

Nova Scotia's Recreational Cannabis Legislative Framework

NSFM/AMA SUB GROUP

MAY 3, 2018

Reason for Legislation

April 13, 2017 the federal government introduced legislation

- C-45: The Cannabis Act
 - Creates a strict legal framework for controlling the production, distribution, sale and possession of cannabis.
- C-46: Amendments to the Criminal Code
 - Creates new offences and authorize police to use new tools to detect drivers who drive while impaired by cannabis and other drugs.
- Federal legislation gave provinces responsibility over:
 - Sale and distribution
 - Legal age
 - Possession
 - Cultivation
 - Public consumption
 - Transportation
 - Impaired driving

Purpose

The purpose of the provincial legislation is to:

- Regulate and control the purchase, possession, sale and distribution of cannabis
- Protect public health and safety
- Protect youth and restrict their access to cannabis
- Deter unlawful activities in relation to cannabis through appropriate enforcement and sanctions

Legislation Outline

The legislation will be made up of 3 parts:

1. **Cannabis Control Act (two parts) **NEW** Part I and II**
 2. **Liquor Control Act Amendments Part III**
 3. **Smoke-free Places Act Amendments Part III**
 4. **Motor Vehicle Act Amendments Part III**
- There are also house-keeping and a transitional amendments in Part III to:
 - *Safer Communities and Neighbourhoods Act*
 - *Summary Proceedings Act*
 - *Insurance Act*
 - *Education Act*
 - *Term-limited notice provisions related to the Residential Tenancies Act*
 - *Wind up of the interim cannabis corporation*

Key Elements: Cannabis Control Act

Part I

- Establishes the Nova Scotia Liquor Corporation as the authorized seller for Nova Scotia
- Responsibility of Minister responsible for the NSLC (F&TB)
- Allows NSLC to wholesale, store, distribute and sell through additions to its powers and purpose
- Requires NSLC to comply with federal requirements
- Provides regulatory powers for Executive Council
- Adds to objectives of the NSLC
 - promote social objectives respecting the responsible consumption of cannabis
 - control and carry out the purchase, possession, distribution and sale of cannabis

Key Elements: Cannabis Control Act

Part II

- Responsibility of the Minister of Justice
- Establishes prohibitions related to recreational cannabis:
 - Sale – e.g. no one but the NSLC can sell cannabis, no sales to under 19
 - Distribution – e.g. no one but the NSLC can distribute cannabis
 - Purchase – e.g. no one can buy except from the NSLC
 - Possession – e.g. no one can possess more than 30 g in public
 - Cultivation – e.g. no one can possess more than 4 plants in a dwelling
 - Consumption – e.g. prohibits use in a vehicle (includes boats)
- Medical cannabis remains the jurisdiction of the feds
- Sets minimum age of 19

Key Elements: Liquor Control Act

Liquor Control Act (LCA) Amendments

- It makes consequential amendments as a result of making the NSLC the authorized seller for Nova Scotia
- Adjusts penalties to mirror new offences/penalties in *Cannabis Control Act*
 - *For example, the penalty for underage consumption will be the same for alcohol and cannabis*

Sales and Distribution

- The NSLC will be the sole authorized seller of cannabis in Nova Scotia.
 - Initially 9 retail locations (3 more stores announced on May 1st)
 - Online sales done by NSLC
- Requires the NSLC to comply with federal requirements.
- Executive Council will be given regulatory powers to further ensure a tightly controlled market.
- Dissolves interim Cannabis Corporation with transition to NSLC.

Legal Age

- This framework proposes a legal age of 19 for cannabis use, purchase, cultivation, and possession.
- Youth under 19 can be fined no more than \$150 if they're caught with cannabis. Restorative justice may also be an option.
- Adults can be fined for providing cannabis or cannabis accessories to a young person.
- Penalties for alcohol will be brought in line with those proposed for cannabis, where possible.

Possession and Cultivation

- Adults 19 years of age and older will be allowed to have up to 30 grams of dried cannabis or equivalent in their possession when outside their home.
 - Federal legislation sets fines and other penalties.
- Adults 19 years of age and older will be allowed to grow up to four plants per household.
 - Federal law defines a household as a “dwelling house.”

Penalties

- ▶ A person who:
 - sells or distributes cannabis to a young person may be fined up to \$10,000
 - sells or distributes a cannabis accessory to a young person may be fined up to \$2,000
 - sells cannabis illegally may be fined up to \$10,000
 - operates an unauthorized store that sells cannabis may be fined no less than \$10,000 and up to \$25,000
 - purchases cannabis from someone other than the NSLC may be fined up to \$250
 - knowingly sells or distributes cannabis to an individual who is, or appears to be, intoxicated may be fined up to \$1,000

- ▶ The *Liquor Control Act* is being amended to bring provisions and penalties for alcohol in line with those proposed for cannabis, where possible.

Consumption

- A stronger Smoke-free Places Act, with additional protections from second-hand smoke, will prohibit public consumption of smoked/vaped cannabis in the same places as tobacco.
- Expand the prohibitions of smoking/vaping of tobacco/cannabis:
 - ▶ on or within 20 meters of playgrounds located in an outdoor public space;
 - ▶ on or within 20 meters of a publicly owned sport and recreation event or venue, located in an outdoor public space, with a proposed exemption for golf courses;
 - ▶ on and within 9 meters of public trails;
 - ▶ in provincial parks and beaches, except for within the boundaries of a rented campsite and in designated smoking/vaping areas; and
 - ▶ in vehicles owned or leased by employers for use by employees even if the only occupant in the vehicle uses tobacco.
- A person may be fined up to \$2,000 for violating the *Smoke-free Places Act*.
 - ▶ The act also provides term-limited authority for landlords to amend leases to put reasonable rules in place about recreational cannabis smoking and cultivation. Tenants are then able to decide whether they accept the amendments or wish to terminate their lease.

Transportation

- ▶ Cannabis use of any kind in vehicles, including motorized boats, will be prohibited by the province.
- ▶ Passengers cannot use cannabis in any form in the vehicle
- ▶ Cannabis must be stored in a closed, fastened package and out of reach or not readily available to anyone in the vehicle.
- ▶ A person may be fined up to \$2,000 for consumption in a vehicle or improper storage.

Impaired Driving

- ▶ The provincial legislation will:
 - Align drug and alcohol provisions and sanctions, where appropriate
 - Enable Bill C-46 amendments within MVA
 - (e.g., update section numbers & include new Criminal Code offences & new definitions)
 - Update Graduate Driver's Licencing program
- ▶ *Motor Vehicle Act* amendments addresses Bill C-46 by:
 - ▶ Creating sanctions related to SFST, DRE, &/or bodily fluid testing
 - ▶ Enabling federally approved drug screening device use

Questions