

Legalization of recreational use cannabis potentially delayed

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In a special televised meeting of the Senate on February 6, 2018, it was announced that the highly anticipated legalization of recreational use cannabis in Canada could be delayed. 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), which would legalize the use, production, distribution and sale of cannabis for non-medical use, is currently at its second reading debate in the Senate. Notwithstanding that the Government of Canada has communicated its intent to implement a legal recreational use cannabis regime no later than July 2018,^[1] given the current progress of the proposed legislation, it was indicated at the Senate meeting that full implementation of legal recreational use cannabis could be delayed beyond July 1, 2018, with federal officials predicting a delay of at least two to three months.^[2] In response, the Liberal government has indicated that it still expects the proposed legislation to pass by July 2018 and has demonstrated a willingness to expedite the passage of the Cannabis Act.^[3]

Senators question federal ministers in rare televised meeting

The rare televised meeting of the Senate on February 6, 2018, allowed the senators to meet all at once and pose questions to the federal Health Minister Ginette Petitpas Taylor, Justice Minister Jody Wilson-Raybould, Public Safety Minister Ralph Goodale and parliamentary secretary Bill Blair to inform their study and analysis of the proposed legislation.^[4] In addition to timing for implementation, the senators voiced concerns regarding the endangerment of youth, increase in smoking rates, impact on policing efforts and the effect on illegal market sales. Notwithstanding the drive by the Liberal government, some Conservative senators have indicated they believe full implementation should be delayed by at least a year given a potential lack of preparedness of some provinces and law enforcement agencies.^[5]

Many factors impact implementation

Beyond the passage of the Cannabis Act, factors such as the need to implement and ensure compliance with complex new regulations have further impacted the intended timeline. Formal implementation would undoubtedly involve many time-consuming matters. During the meeting of the Senate, Health Minister Ginette Petitpas Taylor stated that following legalization, eight to 12 weeks would be necessary for preparatory activities, such as transportation of cannabis from licensed producers to distribution and retail outlets. This is necessary because, for example, until the Cannabis Act is formally passed, it would otherwise be illegal to transport or distribute the product.^[6] Further, preparedness from province to province has been inconsistent. For instance, Ontario has already passed legislation^[7] and released significant details regarding its regulation whereas British Columbia only recently announced details regarding its proposed retail regime. Further complicating the timing for legalization of recreational use cannabis is the possibility that should the Senate make any

amendment, the proposed legislation would have to be sent back to the House of Commons.^[8] Given these factors, those interested in the Canadian recreational use cannabis sector will need to keep apprised of further announcements from the federal government with respect to timing for implementation.

For further detail on the cannabis sector moving forward and a look back at developments in 2017, please see our [Osler 2017 Legal Year in Review](#).

[1] Health Canada, "Canada takes action to legalize and strictly regulate cannabis" (April 13, 2017), online: [Government of Canada](#).

[2] Daniel Leblanc, "Marijuana legalization could be delayed beyond July 1" (February 6, 2018), online: [Globe & Mail](#).

[3] John Paul Tasker, "Full implementation of legal cannabis could be delayed beyond July 1" (February 6, 2018), online: [CBC News](#).

[4] Rachel Aiello, "Senate to have special hearing on marijuana legalization" (February 5, 2018), online: [CTV News](#).

[5] John Paul Tasker, "Full implementation of legal cannabis could be delayed beyond July 1" (February 6, 2018), online: [CBC News](#).

[6] *Supra*, note 4.

[7] On December 12, 2017, Bill 174, Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017, which includes the proposed *Cannabis Act* (Ontario) was passed (available [here](#)); Mike Hager, "Recreational marijuana to be sold through private, government-run stores in B.C." (February 5, 2018), online: [Globe & Mail](#).

[8] *Supra*, note 3.