

chapter C-5.3

**CANNABIS REGULATION ACT**

LE PARLEMENT DU QUÉBEC DÉCRÈTE CE QUI SUIT :

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## CHAPTER I

### PRELIMINARY PROVISIONS

2018, c. 19, s. 19.

**1.** The purpose of this Act is to prevent and reduce cannabis harm in order to protect the health and security of the public and of young persons in particular. The Act also aims to ensure the preservation of the cannabis market's integrity.

To those ends, it regulates such aspects as the possession, cultivation, use, sale and promotion of cannabis.

This Act is binding on the State.

2018, c. 19, s. 19.

**2.** For the purposes of this Act, “cannabis”, “cannabis accessory” and “dried cannabis” have the meaning assigned by the Cannabis Act (S.C. 2018, c. 16).

2018, c. 19, s. 19.

**3.** This Act, except Chapter IV, does not apply to cannabis whose production and possession for medical purposes are governed by federal regulations or to industrial hemp whose production, importation, exportation, sale and supply are governed by such regulations, to the extent that the activities concerned are carried out in compliance with those regulations.

2018, c. 19, s. 19.

## CHAPTER II

### POSSESSION OF CANNABIS FOR PERSONAL PURPOSES

2018, c. 19, s. 19.

**4.** It is prohibited for a person under 21 years of age to possess cannabis or give cannabis.

A minor who contravenes the first paragraph by possessing a total amount of cannabis equivalent to five grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (S.C. 2018, c. 16) or by giving cannabis commits an offence and is liable to a fine of \$100. The same applies to a person 18, 19 or 20 years of age who contravenes the first paragraph by possessing, in a public place, a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (S.C. 2018, c. 16), by possessing cannabis in a place other than a public place or by giving cannabis.

In proceedings for a contravention of this section, the burden is on the defendant to prove that they were of full age or 21 years of age or over at the time, as applicable.

For the purposes of this section and sections 6 and 7, “public place” has the meaning assigned by the Cannabis Act.

2018, c. 19, s. 19; 2019, c. 21, s. 1.

**5.** It is prohibited to possess a cannabis plant.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**6.** The Government may, by regulation, determine the standards applicable to possession of cannabis in a public place by a person 21 years of age or over, in particular by prescribing a lesser amount than the amount that may be possessed under the Cannabis Act (S.C. 2018, c. 16).

It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$750 or, for a subsequent offence, \$1,500.

2018, c. 19, s. 19; 2019, c. 21, s. 2.

**7.** It is prohibited for a person 21 years of age or over to possess, in one or more places other than a public place, a total amount of cannabis equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (S.C. 2018, c. 16).

Furthermore, in a residence where two or more persons 21 years of age or over live or in an accommodation unit of a tourist accommodation establishment governed by the Tourist Accommodation Act (chapter H-1.01) where more than one such person is staying, it is prohibited for each of those persons to possess cannabis if they know this results in the total amount of cannabis in the residence being equivalent to more than 150 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19; 2019, c. 21, s. 3; 2021, c. 30, s. 45.

**8.** It is prohibited for anyone to possess cannabis

(1) on grounds, on premises or in buildings placed at the disposal of an educational institution providing preschool education services, elementary and secondary school instructional services, educational services in vocational training or educational services to adults in general education, as the case may be;

(2) on the grounds, on the premises or in the buildings of a college-level educational institution;

(2.1) on the premises or in the buildings of a university-level educational institution, excluding student residences;

(3) on the grounds and in the facilities of a childcare centre or day care centre within the meaning of the Educational Childcare Act (chapter S-4.1.1); or

(4) on grounds, on premises or in buildings used for detention within the meaning of the Act respecting the Québec correctional system (chapter S-40.1).

The Government may, by regulation, determine other places where it is prohibited to possess cannabis.

Anyone who contravenes the first paragraph or a regulation made under the second paragraph by possessing a total amount of cannabis equivalent to 30 grams or less of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (S.C. 2018, c. 16) commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19; 2019, c. 21, s. 4.

**9.** In all places, cannabis must be kept in a safe manner, somewhere that is not easily accessible to minors.

In a private residence where the services of an intermediate resource or of a family-type resource governed by the Act respecting health services and social services (chapter S-4.2) are offered or in a private residence where home childcare services are provided, regardless of whether the educational childcare providers are recognized home educational childcare providers under the Educational Childcare Act (chapter S-4.1.1), cannabis must, in addition, be kept under lock.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19; 2022, c. 9, s. 97.

### CHAPTER III

#### CANNABIS CULTIVATION FOR PERSONAL PURPOSES

2018, c. 19, s. 19.

#### **10.** It is prohibited to cultivate cannabis for personal purposes.

That prohibition against cultivating cannabis applies, in particular, to the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of their production.

Anyone who contravenes the first paragraph by cultivating four cannabis plants or less in their dwelling-house commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.

For the purposes of the third paragraph, “dwelling-house” has the meaning assigned by subsection 8 of section 12 of the Cannabis Act (S.C. 2018, c. 16).

2018, c. 19, s. 19.

### CHAPTER IV

#### RESTRICTION ON CANNABIS USE IN CERTAIN PLACES

2018, c. 19, s. 19.

#### DIVISION I

##### MEANING OF “TO SMOKE” AND “SMOKING”

2018, c. 19, s. 19.

#### **11.** For the purposes of this chapter, “to smoke” and “smoking” also apply to the use of a pipe, a bong, an electronic cigarette or any other device of that nature.

2018, c. 19, s. 19.

#### DIVISION II

##### ENCLOSED SPACES

2018, c. 19, s. 19.

#### **12.** Subject to sections 13 to 15, cannabis smoking is prohibited in all the following enclosed spaces:

(1) facilities maintained by a health or social services institution governed by the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) and premises where the services of an intermediary resource governed by the Act respecting health services and social services are offered, except if the premises are situated in a private residence;

(2) *(paragraph repealed)*;

(3) private residences where home childcare services are provided, regardless of whether the educational childcare providers are recognized home educational childcare providers under the Educational Childcare Act (chapter S-4.1.1), during the hours childcare is provided;

(4) enclosed spaces where sports, recreational, judicial, cultural or artistic activities or conferences, conventions or other similar activities are held;

(5) enclosed spaces where community or recreational activities intended for persons under 21 years of age are held, except if the activities are held in a private residence;

(6) enclosed spaces where the activities held may be attended only by persons explicitly or implicitly invited or authorized by the host, whether or not an admission fee is charged and regardless of the purpose of the activities, except if the activities are held in a private residence;

(7) enclosed spaces used by a non-profit legal person or by an association, circle or club, whether a legal person or not, to which only members and their guests have access, except if the enclosed spaces are situated in a private residence;

(8) the common areas of residential buildings comprising two or more dwellings;

