



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 157

**An Act to constitute the Société
québécoise du cannabis, to enact the
Cannabis Regulation Act and to amend
various highway safety-related
provisions**

Introduction

**Introduced by
Madam Lucie Charlebois
Minister for Rehabilitation, Youth Protection, Public
Health and Healthy Living**

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EXPLANATORY NOTES

This bill constitutes the Société québécoise du cannabis (SQC), a capital stock company that is a subsidiary of the Société des alcools du Québec and whose mission is to ensure the sale of cannabis from a health protection perspective in order to integrate consumers into, and maintain them in, the legal market without encouraging cannabis consumption. Among other things, the bill specifies the rules applicable to the SQC in matters of governance and human resources, in particular by putting in place a security clearance process for SQC directors and employees. Other provisions pertain to the SQC's financing. The bill also establishes the Cannabis Sales Revenue Fund at the Ministère des Finances.

The bill then enacts the Cannabis Regulation Act. The enactment contains various measures regarding cannabis possession and cultivation for personal purposes, among which the prohibition against minors possessing cannabis and the prohibition against anyone cultivating cannabis for personal purposes in a dwelling-house. The Cannabis Regulation Act essentially prohibits cannabis smoking in the same places where tobacco use is prohibited. It also prohibits cannabis production for commercial purposes in Québec, except in the case of a cannabis producer who has the qualifications and meets the conditions determined by the Government. As well, it provides that the Government may establish standards relating to the composition and characteristics of cannabis.

The Cannabis Regulation Act furthermore establishes that only the SQC may purchase cannabis from a cannabis producer, ensure its transportation and storage and sell it, subject to certain exceptions. That Act sets the conditions applicable to the retail sale of cannabis by the SQC, including by requiring SQC employees to hold a certificate confirming successful completion of training on the sale of cannabis, prohibiting minors from being admitted to cannabis retail outlets, limiting the products the SQC may sell and requiring that cannabis be visible only from the inside of cannabis retail outlets.

The Cannabis Regulation Act moreover specifies the rules applicable to cannabis promotion, advertising and packaging. It gives the Government the power to authorize the implementation of pilot projects which, when related to the retail sale of cannabis, may only pertain to a limited number of retail outlets until the Minister of

Health and Social Services tables in the National Assembly the first report on the implementation of the Act in which the Minister is to evaluate the sales model. The Act also gives the Government the power to enter into agreements with Native communities for the purpose of adapting the matters within the scope of its provisions to Native realities. In addition, it allows for the financing, through dedicated funds, of cannabis-related activities, programs and care by establishing the Cannabis Prevention and Research Fund at the Ministère de la Santé et des Services sociaux. It establishes an oversight committee entrusted with advising the Minister of Health and Social Services on any cannabis-related matter and, more particularly, with evaluating the application of the measures provided for as well as the activities of the SQC. It includes certain provisions for monitoring the measures it introduces, notably inspection powers, and contains penal provisions.

Lastly, the bill amends the Highway Safety Code and other transport-related laws to adapt them to the new federal legislation announced, which more particularly proposes a substantial revision of the section of the Criminal Code on transportation-related offences in connection with alcohol and drug consumption. In that context, the bill introduces a new zero tolerance principle for drugs by prohibiting any person from driving or having the care or control of a road vehicle if there is a detectable presence of cannabis or any other drug in the person's saliva. It also sets forth new control and penalty mechanisms. It thus allows a peace officer who reasonably suspects the presence of cannabis or any other drug in a person's body to order the person to immediately provide such samples of saliva as in the officer's opinion are necessary to enable a proper analysis to be made by means of approved screening equipment. The officer is to immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle in such cases as when the saliva screening test conducted shows that cannabis or any other drug is present in the person's body.

LEGISLATION AMENDED BY THIS BILL:

- Automobile Insurance Act (chapter A-25);
- Cities and Towns Act (chapter C-19);
- Highway Safety Code (chapter C-24.2);
- Municipal Code of Québec (chapter C-27.1);

- Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);
- Act respecting administrative justice (chapter J-3);
- Tobacco Control Act (chapter L-6.2);
- Act respecting transportation services by taxi (chapter S-6.01);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting off-highway vehicles (chapter V-1.2).

LEGISLATION ENACTED BY THIS BILL:

- Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*).

REGULATION AMENDED BY THIS BILL:

- Regulation under the Tobacco Control Act (chapter L-6.2, r. 1).

Bill 157

AN ACT TO CONSTITUTE THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS, TO ENACT THE CANNABIS REGULATION ACT AND TO AMEND VARIOUS HIGHWAY SAFETY-RELATED PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

CONSTITUTION OF THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

CHAPTER I

AMENDMENTS TO THE ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

1. The heading of Division II of the Act respecting the Société des alcools du Québec (chapter S-13) is replaced by the following heading:

“MISSION AND POWERS”.

2. Section 16 of the Act is amended

(1) by replacing “function” and “it may” in the first paragraph by “mission” and “the Société may”, respectively;

(2) by replacing “exercise its functions and powers” in the second paragraph by “carry out its mission and exercise its powers”.

3. The Act is amended by inserting the following section after section 16:

“16.1. The Société’s mission is also to ensure the sale of cannabis from a health protection perspective, in order to integrate consumers into, and maintain them in, the legal market without encouraging cannabis consumption.

The Société carries out that mission exclusively through the Société québécoise du cannabis constituted under section 23.1.”

4. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing “for carrying out its functions” in the introductory clause by “to accomplish its alcoholic beverages trading mission”;

(2) by replacing “for the carrying out of its functions” in subparagraph *b* by “to carry out its mission”.

5. The Act is amended by inserting the following division after section 23:

“DIVISION II.1

“SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

“§1.—*Constitution and powers*

“23.1. A joint stock company to be known as the “Société québécoise du cannabis” is constituted.

The Société québécoise du cannabis is a subsidiary of the Société.

It is designated in this division as “the Subsidiary” and may also be designated by the initialism “SQC”.

“23.2. The Subsidiary’s purpose is to carry out the Société’s mission as regards the sale of cannabis. To that end, it may, in particular,

(1) buy cannabis produced for commercial purposes by a producer who has the qualifications and meets the conditions determined by government regulation under the first paragraph of section 19 of the Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*);

(2) operate cannabis retail outlets;

(3) sell cannabis over the Internet; and

(4) authorize a person to engage, on the Subsidiary’s behalf, in the transportation, including the delivery, and storage of the cannabis that the Subsidiary sells.

The Minister may set the parameters on the basis of which the Subsidiary must determine the sale price of cannabis.

“23.3. In no case may the Subsidiary, without the authorization of the Government,

(1) make a financial commitment in excess of the limits, terms and conditions fixed by the Government;

(2) construct, acquire or assign an immovable in consideration of sums greater than the amounts determined by the Government; or

(3) contract a loan which brings the total amount of its outstanding borrowings to an amount greater than that fixed by the Government.

“23.4. The Subsidiary may not constitute subsidiaries of its own.

“23.5. Sections 19, 20.1, 21 and 22 apply to the Subsidiary, with the necessary modifications.

“§2. — *Organization and operation*

“I. — *Board of directors*

“23.6. The Subsidiary’s board of directors is composed of 9 to 11 members, including the chair of the board and the president and chief executive officer.

The Société shall appoint the members of the board of directors, other than the chair of the board and the president and chief executive officer, based on the expertise and experience profiles established by the board. Those members are appointed for a term of up to four years.

The Minister of Finance, the Minister of Health and Social Services and the Minister of Public Security shall each designate an observer to the board. The observers shall participate in board meetings, but shall not have the right to vote.

“23.7. A person may not be appointed as a member of the board of directors or remain a member of the board if the person has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, a person may not be appointed as a member of the board of directors or remain a member of the board if, in the Société’s opinion, the person does not have the integrity necessary to hold such an office within the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

The Government may amend Schedule I.

“23.8. A vacancy on the board of directors shall be filled in accordance with the rules of appointment to the board.

Non-attendance at a number of board meetings determined by by-law of the Subsidiary constitutes a vacancy in the cases and circumstances specified by by-law.

“23.9. The Société shall appoint the chair of the board of directors for a term of up to five years.

“23.10. The members of the board of directors, other than the president and chief executive officer, are not remunerated, except in the cases, on the conditions and to the extent determined by the Government.

However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“23.11. Each member of the board of directors shall remain in office, despite the expiry of the member’s term, until reappointed or replaced.

“23.12. The minutes of the sittings of the board of directors approved by it and certified true by the chair of the board, the president and chief executive officer or any other person authorized to do so by by-law of the Subsidiary are authentic. The same applies to documents or copies emanating from the Subsidiary or forming part of its records when they are so certified.

“II. — President and chief executive officer

“23.13. The Société shall appoint the president and chief executive officer on the recommendation of the board of directors, based on the expertise and experience profile established by the Subsidiary.

The president and chief executive officer is appointed for a term of up to five years.

The board of directors shall determine the remuneration and other conditions of employment of the president and chief executive officer in keeping with the parameters set by the Government.

