

Québec aims to tighten the regulation of cannabis

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On December 5, 2018, the Québec government tabled *Bill 2, An Act to tighten the regulation of cannabis*^[1]. As of the date of this Osler Update, Bill 2 has received its first reading.

The overarching purpose of Bill 2 is to “tighten the regulation of cannabis” in Québec.^[2] To achieve this goal, the following restrictions are currently proposed:

1. raising the minimum age required to buy, possess or consume cannabis or to be admitted to a cannabis retail outlet from 18 years (the current minimum age) to 21 years;^[3]
2. prohibition of possession of cannabis on the grounds, premises or buildings of college-level or university-level educational institutions (with an exception for university residences);^[4]
3. prohibition against smoking cannabis in enclosed spaces where smoking is currently prohibited, and places such as public roads, bus shelters and outdoor places that are open to the public such as restaurant and bar patios, parks, playgrounds, sports grounds and the grounds of day camps; ^[5] and
4. the expansion of the existing prohibition against the operation of cannabis retail outlets by the Société québécoise du cannabis (Québec’s government-operated and only permitted retailer) less than 250 metres from an educational institution to now also include college-level and university-level educational institutions.^[6]

The current minimum age for consumption in Québec is 18, the same as the federal minimum age under the *Cannabis Act* (Canada). However, the *Cannabis Act* affords the provinces the power to increase the minimum age of consumption. All provinces have done so, increasing the minimum age of consumption to 19, with the exception of Alberta and Québec. Increasing the minimum age to 21 in Québec would represent the fulfillment of a campaign promise made by Québec’s premier François Legault and the CAQ party during Québec’s fall provincial election.

Notably, Québec’s provincial law society, the Barreau Du Québec, had previously warned lawmakers in a brief on Bill 157, *An Act to constitute the Société québécoise du cannabis* that legislation setting the minimum age above 18 (the legal age of drinking in Québec) would be susceptible to legal challenge, specifically on the grounds of age discrimination in that it would infringe section 15 of the *Canadian Charter of Rights and Freedoms* which prohibits discrimination on the basis of age.^[7]

The announcement of the plan to increase the legal age for consumption also drew the attention of Prime Minister Justin Trudeau, who commented that this change could leave an opening for organized crime and the illicit cannabis market, thereby undermining a key goal of the *Cannabis Act*.^[8]

If passed, Bill 2 would amend the *Cannabis Regulation Act*, the *Highway Safety Code*, *An Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity* and the *Tobacco Control Act*.

[1] *Bill 2, An Act to tighten the regulation of cannabis*, 1st Sess, 42nd Leg, QC, 2018. [Bill 2]

[2] *Bill 2, supra* note 1.

[3] *Bill 2, supra* note 1 at sections 1 – 3, 13 – 20.

[4] *Bill 2, supra* note 1 at section 4.

[5] *Bill 2, supra* note 1 at section 7.

[6] *Bill 2, supra* note 1 at section 10.

[7] Barreau du Québec, “*Memoire du Barreau Du Québec, Projet de loi no 157 — Loi constituant la Société québécoise du cannabis, édictant la Loi encadrant le cannabis et modifiant diverses dispositions en matière de sécurité routière*”, (January 4, 2018), Présenté à la Commission de la santé et des services sociaux, available online: [Barreau du Québec](#).

[8] *Marquis, Melanie*, “Trudeau says Quebec plan to make cannabis legal at 21 leaves opening for organizing crime” (October 13, 2018), CBC, available online: [CBC](#).