



WORKING GROUP ON CANNABIS

OVERVIEW

Bill C-45, which will legalize and regulate the sale, distribution and taxation of cannabis for recreational use in Canada, is set to come into force in the summer of 2018. Furthermore, Bill C-46, which amends the Criminal Code of Canada and other legislation to reflect these changes, is also set to be enacted. The Bills collectively increase penalties for offenders who grow, distribute and sell cannabis outside of the legal framework.

After going through the mandatory three readings in the House of Commons, Bill C-45 was passed by a vote of 200 to 82, despite Conservative attempts to delay it. On November 28, 2017, the Bill was introduced in the Senate and given its first of three readings. The second reading occurred on March 22, 2018, and the Bill has now been referred to several committees for further analysis. All findings must be submitted to the Senate by May 1, 2018.

UPDATE

- The Bill is currently being scrutinized by the following bodies: the Senate Committee on Social Affairs, Science and Technology, the Senate Committee on Foreign Affairs and International Trade, the Senate Committee on Aboriginal Peoples, the Senate Committee on Legal and Constitutional Affairs and finally the Senate Committee on National Security and Defence. First Nations wishing to make submissions to these Committees should do so promptly.
- The responsibility for regulating cannabis distribution rests with the provinces, who are free to set more stringent limits than the federal minimums. Most provinces have set the minimum age for purchasing cannabis at 19 while the federal minimum stands at 18. Other restrictions may apply, with Quebec choosing to ban any cannabis cultivation in private homes. It has also announced a zero tolerance policy with respect to impaired driving.
- Some provinces, such as Alberta and British Columbia, will permit the public consumption of cannabis anywhere smoking is permitted, unless children are present. Conversely, in the Yukon, consumption will be restricted to private homes. Certain jurisdictions, namely Manitoba, Quebec and the Northwest Territories, have indicated that municipalities will be able to restrict the sale of cannabis if they so choose. Only Nunavut has proposed that dry communities will not be permitted. This

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would impair First Nations control over their own territories and communities.

- Encouragingly, the governments of Ontario and Quebec have expressed their willingness to enter into agreements with First Nations to share profits from the sale and distribution of cannabis.
- A national AFN Working Group on Cannabis has been established which will include

Regional Chief Isadore Day and Regional Chief Ghislain Picard, as well as representatives from the AFN's Youth Council, Women's Council and Elder's Council. There will also be representatives from a First Nations Health Agency and a First Nations Police Agency.

NEXT STEPS

- Bill C-45 was supposed to come into force on July 1, 2018. It has subsequently been postponed to an indeterminate date.
- Interested parties should submit their views and concerns to the five parliamentary committees without delay.
- The AFN Working Group on Cannabis, though still in its preliminary stages, will work to incorporate First Nation concerns into the process and ensure these are respected by Canada.

