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Chair

Mr. Bill Casey

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● (0900)

[English]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): Seeing as how it's nine o'clock and we have a full house, we'll resume our committee meeting number 72 on clause-by-clause. Welcome back to all our guests.

Mr. Davies, what took you so long?

Mr. Don Davies (Vancouver Kingsway, NDP): Good morning, Mr. Chair.

I have a point of order that I'd like to put forward this morning. Yesterday, there was some mention, I think from the chair, about the calling of potential witnesses. I want to start by pointing out that the motion passed by Mr. Oliver was to call a maximum of 90 witnesses. Now I've heard some numbers thrown around that we've had 96 or 100 witnesses. We could not have heard more than 90, since the motion passed by this committee was for a maximum of 90 and we never amended that motion.

The reason I point that out is that yesterday the chair mentioned that the committee was open to any member to call a potential witness from Uruguay, and on the New Democrats' list, our witness number 17 was Julio Calzada, the secretary-general of Uruguay's National Drug Council, who spearheaded Uruguay's cannabis legalization.

Because there are only 90 witnesses and all the parties had witnesses proportional to their representation in the House of Commons, the NDP were only allowed 12 witnesses. Our witness was number 17, and we never got that far. However, we would have gotten to our witness if the Liberals would have passed either the NDP motion to have an additional two days of hearings or the Conservative motion to hold another six days of hearings. If either of these motions had passed, we could have heard from a lot more witnesses.

When the chair said yesterday that no party nominated a witness from Uruguay or any of the other groups, that was not correct. In fact, we could have heard from those witnesses had the Liberals not tried to limit witnesses to only five days. I thought we would correct the record lest any Canadians watching be misled about the number of witnesses who appeared before this committee or who was actually nominated by the various parties to testify before the committee but ultimately weren't called.

The Chair: I thank you for your clarification. I understand we had over 100 witnesses, and I acknowledge that the NDP had Uruguay

on the list, but it wasn't a priority on the list. Nevertheless, I appreciate your correction.

(On clause 11)

The Chair: All right. Let's carry on now with NDP-11.

Mr. Davies, do you want to lead?

Mr. Don Davies: Thank you, Mr. Chair.

Picking up where we left off yesterday, we're talking about the penalty provisions of clause 11 that have to do with importing and exporting. In keeping with the government's approach to this bill, the provision I seek to amend with this proposal is the 14-year maximum penalty for violations of this section.

I pointed out, throughout our amendments, that the bill continues the criminalization and prohibitionist model as an approach to cannabis regulation. In my respectful submission, this is completely contrary to the vast bulk of the weight of testimony we heard from witnesses on this bill. We heard that the harms around cannabis are caused not really by the substance but by the criminalization and prohibition model that has been applied against this substance for the last 100-plus years.

Interestingly, not one witness of the 90 witnesses that came before this panel testified that these penalties were appropriate. Not a single justification was offered by a witness that 14 years was an appropriate penalty for a violation of any section of this act.

On the other hand, every single witness who is directed to these penalty provisions—mostly called by the New Democrats by the way—testified that these figures, these maximum penalties were unreasonable, were disproportionate, and were completely out of sync with the reality of what's going on in Canadian courts today, and worse, are harmful.

We heard that these penalties actually are applied disproportionately to young people, marginalized Canadians, racialized Canadians, and poor Canadians. The stigma and the harms on the social determinants of health by incarceration and getting criminal records for possessing or dealing with a relatively benign substance of cannabis does a lot of harm to Canadians.

Yet this committee rejected every one of the New Democrat amendments yesterday, and I expect will do so with this one, to reduce that 14-year penalty down to a reasonable amount, either a fine or a short jail sentence for a repeated or serious offence.

That is completely ignoring the evidence that this committee heard. The government can go ahead; the Liberals can do what they want. They can go ahead and pass the bill, but Canadians watching this should know the Liberals are passing this bill with 14-year sentences and with total disregard to the evidence that was heard before this committee, in total disregard for the harm that criminalization is going to cause. They can pass this but they've basically rendered moot, completely academic, the real evidence that was heard before this committee about the appropriateness of this penalty.

This amendment would reduce the 14-year penalty down to fines. The evidence also suggested this was much more appropriate. If we're going to legalize cannabis, and regulate it as a commodity, then the proper way to regulate this is similar to alcohol and tobacco, where monetary fines are used as a way of enforcing what is going to be a commercial commodity.

That's an appropriate way, not to jail people but rather to deal with this through fines, exactly like you do for tobacco and alcohol.

Thank you, Mr. Chair.

● (0905)

The Chair: Thank you.

Mr. Ayoub.

[Translation]

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): Thank you, Mr. Chairman.

We have said this already, but I will repeat it for the sake of the cause: the primary objective of this bill is protecting our young people. We are legalizing marijuana within a strict framework. This legislation is not comparable to the treatment of alcohol or cigarettes. As stated before, it is not full legalization.