(9) the common areas of private seniors' residences within the meaning of the second paragraph of section 346.0.1 of the Act respecting health services and social services;

(10) palliative care hospices and places where prevention, assistance and support services, including temporary lodging services, are offered to persons in distress or in need of assistance, except if the services are offered in a private residence;

(11) tourist accommodation establishments governed by the Tourist Accommodation Act (chapter H-1.01) and the buildings of outfitting operations within the meaning of the Act respecting the conservation and development of wildlife (chapter C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);

(12) specially set up enclosed spaces where meals for consumption on the premises are ordinarily offered to the public in return for remuneration;

(13) establishments operating under a bar permit within the meaning of the Act respecting liquor permits (chapter P-9.1);

(14) casinos, bingo halls and other gambling facilities;

(15) workplaces, except workplaces situated in a private residence;

(16) means of shared transportation and other means of transportation used in the course of employment; and

(17) all other enclosed spaces that are open to the public.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes in an enclosed space referred to in the first paragraph of section 8 or a

regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first or second paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

2018, c. 19, s. 19; 2019, c. 21, s. 5; 2022, c. 9, s. 97; 2021, c. 30, s. 45.

**13.** A closed smoking room where cannabis smoking is permitted may be set up in the following enclosed spaces:

- (1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered;
- (2) the common areas of residential buildings comprising two or more dwellings;
- (3) the common areas of private seniors' residences; and
- (4) palliative care hospices and places where prevention, assistance and support services are offered to persons in distress or in need of assistance.

If a closed smoking room has already been set up in such places under section 3 of the Tobacco Control Act (chapter L-6.2), that smoking room is the only one that may be used for cannabis use.

The smoking room must be used only for cannabis use and, if applicable, tobacco use. It must be used only by persons living or lodged in the place.

The smoking room must also be delimited by floor-to-ceiling partitions or walls so as to be fully enclosed, and must be equipped with a ventilation system that maintains negative air pressure at all times and exhausts smoke directly to the outside of the building. In addition, the smoking room door must be equipped with a properly functioning self-closing device.

The Government may, by regulation, determine other standards relating to the construction or set-up and the ventilation system of smoking rooms.

In the case of a contravention of the second, third or fourth paragraph or a regulation made under the fifth paragraph, the operator of a place described in the first paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**14.** Rooms where cannabis smoking is permitted may be identified in the following enclosed spaces:

- (1) facilities maintained by a health or social services institution and premises where the services of an intermediate resource are offered; and
- (2) palliative care hospices and temporary lodging facilities where prevention, assistance and support services are offered to persons in distress or in need of assistance.

Only persons admitted to or lodged in those places may smoke in such rooms.

The number of rooms where cannabis smoking is permitted may not exceed 20% of the rooms available for all the clientele. Furthermore, the rooms where smoking is permitted must be grouped together so as to



provide maximum protection to non-smokers given the total floor space, use and ventilation of the place. If rooms have already been identified for tobacco use under the first paragraph of section 5 of the Tobacco Control Act (chapter L-6.2), they must be the first ones identified for cannabis use.

The operator of a place referred to in the first paragraph may set certain conditions for cannabis use in a room where smoking is permitted or prohibit a person from smoking in such a room if the operator has reasonable grounds to believe that the person's cannabis use would pose a threat to the person's own safety or the safety of others.

In the case of a contravention of the third paragraph, the operator of a place referred to in the first paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

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2018, c. 19, s. 19; 2019, c. 21, s. 6.

**15.** A room where cannabis smoking is permitted for research purposes may be set up in a research centre operated by

- (1) a health or social services institution;
- (2) a college- or university-level educational institution;
- (3) a commercial cannabis producer; or
- (4) a legal person that is a mandatary of the State and that participates in research activities in the field of health and social services.

The Government may, by regulation, determine other places where it is permitted to set up such a room.

Only persons who are research subjects may smoke in the room as part of research.

The standards prescribed in the fourth paragraph of section 13 or a regulation made under the fifth paragraph of that section apply to such a room.

The operator of a research centre or of any other place specified in a regulation made under the second paragraph must inform the Minister before beginning to use such a room.

In the case of a contravention of the third, fourth or fifth paragraph, the operator of a research centre or of any other place specified in a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$50,000. Those amounts are doubled for a subsequent offence.

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2018, c. 19, s. 19.

## **DIVISION III**

### **OTHER PLACES**

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2018, c. 19, s. 19.

**16.** Cannabis smoking is prohibited

- (1) on public roads within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1);
- (2) in bus shelters;

(3) in tents, under big tops and in other similar facilities that are put up temporarily or permanently and are open to the public;

(4) on terraces and in other outdoor areas operated as part of a commercial activity and set up for rest, relaxation or the consumption of products;

(5) on grounds on which enclosed spaces where cannabis smoking is prohibited under the first paragraph of section 12 are situated, except the grounds of residential buildings consisting only of two or more dwellings or a private seniors' residence referred to in subparagraphs 8 and 9, respectively, of that paragraph; and

(6) in all other outdoor places that are open to the public such as parks, playgrounds, sports grounds, the grounds of day camps and the grounds of vacation camps.

If a building comprises both an enclosed space where cannabis smoking is prohibited under the first paragraph of section 12 and a private residence, the prohibition does not apply to any part of the building's grounds that is reserved for the exclusive use of persons living in the residence.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. In addition, anyone who smokes on the grounds of an enclosed space referred to in the first paragraph of section 8 or in any other outdoor place determined by a regulation made under the second paragraph of that section commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

In penal proceedings for a contravention of the first or third paragraph, evidence that a person was smoking using an accessory ordinarily used for smoking cannabis, or that a person was smoking and, while they were doing so, an odour of cannabis was being released from the product being consumed, is sufficient to establish that the person was smoking cannabis, unless they provide evidence to the contrary showing that the product smoked was not cannabis.

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2018, c. 19, s. 19; 2019, c. 21, s. 7.

**16.1.** Despite subparagraph 6 of the first paragraph of section 16, a local municipality may, by by-law and on the conditions it determines, permit cannabis smoking in a municipal park, except in the parts of the park where smoking is prohibited under subparagraphs 6 to 8 of the first paragraph of section 2.1 of the Tobacco Control Act (chapter L-6.2) or under the second paragraph of that section. In such a case, the local municipality must post signs visible to the persons frequenting the park, indicating the places where cannabis smoking is permitted.

However, when a public event of a cultural, sports or commercial nature, in particular a festival, party or sports gathering, is held in such places, such a by-law must, among other things,

(1) prohibit cannabis smoking, for the duration of the event, within the perimeter in which the event is held; and

(2) require the event organizer to inform the public of the perimeter within which cannabis smoking is prohibited and of the duration of the prohibition, such as by posting signs.

An authenticated copy of any by-law made under the first paragraph must be sent to the Minister as soon as possible after the by-law is adopted.