“23.14. If the board of directors does not recommend a candidate for the position of president and chief executive officer in accordance with section 23.13 within a reasonable time, the Société may appoint the president and chief executive officer after notifying the board members.

“23.15. If the president and chief executive officer is absent or unable to act, the board of directors may designate a member of the Subsidiary’s personnel to exercise the functions of that position.

“III. — Application of the Act respecting the governance of state-owned enterprises and the Companies Act

“23.16. The Act respecting the governance of state-owned enterprises (chapter G-1.02), except Chapter VII, applies to the Subsidiary, subject to the following:

(1) in section 3 of that Act,

(a) the word “Minister” defined in that section must be understood to mean the Société, except in section 34;

(b) the word “enterprise” defined in that section must be understood to mean the Subsidiary, and

(c) the word “officer” defined in that section must be understood to mean the president and chief executive officer of the Subsidiary or any person with management responsibilities who reports directly to the president and chief executive officer;

(2) all references to the Government in that Act are references to the Société, except in the third paragraph of section 4, section 5, section 16, paragraph 6 of section 24 and Chapter VIII;

(3) in addition to the cases referred to in the third paragraph of section 4 of that Act, a director is deemed not to be independent if the director is or has been, within the three years preceding the date of the director’s appointment, employed by the Société or any of its wholly-owned subsidiaries;

(4) for the purposes of section 5 of that Act, the Société replaces the Government for the examination of situations within the scope of the policy the Government may adopt;

(5) paragraphs 4 and 14 of section 15 and subparagraph 2 of the first paragraph of section 22 of that Act do not apply to the Société with respect to the Subsidiary;

(6) paragraph 15 of section 15 of that Act applies to the Subsidiary as if it had been mentioned in it; and

(7) for the purposes of section 34 of that Act, the Subsidiary’s strategic plan is to be established according to the form, content and timetable applicable to the Société’s strategic plan.

“23.17. Sections 142, 159 to 162, 179, 180 and 184, paragraph *b* of subsection 2 of section 185 and sections 188 and 189 of the Companies Act (chapter C-38) do not apply to the Subsidiary.

“§3. — Human resources

“23.18. The employees of the Subsidiary shall be appointed in accordance with the staff requirements and mode of appointment established by by-law of the Subsidiary.

Subject to the provisions of a collective agreement, the Subsidiary shall determine, by by-law, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

“23.19. No person may, at the same time, be a member of the personnel of the Société and of the personnel of the Subsidiary.

“23.20. The Subsidiary may not hire or retain in its employment a person who has been found guilty of an offence listed in Schedule I, unless the person has obtained a pardon.

Likewise, the Subsidiary may not hire or retain in its employment a person who does not have the integrity necessary to hold employment with the Subsidiary, given the abilities and conduct required to hold employment with the Subsidiary.

The verifications required for the purposes of the first and second paragraphs are conducted in accordance with the security clearance process set out in subdivision 4.

“§4. — Security clearance process

“23.21. The following elements may, among others, be considered by the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary:

(1) the person maintains or has maintained connections with a criminal organization within the meaning of subsection 1 of section 467.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or with any other person or entity that engages in laundering proceeds of crime or in trafficking in a substance included in any of Schedules I to IV to the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(2) the person has been prosecuted for any of the offences listed in Schedule I;

(3) the person has been found guilty by a foreign court of an offence which, if committed in Canada, could have resulted in criminal or penal proceedings for an offence listed in Schedule I;

(4) the person has been prosecuted for or has been found guilty of any other criminal or penal offence; or

(5) the person has repeatedly evaded or attempted to evade compliance with the law.

A finding of guilt must be disregarded if a pardon has been obtained. The facts and circumstances surrounding an offence for which a pardon has been obtained may nevertheless be taken into consideration.

“23.22. For security clearance purposes, the Société or the Subsidiary shall, for each person concerned, send the Sûreté du Québec a copy of photo identification issued by a government, a government department or a public body which shows the person’s name and date of birth.

Within 30 days after receiving the information, the Sûreté du Québec shall issue to the Société or the Subsidiary, as the case may be, a security clearance report indicating whether the person has committed an offence listed in Schedule I and containing all the information necessary to enable it to assess whether the person has the integrity necessary to hold an office or employment within the Subsidiary. The Sûreté du Québec may consult any other police force for the purpose of preparing the report.

“23.23. The security clearance process must be conducted every three years for each member of the board of directors and each member of the personnel.

It must be conducted again for any such person whenever the Société or the Subsidiary, as the case may be, is informed of a fact likely to affect the content of the report concerning that person.

“§5.—Financial provisions

“I.—Capital stock

“23.24. The Subsidiary’s authorized capital stock shall be \$100,000,000. It shall be divided into one class “A” share of a par value of \$1,000 and 99,999 class “B” shares of a par value of \$1,000 each.

The Société shall subscribe and hold the class “A” share.

Only the Minister of Finance may subscribe class “B” shares.

“23.25. The class “A” share carries only the right to vote at any shareholders meeting.

Class “B” shares carry only the right to receive any declared dividend or to receive a share of the remaining property of the Subsidiary on liquidation.

“23.26. After the board of directors of the Subsidiary has made its offer, the Minister of Finance may, with the authorization of the Government, subscribe shares in the Subsidiary.

“23.27. The Société and the Minister of Finance shall pay the par value of the shares they subscribe; they are then issued the certificates.

“23.28. The Subsidiary shall pay the dividends fixed by the Minister of Finance in the manner indicated by the Minister.

The Subsidiary shall send the Minister the financial information necessary to fix the dividends.

The sums paid by the Subsidiary as dividends shall be paid into the Cannabis Sales Revenue Fund.

“II. — *Subsidiary’s financing*

“**23.29.** The Government may, on the conditions it determines,

(1) guarantee the payment of the principal and interest of any loan contracted by the Subsidiary and the performance of its obligations;

(2) make any commitment in relation to the realization or financing of a project of the Subsidiary; and

(3) authorize the Minister of Finance to advance to the Subsidiary any amount considered necessary for the attainment of its purpose.

[[The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.]]

“**23.30.** For the purposes of subparagraph 6 of the first paragraph of section 24 of the Act respecting the Ministère des Finances (chapter M-24.01), the Subsidiary is deemed to be a government enterprise.

“III. — *Cannabis Sales Revenue Fund*

“**23.31.** The Cannabis Sales Revenue Fund is established at the Ministère des Finances. The Fund is dedicated to

(1) the elimination of any deficit that the Subsidiary may incur;

(2) the transfer that the Minister of Finance must make each year to the Cannabis Prevention and Research Fund established under the Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*); and

(3) the prevention of, and the fight against the harm associated with, psychoactive substance use.

“**23.32.** The following sums are credited to the Cannabis Sales Revenue Fund:

(1) the sums paid by the Subsidiary as dividends;

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(5) the interest earned by the sums credited to the Fund.

“23.33. The sums required to pay any expenses necessary to achieve and finance the purposes set out in section 23.31 are debited from the Cannabis Sales Revenue Fund.

In addition, a minister designated in accordance with section 23.34 may debit from the Fund such sums as are provided for in the order designating the minister.

“23.34. When a department’s activities include the implementation of measures related to the prevention of, and the fight against the harm associated with, psychoactive substance use, the Government may, on the joint recommendation of the Minister of Finance and the minister responsible for that department, designate the latter minister to allow that minister to debit sums from the Cannabis Sales Revenue Fund.

The designating order must, for each of the fiscal years in which it will be applicable, specify how the sums are to be used and the maximum amount that may be debited from the Fund.

The minister concerned must table the order in the National Assembly within 15 days after the order is made or, if the Assembly is not sitting, within 15 days of resumption.

“23.35. The amount of the transfer provided for in paragraph 2 of section 23.31 must, for a fiscal year, correspond to the majority of the revenues of the Cannabis Sales Revenue Fund, minus any expenditure required to eliminate any deficit the Subsidiary may incur, unless the Government fixes a greater amount before the Special Funds Budget for that fiscal year is submitted to it.

“23.36. The surpluses accumulated by the Cannabis Sales Revenue Fund are transferred to the General Fund on the dates and to the extent determined by the Government.

“§6. — Regulations

“23.37. The Government may make regulations

(1) determining standards for the purchase and sale of cannabis by the Subsidiary;

(2) determining the conditions that a person must meet to be authorized by the Subsidiary to transport or store cannabis;

(3) determining the cannabis transportation and storage standards applicable to the Subsidiary and any person the Subsidiary authorizes for those purposes;

(4) determining conditions for the sale of cannabis by the Subsidiary over the Internet;

(5) requiring the conservation of documents relating to the Subsidiary's activities; and

(6) prescribing any other useful measure for the administration of this division.

“§7.—*Directives*

“**23.38.** The Minister may, after consulting with the Minister of Health and Social Services, issue directives on the direction and general objectives to be pursued by the Subsidiary. The Minister may also issue written directives to the board of directors on matters which, in the Minister's opinion, relate to public interest issues.

Such directives must be approved by the Government and come into force on the day they are approved. Once approved, they are binding on the Subsidiary.