Mr. Davies, my colleague from the NDP, has said that the penalties in the bill are completely harmful, but that is not true. I am always concerned when I hear that kind of comment, in view of the testimony we have heard. We have heard that, according to scientific evidence, marijuana is harmful to the development of young people's brains. I repeat that the primary objective of the bill is to protect the health of our children. The goal of this approach is to deter criminal groups that want to make a profit and that currently have a market. Even if we try to ignore it, the fact is that this market does exist. If we do not take appropriate action through this bill to impose prison terms or substantial fines, we will not achieve our goal of deterrence.

When there are trials and charges, the judges need the freedom to judge the situation and determine how severe a penalty to impose. There is a maximum, but the judge will be free to set precedent in the application of the law.

For that reason, I am in favour of this approach. Otherwise, the deterrent effect would be watered down too much. If we remove all of that, there would be no penalty, and that is not the direction we want to take. We want to be sure to protect our young people by getting rid of the black market, that is, the organized crime market.

● (0910)

[English]

The Chair: Thank you very much.

Mr. Oliver.

Mr. John Oliver (Oakville, Lib.): Thank you.

I want to echo what my colleague Mr. Ayoub said. Mr. Davies seems to feel there is a large audience watching, which he's addressing. I want to emphasize again that he said marijuana, cannabis, is relatively benign. Out of the 109 witnesses who came and spoke to this committee, there were many, many health professionals, physicians, nursing groups, and youth workers who came in. Every single one of them said marijuana is not relatively benign, and that this is a harmful drug for young Canadians. For any young Canadian listening, what we need to correct with a large public awareness campaign is the misunderstanding by youth that marijuana is a benign drug. It is not. For young people this can cause both lasting and permanent brain damage or cognitive damage. It is not a benign drug.

As Mr. Ayoub has quite succinctly said, the intent of this legislation is to ensure that those people who would deal this drug to our young Canadians need to be aware that there is going to be a very stiff fine or penalties if they chronically and repetitively abuse this law.

The Chair: Thank you.

Mr. Van Kesteren.

Mr. Dave Van Kesteren (Chatham-Kent—Leamington, CPC): Thank you, Chair.

I repeat what I said yesterday with Mr. Davies. At least I think his approach is honest, that if marijuana is going to be legalized, let's legalize it. When I listen to the Liberals talk about the dangers of marijuana, and rightfully so, I wonder how many moms and dads, soccer moms, called them and said, "Doggone it, are you going to pass this legislation? I'm so worried about Billy. He's been selling marijuana. My kids are going to be smoking it. He shouldn't be touching that stuff until he's 18." What a ridiculous argument. When you pontificate on the dangers of marijuana, that just proves what a bad bill this is.

At some point, Mr. Chair, I'm going to ask that we resume my motion, and that we dismiss this, because I hope there are a whole lot of people watching, and I hope there are a lot of people who recognize what's going to take place if this legislation passes. You opened it up and I couldn't resist stepping in. Let's get it on the record that, yes, this is a dangerous drug, and that this will be harmful to young people possibly to the age of 25 and we don't even know if it's worse past that date.

I firmly believe that there are many Canadians who are sitting in the background wondering what's going on here. Is this really happening?

I'm hoping that the argument that Mr. Davies makes causes us to reflect on just what we're doing. The only logical conclusion would be that we need to scrap this or at least talk about this, put it into the public forum, talk about it, go to town halls, talk to the moms and dads, the people, the police officers, and really get this on the record. We haven't done that. We haven't done that. We have not had the opportunity to do that. I know I haven't. I know that the government hasn't asked me to go and get a report from my constituents, and I know that's true with all my colleagues.

Please, Mr. Davies, keep it up. I think you're doing a great job. Let's really reflect on what we're doing.

Thank you.

• (0915)

The Chair: Mr. Davies, keep it up.

Mr. Don Davies: Thank you, Mr. Chair.

I have just a few comments before we move to the vote. I can't let another reference to 109 witnesses pass. That's simply wrong. If this committee is going to ignore flat-out evidence....

I'll read the motion or a portion of it:

...and that the Chair be empowered to coordinate the witnesses, to a maximum of 90 witnesses, the resources, and scheduling....

That's Mr. Oliver's own motion. His motion said "a maximum of 90 witnesses", but he says we heard from 109. If that's the kind of disregard for the truth in evidence that we're going to hear, then this is truly a bit of a kangaroo hearing.

I don't think there's a wide audience watching, but it was my motion to televise this hearing because I think Canadians have a right to watch what's going on with what the Liberals call this groundbreaking legislation. They should be able to see how their representatives talk about this.

We're not going to get very far if people use straw-man arguments. I didn't say benign. I said relatively benign, and I did make references to having penalties relative to tobacco and alcohol, which I've heard not a word about. You don't get 14 years for an adult selling a carton of cigarettes to a 17-year-old. That carton of cigarettes will hook that person, and it will kill that person. Used exactly as designed, it will give them cancer.

Where do I see the Liberal government bringing in 14-year sentences for tobacco or alcohol? They don't do it. I don't know why. Maybe it's because the big tobacco or big alcohol lobbies are too strong and they don't want to take them on.

