

# LEGALIZATION OF CANNABIS – NOW WHAT?

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-Cannabis becomes legal to possess and use in Canada

-Each Canadian province controls the accessibility and use of Cannabis



...so what does it mean?



## Provincial Bill 174- *Cannabis Control Act*

- On September 26, 2018, it was announced by the Ontario Attorney General that the consumption rules set out by the Liberal Government had been “loosened”.
- Even the name The Cannabis Act has now been changed to.....The Cannabis Control Act.
- The most significant change made is that ***the smoking of recreational cannabis (and medical cannabis) will be permitted wherever the smoking of tobacco is permitted.***

## Provincial Bill 174- *Cannabis Control Act*

- Section 11 has now been removed. It is now lawful to consume cannabis, both recreational and medicinal, in certain public places. The main restrictions for cannabis, much like tobacco, is that it is not consumed in an enclosed area.
- These areas of consumption are now moved into the ***Smoke Free Ontario Act***. There are still some restrictions on consumption of cannabis regarding consumption in public, a workplace, a vehicle or boat, or any other “prescribed place”.



## Smoke Free Ontario Act

- “*Prohibited places*” remain substantially the same and include, among other things, enclosed public spaces (as defined), enclosed workplaces (as defined), schools (within the meaning of the *Education Act*), indoor common areas of university or college residences and other prescribed places.
- Certain exemptions exist for residential facilities, hotels, motels or inns, scientific research and testing facilities or hospices.

## POSSESSION (PROVINCIAL)

- **Possession Under 19 Years: Provincial Section 10**
- **10(1)** No person under 19 years of age shall possess, consume, attempt to purchase, purchase or distribute cannabis.
- **10(2)** No person under 19 years of age shall (or offer to) cultivate, propagate or harvest cannabis.
- PON's should be reserved for less serious offences (ie: possess, consume, attempt to purchase, purchase). Other offences, such as distribute, selling, cultivate, propagate, or harvest cannabis, can fall under the Federal *Cannabis Act*, which would be a criminal charge.

## POSSESSION (PROVINCIAL)

- So in short, anyone 19 years or older can be in legal possession of cannabis.
- If you are under 19 years old, and in possession of cannabis, a PON can be issued. The only exception for someone under 19 years old would be medical cannabis.
- Again, think of it as similar to the *Liquor Licence Act*. If an 19 year old was walking on a public sidewalk with sealed liquor, it's legal possession.

## Smoke Free Ontario Act

1. smoking tobacco or having lighted tobacco where another person less than 16 years old is present
2. using an electronic cigarette or having an activated electronic cigarette where another person who is less than 16 years old is present
3. smoking medical cannabis, having lighted medical cannabis, using an electronic cigarette containing medical cannabis or having an activated electronic cigarette containing medical cannabis
4. consuming a prescribed product or substance, in a prescribed manner, or having a prescribed product or substance.

## Consumption



So it is now lawful to consume cannabis on a public street.  
Persons will be allowed to consume cannabis provided it is not an enclosed:

- public place, an enclosed work place, a school, a building or the grounds surrounding the building of a private school, an indoor common area of a condominium, apartment building, university or college residence including, elevators, hallways, parking garages, party rooms, laundry rooms, lobbies, and gyms, any child care centre, reserved seating in a sports arena, or any other area where smoking is banned (such as a bar or restaurant outdoor patio, or any shelter that has more than two walls and one roof).

## Consumption



- What about a motor vehicle or boat?
- Section 17.1(1) states no person shall consume cannabis in any manner in a vehicle or a boat while;
- a) the person is driving or has care or control of the vehicle or boat, regardless of whether the vehicle or boat is in motion, or:
- b) the person is a passenger in a vehicle or boat that is being driven by another person or that is under the care or control of another person, regardless of whether the vehicle or boat is in motion.

## Transportation

- What about transporting cannabis? Section 12(2) lists the exemptions that the cannabis can be transported in a vehicle or boat, provided:
  - a) it is in it's original packaging and has not been opened, OR:
  - b) it is packed in a baggage that is fastened closed, OR is not otherwise readily available to any persons in the vehicle or boat.



## Transportation



- So technically, you can transport cannabis in your centre console, or on your lap, provided that the cannabis is in it's original packaging, and has not been opened.

**Question-** What if someone has taken this cannabis out of this original packaging and put it into another package, such as a sandwich bag?

**Answer-** You can still transport it in the same manner, on your lap or in the centre console, provided that this "baggage" is fastened closed.

## Transportation

- What if the original package or new baggie of cannabis is opened?
- It can be transported in a vehicle or boat, provided it is not otherwise readily available to any person in the vehicle or the boat.



## Beginning July 1, 2018



Young Drivers (under 22 years)

Novice Drivers (Anyone holding a Class G1, G2, M1, M2)

### **HTA Sections 44.2, 48.0.2, and 48.0.3**

- Zero tolerance sanctions prohibiting young (under 22) and novice drivers from having the presence of a drug in their body, as detected by a *federally approved oral fluid screening device*. New zero drug presence sanctions will align with zero Blood Alcohol Concentration (BAC) administrative sanctions.

## Beginning July 1, 2018

- **HTA Sections 48.1(5) and 48.2.1(10)**

Extending administrative licence suspension length for zero tolerance sanctions prohibiting young (under 22) and novice drivers ( Class G1, G2, M1, M2 licence) from having the presence of alcohol in their body from 24 hours to 3, 7, or 30 days based on occurrence within the last five years.



## Beginning July 1, 2018

- **HTA Sections 48.0.4 and 48.2.2**

• Zero tolerance sanctions prohibiting commercial drivers from having the presence of a drug or alcohol in their body, as detected by a federally approved oral fluid screening device (*Drager Drug Test 5000*) or an approved alcohol breath screening device.

[ Driver of commercial vehicle with GW or RGW exceeding 4500 kgs- (O Reg 419 CVOR vehicle), Road Building Machines **or** any class of vehicle requiring Class A-F licence]

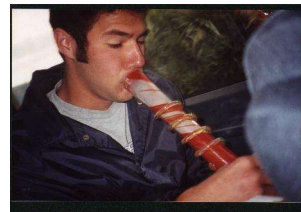




## Other Sanctions

### **HTA O. Reg. 287/08 Sections 2 and 20.1**

- New sanctions noted above will be subject to mandatory remedial education or treatment programs, and ignition interlock (II) requirements for repeat offenders.



## Exemptions

### **\*Medical Cannabis Exemption for Zero Tolerance Sanctions**

- Medical cannabis users may be exempted from zero tolerance sanctions if a police officer is satisfied that they are legally authorized to use drugs for medical purposes; however, these drivers can still face penalties or criminal charges if a police officer determines that their ability to drive has been impaired. (SFST Roadside Testing)

### **HTA Sections 50.1, 55.1 and 55.2**

- 45, 90, or 180-day Vehicle Impoundment Program (VIP) rules will apply to all Criminal Code of Canada (CCC) related suspensions.

QUESTIONS?

