# Index

# A

ADMINISTRATIVE MONETARY PENALTIES (AMPs) Availability, 17-2 Compliance agreements, 17-3 Constitutionality of, 17-1 Judicial review of, 17-4 Notice of violation, 17-2 Penalties, range of, 17-2 Persons liable to pay, 17-2 Procedural protections, 17-3

ADVERTISING AND MARKETING — see PROMOTION, PACKAGING AND LABELLING

C

#### CBD (CANNABIDIOL), 19-2

#### CANNABIS

Cannabinoids, 19-1, 19-3 Definition, 1-2, 9-3, 11-2 Edibles — *see* EDIBLE CANNABIS PRODUCTS History of prohibition, 1-3, 1-4 Plant, defined, 9-3 Similarity to hops, 1-2 Social history, 1-3, 1-4 Uses, 1-2

#### CANNABIS ACT (FEDERAL)

Adult, defined, 8-3 Cannabis Act (Police Enforcement) Regulations, 1-8, 2-1 Cannabis Regulations (generally), 1-8, 2-1, 13-6, 18-2 Exemption from liability, 15-9 Industrial Hemp Regulations, 1-8, 2-1 Minimum requirements of provincial/territorial regulation, 5-2 Objectives, 1-8, 12-10, 16-1, 18-1, 18-8 Overview, 1-8 Qualifications for Designation as Analyst Regulations (Cannabis), 2-1

#### CANNABIS-IMPAIRED DRIVING

Alcohol screening, demands to drivers, 12-8 Blood Drug Concentration Regulations, 12-3 Drug Recognition Experts (DRE), 12-6 certification of, 12-6 Evaluation of Impaired Operation (Drugs and Alcohol) Regulations, 12-6 Drugs and Driving Committee, report by, 12-4, 12-7 Evidence -Bill C-46, 12-7, 12-8 circumstantial, 12-6 toxicological, 12-7 Interpretive principles, Bill C-46, 12-10 Investigative matters, 12-8 Offences blood drug concentration, 12-3 drug-impaired driving, 12-2, 12-4, 12-5 drugs mixed with alcohol, 12-4 evidence, types used to prove, 12-5, 12-6, 12-7 refusal to provide samples, 12-5 Penalties, 12-11 Testing devices, 12-8

#### **CANNABIS TRACKING SYSTEM, 2-15**

#### **COMMERCIAL LAW**

Advertising and marketing — *see* PROMOTION, PACKAGING AND LABELLING Importing and exporting — *see* IMPORTING AND EXPORTING

#### **CONCENTRATES**, 21-2

CONTROLLED DRUGS AND SUBSTANCES ACT Trafficking offence, 9-2, 13-3

#### CORPORATE GOVERNANCE AND RE-THINKING THE WAY CORPORATIONS DO BUSINESS Constitutional validity of legislative controls, 14-17

Corporate social responsibility, 14-13 Environmental, social and governance (ESG), 14-16 Generally, 14-16 Global Cannabis Partnership fall, 14-16 rise, 14-14 rise and fall, 14-13 Socially responsible corporations, trend, 14-13

#### **CRIMINAL CODE**

Conspiracy, 10-2 Conveyancing (Driving) offences — see CANNABIS-IMPAIRED DRIVING Evaluation of Impaired Operation (Drugs and Alcohol) Regulations, 12-6 Limitation periods, 15-6 Possession, definition, 8-2 Provisions governing jurisdiction to prosecute, 15-7 Provisions governing procedure, 15-5 Scope of criminal liability, 15-7

#### **CRIMINAL RECORDS**

*Criminal Records Act*, 18-10 Judicial records, 18-9 Record suspension (pardons), 18-10

# CULTIVATION - see also PRODUCTION, AND LICENCES AND PERMITS

Good production practices, 2-6 History of cannabis cultivation, 1-2, 1-3 Licences for, 2-2, 2-3, 2-5, 2-6 Micro-cultivation, 2-2, 2-3, 2-5 Nurseries, 2-4 Personnel security, 2-6 Physical security, 2-4, 2-5 Standard cultivation, 2-2, 2-3, 2-4, 2-5

D

#### DISTRIBUTING AND SELLING

Adults, distribution by, 9-2 Defences, 9-6, 9-9, 9-10 Distribute, definition of, 9-2, 9-4 "Illicit" cannabis, 9-2, 9-3 Mental element, proof of ---distributing, 9-2, 9-5 possession for the purpose, 9-8, 9-9 selling, 9-7 Mistaken belief in legal age defence, 9-9 Organizations, distribution by, 9-3 Penalties, 9-5, 9-8, 9-9 Prohibited act, proof of distributing, 9-2, 9-5 possession for the purpose, 9-8, 9-9 selling, 9-6, 9-7 Sell, definition of, 9-6, 9-7 Social sharing, distinguished, 9-2 Young persons, distribution by, 9-3