I want to bring it back to the motion. We're talking about the importing and exporting section of the act. It says, "Unless authorized under this Act, the importation or exportation of cannabis is prohibited," and, "It is prohibited to possess cannabis for the purpose of exporting it." This section has nothing to do with children. This has to do with exporting cannabis and what the proper penalty should be for importing or exporting.

If criminalization of cannabis and giving hefty jail sentences protected children, then maybe Mr. Ayoub or other Liberal members could explain why Canada has the second-highest or the highest rate of use of cannabis by young people in the world when we have full

criminalization and life sentences. The argument that's being made is absurd and it's belied by the evidence.

You can't say we have a 14-year sentence here because we want to protect our children. Life sentences didn't protect our children. That's the evidence that we heard. In fact that's the very reason the government says they want to legalize cannabis, to better control it and get it out of the hands of criminals. The criminalization approach doesn't work and if anybody in this room sat through the evidence and came out with a conclusion that criminalization of cannabis works to protect children, then they weren't listening to the evidence that I was listening to.

Finally, for my last point, Mr. Ayoub made a reference to giving judges full discretion. One of the reasons 14 years is a bad choice for this is that it does not give judges full discretion. As I've been pointing out repeatedly, any sentence of more than 10 years, or any provision that has a maximum sentence of more than 10 years, ties the judge's hands from giving a conditional sentence to anybody. Whether a first-time offender or a third-time offender, they can't give a conditional sentence to them because of the use of 14 years. If you move that to nine years, you then give judges full discretion, yet for some reason the Liberals on this committee and the Conservatives continue to vote against that, tying the judges' hands so that no conditional sentences can be offered to anybody convicted under this section.

That's not only poor policy-making; it's contrary to how the Liberals acted in last Parliament when they voted against Conservative legislation that took away the discretion of judges to give conditional sentences in this manner.

Those are my points, Mr. Chair. I think we're ready for the vote when you're ready.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Thanks. I'd like to say a few things for the record.

Mr. Van Kesteren, I have talked, as you say, to soccer moms. I've talked to school principals and teachers who were, in fact, very much in favour of this. As for town halls, many MPs, including some Conservative MPs, had town halls on this. I can tell you that at the town hall in my riding, which has actually traditionally been a Conservative riding, the support was overwhelmingly in favour of this legislation.

In regard to Mr. Davies' comment about whether or not we're taking on big tobacco, we are tabling Bill S-5, which is on plain packaging of tobacco. We are taking on big tobacco.

• (0920)

The Chair: Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chairman.

Let me reiterate what I said yesterday. Our approach to the legalization of marijuana is halfway between the different ways of looking at the issue.

For their part, the Conservatives would rather we do nothing at all. They do not offer any observations and do not in any way acknowledge what is happening in reality. They have their blinders on and really do not want to see the evidence. In my riding, 45% of young people have used marijuana in the past year. That is the reality. It is worrisome because these young people do not know who they are dealing with. For my part, I never sent my children to buy any substance that is controlled by organized crime, which encourages us to use it even though we do not know where it comes from. That is my first observation.

On the other hand, there are those who would completely open the door to cannabis use. Doing so would be disregarding the fact that cannabis use has effects, just as alcohol and cigarettes do. It must be noted, however, that the legalization of cannabis is for adults. Legalizing these products for adults means giving them the choice to use products that are freely sold, while ensuring that these adults are informed and aware of the effects of using them.

One of the positive things about the cannabis discussion we are having across Canada is precisely that we can inform people, hold public meetings, and encourage discussion between young people and their parents. Right now, many parents whose children use cannabis do not talk about it. Many parents are surprised by the thought that one of their children might have consumed it. I have three children myself. Based on the statistics for my region, at least one if not two of the three has consumed it. That is worrisome. That is an average, of course.

There is a happy medium between doing nothing and full legalization. We have to tackle this problem and that is exactly what we are doing.

When parents receive information, they are happy to pass it on to their children, to talk to them about it, and to play a role in prevention. Parents do have a role to play. I told them that during the consultation I held. Parents have a role to play in the use of cannabis, just as they have a role to play in teaching them about cigarettes, health, alcohol, and driving. They have a role to play in the general education of their children.

As legislators, our role is to develop legislation to control that and set us on the right course in terms of our children's health and protection. What we are doing with respect to marijuana has never been done in recent decades. We are making huge progress right now, and I am very happy and proud to be playing a role in that.

[*English*]

The Chair: Ms. Gladu.

Ms. Marilyn Gladu (Sarnia—Lambton, CPC): Thank you, Mr. Chair.

I want to respond to some of Mr. Ayoub's comments. He indicated that nearly 40% of people ages 18 to 35 are consuming marijuana, and that is true, but overall in Canada, 88% of Canadians do not use marijuana. We are standing up for those people who don't use the product and are going to receive all of the bad consequences from this bill: the increased impaired drunk driving, the fact that children are not protected in this bill and they can easily get access in the home grow situation. There is all of the damage that will happen to the youth's brains that will result in mental health issues. That's who we're standing up for here, and that's why we're so opposed to this bill. It's flawed in so many ways.