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2019, c. 21, s. 8.

## **DIVISION IV**

### **OBLIGATIONS OF THE OPERATOR OF A PLACE**

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2018, c. 19, s. 19.

**17.** The operator of a place to which this chapter applies must post signs visible to the persons frequenting the place, indicating the areas where smoking is prohibited.

It is prohibited to remove or alter such signs.

The Government may, by regulation, determine the standards applicable to such signs.

An operator who contravenes the first or second paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

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2018, c. 19, s. 19; 2019, c. 21, s. 9.

**18.** The operator of a place to which this chapter applies must not tolerate a person smoking cannabis in an area where cannabis smoking is prohibited.

An operator who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

In penal proceedings for such a contravention, evidence that a person was smoking in an area where smoking is prohibited is sufficient to establish that the operator tolerated a person doing so in that area, unless it is established that the operator exercised due diligence and took all necessary precautions to prevent the offence.

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2018, c. 19, s. 19; 2019, c. 21, s. 9.

**18.1.** Sections 17 and 18 do not apply in respect of a public road or a perimeter referred to in subparagraph 1 of the second paragraph of section 16.1.

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2019, c. 21, s. 10.

## **DIVISION V**

### **OTHER RULES APPLICABLE TO CANNABIS USE**

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2018, c. 19, s. 19.

**19.** A person who must, while working or providing services, take care of, or otherwise provide care to, a minor, a senior or any person in a vulnerable situation may not use cannabis during the hours the person works or provides services.

For the purposes of the first paragraph, a person in a vulnerable situation means a person of full age whose ability to request or obtain assistance is temporarily or permanently limited because of factors such as a restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$750 to \$2,250. Those amounts are doubled for a subsequent offence.

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2018, c. 19, s. 19.

**20.** The Government may, by regulation, make all or part of this chapter applicable to other forms of cannabis use or determine any other standard applicable to such forms of use.

2018, c. 19, s. 19.

**21.** Under their managerial prerogative, employers may regulate, including prohibit, any form of cannabis use by members of their personnel in a workplace within the meaning of the Act respecting occupational health and safety (chapter S-2.1), unless it is already prohibited there under this chapter.

2018, c. 19, s. 19.

### *Not in force*

## **CHAPTER V**

### **CANNABIS PRODUCTION**

2018, c. 19, s. 19.

### *Not in force*

**22.** Only a cannabis producer who has the qualifications and meets the conditions determined by government regulation may produce cannabis in Québec. Cannabis production includes, but is not limited to, the cultivation, processing, packaging and labelling of cannabis for commercial purposes.

The Government may, by regulation, determine the standards applicable to cannabis production, which may in particular relate to the preparation, conditioning or preservation of cannabis, and the substances and methods used. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

2018, c. 19, s. 19.

## **CHAPTER VI**

### **TRANSPORTATION AND STORAGE OF CANNABIS**

2018, c. 19, s. 19.

**23.** Only the Société québécoise du cannabis, a person it authorizes in accordance with subparagraph 4 of the first paragraph of section 23.2 of the Act respecting the Société des alcools du Québec (chapter S-13), a cannabis producer or any other person determined by government regulation may transport, including deliver, and store cannabis for commercial purposes.

The Government may, by regulation, prescribe the standards and conditions applicable to the transportation and storage of cannabis. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

2018, c. 19, s. 19.

**24.** Nothing in this Act may be construed as forbidding the transportation of cannabis in transit in Québec; however, in the absence of any evidence to the contrary, the transportation of cannabis without a bill of lading indicating the names and addresses of the shipper and the receiver constitutes proof that it is intended for delivery in Québec.

2018, c. 19, s. 19.

## CHAPTER VII

### SALE OF CANNABIS

2018, c. 19, s. 19.

## DIVISION I

### GENERAL PROVISIONS

2018, c. 19, s. 19.

**25.** Only the Société québécoise du cannabis and a cannabis producer may purchase cannabis from a producer and sell cannabis. However, a producer may sell cannabis only to the Société or to another producer, unless the producer ships it outside Québec.

The Government may, by regulation, prescribe the conditions applicable to the sale of cannabis between producers and the standards they must comply with. It may also determine the provisions of such a regulation whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000.

The amounts of the fines set out in the second and third paragraphs are doubled for a subsequent offence.

2018, c. 19, s. 19.

**26.** A cannabis producer who wishes to enter into a contract with the Société québécoise du cannabis for the sale of cannabis must obtain an authorization to contract from the Autorité des marchés publics (the Authority), as though the contract were a public contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1). The provisions of Chapter V.1 of that Act to which an enterprise that submits an application for authorization to contract or that holds such an authorization is subject, except the first and second paragraphs of section 21.17 and sections 21.17.1 and 21.17.2, and sections 25.0.2 to 25.0.5 of that Act apply in such a case, with the necessary modifications.

In appraising the standards of integrity expected from a cannabis producer under section 21.27 of that Act, the Authority must, among other things, consider the cannabis producer's funding sources, in particular on the basis of the documents and information prescribed by the Authority under section 21.23 of that Act.

2018, c. 19, s. 19; 2022, c. 18, s. 92.

## **DIVISION II**

### **RETAIL SALE OF CANNABIS BY THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS**

2018, c. 19, s. 19.

#### **§ 1. — *General provisions***

2018, c. 19, s. 19.

**27.** Cannabis sold retail by the Société québécoise du cannabis must be sold in a cannabis retail outlet, unless it is sold over the Internet.

Such a cannabis retail outlet must be a fixed place that is permanently delimited by continuous floor-to-ceiling partitions or walls and that is accessible to customers only through an opening equipped with a door.

2018, c. 19, s. 19.

**28.** Only the following products may be sold by the Société québécoise du cannabis:

(1) cannabis belonging to one of the following classes:

(a) dried cannabis;

(b) cannabis oil;

(c) fresh cannabis;

(d) cannabis resin; and

(e) any other class of cannabis determined by government regulation, including edible and non-edible cannabis products;

(2) cannabis accessories;

(3) specialized publications about cannabis; and

(4) any other product determined by government regulation.

2018, c. 19, s. 19.

**29.** Cannabis sold in a cannabis retail outlet may not be altered there in any way.

2018, c. 19, s. 19.

**30.** A cannabis sales employee must hold a certificate confirming successful completion of such training on the sale of cannabis as is determined by ministerial regulation. Such a regulation also prescribes conditions as to training updates.

2018, c. 19, s. 19.

**31.** The Société québécoise du cannabis may not sell a total amount of cannabis equivalent to more than 30 grams of dried cannabis as determined in accordance with Schedule 3 to the Cannabis Act (S.C. 2018, c. 16) to a purchaser in the course of a same visit to a cannabis retail outlet.