E

#### EDIBLE CANNABIS PRODUCTS

Colorado experience, 21-2 Compliance and control measures, 21-13 Concentrates, 21-2 Contents, 21-5 Definition, 21-1, 21-4 Extracts, 21-2, 21-5, 21-8, 21-11 Health risks, 21-3 Labelling, 21-9 Packaging, 21-8 Promotion, 21-10 Safety and quality control, 21-11 Storage and handling, 21-12 Testing, 21-14 THC levels permitted, 21-6 Topicals, 21-2, 21-5, 21-8, 21-11

### ESG (ENVIRONMENTAL, SOCIAL AND GOVERNANCE), 14-16

#### EVIDENCE

Analysis of exhibits, 15-2 Documents, 15-3 Rules of evidence, generally, 15-1

# **EXPORTATION** — *see* IMPORTATION AND EXPORTATION **EXTRACTS**, 21-2, 21-5, 21-11

# F

#### **FORFEITURE** — *see* SEIZED PROPERTY

# G

#### **GOVERNOR IN COUNCIL** — *see* REGULATION-MAKING POWERS

# H

#### HEMP

Activities permitted, 22-6 Cannabis, distinguished from, 22-3 CBD, 22-1 Cultivars, 22-5 Cultivation, 22-2, 22-6 Definition, 22-3 Importing/exporting, 22-7 *Industrial Hemp Regulations*, 2-2, 2-17, 22-2 Licensing, 22-2 Uses, 1-2, 22-1

#### I

#### **IMPORTATION AND EXPORTATION**

Authorization to import or export, 2-2, 10-2, 22-7 Conspiracy, 10-2 Controlled deliveries, 10-9 Defences, 10-4, 10-7 Guilty mind, proof of, 10-4, 10-5, 10-6, 10-7 Import, definition of, 10-2, 10-3 Place of prosecution, 10-3 Prohibited act, proof of, 10-2, 10-3 Trade regulation, 10-9

#### INDIGENOUS PEOPLES' REGULATION OF CANNABIS

*Constitution Act, 1982*, s. 35, 7-1 *Indian Act* by-laws, 7-4 Report of the Standing Senate Committee on Aboriginal Peoples on Bill C-45, 7-1 Self-government agreements, 7-1

# **INDUSTRIAL HEMP** — see HEMP

INSPECTIONS - see SEARCH AND SEIZURE

# J

JUDICIAL RECORDS — see CRIMINAL RECORDS

L

#### LEDAIN COMMISSION

Cannabis report, 1-4, 1-5

#### LIBERAL PARTY

Promise to legalize cannabis, 1-7, 1-8, 8-1

LICENCES AND PERMITS — see also CANNABIS TRACKING SYSTEM, CULTIVATION, REGULATION-MAKING POWERS Amendment, 2-2, 2-8 Application process, 2-3 Cannabis drugs, 2-2, 2-3 Inspection, 2-14, 3-3, 3-4 Ministerial authority to issue or refuse to issue, 2-2, 2-3 Ministerial orders in respect of, 2-13 Municipal licensing - see MUNICIPAL REGULATION OF CANNABIS Record-keeping and reporting, 2-7 Refusal of, 2-8 Revocation, 2-8 Security clearances, 2-9 Subject matter of, generally, 2-2 Suspension, 2-8 Terms and conditions, 2-3, 2-4 Types of, 2-2

### Μ

#### MANDATARIES, 11-8, 15-8, 17-2

# MCLELLAN, A. ANNE — see TASK FORCE ON MARIJUANA LEGALIZATION AND REGULATION

#### MEDICAL CANNABIS

Access to Cannabis for Medical Purposes Regulations, 19-4 Application process, 19-5 Approved drugs containing, 19-2 Eligibility, 19-5 Health care practitioners, 19-7 History of medical use, 1-3, 19-1, 19-2, 19-4 Licensed sellers, 19-5, 19-8 Marihuana Medical Access Regulations, 19-4 Offences, 19-10 Permitted forms of, 19-6 Pharmacists, 19-9 Possession in public place, 19-6 Production for personal use, 19-7 Role of courts in permitting access to, 1-6, 19-2

#### **MISTAKEN BELIEF IN LEGAL AGE DEFENCE**, 9-9

#### MUNICIPAL REGULATION OF CANNABIS

Consumption, 6-7 Licensing, regulation of business activity, 6-5 Limits on powers, 6-3 Power to regulate, 6-1 Use of land, 6-4