I don't take exception to the objections that Mr. Davies is bringing. That's what's important here.

In Quebec—I'm not sure if you're aware—66% of Quebecers are strongly opposed to the legalization of marijuana. There are a bunch of Canadians we are here to represent today.

Thank you.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Now we're clearly on the record.

Mr. Davies, we oppose everything in this bill. You and I spoke privately, and I applaud you for your honesty. You're absolutely correct in much of your argument, but we will oppose this bill.

If you think this is something Canadians want, then I dare you. Let's have a referendum. I dare you. Let's stop this nonsense right now, and let's go to the people and have an honest chat about marijuana. Let's have a referendum. You would never do that.

• (0925)

The Chair: Make it a quick one, Mr. Davies. We're way over.

Mr. Don Davies: Thank you, Mr. Chair.

Just briefly, the amendment I proposed is not to take away any kind of consequence for importing or exporting under this. It's to replace the 14-year maximum with a fine of not more than \$300,000, which is a significant fine, or imprisonment of not more than two years less a day, or to both. It just brings the penalties down to a fine or potentially a jail sentence, but a reasonable one in this situation.

To respond to Mr. Ayoub's comments, I would like to say that the NDP is not suggesting that there be no consequence for this. We're suggesting that there be a reasonable consequence for the offence.

The Chair: Seeing no more speakers on the speakers list, we'll go for a vote on NDP-11.

Mr. Don Davies: I call for a recorded vote, Mr. Chair.

The Chair: Mr. Clerk, we'll have a recorded vote.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: We will now go to PV-10.

There's a little note here stating that some of the documents show "eight years" in the last line of the amendment. It should read "five years".

The amendment should thus read as follows:

prisonment for a term of not more than five years; or

Is there any debate on PV-10?

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair.

I believe this is a Green motion. I regret that Ms. May is not here to speak to her motion, but I will just offer briefly that I think the intent behind this is similar to some of the points I was making about the NDP amendment. That is to say, if we do only one thing about these 14-year provisions, it should be to reduce it to the reasonable amount that the courts of this country are actually giving. I'll once again refer to the testimony of John Conroy, a noted criminal defence lawyer. His testimony was buttressed by the other criminal defence lawyers we heard. They all told us that right now in Canada, the courts are giving out sentences between 18 months and two years for large-scale trafficking.

I'll also mention the very important point about conditional sentencing. Every time we leave one of these sections with the maximum of 14 years, we take away the right of a judge to give a conditional sentence to anybody—anybody—who appears before them. I think that's unwise policy.

I would urge my colleagues to support the reduction of the penalty from 14 years to five years, as per this amendment.

The Chair: Mr. Blair.

Mr. Bill Blair (Scarborough Southwest, Lib.): I have just a point of clarification, if I may.

These are dual procedure offences. If the crown elects to proceed by way of summary conviction, then a conditional sentence would be available to a judge under those circumstances. It's only under those circumstances where the crown elects to proceed by way of indictment that the 14-year penalty would restrict the use of a conditional sentence for the judge.

The Chair: Mr. Davies.

Mr. Don Davies: I think that's absolutely false. Perhaps someone from the ministry could correct that.

It's my understanding that the result of legislation by the Conservatives was that any penalty in the Criminal Code for which the maximum penalty is 10 years or more prohibits a judge from consideration of a conditional sentence. It has nothing to do with the way the prosecution decides to proceed by way of indictment. It's the nature of the penalty in the Criminal Code. That's my understanding.

I'm just wondering if anybody from the ministry could clarify that for Mr. Blair and me.

Mr. Paul Saint-Denis (Senior Counsel, Criminal Law Policy Section, Department of Justice): Thank you, Mr. Chairman.

The provisions dealing with conditional sentencing in the code specify that if a charge is dealt with by way of an indictment, then the conditional sentence would not apply if it's more than 10 years. The comment by Mr. Blair is correct in the sense that if the prosecution proceeded by way of a summary conviction, then the judge would have the ability to impose a conditional sentence.

● (0930)

Mr. Don Davies: I stand corrected.

The Chair: Thank you.

Seeing no more speakers on the speakers list, I call for a vote on PV-10.

Mr. Don Davies: I call for a recorded vote, Mr. Chair.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to amendment NDP-12.

Mr. Davies.

Mr. Don Davies: I won't speak in a repetitive fashion, other than to explain that this motion would be an alternative to the one I just proposed, which was defeated, to reduce the 14-year provision simply to a jail term of two years less a day as a maximum.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: This goes back to what we said before. We want to take simply a cautious approach in drafting this and want to make sure there are penalties for those trafficking in large amounts.

The Chair: Mr. Davies.