In the course of a cannabis sale, the Société québécoise du cannabis must communicate the information prescribed by ministerial regulation to the purchaser, by any of the means prescribed in the regulation.

The Government may, by regulation, reduce the amount of cannabis that may so be sold and establish the minimum amount of cannabis that must be sold to a purchaser in the course of a same visit.

2018, c. 19, s. 19.

**32.** The Société québécoise du cannabis may not sell cannabis to a person whose behaviour is clearly altered by drugs or alcohol.

Nor may it sell cannabis to a person when it knows the person is purchasing cannabis for another person whose behaviour is clearly altered in such a manner.

2018, c. 19, s. 19.

**33.** The Société québécoise du cannabis may not operate a cannabis retail outlet near an educational institution providing preschool education services, elementary or secondary school instructional services, educational services in vocational training or educational services to adults in general education or near a college-level educational institution.

A cannabis retail outlet is considered to be near an educational institution if, from the boundaries of the grounds on which the institution is situated, the shortest route to the retail outlet by a public road, within the meaning of the third paragraph of section 66 of the Municipal Powers Act (chapter C-47.1), is less than 250 m or, in the territory of Ville de Montréal, less than 150 m.

The Government may, by regulation, prescribe other standards relating to the location of cannabis retail outlets. Those standards may in particular relate to the minimal distance required between a cannabis retail outlet and other places frequented by minors or places frequented by vulnerable clientele.

The first paragraph and the regulation made under the third paragraph apply subject to any municipal zoning by-law which, by express derogation, specifically authorizes the operation of a cannabis retail outlet.

2018, c. 19, s. 19; 2019, c. 21, s. 11.

### *§ 2. — Prohibition against admitting and selling to persons under 21 years of age*

2018, c. 19, s. 19; 2019, c. 21, s. 12.

**34.** A person under 21 years of age may not be admitted to a cannabis retail outlet and their presence may not be tolerated there.

However, the Government may, by regulation, determine cases where a person under 21 years of age may be admitted to a cannabis retail outlet and their presence may be tolerated there, in particular to carry out maintenance work or deliver products.

2018, c. 19, s. 19; 2019, c. 21, s. 13.

**35.** It is prohibited to sell cannabis to a person under 21 years of age.

2018, c. 19, s. 19; 2019, c. 21, s. 14.

**36.** A person who wishes to be admitted to or to purchase cannabis in a cannabis retail outlet is required to provide proof of age on the request of an employee of the Société québécoise du cannabis.

When required to provide proof of age, such a person must produce photo identification issued by a government, a government department or a public body showing the person's name and date of birth.

The employee must refuse to admit a person to a retail outlet or refuse to sell cannabis to the person if the employee considers that the identification produced cannot prove the person's identity.

2018, c. 19, s. 19.

**37.** The Société québécoise du cannabis may not sell cannabis to a person 21 years of age or over if it knows the person is purchasing cannabis for a person under 21 years of age.

2018, c. 19, s. 19; 2019, c. 21, s. 16.

**38.** It is prohibited for a person under 21 years of age to purchase cannabis.

A person under 21 years of age who contravenes the first paragraph commits an offence and is liable to a fine of \$100.

2018, c. 19, s. 19; 2019, c. 21, s. 17.

**39.** It is prohibited for a person 21 years of age or over to purchase cannabis for a person under 21 years of age.

A person 21 years of age or over who contravenes the first paragraph commits an offence and is liable to a fine of \$500 to \$1,500. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19; 2019, c. 21, s. 18.

#### § 3. — Display

2018, c. 19, s. 19.

**40.** Cannabis must be displayed in such a way that customers may not have access to it without the assistance of an employee and that it is visible only from the inside of the cannabis retail outlet.

The Government may, by regulation, determine other standards relating to the display of cannabis.

2018, c. 19, s. 19.

#### § 4. — Signage

2018, c. 19, s. 19.

**41.** The Société québécoise du cannabis must install the sign provided by the Minister concerning the prohibition against admitting persons under 21 years of age to a cannabis retail outlet and the prohibition against selling cannabis to such persons. The sign may contain a warning attributed to the Minister concerning the harmful effects of cannabis on health. It must be installed on the entrance door or close to it.

It is prohibited to remove such a sign.

The Minister may, by regulation, specify the standards applicable to the sign.

2018, c. 19, s. 19; 2019, c. 21, s. 19.

**42.** The Government may, by regulation, prescribe other standards relating to signage in cannabis retail outlets.

2018, c. 19, s. 19.



## CHAPTER VIII

### RETAIL SALE OF CANNABIS ACCESSORIES BY OPERATORS OTHER THAN THE SOCIÉTÉ QUÉBÉCOISE DU CANNABIS

2018, c. 19, s. 19.

**43.** The provisions of the Tobacco Control Act (chapter L-6.2) on retail sale, including those on display and signage, apply to the retail sale of cannabis accessories by any operator of a business other than the Société québécoise du cannabis, as if such accessories were accessories referred to in section 1.1 of that Act.

2018, c. 19, s. 19.

## CHAPTER IX

### COMPOSITION AND CHARACTERISTICS OF CANNABIS AND CANNABIS ACCESSORIES

2018, c. 19, s. 19.

**44.** Dried cannabis, cannabis oil, fresh cannabis and cannabis resin may not contain any additives or any other substances intended to modify their odour, taste or colour, except to the extent provided for by government regulation.

The Government may, by regulation, determine other standards relating to the composition and characteristics or other properties of cannabis, including the standards applicable to edible and non-edible cannabis products.

Those standards may in particular relate to the varieties of cannabis produced or used, the level or concentration of cannabis in certain substances and the pureness, strength and quality of cannabis. They may vary according to the intended use of or customer base for the cannabis.

A cannabis producer who contravenes the first paragraph or a regulation made under the second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**45.** Cannabis accessories may not have any flavour or aroma.

Anyone who sells a cannabis accessory that contravenes the first paragraph or whose packaging so suggests commits an offence and is liable to a fine of \$2,500 to \$125,000. However, if the offender is a cannabis producer, the producer is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**46.** Sections 44 and 45 do not apply to cannabis or cannabis accessories intended for sale exclusively outside Québec.

2018, c. 19, s. 19.

## CHAPTER X

### PROMOTION, ADVERTISING AND PACKAGING

2018, c. 19, s. 19.

#### DIVISION I

##### SCOPE

2018, c. 19, s. 19.

**47.** For the purposes of this chapter, unless the context indicates otherwise,

“cannabis” also includes cannabis accessories;

“cannabis producer” also includes a cannabis accessory manufacturer, except in the case of sections 48, 49 and 50, where it also includes a cannabis accessory distributor or manufacturer.

For the purposes of sections 48 and 49, “Société québécoise du cannabis” also includes the operator of a business where cannabis accessories are sold retail.

2018, c. 19, s. 19.

