Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [JPS/122/2017]

Dear [Redacted],

On October 10, 2017, the Department of Justice and Public Safety received your request for access to the following records:

"Any correspondence (in any and all formats, including paper and electronic) between Privateer Holdings and/or its registered lobbyist Crestview Strategy and the department about the policy framework regulating cannabis. Request includes subsidiaries of Privateer, including but not limited to Leafly, Marley Natural, and Tilray. Date range of request is Jan. 1, 2017 to the present."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Justice and Public Safety to provide access to most of the requested records. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40. (1) The head of a public body shall refuse to disclose personal information to an applicant

where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL. A1B 3V8
Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

4th Floor, East Block, Confederation Building, P.O. Box 8700, St. John's, NL, Canada A1B 4J6
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time.

If you have any questions, please feel free to contact me by telephone at 709-729-0071, or haleykenny@gov.nl.ca.

Sincerely,

[Signature]

Haley Kenny
ATIPP Coordinator
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).
March 21, 2017

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
House of Commons
Ottawa, ON K1A 0A6

Chief Bill Blair, M.P.
Parliamentary Secretary to the Minister of Justice & Attorney General of Canada
House of Commons
Ottawa, ON K1A 0A6

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, ON K1A 0A6

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

The Honourable Jody Wilson-Raybould, P.C., M.P.
Minister of Justice & Attorney General of Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister, Ministers & Chief Blair,

As representatives of Canada's Licensed Producers (LPs), under the Access to Cannabis for Medical Purposes Regulations, we are writing to you to offer both our support, and to provide some suggestions on specific recommendations relating to the legalization and regulation of recreational cannabis.

At the outset, we wish to underscore how positively we view the majority of the Task Force's recommendations. Indeed, with the exception of a few recommendations pertaining to packaging and taxation, we are supportive of all the recommendations suggested by the Task Force. We were pleased to have had the opportunity to meet with members of the Task Force, and to provide submissions for their consideration, outlining how we can build a strong, regulated, legal cannabis system in Canada. The recommendations will go a long way to realizing the goals expressed by the Prime Minister – which we share – namely: protecting young Canadians by restricting access to cannabis; minimizing harms of use; ensuring Canadians are well-informed about responsible use of cannabis; establishing and enforcing a system of strict production and distribution; and continuing to provide medical cannabis to patients in need.
TAXATION

We also disagree the Task Force’s recommendation against differentiated tax regimes for medical and recreational cannabis sales as it will unduly burden medical cannabis patients. The federal, provincial and territorial governments have an opportunity to provide Canadians patients with better, more affordable access to a therapeutic treatment option by zero-rating medical cannabis, and by ensuring it is available - and covered - by all public formularies. This opportunity should not be missed by inadvertently incentivizing Canadians to choose recreational cannabis.

A path forward to insurance coverage must also remain a top priority for Canadian policymakers. Cannabis access can only truly be achieved if barriers to affordability are removed. Treating medical cannabis and recreational cannabis as one in the same only continues to stigmatize a product being used, responsibly, by hundreds of thousands of Canadians. We encourage the federal government to reject this recommendation by the taskforce, to lead by example, and to zero-rate medical cannabis in the next budget, while also taking steps to place medical cannabis products on its federal formularies (i.e. Non-Insured Health Benefits).