Mr. Don Davies: I'll just briefly say I don't disagree with that position. The spirit of this amendment respects that, because it gives a jail sentence of up to two years less a day. I would just point out again that this is what the courts are giving now for large-scale trafficking. That's the evidence we heard from Mr. Conroy. We heard no evidence to the contrary.

Second, the other advantage of this is of course that it would allow the sentence to be served in a provincial institution, not a federal institution.

My final point is going to be that if criminalization and jailing people were an appropriate way to deal with those who deal with cannabis, we would have no problem with cannabis in this country today. That's why the NDP thinks we should really be moving towards a regulated, non-criminal, non-prohibitionist approach to cannabis as a matter of public policy.

It's not that we don't think there should be consequences for violating a regulatory regime. What we're proposing here is to have an appropriate regulatory response, one that actually will be effective. If there's one thing we know in this country, it's that criminalizing cannabis has done nothing but create harm.

The Chair: Seeing no further speakers, I call for a vote on amendment NDP-12.

Mr. Don Davies: Could I request a recorded vote, Mr. Chair?

(Amendment negatived: nays 8; yeas 1)

The Chair: We're on amendment NDP-13.

Mr. Davies.

Mr. Don Davies: Similarly, this is consistent with our approach. This is our third attempt to amend the penalty provisions of this bill, and it's our least favourite, but it would propose that we reduce the 14 years to nine years.

At this point I would like to take the opportunity to apologize to Mr. Blair for my saying he was false. He was absolutely correct about this.

The point still holds that when you have a criminal provision with a penalty of more than 10 years and, now that we know, the prosecution decides to proceed by way of indictment, it eliminates the possibility of a conditional sentence. For that reason alone, we think the 14 years should be reduced to nine.

I would point out that I don't think anybody is getting 14 years in this country for trafficking marijuana; at least, that's the evidence we heard.

We're picking an arbitrary number. Whether it's 14 or nine or seven or 11, this is just a number that we're picking. It would seem to me that we as parliamentarians should take an evidence-based approach to this and at least choose a number that gives our judges the discretion to give a conditional sentence when they wish to do so.

• (0935)

The Chair: Seeing no further speakers on the list, I will call for a vote on amendment NDP-13.

Mr. Don Davies: May we have a recorded vote, Mr. Chair?

(Amendment negatived: nays 8; yeas 1)

(Clause 11 agreed to)

(On clause 12)

The Chair: Now we'll go to clause 12, beginning with amendment Liberal-2.

Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Mr. Chairman, I would like to change the wording of the bill to harmonize the syntax in the French version.

In clause 12 of the bill, lines 37 to 39 on page 11 of the French version, should read as follows:

quelque méthode que ce soit, notamment par la fabrication ou la synthèse ou par l'altération, par tout moyen, de ses propriétés physiques ou chimiques;

The article "la" was added before the words "fabrication" and "synthèse", and "l'" was added before "altération".

It is as simple as that. I do not think there is much to debate, unless I am not aware of some new rules of grammar.

[*English*]

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

[*Translation*]

I support our country's two languages and want the French version to say the same thing as the English version.

[*English*]

I want to make it clear that the reason that we will abstain from this vote is not that we don't want the language to be the same, but that we are not in favour of the bill.

Thank you.

(Amendment agreed to)

The Chair: Now we'll go to NDP-14.

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair.

Mr. Chair, this has to do with the cultivation provisions of the bill, where the proposal is to permit every household to have up to four cannabis plants to a maximum of 100 centimetres. In short, it's the New Democrat's proposal that we eliminate the height restriction of 100 centimetres. We do so based on the evidence that we heard before this committee, logic, respect for police officers' time, and good policy-making.

There is no clear policy goal achieved by limiting the plant's height to 100 centimetres that we heard, other than some oblique reference to the average height of a Canadian's fence, which is four feet or something. I'm not sure that's correct. I actually think that fence height is higher than that in Canada.

That was the only reason that we heard, in addition to one that was completely inaccurate, which was in fact repeated by the Minister of Justice, of all people, who suggested that the reason behind restricting the height limit of cannabis plants is to control yield. The reason that's wrong is that we had Dr. Jonathan Page, the botanist from the University of British Columbia, who testified that height restrictions don't restrict yield because the shorter indica type plants tend to produce a higher yield than the taller sativa types. Of course, with pruning and having plants growing sideways, you could have quite enormous plants that are not more than 100 centimetres. There's simply no connection between plant height and yield.

This plant height rule is easily circumvented by screening, horizontal growing, and very difficult to enforce. Many Canadians are growing cannabis in their houses now, whether it's a plant in the closet or a few plants, or in some cases all the way up to highly illegal grow operations in basements that are concerning to everybody. It's very difficult to enforce what Canadians do in the privacy of their own home.

We think that measures to reduce the visibility of plants grown on private property are best dealt with by municipal bylaws, not criminal law. Perhaps there could be municipalities that pass laws on screening, so that if you're growing in your outdoor backyard, maybe there could be plant screens or something around it. But to have an arbitrary limit of 100 centimetres is simply not logical.