#### DIVISION II

##### PROMOTION

2018, c. 19, s. 19.

**48.** Neither the Société québécoise du cannabis nor a cannabis producer may

(1) supply or distribute cannabis free of charge or furnish cannabis for promotional purposes of any kind to consumers;

(2) reduce the retail price of cannabis on the basis of volume, otherwise than as part of regular marketing operations by the producer, or offer or grant consumers a rebate on the market price of cannabis; or

(3) offer consumers a gift or rebate or a right to participate in a lottery, contest or game or any other form of benefit if consumers must, in return, provide information on cannabis or their cannabis consumption, or purchase or present proof of purchase of a cannabis product.

For the purposes of this chapter, a cannabis producer includes any person or partnership that is controlled by or that controls the producer.

The Government may, by regulation, determine standards relating to promotion.

Anyone, other than the Société, who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**49.** It is prohibited for a cannabis producer to offer the Société québécoise du cannabis, including its employees, rebates, gratuities or any other form of benefit related to the sale or the retail price of cannabis.

A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**50.** The operator of a business or a cannabis producer may not sell or give an object that is not cannabis or supply such an object as part of an exchange if a name, logo, distinguishing guise, design, image or slogan that is directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer appears on the object.

The operator of a business who contravenes the first paragraph commits an offence and is liable to a fine of \$2,500 to \$62,500. A producer who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**51.** Any direct or indirect sponsorship that is associated in any manner whatsoever with the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited.

The first paragraph does not prevent the cannabis industry from making gifts to the extent that the gifts are made without any promotional association. The communication of information by the donor or donee concerning the nature of the gift and the name of the donor, otherwise than through an advertising or commercial message, does not constitute a promotional association within the meaning of this paragraph.

The Government may, by regulation, prescribe the cases and circumstances in which a mode of communication constitutes a promotional association within the meaning of the second paragraph.

Anyone who contravenes the first paragraph or a regulation made under the third paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**52.** No name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer may be associated with a sports, cultural or social facility, a facility maintained by a health or social services institution or a research centre.

Furthermore, no name, logo, distinguishing guise, design, image or slogan that is associated with cannabis, a brand of cannabis, the Société or a cannabis producer may be associated with a sports, cultural or social event, subject to the second paragraph of section 51.

Anyone who contravenes the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

## DIVISION III

### ADVERTISING

2018, c. 19, s. 19.

**53.** All direct or indirect advertising for the promotion of cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer is prohibited where the advertising

- (1) is directed at minors;

- (2) is false or misleading, or is likely to create an erroneous impression about the characteristics, health effects or health hazards of cannabis;
- (3) directly or indirectly associates the use of cannabis with a particular lifestyle;
- (4) uses testimonials or endorsements;
- (5) uses a slogan;
- (6) contains a text that refers to real or fictional persons, characters or animals;
- (7) contains anything apart from text, with the exception of an illustration of the package or packaging of cannabis occupying not more than 10% of the surface area of the advertising material; or
- (8) is disseminated otherwise than
  - (a) in printed newspapers and magazines that are sent and addressed to a person 21 years of age or over who is identified by name; or
  - (b) by means of signage visible only from the inside of a cannabis retail outlet.

However, advertising that is intended to provide consumers with factual information about cannabis, including about the price or the intrinsic characteristics of cannabis, brands of cannabis and the Société, is permitted to the extent that it does not constitute advertising or a form of advertising prohibited under the first paragraph. Despite subparagraph 8 of the first paragraph, the Société may nevertheless communicate such factual information to consumers on its cannabis sales website, provided it takes all the measures necessary to ensure that persons under 21 years of age cannot access it.

Advertising disseminated in printed newspapers or magazines that are sent and addressed to a person 21 years of age or over who is identified by name must include the warning attributed to the Minister and prescribed by regulation concerning the harmful effects of cannabis on health. The advertising must be forwarded to the Minister on being disseminated. The Minister may, by regulation, prescribe the warning required under this paragraph and the standards applicable to such a warning.

The Government may, by regulation, determine standards relating to advertising.

Anyone who contravenes the first or third paragraph or a regulation made under the fourth paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

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2018, c. 19, s. 19; 2019, c. 21, s. 20.

**54.** Indirect advertising for the promotion of cannabis within the meaning of the first paragraph of section 53 includes the use, on a facility, vehicle or sign or on any other object that is not cannabis, of a name, logo, distinguishing guise, design, image or slogan that is not directly associated with cannabis, a brand of cannabis, the Société québécoise du cannabis or a cannabis producer but that may reasonably be said to evoke a brand of cannabis, the Société or a producer because of its graphic design, presentation or association with a cannabis display stand or a cannabis retail outlet.

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2018, c. 19, s. 19.

**55.** The provisions of section 53 and of a regulation made under that section do not apply to advertising carried by publications imported into Québec. In no case, however, may a person doing business in Québec disseminate advertising that is prohibited under section 53 or that does not comply with a regulation made under the fourth paragraph of that section.

Nor do those provisions apply to advertising that is directed at the cannabis industry and does not reach consumers either directly or indirectly.

2018, c. 19, s. 19.

### **DIVISION IV**

#### **PACKAGING**

2018, c. 19, s. 19.

**56.** The use of a concept referred to in subparagraphs 1 to 6 of the first paragraph of section 53 on cannabis packaging and containers is prohibited.

Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**57.** The Government may, by regulation, determine standards relating to cannabis containers, packaging and display. Those standards may vary according to the various classes of cannabis determined and according to the intended use of or customer base for the cannabis.

The Government may also, by regulation, require cannabis producers to print on cannabis packaging certain particulars that the Minister determines and messages attributed to the Minister that the latter indicates about the harmful effects of cannabis on health.

Anyone who contravenes a regulation made under the first or second paragraph commits an offence and is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

### **CHAPTER XI**

#### **CANNABIS PREVENTION AND RESEARCH FUND**

2018, c. 19, s. 19.

**58.** The Cannabis Prevention and Research Fund (the Fund) is established at the Ministère de la Santé et des Services sociaux. The Fund is dedicated to the financing of

(1) monitoring and research activities and programs relating to the effects of cannabis on the health status of the population;

(2) curative care in relation to cannabis use; and

(3) cannabis harm prevention activities and programs and health promotion activities and programs.

2018, c. 19, s. 19.

**59.** The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13);

(2) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(3) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001); and

(4) the interest earned on the sums credited to the Fund.

2018, c. 19, s. 19.

**60.** The sums required to pay any expenses necessary to finance the activities, programs and care described in section 58 are debited from the Fund.

2018, c. 19, s. 19.

## CHAPTER XII

### PILOT PROJECT

2018, c. 19, s. 19.

**61.** The Government may, by order, authorize the Minister to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards applicable to those matters. However, such a pilot project may not pertain to the retail sale of cannabis.