PACKAGING & IN-STORE PROMOTION

The Task Force recommendations pertaining to packaging for cannabis products, while well-intentioned, will undercut efforts by the legal market to compete with the illegal market which, as we know, continues to act with impunity; putting the safety and health of Canadians at risk. We strongly believe that there is a fundamental difference between branding and overt marketing. As LPs, while we support limits on the latter, we believe there is a need for the former if we are to effectively combat, and compete with, the illegal market. Brands help educate consumers about the quality and contents of the product. Therefore, there must be allowances for branding as well as for in-store advertising of cannabis products to ensure that consumers who have already self-selected to enter a legal cannabis retailer will be well-informed about the products they are purchasing. We absolutely agree with the need to limit promotion of cannabis, particularly anything that could be perceived as promoting the product to children or encouraging irresponsible consumption. However, cannabis is not the same as tobacco or alcohol and merits its own carefully considered framework that allows companies to educate consumers about a new and complex product. There are thousands of cannabis strains and dozens of different form factors that each have slightly different effects. Without branding and in-store marketing collateral, it will be difficult to educate consumers about the products they are buying and help them differentiate between different products. Brands also ensure accountability, encouraging producers and retailers to provide quality products and support in a new market. Packaging debates are often driven by public health concerns but in order to develop well-rounded public policy, rules surrounding packaging and in-store promotion must take into account the current status of the large, illegal cannabis black market and the harms it causes youth and society more generally.
More specifically, we would encourage the federal government to ensure that cannabis legalization legislation includes:

A recognition that there are differing public health considerations for combustible versus non-combustible forms of cannabis;

An allowance on branding that includes packaging aspects such as colourful lettering and limited artwork logos that do not appeal to children; and,

A regulatory provision that would allow for in-store marketing to adults in approved distribution locations accessible only by individuals over the minimum age of use.

While we have identified public policy concerns with packaging requirements, we fully support the other aspects of the labelling requirements called for by the task force (i.e. company name, strain name, price, amounts of THC and CBD, warnings, etc). These requirements will ensure public safety and health without creating advantages for the black market.

CONCLUSION

Licensed producers have created hundreds of jobs and invested millions of dollars in Canadian communities building world-class production facilities. We have educated thousands of doctors and researchers and served tens of thousands of patients. Moreover, we are building an innovative global cannabis industry based right here in Canada. Our investments result in improved support, variety and quality for Canadian customers and we are proud to always seek to advance the dialogue on cannabis policy. To that end, we are very pleased by the Task Force’s call for diversity in the marketplace. An active, competitive, legal cannabis industry will be a boon to the Canadian economy and will help to significantly curtail and eliminate the illegal market.

We applaud the Task Force for drafting a comprehensive report that charts a responsible path forward for cannabis legalization in Canada. We look forward to working with the government as it considers the implications of the Task Force’s proposals, particularly on the issues relating to taxation, and on how packaging restrictions may limit the ability of legal producers to educate consumers and to differentiate their products from illicit competitors, thereby undercutting the Prime Minister’s plan to remove the criminal element from the cannabis business. While we appreciate the need for prudence by the federal government in designing a thorough and world-class regulatory environment for legalized cannabis, we also believe it is essential to move forward expeditiously with a clear policy framework to ensure complete clarity with respect to cannabis laws in Canada.
We look forward to collaborating with you on building a legal cannabis system that is a model for the world.

Sincerely,

Brendan Kennedy
Chief Executive Officer, Privateer Holdings
President, Tilray

John Arbuthnot
Vice President
Delta 9 Bio-Tech Inc.

Mark Zekulin
President
Canopy Growth Corporation
(Mettrum & Tweed)

Amy Thower
Chief Operations Officer
ReDeCan Pharm

Eric Paul
Chief Executive Officer
CannTrust Inc.

Mark Cernovitch
President
Green Organic Dutchman Holdings Ltd.

C.c.:
The Honourable Rona Ambrose, P.C., M.P., Leader of the Official Opposition
The Honourable Thomas Mulcair, P.C., M.P., Leader of the New Democratic Party of Canada
The Chair, Vice Chairs and Members of the House of Commons Standing Committee on Health
The Chair, Vice Chairs and Members of the House of Commons Standing Committee on Justice and Human Rights
The Chair, Deputy Chair and Members of the Senate Standing Committee on Legal and Constitutional Affairs
The Chair, Deputy Chair and Members of the Senate Standing Committee on Social Affairs, Science & Technology
Ms. Jacqueline Bogden, Assistant Deputy Minister, Cannabis Legalization & Regulation
Mr. Eric Costen, Director General, Cannabis Legalization & Regulation Secretariat
May 29, 2017

Mr. Camcron Bishop  
Director, Government Affairs  
Privateer Holdings Inc.  
85 Albert Street, Suite 1605  
Ottawa, ON K1P 6A4

Dear Mr. Bishop:

Thank you for your email of April 13, 2017, to convey the views of Privateer Holdings Inc. related to the pending legalization of cannabis in Canada for recreational purposes.