This measure will continue to impose the harms of criminalization on individuals for what is essentially a harmless act. If you're not a criminal for growing four cannabis plants up to 99 centimetres, it's hard to understand why you're a terrible criminal for growing a plant to 101 centimetres.

I'll read some of the testimony we heard.

Jonathan Page, from the UBC department of botany, said that:

The limit of 100 centimetres is potentially problematic from the perspective that cultivators might break the law simply by providing fertile soil and water and then going away for a week's vacation. Their plants might grow from 95 centimetres to 105 centimetres during that time. I wonder what the goal of the 100 centimetre limit is, which was also contained in the legalization task force report. Is it to reduce the amount of cannabis that each Canadian is capable of growing so they don't go on to sell it, or is it to reduce the visibility of plants grown on private property?

If it is the latter, I think this is best dealt with by municipal bylaws. If it is the prevention of diversion to the so-called black market, I would suggest that achieving this through enforced pruning is quite silly, and that the 100-centimetre height limit should be removed.

Michael Spratt said:

The criminal law power is a very blunt tool to deal with social problems. It's an even blunter tool to deal with gardening problems. When you look at the rationale that has been disclosed for the criminalization of that one extra centimetre—looking at fence height, not looking at yield or potency or problems with distribution—that could very well lead to some charter problems with respect to the rationality of that somewhat arbitrary benchmark.

Finally, Kirk Tousaw testified that:

Cannabis, particularly outdoors, can easily grow five or more metres high in its natural state. Do we really need or want a rule that would require Canadians who wish to grow a few plants in their gardens to continually tie down the branches or otherwise artificially manipulate a plant during its growth to keep it no more than 99 centimetres high? The 100-centimetre limits are the height of absurdity.

Mr. Chair, we heard a lot of testimony from police officers. Contrary to the purpose of this bill to reduce the burden on the criminal law system, I think the police forces were very clear that they see a lot of extra work from the bill.

● (0940)

They're going to have to be policing the impaired-driving provisions, which are new. They're going to have to be policing 100-centimetre plant limits, over 30-gram possessions in public, over five-gram possessions by teenagers 13 to 18, and possession of over four plants. I really don't think we want the police officers of this nation to be walking around with metre sticks attached to their holsters so that they can go into Canadians' houses and measure plants to see if they're 99 or 101 centimetres.

For all the reasons that I just suggested and most importantly, for the evidence that we just heard, I really hope that all members of this committee can at least agree that the evidence we heard was quite clear. There was not one witness who said that 100 centimetres was a necessary or highly justified plant restriction. If we are going to allow Canadians to grow four plants...and I'm in favour of that and

congratulate the Liberals for having the courage to allow that. There are good reasons to allow Canadians to grow a few plants. If you want to get organized crime out of this, then let Canadians grow their own cannabis and share it with each other just like any other plant.

Let's allow Canadians to grow four plants and limit it to that, but not have an arbitrary and unjustified height limit that doesn't make sense.

The Chair: Thank you very much.

Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

This is one of the most troubling sections of this whole bill. This is the part where the 88% of Canadians who don't use marijuana are going to be impacted. We heard testimony, as Mr. Davies said, from the police about the difficulty of trying to enforce this. They will have chronic complaints. People will be calling and saying that their neighbour has five plants instead of four, or that their neighbour's plants are too tall. They can't see inside the house. They can't enforce it.

We heard testimony about the smell, the mould that people will have to put up with, the fact that they are 24 times more likely to have a fire because of the bulbs they're using. You could have up to 600 grams of marijuana hanging around in the house. There's no provision for lock-up, and this definitely is not going to keep it out of the hands of children. When we look at this and we look at the rights of property owners, who are now going to have people who rent from them able to grow and consume it right there, and they can't do anything about it, I think this section should have been eliminated altogether.

We heard from Washington that they only allowed home grow for people who were too frail to get out to a dispensary for their medical marijuana. The reason they did that, as we heard in testimony, was that organized crime does get into home grow. That's what happened in Colorado. That's why it shouldn't have been allowed. This is problematic for all the Canadians who don't want these unintended bad results.

Thank you.

● (0945)

The Chair: Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair. I agree with Mr. Davies in every respect. However, his motion is incorporated in Liberal-3, which is the one I prefer to support. On that basis, even though I agree with Mr. Davies' well-made points, I will oppose this amendment.

The Chair: I should point out that this one as adopted, Liberal-3, cannot be moved.

Mr. Ron McKinnon: Correct.

The Chair: Mr. Oliver.

Mr. John Oliver: On the same point my colleague raised, I support the principles Mr. Davies has put forward, but in our review of the language, Liberal-3 hits the language better. We have actually the reverse problem in respect of Liberal-6 and NDP-27. We think NDP-27 has better language and we'll be supporting it versus the Liberal one when we get there. So I would be opposing your motion just on a language technicality, not on the principles you've put forward.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Thank you, Chair. I think Ms. Gladu ably articulated what I was going to say, so I don't need to repeat her thoughts. Thanks, Marilyn.

The Chair: Mr. Davies.