# Ν

# NATIONAL COMMISSION ON MARIJUANA AND DRUG ABUSE (U.S.) — see SHAFER COMMISSION

#### <u>0</u>

# **OFFENCE-RELATED PROPERTY** — *see* SEARCH AND SEIZURE, AND SEIZED PROPERTY

P

#### PARDONS — see CRIMINAL RECORDS

**PENALTIES** — *see also* SENTENCING Commission of continuing offences, 15-9 Where no penalty provided by statute, 15-5

### POSSESSION

Adults, possession by, 8-3 Constructive possession, 8-3 Good Samaritan immunity, 8-12 Illicit cannabis, 8-2, 8-4 Joint possession, 8-3 Minimum age, 5-3, 8-7 Organization, possession by, 8-5, 8-11 Penalties and sentencing, 8-10, 8-11, 8-12, 18-2 Personal possession, 8-2 Provincial and territorial schemes, 8-5 Plants, possession of in public, 8-4, 8-5, 8-6 Possession for the purpose of selling or distributing — see DISTRIBUTING AND SELLING Specific legal authorization to possess, 8-5 Unlawful v. lawful possession, 8-2 Young person, possession by, 8-4

# **POSSESSION FOR THE PURPOSE OF SELLING OR DISTRIBUTING** — *see also* DISTRIBUTING AND SELLING, AND POSSESSION

#### PROCEDURE IN CRIMINAL TRIALS

Continuing offences, 15-9 Exemption from liability, 15-9 Individuals, scope of criminal liability, 15-8 Limitation periods, 15-6 Location of the trial, 15-6 Organizations, scope of criminal liability, 15-7 Penalty not provided by statute, 15-5

#### **PRODUCTION** — see also LICENCES AND PERMITS

Altering, 11-3, 11-4 Authorizations, ministerial, 11-7, 11-10 Cannabis, definition of, 11-2 Cannabis plant, definition of, 11-2 Cultivation, 11-5, 11-6 Dwelling house, definition of, 11-5 Harvesting, 11-5, 11-6 Individuals, permissible production by, 11-4

**PRODUCTION** — Continued Licences, 11-1, 11-4, 11-5, 11-7 Manufacturing, 11-2, 11-3 Offences cultivation, 11-5 defences to, 11-10, 11-11 harvesting, 11-5 instruments used to commit, 11-9 obtaining cannabis by any method or process, 11-2 offers to commit, 11-9 organic solvents, use of, 11-3 parties to, 11-8, 11-11 proof of, 11-8, 11-9 propagation, 11-5 Organic solvents, use of, 11-3 Organizations, production by, 11-5, 11-7 Penalties, 11-7 Phytocannabinoids, 11-2, 11-4, 11-7 Propagation, 11-5, 11-6 Synthesis, 11-3 Young persons production by, 11-5, 11-7 use of, in committing production offence, 11-7 PROMOTION, PACKAGING AND LABELLING Promotion -

constitutional validity of restrictions on, 14-17 deceptive, ban on, 14-8 definition, 14-5 edibles, 21-10 endorsements and testimonials, ban on, 14-7 exceptions to the general ban on, 14-6 foreign, 14-9 general ban, 14-6 inducements, restrictions on, 14-10 lifestyle advertising, ban on, 14-8 products, ban on items used in promotion ("swag"), 14-8 sponsorship, 14-9 socially responsible corporations, 14-13 strategies, 14-2 young persons, protection of, 14-6 Packaging and labelling, 14-11, 21-7 logos and symbols, 14-12 Tobacco, comparison with, 14-2, 14-3, 14-4

#### PROVINCIAL AND TERRITORIAL REGULATION OF CANNABIS

Cultivation, 5-4 Distribution and retail sale, 5-5 Future challenges, 5-7 Minimum age for purchase and possession, 5-3 Minimum requirements of federal *Cannabis Act*, 5-2 Provincial and Territorial Statutes — Alberta, 5-2, 5-11 British Columbia, 5-2, 5-5, 5-9 Manitoba, 5-2, 5-13 New Brunswick, 5-2, 5-3, 5-16 Newfoundland and Labrador, 5-3, 5-19 Northwest Territories, 5-3, 5-22 Nova Scotia, 5-3, 5-18

#### **PROVINCIAL AND TERRITORIAL REGULATION OF CANNABIS** — Continued

Provincial and Territorial Statutes — *Continued* Nunavut, 5-3, 5-23 Ontario, 5-3, 5-14 Prince Edward Island, 5-3, 5-6, 5-17 Quebec, 5-3 Saskatchewan, 5-3, 5-12 Yukon, 5-3, 5-20 Responsibilities between orders of government, 5-2

