

Decriminalization vs. Legalization: The *Cannabis Act*

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Canada is on track to be the first G7 country to provide for the legalization of cannabis on a national basis. On April 13, 2017, the federal government introduced the much anticipated 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*”). The *Cannabis Act*, if enacted in its current form, will, among other things, decriminalize the possession of fewer than 30 grams of cannabis and allow four cannabis plants per household.

Broadly speaking, decriminalization means removing criminal penalties for the personal consumption and possession.

While the *Cannabis Act* remains subject to parliamentary approval and royal assent, the federal government has made it clear that it intends to have the legislation, even if amended, take effect by July 2018. Currently, and until the proposed legislation comes into force, cannabis possession for non-medicinal purposes remains criminal. A variety of industry participants have demanded that the federal government decriminalize cannabis for the interim period. Earlier this week, Toronto’s Medical Officer of Health advocated for decriminalization as well.

The federal government’s response to these requests has been a firm no. The federal government has explained that one of the purposes of the legislation is to deprive organized crime from profits associated with the cannabis market and decriminalization would further entrench the existing illegal cannabis market.

According to a federal government website, in 2015, 1% of youth and 30% of young adults reported using cannabis within the last year. This usage level, according to Statistics Canada data, translates into as many as 60,000 Canadians being arrested for possession of cannabis and 22,000 receiving criminal records over the course of the next year.

It will be interesting to see whether the federal government, Crown Attorney and police continue to pursue enforcement during the interim period given the expected passage of the legislation next year, growing public sentiment and already accepted widespread use.