The directives must be tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

“**23.39.** The Minister of Public Security may, after consulting with the Société or the Subsidiary, issue a directive establishing the minimal verifications that must be conducted by the Sûreté du Québec to enable the Société or the Subsidiary, as the case may be, to establish whether a person has the integrity necessary to hold an office or employment within the Subsidiary. Such verifications may vary according to job classes.

“§8.—*Accounts and reports*

“**23.40.** The fiscal year of the Subsidiary shall expire on the last Saturday in March of each year.

“**23.41.** Before the beginning of each fiscal year, the Subsidiary must prepare an investment budget and an operating budget and send them to the Minister of Finance for approval on the date and in the form determined by the Minister.

The Subsidiary shall also send its investment budget and operating budget to the Société.

“**23.42.** The Subsidiary must, on a quarterly basis, send the Minister of Finance a statement of its revenues and expenditures and a statement of their correlation with the budgetary forecasts of the Subsidiary.

“23.43. Each year, the Subsidiary must send its financial statements and annual report for its previous fiscal year to the Société.

The Subsidiary must also send the Société any strategic plan established in accordance with section 34 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

“23.44. The books and accounts of the Subsidiary shall be audited jointly every year by the Auditor General and an external auditor appointed by the Government in accordance with section 60. The remuneration of the external auditor shall be paid out of the revenues of the Subsidiary. The joint report must accompany the Subsidiary’s annual report.

“23.45. The Minister must, not later than (*insert the date that is three years after the date of coming into force of section 3*), and subsequently every five years, report to the Government on the implementation of section 16.1 and Division II.1.

The Minister must table the report in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.”

6. Section 59 of the Act is amended

(1) by inserting “and be accompanied by the separate financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis” at the end of the first paragraph;

(2) by inserting “of the Société as well as the financial statements, the annual report and, if applicable, the strategic plan of the Société québécoise du cannabis” after “statements” in the second paragraph.

7. The Act is amended by adding the following schedule at the end:

“SCHEDULE I

“(Sections 23.7, 23.20, 23.21 and 23.22)

“LIST OF OFFENCES

“1. Offences under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46):

(a) offences involving the financing of terrorism against any of sections 83.02 to 83.04;

(b) offences involving corruption against any of sections 119 to 125;

(c) offences involving fraud against any of sections 380 to 382;

(d) the offence of laundering proceeds of crime against section 462.31;

(e) offences involving a criminal organization against any of sections 467.11 to 467.13; and

(f) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in any of paragraphs *a* to *e*.

“2. Drug-related offences:

(a) any offence under section 4 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), except subsection 1;

(b) any criminal offence under the Cannabis Act (Statutes of Canada, (*insert the year and chapter number of that Act*)), except offences against section 8; and

(c) a conspiracy or an attempt to commit, being an accessory after the fact in relation to, or any counselling in relation to, an offence referred to in paragraphs *a* and *b*.”

CHAPTER II

TRANSITIONAL PROVISIONS

8. Despite section 23.6 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 5, the Société des alcools du Québec appoints the first members of the board of directors of the Société québécoise du cannabis without taking into account the requirements set out in the second paragraph of that section.

The Société des alcools du Québec ensures that the first members of the board of directors include persons who collectively have significant expertise and experience in public health, substance abuse and youth intervention.

The Société des alcools du Québec must appoint the members of the board of directors not later than (*insert the date that is three months after the date of assent to this Act*).

9. For the purposes of section 23.10 of the Act respecting the Société des alcools du Québec, enacted by section 5, the members of the board of directors are remunerated and their expenses are reimbursed on the conditions and to the extent determined for the members of the board of directors of the Société des alcools du Québec, until the Government determines otherwise.

10. Despite section 23.13 of the Act respecting the Société des alcools du Québec, enacted by section 5, the Société des alcools du Québec appoints the first president and chief executive officer of the Société québécoise du cannabis without taking into account the requirements set out in the first paragraph of that section.

The president and chief executive officer assumes the day-to-day management of the Société québécoise du cannabis until the board of directors is established.

The remuneration and other conditions of employment of the president and chief executive officer of the Société québécoise du cannabis are determined by the Société des alcools du Québec until the board of directors of the Société québécoise du cannabis is constituted and otherwise determines them.

The parameters in keeping with which the remuneration and other conditions of employment of the president and chief executive officer of the Société québécoise du cannabis are to be determined are those set for the president and chief executive officer of the Société des alcools du Québec until the Government otherwise sets them.

11. Despite section 23.26 of the Act respecting the Société des alcools du Québec, enacted by section 5, the Minister of Finance is authorized to subscribe a class “B” share of the Société québécoise du cannabis without the Government’s authorization.

PART II

ENACTMENT OF THE CANNABIS REGULATION ACT

12. The Cannabis Regulation Act, the text of which appears in this Part, is enacted.

“CANNABIS REGULATION ACT

“CHAPTER I

“PRELIMINARY PROVISIONS

1. The purpose of this Act is to prevent and reduce cannabis harm in order to protect the health and security of the public and of young persons in particular. The Act also aims to ensure the preservation of the cannabis market’s integrity.

To those ends, it regulates such aspects as the possession, cultivation, use, sale and promotion of cannabis.

This Act is binding on the State.

2. For the purposes of this Act, “cannabis”, “cannabis accessory” and “dried cannabis” have the meaning assigned by the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*).

“3. This Act, except Chapter IV, does not apply to cannabis whose production and possession are authorized for medical purposes under a federal Act.

“CHAPTER II

“POSSESSION OF CANNABIS FOR PERSONAL PURPOSES

“4. It is prohibited for a minor to possess cannabis.

A minor who contravenes the first paragraph by possessing a total amount of cannabis equivalent to five grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*) commits an offence and is liable to a fine of \$100.

“5. The Government may, by regulation, determine the standards applicable to possession of cannabis in a public place by a person of full age, in particular by prescribing a lesser amount than the amount that may be possessed under the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*).

It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$750 or, for a subsequent offence, \$1,500.

For the purposes of this section and section 6, the expression “public place” has the meaning assigned by the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*).

“6. It is prohibited for a person of full age to possess, in a place other than a public place, a total amount of cannabis equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*).

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“7. It is prohibited for anyone to possess cannabis

(1) on grounds, on premises or in buildings placed at the disposal of an educational institution providing preschool education services, elementary and secondary school instructional services, educational services in vocational training or educational services to adults in general education, as the case may be;

(2) on the grounds and in the facilities of a childcare centre or day care centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(3) on grounds, on premises or in buildings used for detention within the meaning of the Act respecting the Québec correctional system (chapter S-40.1).

The Government may, by regulation, determine other places where it is prohibited to possess cannabis.

Anyone who contravenes the first paragraph or a regulation made under the second paragraph by possessing a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*) commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“8. In all places, cannabis must be kept in a safe manner, somewhere that is not easily accessible to minors.

In a private residence where the services of an intermediate resource or of a family-type resource governed by the Act respecting health services and social services (chapter S-4.2) are offered or in a private residence where home childcare services within the meaning of the Educational Childcare Act are provided, cannabis must, in addition, be kept under lock.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

“CHAPTER III

“CANNABIS CULTIVATION FOR PERSONAL PURPOSES

“9. It is prohibited to cultivate cannabis for personal purposes.

That prohibition against cultivating cannabis applies, in particular, to the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of their production.

Anyone who contravenes the first paragraph by cultivating four cannabis plants or less in their dwelling-house commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

For the purposes of the third paragraph, “dwelling-house” has the meaning assigned by subsection 8 of section 12 of the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*).

“CHAPTER IV

“RESTRICTION ON CANNABIS USE IN CERTAIN PLACES

“DIVISION I

“MEANING OF “TO SMOKE” AND “SMOKING”

“10. For the purposes of this chapter, “to smoke” and “smoking” also apply to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.

“DIVISION II

“ENCLOSED SPACES

“11. Subject to sections 12 to 14, cannabis smoking is prohibited in all the following enclosed spaces:

(1) facilities maintained by a health or social services institution governed by the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (chapter S-5) and premises where the services of an intermediary resource governed by the Act respecting health services and social services are offered, except if the premises are situated in a private residence;

(2) premises or buildings placed at the disposal of a post-secondary educational institution;

(3) private residences where home childcare within the meaning of the Educational Childcare Act is provided, during the hours childcare is provided;

(4) enclosed spaces where sports, recreational, judicial, cultural or artistic activities or conferences, conventions or other similar activities are held;

(5) enclosed spaces where community or recreational activities intended for minors are held, except if the activities are held in a private residence;

(6) enclosed spaces where the activities held may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a private residence;

(7) enclosed spaces used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a private residence;

(8) the common areas of residential buildings comprising two or more dwellings;

(9) the common areas of private seniors' residences within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services;

(10) palliative care hospices and places where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or in need of assistance, except if the services are offered in a private residence;

(11) tourist accommodation establishments governed by the Tourist Accommodation Establishments Act (chapter E-14.2) and the buildings of outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);

(12) specially set up enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration;

(13) establishments operating under a public house, tavern or bar permit within the meaning of the Act respecting liquor permits (chapter P-9.1);

(14) bingo halls;

(15) workplaces, except workplaces situated in a private residence;

(16) means of public transportation, taxis and other vehicles carrying two or more persons that must be used in the course of employment; and

(17) all other enclosed spaces to which the public has admittance.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes in an enclosed place referred to in the first paragraph of section 7 or a regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first or second paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary to the effect that the product smoked was not cannabis.

