

STREET LAW SMARTS #20

CANNABIS

Who can possess recreational cannabis?

Adults over 19 years of age can possess recreational cannabis as of Oct 17, 2018.

Does this mean full legalization?

No, there are still regulations and rules. This is similar to alcohol and tobacco.

There are federal laws that apply across Canada, and the Provinces/Territories will each have their own laws that may restrict further. Also, within each Province and Territory, the local municipalities (cities and towns) and private places (eg. employers and landlords) can restrict even more. For example: the Ontario government allows for use in some public places, while the City of Markham within Ontario does not allow for any use in any public place.

If you are travelling within Canada, you will be subject to the laws of the Province and municipality you are in. There are also different laws on Medical Cannabis (see below).

If you are travelling outside of Canada, it is illegal to take (recreational and medical) cannabis across international borders.

What are the rules on possession?

Adults over 19 can:

- buy from the government online (and government licensed businesses, in 2019)
- consume
- possess up to 30 grams in public
- share with others who are over 19 years of age
- grow up to 4 plants per household (not per person)

Can youth under 19 possess?

No. In Ontario, if you are under 19 years of age you are:

- not allowed to buy or consume
- not allowed to possess any amount
- not allowed to share with anyone
- not allowed to grow or harvest plants

Are there rules on when and where I can use recreational cannabis?

Yes, there are many restrictions, for example:

- no use at work
- no use in certain public places, such as playgrounds
- no use while you are driving a vehicle, including a motorcycle, car, truck, or boat
- no use while you are a passenger in a vehicle
- no use in restaurants and bars, on restaurant and bar patios, and in public seating areas within 9 metres of a patio
- no use in hotel and motel rooms that do not allow smoking or vaping

What happens if I break the rules?

Anyone who breaks the rules can be given a Provincial Offences Ticket – see:

Street Law Smarts #14: Tickets

And anyone who is 12 – 17 years of age can be charged under the *Youth Criminal Justice Act* for possession over 5 grams or for sharing with anyone under 18.

Is it discrimination that a young person can be charged while adults are not?

JFCY is concerned that a young person 12 – 17 years of age may be subjected to criminal sanctions and records, whereas an adult can not be for the same offence(s).

Where can I get more information about recreational cannabis?

Ontario Government: www.ontario.ca/page/cannabis-legalization

Federal Government: www.canada.ca/en/services/health/campaigns/cannabis.html

As the laws are new and more questions will be raised in the near future, JFCY will update information materials as changes occur.

Getting arrested?

If arrested, you should immediately ask to speak to a lawyer or duty counsel. You should not make any statement before speaking with a lawyer. For more information, see:

Street Law Smarts #12: Stops and searches by police

Street Law Smarts #22: Appearing in criminal court

Street Law Smarts #1: Where to get legal help

What about the use of cannabis for medical reasons?

The use of cannabis for medical purposes is not age restrictive and there are different rules on buying and amounts that can be in your possession. To qualify for medical cannabis, you must have a medical document given to you by a doctor or nurse practitioner. You cannot just tell your school, workplace, or the police that you use cannabis for a medical purpose. For more information:

<https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/medical-use-cannabis.html>