

ATTACHMENT 1

Summary of the Proposed Federal Legislation for the Legalization and Regulation of Non-Medical Cannabis

The proposed federal legislation for the legalization of cannabis was tabled by the Government of Canada in bill C-45, an Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*, the *Criminal Code* and other Acts, or the “*Cannabis Act*,” and in bill C-46, an Act to amend the *Criminal Code*. This summary includes the following aspects of the proposed legislation:

- Promotion and display of cannabis
- Packaging and labelling
- Criminal penalties related to possession and distribution
- Cultivation of cannabis
- Drug-impaired driving (amendment to the *Criminal Code*)

Information on the proposed legislation can also be accessed from the Government of Canada website at: <https://www.canada.ca/en/services/policing/justice/legalization-regulation-marijuana.html>

D. Promotion and Display of Cannabis

Promotion, packaging and labelling of cannabis that encourages its consumption or is appealing to those under the age of 18 (young person) is prohibited, with some exceptions, similar to rules that apply to tobacco marketing. The proposed legislation allows for authorized persons to promote cannabis, cannabis accessories and services to those 18 years of age or older under the following conditions:

- the promotional material is directed to a person who is identified by name;
- telecommunicated such that young persons do not have access to it;
- is conducted in a place where young persons are not permitted; and/or
- the promotion is conducted in a prescribed place and manner.

Selling cannabis through self-service displays or vending machines is prohibited.

Point of sale promotion of cannabis by retailers is restricted to indicating the availability of cannabis and its price. Further, providing free samples or incentives to purchase cannabis is prohibited except between those authorized to produce, sell or distribute it. Brand promotion through sponsorship of events, facilities and other activities is prohibited.

E. Packaging and Labelling

Packaging and labelling of cannabis in a way that could be appealing to youth is prohibited. This includes the depiction of a person, character or animal associated with

a brand to indicate glamour, a way of life or suggestive of an emotional state that is appealing to youth through:

- an endorsement, however displayed or communicated;
- that sets out a depiction of a person, character or animal, whether real or fictional;
- that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring; or
- that contains any information that is false, misleading or deceptive (e.g. safety, health effects).

The above-mentioned restrictions in the proposed legislation also apply to cannabis accessories, including items such as rolling papers, pipes, water pipes, bongs and vaporizers, or an item used in the production of cannabis.

A. Possession and Distribution

Individuals 18 years of age or older are permitted to have no more than 30 g of dried cannabis, or its equivalent, in their possession in public places. An individual who is 12 years of age or older but under 18 years of age is prohibited from possessing an equivalent to more than 5 g of dried cannabis in a public place. Individuals are also prohibited from possessing, in a public place, cannabis plants that are budding or flowering or to possess more than four cannabis plants that are not budding or flowering. Public places include any place to which the public has access as-of-right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view.

Possession of cannabis for the purpose of distribution is prohibited. Distribution is defined as "administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute."

Individuals 18 years of age or older (adults) are prohibited from providing cannabis to an individual who is under 18 years of age. Adults may share up to 30 g of dried cannabis with another adult. Individuals 12 years of age or older but under 18 years of age are prohibited from sharing more than 5 g of dried cannabis.

Proposed penalties for providing cannabis to youth or using a youth to commit a cannabis-related offence are punishable by new criminal offences in the proposed legislation with a maximum penalty of 14 years in jail.

B. Cultivation of Cannabis

The production of cannabis, including the cultivating, propagating and harvesting for distribution and sale, is limited to those authorized by the federal government.

The legislation allows for the growing a maximum of four plants, of height no more than one metre, for personal use per dwelling (house) regardless of the number of adults in the household. The "dwelling" includes land that is subjacent to it and the immediately contiguous land that is attributable to it, including a yard, garden or any similar land; and any building or structure on that land. Unless authorized, it is prohibited to cultivate cannabis plants in a house other than the one in which an individual resides. It is also prohibited to grow cannabis plants from seed or plant material that was obtained from an unlicensed supplier or known to be illicit. The use of explosive or highly or extremely flammable organic solvents such as propylene and butane is prohibited in the home production of cannabis.

Proposed penalties for individuals contravening federal laws related to production at home may include fines of not more than \$5,000 or imprisonment for a term of not more than six months, or both, and those guilty of an indictable offence are liable to a term of imprisonment of not more than 14 years.

C. Drug-impaired Driving

The proposed legislation includes amendments to the *Criminal Code* to address drug-impaired driving and authorizes law enforcement officers to conduct mandatory alcohol-screening. Upon reasonable suspicion, law enforcement officers will be authorized to demand a roadside oral fluid sample from drivers for use in drug-screening devices designed to detect delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient in cannabis. The evaluating officer could also require the driver to undertake a drug evaluation test or order a blood sample.

Penalties for drug-impaired driving are based on the levels of THC in blood within two hours of driving. The proposed penalties range from fines to prosecution by indictment, and include an offence for combined THC and alcohol detection in blood. Legal limits for THC levels will be set by federal regulations. Provinces will also have the opportunity to set additional administrative penalties (e.g. suspending a driver's licence) for drug-impaired driving.