



legal aid

BRIEF OVERVIEW OF THE LEGALIZATION OF CANNABIS

On October 17, 2018, Canada legalized cannabis. However, it would be wrong to think that, from now on, anything goes. On the contrary, various laws and regulations govern cannabis, and a person who steps outside of the legal framework could be charged with a criminal offence or receive a statement of offence. Here is an overview of what is authorized in Québec.

First, only adults can possess cannabis. Minors, that is, those under the age of 18, are therefore not allowed to be in possession of cannabis, regardless of the quantity.

As for the amount an adult may possess, it all depends on where the person is. Thus, an adult can possess up to 30 grams of cannabis in a public place, but up to 150 grams in a private place, such as the person's home.

It's also important to know that only the Société québécoise du cannabis (SQDC) is authorized to sell cannabis and it is illegal for anyone to possess cannabis originating from another supplier.

Lastly, as regards the places in which it is forbidden to use cannabis, the situation is complex, to say the least, because it varies by Québec municipality.

As a general rule, the situation is similar to that of tobacco, which means that it is forbidden to smoke or vape cannabis anywhere it is already forbidden to smoke or vape tobacco (e.g., enclosed spaces, areas frequented by minors, post-secondary educational institutions, health or social services institutions and the grounds on which these establishments are located, bike paths, areas used to wait for public transportation, bus shelters, outdoor play areas intended for children, sports fields and playgrounds, etc.).¹

However, other prohibitions on the use of cannabis may apply depending on the municipality. For example, certain municipalities, such as Sherbrooke and Québec City, have decided to prohibit the smoking of cannabis in all public spaces.

In conclusion, it is important to remember that it is still prohibited for a person to sell cannabis, grow their own cannabis, have cannabis seedlings in their possession and give or sell cannabis to minors, and that by committing these actions, a person will still face the possibility of criminal, penal or regulatory charges.

HOWEVER, access to cannabis for medical purposes is still legal for persons who have an authorization obtained from a provider of health services or who are registered with an authorized seller or Health Canada.²

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.

¹ Sections 11 to 16 of the *Cannabis Regulation Act*

² Medical use of cannabis - Canada.ca