All pilot projects must be in line with the objectives pursued by this Act.

The Government determines the standards and obligations applicable within the framework of a pilot project, which may differ from the standards and obligations provided for by this Act or the regulations. It also determines the monitoring and reporting mechanisms applicable within the framework of a pilot project, and the information that is necessary for the purposes of those mechanisms and that must be sent to it or to the Minister, as the case may be, by any person or partnership, including a cannabis producer.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

The Government may also determine the provisions of a pilot project whose violation constitutes an offence and set the amount of the fine to which an offender is liable, which may not be less than \$200 or greater than \$3,000.

2018, c. 19, s. 19.

## CHAPTER XIII

### ABORIGINAL COMMUNITIES

2018, c. 19, s. 19.

**62.** For the purpose of adapting the measures provided for in this Act to Aboriginal realities, the Government is authorized to enter into an agreement on any matter within the scope of the Act or the regulations with an Aboriginal nation represented by all the band councils, or councils in the case of northern villages, of the communities that make up that nation, the Makivik Corporation, the Cree Nation Government, an Aboriginal community represented by its band council, or council in the case of a northern village, a group of communities so represented or, in the absence of such councils, any other Aboriginal group. Such an agreement may also cover the adaptation to Aboriginal realities of other cannabis-related government measures that are not provided for by an Act or a regulation, such as cannabis harm prevention programs. It must pursue the same objectives as those pursued by this Act.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that that person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 15 days of its signature or, if the Assembly is not sitting, within 15 days of resumption. It must also be published in the *Gazette officielle du Québec*.

2018, c. 19, s. 19.

## CHAPTER XIV

### OVERSIGHT COMMITTEE

2018, c. 19, s. 19.

**63.** A cannabis oversight committee responsible for advising the Minister on any cannabis-related matter is established under the name “Comité de vigilance en matière de cannabis” (the Committee).

2018, c. 19, s. 19.

**64.** For the purpose of carrying out its mandate, the Committee may, in particular,

- (1) advise the Minister on any cannabis-related matter that the Minister submits to it;
- (2) evaluate the application of the measures provided for by this Act and of the provisions relating to the Société québécoise du cannabis in the Act respecting the Société des alcools du Québec (chapter S-13) and whether they attained their objectives;
- (3) refer to the Minister any emerging cannabis-related phenomenon or any other cannabis-related issue that deserves the attention of or action by the Government, and submit its recommendations to the Minister; and
- (4) carry out any other mandate entrusted to it by the Minister.

The Committee may also require the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to provide any information or documents the Committee considers necessary to carry out its mandate.

2018, c. 19, s. 19.

**65.** The Committee is composed of members appointed by the Minister, the majority of whom must collectively have significant expertise or experience in public health, education, substance abuse, youth intervention, municipal affairs and public security and the remainder of whom must collectively have significant expertise or experience in governance and ethics, risk management, and finance and auditing. No member of the Committee may, directly or indirectly, have any link with the cannabis industry or any interest in that industry, including any financial, commercial, professional or philanthropic interest.

The Minister designates the chair and the vice-chair from among the members.

The members of the Committee are appointed for a term of up to five years, which may not be consecutively renewed more than once. At the expiry of their term, they remain in office until replaced or reappointed.

The members of the Committee are not remunerated, except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The Committee may make any by-law for the conduct of its affairs and its internal management.

2018, c. 19, s. 19.

**66.** Not later than 30 September each year, the Committee must submit an annual report of its activities to the Minister.

Within the next 30 days, the Minister must make the report public, except the parts containing commercial information that is confidential by nature.

2018, c. 19, s. 19.

## CHAPTER XV

### MONITORING

2018, c. 19, s. 19.

## DIVISION I

### CANNABIS TRACKING

2018, c. 19, s. 19.

**67.** The Government may, by regulation, determine the measures that must be taken by the Société québécoise du cannabis, a person authorized by the Société to transport or store cannabis on its behalf, if any, or a cannabis producer to reduce the risk of cannabis in their possession being diverted to the illicit market.

The Government may also determine the provisions of a regulation made under this section whose violation constitutes an offence and prescribe, for each offence, the fines to which an offender is liable, which may not exceed \$100,000 and, in the case of a subsequent offence, \$500,000.

2018, c. 19, s. 19.

## DIVISION II

### REPORTS

2018, c. 19, s. 19.

**68.** The Government may, by regulation, determine the reports that must be sent to the Minister by a cannabis producer.

Such a regulation indicates the content, form and frequency of the reports and the manner in which they must be sent.

A cannabis producer who refuses or neglects to send a report, who knowingly gives false or misleading information or who contravenes a regulation made under the second paragraph commits an offence and is liable to a fine of \$1,000 to \$100,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.



## DIVISION III

### INSPECTION, SEIZURE AND INVESTIGATION

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2018, c. 19, s. 19.

#### § 1. — *Inspection*

2018, c. 19, s. 19.

**69.** The Minister may authorize any person to act as an inspector for the purpose of verifying compliance with this Act and the regulations, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as compliance with the regulations made under section 23.35 of the Act respecting the Société des alcools du Québec (chapter S-13).

In addition, a local municipality may, except in respect of workplaces and public bodies, authorize any person to act as an inspector for the purpose of verifying compliance with Chapter IV and the regulations made under it. In such a case, the municipality must inform the Minister that it has done so.

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2018, c. 19, s. 19.

**70.** An inspector may, in the performance of inspection functions,

- (1) enter, at any reasonable hour,
  - (a) any place where cannabis smoking is prohibited under Chapter IV,
  - (b) any place where a cannabis retail outlet or a business where cannabis accessories are sold retail is operated,
  - (c) any place where cannabis is stored,
  - (d) any place operated by a cannabis producer, and
  - (e) any place where cannabis or cannabis accessories are promoted or advertised and any place where information relating to the promotion or advertising of cannabis or cannabis accessories is found;
- (2) inspect a vehicle used for transporting cannabis or order any such vehicle to be stopped for inspection;
- (3) open containers or packaging and collect or cause to be collected, free of charge, samples of cannabis or of any substance if, in the latter case, the inspector has reasonable grounds to believe the substance is cannabis;
- (4) require the production of any document for examination or copying, if the inspector has reasonable grounds to believe that it contains information relating to the application of this Act or the regulations;
- (5) take photographs of the place inspected and of the equipment, property or products found there; and
- (6) require any person present in a cannabis retail outlet or leaving a retail outlet to provide proof of age by producing the identification referred to in the second paragraph of section 36.

However, a person authorized to act as an inspector by a local municipality has only the powers provided for in subparagraph *a* of subparagraph 1 and in subparagraphs 4 and 5 of the first paragraph.

The owner of or person responsible for a place or vehicle being inspected, and any other person in the place or vehicle, are bound to provide assistance to the inspector.

