

“Let’s do something really revolutionary”:  
Towards care-full relations of cannabis  
access in Ontario post-legalization

A thesis submitted to the Committee on Graduate Studies in partial fulfillment of  
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## **Abstract**

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A new regime governing cannabis production, distribution, and access came into effect across Canada in 2018. With the passing of the Cannabis Act (2018) a new legal cannabis industry began taking shape across the country, with specific manifestations at the local and provincial levels. In this study, I take up the standpoint of people who use cannabis and explore how access is organized under this new regulatory regime. Following a new-materialist informed institutional ethnographic mode of inquiry, I draw on interviews, observations, and texts to describe the work processes through which three distinct materializations of cannabis are produced: cannabis for medical purposes, retail cannabis products, and cannabis as a corporate good. My analysis then reveals how these materializations are organized according to discourses of medicalization, commercialization, and corporatization in ways that curtail the full liberatory potential of this policy change.

At its core my research is an investigation into the operations of the cannabis industry in Ontario, Canada – currently one of the largest legal cannabis markets in the world. My intent is not to provide a view of the functioning of the industry as a whole. Rather, it is to tease out key operations,

including medical access programs, product selection and testing practices, and knowledge practices, and explore both their impacts on people who use cannabis and what insights they hold for reorganizing access to other controlled substances. Importantly, my research demonstrates how state actors and corporate entities remain the main beneficiaries of legalization, which I argue is the result of an over-reliance on state regulation over community organization as the schema for enacting a public health approach to drug policy. While cannabis legalization may not have realized its full liberatory potential in this country, it has offered an invitation to reconsider the criminalization of previously controlled substances and how we might regulate these substances in new ways. In the conclusion to this work I take up this invitation, building on my findings to imagine what the organization of cannabis access outside current ruling relations could look like and how we might cultivate care-full relations of drug access more broadly.

### **Keywords**

Cannabis; Drugs; Policy; Regulation; Institutional Ethnography; New Materialisms; Canada; Ontario

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## **PART 1: INTRODUCTION**

With the coming into force of the Cannabis Act (2018) a new era of government-regulated cannabis supply and distribution was initiated, with immediate impacts on how cannabis is cultivated, produced, and sold in this country. The purpose of the present work is to reveal the operations of this newly legal industry, attending to how the people involved in it – including those who use cannabis, those who produce it, and those who supply it – are materializing cannabis in novel ways. Following an institutional ethnographic mode of inquiry (Luken & Vaughan, 2021; Smith & Griffith, 2022; Smith, 2005; Smith, 1987) informed by theories and practices of New Materialisms (Barad, 2007; Coole & Frost, 2010; Latour, 2005) I take up the standpoint of cannabis users to explore the disjunct between the promise of this new liberalized approach to cannabis regulation and the experience of how it has proceeded. Attending to the day-to-day work practices through which cannabis is being materialized under this new regulatory regime I reveal how discourses of medicalization, commercialization, and corporatization are evident within them. Through this analysis I also attend to the practices of resistance being enacted by people who use cannabis to carve out space for access and use that are organized outside of these strictures.

Readers will note various terms used to refer to the material substance at the heart of this work – the plant *Cannabis Sativa* and the various products and preparations derived from it. The substance currently referred to as cannabis in Canadian legislation has been known institutionally by a number of other names and still other terms are used by the people who consume and work with it. I use

the word cannabis to denote the substance in its current legally-sanctioned bureaucratic form. Different terms, some with alternate spellings, are used when referencing past legislation or when describing how those who use and work with the substance discuss their relationship to it. Rather than imposing consistent terminology, I have elected to mirror the language found in specific texts and used within the conversations and observations I undertook as part of this research. These words themselves offer cues to the various materializations of cannabis as they are currently being brought into being. Indeed, a central contention of this work is that the substance one person refers to as 'ganga' is substantively and materially distinct from the 'cannabis' available at regulated retail outlets, or the 'weed' workers grow in new government-regulated production facilities.

I open this text by introducing myself to readers and describing how I came to be doing this research, situating both the study and myself, as the person conducting it, in time and place. In doing so I trace some of the life experiences which brought me to this work and locate it as being conducted from a particular location in a small semi-urban region in southeastern Ontario, and at a particular moment in time, in the first few years of a new regulatory regime for cannabis and amidst a pandemic. I describe how the early seeds of this research germinated within my experience working in public health at the time of legalization and in the context of a deepening drug poisoning crisis; an experience in which I first felt the disjuncture that lays at the crux of this work. This disjunct emanated from the difference between the concerns that organized

the institutional response to cannabis legalization and those that I, as a cannabis user, felt in the wake of this policy transition. It was at this time that I also developed a curiosity about what insights this policy transition could offer current debates about alternatives to drug criminalization more generally. From there, I offer a brief overview of the landscape of cannabis policy in Canada, including both federal and provincial legislation and regulation. This section of my introduction provides both historical context for the current study and serves to introduce key government texts referred to in my findings. Finally, I provide an overview of the organization of the text as a means of orienting readers to its structure and flow. Throughout, I introduce key concepts and frameworks to be explored later in the text. I begin with an ethnographic description of some of my early work and thinking about this research.

### **1.1 Introducing this study**

In March of 2020, the government of Ontario ordered all non-essential services closed as part of emergency measures to stop the spread of the novel coronavirus SARS-CoV-2. Cannabis retail stores, which at the time had been operating in the province for just under one year remained open along with grocery stores and liquor stores, only later being restricted to curbside pick-up and delivery. While the commercial sale of cannabis proceeded with relatively little impact in the face of a declared state of emergency, access to harm reduction and substance-related treatment services were restricted through the imposition of capacity limits and physical distancing requirements (McCann et al., 2022). How is it that in such a short period of time the sale of cannabis went from

being a criminal activity to being deemed an essential service amidst a global health emergency? And this, while people who consume other kinds of drugs faced increased barriers to lifesaving health and social services. My inquiry into the legalization of cannabis as it is manifest in the province of Ontario begins in moments of curiosity and disjuncture such as these.

### **1.1.1 Curiosities guiding my inquiry**

As a long-term regular cannabis user living in Ontario at the time of legalization, I have experienced the impacts of this transition first hand. Admittedly, my own experience of it has been from a position of relative privilege, as someone whose race and class-based social location insulate me from many of the potential harms associated with the use of drugs within a system of prohibition, namely criminalization. At the time the federal government announced its intention to create a “strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada” (Government of Canada, 2018) I was working for a community-based drug strategy response table. It was my first experience working in the field of drug policy and harm reduction and the first time I felt deep personal resonance with the content of my professional work.

In the months leading up to the coming into force of the Cannabis Act (2018) I moved into a new role with the local public health unit, taking on responsibility for the cannabis and alcohol portfolios as a member of the substance misuse prevention team. The experiences I had in that role – in particular the ruptures I felt between the professionalized discourses and

approaches I was taking on as a ‘health promoter’ and my lived experience as a cannabis user – are the ground in which this study took root. In the five years I have spent as a doctoral student studying cannabis legalization the illicit drug supply in Canada has become increasingly toxic and overdose deaths have risen steadily (Public Health Agency of Canada, 2024). In this context, calls for taking a public health approach to this crisis are mounting, and new community-driven response efforts are emerging (Hyshka et al., 2024). At a wide angle this study is an inquiry into how a public health approach has been enacted in relation to the group of substances labelled under the “generic term” cannabis (Small, 2017, p. 1), and what has been gained and what has been lost from the specific form that this approach has taken and how it has been applied. It is also an intervention in dominant ways of knowing and governing drugs and drug access more broadly.

Having spent nearly a decade working in the policy field I am deeply curious, and at times deeply concerned, about how we come to do policy; how regulatory decisions are made, courses of action determined, and outcomes weighed and evaluated. Years ago, I heard activist journalist Desmond Cole speak on the topic of public policy and innovation at a conference in Toronto. In his address he spoke about how policy can be something that distances us from discomfort, disagreement and conflict; appeals to policy and an over-reliance on regulation as a means of governing conduct can serve to limit debate and mask operations of power. Cole’s focus was on the operations of the police and criminal policy, illuminating how this institution and set of laws allow certain individuals to insulate themselves from social problems while maintaining the

conditions which have given rise to these problems to begin with. A general sense of questioning and uncertainty about what policy is and what it does, especially at the level of everyday issues and conflicts, has stuck with me ever since. Applying this sense of uncertainty to the context of cannabis legalization I began to wonder how new regulations are being taken up in the work of producing and procuring cannabis and to what effects. What does the creation of a new 'highly regulated industry' do for people who use cannabis? What does it do for state or corporate actors?

Here we have the two strands of curiosity – how we govern and think about drugs and drug access, and how we do the work of policy and what it does for us collectively – that have guided me in this work. In what follows, I describe how I have pursued them, grounding them in the empirical terrain of cannabis legalization in Canada as manifested in the province of Ontario.

### **1.1.2 How I have conducted this study**

It has been over six years since the government of Canada established a new regulatory regime for cannabis. Previous studies have investigated the political history leading up to this policy change, illuminating the racist underpinning of criminalization (Owusu-Bempah & Luscombe, 2021, Owusu-Bempah, 2021) and the uneven ways scientific and medical evidence has been taken up in processes of policy reform (Erickson, 1976; Fischer et al., 2003; Giffen et al., 1991; Hyshka, 2009). More recent studies conducted under the auspices of evidence-based policy making have sought to measure, predict, and compare the relative risks, harms, and (to a lesser degree) benefits of different

policy options (Crépault et al., 2016; Cyrenne & Shanahan, 2018; Lake et al., 2019). Emerging research has also revealed the ways in which cannabis legalization has failed to adequately redress the race-based harms of criminalization (Owusu-Bempah & Rehmatullah, 2023) or uphold principles of Indigenous reconciliation (Koutouki & Lofts, 2019). This literature is reviewed in depth in chapter 2.1 of this text. My research adds to, and augments, this body of knowledge by bringing a new way of looking, and a new set of theory-informed investigative practices, to bear on this empirical terrain.

Following an institutional ethnographic mode of inquiry guided by New Materialisms my research takes up the standpoint of people who use cannabis to reveal how it is that cannabis is being materialized under the new regulatory conditions of legalization. To date, studies on the impacts of legalization for cannabis users have largely focused on assessments of public health indicators (Fischer et al., 2021; Hammond et al., 2020; Valleriani, 2020). My research offers a different focus of analysis moving away from an assessment of discrete indicators of health to consider the shifting relationships between human and non-human actors that have come into being through this transition. In doing so, I hope to offer a new way of understanding and attending to the dynamic relationship between people, policy, and drugs, one which can enable a more nuanced understanding of these social relations. I hope my work can serve as inspiration for the analysis and consideration of other drug policy transitions. While the insights generated about the process of cannabis legalization can and

should not be transposed one-for-one into other policy contexts, I hope they may serve as a guide for how we might examine the impacts of other drug regulations.

In addition to the substantive contribution of my research findings to the field of cannabis research and critical drugs studies more generally, I hope this work can also offer a methodological contribution by experimenting with a novel combination of investigative approaches. At its core this is a work of Institutional Ethnography, where-in I situate my inquiry in a specific empirical position in order to investigate the work processes that organize everyday experiences in particular ways (Smith & Griffith, 2022). However, I have taken additional cues from the New Materialist turn in the social sciences in conceiving of, and pursuing this work. Specifically, rather than considering cannabis as ‘dead matter’ I have sought to understand it as part of ongoing and dynamic relational entanglements, bringing due consideration and analytical attention to processes of materialization (Coole & Frost, 2010). In blending Institutional Ethnography and New Materialist research approaches I have been guided to attend to both experiential and material processes in developing my view into the materialization of cannabis under legalization. In doing so, I have sought to illuminate “the entanglement of human-nonhuman objects, bodies, spaces and materialities” (Taylor & Fairchild, 2020, p. 510) in tracing the social relations of cannabis access, while making the operations of these worlds “more understandable to ordinary people” (Campbell & Gregor, 2004, p. 12). I expand on the methodological approach pursued in this research in chapter 2.2 of this work.

My aim in explicating these processes is two-fold. On the one hand I am interested in better understanding the social relations I myself am caught-up in as a cannabis user – identifying who I am attached to through the cannabis supply chain, and the quality and nature of these attachments. On the other, I am interested in generating knowledge that can be useful to others who are working towards the liberalization of drug policies, offering guidance on what promises and pitfalls are present in the pursuit of new approaches to drug regulation. My work is grounded first and foremost in my own embodied experience as a white, queer, settler with roots in Nogojiwanong/Peterborough, Ontario, Anishnabeg territory (Williams, 2018). In line with a turn away from a proceduralist application of method (Springgay and Truman, 2018) I have followed an emergent research design, fashioning myself as a research instrument, tracing connections and teasing out moments of significance that materialize through my engagements in the social worlds of cannabis use and access.

My social experience and positionality have informed the starting point of this research as well as its aims, as described above. They have also afforded me access to spaces and to people which may not have been available to others. As a person with class and educational privilege I have been able to navigate corporate and bureaucratic spaces, while my experience with and comfort in communities of cannabis users has also allowed me to develop rich personal relationships and research engagements with my research participants. Some of these engagements have been staged (structured interviews, planned observations of spaces and events) and some have not – emerging from my own

going about in these worlds. Through these engagements I have traced how people's relations of cannabis access are organized under the new regulatory regime for cannabis. Here I use the term 'relations of cannabis access' to denote material moments (Taylor and Fairchild, 2020) in which people and cannabis connect. By anchoring my research in these moments, I seek to illuminate the extended web of relations which organize them from a distance. By way of example, when accessing cannabis at an authorized retail outlet in Ontario, the Alcohol and Gaming Commission of Ontario (AGCO) is present in the exchange as the regulatory body governing the form and operation of these spaces, its influence on these spaces marked in the visible signage required for regulatory compliance (Figure 1.1).



Figure 1.1 Ontario Authorized Cannabis Retailer Sign (Source: Author)

In what follows I draw on these research engagements, anchored in relations of cannabis access, and illuminate materializations of cannabis in

Ontario as they are being produced under the conditions of legalization, taking a non-totalizing view of this empirical terrain. I use the term empirical terrain here to describe the subject of my research as a means of signalling the conceptual grounding of my methodology; woven as it is from strands of Institutional Ethnography, which employs ‘mapping’ as an operational metaphor for the process of analysis (Campbell and Gregor, 2004), and New Materialism, which speaks to the practice of cartography as a means of producing knowledge of the present (Braidotti, 2017). Substantively, my intent is not to provide an overarching view from nowhere but rather to get inside of, and tease out, the everyday operations of the cannabis industry, how it is currently being put together, and how it (or something other than it) might be put together otherwise. In articulating this intention I draw inspiration from the work of Cameron Duff, in particular his 2015 article ‘Governing drug use otherwise: For an ethics of care’ extending his focus on drug consumption patterns to the organization of drug access (Duff, 2015). In this sense, my aim in undertaking this study is both empirical (ontological) and methodological (epistemic), as well as political. And here I define political in terms offered by Bruno Latour, as: “the progressive composition of the common world” (Latour, 2004, p. 18). Below, I describe how my intentions are born out in this work.

### **1.1.3 My intentions for this work**

Undertaking a research process such as the one described in these pages is an act of commitment. Ethically, I am committed to maintaining good relations with the people I have engaged with in this study; to treat them with respect and

act responsibly in sharing the knowledge they have offered to inform my inquiry. While they will not see direct benefits from their involvement in this research, I have sought to make their engagement in it both pleasurable and generative. The conversations I have had with some of them in the wake of our research engagements give me hope that this is indeed the case. In conducting this study, I have also been guided by a more general sense of accountability to people who use cannabis, the vast majority of whom I did not engage directly in this research. Understanding this research process as an act of ‘thinking-making-doing’ (Springgay & Truman, 2018) my intention has been to generate knowledge that can help enact and multiply care-full relations of cannabis access, and provide provocations for doing so in relation to other drugs as well. In line with Cameron Duff’s understanding of the practices of care that drug users engage in, I use the term care-full relations not in a normative sense but rather to signal a set of “practices and relations that embody care as a distinctive kind of value, quality, ethos or orientation” (Duff, 2015, p.87). Guided by the understanding that “drugs do demand great care” (Race, 2009, p. viii) through this research I seek to better understand and enliven these practices with relation to cannabis in Canada. It is my contention that this work requires not only new ways of organizing these relations but of thinking about and analysing them as well. This research represents my first attempt at both building and putting these knowledge practices to work simultaneously.

Admittedly, my curiosity with cannabis access and its transition from illegal activity to market relation at times feels trivial. In the face of an ongoing drug

poisoning epidemic this is not surprising. There is no cannabis crisis, no field of crosses marking the early deaths of its users, as there is for opioid and other illicit drug users. Attending International Overdose Awareness Day (IOAD) in 2022 as I set out to begin this study offered a stark visual reminder (Figure 1.2) of the privileged position I hold as a cannabis user today.



Figure 1.2 Field of crosses at IOAD, 2022 (Source: Author)

As a researcher I am interested in how we collectively organize relations of access to psychoactive and intoxicating substances (so-called drugs). There are many paths I could pursue that would align with this interest and commitment. I have chosen to focus on relations of cannabis access as a means of grounding my research in my own standpoint and experience as a (once illicit, now legal) drug user. In doing so, I recognize the relative privilege I enjoy as a cannabis user as compared to people who use other, more highly stigmatized, criminalized, and increasingly physiologically dangerous substances. That being said, I hope this exploration can offer some guidance for how we might build more empowering and care-full relations of drug access for cannabis as well as

other drugs. In a sense this is an experiment in refashioning the idea of cannabis as a gateway drug, in this instance a gateway to configuring new, and better worlds of drug access.

My orientation to research in general, and this endeavour in particular, begins with the understanding that both research and political action are most effectively grounded in actually going about in the world (Frampton et al., 2006), rather than in books (Kaba & Murakawa, 2021), or from thinking alone (Simpson, 2017). In this sense I ascribe to an understanding of research “as part of an evolving social process” and an “intervention into the flows of the imagination itself” (Haiven & Khasnabish, 2014, p. 222), with imagination here being conceived as a collective activity rather than an individual attribute. In my understanding the practice of research is not a means of extracting data for the purposes of abstracting knowledge, but rather an active process of change-making and transformation, even when the nature of that change is not always clear, intended, or direct. In this sense, while this dissertation satisfies the requirements of my doctoral degree, I do not envision it as being the most important result of my research inquiry, nor is it the only means by which I will act on this work. Rather, I remain attentive to myriad ways I can make myself, and my findings available to those who are working and aspiring towards similar political commitments.

Though I aspire to conduct politically engaged scholarship, I am aware of the caution and care that is required to do so in an academic environment and from the position of an academic researcher. Here I take note of Chris Bruckert’s

reflections on her research practice with sex workers, a group she is both part of, and apart from, based on her own complex lived experience in the trade and in academia. Her writing makes clear that in such contexts great care must be taken not to re-inscribe and entrench existing power relations (Bruckert, 2014). As such, politically engaged researchers should not aim to 'give voice' to marginalized groups; extracting knowledge for the purpose of becoming an expert on someone else's lived experience. Rather, the aim of this kind of research is better conceived as lending the privilege of the academy, recognizing the real material and political constraints of the institution, to develop knowledge that is useful to the people engaged in and impacted by the issues being investigated. The intent of this research is thus not to position myself as an expert on other cannabis user's experience of legalization, nor is it to dissect their patterns of use and health trajectories, rather it is to develop knowledge about the functioning of the cannabis industry and how it is being put together under legalization. Knowledge which I can hope can be of use to these individuals and to the wider movement towards care-full relations of drug use and access.

Institutional ethnography as a mode of inquiry supports this aim as it takes as its object of inquiry institutions (broadly defined) and the ruling relations through which they are constituted, rather than individuals and their experiences (Smith, 2005). This orientation also aligns with conceptualizing the problems related to drug use as not being reducible to individual interactions between bodies and drugs, but from how these interactions are organized by systems of care and neglect (Duff, 2015; Kerr et al., 2021). As such it is the functioning of

these systems, rather than the behavior of individuals, which I take as my object of study and target of political activity and research scholarship. Through the process of legalization cannabis users have been caught up in new sets of social relations, many of which remain obscured at the level of everyday experience. Informed by my own experiences and the curiosities shared with me by my research participants, I hope the findings of my research can help to illuminate 'how it is' (Talbot, 2020) that cannabis has gone from being on the “no no no list” (as one person I spoke to put it) to being “just another product” (as another described it to me) and the effects that the specificities of this transition have had on materializations of cannabis and relations of access.

Before unpacking this moment in the history of cannabis regulation in Canada, I will provide a brief overview of the evolution of Canadian cannabis policy and review the current regulation and legislation governing its production, distribution, and sale. In the chapter below, I turn to this overview to provide a grounding for the analysis to come.

## **1.2 Canadian cannabis policy overview**

In this chapter, I describe the current regulatory landscape for cannabis in Canada. I open with a brief review of the history of cannabis regulation in this country, beginning with the first legal prohibitions against the use and distribution of the substance in 1923. From there I turn to a review of the current policy context, including the federal Cannabis Act (2018) and provincial Cannabis Control Act (2017) and their related regulations, identifying both the texts and government entities that are involved in the administration of legal cannabis in

this country. This chapter serves as an introduction to the empirical terrain of this inquiry, offering readers an orientation to the context of my research.

### **1.2.1 A brief history of cannabis legislation in Canada**

Prohibitions against cannabis were first introduced in Federal legislation in 1923 when “Cannabis Indica (Indian Hemp)” was added to the Schedule of Prohibited Drugs under the Opium and Narcotic Drug Act of 1920 (Giffen et al., 1991, p. 166). At the time, it was one of seven substances listed in the Schedule, along with Cocaine, Morphine, Heroin, Codeine, Opium, and Eucaïn (Giffen et al., 1991). While the reason for its inclusion is not entirely clear, as it was both a little known and little used substance at the time (Erickson & Oscapeïla, 1999; Fischer et al., 2003; Giffen et al., 1991; Solomon et al., 1983), some have attributed its inclusion to the writing of Emily Murphy in *The Back Candle*, originally published in 1922. Compiled from articles written for MacLean’s Magazine the book includes a chapter dedicated to “Marahuana – A New Menace” (Murphy, 1973). Drawing largely on accounts from police and doctors from the United States and other countries, Murphy’s descriptions of the perils of ‘marahuana’ are overtly racist, calling up images of invading Mexicans and fears of orientalism (Murphy, 1973). Though technically a prohibited substance, there was little enforcement against cannabis at the time, as the focus of these efforts remained on opiates (Giffen et al., 1991). Given the low levels of both use and enforcement, the prohibitions against cannabis at this time have been termed by some scholars as “a solution without a problem” (Giffen et al. 1991). Beginning in the 1960s

attitudes towards cannabis prohibition began to shift as its use grew and the prohibitions against it were subject to increasing public debate.

In 1961, when a new Narcotic Control Act was passed by Canadian parliament cannabis remained in the Schedule of prohibited substances (Solomon et al., 1983). The scheduling of cannabis as a prohibited substance was subject to inquiry as part of the Federal Commission of Inquiry into the Non-Medical Use of Drugs (the Le Dain Commission) launched in 1969 (Erickson, 1998). In 1972 and 1973 the Commission published its conclusions recommending the removal of “the simple possession offence for cannabis”, however no legislative changes were made as a result (Erickson, 1998). It wasn’t until 1996, with the passing of the Controlled Drugs and Substances Act (CDSA), that cannabis was differentiated from other listed substances, “with maximum penalties for cannabis possession and trafficking affected by the amount of the drug involved” allowing for more lenient convictions and sentencing (Erickson, 1998, pp.4). And in 1998, the Industrial Hemp Regulations were introduced under the CDSA, establishing a legal definition of industrial hemp as cannabis plants and derivatives containing no more than 0.3% THC (the active intoxicating chemical in *Cannabis Sativa* plants) (Industrial Hemp Regulations, 2018). While cannabis prohibitions were subject to more public scrutiny starting in the 1960s, with small shifts in legislation occurring between the 1960s and 1990s, it wasn’t until the turn of the century that bigger shifts began to occur, with parallel, yet distinct, processes of reform occurring for medical and recreational use.

Through the end of the 1990s and into the early 2000s the prohibitions against cannabis contained in the CDSA were subject to a number of court challenges centered around the issue of medical use (Fisher et al., 2003). Through these challenges individuals in Canada began to gain access to marijuana for medical purposes, starting in 1999 through individual ministerial exemptions (Health Canada, 2016). These individual exemptions were subject to subsequent court challenges and in 2001 the first set of federal regulations enabling access to marijuana for medical purposes were introduced, the Marijuana Medical Access Regulations (MMAR). Further court challenges resulted in a series of changes to the regulations and in 2013 a new set of regulations, the Marijuana for Medical Purposes Regulations (MMPR) were introduced, and with them a new commercial industry for medical marijuana was born (Health Canada, 2016) and medical cannabis dispensaries (MCDs) began to proliferate across the country leading to an array of governance and policing concerns (Valleriani, 2022). Finally, in 2016 a federal court ruling found existing access provisions, which required medical users to obtain their cannabis from licenced producers, to be overly restrictive and by the end of that year new regulations, the Access to Cannabis for Medical Purposes Regulations (ACMPR), were introduced (Health Canada, 2016).

In the late 1990s and into the early 2000s, at around the same time that questions of medical use were being considered by the courts, calls for wider decriminalization were surfacing in other arenas. The first came from the Canadian Association of Chiefs of Police in 1999, followed two years later by the

Canadian Medical Association (Carstairs, 2022). In the years that followed both Senate and Parliamentary committees considered the issue, raising concerns around fairness in the application of cannabis prohibitions and the relative harmlessness of cannabis to users (Carstairs, 2022). While legislation was tabled in 2003 to decriminalize the possession of small amounts of cannabis it never passed (Carstairs, 2022). It wasn't until 2017, as municipalities and policing bodies across the country grappled with the question of how to regulate medical dispensaries and enforce medical access regulations, that new legislation was brought forward and passed in the house of commons. This legislation which legalized and regulated the production, distribution, sale, and possession of cannabis (Valleriani, 2022). As part of this legislative shift the ACMPR, which had up to this point existed under the Controlled Drugs and Substances Act, came under the ambit of the new Cannabis Act. Thus, a distinct medical access program was retained and incorporated as Part 14 of the associated Cannabis Regulations.

As described above three distinct periods of cannabis regulation in Canada can be discerned. The first beginning in the 1920s with the initial inclusion of cannabis as a controlled substance, which remained unchanged until the 1960s. The second evident in the 1960s and into the 1990s when, despite public calls to remove the prohibitions against cannabis possession entirely, a series of smaller legislative changes were made resulting in more flexibility for sentencing and the legal differentiation of industrial hemp from other cannabis plants. Finally, starting in the late 1990s and through until in 2017, bigger

regulatory changes were made, at first in response to pressure from the courts to enable access to marihuana for medical purposes and later as part of wider reconsiderations of the prohibitionist approaches and pressures emanating from the new legal medical market. Table 1.1 below provides a summary of the federal legislative changes related to cannabis.

<b>1923</b>	Opium and Narcotic Drug Act	Cannabis, listed as “Cannabis Indica, (Indian Hemp) or Hasheesh” first appears in the schedule of prohibited substances (Giffen et al., 1991, p. 166).
<b>1961</b>	Narcotic Control Act	Cannabis remains listed in the schedule of prohibited substances as new narcotic control legislation is introduced (Solomon et al., 1983).
<b>1996</b>	Controlled Drugs and Substances Act	Cannabis begins to be differentiated from other listed substances through its inclusion as a ‘schedule II’ substance (Erickson & Oscapella, 1999).
<b>1998</b>	Controlled Drugs and Substances Act	Regulation of cannabis begins to be differentiated based on the concentration of THC within the plant and plant parts with the passing of the Industrial Hemp Regulations (Health Canada, 2006).
<b>1999</b>	Controlled Drugs Substances Act	Canadian courts rule in favor of allowing exemptions for access to dried marijuana for medical purposes. (Health Canada, 2016)
<b>2001</b>	Controlled Drugs Substances Act	The first regulations, the Marihuana Medical Access Regulations (MMAR) allowing for the cultivation and possession of marihuana for medical purposes are introduced. (Health Canada, 2016)
<b>2013</b>	Controlled Drugs and Substances Act	New regulations, the marihuana for medical purposes regulations (MMPR), are introduced requiring that marihuana for medical purposes be accessed through licensed producers (Health Canada, 2016).
<b>2016</b>	Controlled Drugs and Substances Act	New regulations are introduced, combining provisions of the MMAR and MMPR and allowing individuals to purchase starting materials from licensed producers (ACMPR) (Health Canada, 2016).
<b>2018</b>	Cannabis Act	New legislation is enacted to allow access to cannabis for non-medical purposes in Canada. Industrial Hemp regulations and medical access regulations are moved from under the Controlled Drugs and Substances Act.

Table 1.1 Federal legislative changes related to cannabis

Having provided an overview of the history of cannabis regulation in Canada in the next section I review current federal cannabis legislation and related regulation.

### **1.2.2 Federal cannabis policy**

Enacted in 2018, the federal Cannabis Act ushered in a new era of cannabis policy in Canada providing legal-aged adults with access to cannabis through a regulated system of production, distribution and sale. As set out in paragraph 7, the primary purpose of the Act is to “protect public health and safety” with particular provisions related to protecting young people, reducing criminal activity, providing quality-controlled cannabis products and increasing awareness of the health risks associated with its use (Cannabis Act, 2018). In the Act cannabis is defined as any part of the plant, its chemical constituents (phytocannabinoids), and any substances derived from, or identical, to them, and excludes non-viable seeds, stalks, fibre, and roots (Cannabis Act, 2018). The Act further defines “illicit cannabis” as “cannabis that is or was sold, produced or distributed by a person prohibited from doing so under this Act or any provincial Act or that was imported by a person prohibited from doing so under this Act” (Cannabis Act, 2018, p. 3). Thus, in setting the parameters for legal production, distribution, and sale of cannabis the Act also sets out a series of prohibitions and offences related to cannabis, a “legal framework for *controlling* the production, distribution, sale and possession of cannabis across Canada” (Government of Canada, 2018, para. 1 emphasis added).

Detailed requirements for the legal production, distribution, and sale of cannabis products are set out in the Cannabis Regulations (2018) which also include provisions for access to cannabis for medical purposes. These regulations establish the legal definition of cannabis products as cannabis “after it has been packaged and labelled for sale to a consumer at the retail level” (Cannabis Regulations, 2018, p.2). The definition of ‘cannabis products’ contained within the regulations explicitly excludes ‘drugs containing cannabis’ which are subject to different licensing and production requirements (Cannabis Regulations, 2018). Health Canada is currently responsible for implementation of the Act, including issuing licenses for cultivation, processing, testing, sale, research, and the production of drugs containing cannabis. A series of Health Canada guides have been published to aid proponents in navigating and interpreting regulations, including a licensing guide (Health Canada, 2019a) and Good Production Practices Guide (Health Canada, 2019b). Key texts related to federal Cannabis policy in Canada are summarized in Table 1.2 below.

<b>Cannabis Act (2018)</b>	Provides a legal definition for cannabis and illicit cannabis, and establishes the system of licensing legal cannabis cultivation, processing, testing, sales, and research.
<b>Cannabis Regulations (2018)</b>	Provides a legal definition of cannabis products, which excludes drugs containing cannabis, and lays out the specific requirements for different classes of cannabis licenses. Includes provisions for access to cannabis for medical purposes.
<b>Good Production Practices Guide for Cannabis (2019)</b>	Provides license holders with guidance on meeting the requirements for Good Production Practices as set out in the Cannabis Regulations (2018).
<b>Cannabis Licensing Application Guide (2019)</b>	Provides potential applicants with guidance on licensing requirements and processes as set out in the Cannabis Regulations (2018).

Table 1.2 Key Federal Cannabis Policy Texts in Canada

While the sale of cannabis for medical purposes remains a federal responsibility as set out in Part 14 of the Cannabis Regulations (2018), it is up to individual provinces and territories to regulate and license the distribution and retail sale of cannabis in their jurisdictions (Health Canada, 2018). Under the current regulatory system provincial and territorial governments are also tasked with the enforcement of criminal laws (e.g., impaired driving) and setting rules for where cannabis can be consumed and where cannabis-related businesses can be located (Health Canada, 2018). In the following section I describe the approach to cannabis regulation taken in the Province of Ontario.

### **1.2.3 Provincial cannabis policy**

Passed in anticipation of the coming into force of the Federal Cannabis Act Ontario's Cannabis Control Act (2017) sets out provincial prohibitions related to cannabis, establishes enforcement mechanisms, and includes provisions for enforcement alternatives for youth (Cannabis Control Act, 2018). The Act defines the parameters for legal retailing of cannabis across the province identifying the Ontario Cannabis Retail Corporation and 'retail store authorization' licence holders as the only "authorized cannabis retailers" in the province (Cannabis Control Act, 2018). Non-application regulations under the Act explicitly exclude industrial hemp and drugs as defined in the Food and Drugs Act (1985) from its ambit (Ontario Regulation 327/18).

The specific mechanisms through which cannabis retailing takes place in the province are set out in a separate piece of legislation, the Cannabis Licence Act (2018). The Cannabis Licence Act (2018) enables private companies to own

and operate cannabis retail stores through a system of provincial licensing. The Act authorizes the Alcohol and Gaming Commission of Ontario (AGCO) to issue and enforce cannabis retail licenses across the province. General regulations under the Act specify the terms for operating a cannabis retail store, including permissible hours of operation, store siting and physical requirements, and training of employees (Ontario regulation 468/18). Three licences issued by the AGCO are required to operate a cannabis retail store in the province: 1) a retail operator licence, which allows the holder to operate a retail store in the province, 2) a retail store authorization, which authorizes the operation of a specific retail outlet, and 3) a cannabis retail manager licence, which confers to an individual specific responsibilities under the Act including the hiring and firing of employees. While there was an initial cap on licenses in the province, licensing has since been expanded to over 1700 stores authorized to open across the province (Alcohol and Gaming Commission of Ontario, 2024).

Each cannabis retail store in the province is supplied by, and must enter into a contract with, the Ontario Cannabis Retail Corporation. Established through the Ontario Cannabis Retail Corporation Act (2018), the Corporation serves as the sole legal cannabis wholesaler in the province. Under the Act the Corporation has authority to set prices for the cannabis products it sells, and while the Cannabis Licence Act (2018) does include a clause allowing for minimum pricing to be set within regulation, no such regulation is currently in place. In 2023, the Corporation set out a pricing guide that established a fixed markup rate for specific categories of cannabis products (Ontario Cannabis

Store, 2024b). However, authorized retailers continue to set the prices at which they sell the cannabis products purchased from the provincial retailer (see Figure 1.3).

