



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 2
(2019, chapter 21)

An Act to tighten the regulation of cannabis

**Introduced 5 December 2018
Passed in principle 14 May 2019
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Assented to 1 November 2019**

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EXPLANATORY NOTES

The purpose of this Act 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 and on the premises or in the buildings of a college-level educational institution as well as on the premises or in the buildings of a university-level educational institution, excluding student residences in the latter case.

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. A municipality may however, by by-law and on certain conditions, permit cannabis smoking in a municipal park to the extent that such a by-law nevertheless prohibits it within the perimeter in which a public event of a cultural, sports or commercial nature is held.

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-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 ACT:

- 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 ACT:

- 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

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

(2) by replacing “of full age live” in the second paragraph by “21 years of age or over live or in an accommodation unit of a tourist accommodation establishment governed by the Act respecting tourist accommodation establishments (chapter E-14.2) where more than one such person is staying”.

4. Section 8 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

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

“(2.1) on the premises or in the buildings of a university-level educational institution, excluding student residences;”.

5. Section 12 of the Act is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by replacing “minors” in subparagraph 5 of the first paragraph by “persons under 21 years of age”.

6. Section 14 of the Act is amended

(1) by replacing “second paragraph” in the third paragraph by “first paragraph”;

(2) 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 replacing “, second or fifth paragraph or a regulation made under the fourth” in the sixth paragraph by “or third”.

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

“16.1. Despite subparagraph 6 of the first paragraph of section 16, a local municipality may, by by-law and on the conditions it determines, permit cannabis smoking in a municipal park, except in the parts of the park where smoking is prohibited under subparagraphs 6 to 8 of the first paragraph of section 2.1 of the Tobacco Control Act (chapter L-6.2) or under the second paragraph of that section. In such a case, the local municipality must post signs visible to the persons frequenting the park, indicating the places where cannabis smoking is permitted.

However, when a public event of a cultural, sports or commercial nature, in particular a festival, party or sports gathering, is held in such places, such a by-law must, among other things,

(1) prohibit cannabis smoking, for the duration of the event, within the perimeter in which the event is held; and

(2) require the event organizer to inform the public of the perimeter within which cannabis smoking is prohibited and of the duration of the prohibition, such as by posting signs.

An authenticated copy of any by-law made under the first paragraph must be sent to the Minister as soon as possible after the by-law is adopted.”

9. 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.

10. 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 or a perimeter referred to in subparagraph 1 of the second paragraph of section 16.1.”

11. 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-level educational institution”.

12. 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*”.

13. Section 34 of the Act is amended

(1) 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”;

(2) by adding the following paragraph at the end:

“However, the Government may, by regulation, determine cases where a person under 21 years of age may be admitted to a cannabis retail outlet and their presence may be tolerated there, in particular to carry out maintenance work or deliver products.”

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

15. 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*”.

16. 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.

17. 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”.

18. 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”.

19. 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”.

20. 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”.

21. 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”.

22. 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.

23. Section 83 of the Act is amended

(1) by adding the following paragraph before the first paragraph:

“The Minister may, to support the work of inspectors, appoint persons or designate classes of persons to perform the functions of analyst. The Minister of Public Security may do the same to support the work of police force members.”;

(2) by replacing “to an analyst” in the first paragraph by “to such an analyst”.

24. Section 84 of the Act is amended

(1) by replacing “belong to and are to be remitted to the Minister” in the first paragraph by “belong to and are to be remitted to the Minister if the sample was submitted to the analyst by an inspector appointed by the Minister, to the local municipality if the sample was submitted to the analyst by an inspector appointed by the local municipality, or to the competent authority in respect of the police force concerned if the sample was submitted to the analyst by a member of that police force”;

(2) by replacing the second paragraph by the following paragraph:

“If a substance that has been seized is in sealed packaging identified as containing cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary.”

HIGHWAY SAFETY CODE

25. 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

26. 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)”.

27. 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

28. 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 first 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

29. 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

30. In the case of a cannabis retail outlet that is near an educational institution providing educational services in vocational training or educational services to adults in general education or near a college-level educational institution on 5 December 2018, 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 11.

31. Sections 34 and 36 of the Cannabis Regulation Act, as amended by sections 13 and 15, do not apply to a Société québécoise du cannabis personnel member who is 18, 19 or 20 years of age on 1 November 2019.

32. This Act comes into force on 1 November 2019, except sections 1 to 3 and 12 to 21, which come into force on 1 January 2020.

