



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 2

**An Act to tighten the regulation of
cannabis**

Introduction

**Introduced by
Mr. Lionel Carmant
Minister for Health and Social Services**

**Québec Official Publisher
2018**

EXPLANATORY NOTES

The purpose of this bill is to tighten the regulation of cannabis.

First, the minimum age required to buy or possess cannabis or to be admitted to a cannabis retail outlet is raised to 21 years.

Next, the rules applicable to cannabis possession are tightened to prohibit possession on the grounds or premises or in the buildings of a college- or university-level educational institution, except university residences.

As regards cannabis use, further smoking prohibitions are added to those already imposed by the Cannabis Regulation Act, including prohibitions against smoking cannabis on public roads, on the grounds of enclosed spaces where smoking is currently prohibited, subject to certain exceptions, as well as in all other outdoor places that are open to the public such as parks, playgrounds, sports grounds and the grounds of day camps.

The prohibition against the Société québécoise du cannabis operating a cannabis retail outlet less than 250 metres from an educational institution is extended to all college- and university-level educational institutions.

Last, certain technical corrections are made to the Cannabis Regulation Act and other Acts, some provisions relating to penal matters are added or clarified, and consequential amendments as well as a transitional measure are introduced.

LEGISLATION AMENDED BY THIS BILL:

- Cannabis Regulation Act (chapter C-5.3);
- Highway Safety Code (chapter C-24.2);
- Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);
- Tobacco Control Act (chapter L-6.2).

REGULATION AMENDED BY THIS BILL:

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

Bill 2

AN ACT TO TIGHTEN THE REGULATION OF CANNABIS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CANNABIS REGULATION ACT

1. Section 4 of the Cannabis Regulation Act (chapter C-5.3) is amended

(1) by replacing “a minor” in the first paragraph by “a person under 21 years of age”;

(2) by adding the following sentence at the end of the second paragraph: “The same applies to a person 18, 19 or 20 years of age who contravenes the first paragraph by possessing, in a public place, 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, 2018, chapter 16), by possessing cannabis in a place other than a public place or by giving cannabis.”;

(3) by adding the following paragraphs at the end:

“In proceedings for a contravention of this section, the burden is on the defendant to prove that they were of full age or 21 years of age or over at the time, as applicable.

For the purposes of this section and sections 6 and 7, “public place” has the meaning assigned by the Cannabis Act.”

2. Section 6 of the Act is amended

(1) by replacing “of full age” in the first paragraph by “21 years of age or over”;

(2) by striking out the third paragraph.

3. Section 7 of the Act is amended by replacing “of full age” in the first and second paragraphs by “21 years of age or over”.

4. Section 8 of the Act is amended

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

“(2) on the grounds, on the premises or in the buildings of a college- or university-level educational institution, except the student residences of a university-level educational institution;”;

(2) by inserting the following paragraph after the first paragraph:

“Despite subparagraph 2 of the first paragraph, a person 21 years of age or over who lives in a student residence of a university-level educational institution may possess cannabis on the grounds of that institution when the person is on their way from the student residence to a place situated off those grounds or vice versa.”;

(3) by replacing “second” in the third paragraph by “third”.

5. Section 12 of the Act is amended by striking out subparagraph 2 of the first paragraph.

6. Section 14 of the Act is amended by adding the following paragraph at the end:

“In the case of a contravention of the third paragraph, the operator of a place referred to 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.”

7. Section 16 of the Act is amended

(1) by replacing the first, second, third and fourth paragraphs by the following paragraphs:

“Cannabis smoking is prohibited

(1) on public roads within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1);

(2) in bus shelters;

(3) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;

(4) 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;

(5) on grounds on which enclosed spaces where cannabis smoking is prohibited under the first paragraph of section 12 are situated, except the grounds of residential buildings consisting only of two or more dwellings or a private seniors' residence referred to in subparagraphs 8 and 9, respectively, of that paragraph; and

(6) in all other outdoor places that are open to the public such as parks, playgrounds, sports grounds, the grounds of day camps and the grounds of vacation camps.

If a building comprises both an enclosed space where cannabis smoking is prohibited under the first paragraph of section 12 and a private residence, the prohibition does not apply to any part of the building's grounds that is reserved for the exclusive use of persons living in the residence.”;

(2) by striking out “or second paragraph or a regulation made under the fourth” in the fifth paragraph;

(3) by striking out “, second or fifth paragraph or a regulation made under the fourth” in the sixth paragraph.

8. Sections 17 and 18 of the Act are amended by striking out “or a regulation made under the fourth paragraph of section 16” in the first paragraph.