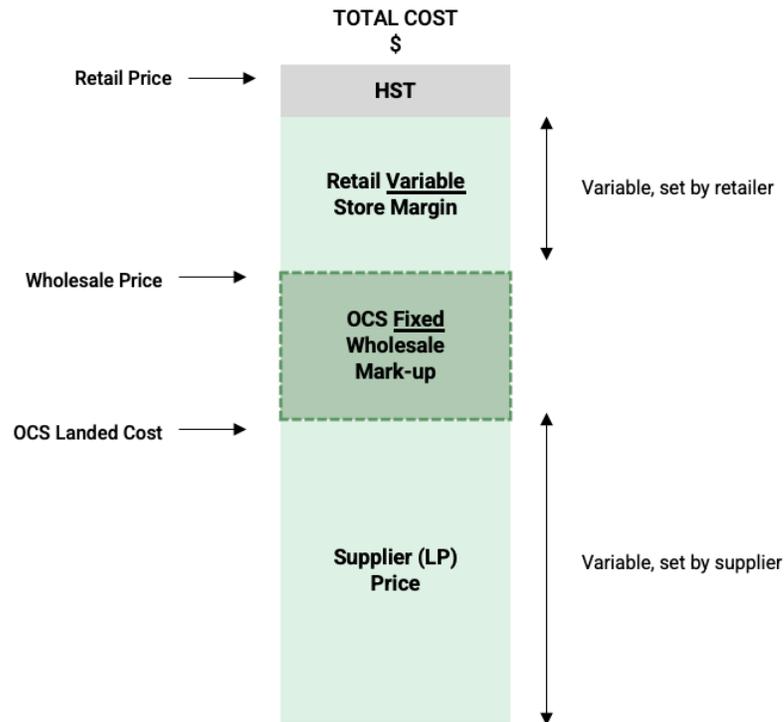


Figure 1.3 Ontario Cannabis Store Pricing Guide (Ontario Cannabis Store, 2024b)

As described above, while the federal Cannabis Act sets out the parameters for the licensing of cannabis cultivation, processing, and sales between corporations and to registered patients for medical purposes, the retail sale of cannabis remains within the purview of individual provinces. In Ontario, the retail sales framework is established through the Cannabis Control Act (2017), and two pieces of related legislation: the Cannabis Licence Act (2018) and the Ontario Cannabis Retail Corporation Act (2018). The Alcohol and Gaming Commission of Ontario is responsible for the regulation of private cannabis retailers in the province while wholesale distribution is left to the Ontario

Cannabis Retail Corporation which also has authority to select cannabis products for sale and set wholesale prices. Key texts related to provincial Cannabis policy in Ontario are summarized in Table 1.3 below.

<b>Cannabis Control Act</b>	Sets out the prohibitions related to cannabis in Ontario, establishes enforcement mechanisms, and provides for alternative enforcement remedies (educational and prevention programs) for youth.
<b>Cannabis Licence Act</b>	Establishes licensing requirements and enforcement mechanisms for the legal sale of cannabis in Ontario. Identifies the Alcohol and Gaming Commission of Ontario (AGCO) as the body responsible for administering and enforcing cannabis licensing requirements.
<b>Ontario Cannabis Retail Corporation Act</b>	Establishes the Ontario Cannabis Retail Corporation as Ontario's exclusive wholesale distributor of cannabis with objects to determine available cannabis products and establish prices.

Table 1.3 Key Provincial Cannabis Policy Texts in Ontario

The above cited regulations and legislation serve as the textual basis for my analysis of the legalization of cannabis in Canada as experienced by users in Ontario. In Part 3 of my dissertation I read these texts alongside the experiences of users and those involved in the cannabis industry. The processes of inquiry through which I have done so are further described in Part 2 of this text. However, before detailing my orientation to this work and the procedures with which I have conducted it, I will first provide an overview of the text as a whole. It is to this overview that I now turn.

### **1.3 The structure of this text**

This dissertation is structured in four parts, beginning with this introduction which provides an overview of my study and an orientation to the text as a whole.

In Part 2: Research Foundations, I situate my work in the literature on drug policy and cannabis legalization in Canada before describing the methodological and conceptual groundings of my inquiry. I begin by reviewing knowledge making practices in the field of drug policy, and the methodologies being utilized for the purposes of drug policy analysis before considering how these practices have been deployed and are structuring what we know about cannabis legalization in Canada. From there, I describe how I have undertaken this study as a new-materialist informed Institutional Ethnography, describing its roots in the work of Sociologist Dorothy Smith and New Materialist thinkers including Karen Barad and Bruno Latour. Finally, I describe how I have put this process of inquiry into action, including my positionality, the ethical dimensions of the work, and the practicalities of how it proceeded.

In Part 3: Empirical Findings, I describe the empirical findings of my work drawing on my conversations with participants, ethnographic observations of cannabis retail and production spaces as well as community and corporate events. Three chapters of findings are presented, each focusing on a specific materialization of cannabis generated under the new regulatory regime: cannabis for medical purposes, retail cannabis products, and cannabis as a corporate good. In the first instance, I describe the historical roots and present practices that bring the distinct category of 'cannabis for medical purposes' into being. This chapter also lays the foundation for my understanding of materialization,

examining cannabis not simply as inert matter, but as a physical manifestation of a distinct set of material relations. In the second, I describe how material from the cannabis sativa plant is transformed into ‘cannabis products’ available for sale on the retail market in Ontario. This description sheds light on how the current regulatory framework of legalization is producing materializations of cannabis organized around marketing and sales. In the third, I describe how cannabis is being materialized as a corporate good with implications for both the people and practices involved in its production and distribution. Together these chapters illuminate how it is that cannabis legalization has not lived up to its full liberatory potential, and elucidate why it is that, despite an overall perception of benefit and betterment, seen from the standpoint of cannabis users the process of legalization has left much to be desired.

In Part 4 (Discussion & Conclusion), I turn to the work of Bruno Latour, in particular his conception of political ecology (Latour, 2004), to interpret the constraints and limitations of the current regulatory landscape and how they may be organized otherwise. I begin by naming and further distilling some of the discourses – medicalization, commercialization, and corporatizing - revealed in my empirical findings to be organizing the materialization of cannabis under legalization. Here I also examine some of the ways in which the ruling relations of cannabis legalization are being resisted and subverted by people who use and produce cannabis outside, or on the edges, of the current regulatory framework. Finally, I end on a more speculative note and consider how the concept of political ecology (Latour, 2004) could be operationalized within the context of

cannabis regulation and drug policy more generally to generate new materializations of drugs that better serve the interests of people who use them.

## **PART 2: RESEARCH FOUNDATIONS**

In this part of my dissertation I develop the intellectual scaffolding upon which my empirical findings and subsequent analysis are built. I begin with a review of literature on drug policy analysis and cannabis regulation in Canada. I undertake this literature review in the spirit of the sociology of knowledge, tracing not just what is known about my fields of study but how this knowledge is produced and deployed. From there I lay out the theoretically-informed ways of looking that I have employed in pursuing this study and describe my practices and relations of research. In doing so, I locate the origins of this research in my own experience and describe how I have engaged others in this work through conversation and observation. Together these chapters situate my research within the body of knowledge on drug policy and cannabis regulation in Canada, and describe the intellectual foundations of my research and how I have conducted it.

### **2.1 Ways of knowing in the drugs field**

Following an institutional ethnographic mode of inquiry researchers are tasked with conducting a literature review as a two-fold process, seeking to describe the state of knowledge on a topic while simultaneously analyzing “the literature’s social organization” (Campbell & Gregor, 2004, p.52); how it is that the knowledge on a particular topic is produced and reproduced. In this section I apply this two-fold approach to the literature on Canadian cannabis policy, describing what has been written about this particular topic and analysing this body of knowledge in relation to wider debates and developments in the field of

drug policy as a whole. I begin by providing an overview of this wider context, identifying the discourses and practices of knowing that structure academic inquiry in the drugs field. From here I review Canadian cannabis policy literature and assess how it is organized with consideration to these discourses and practices. In doing so I interrogate how knowledge about the legalization of cannabis in Canada is being developed and deployed, and who (key people and major organizations) are involved in this process. Together, this review of drug policy methodologies and Canadian cannabis knowledge practices provides a basis for both assessing the current state of knowledge related to cannabis legalization in Canada, and further considering the theories and methods through which this knowledge is being generated and taken up in policy practice.

For the first stage of this literature review I conducted a targeted search of the academic literature on drug policy analysis, specifically work related to how drug policy analysis is or ought to be conducted. This stage began with the identification of academic journals on drug policy. An 'any field' search for the term 'drug policy' limited to the 'journal' resource type and filtered for peer-reviewed journals returned 13 results of journals focused on drug policy. Of these results I eliminated journals focused on pharmaceutical drugs (5), those published by the United Nations (1), those not published in English (1), and those not relevant to the specific area of inquiry (2). Based on this exclusion criteria four journals remained for review at this stage of the search. These are:

- Journal of Drug Policy Analysis (2008 - 2021)
- International Journal of Drug Policy (1989 - )

- Drugs: Education, Prevention & Policy (1993 -)
- Journal of Drug Education (1971 -)

Next, I conducted an internal search for the term ‘policy analysis’ in each of these four journals. The *International Journal of Drug Policy* (IJDP) returned by far the most results in terms of quantity (2562 results). A qualitative review of the resulting articles also revealed that the IJDP included more papers addressing the methodological bases of drug policy analysis, whereas the results from other journals were more typically presenting the findings of policy analyses conducted by the authors.

Journal Title	‘Policy Analysis’ Search Results
Journal of Drug Policy Analysis	41
International Journal of Drug Policy	2562
Drugs: Education, Prevention & Policy	31
Journal of Drug Education	2

Table 2.1 Policy analysis search results by journal

Based on these preliminary searches I filtered the results from the IJDP to search for editorials only. These editorials serve to “summarise the contents of an issue” (Elsevier, 2024) and so were used as a starting point for finding the most relevant articles. Of the 54 editorials returned, 25 were determined to be consistent with the aim of my search – to examine trends and debates in theories and methods of drug policy analysis. Using these editorials as a starting point I traced each of their corresponding issues to identify additional articles which could help me develop a deeper understanding of the approaches and debates being considered in each issue. An analysis of these articles and the themes of the issues they introduce serve as the basis for the first section of this literature review.

The second stage of my search strategy involved an additional search in the IJDP for editorials containing the terms 'cannabis' and 'policy'. Of the 35 editorials identified through the search 24 were determined to be relevant to the study at hand. These included 12 editorials that overlap with those found in the first search for policy analysis methodologies. The excluded editorials were those relating to internal matters of the IJDP (e.g., editorial team farewells), those on cannabis use trends outside of North America (e.g., Asia, Middle East) and those including only minor references to cannabis (e.g., on wider harm reduction models, or cinematic analyses). In the second part of this literature review I analyse these editorials together with additional materials drawn from my professional experience in public health, my comprehensive exams, and my research interviews. In what follows I draw on four strands of literature - IJDP editorials on cannabis policy, texts circulating in the Canadian public health field, highly-cited academic works, and literature referenced by my study participants, to both assess the state of knowledge on Canadian cannabis policy and analyse how it is constructed in relation to wider discourses and methodological movements within the drugs field. To begin, I offer my review of these wider discourses and movements.

### **2.1.1 Theories and methods of policy analysis**

My view into the state of academic knowledge on drugs and drug policy begins in the pages of the International Journal on Drug Policy (IJDP). With a publication history dating back to the late 1980s the journal features research from around the world. The aims of the journal centre on analysing the effects of

drug policy. In this way the journal is relatively distinct from others in the field which focus more explicitly on drug-using behaviours (especially addiction and dependence) or clinical practice. For the purposes of my investigation I have focused on editorials related to theories and methods of drug policy analysis. Within these editorial pages I have identified three dominant approaches applied to the study of drug policy and its impacts. These are: evidence-based policy making, social constructivism, and a burgeoning trend of New Materialist and posthumanist approaches. Below, I explore each of these approaches in turn describing how they are discussed within the pages of the IJDP and further elaborating how they are manifest within the wider drug policy field. This analysis serves as the foundation for my assessment of the social organization of knowledge related to drug policy making and practice. To begin, a review of the practices of evidence-based policy as they have been applied to drug policy making and analysis.

In a 2001 editorial titled 'Promoting Rational Drug Policy' authors Gerry V. Stimson and Tim Rhodes describe drug policy as "the product of a delicate balance between moral, political and scientific interpretations of evidence" (Stimson & Rhodes, 2001, p. 1). The concept of evidence-based policy making and the question of what constitutes evidence is a recurring theme running through the pages of the IJDP, in particular those concerning the theory and practice of policy analysis. First developed in the field of medicine, and commonly referred to as 'research utilization' throughout the 1970s and 1980s, evidence-based policy making has grown in interest and import since the 1990s and

through the turn of the century (Newman, 2017). Deceptively simple – applying evidence to guide policy decisions – the concept has become somewhat of a panacea in contemporary policy circles. However, it is also the subject of significant debate and contestation (Standring, 2017). While some have boiled this debate down to an opposition “between rationalists, who believe that policy can be based on objective evidence, and interpretivists...who believe that evidence is always ‘a matter of subjective interpretation’”(Standring, 2017, p. 228) the conceptualization of evidence-based policy as described in the pages of IJDP displays a nuanced set of contestations and debates.

Applied to the field of drug policy the pursuit of ‘evidence-based policy’ often involves the interpretation of scientific evidence from epidemiological studies. However, the notion that epidemiology, or any other field of scientific inquiry, necessarily generates ‘objective evidence’ divorced from social context is not accepted uncritically. For example, a 2002 special issue of the journal dealt specifically with the role of ethnography and multidisciplinary in the drug field. In a featured commentary from this issue, ethnographer Philippe Bourgois argues for collaboration amongst epidemiologists and anthropologists in order to better explain and understand anomalous or counter-intuitive epidemiological evidence (Bourgois, 2002, p. 261). Using the example of Canadian needle exchange programs in the 1990s Bourgois argues that the debate that erupted around the effects of these programs vis-à-vis HIV transmission reduction were, at least in part, the result of decontextualizing data, and analysing it without due consideration of the social contexts from which it was drawn (Bourgois, 2002).

Drawing on his experience of collaborating with epidemiologists Bourgois describes how ethnographic techniques, and the social theories upon which they are founded, can help epidemiologists better understand the human phenomena they study and asserts that epidemiologists do themselves, and their field, a disservice by ignoring social structures and the cultural meanings of drug use and policy making (Bourgois, 2002). At the same time, Bourgois takes aim at the practice of social critique that does not produce practical insights to better the living conditions of marginalized drug users. Ultimately, he suggests that anthropologists and epidemiologists must work together “to address how social power relations propagate illness in identifiable patterns across vulnerable populations” (p. 259). Here we see a focus on impact overshadowing debates or contestations between the philosophical and methodological underpinnings of different intellectual approaches.

In a similar vein, a special issue of *IJDP* from 2008 highlights the role of values and ethics in harm reduction practice and policy. In the introduction to the issue guest editors Craig L. Fry, Kaveh Khoshnood, Robert Power, and Mukta Sharma describe the context of drug policy making, and harm reduction in particular, as one where “a range of scientific, political, and ethical considerations converge, many of which cannot be resolved by scientific evidence alone” (Fry et al., 2008, p. 1). While acknowledging the importance of evidence-based policy making in the field of public health, and the scientific evidence underlying harm reduction practice, the articles featured in this issue highlight the importance of ethical considerations in both constructing and analysing this evidence. In one

article, author Bernadette Pauly takes aim at technocratic and clinical approaches designed to reduce the individualized harms of substance use, and draws on the work of Iris Marion Young to argue for a social justice orientation to harm reduction which aims to reduce the harms of systems of oppression instead (Pauly, 2008). Here again, we see attention paid to the social contexts of drugs and drug policy making within an evidence-based policy approach.

These two special issues of IJDP illuminate how the discourse of evidence-based policy making has been pursued in the field of drug policy in a way that engages the social contexts of drug use and ethical considerations in the development and deployment of scientific evidence. However, this does not negate the presence of a more traditional conceptualization of evidence-based policy operating in the field, as evident in a 2012 editorial entitled “Evidence-based drug policy: It starts with good evidence and ends with policy reform” by B. Nosyk and E. Wood (Nosyk & Wood, 2012). These editors acknowledge at the outset of their introduction that “good quantitative research needs to be informed by good qualitative research” (Nosyk & Wood, 2012, p. 423), a stance which echoes the arguments put forward by Philippe Bourgois in his commentary from ten years earlier. Unlike Bourgois though, they do not explicitly discuss the role of critical social theory in research practice, nor do they address the issue of ethics or values within the policy making process. Though the articles featured in this issue report on both qualitative and quantitative research, in the absence of critical social theory, philosophical or moral considerations, the application of qualitative methods in this context serve an instrumental versus analytical

function. Indeed, in their concluding remarks the authors celebrate mounting “enthusiasm towards reform of drug policy being influenced by scientific evidence as opposed to philosophical ideals or the demands of special interest groups” (p. 424) and position the featured articles as part of the move to provide the necessary evidence base to inform policy changes which can “maximize social welfare” (p. 424). In this sense the understanding of evidence and its role in the policy making process put forth in this special issue is one based more on a notion of objective neutrality and dispassionate decision-making.

This review of how the discourse of evidence-based policy is construed in the editorial pages of the IJDP reveals that while there have been calls to integrate critical social theories and ethical frameworks into this approach, currents of depoliticization persist, where-in evidence is conceived and deployed outside of wider political framings and the social contexts and processes through which it is produced and assessed. In these more traditional rationalist conceptions of evidence-based policy making qualitative methods are divorced from their philosophical foundations and used instrumentally to achieve normative conceptions of social benefit. This a-theoretical conception of evidence and evidence-based policy making stands in stark contrast to the theoretically rich approaches featured in other special issues of this journal.

In the editorial introduction to a special double issue of IJDP published in 2004 guest editors David Moore and Tim Rhodes address the ‘movement to technique’ in qualitative research noting the “increasing separation of qualitative methods from their theoretical frameworks in both health and drug research”

(Moore & Rhodes, 2004, p. 323). The issue is dedicated to bringing social theory back into research on drugs and drug policy, in an attempt to move away from what the editors identify as a procedural emphasis on purposive sampling techniques and triangulation to “reinvigorate the theoretical frameworks that drive drug research, policy and practice” (p.324). The articles featured in this issue draw on a variety of contemporary social theories to inform their analyses of drug policy making and research practice. For example, drawing on the work of Foucault authors Martin and Stenner (2004) perform a discourse analysis on interview transcripts with heroin users, analysing how conceptions of how drug use and harm are constructed in the context of the research interview. From a poststructuralist perspective the authors argue against research that assumes the existence of an objective external reality waiting to be discovered by the application of scientific methods, focusing instead on the process of representation and meaning-making (Martin & Stenner, 2004). In so doing, they situate their work within an intellectual tradition that probes how problems come to be understood in particular ways. The importance of paying attention to how policy problems are constructed is also taken up in a commentary by Kari Lancaster included in the issue (Lancaster, 2014).

In her article Lancaster critiques the focus on evidence-based policy within the field of drug policy from a social constructivist position, asserting that “the social construction account shifts our focus from the inherent value of ‘evidence’ for addressing ‘problems’ to the ways in which policy knowledge is made valid, by whom and in what contexts” (Lancaster, 2014, p. 949). Lancaster’s work builds

on political theorist Carol Bacchi's method of policy analysis called 'What's the Problem Represented to Be' in which problems are not understood to simply exist in the world waiting to be solved through the application of high-quality evidence but are rather actively constructed through particular modes of governance and knowledge systems (Bacchi, 2009). For her part Lancaster asserts that "adopting a social construction perspective means acknowledging that 'policy-relevant knowledge' is not a fixed concept but rather constituted by context, discourse, practices and participants within the policy process" (Lancaster, 2014, p. 950). Here again we see the contested nature of 'evidence' at play in the pages of the IJDP, in this case as seen through a social constructivist lens, a move which shifts the focus of attention from 'problem-solving' to a 'problem-questioning'. In this way, the practice of policy analysis itself shifts away from the development and application of evidence to solve external problems, towards the interrogation of roles, opinions, processes, and problem framings internal to the policy-making process, bringing to light questions about what kinds of knowledges, developed by whom, are deemed relevant to the policy process.

Another methodological theme evident in the editorial pages of IJDP concerns the application of new approaches emanating from science and technology studies, especially Actor-Network Theory (ANT), to the field. The application of these methodologies and philosophical insights was the focus of a 2013 special issue of the journal edited by Cameron Duff (Duff, 2013). In his introduction Duff distinguishes ANT from other theoretically-rich approaches

(e.g., post-structuralism) in its focus on empirical accounts of processes and relations between 'actors' (widely defined). An example of this approach appeared in an earlier issue of IJDP from 2004, in which Dawn Moore uses ANT to develop the concept of 'drugalities' emphasizing the ways in which different classifications of drugs are produced through a dynamic set of relations between pharmacological knowledge and social and cultural meaning (Moore, 2004). Drugs, by Moore's conception are not pre-existing entities, but are the product of a set of relations between actors, including the physical matter of the drug itself (Moore, 2004). In this way, Moore emphasizes the interplay between scientific and social processes and calls into question the idea of an objective evidence-base on which to found drug policy. Indeed, her article concludes with the assertion that "[t]here is no one voice which says, 'this is a drug and this is what it does and this is how we shall respond to it'. The realm of drug control lacks that kind of coherent sovereignty" (p.426). Using language drawn from Bruno Latour, works within this methodological tradition call for a move away from considerations of 'matters of fact' (what is true) to 'matters of concern' (what is important) (Duff, 2013). From a methodological perspective this approach asserts that research processes themselves "play a role in 'inventing', 'enacting', 'speculating' and 'crafting' specific realities" (Duff, 2013, p. 87). So, while an evidence-based policy approach asserts an objective reality which can be acted upon through the application of high-quality evidence, and approaches based on critical social theory assert that evidence making is a political process shaped by

social structures, these approaches go one step further emphasizing the generative capacity of the knowledge creation process itself.

In this section I have reviewed the knowledge practices through which drug policy analysis is understood and practiced in the academic sphere. I have described the currents of evidence-based policy making, with its modern rationalist underpinnings, which persist in the discipline in spite of attempts to weave in ethical considerations and social constructivist approaches, and I have highlighted more recent applications of post-structuralist and ANT approaches in the field. Next, I turn to consider how these knowledge making practices have been deployed in analyses of Canadian cannabis policy.

### **2.1.2 Canadian cannabis policy literature**

In this section of my literature review I investigate knowledge practices and methods of policy analysis as they have been brought to bear on the topic of cannabis policy in Canada. I begin by examining editorials from the International Journal of Drug Policy (IJDP) related to cannabis policy, focusing particular attention on those from the Canadian context. Using these editorials as an entry, I then examine the wider body of literature related to cannabis policy in Canada. In so doing, I examine how the discourses and practices of knowledge production, as identified in the field of drug policy above, have translated to this specific subset of the literature. Throughout, I highlight the people and organizations that play a significant role in structuring the production and circulation of knowledge about cannabis and cannabis policy in Canada.

The history of cannabis regulation in Canada has been a topic of interest within the pages of the IJDP for a number of decades, an interest which predates the most recent move to legalization. An early review article featured in the IJDP and written by researchers from the Canadian Foundation for Drug Policy traces the history of government regulation of cannabis in Canada and provides in depth analyses of influential court cases and changes to criminal policy at play at the turn of the 21<sup>st</sup> century (Erickson & Oscapella, 1999). In the article, authors Patricia G. Erickson and Eugene Oscapella identify a central irrationality in the Canadian approach to cannabis policy in that Canada was both one of the first countries to subject cannabis to criminal prohibition, and one of the first to scrutinize this position as part of a wider 'Commission of Inquiry into the Non-Medical Use of Drugs' (Le Dain Commission) launched in 1969 (Erickson & Oscapella, 1999). The discord between the criminal prohibition of this substance, scientific assessments of the potential harms of its use, and the social costs of enforcement are a central theme within the body of literature describing the history of cannabis regulation in Canada (Erickson, 1976; Erickson, 1998; Erickson & Cheung, 1992; Fischer et al., 2003; Giffen et al., 1991; Hyshka, 2009; Hathaway, 2001; Soloman et al., 1983). In a 2003 article published in the *Canadian Journal of Criminology and Criminal Justice*, researchers affiliated with the University of Toronto and the Centre for Addiction and Mental Health describe the history of cannabis control in Canada from its criminalization in the 1920s through to failed attempts at decriminalization in the early 2000s (Fischer et al., 2003). In the piece the authors assert that the political motivations to

criminalize this substance in 1923 are not entirely clear, noting the influence of both American propaganda and the writings of Emily Murphy, an early drug criminalization campaigner, in the decision (Fischer et al., 2003). The authors further show that early enforcement of the *Opium and Drug Act* (1923) was focused on illicit opiates, with enforcement of cannabis prohibitions “largely neglected” (Fischer et al., 2003, p.269). They further highlight that while the findings of the Le Dain Commission “concluded that criminal prohibition was an excessive, ineffective, and costly tool for controlling cannabis use” (Fischer et al., 2003, p.271) and the years following its publication included significant debate about cannabis policy reform, no regulatory changes were enacted in its wake. In a subsequent article published in the same journal in 2009 Elaine Hyshka expands on Fischer et al.’s writing, updating the historical record up to the late 2000s, a period marked by the failure of proposed legislation to decriminalize cannabis possession (Hyshka, 2009). In it, Hyshka notes that since the 1960s “many health, addictions, and criminal justice experts have criticized cannabis laws as incommensurate to the amount of social and personal harm created by the use of cannabis” (Hyshka, 2009, p.74). However, this expert descent failed to translate into legal reform through the early 2000s. These early writings on the history of Canadian cannabis laws all describe failed attempts to translate evidence – in the form of the findings of government commissions, and expert opinion – into policy. In so doing, they highlight the social and political dynamics of the policy making process, demonstrating how policy making with regards to

drugs is the product of more than just the available evidence related to harms of use.

A shift in the literature is notable in the lead up to, and immediately following, the passing of the Cannabis Act in 2018. At this point the focus of policy analyses assessing cannabis control laws shifts from trying to understand the failure of translating evidence into policy, to trying to generate evidence for policy making (Crepault et al., 2016; Crepault, 2018; Cox, 2018; Crepault et al., 2021; Cyrenne & Shanahan, 2018; Fischer et al., 2016; Fischer, 2017; Fischer et al., 2019; Hammond et al., 2020; Hathaway, 2019; Lake et al., 2019; Room and Ornberg, 2019; Shannahan and Cyrenne, 2021; Stevens and Pacula, 2017; Werb et al., 2010). An IJDP editorial from 2017 titled “Advancing knowledge on cannabis policy using evidence from North America” marks this shift in that it recognizes that “[e]vidence is rarely imported directly into policy in a linear fashion” but goes on to argue that “high quality research is the best way to inform public debate about the process, outcome and impacts of different drug policies” (Stevens & Pacula, 2017, p.36). Indeed, Canadian researchers have offered a burgeoning body of research related to weighing the costs and benefits of different federal and provincial policy options (Cox, 2018; Fischer et al., 2016; Cyrenne and Shanahan, 2018; Watson et al., 2019) and the development of frameworks and indicators to assess the public health outcomes of this policy transition (Hammond et al., 2020; Room and Ornberg, 2019; Lake et al., 2019; Fischer et al., 2019; Cyrenne and Shanahan, 2018; Crepault, 2018). Emanating from an evidence-based policy making tradition this body of literature focuses on

measuring, and in some cases attempting to forecast, the impacts of this policy change on the health and wellbeing of the population as a whole (as an aggregate of individual health impacts), as well as specific groups within it. Much of this literature involves weighing the relative harms of prohibitionist policies with the health and social harms of cannabis use itself (Crepault et al., 2016; Fischer et al., 2019; Lake et al., 2019).

Dr. Benedikt Fischer, a researcher affiliated with the Centre for Addiction and Mental Health (CAMH), has been particularly influential in this work. Fischer is a listed author on a number of articles published in the lead up to the legalization of cannabis, including an IJDP editorial from 2016 which outlines CAMH's Cannabis Policy Framework (Crépault et al., 2016). The editorial describes the framework as one based on the principles of harm reduction and evidence-based policy making. Based on available medical evidence and an evaluation of the harms imposed by criminalization, the authors of the article set out a number of recommendations for a public health-focused regulatory framework (Crépault et al., 2016). In doing so the authors identify two important facts about cannabis-related harm, the first involves the acknowledgement of the "social harms of prohibition" (p. 1) which are experienced unevenly across the population, the second involves the "relatively modest" health risks (p.2) associated with cannabis at the rate it is consumed in the Canadian population. Based on their assessment of the evidence compiled from medical journals, addictions scientists, and the World Health Organization, the authors outline ten policy recommendations included in CAMH's proposed cannabis policy

framework, “modeled after evidence-based alcohol and, to a lesser degree, tobacco policies” (Crépault et al., 2016, p. 2).

Following its publication, this editorial sparked a series of responses between the authors and Dr. Harold Kalant, a researcher in the Department of Pharmacology and Toxicology at the University of Toronto (Fischer et al., 2016; Kalant, 2016b, 2016a). While both authors argue for following an evidence-based policy approach to cannabis law reform, they differ in their interpretation of the available evidence and their assessment of how best to achieve the goal of harm minimization. The Cannabis Policy Framework put forward by CAMH asserts “that legalisation, in conjunction with strict health-focused regulation, appears to be the most effective means of reducing the harms associated with cannabis use” (Crépault et al., 2016, p. 1). Whereas, Kalant asserts that “the claims made against decriminalization and for legalization are unsupported, or even contradicted, by solid evidence” (Kalant, 2016a, p. 5). Taking umbrage with the evidentiary basis of the claims made by Crépault and his colleagues, and their evaluation of the relative harms and benefits of decriminalization versus legalization, Kalant argues for an approach to cannabis policy reform that would decriminalize small amounts of cannabis for personal use while monitoring the effects of legalization in other states and countries.

This debate is similar to one appearing in a previous IJDP editorial published in 2010 (also co-authored by Fischer) titled “Cannabis Policy: Time to move beyond the psychosis debate” (Werb et al., 2010). In the editorial the authors describe a recently published review of “observational research findings

on the potential association between cannabis use and psychosis” (Werb et al., 2010, p. 261). While the authors of the editorial take issue with aspects of this review they find their conclusions – that there may be an association between cannabis use and psychosis, but not necessarily one that is causal in nature – “appropriately cautious” (p.261). The lack of available evidence from randomized control trials (RCTs) is seen by these authors as a key limitation for making more robust claims about cause and effect (Werb et al., 2010). Further, they suggest that given “the practical constraints inherent to conducting an RCT, it may prove impossible to come to a broad consensus on the optimal cannabis policy based primarily on a consideration of many of the health effects potentially associated with the use of this drug” (p.262). In sum, while there is a strong current of the evidence-based policy making approach evident within the literature on Canadian cannabis regulation, there remain significant contestations and debates within it.

The point here is not to weigh in on the relative merits of different policy options (prohibition, decriminalization, or legalization), nor to contest or validate any of the author’s interpretation of the available evidence, but rather to highlight the limited evidentiary-basis for cannabis policy reform in general. In this sense cannabis policy reform pursued through an evidence-based policy framework comes down to a question of how best to act in the face of this scientific uncertainty. Some researchers have responded to the perceived need for an increased evidence-base by developing ‘cannabis policy science’ as a distinct program of research (Stevens & Pacula, 2017). Others, including the authors cited above have instead suggested the need “to refocus the debate on the

health and social effects of policies regulating the use of cannabis, rather than simply focus on the direct health effects of cannabis use” (Werb et al., 2010, p.263). Here we have an echo of a wider impulse within the drug field – a move to consider the impacts of policy, rather than the impacts of drug use itself, in social analyses of drugs. An impulse which, in the Canadian context is perhaps best exemplified in the seminal work by Dr. Catherine Carstairs, *Jailed for Possession: Illegal Drug Use, Regulation and Power in Canada*, which provides a historical overview of the social and health impacts of drug prohibition in Canada (Carstairs, 2017). This is driven, at least in part, by an acknowledgment of the paucity of medical health evidence and differing interpretations of the relative strengths and limitations of what evidence does exist.

The move to assess the social and health impacts of policy approaches (versus drug use itself) is evident within a body of Canadian cannabis research which follows more closely the tradition of critical policy analysis. This body of literature takes up critical social theories in the weighing and generating of evidence and focuses on an analysis of the social dimensions of drug policy rather than the individual health effects of drug use in the weighing of policy options (Adinoff and Reimer, 2019; Crosby, 2019; Gagnon and Guta, 2019; Koutouki & Lofts, 2019; McAleese, 2019; Owusu-Bempah, 2021; Owusu-Bempah & Luscombe, 2021b; Owusu-Bempah & Rehmattullah, 2023; Valleriani et al., 2018; Valleriani et al., 2020; Wiese et al., 2023). It is important to note at the outset that the application of critical social theory in the context of Canadian cannabis policy does not negate the use of evidence in making or evaluating

policy decisions. Indeed, among the group of researchers calling for improved data collection in the context of cannabis policy reform is a subset of critical social research scholars. Akwasi Owusu-Bempah, a researcher out of the University of Toronto Mississauga, figures prominently in this strand of Canadian cannabis policy research. Owusu-Bempah conducts race-based analyses of drug policy and criminalization and is at the leading edge of calling for better data collection and disaggregation of race and class-based metrics to both inform policy development and evaluate its effects. His work is featured in 2021 special issue of the IJDP with an editorial introduction titled “Legal regulation as a human right and public health approach to currently prohibited substances” (Jenkins et al., 2021). His work in the issue is credited with introducing “race into the drug policy discussion” (Jenkins et al., 2021, p. 1). In their research article Owusu-Bempah and co-author Alexander Luscombe present findings from a review of cannabis arrest data in five Canadian cities which demonstrate “clear disparities in cannabis possession arrests by race across Canada” (Owusu-Bempah & Luscombe, 2021, p. 91). The research fills a gap in the Canadian context on race-based outcomes of cannabis prohibition (though such research has been available for some time in the United States). The authors argue that a lack of data related to the impacts of this drug policy has influenced a lack of attention to issues of reparations and social justice within the process of legalization and further serves to obscure the potential ongoing race-based disparities of the new framework, which in fact includes “*more, and some much harsher, laws* surrounding the drug than there were under prohibition” (Owusu-Bempah &

Luscombe, 2021, p. 97). Here we see the bridging of evidence-based policy with critical social analyses of race and race-based impacts of specific drug policies and regulations, versus a more medicalized focus on the health impacts of drug use itself.

This stream of the literature also includes analyses of the intersection of cannabis legalization and Indigenous rights and sovereignty. For example, a 2019 article by Konstatia Koutouki and Kristy Lofts published in the *Alberta Law Review* provides a legal analysis of some of the shortcomings of the current regulatory regime for cannabis “both in terms of the lack of consultation with Indigenous communities, as well as in terms of the substantive provisions – and omissions – in the legislation itself” (Koutouki & Lofts, 2019, p. 727). In a similar vein, in an article published the same year in *Canadian Public Administration* Andrew Crosby examines “Indigenous jurisdictional contestations within the new regulatory framework” (Crosby, 2019, p. 634) highlighting the implications of Indigenous Nations assertions of sovereignty over cannabis regulation and distribution in their territories for the wider project of reconciliation. By bringing attention to the structural injustices within the policy process and the implications of the new regulations for wider social movements these works provide an important counterpoint to an approach to evidence-based policy making which privileges medical methodologies and health assessments. One that, as Philippe Bourgois aptly describes it, is focused on “asking compartmentalized questions about minutely-dissected individual risk behaviours outside of their social context” (Bourgois, 2002, p. 267). While this strand of Canadian cannabis policy literature

offers a critical social analysis, bringing issues of justice and structures of oppression into view, it remains firmly planted within a more traditional rationalist theoretical frame focused on understanding an external reality which can be objectively known, though this reality is understood to be made up of more nuanced social parts.