The issues you raised, including those regarding the appropriate level of taxation for cannabis, particularly for medical cannabis patients, and regarding packaging, branding and promotion of cannabis are important policy questions. While many of these matters fall within the purview of federal legislation, provinces and territories will be designing regulatory schemes that may also touch on many of these matters as they relate to distribution and use. The Provincial Government is preparing to conduct public consultations to ensure that decisions made in this province appropriately balance social and economic policy considerations presented by legalized recreational cannabis. We agree with you that one of the paramount objectives of any regulatory scheme should be to keep money from the cannabis trade out of the pockets of criminals.

As noted above, a number of the matters raised in your correspondence relate to matters within the purview of the Federal Government, and in this respect I encourage you to continue to engage with federal officials respecting those issues. As your organization is in the business of medical cannabis production, and some of the issues you raise are specific to persons with medical authorizations to consume cannabis, I am also copying the Minister of Health and Community Services on this reply.

I trust this is satisfactory.

Sincerely,

[Signature]

ANDREW PARSONS, QC  
Minister of Justice and Public Safety  
Attorney General

C: Hon. John Haggie, Minister  
Health and Community Services
Also from Privateer, this was received as part of the public consultations on cannabis.

Chad Blundon  
Director of Policy and Strategic Planning (A)  
Department of Justice and Public Safety  
(709) 729-7062

From: Cannabis  
Sent: Friday, August 11, 2017 4:02 PM  
To: Hearn, Judith <JudithHearn@gov.nl.ca>; Snow, Michelle <MichelleS@gov.nl.ca>  
Cc: Harvey, Michael <michaelharvey@gov.nl.ca>; Blundon, Chad <ChadBlundon@gov.nl.ca>; Tucker, Alison <AlisonTucker@gov.nl.ca>; Barrett, Danny G <DBarrett@gov.nl.ca>  
Subject: FW: Privateer Holdings Submission to Cannabis Consultation  
Importance: High

From: Cameron Bishop [mailto:cameron.bishop@privateerholdings.com]  
Sent: Thursday, August 3, 2017 2:50 PM  
To: Cannabis <Cannabis@gov.nl.ca>  
Cc: Inquiries, Justice General <justice@gov.nl.ca>; Minister, HCS <hcs@gov.nl.ca>  
Subject: Privateer Holdings Submission to Cannabis Consultation  
Importance: High

On behalf of Privateer Holdings, I am pleased to provide our submission to the Newfoundland & Labrador government’s consultation on cannabis.

Thank you,

Cameron Bishop  
Director, Government Affairs

Privateer Holdings Inc.  
c/o 85 Albert Street, Suite 1605  
Ottawa, Ontario K1P 6A4  
cameron.bishop@privateerholdings.com  
c: 613-790-2058 | f: 250.722.3954  
www.privateerholdings.com
Visit our online newsroom and @Privateer_H for updates.

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If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
This is a submission to the public consultations on cannabis from Tilray.

Chad Blundon  
Director of Policy and Strategic Planning (A)  
Department of Justice and Public Safety  
(709) 729-7062

Attached, on behalf of Tilray, is our submission to the government’s consultation on cannabis.

Thank you,

Cameron Bishop  
Director of Government Affairs

TILRAY

Tilray  
1100 Maughan Road  
Nanaimo, BC V9X 1J2  
cameron.bishop@tilray.ca  
0: 250.722.3991 | tf: 844TILRAY1 | f: 250.722.3954
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