If the place referred to in subparagraph *a* of subparagraph 1 of the first paragraph is in the nature of a dwelling for the occupant, the inspector must obtain the occupant's consent before conducting the inspection unless the place is one where home child care services within the meaning of the Educational Childcare Act (chapter S-4.1.1) are provided.

Before requiring that a person mentioned in subparagraph 6 of the first paragraph provide proof of age, an inspector must be reasonably convinced that the person is under 21 years of age.

2018, c. 19, s. 19; 2019, c. 21, s. 21.

**71.** An inspector may, by a request sent by registered mail or personal service, require a person to communicate by registered mail or personal service, within a reasonable time specified by the inspector, any information or document relating to the application of this Act or the regulations.

Anyone who refuses or neglects to comply, within the time specified, with a request made under the first paragraph commits an offence and is liable to a fine of \$500 to \$12,500. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**72.** (*Repealed*).

2018, c. 19, s. 19; 2023, c. 20, s. 101.

#### § 2. — Seizure

2018, c. 19, s. 19.

**73.** An inspector performing inspection functions or a police force member may immediately seize any thing they have reasonable grounds to believe may be used as evidence of an offence under this Act or the regulations.

The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to the things seized.

However, if cannabis is seized in the course of the verification of compliance with Chapter II, III or VI or section 25, the seizer may destroy it or cause it to be destroyed as of the 30th day following the seizure, unless, before that day, the person from whom the cannabis was seized or the person who claims to have a right in it applies to a judge of the Court of Québec to establish their right to possession and serves on the seizer a prior notice of not less than one clear day of the application.

Proof of the cannabis so destroyed may be made by means of samples kept in sufficient quantity.

2018, c. 19, s. 19.

#### § 3. — Investigation

2018, c. 19, s. 19.

**74.** The Minister may designate any person to investigate any matter relating to the application of this Act, except sections 4 to 8, Chapter III and the first paragraph of sections 23 and 25, as well as the application of a regulation made under section 23.35 of the Act respecting the Société des alcools du Québec (chapter S-13).

2018, c. 19, s. 19.

§ 4. — *Identification, immunity and hindrance*

2018, c. 19, s. 19.

**75.** Inspectors and investigators must, on request, identify themselves and produce a certificate of authority.

2018, c. 19, s. 19.

**76.** No proceedings may be brought against an inspector or investigator for an act or omission in good faith in the performance of inspection or investigation functions.

2018, c. 19, s. 19.

**77.** Anyone who in any way hinders an inspector, investigator or police force member in the performance of inspection or investigation functions, deceives an inspector, investigator or police force member by concealment or misrepresentation or refuses to provide information or a document to an inspector that the inspector is entitled to require or examine, or destroys information, a document or a thing relevant to an inspection or investigation, commits an offence and is liable to a fine of \$2,500 to \$62,500. However, if the offender is a cannabis producer, the producer is liable to a fine of \$5,000 to \$500,000. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19; 2019, c. 21, s. 22.

§ 5. — *Special provisions applicable to police force members*

2018, c. 19, s. 19.

**78.** *(Repealed).*

2018, c. 19, s. 19; 2020, c. 12, s. 63.

**79.** *(Repealed).*

2018, c. 19, s. 19; 2020, c. 12, s. 63.

**80.** A police force member who has reasonable grounds to believe that a vehicle is being used to transport cannabis may require the driver to stop the vehicle and require the driver, the owner or the person responsible for the vehicle, as applicable, to produce for examination a document prescribed by government regulation showing that the cannabis is being transported by one of the persons referred to in the first paragraph of section 23, or the bill of lading referred to in section 24. The driver, the owner or the person responsible for the vehicle must comply with such requirements without delay.

The police force member may also order that the vehicle not be moved if the driver, the owner or the person responsible for the vehicle fails to produce the document required under the first paragraph or produces a document containing inaccurate or incomplete information, or if the police force member has reasonable grounds to believe that an offence under the first paragraph of section 23 was committed.

Unless a police force member authorizes otherwise, the vehicle must not be moved until an application for a search warrant or telewarrant is made, with due diligence, in accordance with the Code of Penal Procedure (chapter C-25.1), a judge rules on the application and, where applicable, the vehicle is seized.

A driver who does not comply with a requirement or an order of a police force member under the first or second paragraph, or who contravenes the third paragraph, commits an offence and is liable to a fine of \$2,500 to \$62,500. Those amounts are doubled for a subsequent offence.

2018, c. 19, s. 19.

**81.** In the case referred to in section 80, a police force member may cause a vehicle stopped in contravention of Division II of Chapter II of Title VIII of the Highway Safety Code (chapter C-24.2) to be removed and impounded in the nearest suitable place.

2018, c. 19, s. 19.

**82.** The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) and the third and fourth paragraphs of section 73 of this Act apply, with the necessary modifications, to things seized under section 80.

2018, c. 19, s. 19; 2020, c. 12, s. 64.

## CHAPTER XVI

### MISCELLANEOUS PROVISIONS

2018, c. 19, s. 19.

**83.** The Minister may, to support the work of inspectors, appoint persons or designate classes of persons to perform the functions of analyst. The Minister of Public Security may do the same to support the work of police force members.

An inspector or a police force member may submit a sample of cannabis or of any substance seized to such an analyst for analysis and examination; the analyst may issue a report setting out the results of the analysis and examination.

The Minister may authorize an analyst to set up a room where cannabis may be used to conduct the analysis or examination requested.

Only the persons identified by the analyst may smoke in the room as part of the analysis or examination.

The standards prescribed in the fourth paragraph of section 13 or by a regulation made under the fifth paragraph of that section apply to the room.

2018, c. 19, s. 19; 2019, c. 21, s. 23.

**84.** In any proceedings under this Act, the report relating to the analysis of a cannabis sample signed by the analyst referred to in the first paragraph of section 83 is accepted as proof, in the absence of any evidence to the contrary, of the facts set out in the report or of the capacity of the person who signed the report, without further proof of the person's signature. The cost of the analysis is included in the costs of the proceedings, and the amounts collected as such belong to and are to be remitted to the Minister if the sample was submitted to the analyst by an inspector appointed by the Minister, to the local municipality if the sample was submitted to the analyst by an inspector appointed by the local municipality, or to the competent authority in respect of the police force concerned if the sample was submitted to the analyst by a member of that police force.

If a substance that has been seized is in sealed packaging identified as containing cannabis, it is presumed to be cannabis, in the absence of any evidence to the contrary.

However, a defendant who contests that the substance seized is cannabis must, not less than 10 days before the date set for the beginning of the trial, give the prosecuting party prior notice of an application for analysis of the substance, unless the prosecuting party waives the notice. Article 172 of the Code of Penal Procedure (chapter C-25.1) applies to the application.

2018, c. 19, s. 19; 2019, c. 21, s. 24.