Within the literature on Canadian cannabis policy there is an emerging body of more conceptual and theoretical literature, which aims to understand the processes by which certain realities are ‘constructed’ or ‘construed’ versus understanding a singular reality’s objective nature (Asbridge et al., 2016; Brochu et al., 2018; Capler et al., 2017; Carter, 2009; Cormack & Cosgrave, 2022; Gagnon et al., 2020; Haines-Saah et al., 2014; Hathaway et al., 2007; Hathaway & Rossiter, 2007; Penn, 2014; Muller, 2019; Valleriani, 2018; Wheeldon & Heidt, 2023). This includes a number of works written about the early medical cannabis dispensary movement (Capler et al., 2017; Hathaway & Rossiter, 2007; Penn, 2014; Valleriani, 2018) and public views and attitudes towards the substance (Asbridge et al., 2016; Carter, 2009; Gagnon et al., 2020; Hathaway et al., 2007; Haines-Saah et al., 2014; Wheeldon & Heidt, 2023). Literature on the early medical cannabis dispensary movement highlights the role these spaces played both in prompting regulatory changes to cannabis and in providing community and social supports for cannabis users, applying concepts of embodied health movements (Penn, 2014), and social capital (Hathaway & Rossiter, 2007) to this assessment. Literature related to public attitudes and perceptions of cannabis has tended to focus on questions of ‘normalization’ and ‘stigmatization’. An

example of this can be found in a 2013 article by Rebecca Haines-Saah and others which looks at the privileged normalization of marijuana use in the media between 1997 and 2007 (Haines-Saah et al., 2014). In the article the authors apply Paul Manning's theory of the symbolic framing of drug use in the media to analyse portrayals of cannabis use and cannabis users appearing in Canadian newspapers around the turn of the 21<sup>st</sup> century, in the lead up to legalization. Based on an assessment of English-language media the authors argue that within Canadian newspaper reporting at the time, cannabis use was "framed as morally permissible only for those with power and social status" (p.59) identifying a symbolic frame of "privileged normalization" through which those without social privilege are selectively stigmatized for their cannabis use. Here we see not an assessment of, or an attempt to generate 'evidence' for rationalist or technocratic policy-making, but rather an attempt to understand and unpack the social meanings of cannabis use, and how perceptions of it are shaped by and reflected in media portrayals. Such an analysis brings attention to the ways in which attitudes towards drug use are shaped, attitudes which are then understood to influence the development and interpretation of evidence in the policy-making process.

The social meaning of drugs and drug use is also an important component of Dawn Moore's analysis of the different personalities of drugs, or as she calls them: 'drugalities' (Moore, 2004). As described above, applying concepts and methods drawn from Bruno Latour's Actor-Network Theory, Moore develops her concept of 'drugalities' as based both on their material basis (or pharmacological

properties) and their social meanings and deploys this concept as a means of understanding and analysing the differential criminal-legal interventions applied to various substances (Moore, 2004). In this way, Moore argues that the pharmacological properties of drugs, and how they are known and understood through available scientific and medical discourses (e.g., the length and nature of a 'high') together with their social characteristics (e.g., who the primary users are, and the social contexts in which the drugs circulate) serve to construct their specific personalities or 'drugalities' which are then subject to differential legal interventions (Moore, 2004). For cannabis, scientific and medically produced understandings of its relatively passive and short-lived high, and its association with more middle-class white users, are both part of how it has come to be understood as a 'relatively harmless' substance subject to fewer legal sanctions and interventions (Moore, 2007). To my knowledge, Moore's work stands alone in its deployment of Actor-Network Theory in the analysis of Canadian cannabis prohibition.

In this section of my literature review I have examined how knowledge about cannabis policy in Canada has been produced, assessing the currents of evidence-based policy making, critical social analyses, and how social constructivism and New Materialism have been applied to this specific area of the drug policy field. I have shown how early descriptive accounts of cannabis policy debates and failed attempts at regulatory reform reveal some central irrationalities of the drug policy making process, while more recent work following an evidence-based policy making approach includes contestations and debates

about interpretation of available evidence. Further analyses of the move to legalization which apply more critical social theories to the interpretation of evidence demonstrate the ongoing racial disparities in the distribution of the harms and benefits of this policy move, and highlight the implications of this change for state-led reconciliation efforts and the assertion of Indigenous sovereignty. Finally, within the body of social constructivist and New Materialist informed analyses I have demonstrated how the social understandings of cannabis, together with its material pharmacological properties are understood to influence its regulation and the severity and focus of prohibitions (both social and legal) against it. In the next section of writing, I describe how the findings of this literature review have informed my decisions around how to pursue this research.

### **2.1.3 Situating my study in the literature on drugs and cannabis**

Much has already been written about Canada's approach to cannabis policy reform (Childs & Stevens, 2019; Myran et al., 2021; Pusiak et al., 2021; Wesley, 2019; Wesley & Murray, 2021; Wesley & Salomons, 2019; Train & Snow, 2019). Focusing on the dynamics of public decision making, and the assessment of policy impacts, these works variously consider the inherent tensions in providing a government supply of 'sensitive goods' (Wesley & Murray, 2021), the efficacy of quality control measures put in place to ensure consumer safety (Pusiak et al., 2021), the distribution of cannabis retail outlets (Myran et al., 2021), how the federal policy was implemented at the provincial/territorial level (Wesley & Salomons, 2019; Train & Snow, 2019), and the systems of taxation applied to this newly legal industry (Childs & Stevens, 2019).

Central concerns guiding these works include how the state can or should compete with established cannabis producers and distributors, and how the administrative processes of government have operated to support the implementation of this policy decision. Other public health-oriented studies have focused on weighing the relative merits of different policy options based on their potential health effects (Crépault, 2018; Crépault et al., 2016; Fischer, 2017; Fischer et al., 2016) or establishing frameworks and monitoring programs to assess ongoing impacts of legalization (Fischer et al., 2019; Hammond et al., 2020;). There is also a relatively rich tradition of critical social analyses that is evident or emerging in the context of Canada's transition to legal cannabis (Crosby, 2019; Koutouki & Lofts, 2019; Owusu-Bempah, 2021; Owusu-Bempah & Luscombe, 2021; Owusu-Bempah & Rehmattulah, 2023; Valleriani et al., 2020; Wiese et al., 2023;). These studies probe the social justice implications of the move to legalization, assessing the ongoing criminalization of racialized communities in the context of this policy change (Owusu-Bempah & Rehmattulah, 2023; Wiese et al., 2023) and the failure of the state to consider the needs and interest of Indigenous communities in the crafting of this policy (Crosby, 2019; Koutouki & Lofts, 2019). These works provide an important intervention into the knowledge making practices that still dominate this field of study, practices which focus on individualized health effects and the machinery of government. Still more studies have followed a theoretically driven social constructivist mode of analysis to examine the social meanings underlying the regulation of cannabis in Canada (Cormack & Cosgrave, 2022; Gagnon et al.,

2020; Haines-Saah et al., 2014 Valleriani, 2020). With the exception of Dawn Moore's analysis of cannabis in her book *Criminal Artefacts* (Moore, 2007), which expands her work on 'drugalities' first published in the IJDP (Moore, 2004), studies following a New Materialist mode of inquiry, are lacking in this specific area of drug policy literature. So too, are studies that follow an institutional ethnographic mode of inquiry.

Many leading researchers posit that Canada is embarking on a 'natural experiment' in pursuing cannabis legalization (Crépault et al., 2016). With evidence still being actively pursued and constructed for the purposes of policy analysis and weighing the relative costs and benefits of this approach, Institutional Ethnography and New Materialist methodologies can offer an important lens through which to examine how these processes are being organized from the standpoint of people who use cannabis. There is no doubt important work to undertake in the emerging field of cannabis policy science, probing discrete questions about the health and social effects of cannabis use, and this work is underway. However, such a major policy transition should also be subject to analyses of the kinds of realities that are being brought into being through the process, including new materializations of cannabis. These are the kinds of analyses that New Materialist approaches can offer, though we have yet to see them applied to this context in a significant or sustained fashion. We have much to learn about the new worlds of legal cannabis in Canada, including knowledge that cannot be derived from scientific inquiry alone. This is a gap I hope to fill through the present study. In the following section I describe my

approach to this research, what I term a new-materialist informed Institutional Ethnography, in more depth.

## **2.2 Re-materializing “The everyday world as problematic”**

My approach to this study is one I describe as a New Materialist informed Institutional Ethnography. While there is some precedent for blending these approaches (Corman & Barron, 2017; Taylor & Fairchild, 2020; Tummons, 2018), debates persist within the field about whether and how best to do so (McCoy, 2017). Thus, there remains much to be explored in how these two theoretically-informed modes of knowledge production might be brought together. In this chapter of I lay out how I blended these approaches in pursuing this inquiry, drawing primarily from Dorothy Smith’s writing on Institutional Ethnography and Karan Barad and Bruno Latour’s foundational work in the field of New Materialism. I contend that following a New Materialist institutional ethnographic mode of inquiry offers a means of surfacing new insights about the process of cannabis legalization in Canada and how cannabis is being materialized in the province of Ontario. To begin, I will introduce what I mean by a New Materialist informed Institutional Ethnography before attempting to deploy it.

### **2.2.1 Institutional Ethnography as a mode of inquiry**

Following an institutional ethnographic mode of inquiry my research has been a process of tracing the social relations of cannabis from the standpoint of those accessing cannabis within Ontario; the largest of Canada’s provincial retail markets, constituting nearly 40% of the total value of cannabis sold in the country

in 2022-2023 (Statistics Canada, 2024). The mode of inquiry known as Institutional Ethnography was developed as an 'alternative sociology' by Dorothy Smith in the 1970s and 80s (Talbot, 2020; Luken & Vaughan, 2021). The phrase used in the opening of this chapter – “the everyday world as problematic” – is drawn from the title of Smith’s foundational 1987 text (Smith, 1987) and encapsulates many of the core principles of this methodology. As conceived by Smith, Institutional Ethnography takes as its starting point some part of the everyday world and people’s activities in it ('actual goings on') to formulate a research 'problematic' (Smith, 2005). Built around a specific theory of knowing and unique social ontology (Luken & Vaughan, 2021) the research process involves engaging people in conversations and observing people’s practices to “reveal troubles arising in (or conflicts between) authorized and experiential knowledge” (Rankin, 2017b, p. 3). Following this mode of inquiry researchers seek to explicate how systems and institutions come to operate as they do through the coordinated action of people, paying particular attention to the role of texts in organizing social relations. The intent of this mode of inquiry is to illuminate the processes through which people’s activities are coordinated across local settings (Smith, 2005) and in ways that may be at odds with the interests of the people in that setting (Smith & Griffith, 2022).

Smith traces the origins of her alternative sociology to “the women’s movement’s discovery that as women we had been living in an intellectual, cultural, and political world, from whose making we had been almost entirely excluded and in which we had been recognized as no more than marginal

voices” (Smith, 1987, p. 1). From this understanding came Smith began to develop an approach to social inquiry based on the understanding that “people’s experiences, and activities should always be the point of entry to these investigations” (De Vault, 2021, p.21). Smith’s early applications of this mode of inquiry focused on illuminating aspects of her own lived experience as a woman, an academic, a mother, and a feminist organizer (Smith, 1999). At different turns she sought to understand how traditional (male-stream) sociology eclipsed the standpoint of women (Smith, 1987), how mothering work was both essential to, and rendered invisible within, educational spaces (Smith, 1999) and what kinds of knowledge could best support the work of feminist and other social justice organizing movements (Smith, 2005). Students of Smith, studying at the University of Toronto and later the Ontario Institute for Studies in Education (OISE), took up this mode of inquiry to investigate the social organization of knowledge, nursing work, and to support the political work of the AIDS movement (Luken & Vaughan, 2021, p.3).

Institutional Ethnography has since been applied to different institutional settings, most notably in health, education, and social service sectors (Griffith & Smith, 2018), where it is deployed to explore “how things are being put together by workers at the frontline” (Talbot, 2020, p.692). In Canada, there is a rich tradition of institutional ethnographic inquiry being pursued in both the medical and public health fields (Armstrong et al., 2020; Comer, 2023; Mykhalovskiy & Namaste, 2019; Rankin & Campbell, 2009; Webster, 2020). Recent work has also brought Institutional Ethnography into the field of criminal justice (Doll &

Walby, 2019), youth work (Nichols, 2018), and environmental policy making (Eastwood, 2021). From early in its development Institutional Ethnography was put to use by activist researchers in social organizing movements as a means of generating knowledge for, rather than about, movements for social justice.

George Smith, who studied under but is unrelated to Dorothy Smith, described the origins of this what has come to be known as Political Activist Ethnography in his 1990 essay 'Political Activist as Ethnographer' (Smith, 1990). A distinct, but related, form of inquiry political activist ethnography takes as its starting point "moments and places of direct struggle to reveal how ruling regimes are organized so activists can fight them" (Doll et al., 2024, p.4). Scholars have now taken this form of inquiry into new terrain, generating knowledge in service of local environmental movements, international social justice organizing, and Indigenous rights activism (Doll et al., 2024).

While I am inspired by the political motivations of political activist inquiry, my own study remains more closely linked to a traditional institutional ethnographic approach. My research does, however, bring this powerful mode of inquiry to bear in a new empirical terrain – that of for-profit business and commerce. To date, there have been few applications of Institutional Ethnography within commercial settings and industries. Notably, Ferdinands et al. (2022) undertook an Institutional Ethnography of the fashion and media industries and the effects on young women's 'weight work'; Grace et al. (2016) have provide an Institutional Ethnography of alcohol licensing systems in the UK; King (2009) has followed this methodology in the context of development studies

and the commercialization of conservation activities in South Africa; Koch & Sprague (2014) have developed an Institutional Ethnography of grocery shopping; and Tarjem et al. (2023) have deployed the method in studying crop breeding practices. Building on the entrances already made by the authors cited above, my work builds on Institutional Ethnography's intellectual lineage and charts new territory for its deployment. In this sense, I hope to contribute to an expansion of the field which has been called for (cautiously) by established I.E. scholars such as Liza McCoy (McCoy, 2021, p.44). In what follows I lay out some key principles of Institutional Ethnography and how I have worked with them in the context of my research.

Perhaps the most unique feature of Institutional Ethnography is that, unlike in mainstream modes of sociology, researchers using Institutional Ethnography do not aim to theorize people's lives, nor do they seek to build theories about a social world from which they are conceived to be apart. Indeed, this sociological tradition is critical of modes of inquiry which lead to abstractions of people's lives and institutional ethnographers are instructed to unpack, rather than take for granted, established analytical concepts within the field (De Vault, 2013). This form of research is predicated upon the researchers own position within, and ongoing engagement in, a social world that is actively being put together around them and of which they too are an active participant. Often this means taking as an empirical focus some part of the social world and engaging with members of a community with which researchers are already embedded or have relationships. While Institutional Ethnography eschews the process of

abstraction that lies at the heart of theory-building “it does not proceed without theory” (Smith, 2005, p. 50). In fact, a key principle of Institutional Ethnography is that researchers using this mode of inquiry must be committed to “certain theorized practices of looking at the actualities of everyday life” (Campbell & Gregor, 2004, p. 17). While Institutional Ethnography researchers are advised to avoid imposing a theoretical framework onto an inquiry (a tendency Smith identified as problematic within mainstream sociology), Institutional Ethnography is built on a particular conception of ‘the social’; both how it comes to be and how we can come to know about it. In this sense the theoretical foundation of Institutional Ethnography has been described by some as onto-epistemological (Talbot, 2020), as it is premised on a specific view of both the nature of reality and the nature of knowledge which are understood to be intimately interconnected. In this sense the research proceeds not as a process of extracting data from an empirical domain, but rather as engaging in the social world and the knowledge processes that are intrinsic to its internal constitution and how it is brought into being. Knowledge is not derived from the world, rather how knowledge is produced and circulates is itself a part of what is to be studied.

The onto-epistemological foundation of Institutional Ethnography is expressed in Smith’s conception of ‘social ontology’. In her 2005 text *Institutional ethnography: A sociology for people* Smith spells out this ‘social ontology’, describing it as a foundational “theory of how the social is real” (2005, p. 70). At the basis of Smith’s theory of the social lies a vision of reality, an ontology, that begins in the activities of actual people as they are carried out within particular

material contexts and, importantly, includes the processes through which those activities are coordinated across specific locales (Smith, 2005). The social, in Smith's conception is neither monolithic nor static, it is continually being brought into being by the activities of people which, though coordinated, are not homogenous. Thus, the social does not exist as a realm outside of people's knowledge about, or engagement in it, but rather is itself constituted out of these processes. Furthermore, this conception of the social collapses the division between a knowing subject and a known object of research, locating the knower as already and always fundamentally part of the social world being investigated (Smith, 2005). From this ontological position the world is to be understood from within embodied experience, as Smith writes: "the embodied knower begins in her experience" (Smith, 2005, p. 24). This introduces another core feature of Institutional Ethnography, the concept of 'standpoint'.

That the social world comes to be and is knowable through people's actual embodied activities requires that researchers ground their inquiry in "a standpoint in people's everyday lives" (Smith, 2005, p. 10). Importantly, Smith's conception of standpoint differs from that articulated in feminist standpoint theory (Smith, 2005), in that it is not a privileged perspective from which to more accurately theorize the social world, but rather a specific position from which the social world is uniquely experienced and can be uniquely observed. In line with the ontological basis of this mode of inquiry, standpoint within Institutional Ethnography is understood not as an abstracted viewpoint, but as substantive material position from which people undertake activity in ways that are linked up

with others in specific ways. In this way Institutional Ethnography researchers are advised to ground their inquiry in a particular standpoint, and to engage with people and observe processes as they are happening in that particular location. Out of this inquiry Institutional Ethnography researchers create an “ethnographic account” (Smith & Griffith, 2022, p. 15) of what is happening, which includes both empirical description and analysis of the ways in which people’s activities are coordinated with the activities of others through objectified social relations, known in the lexicon of Institutional Ethnography as ‘ruling relations’ (Smith, 1999).

Within Institutional Ethnography ruling relations are conceived as a specific kind of social relation. They are differentiated and identified by their role in organizing people’s activities across local settings (Rankin, 2017b). From a methodological perspective ruling relations are understood to be discoverable through governing texts, as it is through these texts that ruling relations circulate and are taken up by people in the coordination of their activities (Talbot, 2020). Within Institutional Ethnography ‘texts’ are defined generously encompassing all material objects that “are replicated and circulated across time and location” (Rankin, 2017b, p.2). Because texts are key to the coordination of people’s activities and work practices it is through people’s engagement with them that ruling relations become discoverable. As Janet Rankin writes:

often vested in people’s work with texts, ruling relations are activities of governing that depend on selecting, categorizing, and/or objectifying aspects of the social world in order to develop facts and knowledge upon which to base decisions. Ruling relations activate practices of knowledge that subsume how a problem is known about and experienced from the standpoint location (Rankin, 2017a, p. 3).

It is this power of texts – brought into being through inter-actions with people – and their lived impacts that are of particular concern in undertaking an Institutional Ethnography. In this way, Institutional Ethnography researchers are directed to pay close attention to the disjuncture experienced by people as they carry out activities and engage in the coordination of the social world in ways that do not necessarily serve their interests and to inquire as to how it is that these experiences have come to be.

The empirical basis of Institutional Ethnography, the actual activities of people, is captured in the word ‘work’, conceived as “anything that people may be doing that they mean to do and that takes time and bodily effort” (Smith & Griffith, 2022, p.30). Thus, Institutional Ethnography proceeds by investigating the work of actual people, what it is that they do (including, and importantly, their engagement with texts), as a means of discovering the ruling relations through which people’s activities are coordinated, especially in ways that may be against their interests. Practically, this knowledge can then be put to use by people in navigating, resisting, and transforming the ruling relations which were once obscured to them.

Institutional ethnography, as described above, offers a grounding and orientation to my inquiry into cannabis legalization in Canada. I take as my starting point the standpoint of people who use cannabis and the work they do to access it in a variety of settings and through a variety of means, including purchases in authorized retail locations and medical sales channels, through gifting in local community spaces and social networks, and through at-home

cultivation. It is the changes brought by the new regulatory landscape, and what these changes reveal about operative ruling relations organizing this work from afar, that are of particular interest to me. While authorized retail locations are perhaps the most obvious change brought by legalization, more subtle changes are also evident in the long-standing practices of gift giving and home cultivation, as I will show in the coming chapters.

The work (actual doings of people) that my inquiry centers on is that of accessing cannabis. However, rarely does this work stand alone; it is intimately connected to, and bound up within, the work of retailing and distribution, processing and production, as well as marketing and knowledge exchange. While home cultivation practices are somewhat of an exception, in that they can but do not necessarily take place in a more closed system, they too often rely on relations with retailers for seed or clone purchases and require access to specific knowledge regarding growing and processing practices. How I, as someone who uses cannabis, gain access to, select, and become knowledgeable about its particular formulations and products is dependent on the work of others. Both moments of exchange in retail spaces (online and in-person) and moments of gifting and sharing in community spaces hold the traces of ruling relations which I seek to explore. Home growing practices, too, come into view in that they serve both as a point of access unto themselves and can also be connected to retail transactions and gifting practices.

At a macro level mine is a study of the workings of capitalism and the process of commercialization as it is being brought to bear on one species of

plant *Cannabis Sativa*. Importantly this classification of the material basis of my inquiry includes both intoxicating and non-intoxicating varieties of the plant. While my research centres upon *Cannabis Sativa*, plants bred for their intoxicating effects as well as the products which are manufactured and sold for this purpose, how these distinctions come to be made, and the effects that they have on availability of products to users are also part of my inquiry and so not taken as given at this early juncture. While my research puts Institutional Ethnography to work in a new empirical terrain, that of for-profit business and commerce, it is important to note that Smith's conception of Institutional Ethnography is not without considerations of capitalism, and her development of Institutional Ethnography has been tied to "her early reading of Marx" (Talbot, 2020, p. 693). Though inspired by Marx and Engels' critique of social scientific thought and their shift to examine the lives of actual people and the "relations that overpower [them]" (Smith & Griffith, 2022, p.50), her methodology was not focused primarily on monetary relations and bringing this mode of inquiry into a commercial industry setting poses some particular challenges.

Firstly, this setting is arguably more dispersed than that of the highly regulated workplaces (e.g., schools, nursing homes, hospitals) in which Institutional Ethnography is typically deployed. Further, as described in my literature review above (chapter 2.1), there exist few investigations of the inner workings of the legal cannabis market given its relatively recent development. Thus, my research is an early exploration of the field. As such, the potential scope of my inquiry is vast, encompassing a wide array of potential sites from

farms, to labs, to retail shops, and community spaces. To adapt to these challenges in practical terms, I have had to take a selected view of this terrain, not attempting to describe it in entirety (an empirical impossibility). Rather I seek to illuminate specific disjuncts between the knowledge of people accessing cannabis and authorized accounts of legalization in the workings of the legal industry. From here I will explicate how these experiences of discord are organized; how it is they come to be. While the standpoint of my inquiry is to be found in the spaces and moments in which users come to access cannabis, I trace the ruling relations apparent in these moments through the networks of actors and spaces that are present in their coordination.

A second challenge arises in relation to accessing specific written texts for the purposes of this research. While there are important governing texts that organize relations of cannabis access (e.g., the federal Cannabis Act and provincial Cannabis Control Act) that are easily accessible, other kinds of texts (e.g., corporate business reports) are not all publicly available nor are they widely distributed. Helpfully, in the province of Ontario wholesale distribution is under the monopoly of a single crown corporation whose corporate procurement and pricing practices are made publicly available through the 'Doing Business with the OCS' website. Where applicable I have looked up corporate reports available for publicly traded companies as well as the reports and texts generated by intermediary companies (e.g., the Canadian Cannabis Exchange) which were noted by participants in research interviews. Though texts do remain an important basis for my research, I also wish to consider the role that cannabis

itself plays in the coordination of social relations and work practices. It is this desire which has led me to draw from New Materialist modes of inquiry in developing my approach to this research. While this formulation of Institutional Ethnography is relatively new to the field I am not the first researcher to bridge these two modes of inquiry. Below I describe my understanding of New Materialist methodologies and explore some of the early work linking these methodologies with Institutional Ethnography, before describing how I have brought them to bear in this inquiry.

### **2.2.2 New Materialist Approaches to Inquiry**

In their introduction to the edited collection *New Materialisms Ontology, Agency, and Politics* (2010) Diana Coole and Samantha Frost describe 'New Materialisms' as an intellectual movement aimed at refocusing attention on matter and processes of materialization (Coole & Frost, 2010). Drawing on developments in theoretical physics, the approach to thinking about matter apparent within this intellectual tradition departs from previous modernist conceptions in that in these 'new' conceptions matter is understood as dynamic and active, and agency is attributed to other-than human beings (Coole & Frost, 2010). Further, in this emerging field of inquiry, the focus of analytical attention is widened from the explicitly human-centered focus of post-structuralism to attend to both human and non-human relations, with the latter theorized as performing its own agency (Barad, 2003; Latour, 2005). The process of knowledge creation itself is understood as a generative act, not simply describing the world or explaining it, but rather enacting it (Law, 2004; Law & Urry, 2004). Thus, the

focus within these methodologies is not to represent the world (Vannini, 2015; Barad, 2003) but rather to enact it responsibly (Law, 2004). Within this process of knowledge generation and world building affect is further theorized as a critical non-cognitive, relational force (Buser, 2014). As such, New Materialist methodologies and the researchers who employ them are “interested not only in understanding the interaction between matter and the social world, but also in shaping it and critiquing its abuses” (Develennes & Dillet, 2018, p.1). These approaches are only just beginning to be brought into conversation with the institutional ethnographic mode of inquiry described above. Early work in this vein includes that by Taylor and Fairchild (2020) and Talbot (2020) each of which are described below.

Carol Taylor and Nikki Fairchild first articulated what they call posthumanist Institutional Ethnography in their article “Towards a posthumanist Institutional Ethnography: viscous matterings and gendered bodies” (2020). Here the authors posit posthumanism as “a heterogeneous terrain of ideas, concepts, theories, frameworks, and practices” brought together by a shared interest in unsettling the category of human, moving away from individualist notions of ‘man’, widening the field of knowledge practices, and breaking down binary categories (e.g., human/nature, nature/culture). According to these authors the development of this particular strand of institutional ethnographic research is premised on a two-fold rationale. Firstly, they sought to better account for the productive power of “other-than-human objects, bodies and forces” in coordinating institutional relations (Taylor & Fairchild, 2020, p. 509). Drawing on

data from two previous studies they use the examples of dirt in institutional cleaning work and instructional play materials in early childhood education centres as examples of 'other-than-human' objects which help produce particular gendered social relations within specific institutional arrangements (Taylor & Fairchild, 2020). Secondly, they wish to attune Institutional Ethnography researchers to "better notice and attend to ephemeral, happenstance events which often escape notice" (Taylor & Fairchild, 2020, p. 509).

In demonstrating this analytical attunement, they structure their empirical descriptions around a set of 'material moments' that are written up in text and illustrated with labelled photographs. In their approach each 'material moment' is selected for analytical attention based on a felt resonance rather than a system of coding by theme. The first series of materials moments, labelled 'matter in and out of place' presents three photographs taken of moments in which different forms of matter (dirt, tools, and storage bins) assert agency in the coordination of social relations, for instance a clump of dirt clogging a vacuum cleaner and requiring the intervention of a supervisor. Their analysis then centers on uncovering the ruling relations imminent in these moments, describing how gendered social relations in workplaces come to be through interactions between people and objects which mark certain bodies and certain things as in or out of place.

While Taylor and Fairchild's analysis focuses specifically on gendered inequalities within educational spaces my application of this formulation of Institutional Ethnography extends it into new institutional (commercial) settings.

My rationale for pursuing this formulation of Institutional Ethnography is similarly two-fold. Firstly, I wish to better account for the cannabis plant itself, attending to its various materializations as I encounter them through the course of my research. Secondly, the methodological focus on events – specific moments in which social relations are demonstrably apparent in their material and discursive configurations – is particularly well suited to an empirical terrain which is diffuse in nature, as is the terrain of my research. As described above, unlike some of the more traditional institutional settings in which Institutional Ethnography is deployed (notably education and health care workplaces) the commercial industry of cannabis is less centrally organized and situated, and includes a diverse variety of material sites. Attuning to events allows my research to traverse across material settings (e.g., production spaces, retail spaces, community gatherings) while retaining the necessary grounding in an actual empirical position, that of people as they come to access cannabis.

In Taylor and Fairchild's conception of posthumanist Institutional Ethnography the material spaces and the human and non-human actors that take part in them are understood as an institutional assemblage. Drawing on Deleuze and Guattari's concept of assemblage (Deleuze et al., 2008) the authors describe institutional assemblages as "collections of heterogenous bodies – human and nonhuman, social, material, abstract and physical – which emerge and come into relations around particular events" (Taylor & Fairchild, 2020, p. 520). By working with this conception of institutions – understood as assemblages emerging in particular moments of relation between human and non-human bodies and

objects – I am offered a way of seeing the cannabis industry as emerging within the moments in which people come to access and interact with cannabis. Thus, my research homes in on specific moments in which the institutional assemblage of the cannabis industry emerges in relations between people and cannabis at material points of access.

Importantly, within this mode of inquiry the identification of such moments is not simply seen as a practice of representing objective reality, but rather as an active analytical process through which researchers are entangled with the “phenomena produced by the cuts we make” (Taylor & Fairchild, 2020). As such, my selection of these moments is guided by my political commitment to make the legal cannabis industry and the changes to the social relations of cannabis under the new regulatory framework more discernable to users. My intent in doing so is not to produce more conscious cannabis consumers in the sense of facilitating people’s ability to more intentionally select between products or means of access. Fundamentally my intent is to facilitate more in-depth considerations of how certain products and particular points of access come into being. In doing so, I also wish to make visible the work that people who use cannabis are doing to keep particular formulations and points of access open outside the dominant regulatory system organized around a capitalist supply chain.

In pursuing this line of inquiry, I draw inspiration and guidance from Debra Talbot’s 2020 article “Institutional ethnography and the materiality of affect: Affective circuits as indicators of other possibilities” in which she “revisit[s] empirical data from a longitudinal, multi-phased research project to explore the

role of affect in coordinating the frontline work of teachers” (Talbot, 2020, p. 692). Drawing on the writings of Sara Ahmed, Talbot employs an understanding of affect “as something ‘sticky’, as something integral to ‘how we are touched by what we are near’” (Ahmed 2010 quoted in Talbot 2020, p. 693). She further contends that while traditional Institutional Ethnography researchers are trained to “listen for the influence of governing texts to work out ‘how it is’, that is, how things are being put together by workers at the frontline” (Talbot, 2020, p. 692) “consideration of affect gives us clues as to how is can be otherwise” (Talbot, 2020, p. 705). Importantly, in this view possibilities for how things can be put together otherwise already exist in the material world (even if only in part) and are traceable through the actions of workers. By paying attention to affect, in particular utopic moments and moments of boredom, Talbot suggests that researchers are better positioned to notice “spaces and gaps for other possibilities [that] are revealed as they are happening at the frontline” (Talbot, 2020, p. 695). Putting affect to work in my own research has meant paying attention to the affective resonances (both my own and those discernable in my interview participants and people within my observational field) that have materialized over the course of my research. Above, I have described how I understand Institutional Ethnography, and New Materialist and post-humanist methodologies, elucidating some of the ways I conceive of putting them into practice in this work. Below I offer further insights into how I understand the compatibilities and tensions between these different theoretical ways of seeing,

drawing from the literature and considering how they emerge in the context of this research.

### **2.2.3 Charting the (in)compatibilities of my research approach**

Within the literature on Institutional Ethnography some consideration has already been given to the interplay between this mode of inquiry and Actor Network Theory (ANT) as articulated by Bruno Latour (Corman & Barron, 2018; McCoy, 2021; Tummons, 2018). While some have described these two modes of inquiry as ‘compatible’ (Tummons, 2018), and others have actively practiced bringing them together in their study designs (Corman & Barron, 2018), some remain sceptical of the necessity to import new theories and practices into this established field (McCoy, 2021). Recognizing the importance of grounding my own inquiry in “a strong understanding of what is already in IE’s cupboard” (McCoy, 2021) I understand my own approach to be one of a New Materialist *informed* Institutional Ethnography, firmly grounding my theoretical foundation and research practices within the tools and approaches of Institutional Ethnography and inflecting them with some of the new understandings and considerations being brought to the fore through the material turn in the social sciences. In this sense, I hope to take a cue from Coole and Frost’s description of New Materialism as best understood as a “renewed materialism” (Coole & Frost, 2010, p. 4) in renewing the materialism that lies at the heart of Institutional Ethnography. Below I describe the tensions and considerations that have emerged in this pursuit, some of which have previously been described in the literature.

To begin, the focus on the interplay between people and texts within Institutional Ethnography serves as an entry point for considering the performative power of non-human entities in the putting together of the social world (Talbot, 2020). As originally conceived, it is through people's engagement with texts, in sequences known as text-reader conversations, that the performative power of texts is enlivened (Smith, 2005). This text, as understood within Institutional Ethnography, "is not passive" (Smith & Griffith, 2022, p.35). This view of texts as active within the work processes of people aligns well with the understanding of agency put forward in New Materialist modes of inquiry. As described by Karen Barad:

Agency is a matter of intra-acting; it is an enactment, not something that someone or something has. Agency cannot be designated as an attribute of "subjects" or "objects" (as they do not preexist as such). Agency is not an attribute whatsoever – it is a "doing"/ "being" in its intra-activity. (Barad, 2003, pp. 825–826)

Taking my inspiration from both the text-reader conversations that already lay at the heart of Institutional Ethnography, and the view of agency foundational to New Materialist modes of inquiry my research attends to the intra-actions between cannabis, regulation, and people.

Similarly, Institutional Ethnography's focus on the ongoing happenings of institutions merges well with the conception of matter as materialization which is also foundational within New Materialism. Again, as described by Karen Barad:

On an agential realist account, matter does not refer to a fixed substance; rather, matter is substance in its intra-active becoming—not a thing, but a doing, a congealing of agency...That is, matter refers

to the materiality/materialization of phenomena, not to an inherent fixed property of abstract independently existing objects (Barad, 2003, p. 822).

Accounting for a concept of matter as not fixed object but as a process of materialization, in my research I consider and attend to specific materializations of cannabis as they are being brought into being within the current regulatory environment. Through this view I am able to consider multiple materializations of cannabis as produced through the intra-action of plants, people, and policies in moments of emergence of an institutional assemblage, 'happenings' (Taylor & Fairchild, 2020) – 'cannabis for medical purposes' as materialized through a specific kind of engagement with a health care provider, 'retail cannabis products' as materialized through engagements with 'authorized cannabis retailers' supplied by the Ontario Cannabis Store, and 'cannabis as a corporate good' as materialized through business-to-business transactions and the privatization of plant knowledge.

Thus far I have traced some of the ways in which Institutional Ethnography and New Materialist modes of inquiry work well together. There are, however, important tensions to note. The first arises from the importance of retaining people, and their activities, at the centre of an Institutional Ethnography inquiry. Indeed, the posthumanist orientation that lies at the heart of New Materialist theories actively seeks to de-centre the human, the person, from processes of inquiry (Coole & Frost, 2010). While it would be counter to the ethos of Institutional Ethnography, considering that it is first and foremost a sociology *for people*, to displace people from the process of inquiry. However, I content that

New Materialism does not require such a displacement, rather it seeks to offer a different conception of what it means to be human, to be a person, as a starting point for inquiry (Coole & Frost, 2010); one that is born from relational entanglements, whose agency is contingent, and is not apart from or superior to the material world in which it is located. Thus, while the person, the human, may lose its primacy and unique status as agentic actor within a New Materialist informed Institutional Ethnography it need not disappear entirely. Maintaining a view of the actual doings of people within intra-actions and processes of materialization may in fact offer a productive tension to work through, broadening the possibilities of Institutional Ethnography.

In addition to tensions emanating from the position of people within a New Materialist informed Institutional Ethnography important considerations arise in attending to the political motivations of these two modes of inquiry. As stated previously, the intent of Institutional Ethnography is to develop knowledge that is useful to people. For its part New Materialism has been self-consciously critiqued for its potential to engender a kind of political inertia (Coole & Frost, 2010; .Devellennes & Dillet, 2018). Built as they are on a rich philosophical tradition, New Materialist modes of inquiry lend themselves more easily to generating the kinds of abstract theorizations of the social world which are not the purview of Institutional Ethnography. However, I would suggest this is a not a fait accompli for this mode of inquiry. And indeed, in their early articulations of it, Diana Coole and Samantha Frost foreground the importance of critically engaged scholarship associating “New Materialism with renewed attention to the dense causes and

effects of global political economy and thus with questions of social justice for embodied individuals (Coole & Frost, 2010, p.32-33). Thus, I would argue it is appropriate to use theories of New Materialism to refine the processes of looking within an institutional ethnographic study, especially when looking at relations of capitalism and commercialization as I do in this research, with appropriate cautions against any potential tendency to focus on the generation of new theory or theorizations of people's experiences.

