

# BILL C-45 AN ACT RESPECTING CANNABIS AND TO AMEND THE CONTROLLED DRUG AND SUBSTANCE ACT, THE CRIMINAL CODE AND OTHER ACTS

April 26th, 2019

On April 13th, 2017 the federal government introduced Bill C-45 the Cannabis Act to legalize and regulate the production, sale and possession of marijuana in Canada. On June 19th, 2018 Bill C-45 received Royal Assent, and came into force on October 17th, 2018. Provincial governments are granted authority to make the corresponding legislative and policy changes in their jurisdictions.

## What is Bill C-45?

Bill C-45 has a number of key objectives embedded in the framework of this act, these are:

- To protect public health and public safety by establishing strict product safety and product quality requirements
- To prevent young persons from accessing cannabis
- To deter criminal activity by imposing serious criminal penalties for those operating outside the legal framework
- To reduce the burden on the criminal justice system in relation to cannabis

The most notable section of this bill is Part 1, which sets out the prohibitions, obligations and offences as it relates to **possession, production** and **distribution**. Under this section, it is prohibited for an individual who is 18 years of age or older to possess, distribute or sell cannabis unless it has been authorized by the government. This same prohibition applies to organizations and young persons. Any violation of this would result in imprisonment for adults, a youth sentence under the Youth Criminal Justice Act and a fine at the discretion of the court. It is also prohibited to obtain or offer to obtain cannabis by any method or process, including by manufacturing, by synthesis or by using any means of altering the chemical or physical properties of cannabis; or to alter or offer to alter the chemical or physical properties of cannabis. It is prohibited for individuals over the age of 18 to cultivate or harvest cannabis for illicit purposes. However, individual provinces have the authority to ban or restrict the cultivations of cannabis plants in households.

In addition, it is prohibited to **promote** cannabis or a cannabis accessory or any service related to cannabis. Informational promotion is permitted under certain circumstances. Facilities used for sports or cultural events will be prohibited from displaying, as part of their name or otherwise, a brand element of cannabis or the name of a person that produces, sells or distributes cannabis. Subject to exemptions made by regulation, cannabis will be prohibited from being promoted in a manner appealing to persons under the age of 18.

Although criminal law is within the jurisdiction of the Federal government pursuant to the division of powers set out in the Constitution Act, other matters (e.g. property rights) are within the jurisdiction of the provincial governments. Accordingly, the Cannabis Act leaves much discretion to the provinces. The provincial governments will license and oversee the distribution and sale of cannabis, subject to minimum conditions as set by the federal government. In Ontario, **Bill 36 Cannabis Statute Law Amendment Act, 2018** has been introduced and outlines specific regulations for the use and distribution of recreational cannabis in the province.

On the same day that Bill C-45 was introduced, the federal government also tabled **Bill C-46 an Act Respecting Cannabis and to amend the Controlled Drugs and Substances Act**, the Criminal Code and other Acts. The purpose of Bill C-46 is to amend the Criminal Code to address the prosecution of drug and alcohol impaired driving, modernize and simplify the transportation provisions and strengthen the criminal law responses and investigation. Bill C-46 also received Royal Assent on June 19th, 2018, with In Force dates pending.

### What could this mean for you?

All employers are encouraged to increase their knowledge and understanding of the components of Bill C-45. With respect to workplace hazard assessments, it is imperative that employers take into consideration the occupational health and safety implications of cannabis use in the workplace. Employers are encouraged to develop a comprehensive workplace health and safety program in which safety culture has a pivotal role. Some employers may seek to understand certain exemptions that apply with respect to cannabis utilized for medical purposes and the establishment of new policies and/or augmentation of existing policies as they relate to substance abuse in the workplace.

Discussions regarding safety sensitive positions and impairment will continue to grow now that legislation has passed. WSPS has a number of experts that can offer guidance and help answer your questions about policies, programs and prevention of injury/illness in the workplace as they relate to impairment from cannabis use. Some of the ways we can assist, whether in-person or online, include:

- Creation or revision of policies and programs – As with any legislative change, WSPS can assist with the establishment or revision of policies and programs so that they meet federal and provincial occupational health and safety requirements.
- Guidance on how to address the potential risk for impairment - We can provide customers with guidance on how to address the potential risk for impairment as part of a hazard/risk assessment.
- Referrals to reputable third-party providers – We can refer you to reputable third-party providers for services and resources that go beyond our mandate

We encourage those interested to track updates on the WSPS OHS Legislation Tracker. For additional questions in regards to the legislation and available resources please don't hesitate to contact WSPS Customer Care or send an email to [wspsllegislation@wspcs.ca](mailto:wspsllegislation@wspcs.ca).

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