Mr. Don Davies: Thank you.

I appreciate the comments from Mr. Oliver and Mr. McKinnon. I take it that their motion will also eliminate the 100-centimetre height restriction, so I respect that and I appreciate that they may choose their motion. It doesn't really matter how we get there, as long as we amend the provision accordingly.

I do want to make two quick points. Ms. Gladu brought up the excellent point that regarding the current provisions regarding medicinal marijuana, owing to the Supreme Court of Canada decision that Canadians have the right to grow their own medicinal marijuana now, we've heard no testimony about how that may be impacted by this bill. One of the many reasons that I support allowing Canadians to grow a limited amount of cannabis for recreational purpose is for that very reason, that we could have a two-tiered system where Canadians are growing for medicinal purposes under a claimed constitutional right, and Canadians who don't have a medicinal purpose would be prohibited from doing that. I think that would lead to a bit of disrespect for the law, because Canadians who want to grow recreationally would then simply claim that they have a medicinal right, which is what's happening now in many respects in Canada.

I think for uniformity purposes it's important to have a consistent approach to growing cannabis in this country. If medicinal users can grow it, so should recreational users be allowed to.

Finally, in terms of the fires and mould, my only concern about bringing up those features is that any evidence of mould and increased risk of fires has come from the police experience of dealing with cannabis as an illegal substance, where growing has been done underground and by organized crime. We have lots of stories of organized crime and people renting houses and filling a basement with 100 plants, cutting into electricity illegally, and not venting properly because if they were to vent outside the house, they'd risk detection. That then increases the mould.

I'm satisfied that limiting Canadians to four plants will mean that those very legitimate concerns about large-scale, illegal grow operations won't be applicable to a rational, reasonable limit of four plants. I'll bet your average Canadian has more than four plants in

their house now, and certainly in their backyards people have foliage all over the place. I'm not worried about the mould or the fire problem, at least based on the evidence we heard for four plants in a Canadian household.

• (0950)

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

We did hear lots of testimony as well about landlords in huge apartment buildings. I am in an apartment building where my next door neighbour loves to consume cannabis and smoke it. It smells horribly and is very irritating to me. That certainly will be one of the problems.

The other problem is that there's no quality control. What this bill was supposed to do is protect the health of young people by restricting their access. Clearly, home growing does not do that. It was supposed to deter illicit activities and we've heard testimony that it doesn't do that. It was supposed to provide access to a quality-controlled supply of cannabis, and we know there is absolutely no quality control happening in home grows. For those reasons it's not consistent with even the goal of the bill, not to mention the fact that I disagree totally with the concept.

The Chair: Seeing no more speakers, I call for a vote on amendment NDP-14.

Mr. Don Davies: Could we have a recorded vote, Mr. Chair?

The Chair: Certainly.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to amendment Liberal-3.

Mr. Oliver.

Mr. John Oliver: Thank you very much.

In the last motion Mr. Davies has already articulated quite well what we heard from witnesses. This motion basically accomplishes the same ends that his motion did, but with language that is probably more appropriate to the bill.

Just to reiterate the main points, we heard from the chair and co-chair of the task force that their reason for recommending height restrictions had to do more with fence height and what we would view as civil rules, not criminal factors. No other jurisdiction that we heard from that allows personal cultivation of cannabis plants had a plant height limit. We, like Mr. Davies, just can't see a rationale for a height restriction.

The motion we are putting forward removes those restrictions but uses different wording in replacement.

The Chair: Mr. Davies.

Mr. Don Davies: Could I ask Mr. Oliver to explain what the fundamental difference is between his motion and my motion? What does his motion do that adds, subtracts, or differentiates between my motion?

Mr. John Oliver: I don't know if that's helpful.

I think the motion from the NDP basically removed words, and this removes certain words and puts different language in place. I think it's mostly about the numbering associated with it.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Mr. Chair.

I agree that putting height restrictions on is problematic because we did see evidence of people talking about how plants would then become wide. I especially remember one of the testimonies we had where they showed different plants without height restrictions. Some of them looked like trees and had a huge yield. There doesn't appear to be any limit on how much cannabis people can be growing, so I will be opposing this.

The Chair: Hearing no more speakers, I'll call for a vote.

Before I do that, there's a note here that says, if adopted, Liberal-6 is also adopted as a consequential issue, and NDP 26 cannot be moved because of a line conflict.

I call for a vote on Liberal-3.

Mr. Don Davies: Can I have a recorded vote, Mr. Chair?

(Amendment agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

The Chair: We now move to PV-11.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll now move to PV-12.

If PV-12 is adopted, NDP-15, NDP-16, and NDP-17 cannot be moved.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: I'll go to NDP-15.

If adopted, NDP-16 and NDP-17 cannot be moved.

Mr. Davies.

• (0955)

Mr. Don Davies: Mr. Chair, in the interest of expediting this process, I'd ask for the clerk's advice on this. I'm happy to speak to NDP-15, NDP-16, and NDP-17 at once and vote on all three at the same time. These are the same types of amendments I've been moving.