“12. A closed smoking room where cannabis smoking is permitted may be set up in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered;

(2) the common areas of residential buildings comprising two or more dwellings;

(3) the common areas of private seniors' residences; and

(4) palliative care hospices and places where prevention, assistance and support services are offered to persons in distress or in need of assistance.

If a closed smoking room has already been set up in such premises under section 3 of the Tobacco Control Act (chapter L-6.2), that smoking room is the only one that may be used for cannabis use.

The smoking room must be used only for cannabis use and, if applicable, tobacco use. It must be used only by persons living or lodged in the place.

The smoking room must also be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.

The Government may, by regulation, determine other standards relating to the construction or set-up and the ventilation system of smoking rooms.

In the case of a contravention of the second, third or fourth paragraph or a regulation made under the fifth paragraph, the operator of a place described in the first paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

“13. Rooms where cannabis smoking is permitted may be identified in the following enclosed spaces:

(1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered; and

(2) palliative care hospices and temporary lodging facilities where prevention, assistance and support services are offered to persons in distress or in need of assistance.

Only persons admitted to or lodged in those places may smoke in such rooms.

The number of rooms where cannabis smoking is permitted may not exceed 20% of the rooms available for all the clientele. Furthermore, the rooms where smoking is permitted must be grouped together so as to provide maximum protection to non-smokers given the total floor space, use and ventilation of the premises. If rooms have already been identified for tobacco use under the second paragraph of section 5 of the Tobacco Control Act, they must be the first ones identified for cannabis use.

The operator of a place referred to in the first paragraph may set certain conditions for cannabis use in a room where smoking is permitted or prohibit a person from smoking in such a room if the operator has reasonable grounds to believe that the person's cannabis use would pose a threat to the person's own safety or the safety of others.

“14. A room where cannabis smoking is permitted for research purposes may be set up in a research centre operated by

- (1) a health or social services institution;
- (2) a college- or university-level educational institution;
- (3) a commercial cannabis producer; or
- (4) a legal person that is a mandatary of the State and that participates in research activities in the field of health and social services.

The Government may, by regulation, determine other places where it is permitted to set up such a room.

Only persons who are research subjects may smoke in the room as part of research.

The standards prescribed in the fourth paragraph of section 12 or a regulation made under the fifth paragraph of that section apply to such a room.

The operator of a research centre or of any other place specified in a regulation made under the second paragraph must inform the Minister before beginning to use such a room.

In the case of a contravention of the third, fourth or fifth paragraph, the operator of a research centre or of any other place specified in a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

“DIVISION III

“OTHER PLACES

“15. Cannabis smoking is prohibited

- (1) in bus shelters;
- (2) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;
- (3) on the grounds of a health or social services institution;

(4) on grounds where buildings placed at the disposal of a post-secondary educational institution are situated;

(5) on terraces and in other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;

(6) in outdoor play areas intended for children that are open to the public, including splash pads, wading pools and skateparks;

(7) on sports fields and playgrounds, including areas reserved for spectators, that are frequented by minors and open to the public; and

(8) on the grounds of day camps and vacation camps as well as at skating rinks and outdoor pools that are frequented by minors and open to the public.

That prohibition also applies within a nine-metre radius from

(1) any part of the perimeter of a place referred to in subparagraph 6 of the first paragraph; and

(2) any door, air vent or openable window of an enclosed space referred to in the first paragraph of section 11, except the places referred to in subparagraphs 8, 9 and 16 of that paragraph.

However, if the nine-metre radius or a portion of that radius exceeds the boundaries of the grounds on which the place referred to in the second paragraph is situated, smoking is prohibited only up to those boundaries.

The Government may, by regulation, determine other places where smoking is prohibited.

Anyone who contravenes the first or second paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes on the grounds of an enclosed space referred to in the first paragraph of section 7 or in any other outdoor place determined by a regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first, second or fifth paragraph or a regulation made under the fourth paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary to the effect that the product smoked was not cannabis.

“DIVISION IV

“OBLIGATIONS OF THE OPERATOR OF A PLACE

“**16.** The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 15 applies must post signs visible to the persons frequenting the place, indicating the areas where smoking is prohibited.

It is prohibited to remove or alter such signs.

The Government may, by regulation, determine the standards applicable to such signs.

An operator who contravenes the first or second paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

“**17.** The operator of a place to which this chapter or a regulation made under the fourth paragraph of section 15 applies must not tolerate a person smoking cannabis in an area where cannabis smoking is prohibited.

An operator who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

In penal proceedings for such a contravention, evidence that a person was smoking in an area where smoking is prohibited is sufficient to establish that the operator tolerated a person doing so in that area unless it is established that the operator exercised due diligence and took all necessary precautions to prevent the offence.

“DIVISION V

“RULES APPLICABLE TO OTHER FORMS OF CANNABIS USE

“**18.** The Government may, by regulation, make all or part of this chapter applicable to other forms of cannabis use or determine any other standard applicable to such forms of use.

“CHAPTER V

“CANNABIS PRODUCTION

“**19.** It is prohibited for any person to produce cannabis for commercial purposes in Québec, unless the person is a cannabis producer who has the qualifications and meets the conditions determined by government regulation.

The Government may, by regulation, determine the standards applicable to such a producer. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

“20. A cannabis producer may sell cannabis only to the Société québécoise du cannabis, unless the producer is shipping it outside Québec.

However, the Government may, by regulation, determine other cases where a cannabis producer may sell cannabis to a person other than the Société and the conditions that apply to such a sale.

Such a regulation may also prescribe the conditions applicable to the transportation and storage of any cannabis sold by a producer to a person other than the Société.

A cannabis producer who contravenes the first paragraph or a regulation made under the second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The Government may determine the provisions of a regulation made under the third paragraph whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

The amounts of the fines set out in the fourth and fifth paragraphs are doubled for a subsequent offence.

“CHAPTER VI

“SALE OF CANNABIS

“DIVISION I

“GENERAL PROVISIONS

“21. Subject to section 20, only the Société québécoise du cannabis may purchase cannabis produced by a producer, ensure its transportation and storage, and sell cannabis.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“DIVISION II

“RETAIL SALE OF CANNABIS BY THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

“§1. — *General provisions*

“**22.** Cannabis sold retail by the Société québécoise du cannabis must be sold in a cannabis retail outlet, unless it is sold over the Internet.

Such a cannabis retail outlet must be a fixed place that is permanently delimited by continuous floor-to-ceiling partitions or walls and that is accessible to customers only through an opening equipped with a door.

“**23.** Only the following products may be sold by the Société québécoise du cannabis:

(1) cannabis belonging to one of the following classes:

(a) dried cannabis;

(b) cannabis oil;

(c) fresh cannabis;

(d) cannabis concentrates; and

(e) any other class of cannabis determined by government regulation, including edible and non-edible cannabis products;

(2) cannabis accessories;

(3) specialized publications about cannabis; and

(4) any other product determined by government regulation.

“**24.** Cannabis sold in a cannabis retail outlet may not be altered there in any way.

“**25.** A cannabis sales employee must hold a certificate confirming successful completion of such training on the sale of cannabis as is determined by ministerial regulation. Such a regulation also prescribes conditions as to training updates.

“**26.** The Société québécoise du cannabis may not sell a total amount of cannabis equivalent to more than 30 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (Statutes of Canada, (*insert the year and chapter number of that Act*)) to a purchaser in the course of a same visit to a cannabis retail outlet.

In the course of a cannabis sale, the Société québécoise du cannabis must communicate the information prescribed by ministerial regulation to the purchaser, by any of the means prescribed in the regulation.

The Government may, by regulation, reduce the amount of cannabis that may so be sold and establish the minimum amount of cannabis that must be sold to a purchaser in the course of a same visit.

“27. The Société québécoise du cannabis may not sell cannabis to a person whose behaviour is clearly altered by drugs or alcohol.

Nor may it sell cannabis to a person when it knows the person is purchasing cannabis for another person whose behaviour is clearly altered in such a manner.

“28. The Government may, by regulation, prescribe standards relating to the location of cannabis retail outlets.

Those standards may in particular relate to the minimal distance required between a cannabis retail outlet and places frequented by minors or vulnerable clientele.

“§2. — Prohibition against admitting minors and selling to minors

“29. A minor may not be admitted to a cannabis retail outlet and a minor’s presence may not be tolerated there.

“30. It is prohibited to sell cannabis to a minor.

“31. A person who wishes to be admitted to or to purchase cannabis in a cannabis retail outlet is required to provide proof of age on the request of an employee of the Société québécoise du cannabis.

When required to provide proof of age, such a person must produce photo identification issued by a government, a government department or a public body showing the person’s name and date of birth.

The employee must refuse to admit a person to a retail outlet or refuse to sell cannabis to the person if the employee considers that the identification produced cannot prove the person’s identity.