In sum, at its heart my inquiry is an Institutional Ethnography, but it is one that takes further direction from New Materialist methodologies in building its theorized way of looking at the world. Taking up the standpoint of people accessing cannabis in Ontario I investigate the work of procuring cannabis under legalization. Starting from points of access – the point of contact between a person and their plant or products of choice – I trace the ruling relations that are imminent in these moments attending to their material-discursive formation. The moments themselves are understood to be events in which the institutional assemblage of the cannabis industry emerges with relation to specific materializations of cannabis. Tracing the ruling relations imminent in these moments involves attending to work practices along the chain of production and supply which, though not visible in the exchange, are none-the-less present in their enactment. The selection of these moments is guided by an attention towards, and a noticing of, affect in the actual goings on of my research. It is through this noticing that I build an understanding of both the 'how it is' (Talbot, 2020) of the current cannabis industry as well as how it could be 'otherwise'

(Duff, 2015). This understanding is particularly important in the current moment as the boundaries between legal and illegal are still being negotiated and not yet settled; a dynamic which I will elucidate in future chapters.

But that is getting ahead of the matter at hand. Before describing the findings of my research, I first must outline how I have come to be doing it and the specific practices I put in place to conduct it. In the following chapter I describe the starting point for my research as well as the processes through which I have engaged others in the process. Together, the sections in this chapter set out the original problematic I sought to pursue in this research and the processes of engagement I have used to identify places to dig deeper in my analysis. In line with an institutional ethnographic mode of inquiry I do not offer a research question as such, but rather describe the emergence of my curiosity and process of refinement through which I have sought to undertake my analysis.

### **2.3 My practices and relations of research**

In this chapter, I offer an overview the practical and conceptual nuts and bolts of my research, including both how it was conceived and carried out. In it, I offer readers a detailed account of how I came to be doing this research as well as the procedures through which I carried it out. Particular attention is paid to the ethical considerations at play in the work and how I have navigated them in practice. Key conceptual foundations of my work, which include Institutional Ethnography and New Materialist research approaches, are also described with specific reference to how I have worked with them in pursuing this research.

### 2.3.1 “Where did you come from?”

Within traditional social science research interviews tend to be understood as one-way information relays, with a researcher posing questions to a respondent who is asked to offer up their knowledge and experience on a particular topic. However, both Institutional Ethnography and New Materialist methodologies conceive of the research interview in more open-ended and relational terms. Taking a more fluid approach to the interviewing process, the conversations I had as part of this research included opportunities for the people I spoke with to ask me questions. When offered this opportunity, a woman I will call Maggie bluntly asked me: “where did you come from?”. Perhaps it is a question that you, the reader, also have. Not simply, where *did* I come from, but where *am* I coming from in undertaking this research? To put it academically, how do I understand my positionality in relation to this work. In answering this question – for Maggie, for you, and for myself – I seek not to identify a list of attributes and affiliations through which I may be categorized, but rather to describe in as full detail as possible how I came to be doing this research, my intentions in undertaking it, and the principles by which I have made decisions about how to proceed with it.

This move is guided by an understanding of positionality not as a static thing but as a process unfolding through a dynamic set of relational interactions between myself, other people, and non-human entities and playing out in the empirical terrain of my research over the course of this learning journey. An understanding borne out of both a posthumanist understanding of subjectivity as “embedded and embodied, relational, and affective” (Braidotti, 2017, p.87) and

the institutional ethnographic understanding of standpoint “as a way of directing attention” (Smith & Griffith, 2022, p.76-77) – theorizations on which I expand below. The journey itself I understand as a process of exploring how the shift to a legally regulated cannabis industry has unfolded and tracing some of the dynamics through which this newly legal market is operating. I undertake this journey from my location as a settler in Peterborough, Ontario; a small semi-urban region in the southeastern part of the province. This is Michi Saagig Nishnaabeg territory, known as Nogojiwanong in Anishnaabemowin; so named for its location along the Odeenabe river, the river that beats like a heart (Williams, 2018). As to how I came to embark on this research, let us begin in the middle.

In early 2018, I began a new role as a Health Promoter at Peterborough Public Health. As a member of the substance misuse prevention team, I was responsible for the cannabis and alcohol portfolios. We were preparing for the coming into force of the federal Cannabis Act (2018), which had passed senate review the year before. I had spent the previous year working for the Peterborough Drug Strategy, a local collaborative organized around a four-pillar approach to drug policy – a commonly-used framework for organizing local responses to drug-related harms based on the four pillars of Prevention, Treatment, Harm Reduction and Enforcement (MacPherson et al., 2006). In my tenure at the Drug Strategy the majority of our work had focused on responding to the overdose crisis that was sweeping through our, and many other communities, at the time – with devastating consequences. In the face of this

ongoing and deepening crisis I began to feel more and more of a schism in my work at Public Health and the kinds of questions and concerns that were being raised with regards to these other legally available drugs. At the same time, it felt more aligned with my own experience and relationship to drugs and drug using communities.

Cannabis has long been the drug of choice (along with alcohol) in my family and friend groups. And while, like so many others, I have felt the loss of friends and community members to overdose, I don't have as close a connection to the kinds of drugs (e.g., opioids, benzodiazepines) that make you more vulnerable to this social outcome. And let us be clear, the kinds of overdose that are being experienced in the current crisis are a socially-mediated outcome of drug use in the context of the twin approaches of drug prohibition and medicalization, while overdose is a physiological phenomenon the rapid rise in its occurrence in the North American context is the result of social conditions and political decisions. Though I did, and continue to, feel deeply committed to redressing the harms of drug prohibition and medicalization, in particular as they manifest in the ultimate harm of death, cannabis (and alcohol) felt like a more authentic grounding for my engagement in this work based on my own lived experience.

It was in my work with the Drug Strategy that I first held a professional role in a field (drug policy) that I felt deep personal resonance with, and the shift to Public Health was intended to support me in developing a more specific focus within it. However, starting in this new role I found the kind of work I was being

asked to do, as well as the concerns being raised about the process of cannabis legalization were out of sync with my own experience. Despite the rhetoric of harm reduction pervading the field of public health I noted an underlying current of stigmatization in the work of the institution. By way of example, much of the public education I was tasked to undertake centered around the distribution of the Lower-Risk Cannabis Use Guidelines whose number one recommendation is abstinence (Health Canada, 2020). My engagement with critical public health scholarship over the course of my doctoral studies has helped me understand the roots of my discomfort more fully. How the 'public' of 'public health' is constituted and organized, for instance, has important implications for the conduct of this institution's work. In the case of cannabis legalization, the 'public' I was conceived to be serving was one of primarily non-cannabis users, or at least infrequent 'recreational' cannabis users. The aims of my work clearly organized to protect the health of the individual for the security of the whole, with calculations of lost productivity, disability, and burdens on the health care system being important considerations in enumerating the potential 'harms' of cannabis legalization.

Though I did get to work on a staff report recommending the decriminalization of all psychoactive substance use (a professional high point), a punitive approach to drug use still pervaded many of our own programs and those of our partners, most notably in the areas of pregnancy and parenting. As an example, one phone inquiry I fielded early in my tenure came from an administrator at a local Children's Aid office who was looking for guidance as to

how to determine when to engage police if parents were suspected to have consumed cannabis prior to driving with their children. Could there not be a policy to secure a cab or alternative transportation arrangement in these cases I wondered? Why did the conversation have to centre around the identification of a threshold for inebriation rather than how best to support parents, and their children, in these circumstances? And finally, there were the conversations that arose in the wake of the Ontario government's decision to scrap plans for public retailing of cannabis in favour of a privatized approach, a move which elicited some dismay in my colleagues that individuals with previous experience selling cannabis (criminals) may now have more opportunity to be part of the industry. While I saw many potential issues with the privatization of cannabis retail (e.g., labour conditions and profit motivations), this was not one of them.

Together these disjuncts between rhetoric of harm reduction and practice of (drug) abstinence-forward education, and between objectified moral stances of what constitutes risk and care and the practical ethics of ensuring safety and support unsettled me and led me back to academia where I could follow my curiosity about how cannabis legalization was being experienced by long-term and regular cannabis users, producers, and sellers. In early versions of my research proposal I framed my work as a 'critical policy ethnography', understanding this to be an approach which offers "a nuanced and realistic ground-level view of policies, too often analyzed abstractly from the top" (Dubois, 2009, p.1). Later, in the course of my second comprehensive exam, I was introduced to the work of Dorothy Smith and Institutional Ethnography as a mode

of inquiry. While, a similarly grounded entry point for the study of policies to that of critical policy ethnography, I found myself resonating more with this approach in its focus on building knowledge for (rather than about) people. At the same time, I found myself drawn to theories of New Materialisms and the ways in which they have been employed to push methodological and intellectual boundaries, creating new spaces for creativity in the research process. In this way, I began to put together the foundations of the theoretical heart of my methodology – the twin strands of Institutional Ethnography and New Materialisms.

While I hope that this descriptive account of my entry into this work is helpful for situating myself in relation to my area of study and the evolution of my approach to it, it is only a partial answer to Maggie's question. As she posed it, "where did you come from?" (Maggie) was not simply a genealogical question, but a political one. It appears part of an attempt to better understand the nature of the inquiry she was agreeing to participate in as she later disclosed to me that she "would not want to be included in a study or paper that would say anything negative about cannabis." In the moment I fumbled through a response attempting to both assert my own intellectual autonomy and make it clear that I was not setting out to "say cannabis is good, or cannabis is bad...[but to]...bring light to some of the different transformations that are happening for people and the different ways that things are put together" (Author). Indeed, my hope remains to enact a methodological ambivalence towards my empirical field of study.

In doing so, I am guided by the work of Theodoropoulou, Vitellone, and Duff (Theodoropoulou et al., 2022) who describe methodological ambivalence as “an ‘uncommitted’ or ‘agnostic’ stance on the subjects studied, that does not take bipolar positions of good and bad for granted” (p.2). These authors apply the concept of methodological ambivalence to ethnographic studies of recovery, where moralizing polarization is perhaps more obviously evident. For my part, I apply this methodological stance broadly in how I understand myself to come into the empirical terrain of my research, and more specifically in my engagements with my participants. In short, I seek to understand and describe, rather than to evaluate along the dichotomous lines of good and bad, the practices and social relations I explore in this research. My intent in taking up this kind of ambivalent stance is to be able to better attune to cannabis legalization as it is materializing in myriad ways and with differential impacts. A notable caveat here: from my vantage point, taking up a stance of ambivalence towards cannabis legalization does not preclude identifying particular forms of social relations as oppressive or liberatory. It does however, create an onus on me as the researcher to intimately describe how they come to be so.

It is no doubt possible that my privileged position in relation to cannabis legalization makes it more comfortable for me to adopt this kind of methodological ambivalence. As a white middle class woman, I have been only distantly and indirectly impacted by the violence of cannabis prohibition (e.g., the threat of incarceration) and I stand to benefit from the process of legalization as someone who now has access to a regulated supply of my drug of choice.

Additionally, I have a particularly privileged position as someone whose forms of drug use, both in the kinds of substances I choose to consume and the social contexts and purposes for which I do so, are far less stigmatized than others. Here I draw from the theorizations offered by one of my interview participants, I will call her Maureen here, who described the stigma of drug use as being tied to the conditions of use rather than the use itself:

I'm just thinking about will things become less stigmatized? Will marijuana become less stigmatized in society? Ya – I think so. I think it will become pretty normalized, you know. But I also think that it's just so easy to, it's like with drug use too, right? The people who are using the products because they've had damage to themselves, they have PTSD or something like that, the stigma actually is tied in with the condition. The mental health, you know? So, I think that if your leg gets cut off and you're smoking and you tell people you're smoking because it helps from having phantom leg pain people get that. But when people are smoking because they have a mental health condition or a trauma or something, I think that stigma still is really high.

As someone who is able to describe their use of alcohol and other drugs in recreational and life enhancing ways (even if, in reality it may not always be), I experience relatively low levels of stigmatization related to my drug use practices.

In the context of this research I hope to use this position of relative privilege to develop knowledge that is useful to people who use cannabis. By illuminating the work practices underlying specific materializations of cannabis under legalization I hope this work can offer cannabis users some additional insights and clarity regarding the social relations we are entangled in in the current regulatory environment. I hope also to help people identify ways that the

ruling relations currently organizing these materializations against their interests can be resisted, drawing on and amplifying examples of practices already being enacted by some. Ultimately, I hope to contribute to the generation of more just, caring, and compassionate relations of drug access. Here I draw a distinction between my intentions in carrying out my research, to offer descriptive and analytical accounts of cannabis legalization in Ontario, and my intentions for how the knowledge generated can be used and for whom it is being put together.

In this section, I have described not simply where I am coming from in this research – how I see myself positioned within intersecting social systems of race, class and gender, and to drug using communities more generally. I have further illuminated how my own standpoint as a graduate student pursuing this research has developed and influences my view and approach to the subject matter at hand. From this foundation, I have highlighted my intentions in carrying out this process of inquiry and the contributions that I hope to make with it both intellectually and politically. Moreover, I have attempted to do so in a way that is reflective of both the voices of my interview participants and of scholars whose work influences how I have proceeded with my own, with the understanding that my positionality is formed in direct relation to the sources of knowledge – both living people and written work – I am learning from in this exploration. No doubt if I were to write this statement at a different time it would read quite differently, reflecting my changing relationships and understandings of the world in which I am situated and simultaneously trying to make sense of and meaningfully contribute to. I am grateful to the people who have helped me develop this

understanding of my work and my relationship to it. I hope the knowledge that we have created together, and that I have distilled in this written form, speaks to you and opens new worlds of possibility for coming to know and act in support of people who use drugs. In the following section I describe in more detail the procedures through which I conducted my research and how it is that I have engaged with people and with texts through the course of my exploration.

### **2.3.2 My course of inquiry**

In line with an institutional ethnographic mode of inquiry my research design begins from, and is grounded in, everyday experience. The starting point for the inquiry presented here traces its origins to my own lived experience of working in public health at the time of cannabis legalization. In the previous section I described the disjuncts I experienced in my work at public health and how they influenced my decision to pursue this research. This experience planted the initial seed of curiosity and continues to serve as a touchpoint for me in charting a course of inquiry. However, it is not my experience alone upon which my research is grounded. Rather, I have sought to engage the experiences of other cannabis users, as well as those who work in the cannabis industry to inform my inquiry. Based on these conversations and experiences observing spaces of cannabis use and access, I have identified individual texts (e.g., legislation and regulations, marketing materials), work processes (e.g., the Ontario Cannabis Store product call processes, testing practices), and organizations (e.g., the Canadian Cannabis Exchange, Leafly) to examine more closely.

In so doing, I have followed an emergent research design allowing my course of inquiry to be shaped by what I learn along the way. This emergent approach to the research process aligns with the institutional ethnographic mode of inquiry which belies a strictly procedural formulation. While all inquiry conducted under the banner of Institutional Ethnography must begin from the actual experiences of people in the course of their daily lives, and there is a suite of common tools (i.e., interviews, observations, and text analysis) used in its conduct. Institutional Ethnography scholars continue to resist laying out a step by step technique for this kind of inquiry, suggesting instead that “the research process could be thought of as being built as it goes along” (Smith & Griffith, 2022, p. 119). This is indeed how my research process proceeded and as such I describe it below in a progressive fashion highlighting how it came to be built as it was. I use the phrasing ‘my course of inquiry’ to highlight the progressive assembly of my research design, highlighting the process of conducting research over the identification of a static research design. While the roots of this process reach far deeper, as hinted to in the previous section, the story of my active procedural conduct of research begins in 2022.

In late 2022 I began recruiting my first round of research participants from my own personal network, people I knew to be cannabis users or work in the cannabis industry. I first reached out to those closest to me, people with whom I had deeper trusting relationships and felt confident having looser and more far ranging conversations with. In this initial round of recruitment, I also reached out to a few individuals with whom I had become familiar in my work at public health,

people who were active in the cannabis space and whose work I had been introduced to through my public health colleagues and networks. In this first round of recruitment I successfully engaged four research participants: Xavier, Greg, Morgan, and Maggie. In Table 2.2 below I identify each participant by a pseudonym I have assigned them, and provide further details related to their relationship to cannabis including their work in production and retailing, and whether they use cannabis or do other work related to it (e.g., advocacy).

<b>Pseudonym</b>	<b>Production</b>	<b>Retail</b>	<b>Use</b>	<b>Other</b>
<b>Xavier</b>	'Master Grower'	-	Yes	
<b>Greg</b>	-	Store Manager	Abstinent	
<b>Morgan</b>	-	Store Owner	Yes	
<b>Maggie</b>	-	-	Yes	Organizer

Table 2.2 First Round Research Participants

Each of these four participants agreed to sit down with me for an initial conversation to discuss my research intent, their relationship to and interest in cannabis legalization, and any previous experience they had in research. With their consent, I audio recorded and transcribed each of these conversations. In two cases – Xavier and Greg – the initial conversation flowed into a more robust interview in which we discussed their respective work producing and retailing cannabis and how they themselves access and come to know about the cannabis that they use (or in Greg's case, have used in the past). These conversations lasted between one and two hours. I only ever conducted an initial conversation with Morgan, but with his permission conducted four rounds of observation, each lasting between one to two hours, at his retail store. Maggie and I sat down for two separate conversations, each lasting between half an hour and an hour, and with her permission I also attended and observed two

community events she organized (a cannabis-themed pride event and a holiday market and nugswap).

In each case, I asked participants if they knew others who they thought would be good sources of knowledge for the project. Those referred to me through these requests included friends and family members, colleagues, and individuals involved in labour organizing efforts. Out of this second round of recruitment I engaged five additional research participants: Fred, Kristy, Maureen, Liam and Kayla. In Table 2.3 below I identify each participant's relationship to cannabis including their work in production and retailing, and whether they use cannabis or do other work related to it (e.g., labour).

<b>Pseudonym</b>	<b>Production</b>	<b>Retail</b>	<b>Use</b>	<b>Other</b>
<b>Fred</b>	'Master Grower'	-	-	-
<b>Kristy</b>	Home Grower	-	Yes	-
<b>Maureen</b>	-	-	Yes	-
<b>Liam</b>	-	-	-	Labour
<b>Kayla</b>	-	-	-	Labour

Table 2.3 Second Round Research Participants

I engaged each of these second-round research participants in interviews lasting between half an hour and an hour. Both Fred and Maureen elected to engage in two shorter conversations, one initial conversation about the research and their general interest in and curiosities about cannabis legalization and another going into further detail about their relationship to cannabis access. In Fred's case our second conversation focused on how the cannabis he grows is 'brought to market' for sale through authorized retailers. In Maureen's case our second conversation focused on her experience accessing cannabis for treatment of a medical condition both pre and post federal legalization. Kristy and I sat down together for one longer conversation that covered both a general

review of my research and her interest in cannabis legalization and delved more deeply into her relationship growing pot for personal use. Liam and Kayla sat down together with me for one conversation about their efforts to unionize both cannabis production and retail workers in Ontario.

These two initial rounds of recruitment left some remaining gaps in my informants, most notably in regards to race as well as involvement in the illicit market. In order to address this, I initiated a third round of targeted recruitment reaching out to specific individuals known to me only through social media, or indirectly through mutual contacts. Through these means I recruited five additional participants: Lewis, Roger, Kent, Tanya, and Anthony. At this time, I also recruited an additional participant through connection made at a cannabis trade show which I attended in an observatory role, Scott the owner of a company with both cannabis cultivation and processing licences. Details regarding these third-round research participants are described below in Table 2.4.

<b>Pseudonym</b>	<b>Production</b>	<b>Retail</b>	<b>Use</b>	<b>Other</b>
<b>Lewis</b>	-	-	Yes	Organizer
<b>Roger</b>	Medical Grower	-	Yes	-
<b>Kent</b>	Home Grower	-	Yes	-
<b>Tanya</b>	Home Grower	-	Yes	-
<b>Anthony</b>	'Quality Assurance'	-	Yes	-
<b>Scott</b>	Owner	-	-	-

Table 2.4 Third round research participants

In Tanya's case I engaged her in an initial conversation one-on-one, and later in a more in-depth interview with her husband Kent. I was also invited to come and observe a party the two hosted at their rural property. All other participants in this round of engagement participated in individual audio-recorded

interviews. In the case of Lewis, who was known to me only through social media, my recruitment efforts also included an initial informal telephone conversation that was not audio recorded. In total, through three rounds of recruitment, I engaged 15 individuals in 17 different audio-recorded conversations and completed eight observations of community and private events, retail spaces, and one commercial trade show.

Though I did not collect standardized demographic data from each person I engaged in my research, some provided these details over the course of our communications. Based on these conversations I know my participant pool included:

- One [1] person in their 20s
- One [1] person in their 70s
- Three [3] people of colour
- One [1] person who identifies as Trans
- One [1] person who identifies as disabled
- Two [2] people living in major urban centres in Ontario
- One [1] person who was charged for cannabis distribution
- People across a range of socio-economic backgrounds

Following a qualitative mode of inquiry, I have not sought to recruit a representative sample of cannabis users in Ontario, who according to the last national survey make up at least a quarter of all residents in the province (Health Canada, 2024), nor I will make direct attributions between people's experience and the above noted social categories. I offer these metrics as a quick descriptive

device to provide some context as to who I have engaged with over the course of my research. A full list of participants by assigned pseudonym can be found in Appendix A: Participant List.

In addition to those successfully recruited to my research I had numerous false starts. These included individuals known to me who never followed up on my request for participation and individuals referred to me by others who similarly never responded to my communication. More notably, perhaps, were my multiple failed attempts to engage cannabis production facilities and other market actors. Out of four 'cold calls' only one production facility responded to my request for research participation and asked that I follow up the next month as they were going through corporate restructuring and were not able to accommodate the request at the time. When I followed up one month later the individual who had responded to my request was no longer employed at the facility and thus the lead went cold. My only successful recruitment in this vein came through a connection I made while attending a cannabis trade show. Thankfully Scott, the owner of a company holding both cannabis cultivation and processing licences agreed to an interview and to giving me a tour of his processing facility. My request for research participation from a market analytics firm similarly went unanswered, as did multiple requests made to different cannabis conference organizers for entrance to their events, though I did successfully gain entry to one trade show in late 2023.

As noted above, my conversations with participants proceeded in two parts, sometimes as part of a singular engagement and sometimes as part of

multiple conversations. Initial discussion questions centered on understanding the participant's relationship to cannabis as well as their familiarity with research in general and any curiosities they themselves had regarding the process of legalization. Subsequent questions focused on understanding the changes they had experienced since legalization as well as getting more details regarding the processes through which they come to access, or provide access to, cannabis. Questions were open ended and follow-up questions were asked of all participants. Depending on the standpoint of each participant, some conversations focused more on the procedures of procuring cannabis while others focused on work processes for setting up or running production facilities and retail stores. Of my 15 total participants, six spoke mostly about their access to cannabis, five spoke about cannabis production, two spoke about cannabis retailing, and two spoke about labour organizing in both production and retail spaces. Observations proceeded in formal retail spaces, organized community gatherings, private events, and one trade show. During the course of observations, I had the opportunity to ask questions of retail associates and engage in informal conversation with event attendees. Hand-written notes were taken during the course of observation and detailed field recordings were recorded after each observation. Together hand-written notes and field recordings were later compiled and written up into field notes. In total eight separate periods of observation, ranging from one to two hours to a whole day, were conducted. Following an ethnographic mode of inquiry, these observations were loosely organized and involved my direct participation in the ongoing flow of

activity within a space. When observing retail spaces I spent time with sales associates watching how they interacted with customers and used sales platforms, as well noting the physical layout of spaces and the kinds of information on display. In observing events I took part in them as a participant, engaging in conversations with other attendees, observing installations and performances, and noting the flow of people in and out of the spaces.

Interview recordings were transcribed and analysed using the Atlas qualitative analysis software. In line with the institutional ethnographic mode of inquiry my analysis proceeded as a process of indexing rather than thematic analysis. This process involved creating a system of 'pointers' to identify key 'work' processes, texts, and organizations. For example, when participants described practices related to the growing of cannabis I applied the label of 'production', or when participants identified specific platforms or tools used in the course of their work (e.g., spiffy, the Canadian Cannabis Exchange) I identified them with specific codes. I also created codes to identify possible 'section headings' to guide my writing and analysis, identifying short statements made by participants that captured the essence of a pattern that was emerging in the course of research. The codes created were used as a means of quickly looking up key statements made by participants related to specific practices or texts, rather than as a group from which to develop abstract themes or meanings.

### **2.3.3 Enacting ethical research relations**

As described above this work has been both deeply personal and relational; developed out of my existing network of relationships. Given that it has

also involved engaging people in discussions of drug use and access it has required conscious and careful consideration the ethics of research engagement, including how to recruit participants, what information should or should not be recorded, as well as the follow-up and care needed with participants. As a starting point for thinking through these considerations, and as required by institutional policy, I obtained approval to undertake the research from the Trent Research Ethics Board (REB) (Appendix B: REB Letter of Approval). Below, I describe how I put my approved research protocol into practice.

My participant recruitment efforts began with reaching people already known to me based on a short list of approximately ten people who I knew to have different experiences in relation to the legalization of cannabis. Because participants were known to me I only made one attempt at recruitment so as to not inadvertently pressure people with existing relationships to be involved in the research. I also did not reach out to or include family members as participants in this research. In recruiting these participants I followed a recruitment script approved by the Trent Research Ethics Board (Appendix C: Recruitment Script).

Though I did not recruit participants, nor conduct an analysis, based on specific social categories of gender, race or class I did pay close attention to the different embodied experiences that each participant described to me in relation these categories. As I widened my recruitment efforts I sought to engage participants who embodied various and intersecting social identities and who could account for how their experiences of cannabis access intersected with experiences of race, gender, sexual orientation, cognitive and physical

(dis)ability, or economic position. These additional participants were largely recruited by invitations extended by mutual contacts. In these cases, I made use of a contact card which I handed out to the people I knew to pass along to others who may be interested in participating (see Appendix D: Recruitment Card). This ensured that I wasn't given anyone's contact information by another person without first gaining their consent, but rather shared my own contact information as a means of widening my recruitment efforts.

I engaged those successfully recruited to the research in a series of conversations and outings based on their interest and availability. In most cases I conducted an initial conversation with each participant, which provided an opportunity for us to develop rapport, discuss my research, and how they would like to be positioned and engaged in it. Importantly, the guide for this conversation provided an opportunity for each participant to describe their own relationship to cannabis to me, allowing them to dictate what they shared in terms of their use or work related to cannabis (see Appendix E: Initial Conversation Prompts). For instance, while I may have known a participant to both work in and use cannabis in this conversation it was up to them to decide whether to disclose both or either of these aspects of their relationship to cannabis.

Based on this initial conversation, subsequent research engagements were organized with each participant on a case by case basis. Subsequent research engagements included more in-depth semi-structured interviews based on an interview guide (see Appendix F: Interview Guide). These typically lasted around an hour in most cases, though some participants chose to combine the

initial conversation and follow-up interview in a single engagement which lasted closer to two hours. Other subsequent research engagements included observations of events or spaces by invitation of the participant. These included invitations to community events, tours of facilities, and time spent at a cannabis store. I also undertook additional observations on my own, including attending a cannabis trade show and obtaining my authorization for medical cannabis access through an online clinic. For my observational research engagements, though I did not seek explicit consent from those participating in the event or present in the spaces observed, I did make sure to mention my research to people I spoke to and did not record any identifying information.

All of my direct conversations with participants were audio-recorded and subsequently transcribed. My research protocol included allowing participants to go 'off record' for certain parts of the conversation if there were things they wanted to mention without being recorded. Two participants took me up on this opportunity. Observational research engagements were captured in field notes which were either written down after the engagement or recorded in a voice memo. Where applicable I sought permission from participants to take non-identifying photographs (i.e., photographs that do not allow for the identification of specific people, places, or businesses). Various texts including marketing materials, product catalogues, and regulatory documents were also collected as they were mentioned or referred to in the course of my research engagements.

Throughout the research process I worked proactively with participants to ensure they were able to engage in the research as they saw fit through ongoing

conversations about how they wished to participate and what data I would collect and store. In this way, my ethical approach to this research included operationalizing informed consent through ongoing engagement and negotiation. A formal statement of informed consent (Appendix G: Statement of Informed Consent) was reviewed at the start of each research engagement and the participant's oral or written consent was documented as feasible. Participants were made aware of their right to withhold information, decline to answer questions, or ask to stop or pause audio-recordings or note-taking at any time. This approach was taken with the intention of not over-collecting personal identifiable information and providing adequate consideration to what should or should not be recorded for the purposes of the research. Participants were also given a week after each research engagement to decide whether they wanted the records from the interaction destroyed in full or in part. No participant took me up on this offer, but I did have one participant ask for copies of the recording and the transcript to the review, which I provided. Additionally, I also reached out to each participant to offer a follow-up conversation to discuss how my writing and analysis was proceeding after I had drafted each of the findings chapters included in this dissertation and had a sense for what I would be presenting and drawing from my engagements with them. Seven participants took me up on this opportunity.

Though no identifying information is included in my final written work, given that I have recruited participants from my own personal network and live in a relatively small community there is a possibility that informants are identifiable

to others in our social network or community based on general descriptions or exemplary experiences. As such, the focus of my analysis has not been on the individual's experiences themselves, but rather the practices and activities that they engaged in which are coordinated through texts and other materials, an approach which offers more latitude for negotiating the confidentiality and privacy of participants. While I have drawn on participants' experiences of cannabis access for the purposes of this research, my inquiry is intended to generate knowledge about the coordination and organization of the social world of cannabis access. As such, I have attempted to leave out as many specifically identifying experiential stories as possible.

Over the course of my research some tensions did emerge in regards to participants accountabilities to others, including most notably their employers, that limited what they are able to share of their own experiences. Through my research I retained a commitment to not putting anyone's livelihoods at risk and have thus removed any identifying information related to specific companies and employers in my interview transcripts and selected quotations. I have also removed references to locations that could be used to identify specific companies or participants. In engaging with active and former cannabis users I was also conscientious of the potential for ongoing social stigma and criminalization. Over the course of our conversations participants described various experiences they had had of operating outside of past and current legal frameworks. I have been particularly selective in terms of the quotations I have used which describe these

activities, including as few as possible and attempting to make them as untraceable to specific individuals as possible.

Having identified the intellectual foundations of my study and described the practices through which I have carried it out, I now turn to the empirical findings of this work and illuminate three materializations of cannabis currently organized through regulation and legislation – cannabis for medical purposes, retail cannabis products, and cannabis as a corporate good.

### **PART 3: EMPIRICAL FINDINGS**

In this part of my dissertation I draw on conversations, observations and texts to identify and describe the practices through which cannabis is being materialised under the new regulatory regime in Ontario. Beginning at the point of access, I map out how three specific materializations of cannabis – medical cannabis, commercial cannabis, and cannabis commodities – are being produced. The three following chapters each address one of these materializations in turn, and include a descriptive account of an event that occurred over the course of my research which guided my attention towards specific dimensions of the legal cannabis landscape in Ontario. Throughout each chapter I draw on conversations and observations conducted over the course of my inquiry as entry points for analysing key institutional texts – including legislation, regulation, and corporate documents – to illuminate how they are being used by people to organize specific materializations of cannabis as they appear in the everyday lives of people who access them. Direct quotations from my research participants are woven throughout and used as headings for chapters and sections, a reflection of the role that these conversations had in shaping the direction and focus of my inquiry. For reference, Appendix A provides a review of all participants engaged in this research listed by their assigned pseudonyms. Key institutional texts are also quoted where relevant and photographs are used for illustrative purposes where applicable.

### **3.1 “Medical versus recreational, it's a very fine line”**

To those growing and processing cannabis in the new legal industry the distinction between medical and non-medical cannabis is not a particularly important one. As Anthony, a quality assurance professional working in cannabis production put it “medical versus recreational, it’s a very fine line”. Indeed, within cultivation and production spaces there is little distinction between plants grown for medicinal purposes and those grown for the recreational market. As Scott, the owner of a cannabis company bluntly stated when I asked him ‘what makes a medical product a medical product?’: “Nothing. The same product is sold through both channels.” However, from a regulatory perspective there does exist a distinct route of access to cannabis for medical purposes as set out in Part 14 of the Cannabis Regulations (2018). The origin of these provisions lies in legal challenges to Canada’s cannabis prohibitions brought forward by cannabis users at the turn of the century and through the early 2000s. An association that was recognized by many of the people I spoke to, including Scott, who put it this way: “Why is cannabis legal? It's because of medical marijuana. That's how you're doing your PhD. That's how it happened.”

From the standpoint of people who use cannabis in Ontario today, there exist three distinct legal routes of access to cannabis: through home cultivation, as a customer of an Authorized Retailer, and as a Registered Client of a holder of a Licence of Sale for Medical Purposes. While many of the people I spoke to for this research described using cannabis for a variety of medical, therapeutic, and healing purposes and some did have the Medical Document needed to access cannabis for medical purposes, no one I spoke to was currently using this means

of access. This is, in fact, a well-known gap within the current regulatory framework as identified in the *Legislative Review of the Cannabis Act* issued in October 2023 (Government of Canada, 2023). While this route of access is not currently well used, the review notes that “stakeholders strongly support maintaining a patient-centric, distinct medical access framework, with improvements” (Government of Canada, 2023, p. 81).

In this section of my findings I illuminate the practices through which cannabis for medical purposes is produced as a distinct materialisation of cannabis under the current regulatory framework and how this specific materialisation is organized through discourses of medicalization. I contend that even though the products available in both recreational and medical streams of access are largely the same in terms of chemical composition and growing practices, the separation of medical access in Part 14 of the Cannabis Regulations establishes a distinct set of work practices through which cannabis plants are materialized as a medical product.

I begin by offering an ethnographic account of a community in which cannabis is being used as part of healing practices as a means of illuminating the disjunct between experiences of cannabis use and policies related to medical access. From there, I trace key decisions in the legal history of access to cannabis for medical purposes in Canada, describing how the concept of ‘medically approved use’ has been debated and ruled on within legal challenges against cannabis prohibitions. Finally, I review how, in this context, the legal definition of drugs intersects with cannabis regulations and impacts access to

cannabis for medical purposes in ways that do not serve the interests of the people who use it.

### **3.1.1 “Was healing part of the policy?”**

In the height of summer, two days after the solstice, I packed into my car and headed out of town to visit a new acquaintance Tanya on her rural property. Tanya had reached out after a mutual friend suggested she speak to me about her relationship to cannabis and community building. Together Tanya and her husband Kent have established a learning centre and healing community in a small hamlet in southeastern Ontario. Part of their practices in this space include growing and sharing weed. As she describes it, hers is not a ‘weed community’: “I’m not really about a weed community. I mean, yes, I was part of those compassion clubs, especially in Vancouver...where we’re at is more like weed for community and creativity rather than promoting weed” (Tanya). Having already had a one-on-one conversation with Tanya she has invited me to take part in a party she is hosting at her property. The people gathered together at the party are a testament to the kind of community Tanya is creating. From kids to octogenarians, party goers are also diverse in terms of cultural backgrounds and each express a range of experiences with healing and recovery as we sit in circle introducing ourselves.

By her own description weed has been an important part of Tanya’s own healing journey, both in recovering from cancer and employment-related burnout. Having left what she describes as an unhealthy and high-pressure work environment, Tanya now works as a professional coach offering a variety of

trauma-informed self-development courses and one-on-one coaching sessions.

Cannabis is one of the tools Tanya uses and makes available to clients and community members to support their healing. As she described it:

The whole idea and what I know as a coach is, the person is the tool, the person is the power and the connection to themselves...I've done a lot of trauma healing and I think where I went wrong – and I won't generalize to other people – but where I went wrong would be to think that the power is in something else...and I hate that. I mean, I don't want to promote that because I mostly want to promote you listening to your inner voice, your inner song, your inner child, whatever. It's you, and then these tools and this place can...make it easier...I don't think I'll ever focus on 'okay, you come here for these drugs or whatever it is'...It's more like if you feel – on the whole idea of regulating your nervous system and stuff – if you feel like a walk around the property regulates your nervous system, or some Qigong, or some cannabis tea or whatever it is. To me they're equal; not one is better than the other.