# R

#### **REGULATION-MAKING POWERS**, 2-16

#### **RESTRAINT ORDERS** — see SEARCH AND SEIZURE

#### **RETURN OF SEIZED PROPERTY** — see SEIZED PROPERTY

#### *ROYAL COMMISSION OF INQUIRY INTO NON-MEDICAL USE OF DRUGS, REPORT OF* — *see* LEDAIN COMMISSION

# S

#### SEARCH AND SEIZURE — see also SEIZED PROPERTY Authorization for, 3-3 Cannabis, seizure of, 3-11, 3-12 Chemical property, seizure of, 3-11, 3-12 Definition of "search", 3-1, 3-2 Dwelling-house, 3-4, 3-6, 3-7 Inspection, powers of, 3-4, 3-5, 3-6 Non-chemical property, seizure of, 3-11, 3-12, 4-4 Offence-related property, 3-10 Powers under Cannabis Act, 3-4 Privacy, types of, 3-2 Reasonable expectation of privacy, 3-2, 3-3 Reasonable grounds to believe, 3-6, 3-8 Reporting requirements, 3-11, 3-12, 3-13 Restraint orders, 3-10, 3-11 Telewarrants, 3-7 Use of force, 3-7, 3-9 Warranted searches, 3-3, 3-6, 3-7, 3-8, 3-9, 3-10 Warrantless searches, 3-2, 3-3, 3-5, 3-6, 3-8

#### SECURITY CLEARANCES

Cancellations of, 2-12 Judicial review, 2-12 Suspensions of, 2-11

#### SEIZED PROPERTY, DETENTION, DISPOSITION AND FORFEITURE OF - see also

SEARCH AND SEIZURE Appeal rights, 4-11, 4-12 Cannabis plants, destruction of, 4-3 Disposal if risk to health or safety, 4-3 Disposal with consent, 4-3 Disposition after proceedings, 4-3, 4-4 Dwelling houses, 4-9 Expedited disposition, 4-3 Forfeiture of, 4-2, 4-7, 4-8, 4-9

# **SEIZED PROPERTY, DETENTION, DISPOSITION AND FORFEITURE OF** — *Continued*

Management orders, 4-6, 4-7 Non-chemical property, disposition of, 4-5, 4-6 Offence-related property, 4-6, 4-7, 4-8 Return of, 4-2 Third party interests in, 4-10, 4-11, 4-12

#### SELLING — see DISTRIBUTING AND SELLING

#### SENATE SPECIAL COMMITTEE ON ILLEGAL DRUGS, REPORT OF

#### SENTENCING

Adults, 18-3 Aggravating factors, 18-5 Criminal activity, penalties for, 18-2, 18-3 Drug treatment, 18-8 Mandatory minimum penalties, 18-3 Mitigating factors, 18-7 Organizations, 18-3 Penalties, generally, 18-4 Principles applicable to, 18-4 Prohibited activity and failure to respect obligations, penalties for, 18-4 Young persons, 18-8

#### SHAFER COMMISSION (U.S.), 1-5

#### SOCIALLY RESPONSIBLE CORPORATIONS

Environmental, social and governance (ESG), 14-16 Global cannabis partnership, rise and fall, 14-13, 14-14, 14-15 Trend toward, 14-13

#### SPECIAL COMMITTEE ON THE NON-MEDICAL USE OF DRUGS, REPORT OF, 1-6

# T

#### **TASK FORCE ON MARIJUANA LEGALIZATION AND REGULATION** Discussion paper, 1-4 Report, 1-8, 6-1, 6-2, 6-4, 18-1

#### TAXATION

Cannabis licence, 2-1 Cannabis stamping regime, 2-1 *Excise Act, 2001*, 2-1

### THC (TETRAHYDROCANNABINOL), 2-10, 2-17, 11-1, 11-2, 11-3, 11-7, 12-3, 19-2

#### TICKETING

Consequences of conviction, 16-4 Fines, amount of, 16-4 Peace officers, ability of to issue tickets, 16-3 Procedure for contesting, 16-3 Prosecution, 16-3 Ticketable offences, 16-1, 16-2 Who may receive ticket, 16-2

TOPICALS, 21-2, 21-5, 21-8, 21-11

**TRIAL, TRUTH-SEEKING FUNCTION**, 15-2

# U

# USING A YOUNG PERSON TO COMMIT AN OFFENCE

History of offence, 13-1, 13-2, 13-3 Involving, distinguished from, 13-4 Penalties, 13-5 Ways of committing, 13-3, 13-4

# W

#### WAR ON DRUGS, 1-5, 1-6, 1-7

# WOOTTON COMMITTEE REPORT (U.K.), 1-5

#### WORKPLACE AND HUMAN RIGHTS ISSUES

*Bona fide* occupational requirements, 20-4 Drug plans, access to cannabis under, 20-5 Drug testing, 20-2 Duty to accommodate, 20-3 Employer policies, 20-2, 20-4