“32. The Société québécoise du cannabis may not sell cannabis to a person of full age if it knows the person is purchasing cannabis for a minor.

“33. It is prohibited for a minor to purchase cannabis.

A minor who contravenes the first paragraph commits an offence and is liable to a fine of \$100.

“34. It is prohibited for a person of full age to purchase cannabis for a minor.

A person of full age who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. Those amounts are doubled for a subsequent offence.

“§3. — *Display*

“35. Cannabis must be displayed in such a way that customers may not have access to it without the assistance of an employee and that it is visible only from the inside of the cannabis retail outlet.

The Government may, by regulation, determine other standards relating to the display of cannabis.

“§4. — *Signage*

“36. The Société québécoise du cannabis must install a sign concerning the prohibition against admitting minors to a cannabis retail outlet and the prohibition against selling cannabis to minors as soon as the sign is provided by the Minister. The sign may contain a warning attributed to the Minister concerning the harmful effects of cannabis on health. It must be installed on the entrance door or close to it.

It is prohibited to remove such a sign.

The Minister may, by regulation, specify the standards applicable to the sign.

“37. The Government may, by regulation, prescribe other standards relating to signage in cannabis retail outlets.

“CHAPTER VII

“COMPOSITION AND CHARACTERISTICS OF CANNABIS AND CANNABIS ACCESSORIES

“38. Dried cannabis, cannabis oil, fresh cannabis and cannabis concentrates may not contain any additives or any other substances intended to modify their odour, taste or colour, except to the extent provided for by government regulation.

The Government may, by regulation, determine other standards relating to the composition and characteristics or other properties of cannabis, including standards applicable to edible and non-edible cannabis products.

Such standards may in particular relate to the varieties of cannabis produced or used, the level or concentration of cannabis in certain substances and the pureness, strength and quality of cannabis. They may vary according to the intended use of the cannabis.

A cannabis producer who contravenes the first paragraph or a regulation made under the second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“39. Cannabis accessories may not have any flavour or aroma.

Anyone who sells a cannabis accessory that contravenes the first paragraph or whose packaging so suggests commits an offence and is liable to a fine of \$2,500 to \$125,000. However, if the offender is a cannabis producer, the producer is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“40. Sections 38 and 39 do not apply to cannabis or cannabis accessories intended for sale exclusively outside Québec.

“CHAPTER VIII

“PROMOTION, ADVERTISING AND PACKAGING

“DIVISION I

“PROMOTION

“41. Neither the Société québécoise du cannabis nor a cannabis producer may

(1) supply or distribute cannabis free of charge or furnish cannabis for promotional purposes of any kind to consumers;

(2) reduce the retail price of cannabis on the basis of volume, otherwise than as part of regular marketing operations by the producer, or offer or grant consumers a rebate on the market price of cannabis; or

(3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit if consumers must, in return, provide information on cannabis or their cannabis consumption, or purchase or present proof of purchase of a cannabis product.

For the purposes of this chapter, a cannabis producer includes any person or partnership that is controlled by or that controls the producer.

The Government may, by regulation, determine standards relating to promotion.

A cannabis producer who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“42. It is prohibited for a cannabis producer to offer the Société québécoise du cannabis, including its employees, rebates, gratuities or any other form of benefit related to the sale or the retail price of cannabis.

A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“43. The operator of a business or a cannabis producer may not sell or give an object that is not cannabis or supply such an object as part of an exchange if a name, logo, brand element, design, image or slogan that is directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer appears on the object.

The operator of a business who contravenes the first paragraph commits an offence and is liable to a fine of \$2,500 to \$62,500. A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“44. Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited.

The first paragraph does not prevent the cannabis industry from making gifts to the extent that the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, does not constitute a promotional association within the meaning of this paragraph.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication constitutes a promotional association within the meaning of the second paragraph.

Anyone who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“45. No name, logo, brand element, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer may be associated with a sports, cultural or social facility, a facility maintained by a health or social services institution or a research centre.

Furthermore, no name, logo, brand element, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société or a cannabis producer may be associated with a sports, cultural or social event, subject to the second paragraph of section 44.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“DIVISION II

“ADVERTISING

“**46.** All direct or indirect advertising for the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited where the advertising

- (1) is directed at minors;
- (2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of cannabis;
- (3) directly or indirectly associates the use of cannabis or a cannabis accessory with a particular lifestyle;
- (4) uses testimonials or endorsements;
- (5) uses a slogan;
- (6) contains a text that refers to real or fictional persons, characters or animals;
- (7) contains anything apart from text, with the exception of an illustration of the package or packaging of cannabis occupying not more than 10% of the surface area of the advertising material; or
- (8) is disseminated otherwise than
 - (a) in printed newspapers and magazines that have an adult readership of not less than 85%; or
 - (b) by means of signage visible only from the inside of a cannabis retail outlet.

However, advertising that is intended to provide consumers with factual information about cannabis, including about the price or the intrinsic characteristics of cannabis, brands of cannabis and the Société, is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph.

Advertising disseminated in printed newspapers or magazines that have an adult readership of not less than 85% must include the warning attributed to the Minister and prescribed by regulation concerning the harmful effects of cannabis on health. The advertising must be forwarded to the Minister on being disseminated.

The Minister may, by regulation, determine standards relating to advertising and prescribe the standards that are to apply to the warning attributed to the Minister.

Anyone who contravenes the first or third paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“47. Indirect advertising for the promotion of cannabis within the meaning of the first paragraph of section 46 includes the use, on a facility, vehicle or sign or on any other object that is not cannabis, of a name, logo, brand element, design, image or slogan that is not directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer but that may reasonably be said to evoke a brand of cannabis, the Société or a producer because of its graphic design, presentation or association with a cannabis display stand or a cannabis retail outlet.

“48. The provisions of section 46 and of a regulation made under that section do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under section 46 or that does not comply with a regulation made under the fourth paragraph of that section.

Nor do those provisions apply to advertising that is directed at the cannabis industry and does not reach consumers either directly or indirectly.

“DIVISION III

“PACKAGING

“49. The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 46 on cannabis packaging and containers is prohibited.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“50. The Government may, by regulation, determine standards relating to cannabis containers, packaging and display. Those standards may vary according to the various classes of cannabis determined and according to its intended use.

The Government may also, by regulation, require cannabis producers to print on cannabis packaging certain particulars that the Minister determines and messages attributed to the Minister that the latter indicates about the harmful effects of cannabis on health.

Anyone who contravenes a regulation made under the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“CHAPTER IX

“CANNABIS PREVENTION AND RESEARCH FUND

“**51.** The Cannabis Prevention and Research Fund (the Fund) is established at the Ministère de la Santé et des Services sociaux. The Fund is dedicated to the financing of

(1) monitoring and research activities and programs relating to the effects of cannabis on the health status of the population;

(2) curative care in relation to cannabis use; and

(3) cannabis harm prevention activities and programs and health promotion activities and programs.

“**52.** The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under paragraph 2 of section 23.31 of the Act respecting the Société des alcools du Québec (chapter S-13);

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(4) the interest earned on the sums credited to the Fund.

“**53.** The sums required to pay any expenses necessary to finance the activities, programs and care described in section 51 are debited from the Fund.

“**54.** The surpluses accumulated by the Fund are transferred to the General Fund on the dates and to the extent determined by the Government.

“CHAPTER X

“PILOT PROJECT

“**55.** The Government may, by order, authorize the Minister to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards for those matters.

It may also authorize the Minister of Finance to implement a pilot project on the retail sale of cannabis.

The Government may, for such projects, determine standards and obligations that differ from those provided for or set out in this Act, Division II.1 of the Act respecting the Société des alcools du Québec or their regulations.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

The Government may also determine the provisions of a pilot project whose violation constitutes an offence and set the amount of the fine to which an offender is liable, which may not be less than \$200 or greater than \$3,000.

“CHAPTER XI

“NATIVE COMMUNITIES

“56. For the purpose of adapting the measures provided for in this Act to Native realities, the Government is authorized to enter into an agreement on any matter within the scope of the Act or the regulations with a Native nation represented by all the band councils, or councils in the case of northern villages, the Makivik Corporation, the Cree Nation Government, a Native community represented by its band council, or council in the case of a northern village, a group of communities so represented or, in the absence of such councils, any other Native group. Such an agreement may also cover the adaptation to Native realities of other cannabis-related government measures that are not provided for in an Act or a regulation, such as cannabis harm prevention programs. It must pursue the same objectives as those pursued by this Act.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that that person complies with the agreement.

An agreement entered into under this section is tabled in the National Assembly within 15 days of its signature or, if the Assembly is not sitting, within 15 days of resumption. It must also be published in the *Gazette officielle du Québec*.

“CHAPTER XII

“OVERSIGHT COMMITTEE

“57. A cannabis oversight committee responsible for advising the Minister on any cannabis-related matter is established under the name “Comité de vigilance en matière de cannabis” (the Committee).