As described above, Tanya relates to cannabis as a tool people can use to support their healing journey and is one of many offerings shared with the people who visit her space and take part in her programs.

However, it isn't simply the use of cannabis that is important to Tanya, rather the growing and processing of the plant are integral to this experience and part of what she offers to visitors:

People come to our [space] to experience peace and healing...I use the weed to bake brownies and have it in the teas...it's just part of our life here. We don't sell it or anything...it's for personal and community use... it definitely has healed the both of us. And I would say it's not like the consumption part of it that's healing...I mean that may be part

of it, but I think it's the community part and the growing, the nerding out - we call it ranching.

In this way, Tanya describes how both growing cannabis and convening community around it are important parts of her experience of healing with cannabis.

The party I attend isn't explicitly organized around cannabis. However, in past years Tanya and Kent have held trimming events with friends to help them process their crop. This too, is described as a potentially joyful experience (with the right equipment):

The first year, we didn't know that many people here, but we had like six people over. We made zero dents...And so we had to buy one of those trimmer things...Last year, we had a trimming party as well, but we had the thing so it was more joyful, more delightful than the year before.

In addition to trimming and processing plants in community, gifting cannabis has also become an important part of Tanya's social practice and a way of building community in a new town. She describes her experience of moving to her current community this way:

We made a lot of friends with weed. I remember last year at [friend's] house he [Kent] was like the weed gifter, everyone that came to that party got a little bag of weed and it just felt like everyone was really happy, and surprised. So yeah, I feel like that's what has changed for me...being able to know that it came from here and not like some basement...and to be able to gift it out.

Together Tanya and her husband Kent have developed a healing relationship with cannabis in a way that encompasses growing, preparing, gifting and sharing the plant and its products in community.

Tanya has invited me out to this party as a chance to visit her property, meet her husband, and see the weed plants that they grow. At the back of the property, tucked behind some currant bushes, are a few large plastic buckets with pot plants standing just a few feet tall (Figure 3.1).

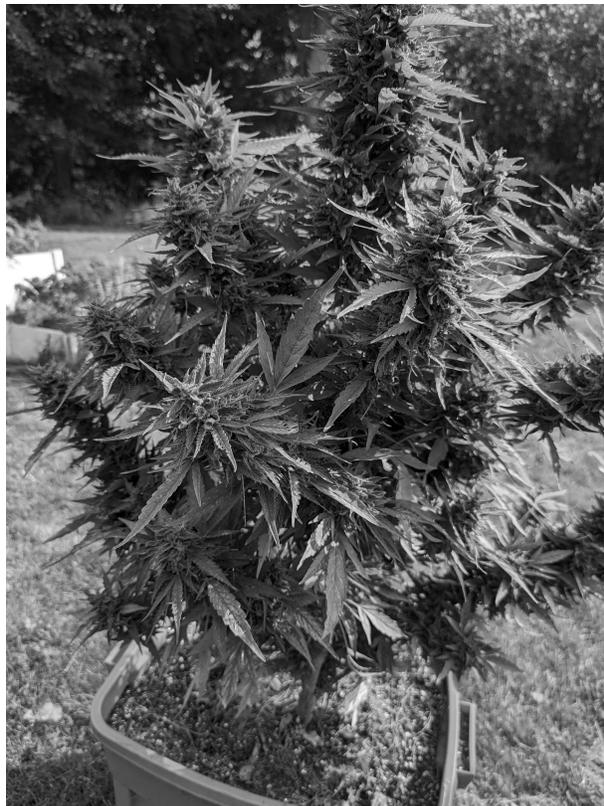


Figure 3.1 One of Tanya and Kent's cannabis plants (Source: Author)

Tanya and her husband, Kent, tell me about their experience growing weed in a follow-up interview a few months later. As they tell it, their journey to cultivation began with a clone received as a birthday gift shortly after legalization. These days Kent and Tanya are in the practice of picking up clones every year

from local Indigenous dispensaries. They tend to have to go to a few different shops to find the strains they are looking for. Strain selection is one of the reasons they choose to grow their own supply. As Tanya put it in our first interview together:

We like the weed that actually makes us more creative...We're both really creative, so our weed feels like it's not the weed that's in the stores...it feels a lot more mild and creative. Yesterday I brought brownies to my friend's place, and they both were saying...it's not party weed, or go to sleep weed, it's more like 'let's make the best poem or song ever' weed...which I don't think we can buy.

Both Tanya and Kent explain that they rarely access cannabis from retail shops preferring to grow their own selected strains and enjoying the process of home cultivation.

Pot has played a minor role at this party, sitting for the most part backstage as the proceedings of the day unfold. Yet still, it feels like part of the picture, helping to set the scene. Though Kent and Tanya's activities in relation to cannabis are largely in line with existing laws and regulations, growing their allotted number of plants and gifting and sharing amongst legal age adults, I am left with the sense that there is a marked difference in the way they relate to weed and how cannabis is accounted for in regulation. Going back over my transcript from our initial interview I find a quote from Tanya that captures this sentiment: "was healing part of the policy? I'm guessing not. But, I'm curious about that."

Indeed, it appears that healing was not part of the policy, at least not in the way that Tanya conceives of it. While for Tanya, healing, gifting, and enacting

creativity are important values integrated into the use of cannabis these values do not figure into the current policy framework. Rather, the three stated goals of the Cannabis Act (2018) are to prevent access by young people, protect public health and safety and deter criminal activity. Here I find the germ of what might be termed a 'small problematic' – accounts in which what “standpoint informants know about and experience are either invisible or misrepresented within the authorized accounts” (Rankin, 2017b, p. 3) – in that the materialisation of medical cannabis as codified and enacted through regulatory controls are out of sync with users own experiences of and desires for their relationship with this substance. Though healing doesn't figure into the current legal framework, it is largely acknowledged that the trajectory of legalization is tied to early medical access provisions (Cox, 2018; Fischer et al., 2003; Hyshka, 2009) and the work of advocates who set up and operated spaces for access to cannabis for medical purposes as a means of challenging the legal prohibitions against this substance (Capler et al., 2017; Hathaway & Rossiter, 2007; Penn, 2014; Valleriani, 2018). As will be elaborated in the next section, the definition of medical need, and the role and expertise of doctors and health care providers in making this determination, as established in the early court cases providing for medical access continue to organize access to cannabis for medical purposes under the current regulatory regime. This while cannabis for medical purposes remains distinct from drugs containing cannabis by legal definition, a situation which produces cannabis for medical purposes as a specific materialization of cannabis

enacted through medicalized discourses, yet one with an uneasy place within the medical field.

### 3.1.2 “What constitutes ‘medically approved use’?”

Legal prohibitions against cannabis in Canada were subject to a number of constitutional challenges at the close of the 20<sup>th</sup> century. Two cases ruled on by the Ontario Court of Appeal in 2000 illuminate how the question of medical need served to organize early access to cannabis. In both cases, defendants claimed that the federal prohibitions against cannabis violated their right to life, liberty and security as protected under Section 7 of the *Charter of Rights and Freedom* (Hicks, 1998). The resulting decisions, both filed in the Ontario Court of Appeal in 2000, diverged, in part, on the question of ‘medically approved use’.

In 1997 Christopher Clay, facing charges of possession, trafficking, and unlawful cultivation of cannabis, challenged the constitutionality of the marijuana prohibitions contained in the Narcotic Control Act based on an assertion that “the right to use intoxicants in the privacy of one’s home is a fundamental aspect of personal autonomy and human dignity and is this guaranteed by s.7” (*R. v. Clay*, 2000, pp. 2). At trial Ontario Superior Court judge Justice McCart rejected the challenge concluding that the “Narcotics Control Act as it pertains to marijuana does not infringe s. 7 of the Constitution” (*R. v. Clay*, 1997, pp.27) and proceeded to convict Clay of possession and trafficking related charges. Importantly, Clay made no claims of using marijuana for medical purposes and in appealing his conviction his challenge centred “primarily on the use of criminal law power to penalize the possession of marijuana” (*R. v. Clay*, 2000, pp.6). In

ruling on his appeal Justice Rosenberg drew on expert testimony and the findings of research reports to assess the potential harms of cannabis use in considering the validity of the criminal prohibitions against it, finding that “the practice of [cannabis use] can certainly not be considered harmless and innocent” even while admitting that “it is unlikely to create serious harm for most individual users or society” (*R. v. Clay*, 2000, pp.10). On this balance of evidence, the convictions against Clay were upheld as the state was found to have a valid interest in protecting the public against the harms of cannabis use.

Alternatively, in his ruling on the case of *R. v. Parker* Justice Rosenberg upheld the trial judge’s finding that prohibitions against the substance were overly broad and violated the applicant’s section 7 rights based on his documented use of cannabis to treat epileptic seizures (*R. v. Parker*, 2000). In the original ruling presiding Justice Sheppard clearly differentiated between ‘occasional recreational use’ and use undertaken in the maintenance of health and in consultation with a doctor (*R. v. Parker*, 1997). Given the evidence, including personal affidavits as well as testimony from doctors, Parker’s use of cannabis was deemed to be ‘of fundamental personal importance’ and furthermore, in the interest of the wider community. The ruling states:

The control of his epileptic seizures is of critical personal importance to him and in the interest of the greater community of which he is a part, the same community who pay his health care costs. I find that he has established that this control is best achieved through a combination of prescribed medications and the smoking of marihuana. For this Applicant/Accused to be deprived of his smokable marihuana

is to be deprived of something of fundamental personal importance.  
(*R. v. Parker*, 1997, para 47)

The original remedy offered in this case was to read-in an exemption to the prohibitions against marijuana contained in the newly enacted Controlled Drugs and Substances Act “so-as to exempt from its ambit persons possessing or cultivating Cannabis (a schedule II substance) for their personal medically approved use” (Hicks, 1998, p. 231). On appeal by the Crown, the decision to stay Parker’s charges was upheld but the remedy was deemed insufficient. The statement of facts brought forth by the Crown in this case “listed a number of problems with the reading in remedy adopted by the trial judge” including the question of “what constitutes ‘medically approved use’?” (*R. v. Parker*, 2000, pp. 108). The appeal judge determined that the Crown “raised matters of sufficient complexity that reading in is not an appropriate remedy” and further “that a medical exemption with adequate guidelines is possible” (*R. v. Parker*, 2000, pp. 109). Therefore, the ruling on appeal was to declare the ‘marijuana prohibitions’ in section 4 (possession of substance) of the Controlled Drugs and Substance Act invalid, compelling the legislature to enact regulations that would enable access to cannabis for medical purposes in Canada (*R. v. Parker*, 2000). Thus, the first regulations enabling medically-approved access to Cannabis in Canada – the Marijuana Medical Access Regulations (2001) – were enacted.

Over the following decade these regulations underwent a series of changes (described in chapter 1.2 above) culminating in the creation of the Access to Cannabis for Medical Purposes Regulations (2016), which in 2018 were included as Part 14 of the Cannabis Regulations (2018) enacted under the

Cannabis Act (2018). In this way, cannabis access in Canada today remains delineated along the lines of medicinal vs. non-medicinal use. In the next section of these findings I describe how access to cannabis for medical purposes is organized under Part 14 provisions, illuminating how cannabis is materialized as a medical product under the current regulatory system. I further trace how some of the people I spoke to described their use of and access to cannabis for medical purposes as well as how those working in retail sales navigate the division between medical and non-medical cannabis products in serving their customers.

### **3.1.3 “It's always medicine. Cannabis is always medicine”**

Sitting down to speak with Maggie for the second time, I ask her about how she procures her cannabis and how this has changed following legalization. She describes a number of different ways that she accesses cannabis, including through gifts and exchanges, and purchases from retail stores. Her first response, however, is that she has authorization to access cannabis for medical purposes, but doesn't currently use this route of access. She elaborates on her reasons for this choice this way:

I don't order medical cannabis online, but I have in the past, so that's not something that I currently do, but I can do that...I can just find an LP that I like. In the past...I found that the pricing was too high and the cannabis wasn't what I was looking for – it was usually too dry. It came in plastic containers and I'm against plastic...but that said...I wouldn't be against ordering it again if I found something that I liked, I just haven't thus far.

As noted at the outset of this chapter, Maggie is not alone in choosing not to access cannabis through Part 14 provisions despite being able to do so. For Maggie it is an issue of choice and price, an experience produced by how the Part 14 provisions are set up. Under these provisions, individuals are required to obtain a medical document (Appendix H: Health Canada Medical Document) from a health care practitioner and either register with a licenced seller or obtain further authorization from Health Canada to grow cannabis for themselves or have someone else designated to do so for them. In order to obtain the required medical document an individual must meet with a health care professional. While potential medical cannabis users can meet with the family physician or nurse practitioner to obtain this medical document, they can also engage a health care professional through any number of private cannabis clinics who provide quick access to these regulated professionals for the purposes of producing the required medical document and a corresponding 'treatment plan'. Treatment plans recommend specific products to be used based on the information provided during the consultation with a health care professional and include dose and dosing instructions. Medical documents are valid for no more than one year and include a daily authorized purchase amount (prescribed grams/day) and can only be used to register with a single licence holder. The regulations state: "it is prohibited to seek or obtain a cannabis product from more than one source at a time on the basis of the same medical document" (Cannabis Regulations, 2018, p. 222). As such, individuals must register with a single licence holder from whom to source their cannabis products when accessing cannabis for medical

purposes. When using cannabis clinics, individuals may even have this choice made for them, as different clinics are set up to register clients with specific sellers. Once registered with a 'Holder of License of Sale' clients access products through designated medical cannabis sales platforms and must have the products shipped to them by mail.

Different corporate entities may operate both medical and non-medical sales channels offering the same products through both, though they may be marketed differently and subject to different pricing and shipping costs. Of the two products recommended to me in my treatment plan one was available both through the licensed sellers 'patient portal' and online through the Ontario Cannabis Store. While the retail price was similar between each platform (\$45.00 in the patient portal and \$44.90 on the OCS website) the product was subject to additional taxes and shipping costs when accessed on the patient portal bringing the total purchase price to approximately \$15 higher than the OCS total. The description of the product on the two sales channels also differs slightly with the patient portal product information highlighting 'pharmaceutical-grade' quality and packaging and recommended dosing instructions and the OCS listing describing a 'subtle cannabis flavour' and 'eco-conscious practices'. For Fred, who works in a licensed cannabis production facility, it is this kind of selective marketing that differentiates medical and non-medical cannabis products.

When asked about the difference between medical and non-medical cannabis from the standpoint of producers Fred described it to me this way:

If you were to do medical and recreational within your company, you would create a recreation brand and it would create a medical brand.

The product that you produce, will be produced no differently between medical and recreational...There's no distinction...so you differentiate yourself. If you have one brand that's recreational you may be targeting different people. Whereas if you have a medical brand, you're going to want to have information, questionnaires. You're going to want to have a website with a doctor on it. You're going to - it's a different way of approaching your client and keeping them. You have to approach them with medical standpoint. You can't approach them with recreational.

While the branding of the above-described product is consistent across medical and recreational sales channels, as described above their product descriptions do vary slightly. The product description on the patient further notes that: “Unless otherwise instructed by your healthcare practitioner, Health Canada recommends that patients should “start low, go slow” meaning patients should begin with a low dose and wait up to 120 minutes to assess the effects before administering an additional dose” (Aurora Cannabis, 2023). Reference to ‘patients’, ‘health care professionals’ and ‘dosing’ all signal the medicalized framework through which this product is being marketed and sold.

This kind of advice and guidance from a health care professional is the main reason some individuals seek to access cannabis through the Part 14 provisions. However, the people I spoke to expressed mixed experiences with obtaining this kind of advice. Though she doesn't use it herself, Maggie still recommends the medical access route to others based on the potential benefits of being able to select specific formulations of cannabis products to address particular concerns and the desire to do so based on clinical research and consultation with a health care professional. By her own description, her

experience of accessing cannabis for medical purposes was not one of receiving support for these kinds of decisions:

it wasn't easy to get the information that I needed for myself. I had to do it myself and I had to research, okay, 'I need to get...I need pinene as a terpene because I have ADHD'. Nobody at those clinics told me that. The doctor on the screen wasn't telling me that. I had to research that myself by digging deep and talking to professionals that have done the research...reading medical studies, science studies from different universities...that are really hard to understand. But if you see the clinical trials and what people have really understood, you can figure out what you need based on this, and based on this, and based on this. And then you trial and error and then you can find your medicine.

Maggie's experience of having to do her own research and test the efficacy of different products for the specific effects she is looking for is similar to that shared with me by another interview participant, Maureen.

Maureen has been using cannabis to treat leg spasticity related to paralysis for decades. For her, "pot smoking [is] an alternative to drugs", specifically the Valium she had originally been prescribed to treat her condition. While she has experience accessing cannabis for medical purposes, changes to the medical access regulations and legalization have altered the means by which she accesses marijuana today. As she explains:

Well I did a couple of times go the medical marijuana route. So, I basically did get my documentation, I had a little card with my picture on it but then the conservative government came in and then yearly the card wasn't good anymore. So, I thought well no I'm not doing this...I'll just buy it. And then I moved to [city] and I found a really lovely dealer. He's an Indigenous guy who was growing his own weed and

making his own products, you know like ointments and stuff, grease. Really going back to the basics with it. And he's the one who taught me the most about what is Sativa, what is Indica – you know what are all these things – what is CBD. He taught me all that knowledge. So, when I say I miss my drug dealer that's really why...He had a lot of good information about healing and stuff.

While Maureen identifies her dealer as an important source of information, when asked about whether she engages with her doctor regarding her cannabis use, she responded “yeah, yeah. My doctor always did the paperwork if I asked her...she told me on our last visit that a lot of people ask her about cannabis and she doesn't feel she has enough knowledge to give them advice. I found that interesting.”

In a follow up conversation, we talk more about research on the medical use of cannabis and the guidance and information available from medical professionals. She elaborated:

Like I said to you, if I smoke too much of some strains then I get anxiety. I think that's very important information...so that you can use the drug without having anxiety. So, I've learned that myself. Like ‘oh I'll be careful of the high sativa’. But it would be nice to be able to discuss that with a doctor...because again, on the other end an Indica is going to make you tired. I have to smoke this in the morning, you know, so it would be nice to have that discussion with an actual doctor. My doctor knows nothing. She asks me stuff because she has patients who are asking her and she's reluctant to tell anyone to smoke anything. So, we've talked about things like tinctures and the ways that she could talk to her patients about trying things without any risks. Or you know not telling them to smoke, which a doctor just doesn't feel comfortable with.

Now without the relationship to her dealer for information, and limited support from her doctor, Maureen gets most of her information about cannabis from online sources “that are run by people who smoke” (Maureen) and has been purchasing her cannabis through online dispensaries. She finds these outlets to be “the most inexpensive way to get good quality weed” (Maureen) though she recognizes that this means of access is not technically legal and poses some additional barriers (e.g., providing ID verification and the use of interact e-transfers). When I ask specifically about what she knows about the cannabis that she uses, she responds:

I look at the numbers on the website. They usually have numbers that say how much the THC content is, for instance. They’ll tell you if something’s a hybrid, or Sativa, or Indica. They’ll tell you what the qualities are of the weed. And what conditions, like this is good for pain, this is good for anxiety or whatever. So, I read that stuff. I do think it’s a bit...like describing wine or something, right? You know what I mean? They just use a lot of words. And a lot of the same words. So almost everything they’ll say is good for anxiety, or pain or something like that. Whereas the fact is I think that if you smoke too much of certain strains you’re going to get anxiety...So, I think that it’s unscientific information that I like to look through for guidance but I don’t take it super seriously. And then I get certain names of weed that I like. What I’ve got right now is called MAC10 it’s a hybrid with a berry flavor. Like, again, they have flavours, effects, and medical uses. So, flavours - berry, diesel, fruity, herbal, spicy. Like it sounds like they’re giving you the wine, right? Euphoric, relaxed, uplifted, happy. Well, that all sounds wonderful. Medical uses: pain, depression, headaches, stress. Sometimes I feel like they’re just throwing that in there.

The fact that this product description includes a listing of medical uses signals its illicit character, as current regulations prohibit the promotion of cannabis products based on health or cosmetic benefits. This prohibition applies equally to cannabis products sold under the access to cannabis for medical purposes as it does to cannabis sold by authorized retailers in Ontario. While online cannabis dispensaries operating outside the Cannabis Act (like those Maureen uses to access cannabis) do make claims regarding medical use, those holding licences for sale under Part 14 of the Cannabis Regulations are prohibited from doing so. While consultations with health care professionals will include discussion of the specific effects an individual is looking to achieve through the use of cannabis products, the product listings will make no such associative claims.

Those working for Authorized Retailers are also subject to these prohibitions and as such are conscious of how they describe the possible uses and effects of the cannabis they sell. In describing his work as a sales associate in a cannabis retail shop my research participant Greg pointed out that though “concern-based inquiries” are one of three main types of customer he encounters he and his colleagues are careful not to give “medical advice”. When I asked what he means by “concern-based inquiry”, he elaborated:

So, there's a lot of people that will use cannabis [as a] natural alternative to a lot of things...For example, like the presence of CBD in a lot of products is very much a key selling point to people...We can't give medical advice as a recreational dispensary. However, we do get people that come in and that are like, 'I'm having trouble sleeping', 'I have arthritis in my knee', I have a concerned-based issue

that I would like cannabis to address. So, I'm like, okay here's what I would recommend based on this information you've given me...We again, we don't give medical advice, we are advised not to give medical advice...but like we can make, we can make recommendations based on concerns.

In contrast to the careful distinction drawn by Greg, necessitated by regulation and licensing, for Maggie all cannabis use is medicinal. A point which she makes explicit in response to my question, “when you're going to the retail store, you are still accessing medicine?”; her response is unequivocal “it's always medicine. Cannabis is always medicine.” At the level of raw material Maggie is correct not to differentiate between the cannabis accessed through medical access provisions and that available in a retail store, though the pricing, packaging and branding can differ. While access to cannabis for medical purposes is enabled through a medical document provided by a health care professional, this process is distinct from a prescription and there remains a legal distinction between cannabis products accessed for medical purposes and drugs containing cannabis within regulation, a distinction which impacts the kind of information available about these products as well the taxes applied to them and their eligibility for insurance coverage. In the following section I describe how this distinction – between cannabis products and drugs containing cannabis – is set up and the repercussions of this distinction on access.

#### **3.1.4 “When we say drugs, what are we really saying?”**

This question – “when we say drugs, what are we really saying?” – was posed to me by Lewis, a long-time cannabis user and community organizer, after

I had asked him what lessons he thought we could derive from the process of legalization. His full response was this:

You asked, what have you learned? Oh, we learned that you can make anything legal if you want to. Sorry, *they* can make anything legal if they want to. That's what I learned. You kidding me? This was on the no no no no no list, don't do drugs...Like, you know, I get it, like it has properties - healing properties...But I also think that name...it's important...like when we say drugs, what are we really saying?...words are powerful. They're meant to imply and not imply these things.

When considering the classification of drugs, and the regulation of substances more generally, words are indeed powerful. And in the organization of access to cannabis for medical purposes, the definition of a drug is extremely important.

Under the current Cannabis Regulations (2018) Cannabis Products are distinct from Drugs Containing Cannabis. While cannabis product may be accessed for medical purposes (under the Part 14 provisions specified above) an entirely different system of licensing is required for the production and sale of drugs containing cannabis. Under the Cannabis Regulations the definition of a 'Drug' explicitly excludes cannabis which is:

not represented, for use in (i) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or its symptoms, in human beings, or (ii) restoring, correcting or modifying organic functions in human beings. (Cannabis Regulations, 2018, p. 3).

Thus, it is their *representation for use* that legally distinguishes cannabis products from drugs within these regulations. Part 14 of the Cannabis Regulations further

specifies that these access provisions do “not apply in respect of a drug containing cannabis” (Cannabis Regulations, 2018, p. 216). The ‘Legislative Review of the Cannabis Act: What We Heard’ report describes the distinction between access to cannabis for medical purposes and prescription drugs containing cannabis in the following way:

Cannabis products for medical purposes are separate and distinct from prescription drugs containing cannabis (that is, unlike prescription drugs containing cannabis, cannabis products for medical purposes are not subject to a pre-market review to determine whether they have met Health Canada’s safety, quality, and efficacy standards as set out under the Food and Drugs Act and its regulations). Although cannabis products are produced and sold for medical purposes, they cannot make health claims. Furthermore, cannabis products are subject to excise and sales tax unlike prescription drugs which carry a Drug Identification Number (DIN) and are therefore exempt from tax. (Government of Canada, 2023, p. 79)

Under the Food and Drug Regulations a ‘prescription drug’ is defined as “a drug that is set out in the Prescription Drug List, as amended from time to time, or a drug that is part of a class of drugs that is set out in it” (Food and Drug Regulations, 1985, p. 2). The prescription drug list, maintained as a searchable database online, “is a list of medicinal ingredients that when found in a drug, require a prescription” (Health Canada, 2013). The list currently includes one entry for “phytocannabinoids produced by, or found in, the cannabis plant and substances that are duplicates of such phytocannabinoids” (Health Canada, 2013). A listing which came into effect on the same day as the Cannabis Act, October 17, 2018. The listing of phytocannabinoids (compounds found in

cannabis plants) as a ‘medicinal ingredient’ provides a mechanism through which ‘drugs containing cannabis’ can apply for a Drug Identification Number (DIN) and be listed and sold as prescription drugs in Canada. Only “a small number of prescription drugs containing cannabis or cannabinoids are currently authorized for sale in Canada” (Government of Canada, 2023, p.82). Unlike cannabis for medical purposes, these drugs are accessed through a prescription and are indicated for treatment of specific ailments (e.g., muscle stiffness, nausea).

Though early court cases challenging cannabis prohibitions succeeded on the basis of medical use, and medical access regulations were the first legal means for people to access cannabis in Canada, there remains a distinction between cannabis products and drugs containing cannabis in the current legislation. Though cannabis products accessed through medical provisions require a ‘medical document’ this remains distinct from a prescription. Cannabis products available through medical channels are largely the same as those available through authorized retailers, and subject to the same promotional restrictions. Thus, while medical access provisions continue to be included within the Cannabis Act, those accessing cannabis products this way do not enjoy the benefits that the classification of prescription drugs offers (e.g., tax exemptions, or public insurance coverage). In this way, the current regulatory regime enacts two distinct materializations of cannabis products organized around medical vs. non-medical access and further differentiates these materializations from drugs containing cannabis. Advocates fought hard for the access to cannabis for medical purposes at the turn of the century and these provisions continue to

provide important legal protections for some individuals. However, the legal definition of a drug serves to limit the benefits available to people using medical access provisions, creating barriers for people to access information and support about cannabis products and their potential uses and effects.

People's relationships to their drugs of choice are very complicated, and people need support, information and care as they navigate these relationships. Currently, cannabis users are restricted in their ability to obtain this information from both retail sellers and medical sales licence holders. While some groups have emerged to provide guidance and advice on the use of cannabis to treat specific medical conditions, or generally on the effects of different cannabis products, people accessing cannabis are largely left on their own to parse through and make sense of this information. In this context people's ability to self-define their own relationships to cannabis and convene support around them in ways that are reflective of their unique relationships to the plant, which themselves may not align clearly between medical vs non-medical use are restricted. It appears, from a regulatory standpoint when we say drug we do not mean cannabis, at least not the kind of cannabis you can buy through the either the federal medical access provisions or provincially authorized retailers.

In this first section of my findings I have explicated the division between medical and non-medical cannabis access provisions and further differentiated between cannabis products and drug containing cannabis. While the material basis of cannabis products accessed through each route is consistent, each are bound up in different sets of social relations and legal and regulatory frameworks,

which I argue result in qualitatively different materializations of cannabis. Though the product itself remains the same their routes of access, information about them, and even pricing are subject to differentiation through the supply chain resulting in two distinct materializations of legal cannabis. Having drawn a distinction between two materializations of legal cannabis – medical and non-medical- and how they come to be through a distinct set of social and legal relations I examine non-medical access to cannabis in greater detail and describe how it is that specific cannabis products are made available for sale in authorized retail shops in Ontario.

### **3.2 “It’s just another product”**

The production, distribution, and sale of cannabis in Canada did not begin with the coming into force of the Cannabis Act (2018), however, the forms of production and mechanisms for distribution and sales have shifted significantly, enabling a ‘regulated supply’ of cannabis to be available for legal aged adults in this country. In this section of my findings I describe the practices through which raw plant material is turned into regulated cannabis products for sale by authorized retailers under the current regulatory framework, illuminating the processes through which cannabis is materialized as a retail product. Or, to use my participant Fred’s description, this section of my findings describes how it is that cannabis becomes “just another product”. In so doing I explore how the production of discrete products identified by Stock Keeping Units (SKUs) and codified by cannabinoid content, strain identification, and corporate branding are coordinated across specific local settings and organized by discourses of

commercialization. I begin with a reflection on my experience attending a cannabis trade show in the fall of 2023.

### **3.2.1 “I can tell you a good story about that”**

I arrive at the convention centre in the mid-morning of a bright autumn day. Walking through mostly empty parking lots I find my way to a set of doors and enter a large foyer. I am greeted by two smartly dressed attendants who, looking me up and down, warmly ask if I am here to attend the diamond show, knowing full well (and before I do) that I am in the wrong place. Above me a large banner mounted from the ceiling displays a vignette of giant sparkling stones. No, I reply, the cannabis show, and they redirect me to the far entrance around the corner, nearly a full city-block from this set of doors. Once inside the correct entrance I make my way to the registration desk and am greeted by a young woman who verifies my ID and provides me with a wristband labelled ‘general’. She hands me a brochure and lets me select from among a display of multi-coloured lighters, the first of many gifts I will receive at this event. Entering the space, there is large format map of the show floor, with simple labels identifying each stall by company name (Figure 3.2).



Figure 3.2 Cannabis Trade Show Floor Map (Source: Author)

The first stall I see is operated by one of the larger Licenced Producers in Canada whose brand name I recognize. A prize wheel is prominently displayed at the front of their stall advertising a variety of giveaways including cannabis products and branded merchandise. I am greeted by one of their sales representatives who walks me through the list of Summer and Fall product lines available under their primary brand name. They describe the flavour profiles and potencies of various products (berry flavours are big this summer), and pitch their plans for a new high-end brand. Produced from the same ‘input’ of cannabis extracts as their other products, this brand will make use of more advance vape technologies, setting it apart from their existing brands and justifying the higher selling price. I leave with a sample package of their basic gummy line – the best-selling in Canada I am told.

Heading down the row of stalls I pass by a mostly vacant seating area branded under the Ontario Cannabis Store (OCS) banner. The space is the size

of three regular stalls and in addition to comfy seating includes high top tables, each covered in a variety of informational pamphlets on topics including how to talk to youth about cannabis, and safe storage practices. There are cannabis storage bags placed on the table as giveaways; pouches made of a heavy-weight material with a lock mechanism on the zipper, blue with no branding or labelling on them. They are stuffed with informational brochures and I take one with me as I head down the row to the next few stalls.

I find my way to a booth with simple branding and no obvious cannabis products on display. Reading over their signage I come to understand that the company occupying this booth is a retail management firm specializing in bringing products to market and training retail teams on sales strategies. I chat with the two young women staffing the booth and they explain that they mostly support product development in Ontario, and that one of their staff specializes in liaising with the OCS to navigate their product call process. They describe the personal relationships that this staff member has with what are known as 'category managers' at the OCS. These OCS personnel are responsible for managing specific product categories (e.g., dried flower, vapes, extracts). As we speak, the person they are referring to approaches the booth and we are introduced. After I explain my research she suggests I go speak to the OCS representatives to get a better sense of their purchasing processes, which, she emphasizes, are highly structured and set out in publicly available documents.

We wrap up our conversation and I move along to the next row of booths where I speak with two young women from Alberta representing a small privately-

owned company. They tell me they have 3 SKUs (Stock Keeping Units) in the Ontario retail market. This is common verbiage in the industry, with people using SKU as a unit of reference for their products. One batch of raw material may be packaged and sold into multiple different SKUs, and single products labelled by an SKU may be produced from multiple different 'cannabis inputs'. The two women walk me through the process of getting a product listed by a provincial regulatory board. All told they say it is a three to four-month process, which involves sending listings back and forth and face-to-face meetings to pitch products. They seem weary as they describe the process, noting that it creates hurdles for small outfits like theirs. With only a handful of staff they don't have the capacity to engage in these processes in the same way that larger operations, with dedicated product development and marketing staff, do. Their booth is part of a row of booths dedicated to 'craft cannabis' producers, each about half the size of a regular booth and set up along the far side of the room.

Moving along this row of stalls I find one representing a company that has just transitioned to the Canadian market from California. I ask the representative where he grows the cannabis for his products and he explains his partnership with a licensed cultivator in Newfoundland from whom he sources the 'inputs' for his products. His company doesn't actually grow any cannabis and does not hold a license for cultivation, instead their speciality is in product development, packaging and marketing. His stall includes packs of 'micro-joints' and vape cartridges in heavily branded packaging, and though it is the same material base as that available at the stall beside him (which features his Newfoundland

partner's cannabis products) the two stalls could not be more different in terms of appearance and product packaging. His featuring the bright pastel colours associated with California surfing culture, his partner's set in more muted tones reflecting an organic and homestead style aesthetic. His is not the only operation to focus solely on the processing of cannabis products (versus the cultivation of cannabis plants). Another of the larger stalls I visit is fitted with marketing for a new brand of products just about to hit the Ontario market, when I ask the sales rep about the cannabis that is being used to manufacture these products she notes that it has not been decided on yet. Their 'buyer' is still 'hunting the strains' that will be used to produce these SKUs. While they have specifications around potency and flavour profiles, the actually material substance which will make up these products remains to be sourced.

Wrapping up this conversation, I find my way to a large stall dedicated to one of the major Licensed Producers in Canada. Their booth is divided into three sections, each representing a different one of their brands. A young person greets me and asks where I am coming from. I explain my research and how I am trying to understand the processes through which cannabis comes to market under the current regulatory system. Their eyes light up and reaching over into one of their product storage bins they say 'I can tell you a good story about that' as they hand me a package. They go on to describe how this product, marketed under their 'innovation' brand, was originally developed without sugars or dyes as a means of having it classified as a cannabis concentrate. This in turn, would allow the product, which is manufactured as individual units containing 10 mg of

THC, to be packaged in packs of 10 (totalling 100 mg of THC per package). The product was already out for distribution when Health Canada intervened and reclassified it as a cannabis edible, which are limited to 10 mg of THC per package. As a result, the product is now only packaged and sold in singles. I squish the package in my hand and feel one small chunk of gummy substance inside. The person laughs a bit as they describe how their product development teams navigates the maze of Health Canada regulations that govern the processing, packaging, and marketing of cannabis products.

I make one last stop at a small stall outfitted with mason jars full of cannabis. Speaking to one of the sales reps he describes how the company started out in the hemp business and, having now made the transition to the cannabis industry, continues to specialize in high CBD low THC products. It is a refreshing break from the constant THC-driven sales pitches that I have been subject to throughout the day. I leave with a sample pre-rolled joint marketed as a CBD-based product, curious about the distinction between hemp and cannabis and also about the processes through which THC and CBD levels in products are determined. These figures, expressed as percent THC and CBD content, are key to the branding and marketing of different products and a requirement of Health Canada packaging regulations. Some of the booths at this event are taken up by the Analytical Testing companies licensed by Health Canada to conduct these tests on behalf of Licensed Cultivators and Producers.

