

Vote deadline set for the Cannabis Act

FEBRUARY 20, 2018 4 MIN READ

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Authors: [Michael Watts](#), [Mark Austin](#), Mark Trachuk, Marty Putyra

The Senate has set June 7, 2018, as the deadline to hold its final vote on the legalization of recreational use cannabis in Canada. Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (the Cannabis Act), which would legalize the use, production, distribution and sale of cannabis for non-medical use, has already been passed by the House of Commons and is currently at its second reading in the Senate. Once the bill has passed both chambers in the same form, it will be granted Royal Assent by the Governor General and can come into force as law.^[1]

This deal to set a timeline comes as a response to indications that passage of the highly anticipated legislation could be delayed.^[2] Notwithstanding that the Government of Canada had communicated its intent to implement a legal recreational use cannabis regime no later than July 2018,^[3] given the current progress of the proposed legislation, it was announced at a recent Senate meeting that full implementation of legal recreational use cannabis could be delayed beyond July with federal officials predicting a delay of at least two to three months.^[4] In response, the government had demonstrated a willingness to expedite the passage of the Cannabis Act by imposing time allocation in the Senate to force a vote.^[5]

A deal for both sides

The delay of the vote grants Conservatives additional time they had suggested was necessary to study the bill more thoroughly and to provide more time for provinces and law enforcement agencies to prepare. This deal means that August or September 2018 would be the earliest time that Canadians will be able to purchase recreational use cannabis. Although this has forced the government to concede that the deadline of July 1, 2018, will not be met, the revised schedule remains relatively close to the original timeline. This is significant particularly in light of the government's concern that the \$7-billion illegal cannabis industry continues to operate without implementation of federal regulation.^[6] Conservative senators meanwhile have been focused on what effect the legislation would have on youth, police work and efficacy in terms of reducing the illegal market. Some senators had even argued full implementation should be delayed by at least a year.^[7]

Next steps

The legislation will now be studied by five Senate committees: the social affairs committee, the Aboriginal peoples committee, the legal and constitutional affairs committee, security and defence committee and the foreign affairs committee. The committees are expected to have their analysis complete by May 29, 2018.^[8]

The timeline could still be at risk should the Senate decide to propose amendments to the Cannabis Act. The bill would have to go back to the House of Commons and if any amendments are rejected, the bill would be returned once again to the Senate for approval.^[9] There is no guarantee that the Senate would not seek amendment of the Cannabis Act. In fact, the Senate has previously been able to compel compromise on the Liberal government's proposed legislation, most notably during the passage of Bill C-14, which legalized medical assisted dying through what was eventually called a "Canadian compromise."^[10] This ability to extract concessions is especially relevant considering the current Senate composition of 41 independents, 33 Conservatives, 12 independent Liberals and five non-affiliated senators.^[11] As a result, once the committees finish studying the proposed legislation, whether or not the Senate proposes any amendments will be a key development to watch for as the revised deadline approaches.

For further detail on the cannabis sector moving forward and a look back at developments in 2017, please see our [Osler 2017 Legal Year in Review](#).

[1] John Paul Tasker, "Senate deal on cannabis bill timeline means no sales before August," *CBC News* (February 15, 2018), online: [CBC News](#).

[2] Sean Kilpatrick, "Federal government threatening to force vote on marijuana legalization," *The Canadian Press* (February 13, 2018), online: [The Globe & Mail](#).

[3] Health Canada, "Canada takes action to legalize and strictly regulate cannabis," *Health Canada* (April 13, 2017), online: [Government of Canada](#).

[4] Daniel Leblanc, "Marijuana legalization could be delayed beyond July 1," *The Globe & Mail* (February 6, 2018), online: [The Globe & Mail](#).

[5] *Supra*, note 2.

[6] *Supra*, note 1; *Supra*, note 4.

[7] *Supra*, note 1.

[8] *Supra*, note 2.

[9] *Supra*, note 2.

[10] Catharine Tunney, "Liberals' assisted-dying bill is now law after clearing final hurdles," *CBC News* (June 17, 2016), online: [CBC News](#).

[11] *Supra*, note 2.