“58. For the purpose of carrying out its mandate, the Committee may, in particular,

(1) advise the Minister on any cannabis-related matter that the Minister submits to it;

(2) evaluate the application of the measures provided for in this Act and of the provisions relating to the Société québécoise du cannabis in the Act respecting the Société des alcools du Québec and whether they attained their objectives;

(3) refer to the Minister any emerging cannabis-related phenomenon or any other cannabis-related issue that deserves the attention of or action by the Government, and submit its recommendations to the Minister; and

(4) carry out any other mandate entrusted to it by the Minister.

The Committee may also require the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to provide any information or documents the Committee considers necessary to carry out its mandate.

“59. The Committee is composed of members appointed by the Minister, the majority of whom must collectively have significant expertise or experience in public health, substance abuse, youth intervention, municipal affairs and public security and the remainder of whom must collectively have significant expertise or experience in governance and ethics, risk management, and finance and auditing. The Minister designates the chair and vice-chair from among the members.

The members of the Committee are appointed for a term of up to five years, which may not be consecutively renewed more than once. At the expiry of their term, they remain in office until replaced or reappointed.

The members of the Committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The Committee may make any by-law for the conduct of its affairs and its internal management.

“60. Not later than 30 June of each year, the Committee must submit an annual report of its activities to the Minister.

Within the next 30 days, the Minister must make the report public, except the parts containing commercial information that is confidential by nature.

“CHAPTER XIII

“MONITORING

“DIVISION I

“CANNABIS TRACKING

“**61.** The Government may, by regulation, determine the measures that must be taken by the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to reduce the risk of cannabis in their possession being diverted to the illicit market.

The Government may also determine the provisions of a regulation made under this section whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000 and, in the case of a subsequent offence, \$500,000.

“DIVISION II

“REPORTS

“**62.** The Government may, by regulation, determine the reports that must be sent to the Minister by a cannabis producer.

Such a regulation indicates the content, form and frequency of the reports and the manner in which they must be sent.

A cannabis producer who refuses or neglects to send a report, who knowingly gives false or misleading information or who contravenes a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$100,000. Those amounts are doubled for a subsequent offence.

“DIVISION III

“INSPECTION, SEIZURE AND INVESTIGATION

“§1. — *Inspection*

“**63.** The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations, except sections 4 to 7, Chapter III and section 21, as well as compliance with the regulations made under section 23.37 of the Act respecting the Société des alcools du Québec.

“**64.** An inspector may, in the performance of inspection functions,

(1) enter, at any reasonable hour,

(a) any premises where cannabis smoking is prohibited under Chapter IV,

- (b) any premises where a cannabis retail outlet is operated,
 - (c) any premises where cannabis is stored,
 - (d) any premises operated by a cannabis producer, and
 - (e) any premises where information relating to the promotion or advertising of cannabis or cannabis accessories is kept;
- (2) inspect a vehicle used for transporting cannabis or order any such vehicle to be stopped for inspection;
 - (3) open containers or packaging and collect or cause to be collected, free of charge, samples of cannabis or of any substance if, in the latter case, the inspector has reasonable grounds to believe the substance is cannabis;
 - (4) require the production of any document for examination or copying, if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations;
 - (5) take photographs of the premises inspected and of the equipment, property or products found there; and
 - (6) require any person present in a cannabis retail outlet or leaving a retail outlet to provide proof of age by producing the identification referred to in the second paragraph of section 31.

The owner of or person responsible for premises or a vehicle being inspected, and any other person on the premises or in the vehicle, are bound to provide assistance to the inspector.

If the premises referred to in subparagraph *a* of subparagraph 1 of the first paragraph are in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before conducting the inspection unless the premises are premises where home child care services within the meaning of the Educational Childcare Act are provided.

Before requiring that a person mentioned in subparagraph 6 of the first paragraph provide proof of age, an inspector must be reasonably convinced that the person is a minor.

“65. An inspector may, by a request sent by registered mail or personal service, require a person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act and the regulations.

Anyone who refuses or neglects to comply, within the time specified, with a request made under the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

“66. Only a police force member may enforce sections 4 to 7, Chapter III, section 21 and the regulations made under them. A police force member exercises that power throughout the territory in which the member provides police services.

A police force member may also enforce section 8 as well as Chapter IV and the regulations made under it.

“67. An inspector may submit any sample referred to in subparagraph 3 of the first paragraph of section 64 to an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

The Minister may authorize an analyst to set up a room where cannabis may be used to conduct the analysis or examination requested.

Only the persons identified by the analyst may smoke in the room as part of the analysis or examination.

The standards prescribed in the fourth paragraph of section 12 or by a regulation made under the fifth paragraph of that section apply to the room.

“§2. — *Seizure*

“68. An inspector performing inspection functions or a police force member may immediately seize any thing they have reasonable grounds to believe may be used as evidence of an offence under this Act or the regulations.

The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to the things seized.

However, if cannabis is seized in the course of a verification of compliance with Chapter II or III or section 21, the seizer may destroy it or cause it to be destroyed as of the 30th day following the seizure, unless, before that day, the person from whom the cannabis was seized or the person who claims to have a right in it applies to a judge of the Court of Québec to establish their right to possession and serves on the seizer a prior notice of not less than one clear day of the application.

Proof of the cannabis so destroyed may be made by means of samples kept in sufficient quantity.

“§3.—*Investigation*

“**69.** The Minister may designate any person to investigate any matter relating to the application of this Act, except sections 4 to 7, Chapter III and section 21, as well as the application of a regulation made under section 23.37 of the Act respecting the Société des alcools du Québec.

“§4.—*Provisions common to inspectors and investigators*

“**70.** Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

“**71.** No proceedings may be brought against an inspector or investigator for an act or omission in good faith in the performance of inspection or investigation functions.

“**72.** Anyone who in any way hinders an inspector or investigator in the performance of inspection or investigation functions, deceives an inspector or investigator by concealment or misrepresentation or refuses to provide information or a document that the inspector is entitled to obtain or examine, or destroys information, a document or a thing relevant to an inspection or investigation, commits an offence.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$2,500 to \$62,500. However, in the case of a cannabis producer, the offender is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

“**CHAPTER XIV**

“**MISCELLANEOUS PROVISIONS**

“**73.** In any proceedings under this Act, the report relating to the analysis of a cannabis sample signed by the analyst referred to in the first paragraph of section 67 is accepted as proof, in the absence of any evidence to the contrary, of the facts set out in the report or of the capacity of the person who signed the report, without further evidence of the person’s signature. The cost of the analysis is included in the costs of the proceedings, and the amounts collected as such belong to and are to be remitted to the Minister.

If a substance that has been seized in a place operated by a cannabis producer is in packaging identified as cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary. The same applies to a substance that has been seized in a place where cannabis smoking is prohibited under Chapter IV and that is in sealed packaging identified as cannabis.

However, a defendant who contests that the substance seized is cannabis must, not less than 10 days before the date set for the beginning of the trial, give the prosecuting party prior notice of an application for analysis of the substance, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure applies to the application.

“74. If a person is found guilty of an offence under this Act or the regulations, the judge may impose an additional fine in addition to any other penalty, on an application by the prosecuting party appended to the statement of offence, equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the offence, even if the maximum fine is imposed under another provision.

“75. In any penal proceedings relating to an offence under this Act or the regulations, evidence that the offence was committed by a representative, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless it is established that the party exercised due diligence and took all necessary precautions to prevent the offence.

“76. If a legal person or a representative, mandatary or personnel member of a legal person commits an offence under this Act or the regulations, the directors or officers of the legal person are presumed to have committed the offence unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

“77. Anyone who assists a person in committing an offence under this Act or the regulations or who, by encouragement, advice or consent or by an authorization or an order, induces a person to commit an offence under this Act or the regulations commits an offence and is liable to the same penalty as that prescribed for the offence they assisted in committing or induced to commit.

“78. The Minister must, not later than (*insert the date that is three years after the date of coming into force of section 1 of the Cannabis Regulation Act*) and every five years after that, report to the Government on the implementation of this Act.

Such a report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

In the first report, the Minister must, in particular, evaluate the sales model established by this Act and express an opinion on the relevance of maintaining or reviewing it.

“79. The Minister of Health and Social Services is responsible for the administration of this Act.

“CHAPTER XV

“AMENDING PROVISIONS

“CITIES AND TOWNS ACT

“80. Section 500.1 of the Cities and Towns Act (chapter C-19), enacted by section 64 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

“(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*);”.

“MUNICIPAL CODE OF QUÉBEC

“81. Article 1000.1 of the Municipal Code of Québec (chapter C-27.1), enacted by section 108 of chapter 13 of the statutes of 2017, is amended by inserting the following subparagraph after subparagraph 10 of the second paragraph:

“(10.1) a tax in respect of cannabis within the meaning of section 2 of the Cannabis Act (Statutes of Canada, *(insert the year and chapter number of that Act)*);”.

“ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

“82. Schedule 1 to the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by inserting “—Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*);” in alphanumerical order.

“TOBACCO CONTROL ACT

“83. Section 2.1 of the Tobacco Control Act (chapter L-6.2) is amended by inserting “day camps and” after “grounds of” in subparagraph 8 of the first paragraph.