Having made my way through the rows of stalls multiple times, I decide to head out. I stop briefly to chat with the people staffing the OCS booth on my way

to the exit. They hesitate to explain their product selection process in too much detail, directing me instead to their 'doing business with the OCS' website where they provide an overview the process and publish their quarterly calls. I leave feeling a bit out of sorts, and rather turned off pot altogether. The corporate atmosphere and sales-driven agenda of the day have left me feeling unsettled in my relationship to and use of this substance. While I do not see pot use as a wholly negative presence in my life, I also don't see it as glamorous or something to valorize either. The kind of care that I am looking to enact in my relationship with cannabis felt distinctly absent from the proceedings of the day, replaced by colourful packaging and sales-pitches about the latest extraction technology. Later, I joke with my friends that there is nothing like attending a cannabis trade show to turn you off of pot.

Reflecting back on this experience two important work practices organizing the legal cannabis industry come into view. First, concerns the cultivation of cannabis itself, how strains are selected and grown for specific qualities, and how the plant material itself is tested for its chemical composition. The stack of marketing materials I am provided with at this event all make claims about the strains, lineages, cannabinoid content, and terpene profiles of products and I am curious to understand more about what these specifications mean, how they are determined, and what is driving decisions behind plant breeding and cultivation. Second, concerns how the raw material of 'cannabis inputs' gets processed and packaged in discrete products which are then selected and approved for sale in specific retail markets. It is clear from the conversations that

I have at this event that there is a long chain of activity required to transform the plants that are grown by a licensed cultivator into the discrete products, identified by unique SKUs, which are available for sale in authorized retail stores, and I am especially curious about the relationship between government regulators and private corporations in these product development and selection processes. In what follows, I address these curiosities in turn, drawing on my conversations with people who work in the industry and tracing how cannabis as a retail product is materialized under the current regulatory framework and organized by discourses of commercialization. I begin at the source, with the material basis of the industry, the plant itself *Cannabis Sativa*.

### **3.2.2 “It’s all bullshit”**

My journey to better understand the material basis of the new cannabis industry, the plant *Cannabis Sativa*, begins with understanding the most basic of differentiations – that between hemp and cannabis. The production of hemp in Canada is governed by the Industrial Hemp Regulations (2018). These regulations were first enacted in 1998 under the Controlled Drugs and Substances Act (1996), in a legislative move that paved the way for the commercial cultivation of hemp through a regulated licensing system (Health Canada, 2006). At the time, cannabis remained a controlled substance and so a legal differentiation was made to define industrial hemp as “a cannabis plant — or any part of that plant — in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves” (Industrial Hemp Regulations, 2018). This differentiation has roots in the work of Canadian agricultural scientist Dr. Ernest

Small who, in 1976, together with his colleague Arthur Cronquist proposed adopting a concentration of 0.3% THC to distinguish two classes of cannabis plants, the weakly intoxicating *C. Sativa Subsp. Sativa*, and the strongly intoxicating *C. Sativa Subsp. Indica* (Small & Cronquist, 1976). Since this time “numerous countries have incorporated the 0.3% criterion in regulations governing fiber-type (hemp) plants and drug-type (marijuana) plants” (McPartland & Small, 2020, p. 82). Hence, the defining characteristic of industrial hemp as written into legislation is the proportionate presence of the cannabinoid THC, and it’s resulting ability to induce (or not induce) intoxication.

Though the Industrial Hemp Regulations (2018) now fall under the Cannabis Act (2018), the commercial production of hemp continues to be differentiated from the production of cannabis in the legal cannabis market. The Industrial Hemp Regulations (2018) sets out a licensing system permitting the cultivation, propagation, and sale of hemp, as well as the importing, exporting, and possession of hemp seed and grain (Industrial Hemp Regulations, 2018). Under the regulations licence holders authorized to cultivate industrial hemp “must sow only seed of pedigreed status that is of an approved cultivar” (Industrial Hemp Regulations, 2018, p. 11). As defined under the Seeds Regulations pedigree status “with respect to seed, means that the seed is of foundation status, registered status or certified status or the seed is approved by the [Canadian Seed Growers’] Association as being breeder seed or select seed” (Seeds Regulations, 1990, p. 5). Approved cultivars are further set out in a *List of*

*Approved Cultivars*, which for the 2023 growing season contained 87 low THC-producing varieties of *Cannabis Sativa* (Health Canada, 2023).

While only certain varieties of *Cannabis Sativa* are approved for industrial hemp cultivation in Canada there is no similar listing for non-hemp cannabis plants under the Cannabis Regulations. In part this may be due to the fact that the ‘strains’ used to differentiate between drug-type cannabis varieties rarely “satisfy the descriptive requirements for cultivar recognition” (Small, 2015). The term cultivar being an “established taxonomic rank recognized by the ‘International Code of Nomenclature for Cultivated Plants’” (Small, p.85).

In speaking to the owner of one cannabis company with roots in industrial hemp production, I inquired about the various strain names that are used to label cannabis plants in the legal market. His response was blunt: “it’s all bullshit”. When pressed further he referenced a study that had been conducted to test different products labelled with the same strain name which had shown great variety between samples. As he described it:

This one academic did a really good study. They basically went and got samples of strains - Northern lights or whatever - from a bunch of different markets, from a bunch of different producers and did genetic analysis and plotted it, and there was no consistency. So that's the truth of it...It's not that different strains don't have different effects. Obviously, they do. So, where it's maybe not bunk is if an LP is paying attention to their strain, and they know it has a certain kind of effect and they decide then to label it with an Indica or a Sativa label...But to follow the lineage and whatever, I don't buy it. (Scott)

While there may not be taxonomic validity to the strain labels attributed to specific cannabis products, these names are still used within both the legacy and legal markets, though not without some controversy.

The online forum SeedFinder hosts a database of over 34,000 varieties of cannabis (SeedFinder, n.d.) and Leafly, an online cannabis information website, includes a database of nearly 7500 strains (Leafly, 2024). In addition to THC content, these drug-type cannabis strains are described based on the presence of other cannabinoids (in particular CBD) and their terpene and flavor profiles. While the strains listed on Leafly are grouped under the labels of Indica, Sativa, and Hybrid the website notes that “there’s a big push in the cannabis industry to disavow the indica/sativa/hybrid classification system because it is not based in data and science” moving instead towards classifications based on chemical analyses of cannabinoids and terpenes (Leafly, 2022). In the absence of pedigreed seed stock and taxonomically distinct cultivars, the chemical analysis of *Cannabis Sativa* plant material, in particular the relative concentration of cannabinoids THC and CBD, plays an important role in shaping the operations of the newly legal cannabis industry.

Testing requirements for legally produced cannabis are set out in the Cannabis Regulations (2018) and further elaborated in Health Canada’s Good Production Practices for Cannabis Guide (2019). Section 90 (1) of the Cannabis Regulations (2018) requires that each lot or batch of cannabis used to produce cannabis products be tested “for the quantity or concentration” of the phytocannabinoids THC, THCA, CBD and CBDA and Health Canada’s Good

Production Practices Guide provides further guidance as to how licence holders can satisfy these testing requirements. It states that testing “must be conducted using validated methods on a representative sample of each lot of batch of cannabis” (Health Canada, 2019, p. 50). Licence holders can conduct testing in-house or through a third-party licence holder who produce certificates of analysis (Appendix I: Example Certificate of Analysis). Licence holders must set out their testing practices in Standard Operating Procedure (SOPs) that are provided to Health Canada as part of the licensing approval process.

In speaking with representatives working in cannabis production these specifications leave some ‘wiggle room’ in terms of selecting between third-party testing companies (with some companies perceived to provide higher cannabinoid testing results) and in the selection of a ‘representative sample’. As one of my interview participants put it:

One thing about the legal market that is stupid is that I get to make my own samples...So me, I make the sample. My job depends on having that sample be of high quality. So, there’s a world of tricks you can do. Like we would always work in the dark with a headlamp on and you sit in a room that is filled with trays of weed and you look for the sparkliest ones, because they literally have more crystal on them, and different parts of the plant have more THC or less, based on the amount of light that they get. (Xavier)

While above, Xavier, a master grower in the cannabis industry, speaks to how the selection processes for cannabis testing samples may be skewed in favour of higher THC testing results, another person I spoke to went so far as to speculate that growers may in fact be augmenting their sample:

Growers or whoever is getting the testing done, they mess with it. So, you take your sample and add keef to it. So, you have to, you know, it's supposed to be a representative sample, but nobody's really auditing that. I think, there's recently been a little audit that was done, but historically no one audits. They audit your process, but they don't audit that you follow your process really in that way. And so, you get some 40 percent 50 percent keef and you sprinkle it into your small little one- or two-gram sample of flower that's already ground anyways, and you can't tell...Now is that what you're going to be selling the customer? No. But is that on your COA [certificate of analysis]? (Scott)

As this participant makes clear, though testing processes must be written out in SOPs, the implementation of these practices is not thoroughly audited for compliance. And why might producers be encouraged to produce Certificates of Analysis with higher THC specifications?

This analytical testing and the Certificates of Analysis that are produced through it are used as the basis for the labelling and marketing of cannabis products, the requirements of which are also laid out in the Cannabis Regulations (2018). Under the current regulations cannabis products must be labelled with either the quantity or concentration of THC and total available THC in the cannabis products (“taking into account the potential to convert THCA to THC”) (Cannabis Regulations, 2018, p. 103). In turn, the concentration and quantity of THC and CBD in cannabis products has become an important piece of consumer information. Products listed on the OCS webstore can be filtered for THC and CBD content, and marketing materials typically display the total amount or relative concentration of THC as a prominent sales feature. While the availability of this information allows for more informed consumer choices (assuming the

labelled figures are valid and have not been substantially tampered with), it is also informing choices and shaping practices of propagation and cultivation in the industry. As Anthony, a quality assurance professional working in the cannabis industry, put it:

Overall, the THC expectations are much higher now...people used to be satisfied with 15 to 20% THC and it went up to 'you got to produce everything above 20%'. And now it's 'you gotta produce everything above 25%'...it was good in setting a standard in that to get the higher THC you have to have the right strains, and you have to have the right grow conditions to optimize them. But the expectation increased for THC over time because people were able to produce a certificate of analysis that said that your THC was whatever, 26% or something.

While the drive towards producing more potent cannabis plants is nothing new, the specificity with which growers can assess the cannabinoid content of their plants is.

Current testing practices are notably different than those described to me by Roger, a cannabis grower with over 30 years-experience. When asked how he determined THC content within his own plants he replied:

We determined that through the dope scope. Which would be the density, the number of trichomes and the development of the trichomes. We could determine the effects by the state of the trichome and by the seed we would use...The seed producers...would come out with lab testings of the percentages of THC...when you buy it they would say, it's, you know, 17, 18 percent, or 12, or 14 percent. So, you'd start with that type of database. And then to be really good at it, you do the dope scope. You actually look at the trichomes.

Here we see that Roger, growing under conditions of prohibition and later as a designated grower for medical licence holders, assessed the THC production potential of his crop through a combination of information available from seed breeders and analysis undertaken by sight using a microscope.

When I ask Roger for clarification about how he defined 'high potency' and made his selections of different cannabis strains to produce he elaborated:

We would we would buy different seeds, because we would have, especially on the medical side, we would have people with different needs as to the potency, you know? Someone did not want any of the psychotropic effects and stuff like that. And so, we'd go for a higher CBD content in the seed. And the producers would give you those numbers to start with. And, you know, they're very good. I mean, the seed business is giant. So, that's where we would start, with the seed and the producers. Do the research on what they had come up with. The yield that that that particular genetic would produce. The terpenes that they would suggest. The duration or the time it took to hit maturity...So, that's basically how we would we would go about the process, starting right with the seed.

For Roger the selection of different varieties to grow was informed directly by those individuals he was producing for. Today, companies rely on a variety of market analyses to make determinations about which varieties of cannabis to produce and which qualities of the plant to cultivate for, a process which I will explore further in the following section.

For now, suffice it to say that the analytical testing of cannabis plants that is required under the Cannabis Act (2018) and related regulations has enabled the broad-based circulation of chemical analyses of the plant and the products

derived from it with a high degree of specificity. While these testing results may have new weight within the legal market, given the use of this information in product labelling and marketing, the controversies surrounding them are in fact nothing new, a point my participant Scott made clear to me, stating: “that controversy in the testing world has deep roots. Back...in like 2000, we were sending out identical samples to a half dozen different labs that were licenced to do THC testing and we found wild discrepancies”. Despite discrepancies in testing results, and the ability to skew these results through sample selection or other more explicitly deceptive practices, the concentration of THC has long been an important defining characteristic in the classification of *Cannabis Sativa* at the subspecies level, serving to differentiate between fiber-type and drug-type plants. Within the new legal market testing and labelling requirements have allowed THC concentration (‘that number’) to take a more significant role in shaping cultivation and manufacturing processes. In this way, the relative concentration of THC and the practices through which it is determined, are an important part of materializing cannabis as a retail product. In the next section of my findings I turn to an investigation of how these practices in turn impact the kinds of products that are, or are not, available in the retail market.

### **3.2.3 “The market is being driven by the high THC stuff”**

Many of the people I spoke to noted that the market for cannabis products, and particularly dried cannabis flower, is being dominated by products with higher THC concentrations, with one owner of a licensed processing facility bluntly stating “the market is being driven by the high THC stuff” (Scott). While this

participant noted that they personally believe “long-term it’s not just going to be about high THC” (Scott) current market conditions are favoring the production of these kinds of products. And just what are the market conditions that have been driving the push towards higher THC levels in dried cannabis flower? To end up on the retail market, the raw material produced from *Cannabis Sativa* plants can either be packaged and sold as dried flower, either loose or in the form of pre-rolled joints, or used in the manufacturing of other cannabis products, including concentrates, edibles, and beverages. In Ontario, employees at the Ontario Cannabis Store (OCS) play a key role in deciding which products are made available to retail consumers through their product call processes.

The OCS product call process, as laid out on the Doing Business with OCS website, is conducted four times a year and proceeds in three stages (Ontario Cannabis Store, 2023a). The first stage “begins when the OCS publishes an Assortment Needs Bulletin” (Ontario Cannabis Store, 2023a) which is intended to guide submissions of proposed product listings from Licenced Producers. According to the OCS, these bulletins “are informed by Retailer feedback, performance data, customer insights, and current assortment gaps in the OCS catalogue” (Ontario Cannabis Store, 2023b, para. 1). The first of these bulletins was issued in 2021 and was organized into five subcategories of dried flower, pre-rolls, oil/capsules, edibles, and topicals (Ontario Cannabis Store, 2023b). The category dried flower included details specifying the provincial distributor’s request for products with THC concentrations above 20% (Ontario Cannabis Store, 2023b). A variation of this request (e.g., “high potency strains”)

was included in each quarterly bulletin published up to the Winter of 2023 (for products slated for release in January and February of 2023). Thus, up to very recently, the provincial distributor in Ontario, ostensibly responding to market demand (in the form of 'performance data' and 'customer insights') was driving the proliferation of high-THC dried flower products.

While these bulletins serve as the foundation for the OCS product selection process, it is through conversation and negotiation with Category Managers that Licensed Producers ultimately bring their products to sale in the Ontario market. As Scott, and owner of a Licensed Production facility with current SKUs listed by the Ontario Cannabis Store, described it to me:

Every quarter they do a product call...So that gives you an idea of what they think they want, and ostensibly, the closer you are to what they're asking for the more likely that you're going to get your product approved. Practical reality is it's loose. That's what we found. Category managers have a fair amount of autonomy to choose the products they want...I have generally found they're actually quite supportive, and flexible.

Here we see that while the OCS assortment needs bulletin is an important text that guides that product call process, ultimately the decisions for which products get listed on the OCS webstore and made available to retailers in Ontario take place in more a relational and nuanced way. So while the OCS itself was explicitly calling for more high THC dried flower products up to the start of 2023, licensed producers also have a part to play in suggesting the products they want brought to market.

On the OCS side of things ‘market demand’, as captured in performance data, plays a part in structuring the product selection process. The people I interviewed who worked in Licensed Production facilities also noted production costs and profitability as important considerations. In this sense plants that can produce higher THC concentrations may be deemed more desirable given their potential to serve as higher efficiency inputs for the production of other cannabis products. As Anthony, a quality assurance professional, put it:

The higher THC, if you are able to actually produce stuff that's higher...it can also be useful in that when you do your extractions you can get a better efficiency. You can get more extract, more oil out of the higher THC stuff...so higher THC, gives you more in your extracts and it could sometimes have also the higher terpene profile.

As described above by Anthony, by growing high THC-producing cannabis plants companies can produce higher efficiency and higher value ‘inputs’ for the production of other cannabis products. Thus, companies may be incentivized to produce plants with higher THC concentrations as a means of maximizing the efficiency of their other manufacturing processes.

The relative value of higher THC producing plants is reflected in sales data from Canadian Cannabis Exchange (CCX). The CCX is the leading business-to-business trading platform for Canadian cannabis companies, and one which multiple people referenced in conversations discussing the inner workings of the cannabis industry. The platform serves as an intermediary between license holders, enabling corporations with license for production to purchase bulk cannabis inputs from companies licensed for cultivation. It is through these kinds of business-to-business sales that companies can source the necessary

cannabis inputs to use in their manufactured products. The CCXs monthly pricing reports break down average prices for dried flower by THC concentration (Appendix J: Example CCX Pricing Report). Between 2021 and 2023 their THC index was updated to include an additional category of 30%+ THC (see side by side comparison of indexes in Figure 3.3).

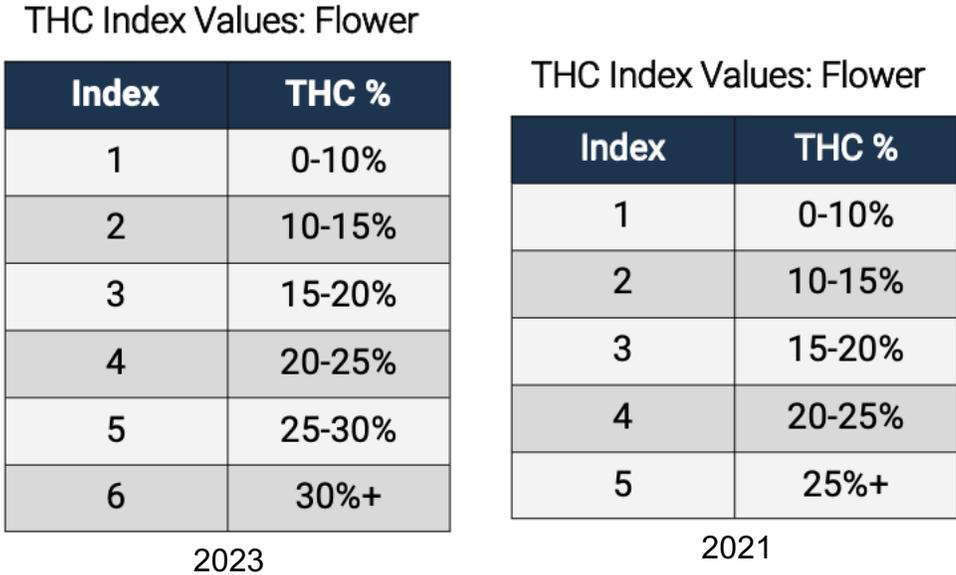


Figure 3.3 THC Indexes (Source: Canadian Cannabis Exchange, 2021 & 2023)

Year over year prices further demonstrate the relative value of dried flower with higher THC concentrations within business-to-business transactions, with average price per gram of Index 5 flower calculated at \$3.55 in October 2021, and \$1.48 in January 2023, and Index 3 flower (the lowest indexed flower that was traded consistently in both 2021 and 2023) calculated at \$0.87 in October 2021, and \$0.50 in January 2023).

The importance of this trading platform and the weight that their reporting has on the market was underscored by many of my interview participants who work in licenced production facilities. For them, this platform both serves as both

a space to source cannabis inputs and gather information to support decisions about the strains of cannabis to be produced in their facility. As my participant Fred described it:

You can also go to other places like the Canadian Cannabis Exchange. And what these companies are doing is they are the middle men for business to business... You have a product, they put it on the exchange to try to sell it. They get 3% of the profit and things like that so you can access those exchanges and see what's selling, see what's popular what's, what's over sold, what's over produced.

Here we see the involvement of third-party corporations in setting trends in the marketplace, with dried flower products indexed to THC concentrations and higher indexed flowers shown to be saleable at higher prices than lower indexed flowers.

In this section of my findings I have illuminated how the drive to higher THC concentrations in dried flower is organized through the product call processes used by the Ontario Cannabis Store as well in business-to-business sales facilitated by third-party companies like the Canadian Cannabis Exchange. The next section, summative, section of my chapter on retail cannabis products highlights how this materialization of cannabis, identified by Stock Keeping Units labelled by plant type and THC concentration levels, is organized according to a profit motive.

### **3.2.4 “It’s just a profit driven industry”**

The quote above, “it’s just a profit driven industry”, is drawn from a conversation I had with two union representatives involved in organizing efforts in

cannabis production and retail spaces. While both representatives supported a move away from cannabis prohibition, both also voiced skepticism and unease with how legalization has been pursued in Canada. Liam, one of the representatives put it this way:

In my mind this goes all the way back to how legalization has been rolled out in Canada. I think the only reason that the industry is this way is because of the Federal and the Provincial government. They've basically given the green light to big money investors who have nothing to do with cannabis.

When asked if she had anything to add, the other representative Kylie, responded:

I agree wholeheartedly with everything that Liam just said. It's just a profit driven industry. I think people saw dollar signs when all this stuff was unfolding and didn't take the time to think it out properly.

Though the relative merits of how cannabis legalization has been rolled out in Canada is subject to contestation, having reliable access to a quality supply of cannabis is of critical importance to people that use it. Those working in the industry point to this as one of the main benefits of legalization. As Scott put it:

I think it's pretty clear and univocal that legal cannabis products are more safe. That's huge, right? And the regulations have been extremely successful on that. There's no wiggle room, or very little wiggle room. I mean unethical people will always do shit and cover their track as much of they can, but I would say that the vast majority of LPs work within the guidelines and those are incredibly beneficial to the consumer.

As this quote underscores the creation of a regulated supply of cannabis helps ensure safety for end-users of cannabis products by requiring producers to meet

product safety specifications. Today we see the effects of unregulated drug production and distribution in the growing toxicity of the illicit drug supply, with deadly impacts. Still, the processes through which cannabis is materialized as a retail product are not entirely benign, especially as they are influenced by profit motivations. Perhaps nowhere is the association between the regulation of production and the profit motivations of capitalism more evident than in the drive towards producing higher levels of THC within cannabis plants. While the chemical analysis of THC concentrations has been an important marker in the delineation between fibre type and hemp type cannabis plants since at least the 1970s, as described above within the newly legal market this metric has taken on new importance, with companies vying for higher and higher test results as higher THC concentrations come to be valued for both cannabis inputs and as a sales feature of retail cannabis products.

In the next chapter of my dissertation, I examine how the materialization of these cannabis products is organized through discourses and practices of corporatization, paying specific attention to labour relations and knowledge practices.

### **3.3 “The white collaring of the weed growing industry”**

The passing of the Cannabis Act (2018) has ushered in a new era of cannabis production and distribution in Canada. A process Xavier, a Master Grower in a cannabis cultivation facility, aptly called “the white collaring of the weed growing industry”. Speaking with Xavier about his work growing cannabis he shows me the spreadsheet that he uses to keep track of plants across

multiple grow rooms. It is in describing this spreadsheet to me that he explains the 'white collaring' of the industry:

I was the second master grower...the master grower before...was a pure black-market guy...and one of the interesting transitions was me taking it from...[his]...black market approach to a legal approach...he didn't write things down because he could see it read back in the court of law. A lot of his friends had got major jail terms for doing what he did...so a lot of my job was formalizing the processes and putting things to paper. Like this...a spreadsheet that governs the veg and flowering times and cloning times for different rooms... [The previous master grower] could only do this to what his mind could handle. Whereas this is a spreadsheet that can stretch out infinitely far into the future. This would get you convicted, I think, if you were caught with it pre-legalization times. But now it's like the formalization of this oral process. So, there's a hint of the agricultural revolution where farmers in the 1600s in England started writing down their like production methods and formalizing a lot of the processes and having a peer review system...it's the white collaring of the weed growing industry.

As Xavier describes above, the formation of a legal cannabis industry in this country has involved the formalization of knowledge practices and a transition in who is involved in the growing of this substance.

In this chapter of my dissertation I describe how the growing and selling of cannabis has been corporatized under the current regulatory framework through an examination of shifting labour relations and knowledge practices. I begin by examining the system of licensing for cultivation facilities and how this has 'squeezed out' the participation of people who previously grew cannabis, I then explore how the system of cannabis retailing organizes by whom and how

cannabis is sold, with impacts on the kinds of knowledges that are authorized and how they circulate (or do not), and what kinds of community spaces and activities users have access to. I begin with an account of a moment from my research which attuned me to consider the corporatization of cannabis growing and retailing practices.

### **3.3.1 “I want to be more than a consumer”**

In the Spring of 2023 I set out to meet with a new research participant I had connected with over social media. I had introduced myself to them through a direct message after attending one of their community art-making events. They generously responded and agreed to discuss my research and their possible participation in it over the phone. After chatting about my research, the cannabis industry, and business practices more generally they agreed to an interview and we set up a time to meet at their home office. It was a sunny spring day and after greeting me at the door Lewis led me out to his back patio where I set up my recorder as he lit some incense and we settled into our conversation.

Lewis had started popping up on my news feed the previous summer in promotions for his outdoor art-making and cannabis sessions. When, at the outset of our conversation, I ask about how and why he got started organizing these events he tells me:

it definitely started - for me anyways - in terms of like knowing that cannabis is part of my routine, from a creative perspective. Like, I have my spiritual tools and that falls into one of them. Like incense, sound... there's different things that are part of my daily ritual, part of my creative ritual, and so cannabis fits right in there. So, when I decided

to take that to the streets or I should say to the park last year, summer time, it was to connect with people. Yes, around smoking the cannabis...But also to talk about cannabis. Because, there is a lot that people don't know and they're getting the information from the people behind the counter...So, I saw it as a great opportunity to have conversations.

Here Lewis highlights his own desire to offer a means for cannabis users to share their knowledge and convene in community around this shared practice, or ritual. As our conversation continues, Lewis identifies how this desire is curtailed in the context of the current regulatory system for legal cannabis, articulating how he wants to be 'more than a consumer' and identifying how current processes of cultivation and production are not conducive to this. As he describes it:

I want to be more than a consumer. Right?...what am I smoking? What's going in my system? There's so many things I don't take in my system. I can get got from cannabis now? You know? I make it a point to like eat organic, read the labels. Know when I'm eating something that it's not fitting. It's the same thing. So now I feel like I know when I'm smoking certain cannabis like, this is not aligning with me because of some of the bare things that...Like, this plant doesn't grow with any seeds. That doesn't sit well with me. It hasn't with other plants [either].

As Lewis describes it above, his conception of being 'more than a consumer' means, in part, having access to knowledge the practices through which the cannabis he is consuming has been grown and produced. It also means having a more wholistic relationship to the plant itself, respecting it as a living entity. A point he elaborates in this way:

I wanna say for the record 'we must love the whole entire plant'. From the root to the everything, the leaves, the bud, everything, the seeds,

like we must...Which means like let's honor all plants, let's honour the growth, like not just in a way we like champion the best strain, you know. Which again, respectfully, has its merits, you know. But in terms of yeah just respecting the natural essence of this plant being...It was here before us, we didn't create it. You know, I heard someone say this: just because a scientist found out about it doesn't mean that's when it started doing what it was doing, right? It was already doing that before. So, you know, we take too much credit and ownership of these things because of the knowledge that we find by research, you know? Which again, is great, but we don't own it.

Here Lewis describes his desire for a more reciprocal relationship between people and plants and opens up a broader question about the ownership of plant knowledge within the newly legal cannabis market. The two concerns expressed here – who grows cannabis, by what means, and who can or should own the knowledge about it – are intimately connected. In what follows I explore the labour relations and licensing practices set up under the current regulatory system and how they shape who and by what means cannabis is produced and sold.

### **3.3.2 “Who’s growing this?”**

The question of ‘who’s growing this’ came up explicitly in my conversation with Lewis. His assessment of the current cannabis industry was clear: “it’s a business”. When asked what an alternative formation of the industry could look like he responded:

What would that look like? I mean connecting with the farmers, putting them front and center. Who’s growing this? Let's meet them. Let's go

out to the farms. Let people take drives out to the farms. Let there be opportunity for them to have sale days...you can learn about nature, you're driving out of the city. Like, I don't know, you just asked me that, I've never been asked that question, that's what came to mind. That's how I would start.

Here Lewis expresses a desire for a different kind of model to guide the legal cannabis industry, one based on meaningful connections with the plant and the people involved in its production. Other people I spoke to also wanted to see different kinds production opportunities established, specifically identifying opportunities for public ownership and local economic development. This was the case for Morgan, the owner and operator of an authorized retail shop, who mused about the possibility of a community-owned production facility this way:

I think it'd be kind of cool if...the community had a production facility. I don't know if a township is allowed to own something like that. I don't really know how that works. But if you had something like that and explicitly set it up as tourism, people can come and see how it's grown. They could have a bud and breakfast there or something on site. I don't know what all the regulations and things would be around that. But I'd like to talk more with the council here...I know they're open to cultivation, they're open to production within the township, obviously they're open to retail. So, what are some ways that we can build this up...so more people can interact with cannabis throughout its life cycle from seed to sale... if I could go to a little bed and breakfast thing and get to like walk through some fields and see the plants at different stages and all that I think that'd be alright.

Both Lewis and Morgan describe a desire for more opportunities to be connected and invested in the growing of cannabis within the new regulatory landscape, getting to know and relate to the plant 'from seed to sale'.

Some of the people I spoke with maintained this kind of relationship to the plant through their own growing practices, remaining largely 'detached' from the cannabis industry in this way. As Kristy, a long-time small-scale cannabis grower, put it:

I'm pretty detached from it...Because we're in our own little loop and I think probably a lot of people are. I know people order stuff online and they go to the weed store and all that. But I guess they're mostly people who don't have access to a place to grow...Because why would you pay? I mean and there's taxes and there's stupid fees in the price, right? They can't expect people to spend extra money just because it's legal. There's so many other ways to get it that are legal too...it'll be transitioning for quite a while before they get it right.

Here we see that having 'access to a place to grow' allows Kristy to have a different kind of relationship to cannabis under the new regulatory framework, described as being in her 'own little loop'. While Kristy was clear in our conversation that on the whole she saw legalization as a good thing she feels that "the way they rolled it out was really dumb". When I ask her a follow-up question about what she means by 'get it right' as described in the quote above, she specified: "Easy access. Good price. Good quality, which I gather can be a problem. And less government interference."

While access to land can support people to grow their own supply under the current legal framework in Ontario (and thus be 'in their own little loop') being able to establish a business that can produce cannabis for the legal market is by orders of magnitude more difficult. Who gets to grow cannabis under the current regulatory framework is a critical dimension of wider concerns about knowing

who is growing cannabis and how. Both Kristy and my participant Maureen, a long-time user of cannabis for medical purposes, expressed concerns about who is able to participate in cannabis production and how the knowledge of experienced growers was or was not taken up in the process of legalization. With Kristy stating “they didn't seem to listen to people who've been in the business for so long” and Maureen describing it this way:

There's nothing where there was more community information than marijuana. Like a lot of people knew a lot. The people had been growing it and so on for 30 years. And they had a lot of knowledge and I do think some of those people got squeezed out. Instead of rewarded for their knowledge and had their knowledge used in this journey. They got squeezed out. Which is too bad.

My participant Roger is one example of a person who, as Maureen puts it above, ‘got squeezed out’ of the transition to the legal cannabis industry.

An experienced cannabis grower who had been set-up as a designated grower under the Access to Cannabis for Medical Purposes Regulations (ACMPR), Roger described the process of trying to set up a licenced production facility under the new Cannabis Act as “hurdle after hurdle after hurdle”. As he sees it, the new regulatory framework makes it “impossible for anybody to grow small volumes legally under licence”. One particular barrier he identified to small scale operators was the risk of losing the required start-up capital from personal investors (friends and neighbours). He described his attempt to establish a cannabis company and obtain a licence for cultivation this way:

When it opened up...I set up a cannabis corporation...The company was established, and we then began a program of applying for a grow

licence to grow a significant amount of pot...And it was a viable business model – it could be run, people could be employed, and it would have a modest, not an exceptional return, but a good solid modest return...And, I guess about three years ago we had put our plan together. We had negotiated with a neighbor for a facility, which was required. We developed plans for that facility, which was required. And I was about to make the final application when notification came through...that you had to build the facility, have the facility inspected, and you *may* get a licence. It did not follow that if you built it the licence would come. I thought this was, from a business point, absolutely absurd...once I realized that there was a risk that we could build it, and it could take years – which I was following others who had gone down that path, and three, four years after the facility was built, the licences weren't forthcoming. So that's a million bucks, tied up, at no return, for years, this is a bad business plan. I simply passed.

Here Roger identifies barriers to participate in cannabis cultivation that derive from licensing requirements, and the financial risk to his network of local small-scale investors.

Licensing requirements for cannabis cultivation facilities as set out in Health Canada's Cannabis Licensing Application Guide (2019a) structure the risk of investment in particular ways. In the guide, a list of reasons for licence refusal includes discretionary items such as “issuing a licence is likely to create a risk to public health or public safety including the risk of diversion” and “The Minister is of the opinion that refusal is in the public interest” (p.41). The significant capital costs associated with setting up a cannabis production facility, coupled with this risk and a potentially lengthy approval processes serve to restrict who is able to

grow cannabis in the legal industry, privileging those with both access to capital and the ability to manage the risk to investment over time.

While Roger ‘simply passed’ when the application process became too risky and onerous to complete, another cannabis grower I spoke to described how the licensing process and facility investment requirements have played out in larger corporate structures, creating winners and losers in the new legal cannabis growing landscape. Fred, who has worked to set up two Health Canada licensed cannabis cultivation facilities, describes his experience this way:

The company I am with now has just got into the market. In 2021, they purchased the building...they purchased it for a very, very low price...The company that walked away sold the facility for pennies on the dollar, and the town sold us the building for pennies on the dollar just to get employment going...At the very start, everybody was setting up facilities, and they didn't understand the market, they were over inflating their valuation, who they were, what they can produce, and what people would consume and they got it wrong. And, there was such an influx of money and stocks, land ownership, huge greenhouses. And, they lost. Now, they didn't go under, but they lost...So, we got this place inexpensively, and we made the changes so that we can grow high quality cannabis. And we will enter the market with good products and we will make much better profits because we got in at such a low rate compared to the other companies.

Here Fred describes volatility within the legal cannabis industry, tied to a boom in investment – an ‘influx of money and stocks’ – in the early days of its inception. While legacy growers like Roger were ‘squeezed out’ by the risk to investment and lengthy and uncertain approval processes, other corporate players were

shuffled out after taking the risk and 'losing' - never realizing the full operation of their facilities. Taken together this creates a context in which who gets to own and operate cannabis production spaces in the legal market is a small and well-positioned (in terms of access to capital) group. While licensing requirements and investment risk may not have allowed many legacy growers to make the transition to the legal market, links do exist between legacy growers and commercial operators, particularly when it comes to who occupies the legally required position of Master Grower and the processes through which growing practices come to be codified for the purposes of meeting licensing requirements.

The legal cannabis industry in Canada did not simply come into being overnight. Rather, it developed through the transfer of knowledge and of people from one setting to another, from legacy to legal grow operations. Employment relations are one way in which knowledge about growing cannabis has been transferred from the legacy to the legal cannabis market. Fred's experience is an example of this process in action. He describes his career in cannabis cultivation this way:

I work in a facility that's in the process of getting its cultivation licence. There's going to be about 10 thousand square feet of growing space, 44 thousand square feet is the facility. I am the master grower and director of cultivation. I've been at this project for a year. And before that I was at another similar project, setting the place up. And that was for three years. Before that I was involved in the black market from 1990 - the beginning of 1999 to 2012. In 2012 I entered the gray market, which is the ACMPR [Access to Cannabis for Medical Purposes Regulations] - licensing and regulation. And I worked within

those boundaries for six years before basically Canada went to legalization.

