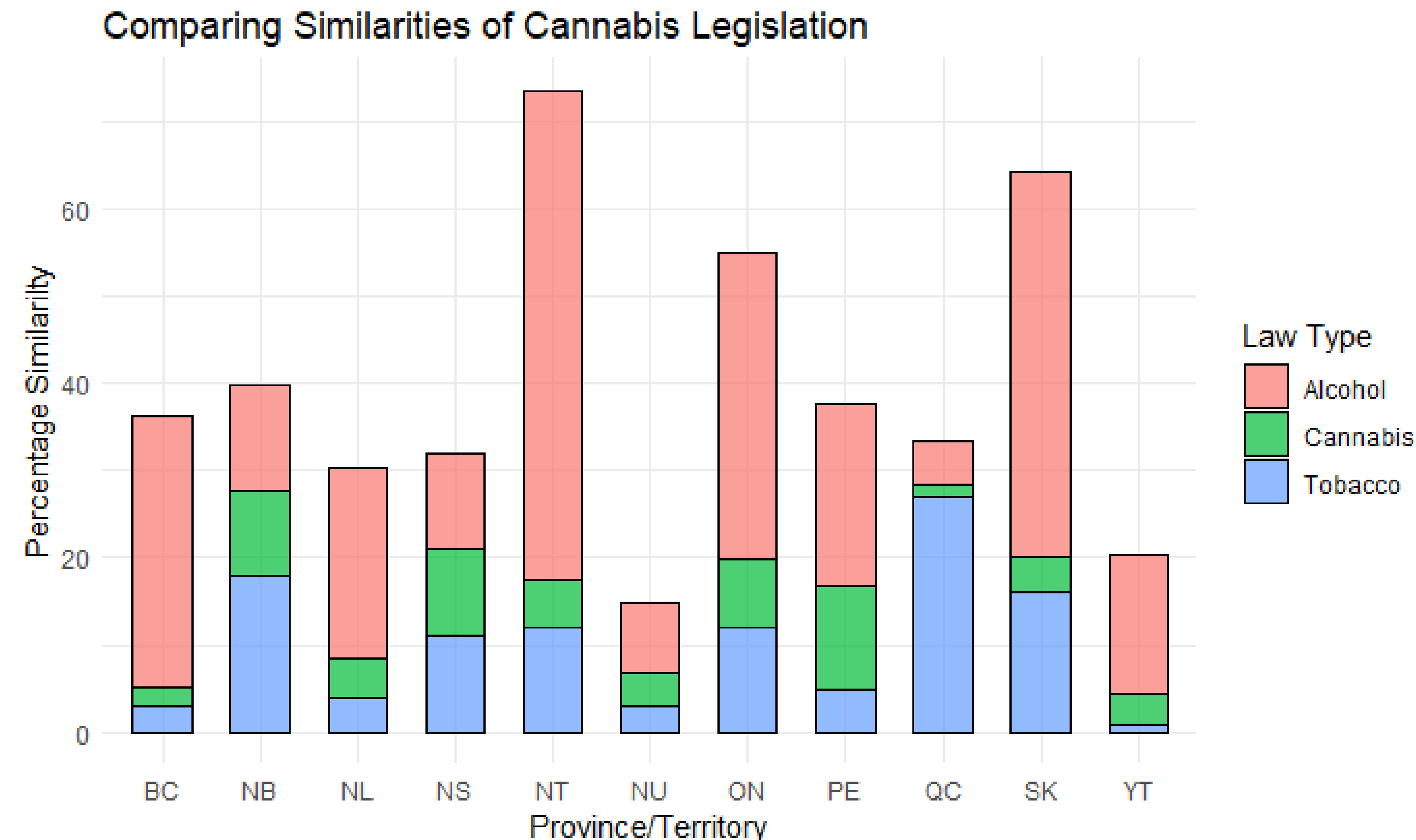


Figure 2. Example of Provisions with Matching Language

Ontario Liquor Act	Ontario Cannabis Act
<i>If an offence appears to have been committed under this Act and a police officer reasonably believes, in view of the offence apparently committed and the presence of liquor, that a further offence is likely to be committed, the police officer may seize the liquor and the packages in which it is kept.</i>	<i>If an offence appears to have been committed under this Act and a police officer has reasonable grounds to believe, in view of the offence apparently committed and the presence of cannabis, that a further offence is likely to be committed, the police officer may seize the cannabis and any packages in which it is kept.</i>

DISCUSSION

- On average, only **5.85%** of each PT's cannabis laws matched with cannabis laws in other PTs. Meanwhile, **23.73%** matched with their own alcohol laws and **10.18%** matched with their own tobacco laws.
- Therefore, our findings are consistent with Wesley's findings, as **results suggest that PT governments engaged in internal policy replication, rather than policy diffusion**, in developing their cannabis laws.
- While there are provisions that match due to boilerplate phrases and other common phrases used in legislation, there is a significant amount of meaningful overlap (Figure 2).
- There is greater overlap between cannabis and alcohol laws in each PT, compared to cannabis and tobacco laws (Figure 1).

Next Steps:

- Further analysis into similarity patterns within regions in Canada (i.e., Atlantic Canada, Western Canada) and possible reasons why alcohol laws have a higher similarity with cannabis laws than tobacco laws
- Examination of whether date of passage of alcohol and tobacco legislation affects similarity results

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