“84. Section 3 of the Act is amended by replacing the second paragraph by the following paragraph:

“Subject to section 12 of the Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*), the smoking room must be used only for tobacco use and only by persons living or lodged in the place.”

“REGULATION UNDER THE TOBACCO CONTROL ACT

“**85.** Section 1 of the Regulation under the Tobacco Control Act (chapter L-6.2, r. 1) is amended by inserting “, except cannabis within the meaning of the Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*),” after “smoked”.

“**86.** Section 1.1 of the Regulation is repealed.

“CHAPTER XVI

“TRANSITIONAL PROVISIONS

“**87.** Until the Minister, in accordance with the third paragraph of section 78, tables in the National Assembly the report in which the Minister is to evaluate the sales model established by this Act and to express an opinion on the relevance of maintaining or reviewing it, all the pilot projects on the retail sale of cannabis authorized by the Government under section 55 may allow the setting up of a total of no more than five cannabis retail outlets.

[[“**88.** For each of the fiscal years from 2018–2019 to 2022–2023, should the transfer to the Cannabis Prevention and Research Fund made under paragraph 2 of section 23.31 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 5, not reach the minimum threshold of \$25,000,000, the Minister of Finance is to transfer the sum required to make up the difference out of the General Fund to be credited to the Fund.]]

“**89.** The Government may, by a regulation made before (*insert the date that is one year after the date of coming into force of section 1 of the Cannabis Regulation Act*), take any measure necessary for carrying out this Act and fully achieving its purpose.

A regulation made under this section is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1); in addition, once published and if it so provides, it may apply from any date not prior to (*insert the date of assent to this Act*).

“**90.** A regulation made before (*insert the date that is three months after the date of coming into force of section 1 of the Cannabis Regulation Act*) for the purposes of this Act may have a shorter publication period than that required under section 11 of the Regulations Act, but it may not be shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.”

PART III

PROVISIONS RESPECTING HIGHWAY SAFETY

CHAPTER I

AMENDING PROVISIONS

AUTOMOBILE INSURANCE ACT

13. Section 83.30 of the Automobile Insurance Act (chapter A-25) is amended by replacing “by reason of an offence described in paragraph *a* of subsection 1 or in subsection 3 or 4 of section 249, subsection 1 of section 252, section 253, subsection 5 of section 254 or subsection 2 or 3 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, in section 220, 221 or 236 of that Code” in the first paragraph by “by reason of an offence described in any of sections 320.13 to 320.16 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, if the offence is committed with an automobile, any of sections 220, 221 and 236 of that Code”.

HIGHWAY SAFETY CODE

14. Section 4 of the Highway Safety Code (chapter C-24.2) is amended by inserting the following definition in alphabetical order:

““**drug**” includes cannabis and the other substances included in the types of drugs listed in subsection 5 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);”.

15. Section 5.1 of the Code is amended by replacing “202.2, 202.2.1, 202.4” by “202.2 to 202.2.1.3, 202.4, 202.4.1”.

16. Section 73 of the Code is amended by replacing the fifth paragraph by the following paragraph:

“If the medical examination of a person shows that the person has a disorder related to the consumption of alcohol or if a health assessment establishes that the person’s relationship with alcohol or drugs compromises the safe operation of a road vehicle corresponding to the class of licence concerned, the person may be authorized to drive such a vehicle under a driver’s licence or a probationary licence only if the vehicle is equipped with an alcohol ignition interlock device approved by the Société.”

17. Section 76 of the Code is amended by replacing “an order prohibiting the offender from operating a road vehicle under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code” in the second paragraph by “an order prohibiting the offender from operating a road vehicle under Part VIII.1 of the Criminal Code on offences relating to conveyances”.

18. Section 76.1 of the Code is amended by replacing “evading a police car or leaving the scene of an accident” by “fleeing from a peace officer or failing to stop after an accident”.

19. Section 76.1.1 of the Code is amended by replacing “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with those substances”.

20. Section 76.1.2 of the Code is amended

(1) by replacing “alcohol-related” in the first paragraph by “alcohol- or drug-related”;

(2) by replacing “for refusing to provide a breath sample or for an alcohol-related offence” in subparagraphs 1 and 2 of the second paragraph by “for a alcohol- or drug-related offence or for an offence consisting in failing or refusing to comply with a peace officer’s demand in connection with those substances”.

21. Section 76.1.3 of the Code is amended by replacing “for an alcohol-related offence, for having a high blood alcohol concentration level or for refusing to provide a breath sample” by “for an alcohol- or drug-related offence, for having a high blood alcohol concentration level or for failing or refusing to comply with a peace officer’s demand in connection with those substances”.

22. Section 76.1.4 of the Code is amended by replacing “is refusing to provide a breath sample” by “is failing or refusing to comply with a peace officer’s demand”.

23. Section 76.1.5 of the Code is amended by replacing both occurrences of “for an alcohol-related offence” by “for an alcohol- or drug-related offence”.

24. Section 76.1.6 of the Code is amended

(1) by replacing all occurrences of “alcohol-related” by “alcohol- or drug-related”;

(2) by replacing all occurrences of “for refusing to provide a breath sample” by “for failing or refusing to comply with a peace officer’s demand”.

25. Section 76.1.7 of the Code is amended by replacing paragraphs 1 to 5 by the following paragraphs:

“(1) “an alcohol- or drug-related offence” means any offence under section 320.14 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) other than having a high blood alcohol concentration level;

“(2) “having a high blood alcohol concentration level” means any offence under section 320.14 of the Criminal Code for which a court decision states that the offender’s blood alcohol concentration level at the time of the offence was equal to or in excess of 160 mg of alcohol in 100 ml of blood;

“(3) “failing or refusing to comply with a peace officer’s demand” means any offence under section 320.15 of the Criminal Code following an order made under section 320.27 or 320.28 of the Criminal Code in connection with verifying the presence of alcohol or drugs;

“(4) “failing to stop after an accident” means any offence under section 320.16 of the Criminal Code; and

“(5) “fleeing from a peace officer” means any offence under section 320.17 of the Criminal Code.”

26. Section 76.1.12 of the Code is amended by replacing the last two sentences by the following: “The person, in such a case, is prohibited from operating a vehicle or having the care or control of a vehicle if alcohol, cannabis or any other drug is present in the person’s body, subject to the exceptions provided for by government regulation. The Société may require the person to provide information and documents concerning the person’s relationship with alcohol or drugs.

For the purposes of this section, the prohibited presence of cannabis or any other drug in the person’s body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3.”

27. Section 141 of the Code is amended by replacing “an alcohol-related offence” in the second paragraph by “an alcohol- or drug-related offence”.

28. Section 143 of the Code is amended by inserting “, 202.4.1” after “202.4”.

29. Section 143.1 of the Code is amended by replacing “and subparagraph 2 of the first paragraph of section 202.4” by “, subparagraph 2 of the first paragraph of section 202.4 and subparagraph 2 of the first paragraph of section 202.4.1”.

30. Section 144 of the Code is amended by inserting “, subparagraph 1 of the first paragraph of section 202.4.1” after “202.4”.

31. Section 180 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) sections 220, 221 and 236 (criminal negligence causing death or bodily harm, or manslaughter);

“(2) section 320.13 (dangerous operation);

“(3) section 320.14 (operation while impaired by alcohol or a drug);

“(4) section 320.15 (failure or refusal to comply with a peace officer’s demand made under section 320.27 or 320.28 of the Criminal Code in connection with verifying the presence of alcohol or drugs);

“(5) section 320.16 (failure to stop after an accident); and

“(6) section 320.17 (flight from a peace officer).”

32. Section 181 of the Code is amended by replacing “for more than one offence under section 253, subsection 5 of section 254 or subsection 2, 2.1, 2.2, 3, 3.1 or 3.2 of section 255 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)” in the second paragraph by “for more than one offence under section 320.14 or 320.15 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

33. Section 202.0.1 of the Code is amended by replacing,

(1) in the introductory clause of the first paragraph,

(a) “convicted of an alcohol-related offence” by “convicted of an alcohol- or drug-related offence”;

(b) “an alcohol-related offence or at least once for an offence relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident” by “an alcohol- or drug-related offence or at least one conviction relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with those substances, for failing to stop after an accident or for fleeing from a peace officer”;

(2) in the second paragraph,

(a) “relating to a high blood alcohol concentration level, for refusing to provide a breath sample or for failing to stop at the scene of an accident” by “relating to a high blood alcohol concentration level, for failing or refusing to comply with a peace officer’s demand in connection with those substances, for failing to stop after an accident or for fleeing from a peace officer”;

(b) “alcohol-related” by “alcohol- or drug-related”.

34. Section 202.0.3 of the Code is replaced by the following section:

“202.0.3. For the purposes of section 202.0.1, the definitions in section 76.1.7 apply.”

35. Section 202.1.4 of the Code is amended by inserting “or 202.4.1” after “202.4” in the second paragraph.

36. Section 202.1.5 of the Code is repealed.

37. The Code is amended by inserting the following section after section 202.2.1.2:

“202.2.1.3. It is prohibited for any person to drive or have the care or control of a road vehicle if cannabis or any other drug is present in the person’s body, subject to the exceptions provided for by government regulation.