In detailing his decades-long career growing cannabis, Fred describes how he his work has shifted with the changing regulatory environment. When asked further about his decision to transition to the legal market Fred tells me about how the opening up of the legal market made the economics of 'grey market' growing (i.e., growing under the ACMPR) untenable:

I was growing cannabis and the prices were so low that after crop, when I did my math, I was making the same amount as somebody who works for maybe 22 dollars an hour. And I realized that the market is flooded, and there's no going back because of the ACMPR. Back in the day, the market used to be flooded, but it would ebb and flow. Once the ACMPR came in, it didn't ebb and flow anymore. It just kept going down and down and down...So...I was selling to a dispensary and the owner of the dispensary said 'hey man' I was like 'yeah, jeeze numbers are down, I'm struggling. Finding it hard'. He was like 'you know, you're a really good grower I got a friend...that's looking for a grower'...So, I exited the market.

As identified here by Fred, prior to the legalization of cannabis under the Cannabis Act (2018) the conditions of the medical market (prices going down precipitously) were already making the work of some small-scale cannabis cultivation operations untenable.

One of the three main goals of the Cannabis Act is to "keep profits out of the pockets of criminals". While this goal is often framed in terms of curtailing organized crime, the ability of the current regulatory framework to impact organized crime groups (OCGs) has been questioned. A memo drafted by a

policy analyst at Public Safety Canada states plainly “that although the new cannabis legislation makes it harder for OCGs to infiltrate the legal regime, these groups are finding new ways and adapting to changes in the market” (Public Safety Canada, 2020, para 8). Liam, the labour movement organizers I spoke to described ‘the same shady figures’ being involved in cannabis production under legalization as were involved during prohibition. As he put it:

The working conditions now with legalization in a producer are the same as when it was illegal. Except when it was illegal they were paid twice as much as what they're paid now, right? Cause, back in the day when it was illegal, I could, you know, take life into my own hands and agree to trim and harvest plants. But I'd make maybe 30 bucks an hour or 40 bucks an hour. And now you're doing the same thing under the same conditions, with the same shady figures around you but they're only paying you 17 or 18 bucks an hour. So that's kind of a general overview, from what I've seen in production in Ontario.

According to Liam while the ‘same shady figures’ may be involved in operating cannabis production facilities in Ontario, the labour conditions for employees have in fact diminished in terms of overall wages.

While the goal of curtailing profits to ‘criminals’ appears noble at the surface, in actuality it is both difficult to achieve and creates a context in which people who have knowledge of cannabis growing practices, but are unable or uninterested in setting up operations of their own, become lower paid wage labours for larger corporations. For Fred this transition has had some benefits. As he describes them:

I get to live a normal life. I get to go home at 4pm. Whereas, in the illegal market, anything can happen. You could receive a phone call at

8 o'clock stating that the hose line broke and water is spilling out and you have to run over to that house and do maintenance repairs. You could have somebody calling you from jail. You could have somebody's wife calling you because somebody broke in and hit her over the head with a shovel. There is a various amount of good and bad things that can happen to you. And you can't run away from them.

While Fred, having been given the opportunity to engage in the legal market, has been happy to leave the risks of operating an illegal business behind him he notes how this transition has impacted others in his social network differently:

there were so many people just like me that walked away from conventional life, and started living that way. And everything that happened, and the changeover...I have friends that won't talk to me...I have friends I don't talk to because I entered the legal market. I have friends that, you know were affected by legalization because they were growers for 18 years, and the industry moved on. And they had to reinvent themselves at 45.

While other growers 'reinvented themselves' Fred brought his knowledge of cannabis growing to the legal market, where it has come to be organized and codified in new ways.

In the context of the legal market cannabis growing practices are written up and codified in Standard Operating Procedures (SOPs), as required by Health Canada for licensing purposes and instituted by corporations for regulatory compliance and to ensure quality and consistency of products. The creation of SOPs is a requirement of the Health Canada licensing process, part of the quality assurance procedures put in place to ensure compliance with Good Production Practices (GPP). As described by Health Canada's Good Production Practices

Guide (Health Canada, 2019b) SOPs “should include all steps necessary to be in compliance with GPP” (p. 13). The guide further identifies the “production and processing of cannabis and ingredients” as operational elements to be outlined in SOPs, including: “cloning of cannabis plants or propagation of cannabis plant seeds; trimming; Additions of nutrients, fertilizers and pest control products; Harvesting; Drying, curing or burping” (p.13). While setting out growing practices in SOPs supports regulatory compliance and the standardization of growing practices, it also supports the transfer of knowledge from the previously illicit growing market to the newly legal market. Anthony, a quality assurance professional working in the cannabis industry, described the process of drafting SOPs for a new cannabis company this way:

Cultivation is a big one. Cultivation is huge. So the grow SOP evolved over time because depending on how we were growing. They [company] had a very crude growing SOP because they're like a lab, they've all interacted with pharma, they didn't understand growing. So, we really had to work on the growing SOP - the grow SOP and other ones like that, that were more directly related to how did our grower do what he did, do cultivation, what's his method. The different growers initially came from the black market. Now many companies have SOPs established and they just train somebody...Where before you got your master growers, like a diva from BC or something.

Here we see how the codification of growing practices through the licensing process sets up conditions in which knowledge is transferred from individual to corporate ownership, facilitating a transition of employment and who is involved in growing.

In our conversation, Anthony also identified a resale market for SOPs operating between companies, especially in the early days of the industry when facilities were first being set up. As he described it, the facility he worked for got started using SOPs purchased from a cannabis consulting company:

The original core SOPs were written by Quality Assurance people in the company that I interacted with initially. That company was doing consulting for the cannabis industry...they had a couple of people working in cannabis, and they were writing SOPs for the cannabis industry that they sold to the cannabis industry...but they were very basic. So, what happens with basic SOPs is you look at them, you adapt them to your company with the headers and footers, you revise them you create a new copy, and new version of them, and it supersedes the other version and they evolve with the company. And sometimes you use the same templates you make new SOPs for new equipment or new areas. So, I took what I had and then I evolved them with the company...I took what I had and I built on it with time. So, that's where the SOPs came from. But, you realize with the reality of your facility that you have to adapt SOPs to your facility.

As Anthony describes above, the knowledge of legacy growers and trained Quality Assurance personnel is instrumental in the process of adapting basic SOPs to the specificities of different facilities. This codification of knowledge and expertise about cannabis cultivation is quite different than the knowledge exchange practices involved in the legacy market as described to me by Fred:

As far as in BC goes a lot of that information was traded through verbal communication. Just people at trims...In the black market one of the biggest social events was trimming. Or sorry, one of the biggest networking events trimming. Every time you went to a trim. You got to sit around with eight other growers, and they had different strains,

different techniques, different ideas, and you got to bounce all your ideas off each other.

Here Fred describes the different knowledge practices at work in cannabis growing networks pre-legalization, practices which have shifted considerably under legalization. Above, I have described how regulatory standards aimed to ensure product consistency and safety are organizing employment relations and leading to the privatization of knowledge practices. While ensuring consistent and safe cannabis products (and other drugs) is critical for the safety of users and for those employed in the industry how these regulatory controls are deployed within corporate structures also serves to consolidate ownership and control of knowledge within the production system. Further, it is not only the circulation and ownership of knowledge about growing cannabis which has shifted under legalization, knowledge about the plant itself, its effects and modes of use, have too.

### **3.3.3 “Who's behind the counter makes a difference”**

Under the Cannabis Act (2018) provincial governments are responsible for setting out the terms for wholesale and retail distribution. In Ontario, the Ontario Cannabis Store (OCS) serves as the wholesale distributor for cannabis in the province in addition to operating an online retail sales platform. Physical retail spaces are operated by private companies with retail licences issued through the Alcohol and Gaming Commission of Ontario (AGCO). As described to me by Maggie, a cannabis advocate and community organizer, physical stores are important for ensuring the availability of cannabis:

there's 1500 stores in our province. 1500 stores in our province. Now, right now. And the first year, there was 25. And it has grown so beautifully. And I'm so sad for the ones that are not going to make it, because the markets are oversaturated, but I'm so happy for the ones that had no access to medicine at all before. At all before. AT ALL. Can you imagine? Can you imagine, now they get to feel better and they get to be well.

While Maggie is happy that people will have access to cannabis 'medicine' she, along with many others I spoke to, lamented the 'oversaturation' of the retail market, with some going so far as to call it "depressing" (Maureen).

At the outset of legalization, the AGCO ran a lottery for access to the first 25 retail licences. While this served to limit the number of retail store locations for a period of time, the union representatives I spoke to also suggested that it sent a message to both the public and to possible investors about who was able to participate in the industry. As Liam put it:

In Ontario this notion of a lottery system basically said to the public, we don't care if you know anything about cannabis ...here's a lottery system, and if you have enough money to start a shop, you can start a shop.

While the Cannabis Licence Act sets out specific requirements for retail store operators in terms of staff training and store safety requirements, my participants described a different set of needs and desires in terms of retail operators. When asked about the changes he had experienced in the transition to legal cannabis Lewis was blunt:

Lewis: First it was 'fuck the dispensaries'. Hardcore...

SC: And why fuck the dispensaries at first?

Lewis: 'Cause where was it coming from? I had no idea. Like I still had to ask questions. The fact that they're the middle man...I don't like middle men. No, I'll take that back. It's not that I don't like middle men actually, I think everyone deserves their just, but I think when the middle man has nothing to do with it other than giving it the okay, and overseeing it, that to me seems...I'm sure they're doing their own research, whatever they have to to meet protocol and that. All my opinion. But I do think...it wasn't the route that I wanted to do. I know friends, I know people that I can get it from and I want to still support them. Because it is a livelihood for people. It's not just about doing something legal or illegal. It's a livelihood.

Lewis was not the only participant to describe the livelihood of cannabis, and its loss, in the transition to legalization. Kristy too, described her loss of additional income in the emergence of the new retail landscape:

We used to actually sell quite a bit to people we knew. [Now] there's no demand, honestly. Not around where we are. Everybody's got their own, right. Pretty much...You know, it was a nice little source of income. Yeah, you know just good things don't last forever, I guess.

Though Kristy doesn't lament the loss of this source of income, these two quotes illuminate a wider pattern in the shift of who is involved in the retailing of cannabis. Determining who, as Greg (a sales associate and manager at a Authorized Retailer) put it, gets to be a "legalized dope dealer".

Similar to cultivation and production, there is a sense among both labour organizers and cannabis users that the people they would want running these spaces are not, in fact, the people who have access to do so. In addition to the lottery system described above other provincial policies shape who is able to

participate in the cannabis retail market over the long term. As my participant Morgan described:

There are some things that are happening in the industry that are kind of favoring those larger players and it's not good on the whole for the economics of cannabis...In cannabis, there's no price floor...you just can't give it away but you can sell it for five cents if you wanted to. You just take the hit on losing money...A store with deep pockets – and there are some that their explicit business model is 'we'll come in, we'll undercut everybody till they're out of business and then we'll raise our prices' - can do that.

Morgan's concern, as expressed above, is one of being able to continue operating as a small independent cannabis retail outlet. The kind of operation many of my participants explicitly identified as those they are most interested in.

Under new policy the OCS does set a minimum wholesale price (a 'price floor') for "Dried Flower, Pre-rolls, Infused Pre-rolls and Vapes" (Ontario Cannabis Store, 2024a), defined as "the lowest amount OCS will charge for a product in a given category" (Ontario Cannabis Store, 2024a). However, their pricing guide also stipulates that "Authorized Retailers have the discretion to determine retail pricing for products they sell in-store, over the phone or online" (Ontario Cannabis Store, 2024a). Further, the 'Retailer Code of Conduct and Communications Guidelines' set out in their 'OCS Wholesale Authorized Cannabis Retailer's Handbook' (Ontario Cannabis Store, 2024b) specifies that "we will not recommend or suggest a retail price (MSRP) for any Authorized Cannabis Store, nor will we implement any restrictions on an Authorized Cannabis Store's pricing model. All retail pricing decisions remain at Your sole

discretion” (Ontario Cannabis Store, 2024b). As such, Authorized Retailers in Ontario are able to sell cannabis products at their own selected prices, facilitating the practice of ‘undercutting’ as described by Morgan above. For example, the lowest cost dried flower I was able to retrieve in an online search of discount cannabis retailers in the Spring of 2024 was set slightly above the OCS’s minimum wholesale price for dried flower of \$2.28/gram (Figure 3.4).



Figure 3.4 Low Cost Dried Flower Product (Source: Value Buds, 2024)

This pricing structure allows corporations who are able to manage profit losses over the short term, to sell products with a small retail profit margin, often ‘out-competing’ smaller operators who do not have the same levels of capital investment to draw from.

As is the case with production and processing spaces current policies and regulations structure those who are able to engage in the retail market place, corporations who are able to manage profit loss over the short term. However, it is not just who is able to engage in the new legal cannabis industry that is of concern to people who use cannabis. Many of my participants also expressed

interest in different kinds of relationships and community-building opportunities when it comes to access and consumption.

### **3.3.4 “It’s probably shitty little laws”**

In describing the relationship they have with the cannabis they consume, in addition to having more direct relationship to its cultivation and production, the people I spoke with described a clear desire for more opportunities for community building and spaces for consumption. For example, my participant Maureen described wanting ‘room for people to congregate and smoke’ as well as a lack of clarity around the current state of rules and regulations related to them. As she described:

I’d like to see places where people are allowed to smoke. There’s an idea. And I’m not sure what the law is on that...It should be that there is room for people to congregate and smoke...I think it’s probably shitty little laws that prevent that from happening. So, it would be nice to see a window of some sort...you know, opportunity for that to happen...People are a bit nutty, like as far as we have gone to an extreme end of not smoking. Which is great, you know, but it would be really hard if you lived in an apartment and you're not allowed to smoke in your apartment, you're not allowed to smoke on your balcony. When you're not allowed to smoke in the park. I don't live that way, but I would find that oppressive.

Here Maureen describes a sense of being restricted when it comes to finding places to convene and consume cannabis. For her this translates into a loss of comradery and community, a sense of loss which she also associates with the way in which retail spaces are organized. As she put it:

I find it depressing that what I see in the community is just a lot of little pot stores that don't look terribly cozy. I'm trying to think of what that's like. Is it like having convenience stores, maybe?...I guess I miss the comradery of it. Like I had hoped that we would have places that were like pubs, only where people would smoke weed.

For Maureen, the lack of dedicated spaces for consuming pot and 'cozier' community spaces for convening with other pot users are significant drawbacks to the current regulatory framework.

In a similar vein my participant Kristy described a sense of stigma that she felt was still attached to the consumption of cannabis. As she described it "I still act like its illegal", when I asked what she meant by 'act like its illegal' she elaborated:

Well, I guess you're not sure everyone approves of it, you know? And you don't want to be in a situation where there might be a confrontation or anything like that. So, it's just easier to go, you know, go to the park and get in the bushes, or whatever. Lots of times I don't, I'll just sit at a picnic table or something...But it depends on the circumstances.

Here we see how the stigma of criminalization continues to structure user's behaviour in regards to consumption. In another part of our conversation Kristy acknowledges her privilege when it comes to the potential for criminalization from cannabis use, stating: "here I am middle-aged white woman. Now, I really have nothing to fear from being pulled over by the police, you know, and that's kind of a privileged position that not everyone has." Even privileged users like Kristy continue to feel a sense of lingering stigma and fear of criminalization when it comes to their use of cannabis. A sense which is compounded by a lack of dedicated spaces for consumption and community building.

For my participant Morgan, who owns a cannabis retail shop, this stigma also carries through aspects of the legal cannabis industry in terms of the kinds of information being circulated about cannabis:

I don't think it's the government's job to try to promote necessarily, but most of the literature that you get is all warnings. It's all health warnings. And it's 'here are the risks' and 'here the dangers', and that's Health Canada's job. That's fine, you know. But I think providing some of the information on benefits or just it's more knowledge. Knowledge is good. And you know it's the job of us as retailers, or advocates or whatever, to try to promote that and give that information on something. That's something that we pride ourselves on here, is product knowledge and learning the science of the plant. But, you know, I'd be curious what the average consumer thinks of that kind of thing. Or is it even on their radar? Some it is some, some it's not. Maybe it should be.

Here Morgan identifies how discourses of 'risk' and 'harm' continue to structure the kinds of messages and information being circulated by government about cannabis use. Later in our conversation, he also acknowledged the OCS's efforts to provide more information in regards to the 'science of the plant', though he doesn't use their platform as a primary source of information:

They do have like a knowledge base kind of thing and they do update some stuff on there. So, there is information coming to help retailers...'you've seen products with CBG', 'What is CBG' and that. So, it's good they're taking those kinds of steps. It's not my first stop. Sometimes kind of an afterthought sort of thing. More, I kind of check in to see like, okay, you guys are finally catching up on some of this. Like I don't think they're, at least for us, leading the way in terms of the information available. But if you're new to the industry and you maybe

don't have the background of like five years of being involved in it, and having that kind of approach to it. That's great.

Here Morgan is describing information the OCS makes available to retailers, however, the provincial wholesaler also has information for the public available online through their 'Cannabis Made Clear' webpages. This OCS information site is described as a source for fact-based, unbiased, and current information for both cannabis consumers and the general public, and part of their wider commitment to social responsibility (Ontario Cannabis Store, 2024c). It includes topics related to responsible and legal use, health effects, and how to talk to youth about cannabis (Ontario Cannabis Store, 2024c). The organization's 'Learn' pages provide further information on the science of the plant and information about different cannabinoids, how to choose between different products, and cannabis production practices. While this represents a significant potential source of information for users, none of the people I spoke to talked about accessing information about the cannabis they use from the OCS. Some did mention other online platforms for accessing information, notably Leafly and Reddit.

The Leafly platform, accessible as both a webpage and a phone app, provides "independent journalism", "information and resources", as well as serving as "the leading customer acquisition tool for more than 7,800 brands and 4,600 retailers" worldwide (Leafly, 2024). For Maureen, Leafly and other online platforms like it serve as a means of accessing information from others, like her, who smoke. As she put it: "I would say I get a lot of information from ... just reading online. You know places that are run by people who smoke and getting

information from there. And one of those places would be Leafly.” Accessing information from users is also an important part of the reason that Morgan uses reddit as a source of information about cannabis products. As he put it:

I use reddit quite a bit...for a social media platform it tends to be a little bit better than Facebook or something like that. It's got moderators. Better information. So that's a good starting point, even to see like, 'hey, we found a new strain, let's see what people think of it'. The Reddit subgroups and stuff like that give some great reviews and all that. So, it's great from the product knowledge standpoint.

While Maureen and Morgan both talk about accessing product information from sites populated by people who themselves use cannabis Greg, a retail sales manager, described accessing product information from a specific application populated by the cannabis producers themselves. Greg described the platform his store uses this way:

There's a lot of like online learning initiatives as well. There is a there's like a cannabis education app that I have on my phone actually... a lot of it is like modules. It's like a module, so it'll be a PDF and then like a little quiz you do and then you complete it. It's a little bit incentivized as well...like you go through, there's educational modules. So, this is from my company...And then there's like product information. They'll be like basically about product and also like companies or we call them licenced producers or LPs will have like brand modules as well. So, this is like about a line of weed they have and yeah, the basis of like education like this is to really, I think, it's to upsell.

Here Greg describes the product information he has access to being specifically geared 'to upsell' customers. This was a notable concern for Scott, an owner of a

cannabis company, as well, who stated: “there is education needed and the kind of education done by industry is self-serving”.

While the individuals I spoke with described a desire for greater connection to cultivation and production practices with regards to the cannabis they use, in the absence of this connection they rely on information from other users to better understand the products they consume and their potential effects. Given the lack of community spaces in which to convene, consume, and converse about cannabis there are limited opportunities for people to share this kind of information. In the absence of these spaces, users are turning to online platforms populated by other users and people with first-hand knowledge of product effects and quality. While the OCS seeks to provide product knowledge and information about safe consumption practices to users, the people I spoke to expressed a distinct desire for more one-on-one and user guided information.

In this section of my findings I have highlighted some of the changes occurring under legalization vis-à-vis knowledge practices and ownership patterns. I have shown how people involved in the legacy market have been ‘squeezed out’ of the operations of the newly legal industry, even while their knowledge has been taken up and, in some cases, commodified as the industry has been developed. I have further shown how the organization of the newly legal market impacts the kinds of information and information sources available to users. While the availability of product information under legalization has been a benefit to users, the people I spoke to also expressed a desire for more

community-based knowledge exchange opportunities to better understand and gather information about the cannabis they use.

## **PART 4: DISCUSSION & CONCLUSIONS**

In this, final, part of my dissertation I analyse my empirical findings and illuminate how specific materializations of cannabis are being organized under legalization today, before turning to a consideration of how they might be organized otherwise. In so doing I attend to the ruling relations – “activities of governance that depend on selecting, categorizing, and/or objectifying aspects of the social world in order to develop facts and knowledge upon which to base decisions” (Rankin, 2017, p.3) – that are evident in coordinating the work of accessing cannabis. I identify these ruling relations using the labels of medicalization, commercialization, and corporatization. Following an institutional ethnographic mode of analysis, I use these terms as short-hand descriptors to identify a set of practices (‘activities of governance’) which I then parse out and analyse. The first chapter of this section is structured in three parts, each corresponding to one of these three sets of practices.

In the second chapter I draw on the work of Bruno Latour, in particular his writing on political ecology (Latour, 2004) and the relationship between science and democracy, to chart a course towards alternative ways of organizing access to cannabis. My discussion here will focus on how Latour’s philosophical works have helped me reconsider ways of organizing cannabis access, including the knowledge practices upon which regulatory decisions get made. My hope is that this offers an opening for reconsidering the ways we organize access to other intoxicating substances as well.

In the third and final chapter of this section I articulate the contributions I hope to have offered through this work, at a methodological, practical and interpersonal level. Finally, I describe some of the limitations of this study and how they could be addressed, and my findings built upon, in future studies. My hope here is to close this specific piece of writing offering myself and my readers new openings for thinking about and being in relation to intoxicating substances both personally and collectively. In an era of an increasingly toxic drug supply, this is critical work, and a core contribution I hope to make through this study.

#### **4.1 Tracing the ruling relations of cannabis access in Ontario**

Guided by my own curiosities as well as those shared with me by my research participants my inquiry into the organization of cannabis access in Ontario has traversed a wide empirical terrain. From how access to cannabis products continues to be structured around a division between recreational and medicinal use, to how the plant and its chemical constituents are manufactured and marketed as products for a commercial market, to the processes through which knowledge about the plant is circulating (or not) within the current regulatory system. Along the way I have sought to illuminate how the experiences of cannabis users, the relationships they have and those they seek to create with this plant, overlap, are in tensions with, or exist in parallel to authorized accounts of cannabis use and access as codified in regulation and policy. I have focused on disjuncts between experiential and authorized accounts of cannabis use and access, while also seeking to highlight practices through which people who use cannabis are resisting dominant materializations of

cannabis. The legalized cannabis market in Canada is “a highly regulated industry”, however, it is not without its cracks and grey areas. How people come to navigate this system and the ways they find to make it work best for their needs, have been of particular interest to me in this research.

In what follows I step back from the detailed descriptions of activities offered in the previous section and analyse the ruling relations coordinating them. In so doing I seek not to theorize or abstract the experiences previously described, but rather to illuminate how these “experiences are being coordinated” (Rankin, 2017, p.2). I proceed in three sections, each corresponding to my three empirical findings chapters. In the first section I attend to how cannabis access continues to be organized through medical discourses and the professional expertise of health care providers. In the second, I turn my attention to how processes of commercialization organize what forms and preparations of cannabis come to be available in the legal retail market. Finally, I examine how the creation of a legal cannabis industry has shifted knowledge practices in ways that are organized by and benefit corporate interests.

#### **4.1.1 Medicalization**

*Cannabis Sativa* has a long history of human use and cultivation, with early archeological evidence dating back as far as 10,000 BC (Small, 2017). As described by Small (2017) the evolution and global distribution of the plant has been greatly influenced by its use and cultivation by humans. Purposefully cultivated for over a millennium *Cannabis Sativa* has been selectively bred for a variety of purposes, including for its medicinal and intoxicating properties, and as

a fibre and oilseed crop (Small, 2017). In this context, the criminalization of cannabis use and access is a relatively recent and selective phenomenon. Central to this phenomenon has been the potential for cannabis to produce intoxicating effects in humans.

When cannabis was added to the *Opium and Drugs Act* in 1923 racialized narratives of risk and danger were used as fodder to inflame concerns about cannabis' potential to engender madness, violence, and lost morality through its intoxicating effects (Owusu-Bempah & Luscombe, 2021). The social understanding of cannabis as a harmful drug, marked in Canada by this regulatory move, represents a significant turning point in the organization of social relations related to this plant. Indeed, throughout the nineteenth century cannabis was used across Western nations, including Canada, "to treat a wide range of ailments" and cannabis extracts were included in official British and American pharmacological publications beginning in the 1850s (Small, 2017, p. 279). While medically sanctioned use of, and access to, cannabis preparations declined through the middle of the twentieth century, by the end of the century the prohibitions against this substance were being challenged on the basis of medicinal use (Small, 2017).

In Canada, laws related to cannabis began to shift at the turn of the 21<sup>st</sup> century as individuals gained access for medical purposes through a series of court challenges, with the result that by 2007 about 1,800 people in Canada had legal access to cannabis to treat a variety of medical ailments (Hathaway et al., 2007). Since these early court challenges, questions about the boundaries of

what constitutes 'medical' or 'therapeutic' use, how this determination is to be made, and by whom, have been of central concern. Doctors and other medical professionals have played a role in facilitating access to cannabis for medical purposes, serving as expert witnesses in trials and providing medical authorizations for cannabis to this day.

Cannabis prepared as dried 'flower' lacks the distinction, and the material properties needed to be distinguished, as a pharmaceutical drug under Canadian regulation. While there are two pharmaceutical drugs prepared from the chemical compounds present in cannabis that are approved for use in Canada other preparations of cannabis products available through the medical access program do not meet the regulatory standards of a pharmaceutical drug and as such are not able to be 'prescribed' in the same manner. Rather, access to cannabis for medical purposes in Canada is provided through medical documentation signed by a health care provider. While this can be a primary care provider, for many people access to cannabis for medical purposes is facilitated through private health clinics that have been established to connect those seeking medical documentation with health care providers who are authorized as signatories for these documents. Unlike people who access cannabis in the non-medical 'recreational' market, individuals with medical authorization must use their medical document to register with one single licensed producer from which to procure their cannabis products. While the material basis of these products remains largely the same as those in the non-medical market, they are marketed,

priced and distributed differently resulting in a fundamentally different materialization of cannabis.

Unlike the authorized accounts of cannabis use which are neatly divided into medical and non-medical streams, the people I spoke to in this research described their relationship to cannabis, and the reasons for their use, in both therapeutic and non-therapeutic terms. While some were clear in relating to cannabis as medicine ('always medicine'), others spoke of using cannabis variously to treat particular conditions (ranging from leg spasticity to boredom) and as part of social, spiritual, and creative pursuits. Further, rather than relying on product specifications or the advice of doctors which was often unavailable, people described self-experimentation and discussions with other users as the primary means they have come to understand what products and what formulations work best for their needs. Those who did engage with medical professionals for the purposes of gaining access to cannabis for medical purposes did not see these relationships as a primary means of support for their decisions around product selection and 'dosing'.

While rhetoric about the inclusion of people who use drugs in policy development is gaining ground, the ability to take drugs users seriously in deciding on and regulating their own access to and use of drugs are constrained in the context of social relations organized according to 'patient' and 'health care provider' relationships. Even in the case of cannabis, now legally available for non-medical uses, the boundaries of what constitutes medical or therapeutic uses continue to be defined narrowly and subject to the authorized knowledges

of a relatively small professional group. While people want, and need, trusted relationships of access to their drugs of choice, as evidenced by the experience of cannabis legalization, medical professionals are not the only, and may not be the most important, relationship to foster in this regard. Fostering systems of support and access which include, but are not narrowly defined or confined by, medical knowledge practices and professional management systems are key to enabling care-full relations of cannabis access. Compassion clubs (Hathaway & Rossiter, 2017) and social exchange models (e.g., nugswaps) offer some examples for how these practices can be implemented.

#### **4.1.2 Commercialization**

One of the central curiosities in my mind at the outset of this research was how the products I came to purchase in legally authorized retail stores are made available in those settings. I can remember holding packages of cannabis products, sleeves of single rolled joints and jars of dried flower in my hands and wondering about the long chain of events and transactions which had led to their being there. Unlike the home-grown cannabis I have access to from friends and neighbours (Figure 4.1), which I can trace in three steps back to their seed or clone source (me > growers > seed/clone source), the production processes behind the highly packaged cannabis products I have purchased in authorized retail outlets (Figure 4.2) are much more obscure to me. In speaking with other cannabis users, as well as people working in production and retail spaces, further curiosities emerged regarding the product selection processes and pricing mechanisms applied to these products by the Ontario Cannabis Store.



Figure 4.1 Home Grown Cannabis Stash (Source: Author)



Figure 4.2 Legally Packaged Cannabis (Source: Author)

One of the central aims of legalization, as articulated by the federal government, is to provide users with access to a regulated source of quality-

controlled cannabis products (Government of Canada, 2018). At a foundational level access to a safe supply of intoxicating substances is critical for ensuring the safety and security of individuals who use these substances. One of the central mechanisms used to ensure the consistent quality and safety of cannabis produced in Canada are the Good Production Practices (GPP) standards that licence holders are required to follow in cultivating, producing and packaging cannabis products. Part of the GPP standards require testing of cannabis for cannabinoid concentration levels (Health Canada, 2019b). Testing practices, and the accuracy of testing results for cannabis has a long and controversial history in this country. As early as 1979, Dr. Ernest Small, working out of Agriculture Canada's experimental farm in Ottawa, noted 'circumspection' with regards to the quantitative evaluation of cannabinoid content in the scientific literature for three reasons: 1) different lab testing procedures, 2) changing concentrations of cannabinoid content as a result of storage conditions and duration, and 3) differences in concentrations within the plant itself leading to sampling discrepancies (Small, 1979). Those working in the legal cannabis industry today note similar scepticism with regards to cannabinoid concentration testing and labelling practices. At the same time, these values have come to be an organizing influence in cannabis cultivation and production practices in the legal market.

Selective breeding of *Cannabis Sativa* to produce higher concentrations of specific cannabinoids, most notably the intoxicating chemical THC, was happening long before the legal industry took shape in this country. However, in

the context of corporate competition and “the fight for the retail consumer” (Roger), these figures gain new importance as they are used by companies to market their products. The organizational force of these metrics are also evident in the OCS’s product selection processes which codify and distinguish between dried flower cannabis products based on THC concentrations levels. Dried flower preparations of cannabis with higher concentrations of THC are both more valued in the retail marketplace and the business-to-business corporate transaction market.

The current system of licensing, which is split between processing and cultivation activities and allows for business to business transactions, organizes access to the plant and its product through longer and longer chains of corporate relations. Creating a situation in which *Cannabis Sativa* plants become more and more distantly related to the products that they are used to produce. As companies increasingly specialize in cultivation or production processes, cannabis is less and less likely to be cultivated in the same facility in which the products available to end users are manufactured. OCS purchasing processes, which rely on existing market performance metrics and relationships with internal ‘category managers’, further organize how ‘cannabis inputs’ are produced and packaged into products available for retail sale.

While cannabis users who are able to grow their own plants maintain direct access to a legal supply of their drug of choice, those who come to access their supply through authorized retailers are increasingly bound up in complex corporate relationships which are not immediately evident in their product

selection processes. While the OCS product information pages list the ‘Licenced Producers’ of specific products these reflect the final product manufacturer not necessarily the cultivation facility where the ‘cannabis inputs’ originate. Through legalization cannabis users have gained access to quantitative measures of the chemical components of the plant, however some have also lost connection to local growers and dealers who have historically played an important role in providing them with trusted product information. While legalization has led to the proliferation of certain forms of information and knowledge about the products users consume, other forms of knowledge have been displaced. Current regulatory controls surrounding the kinds of information that can be exchanged by whom create conditions in which users’ knowledge practices are constrained, leaving them subject to limited sources of information which are not always deemed trustworthy.

#### **4.1.3 Corporatization**

One pattern that emerged across my conversations with other cannabis users was a desire for greater connection with the people involved in growing and selling cannabis products as well as other users. Many of the users I spoke to talked about feeling alienated from the people (the farmers) involved in cannabis production, and skepticism towards the owners and operators of retail stores. While some had created new relationships with retail store owners in the wake of legalization, many others described only accessing cannabis this way as a last resort. Relatedly, many people shared with me a desire for community consumption spaces as a means of building connections, sharing knowledge,

and overcoming some of the lingering stigma surrounding cannabis use. Current regulatory requirements coordinate who can legally grow and sell cannabis in this country, and have resulted in displacing people with a history of growing and selling cannabis from ownership roles in the industry, shifting them into new employment relationships, codifying their knowledge, and constraining the circulation of knowledge about the plant and its uses. However, these processes are not monolithic and resistance to them can be seen in both online and in-person information exchange; practices like the nugswap organized by my participant Maggie.

In terms of those people involved in cannabis production it is clear that the current regulatory landscape has produced a situation in which some people have been “squeezed out” (Maureen) of their past growing practices. Smaller scale operators describe no longer supplying to their friends and neighbours, while those who had been growing in larger quantities under the ACMPR describe market pressures, including price declines and investment risks, as limiting their ability or desire to take part in the new legal cannabis market. While some have taken the legalization of cannabis as an opportunity to experiment with growing and supplying friends socially, opportunities for making a “livelihood” (Lewis) off of cannabis are constrained under the new regulatory system. While there are examples, for instance California and New York, where equity measures have been introduced to support the people to transition from the illicit market to the newly legal market, neither Canada nor Ontario’s regulatory framework include any such mechanisms, leading to a situation some have

called a 'missed opportunity' for reparation and social justice (Owusu-Bempah & Rehmatullah, 2023). In this context, there has been a massive transfer of skills, knowledge, and base material (cannabis seeds and clones) from the illicit market into the newly legal market through hiring practices and the codification of knowledge in the form of standard operating procedures. For some of the people I spoke to the transition into the legal market has been achieved through new employment relations. Through their employment these individuals have brought important knowledge about growing practices and strain selection into the cultivation and production spaces they work in. This knowledge in turn has been codified and written up in standard operating procedures (SOPs) which become corporate property. Through these practices, knowledge from formerly illicit growers has come to be privatized and commodified in the new legal cannabis market, with some private consultancies now 'dealing' in the trade of SOPs between corporations.

Similarly, those who are selling pot in retail spaces describe obstacles for smaller scale operations to compete with larger retail operators, including a lack price regulation and limits to the kinds of communications and events that can be hosted on their sites. Retail sales associates engage with third party marketing platforms supplied with paid content from corporate entities as a means of gaining 'product knowledge', while the OCS provides abstracted and late to the game information for safer consumption. In the absence of community spaces for cannabis consumption and education, users are turning to online information sites and crowd sourced webpages like Reddit to access knowledge and insights

from other users. While the new legal cannabis market has been organized through processes of corporatization in terms of who can engage in the market, and how, and by whom, information is shared, users and others working in these spaces are finding ways to resist these processes to create the kind of social worlds of cannabis access they desire.

#### **4.2 Toward a political ecology of pot**

In June of 2020 I came across an online news article featuring an interview with French philosopher Bruno Latour (Watts, 2020). Sitting at home on my computer approximately three months into COVID-19 lockdown measures and procrastinating work on my dissertation proposal, I read Latour's interview with interest. In it, he reflects on the pandemic, the lessons we might collectively learn from it, and what the long-term implications of this historic moment could be. He suggests: "the pandemic has reopened the debate about what is necessary and what is possible. It has put us in a position where we can decide what is useful and what is not. That choice disappeared before" (Watts, 2020, para. 5). I see a parallel here between how Latour describes the opening of opportunities emanating from the COVID-19 pandemic and the way many of my participants described the lessons they had learned from the process of cannabis legalization.