9. The Act is amended by inserting the following section after section 18:

“18.1. Sections 17 and 18 do not apply in respect of a public road.”

10. Section 33 of the Act is amended by replacing “or elementary or secondary school instructional services” in the first paragraph by “, elementary or secondary school instructional services, educational services in vocational training or educational services to adults in general education or near a college- or university-level educational institution”.

11. The heading of subdivision 2 of Division II of Chapter VII of the Act is amended by replacing “*minors and selling to minors*” by “*and selling to persons under 21 years of age*”.

12. Section 34 of the Act is amended by replacing “A minor may not be admitted to a cannabis retail outlet and a minor’s” by “A person under 21 years of age may not be admitted to a cannabis retail outlet and their”.

13. Section 35 of the Act is amended by replacing “a minor” by “a person under 21 years of age”.

14. Section 36 of the Act is amended by replacing “majeure” in the first paragraph in the French text by “*âgée de 21 ans ou plus*”.

15. Section 37 of the Act is amended by replacing “of full age” and “a minor” by “21 years of age or over” and “a person under 21 years of age”, respectively.

16. Section 38 of the Act is amended

(1) by replacing “a minor” in the first paragraph by “a person under 21 years of age”;

(2) by replacing “A minor” in the second paragraph by “A person under 21 years of age”.

17. Section 39 of the Act is amended

(1) by replacing “of full age” and “a minor” in the first paragraph by “21 years of age or over” and “a person under 21 years of age”, respectively;

(2) by replacing “of full age” in the second paragraph by “21 years of age or over”.

18. Section 41 of the Act is amended by replacing “minors to a cannabis retail outlet and the prohibition against selling cannabis to minors” in the first paragraph by “persons under 21 years of age to a cannabis retail outlet and the prohibition against selling cannabis to such persons”.

19. Section 53 of the Act is amended

(1) by replacing “of full age” in subparagraph *a* of subparagraph 8 of the first paragraph by “21 years of age or over”;

(2) by replacing “minors” in the second paragraph by “persons under 21 years of age”;

(3) by replacing “of full age” in the third paragraph by “21 years of age or over”.

20. Section 70 of the Act is amended

(1) by replacing “majeure” in subparagraph 6 of the first paragraph in the French text by “âgée de 21 ans ou plus”;

(2) by replacing “of age, an inspector must be reasonably convinced that the person is a minor” in the fifth paragraph by “of age, an inspector must be reasonably convinced that the person is under 21 years of age”.

21. Section 77 of the Act is amended

(1) in the first paragraph,

(a) by striking out “Commet une infraction” in the French text;

(b) by inserting “and is liable to a fine of \$2,500 to \$62,500. 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” at the end;

(2) by striking out the second paragraph.

HIGHWAY SAFETY CODE

22. Section 202.5 of the Highway Safety Code (chapter C-24.2), replaced by section 46 of chapter 19 of the statutes of 2018, is amended by adding the following paragraph at the end:

“The suspension under the first paragraph applies to any licence authorizing the operation of a road vehicle and to the right to obtain such a licence.”

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

23. Section 2 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by replacing “or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19)” in the first paragraph by “, the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19) or the Cannabis Act (Statutes of Canada, 2018, chapter 16)”.

24. Section 16 of the Act is amended by replacing “or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19)” in the introductory clause of the second paragraph by “, the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), the Cannabis Act (Statutes of Canada, 2018, chapter 16)”.

TOBACCO CONTROL ACT

25. Section 5 of the Tobacco Control Act (chapter L-6.2) is amended by adding the following sentence at the end of the second paragraph: “If rooms have already been identified for cannabis use under the second paragraph of section 14 of the Cannabis Regulation Act (chapter C-5.3), they must be the first ones identified for tobacco use.”

REGULATION UNDER THE TOBACCO CONTROL ACT

26. Section 1 of the Regulation under the Tobacco Control Act (chapter L-6.2, r. 1), amended by section 104 of the Cannabis Regulation Act, enacted by section 19 of chapter 19 of the statutes of 2018, is again amended by replacing “Chapter II” in the second paragraph by “sections 2, 2.1 and 2.2”.

TRANSITIONAL AND FINAL PROVISIONS

27. In the case of a cannabis retail outlet that is near a college- or university-level educational institution on *(insert the date of introduction of this bill)*, the Société québécoise du cannabis has until the expiry of the lease for the premises where such a retail outlet is situated, as it reads on that date, to comply with section 33 of the Cannabis Regulation Act (chapter C-5.3), as amended by section 10.

28. This Act comes into force on *(insert the date of assent to this Act)*, except section 1, which comes into force on *(insert the date that is one month after the date of assent to this Act)*.