For the purposes of this section, the prohibited presence of cannabis or any other drug in a person’s body means a presence that is detectable in oral fluid by means of the screening equipment referred to in section 202.3.”

38. Section 202.3 of the Code is amended by replacing everything after the first sentence of the first paragraph by the following:

“A peace officer who reasonably suspects the presence of cannabis or any other drug in the body of a person subject to the prohibition set out in section 202.2.1.3 may also order that person to immediately provide such samples of oral fluid as in the opinion of the peace officer are necessary to enable a proper analysis to be made by means of the screening equipment approved by the Minister of Public Security.

The peace officer may, for the purpose of collecting breath samples or oral fluid samples, order a person to accompany him or her.

Any screening device or equipment referred to in this section must be maintained and used in accordance with the standards prescribed by regulation by persons who have received the training prescribed by regulation.

“202.3.1. The Government shall, by regulation, determine maintenance standards for screening devices and equipment and conditions for their use as well as the training that must be provided to peace officers.”

39. Section 202.4 of the Code is amended by replacing both occurrences of “a breath test carried out by means of an approved instrument” and both occurrences of “a breath test conducted by means of an approved instrument” by “an analysis of a sample of the person’s breath made by means of an approved instrument” and by replacing all occurrences of “in excess of 80 mg”, “equal to or less than 80 mg” and “under section 202.3” by “equal to or in excess of 80 mg”, “less than 80 mg” and “in accordance with section 202.3”, respectively.

40. The Code is amended by inserting the following section after section 202.4:

“202.4.1. On behalf of the Société, a peace officer shall immediately suspend, for 90 days, the licence of any person driving or having the care or control of a road vehicle

(1) if the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) gives the peace officer reasonable grounds to believe that the person is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol; or

(2) if the analysis by means of drug screening equipment in accordance with section 202.3 or the Criminal Code demonstrates that cannabis or any other drug is present in the person's body.

The suspension applies to any licence authorizing the operation of a road vehicle or to the right to obtain such a licence.”

41. Section 202.5 of the Code is replaced by the following section:

“202.5. A peace officer may also immediately suspend, for 90 days, the licence of any person who fails or refuses to comply with an order given to the person by a peace officer under section 202.3 of this Code or a peace officer's demand under section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46).”

42. Section 202.6 of the Code is amended by replacing “under section 202.1.4, 202.1.5 or 202.4” by “under section 202.1.4, 202.4 or 202.4.1”.

43. Section 202.6.4 of the Code is amended by replacing “a copy of any certificate of a qualified technician under section 258 of the Criminal Code” by “a copy of a certificate of a qualified technician or of a document sent to the person stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

44. Section 202.6.5 of the Code is amended by replacing paragraph 3 by the following paragraph:

“(3) a copy of a certificate of a qualified technician or, if applicable, of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46); and”.

45. Section 202.6.6 of the Code is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

“(1) in the case of a suspension under subparagraph 2 of the first paragraph of section 202.4 or section 202.4.1, that no alcohol or, as the case may be, cannabis or other drug was present in the person's body;”;

(2) by inserting “was equal to or” before “exceeded” in subparagraph 2;

(3) by inserting the following subparagraph after subparagraph 2:

“(2.1) that the person was driving or had the care or control of the road vehicle without being impaired by cannabis or any other drug, whether combined with alcohol or not;”;

(4) by replacing “under section 202.3 or 636.1 of this Code or section 254 of the Criminal Code” in subparagraph 3 by “under section 202.1.3 or 202.3 of this Code or section 320.27 or 320.28 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

46. Section 202.6.7 of the Code is amended by replacing “referred to in section 258 of the Criminal Code” in the second paragraph by “or of a document stating the findings of an evaluating officer for the purposes of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46)”.

47. Section 202.8 of the Code is amended by adding the following paragraphs at the end:

“A person who contravenes section 202.2.1.3 is also guilty of an offence and is liable to the same fine. The fine is doubled in the case of a second or subsequent offence.

However, if the person who contravenes section 202.2 or 202.2.1.3 is the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device, that person is liable to a fine of \$1,500 to \$3,000.”

48. Section 209.1 of the Code is amended by inserting “and to the holder of a licence authorizing the operation of a road vehicle mandatorily equipped with an alcohol ignition interlock device who drives a road vehicle or has the care or control of the road vehicle in contravention of the prohibitions under sections 202.2 and 202.2.1.3” at the end of the third paragraph.

49. Section 209.2 of the Code is amended by replacing “202.1.5, 202.4” by “202.4, 202.4.1”.

50. Section 209.2.1 of the Code is amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person’s breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 160 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person’s licence was not cancelled for an alcohol- or drug-related offence, for a high blood alcohol

concentration level, for failing or refusing to comply with a peace officer's demand in connection with those substances, for fleeing from a peace officer or for failing to stop after an accident; or

“(2) fails or refuses, without a reasonable excuse, to comply with a peace officer's demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was not cancelled for any of the offences referred to in subparagraph 1;”;

(2) by replacing “in order to undergo the breath analysis test until the time the test is completed” in the second paragraph by “for the analysis of a sample of the person's breath to be made by means of an approved instrument until the time the analysis is completed”.

51. Section 209.2.1.1 of the Code is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) has a blood alcohol concentration level that is shown, by an analysis of a sample of the person's breath made by means of an approved instrument in accordance with the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), to be equal to or in excess of 80 mg of alcohol in 100 ml of blood and, during the 10 years before the seizure, the person's licence was cancelled for an alcohol- or drug-related offence, for a high blood alcohol concentration level, for failing or refusing to comply with a peace officer's demand in connection with those substances, for fleeing from a peace officer or for failing to stop after an accident;

“(2) fails or refuses, without a reasonable excuse, to comply with a peace officer's demand under section 320.27 or 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was cancelled for any of the offences referred to in subparagraph 1; or

“(3) is impaired by cannabis or any other drug or by a combination of cannabis or any other drug and alcohol according to the evaluation conducted by an evaluating officer in accordance with paragraph a of subsection 2 of section 320.28 of the Criminal Code and, during the 10 years before the seizure, the person's licence was cancelled for any of the offences referred to in subparagraph 1.”

52. Section 209.2.1.3 of the Code is amended by replacing “202.0.3” by “76.1.7”.

53. Section 443 of the Code is amended by replacing “therein” in the first paragraph by “or consume cannabis or other drugs, subject to the exceptions provided for by government regulation, in the vehicle”.

54. Section 489 of the Code is amended by adding the following sentence at the end: “The same applies to the consumption of cannabis or any other drug, subject to the exceptions provided for by government regulation.”

55. Section 587 of the Code is amended

(1) by replacing “under any of subsections 1, 2 and 3.1 to 3.4 of section 259 of the Criminal Code (R.S.C. 1985, c. C-46)” in the second paragraph by “under Part VIII.1 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) on offences relating to conveyances”;

(2) by replacing “exceeded” in the third paragraph by “was equal to or in excess of”.

56. Section 619 of the Code is amended by striking out paragraph 7.1.

ACT RESPECTING ADMINISTRATIVE JUSTICE

57. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by inserting “or drugs” after “alcohol” in paragraph 7.

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

58. Section 18 of the Act respecting transportation services by taxi (chapter S-6.01) is amended by replacing subparagraph 2 of the third paragraph by the following subparagraph:

“(2) has been found guilty in the last five years of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, (*insert the year and chapter number of that Act*)); or”.

59. Section 26 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) if the person has been convicted, in the last five years, of an offence under any of sections 5 to 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or any of sections 9, 10, 11 and 14 of the Cannabis Act (Statutes of Canada, (*insert the year and chapter number of that Act*)); and”.

ACT RESPECTING OFF-HIGHWAY VEHICLES

60. Section 24 of the Act respecting off-highway vehicles (chapter V-1.2) is replaced by the following section:

“24. No person shall consume alcoholic beverages in or on an off-highway vehicle or in or on a sleigh or trailer towed by an off-highway vehicle, nor may a person consume cannabis or any other drug in or on such vehicle, sleigh or trailer, subject to the exceptions provided for by government regulation.”

CHAPTER II

TRANSITIONAL PROVISION

61. For the purpose of determining administrative penalties or assessing a subsequent offence or repeated offences in the enforcement of the Highway Safety Code (chapter C-24.2), prior convictions for an offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) to which the Highway Safety Code refers in any version that precedes the coming into force of this section are to be taken into account.

PART IV

FINAL PROVISION

62. The provisions of this Act come into force on the date or dates to be set by the Government, except section 5, except to the extent that it enacts section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), and sections 7, 8, 9, 10 and 11, which come into force on (*insert the date of assent to this Act*).

The Government may provide that a same provision of any of sections 13 to 61 is to come into force on different dates according to the type of drug or the drug screening equipment; the dates accordingly set may not be later than the date that is one year after the date of coming into force of section 1 of the Cannabis Regulation Act (*insert the year and chapter number of this Act and the number of the section of that Act which enacts the Cannabis Regulation Act*), enacted by section 12.