The transition to a legal regulatory framework for cannabis has opened up new opportunities to consider alternative ways of organizing access to intoxicating substances. A choice that had previously faded from view, the choice to criminalize this substance, suddenly reemerged as a decision which could be

made otherwise. For those I spoke to, questions about what is possible with regards to drug regulation and access was a central lesson they drew from the process of cannabis legalization. As Lewis put it: “we learned that you can make anything legal if you want to. Sorry, *they* can make anything legal if *they* want to. That's what I learned.” Or in Roger’s words:

The war on drugs was an abject failure that cost an enormous amount of money, ruined the lives of totally normal people, and I think Canada was wise to look into this and make the changes. I really think that Canada has done the world in favor by being at the forefront of this whole movement.

And Maureen’s:

I think legalization was able to help us move away from a very big injustice that somebody’s life could get screwed up by a charge. You know, marijuana possession. So, I think that was a big injustice that got corrected. And I don't know what happens with other people and other drugs very much. Like if that happens as well, if people's lives get kind of derailed in a legal sense because of the drug...it's not helpful, you know, to rehabilitating people and helping people be part of society. So, I think it is a model of, it has been a model of taking away that terrible risk of messing up your life and your opportunities just because you've used a drug. So, I think there’s something to be learned in that. That legalization is just probably a really good idea.

In the passages quoted above, the legalization of cannabis is articulated as ‘a really good idea’ and a ‘wise’ change, especially given the alternative of criminalization. That all being true, as my research has shown, the transition from a system of criminalization to one of regulated production, distribution, and access has been organized in specific ways, ways which are not necessarily in

the interest of users. Thus, the transformative potential of this policy change has been constrained in significant ways.

In the above cited article, Latour reflects on his aspirations for a post-pandemic world and suggests: “if I could change one thing, it would be to get out of the system of production and instead build a political ecology” (Watts, 2020, para. 6). While I wasn’t entirely clear on Latour’s intended meaning on first reading, the words struck me and I did what I always do in these situations, I wrote them on a sticky note and posted it on my wall. These words, and that sticky note, have stayed with me through the duration of this research and process of writing this dissertation (Figure 4.3) and I find myself returning to them in considering how to close this particular piece of writing.

Latour’s concept of political ecology describes a system of governance that is not reliant on ‘old’ divisions between and conceptions of ‘nature’ (states pre-existing human interference) and ‘society’ (human-built systems of relation). In its most generous use Latour’s political ecology “serves as an umbrella term to designate what succeeds modernism” (Latour, 2004, pp. 246–247). Given that addiction (Alexander, 2006), drug regulation (Courtwright & Hickman, 2011) and even the concept of a ‘drug’ itself (Seddon, 2016) are all understood to be products of modernity, Latour’s concept of political ecology is highly relevant to this context.

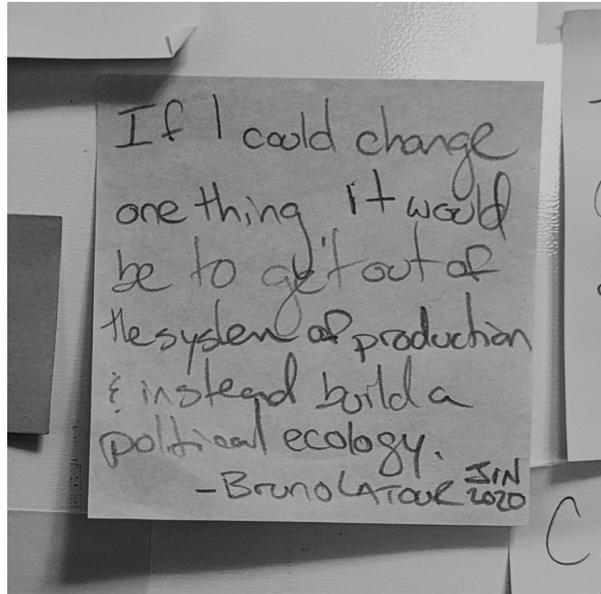


Figure 4.3 Latour Sticky Note Quote (Source: Author)

In bringing Latour's concept of political ecology into my work at this juncture, my intent is not to refine Latour's concept or apply it as a 'conceptual framework' to support theorizations of my findings, but rather to 'think with it' (Bozalek et al., 2023), a methodological intervention in line with the New Materialist underpinning of this study. In this sense, I am less concerned with the *meaning* of Latour's concept, and more with what it can *do*; using it as a tool "to break down outdated systems of thought" (Bozalek et al., 2023, p.175). I offer it here in the form of a proposition - 'towards a political ecology of pot' – with the understanding that:

[p]ropositions are not fixed sets of instructions, research goals, guidelines or judgements of any sort. Rather, propositions attend to an affective force of thought-in-the-making, propelling a potential event. Another way of conceptualising propositions is as experiments for provoking thinking, activating what might be, by enabling a response, which may be collective.

In doing so, I hope to echo the call put forth by my participant Maureen who, when asked how she would like to see society organized around access to and the use of psychoactive substances, responded: “let’s do something really revolutionary” (Maureen).

For me, thinking about what a political ecology of pot could look like first and foremost requires a nuanced consideration of people’s messy entanglements with this substance. Rather than asking abstracted questions about whether cannabis is a ‘good’ or ‘bad’ drug, whether legalization was a ‘good’ or ‘bad’ idea, I would ask that we dig into and trace out the specific and localized relations that produce good or bad effects for different collectivities and under what conditions. The result of doing so, I hope, would be to better empower local actors, those with existing relationships to the substance, with tools and resources to build better and more life sustaining and life affirming relations of care amongst all actants in cannabis access networks. Thinking about how cannabis legalization could better live up to its liberatory potential I’m reminded of another quote from Bruno Latour: “as to emancipation it does not mean ‘freed from bonds’ but *well-attached*” (Latour, 2005, emphasis in original). In this sense I see a political ecology of pot as built upon more caring and thoughtful attachments between people, plants, and the products derived from them. Building and attending to these attachments requires different ways of knowing (some which I hope to have modeled in this study) and different ways of ruling or coordinating our activities, ways which, I posit, require significant specificity and localization. I will end my thoughts here and turn this proposition

back over to you, the reader, and invite you to consider this proposition and activate the findings of this research in new and novel ways, considering for yourself what a move away from a system of production and towards a political ecology could look like in the context of regulating cannabis and other mind altering and intoxicating substances.

Research on the impacts and effects of policy are notorious for becoming out of date before they are pressed. Indeed, I have no doubts that by the time of publication much of the substantive basis of the research presented here will have shifted, though I would expect that the ruling relations I have traced through them are likely still operative, if in slightly different ways. Thinking with this concept myself I see opportunity for new relations of care to be enacted in the provision of access to cannabis, the development of publicly-owned and user managed cultivation and processing facilities, and spaces for consumption that offer teachings and opportunities for skills development. Having now done the work of describing and analysing the current system of production organizing access to cannabis in Ontario my future work will seek to explore in more depth how it may be organized otherwise. While I have sought to identify some kernels of this 'otherwise' here, for now at least, they remain glimmers on the horizon of what might be possible. It will be up to me, and perhaps others who read and are inspired by this work, to take them up in future inquiries.

#### **4.3 In closing, new openings**

My inquiry into the social relations of cannabis access in Ontario has revealed a number of ways in which the current regulatory landscape has shifted

rather than fundamentally transformed restrictive social relations of drug use and access. While cannabis is more available now than it has been in the past, this availability continues to be structured in ways that are not always in the interests, or aligned with the desires, of users. In this study, I have highlighted how access to cannabis continues to be organized by medicalized discourses, and pharmaceutical approval processes, even while cannabis and the products derived from it do not fit easily within them. I further demonstrate how product development and pricing mechanisms are organized according to practices of commercialization and marketization. Finally, I describe how the current regulatory framework has engendered processes of corporatization which have served to restrict engagement in the industry and propel the privatization and commodification of plant knowledge.

This work was born out of my own personal curiosity about cannabis access. As someone who has accessed and used cannabis throughout my life, I was pleased with the prospect of being able to procure and use my drug of choice outside a criminalized environment. At the same time, I was hesitant about the implications of subjecting this plant and the products derived from to profit motivations in an open marketplace. That said, I did not share the concerns circulating within public health institutions at the time of the transition to the new regulatory framework – increased use rates, inadvertent poisonings, intoxicated driving, and potential links to psychosis to name a few – and found my work within that environment unsatisfying as a result. This is not to say that I am unphased by the prospect of accidental consumption of cannabis products by

children, or the psycho-emotional implications of long-term use. Rather the approaches, logics, knowledge and regulatory systems being pursued to evaluate and control these possible outcomes feel at best inappropriate and at worst possibly damaging in their own right.

In modern western nations dichotomized views of drug regulation—criminal/legal, medical/recreational, public/private – structure knowledge in ways that disappear certain choices from view, limiting what is knowable and doable with relation to the regulation of these substances. My intent in undertaking this research has been to engage cannabis users and people working in the industry as a means of revealing the choices currently being made and bring new possibilities back into view. People who use cannabis are a privileged group of drugs users, more so now that use of, and access to, the substance is largely not subject to criminal sanction. While stigma regarding cannabis use persists, it pales in comparison to that of other drugs. The abstract category of ‘drugs’ may in fact be too lumpy and vague as to be of much use, and as Dawn Moore has expertly described, different substances deserve careful consideration of their unique pharmacological, social and political properties (Moore, 2004). Still, my hope is that legalization of cannabis can serve as a ‘gateway’, opening space to consider new possibilities for how we organize social relations of drug access and use. Understanding the role that existing networks of care and knowledge exchange contribute to the safety of drug users, protecting substances from the influence of profit motivation, and ensuring full participation by users in the benefits of production practices and skill building opportunities. A one size fits all

approach to the regulation of 'drugs' is likely neither feasible nor desirable. However, I do believe that enacting care-full relations of substance use and access – relations that attend to and are considerate of the unique properties of all actors bound in them (human and non-human) – is. My intent in undertaking this research has been to contribute to this process.

In this vein, I see my contribution in this work as both substantive and methodological. Substantive in that I have identified gaps in how people want cannabis access to be organized versus how it is currently organized under legalization. These gaps include access to community-based knowledge exchange networks, better connections to producers and retailers, and space to convene socially. Further, I have described some of the ways in which people are working to create their 'own little loops' of access in this context, resisting and making space outside of the ruling relations of the dominant regulatory framework, often through home-based cultivation and social gifting and exchange practices. Methodologically, I have sought to weave Dorothy Smith's institutional ethnographic approach with New Materialist approaches to investigate how ruling relations of cannabis access are materializing cannabis in specific ways under legalization. Institutional ethnography as a mode of inquiry has, to date, been applied only in a limited fashion to the study of commerce and industrial relations, even less to the study of drug access and the functioning of drug markets. I hope that this work can encourage others to apply the Institutional Ethnography mode of inquiry to ever widening fields of human interaction and support them as they pursue these kinds of inquiries. For example, bridging the fields of Institutional

Ethnography and critical drug studies and implementing the methods within other industries to uncover more of the ruling relations of capitalism and their effects.

While the scope of my work has been wide, throughout I have sought to bring a depth of analysis to specific practices and processes. Given this approach, there is much that I have left unexamined along the way, and details of this terrain which remain obscure to me as a result of who I have, and have not, engaged with in this inquiry. While the participants I engaged were quite diverse in terms of experiences and social locations, I did not engage specifically with Indigenous participants or people currently engaged in the sovereign indigenous cannabis space (cultivation, production and retail spaces outside the Canadian legal framework and authorized by Indigenous law and governance structures) and this remains a considerable blind spot within my view of the landscape. Further, while some of my respondents did describe how race, gender, and class considerations play a part in organizing their relationship to cannabis, mine was not an explicitly intersectional analysis aimed at developing a nuanced view of these specific forms of social relation and their interactions in this terrain.

With these limitations in mind I hope to have provided a helpful starting point for further inquiry into the social relations of cannabis access. One which can potentially serve as a methodological model for inquiries into other drug access regimes. This inquiry also serves a snapshot in time of the ways in which cannabis is materializing under the current legal regulatory system in the province of Ontario. Throughout its writing I have attempted to clearly situate myself and my inquiry in a specific place and time. Along the way I have solicited

the experiences of other users and people engaged in cultivating, producing, and selling cannabis to guide my curiosity and refine my exploration, taking me into spaces and opening me up to experiences I would not otherwise have been connected to. I am grateful to those who contributed to this work and hope that they see their knowledge and experience woven into it in ways that are both considerate and generative. My work here does not include specific policy recommendations, but rather a proposition – towards a political ecology of pot. In this sense, the conclusions of my work are intended as their own form of opening, and I hope that this writing, and the subsequent use of these findings, can invite others to imagine, cultivate, and bring into being new care-full relations of drug access.

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## **Appendix A: Research Participant Table**

<b>Xavier</b>	'Master Grower'	-	Yes	
<b>Greg</b>	-	Store Manager	Abstinent	
<b>Morgan</b>	-	Store Owner	Yes	
<b>Maggie</b>	-	-	Yes	Organizer
<b>Fred</b>	'Master Grower'	-	-	-
<b>Kristy</b>	Home Grower	-	Yes	-
<b>Maureen</b>	-	-	Yes	-
<b>Liam</b>	-	-	-	Labour
<b>Kayla</b>	-	-	-	Labour
<b>Lewis</b>	-	-	Yes	Organizer
<b>Roger</b>	Medical Grower	-	Yes	-
<b>Kent</b>	Home Grower	-	Yes	-
<b>Tanya</b>	Home Grower	-	Yes	-
<b>Anthony</b>	'Quality Assurance'	-	Yes	-
<b>Scott</b>	Owner	-	-	-

## Appendix B: Trent REB approval letter



July 29, 2022

File #: 28061

Title: Out of the Weeds and into the Smoke: Accessing Cannabis under Legalization in Ontario, Canada

Dear Ms. Cullingham,

The Research Ethics Board (REB) has given approval to your proposal entitled "Out of the Weeds and into the Smoke: Accessing Cannabis under Legalization in Ontario, Canada".

When a project is approved by the REB, it is an Institutional approval. It is not to be used in place of any other ethics process.

To maintain its compliance with this approval, the REB must receive via ROMEO:

An Annual Update for each calendar year research is active;

A Study Renewal should the research extend beyond its approved end date of December 31, 2025;

A Study Closure Form at the end of active research.

This project has the following reporting milestones set:

Annual progress report-2024/12/31

Annual progress report-2023/12/31

Annual progress report-2022/12/31

Renewal Due-2025/07/01

To complete these milestones, click the Events tab in your ROMEO protocol to locate and submit the relevant form.

If an amendments to the protocol is required, you must submit an Amendment Form, available in the Events tab in your ROMEO protocol, for approval by the REB prior to implementation.

Any questions regarding the submission of reports or Event forms in ROMEO can be directed to Jamie Muckle, Coordinator, Research Conduct and Reporting, at [jmuckle@trentu.ca](mailto:jmuckle@trentu.ca)

On behalf of the Trent Research Ethics Board, I wish you success with your research.

Best Wishes,

Dr. Liana Brown  
 REB Chair  
 Phone: (705) 748-1011 ext 7238  
 Email: [lianabrown@trentu.ca](mailto:lianabrown@trentu.ca)

A handwritten signature in black ink, appearing to read "Liana B", with a long horizontal flourish extending to the right.

c.c.: Jamie Muckle  
 Coordinator, Research Conduct and Reporting

## **Appendix C: Recruitment script**



### **Recruitment Script**

Trent REB Study # 28061

This script will be used as the basis for the first contact with potential participants known to the researcher. It will be adapted as needed to the specific means of communication most commonly used between the researcher and the individual to be recruited.

---

Hi!

I'm getting started on my dissertation research about how people access cannabis in Ontario under legalization. Hoping we could chat about it to see if you'd be interested in participating. My research is flexible and if you're interested we can take things step by step. With your consent, the first step would be for us to have a conversation about the research and your interest in it. This would last for no more than an hour and, with your permission, would be audio-recorded. After the conversation you can decide to have the audio-recording deleted and not to participate further. If you're interested in taking part let me know how best to reach you to set things up. No pressure to say yes, and you can always change your mind once we get into the conversation too. Take care and talk soon!

Sarah

Email: [sarahcullingham@trentu.ca](mailto:sarahcullingham@trentu.ca)

Cell phone/Signal: (705) 768-5653

## Appendix D: Recruitment card

# Want to talk about pot?

Hello! My name is Sarah Cullingham, I am a PhD student at Trent University studying how people access cannabis under legalization in Ontario. Our mutual friend thinks you'd be a good person to talk to about this. My research is flexible and if you're interested in taking part we can take things step by step. With your consent, the first step would be for us to have a conversation about the research and your interest in it. This would last for no more than an hour and, with your permission, would be audio-recorded. No pressure to say yes, and you can always change your mind once we get into the conversation. After the conversation you can decide if you want to take part in more structured research activities (things like interviews and observations), or have the audio-recording deleted and not participate further.

If you're interested, get in touch and let me know how best to reach you.

**Email:** [sarahcullingham@trentu.ca](mailto:sarahcullingham@trentu.ca)

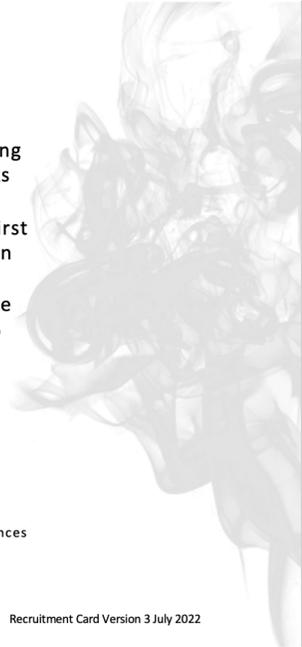
**Cellphone/Signal:** (705) 768-5653

This research has been approved by the Trent Research Ethics Board (Study #28061) and is funded by the Social Sciences and Humanities Research Council of Canada.

**SSHRC**  **CRSH**  
Social Sciences and Humanities Research Council of Canada  
Conseil de recherches en sciences humaines du Canada

**TRENT**   
UNIVERSITY

Recruitment Card Version 3 July 2022



## Appendix E: Initial conversation prompts



### Initial Conversation Prompts

Trent REB Study # 28061

These prompts will be used as the basis for the first conversation between the researcher and potential participants. It will be adapted as needed to the context of the relationship between the researcher and participant.

---

#### 1. Informed Consent

- Review the Statement of Informed Consent
- Remind participants of their right to end the interview at any time
- Remind participant they don't have to answer any questions they don't want to and can pause or stop the recording whenever they want
- Ask what name they would like to be identified by in this engagement
- Complete declarations and attestations

### Begin Recording

#### 2. Introductions

- Introduce the project and my background
- Ask participant about themselves and their relationship to pot generally

#### 3. Interest in the research

- Ask about the participant's interest in research related to cannabis regulation
- Ask about what experience the participant has engaging in research generally

#### 4. Next Steps for Participation

- Outline possible next steps for participation
- Ask participant how they would like to be involved moving forward
- Set up schedule or next-steps for participant accordingly

#### 5. Wrap-up

- Remind participants of one-week turnaround to ask that data from this engagement be deleted
- Remind them that they can change their mind about future participation at any time
- Ask if they have any questions or require any specific follow-up from this engagement
- Thank the participant for their time and sharing their expertise and experience

### End Recording

## **Appendix F: Interview guide**



### **Interview Guide**

Trent REB Study # 28061

These prompts will be used as the basis for any scheduled interviews between the researcher and participants. It will be adapted as needed to the context of the relationship between the researcher and the participant.

---

#### **1. Informed Consent**

- Review the Statement of Informed Consent
- Remind participants of their right to end the interview at any time
- Remind participant they don't have to answer any questions they don't want to and can pause or stop the recording whenever they want
- Ask what name they would like to be identified by in this engagement
- Complete declarations and attestations

### **Begin Recording**

#### **2. Access to cannabis**

- What are the different ways you access, or provide access, to cannabis?
- What steps do you have to take?
- Can you talk me through what a typical exchange looks like?

#### **3. Changes since legalization**

- How has the way you access, or provide access to, cannabis changed since legalization?
- How do you feel about these changes?

#### **4. Knowledge of cannabis accessed**

- What do you know about where the cannabis you access, or provide access to, comes from?
- How and where do you find about it?
- Is there anything more you want to know about it?

#### **5. Vision for the future**

- What are your hopes for how to access, or provide access to cannabis in the future?
- What changes would you like to see in regulation?
- What difference would this make for you?

#### 6. Lessons for other drugs

- What lessons do you think there are to learn from your experience of cannabis legalization for how other drugs are regulated or controlled?
- How would you like to see society organized around access to psychoactive drugs?
- Does the term 'drug liberation' mean anything to you?

#### 7. Wrap-up

- Remind participants of one-week turnaround to ask that data from this engagement be destroyed (in full or in part)
- Remind them that they can change their mind about future participation at any time
- Ask if they have any questions or require any specific follow-up from this engagement
- Thank the participant for their time sharing their expertise and experience

**End Recording**

## **Appendix G: Statement of informed consent**



### **Statement of Informed Consent**

Trent REB Study #28061

#### **Principal Investigator ('the researcher')**

Sarah Cullingham, PhD student  
 Frost Centre for Canadian Studies and Indigenous Studies, Trent University  
 Email: sarahcullingham@trentu.ca  
 Cell Phone: 705-768-5653

#### **Funding**

This study is funded by the Social Sciences and Humanities Research Council of Canada.

#### **Ethical Review**

This study has been reviewed by the Trent University Research Ethics Board, study number 28061.

#### **Purpose of the study**

The purpose of this study is to understand how people access cannabis under legalization in Ontario. This will be done through ongoing research engagements with people who use, produce, and/or sell cannabis, and through observations of the spaces in which cannabis is produced and sold. The study will result in a descriptive account of the everyday practices of cannabis access and how these activities are structured and organized by policy and regulation.

#### **Participation**

You are invited to take part in this research based on your experience as someone who uses, produces, and/or sells cannabis. Only individuals eligible to access cannabis according to the law in Ontario (which requires a minimum age of 19) can take part in this research. You are under no pressure to participate in this research, and the researcher will do their best to ensure that declining to participate will not have any repercussions on your relationships.

#### **Procedures**

You are invited to take part in this research on a step-by-step basis. Your engagement will begin with a conversation with the researcher (Sarah Cullingham) to talk about the study and your potential participation. From there, you can decide if you want to schedule an interview, an observation or both. Interviews will be conducted using a set of loose questions aimed at understanding your experience accessing, or providing access to cannabis, since its legalization. Observations are more open ended and can be organized around specific spaces (e.g. where you grow or access cannabis) or activities (e.g. how you order cannabis). At the end of these engagements you can schedule a debriefing session with the researcher to talk about your experience and review early findings.

With your consent, each of these research engagements will be audio-recorded and non-identifying photographs (i.e. photographs that can't be used to identify specific people, places, or businesses) may

also be taken. For instance, I may ask to take photographs of cannabis plants or products. You can pause or stop the recording or end your participation at any time during each research engagement. You are also welcome to refuse to answer any questions asked of you. You will have until one week after the engagement to ask that any records collected be destroyed in whole or in part. Records (e.g. transcripts, photographs) will be identified and stored according to a codename and your name and contact information will be kept separate from all other information you provide.

#### **Confidentiality**

Your engagement in this research and communication with the researcher will be kept in confidence. The principal investigator will have the only record of your name and contact information, which will be kept on a Trent-owned laptop and encrypted using Apple FileVault as per Trent IT standards. Research engagements will be audio recorded for the purposes of transcription. All audio recordings will be destroyed immediately after they have been transcribed and any identifying information will be removed from the transcript. Field notes which do not include any identifying information will be compiled after each engagement. Photographs that cannot be used to identify any specific person, place, or business may also be collected. All records will be stored according to your selected code name and your personal name and contact information will be kept separate from all other information provided.

#### **Limits to Confidentiality**

Data collected through this research will be kept confidential up to the highest ethical and legal standard. If, over the course of your research engagement, there is a material instance or disclosure of a serious nature involving a risk of potential imminent bodily harm to a child, yourself, or others the researcher is obligated to report this to the relevant authorities.

#### **Potential Risks and Benefits**

During your engagement in this research you will be asked to disclose your experiences of cannabis use and access. These disclosures may carry some risk of social stigma, or criminalization and penalization should they fall outside of the current regulatory framework. You are invited to withhold any information that might put you at undue risk by declining to answer questions and/or pausing recording and notetaking.

The researcher will resist any requests for access and disclosures related to activities that fall outside the current regulatory framework but do not pose an imminent harm to a child, yourself, or others to the extent permitted by ethical principles and/or law and care will be taken by the researcher to collect the least amount of identifiable information as necessary to complete the research study.

These disclosures may also come with a risk of psychological distress or discomfort. To manage this risk you are invited to pause or end the research engagement at any time. You may also request a list of harm reduction, treatment, and legal resources from the researcher at any time.

There are no direct benefits to you should you choose to engage in this research. You may indirectly benefit from policy changes that could arise as a result of the research, though these cannot be guaranteed and may take significant time.

**Withdrawing from the study**

You can choose to end any research engagement at any time. You can also choose not to proceed with any future research engagements at any time. You can request that the data generated from each engagement you participate in be destroyed (in full or in part) and removed from the study up to one week following any individual engagement.

**Compensation**

The researcher will cover costs associated with your participation up to a total of \$50 per research engagement, including food, transportation, or childcare costs. If you require the funds upfront (e.g. for bus fare or childcare) you can outline the costs needed to be covered to the researcher and an e-transfer will be used to provide the money prior to the engagement. No recovery of costs already paid will be sought if you are subsequently unable to attend or decide to end the research engagement.

**Results**

The results of this study will be disseminated through the researcher's PhD dissertation. They may also be used as the basis for journal or newspaper articles, conference papers, published books, essays, book chapters, community presentations, zines, or online posts/publications.

**Questions**

If you have any questions about this study, you can email or call the researcher, Sarah Cullingham, whose contact information is on the first page of this form. You can also contact Jamie Muckle, Regulatory and Compliance Officer in the Trent University Ethics Review Office at (705) 748-1011 ext. 7892 or [jmuckle@trentu.ca](mailto:jmuckle@trentu.ca) with any questions or complaints.

**Declaration of informed consent**

I \_\_\_\_\_ [participant name] have had the opportunity to discuss this study with the researcher and my questions have been answered to my satisfaction.

- Yes
- No

I consent to participating in the following research engagement:

- Initial conversation
- Observation
- Semi-structured interview
- Debriefing conversation

I consent to be audio-recorded

- Yes
- No

I consent to have non-identifying photographs taken

- Yes
- No

**Attestation of the Researcher**

I confirm that I have read this consent form aloud to the above named participant and answered all their questions.

Signature:

Date:

## Appendix H: Health Canada Medical Document



### Medical document supporting the use of cannabis for medical purposes under the *Cannabis Regulations*

#### Instructions

This document may only be completed by a health care practitioner as defined in the *Cannabis Regulations*. A health care practitioner includes medical practitioners and, in some provinces, nurse practitioners. In order to be eligible to provide a medical document, the health care practitioner must be eligible under the *Cannabis Regulations*, have the applicant for whom the medical document is provided under their professional treatment, and support that cannabis is required for the condition for which their patient is receiving treatment.

Patient's Information			
<b>Personal Information of Patient</b>			
Patient's Last Name:			
Patient's First Name:		Patient's Middle Name(s):	
Patient's Date of Birth:	Year	Month	Day
<b>Consultation Information</b>			
Daily quantity of dried cannabis authorized for the patient:		Grams/Day	
Authorized period of use: <b>(Note: The period of use cannot exceed one (1) year)</b>		Day(s) Week(s) Month(s)	
<b>Health Care Practitioner's Information</b>			
Health Care Practitioner's First and Last Name:			
Health Care Practitioner's Licence Number (if more than one list all that apply):		Province or territory authorized to practice in (if more than one list all that apply):	
Profession:      Medical Practitioner      Nurse Practitioner			
Health Care Practitioner's Business Address:			

# Appendix I: Example certificate of analysis

**ACS** CANNABIS & HEMP  
LABORATORY BEYOND COMPLIANCE  
721 Cortaro Dr.  
Sun City Center, FL 33573  
www.acslab.com

DEA No. RA0571996  
FL License # CMTL0003  
CLIA No. 10D1094066

Indoor - 3.5g  
Sample Matrix:  
CANNABIS (MMTC's)  
Flower & Plants  
(Inhalation - Heated)

## Certificate of Analysis

Compliance Test

---

**Batch #**  
Batch Date:  
Sampling Method: MSP7.3.1

**Seed to Sale #**  
Lot ID:  
Total Number of Final Products:  
Cultivar:  
Test Req State:

**Cultivation Facility:**  
In:000  
Cultivation Date:  
Production Facility:  
Processing  
Production Date:

---

**Order #**  
Order Date: 2022-09-16  
Sample #

**Sampling Date:** 2022-09-16  
Lab Batch Date: 2022-09-16  
Completion Date: 2022-09-21

**Initial Gross Weight:**  
Net Weight:

**Number of Units:**  
Net Weight per Unit:

---

Potency Tested

Terpenes Tested

Heavy Metals Passed

Mycotoxins Passed

Pesticides Passed

Residual Solvents Not Tested

Moisture Passed

Water Activity Passed

Pathogenic Passed

FIB and Foreign Passed

Total Contaminant Load Passed

---

**Potency - 11**  
Specimen Weight: 207.240 mg

Analyte	Detected (Y/N)	LOD (Y/N)	UOQ (Y/N)	Result (mg/g)	RU
THCA	150.000	3.30E-5	0.001	222.290	22.229
CBGA	150.000	0.30E-5	0.001	12.420	1.242
Delta-9 THC	150.000	1.30E-5	0.001	5.900	0.590
CBC	150.000	1.00E-5	0.001	<LOD	<LOD
CBD	150.000	0.40E-5	0.001	<LOD	<LOD
CBDA	150.000	1.30E-5	0.001	<LOD	<LOD
CBV	150.000	0.50E-5	0.001	<LOD	<LOD
CBG	150.000	2.00E-5	0.001	<LOD	<LOD
CBN	150.000	1.40E-5	0.001	<LOD	<LOD
Delta-8 THC	150.000	2.00E-5	0.001	<LOD	<LOD
THCV	150.000	2.00E-5	0.001	<LOD	<LOD

Sample Prepared By: 1125 Date: 2022-09-17 10:06:31 Sample Analyzed By: 1190 Date: 2022-09-17 10:16:12  
Batch Received By: 1150 Date: 2022-09-18 10:48:23 Lab Batch #: AAD146164 Date: 2022-09-18 10:48:23

**Tested**  
SOP13.001 (LCUV)

Category	Value	Limit
Total Active THC	20.075%	712.340mg
Total Active CBD	-	None Detected
Total CBG	1.089%	38.650mg
Total CBN	-	None Detected
Other Cannabinoids	None Detected	-
Total Cannabinoids	21.164%	751.000mg

**Terpenes Summary**

Analyte	Result (mg/g)	(%)
trans-Caryophyllene	14.228	1.423%
Farnesene	14.145	1.414%
alpha-furunculene	4.455	0.445%
(R)-(+)-limonene	3.360	0.336%
Linalool	2.277	0.228%
Borneol	1.273	0.127%
beta-bisabolene	1.064	0.106%
alpha-bisabolol	0.369	0.037%
beta-pinene	0.456	0.046%
Fenchyl Alcohol	0.372	0.037%
alpha-pinene	0.312	0.031%

**Total Terpenes: 4.310%**

*Detailed Terpenes Analysis is on the following page*

---

*Kuelli Gao*  
Kuelli Gao  
Ph.D., DABT  
Lab Toxicologist

*Alexa Sun*  
Alexa Sun  
D.H.Sc., M.Sc., B.Sc., MT (AAB)  
Lab Director/Principal Scientist

**Definitions and Abbreviations used in this report:** Total Active CBD = CBD + (CBD-A \* 0.877) + Total CBDV + CBV + (CBDA \* 0.87) + Total Active THC = THCA-A \* 0.877 + Delta 8 THC + Total THCV + THCV + (THCVA \* 0.87) + Total THC = (THCA \* 0.877) + CBG Total = (CBGA \* 0.877) + CBG, GBN Total = (CBNA \* 0.877) + GBN, Total CBC + CBG + (CBGA \* 0.877) + Total THC-O-Acetate + Delta 8 THC-O-Acetate + Delta 9 THC-O-Acetate, Other Cannabinoids Total = Total Cannabinoids - All the listed cannabinoids on the summary section, Total Detected Cannabinoids = Detected Delta-8-THC + Detected-THC + Total CBD + CBV + Delta-9-THCV + Total CBC + Total CBD + Total THCV + CBL + Total THC + Total CBC + Total CBDV + Delta-9-THC + Total THC-O-Acetate, Analyte Details above show the Dry Weight Concentrations unless specified as 12% moisture concentration (mg/ml) = Milligrams per Milliliter, LOD = Limit of Detection, UOQ = Limit of Quantitation, Dilution = Dilution Factor (20x) = Parts per Billion, (%) = Percent, (cfu/g) = Colony Forming Unit per Gram (cfu/g) = Colony Forming Unit per Gram, LOQ = Limit of Detection, (ug/g) = Microgram per Gram (ppm) = Parts per Million, (ppm) = (ug/g), (aw) = aw (area ratio) + Area Ratio, (mg/kg) = Milligram per Kilogram  
Total Contaminant Load (TCL) = The sum of all Heavy Metals and Agricultural Agents present above the LOD, but below the Acceptable Limit

This report shall not be reproduced, without written approval, from ACS Laboratory. The results of this report relate only to the material or product analyzed. Test results are confidential unless explicitly revised otherwise. Accredited by a third party accrediting body as a competent testing laboratory pursuant to ISO/IEC 17025 of the International Organization for Standardization.

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QA By: 1042 on 2022-09-21 09:59:10 V1

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# Appendix J: Example CCX Pricing Report

Bulk Wholesale Cannabis Pricing Report | October 2021



Bulk Wholesale Cannabis Pricing Report  
Dried Flower | Trim | Extracts | Genetics

October 2021

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Table 1: Flower Price by Index 2021  
(October Actual, November Forecast)

Flower \$/gram	Oct 2021	Nov 2021 Forecast
Index 5 (25%+ THC)	3.55	3.23
Index 4 (20-25% THC)	1.92	2.08
Index 3 (15-20% THC)	0.87	1.29
Index 2 (10-15% THC)	0.14	0.68
Index 1 (0-10% THC)	0.07	0.48
<b>Settled Average</b>	<b>1.63</b>	<b>1.55</b>

Source: Canadian Cannabis Exchange

Table 2: Extracts Price 2021  
(October Actual, November Forecast)

Extracts \$/kg	Oct 2021	Nov 2021 Forecast
Distillate THC	3,509	4,492
Distillate CBD	1,782	2,671

Source: Canadian Cannabis Exchange

Table 3: Trim Price by Index 2021  
(October Actual, November Forecast)

Trim \$/gram	Oct 2021	Nov 2021 Forecast
Index 3 (15-20% THC)	* 0.16	0.11
Index 2 (10-15% THC)	0.07	0.17
Index 1 (0-10% THC)	0.12	0.11
<b>Settled Average</b>	<b>0.16</b>	<b>0.14</b>

Source: Canadian Cannabis Exchange

Table 4: Genetics Price 2021  
(October Actual, November Forecast)

Genetics \$/unit	Oct 2021	Nov 2021 Forecast
Seeds	* 1.95	1.78
Clones	8.08	13.69

Source: Canadian Cannabis Exchange

\*Price shown is indicative—no trades were executed in that period