**85.** If a person is found guilty of an offence under this Act or the regulations, the judge may impose an additional fine in addition to any other penalty, on an application by the prosecuting party appended to the

statement of offence, equal to the amount of the monetary benefit that was acquired by or that accrued to the person as a result of the offence, even if the maximum fine is imposed under another provision.

2018, c. 19, s. 19.

**86.** In any penal proceedings relating to an offence under this Act or the regulations, evidence that the offence was committed by a representative, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless it is established that the party exercised due diligence and took all necessary precautions to prevent the offence.

2018, c. 19, s. 19.

**87.** If a legal person or a representative, mandatary or personnel member of a legal person commits an offence under this Act or the regulations, the directors or officers of the legal person are presumed to have committed the offence, unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

2018, c. 19, s. 19.

**88.** Anyone who assists a person in committing an offence under this Act or the regulations or who, by encouragement, advice or consent or by an authorization or an order, induces a person to commit an offence under this Act or the regulations commits an offence and is liable to the same penalty as that prescribed for the offence they assisted in committing or induced to commit.

2018, c. 19, s. 19.

**89.** Penal proceedings for an offence under Chapter IV or the regulations made under that chapter may be instituted by a local municipality if the offence was committed in its territory. Such proceedings may be instituted before the competent municipal court. The fines imposed belong to the prosecuting municipality.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted by the collector to another prosecuting party under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant or imposed on the prosecuting municipality under article 223 of that Code.

2018, c. 19, s. 19.

**90.** The Minister must, not later than 17 October 2021 and every five years after that, report to the Government on the implementation of this Act.

Such a report must be tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

In the first report, the Minister must, in particular, evaluate the sales model established by this Act.

2018, c. 19, s. 19.

**91.** The Minister of Health and Social Services is responsible for the administration of this Act.

2018, c. 19, s. 19.

## CHAPTER XVII

### AMENDING PROVISIONS

2018, c. 19, s. 19.

### CITIES AND TOWNS ACT

**92.** *(Amendment integrated into c. C-19, s. 500.1).*

2018, c. 19, s. 19.

### MUNICIPAL CODE OF QUÉBEC

**93.** *(Amendment integrated into c. C-27.1, s. 1000.1).*

2018, c. 19, s. 19.

### ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

**94.** *(Amendment integrated into c. C-52.2, Schedule 1).*

2018, c. 19, s. 19.

### TOBACCO CONTROL ACT

**95.** *(Amendment integrated into c. L-6.2, s. 2).*

2018, c. 19, s. 19.

**96.** *(Amendment integrated into c. L-6.2, s. 2.1).*

2018, c. 19, s. 19.

**97.** *(Amendment integrated into c. L-6.2, s. 3).*

2018, c. 19, s. 19.

**98.** *(Amendment integrated into c. L-6.2, s. 23).*

2018, c. 19, s. 19.

**99.** *(Amendment integrated into c. L-6.2, s. 24.1).*

2018, c. 19, s. 19.

**100.** *(Amendment integrated into c. L-6.2, s. 27).*

2018, c. 19, s. 19.

### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**101.** *(Amendment integrated into c. S-2.1, s. 49.1).*

2018, c. 19, s. 19.

**102.** *(Amendment integrated into c. S-2.1, s. 51.2).*

2018, c. 19, s. 19.

## COURTS OF JUSTICE ACT

**103.** *(Amendment integrated into c. T-16, Schedule V).*

2018, c. 19, s. 19.

## REGULATION UNDER THE TOBACCO CONTROL ACT

**104.** *(Amendment not integrated into c. L-6.2, r. 1, s. 1).*

2018, c. 19, s. 19.

**105.** *(Amendment not integrated into c. L-6.2, r. 1, s. 1.1).*

2018, c. 19, s. 19.

## SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

**106.** *(Amendment not integrated into c. S-2.1, r. 4, s. 2.4.2).*

2018, c. 19, s. 19.

## CHAPTER XVIII

### TRANSITIONAL PROVISIONS

2018, c. 19, s. 19.

**107.** A lessor may, until 15 January 2019, modify the conditions of the lease of a dwelling by adding a prohibition against smoking cannabis.

To that end, the lessor must give the lessee a notice of modification describing the prohibition against smoking cannabis applicable to the use of the leased premises.

The lessee may refuse the modification for medical reasons. The lessee must do so by informing the lessor of the refusal within 30 days after receiving the notice of modification. In such a case, the lessor may apply to the Administrative Housing Tribunal, within 30 days after receiving the notice of refusal, for a ruling on the modification of the lease.

In the absence of a refusal, the prohibition is deemed entered in the lease 30 days after the lessee received the notice of modification.

2018, c. 19, s. 19; 2019, c. 28, s. 158.

**108.** The first regulation made under section 20 must be examined by the competent committee of the National Assembly for a period not exceeding three hours before it is adopted by the Government.

2018, c. 19, s. 19.

**109.** Until 25 January 2019, the reference to the Autorité des marchés publics in the first paragraph of section 26 is to be read as a reference to the Autorité des marchés financiers.

2018, c. 19, s. 19.

**110.** Despite the first paragraph of section 66, the first annual report from the cannabis oversight committee must be submitted to the Minister not later than 30 September 2019.

2018, c. 19, s. 19.

**111.** For each of the fiscal years from 2018–2019 to 2022–2023, should the transfer to the Cannabis Prevention and Research Fund made under paragraph 2 of section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13), enacted by section 5, not reach the minimum threshold of \$25,000,000, the Minister of Finance is to transfer the sum required to make up the difference out of the General Fund to be credited to the Fund.

2018, c. 19, s. 19.

**112.** The Government may, by a regulation made before 17 October 2019, take any measure necessary for carrying out this Act and fully achieving its purpose.

A regulation made under this section is not subject to the publication requirement or the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1); in addition, once published and if it so provides, it may apply from any date not prior to 12 June 2018.

2018, c. 19, s. 19.

**113.** A regulation made before 17 January 2019 for the purposes of this Act may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. In addition, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

2018, c. 19, s. 19.

**114.** The expenditure and investment estimates for the Cannabis Prevention and Research Fund, set out in Schedule I, are approved for the 2018–2019 fiscal year.

2018, c. 19, s. 19.



**SCHEDULE I***(Section 114)***CANNABIS PREVENTION AND RESEARCH FUND****EXPENDITURE AND INVESTMENT ESTIMATES**  
(millions of dollars)

	2018-2019
<b>Revenues</b>	<b>25</b>
<b>Expenditures</b>	<b>– 25</b>
Surplus (deficit) of the fiscal year	—
Ending cumulative surplus (deficit)	—
<b>Investments</b>	
Financing Fund loan balance or balance of advances to (from) the general fund	—
Total borrowings or advances	—

2018, c. 19, s. 19.