Am I allowed to do that?

The Chair: I think we'd better just do it one at a time now.

Mr. Don Davies: Okay, thanks. I'll try to be brief again.

My first amendment is to remove the 14-year maximum provision for a violation of the cultivation, propagation, and harvesting prohibition in this bill and to replace that with a fine of not more than

\$300,000, or imprisonment for a term of not more than two years less a day, or both. In the case of a first offence, it would be a fine of not more than \$3,000, and for any subsequent offence, a fine of not more than \$50,000 for a proceeding by summary conviction. The first one is by indictment and the second one is by summary conviction.

Once again, in my respectful view, it's to make the penalty provisions of this bill more in keeping with a legalized approach to cannabis and an attempt to take the criminalization, prohibitionist model out of cannabis, and also to have the penalties aligned with the reality in Canadian courts today.

The Chair: Seeing no speakers, we'll call for a vote on NDP-15.

Mr. Don Davies: Can I have a recorded vote, Mr. Chair?

(Amendment negated: nays 8; yeas 1) [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-16.

Mr. Davies.

Mr. Don Davies: Again, this amendment seeks to amend the 14-year maximum penalty and to replace it with a term of imprisonment of not more than two years less a day.

The Chair: Seeing no speakers, I will call for a vote on NDP-16.

Mr. Don Davies: Could we have a recorded vote, Mr. Chair?

Mr. John Oliver: On a point of order, are we allowed to apply previous votes at committee, or do we need to proceed with the calling of the vote?

The Chair: The opinion here seems to be no, but nice try.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

• (1000)

The Chair: Now we go on to NDP-17.

Mr. Davies.

Mr. Don Davies: It's our third attempt to amend the criminal sanctions in this bill. It's our least favourite one. We at least would ask that parliamentarians consider reducing the 14-year maximum sentence to nine years in order to preserve the ability of judges in this country to have the discretion to impose conditional sentences in cases that they deem appropriate.

The Chair: Thank you very much. We all see your effort here and we understand what you're trying to do.

Mr. Don Davies: Could we have a recorded vote, Mr. Chair?

(Amendment negatived: nays 8; yeas 1) [See *Minutes of Proceedings*]

(Clause 12 as amended agreed to)

(On clause 13)

The Chair: On clause 13, the first one here is PV-13. Again, if this one is adopted, NDP-18 and NDP-19 cannot be moved.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-18.

Mr. Davies.

Mr. Don Davies: This provision would amend the penalty provisions by removing the indictable offence for this offence, and instead leave the summary conviction as the only way to proceed, which leaves a fine of up to \$5,000 and up to six months in prison.

The Chair: Seeing no further comments, I'll call for a vote on NDP-18.

There's a note here that if adopted, NDP-19 cannot be moved.

Mr. Don Davies: Could we have a recorded vote, Mr. Chair?

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-19.

Mr. Davies.

Mr. Don Davies: I'll just take a moment to explain what the penalty provision relates to. It relates to the prohibition in this bill to possess, produce, sell, distribute, or import anything with the intention that it would be used to produce, sell, or distribute illicit cannabis.

The part that is most confusing to me about this bill is that after Prime Minister Trudeau promised legalization to Canadians in 2015, as I've said repeatedly, this bill contains a heavily criminalized approach to cannabis. Leaving aside the philosophical or policy differences to that, I think simply in terms of efficacy the one thing we know is that the criminalized approach to cannabis has not worked.

Why are we then continuing a model of prohibition, when Prime Minister Trudeau and the government on one hand will speak very strongly out of one side of their mouths that they are changing the prohibition model because prohibition doesn't work and criminalization simply drives things underground and puts things into the black market and harms our children, but then retain in many respects in this bill sections that continue to criminalize, continue to drive it underground, continue to threaten, I guess, illicit production?

The penalties here for any violation of that are proceeding by indictable offence and liable to imprisonment of a term of up to seven years or both. Now, if you think about this, that's the penalty for possessing, producing, or distributing anything that will be used to produce cannabis. You could have two people in their twenties who share an illicit seed with each other or share a clone with each other, or are selling some cannabis production equipment to each other. How do we appropriately deal with that? Second, what is the appropriate penalty for it?

Once again, I think it's inappropriate to criminalize that act. I think you can prohibit it and regulate it and you can put fines on it. That would be the decriminalized approach to it.

The second question is whether that is really something that anybody thinks a seven-year jail sentence is appropriate for, or will have any deterrent effect upon. I will point out one more time, if life sentences didn't deter people in this country from doing those very activities, I don't think a seven-year sentence will. This amendment would replace the penalty provisions and substitute, instead of a seven-year jail sentence, a fine of not more than \$300,000, or imprisonment for a term of not more than two years less a day, or both.

By the way, if you want to effectively control behaviour, then hitting someone with a \$300,000 fine for importing or distributing or selling material to produce illicit cannabis will have a greater deterrent effect than a potential jail sentence, and of course, my amendment does preserve the ability to have a jail sentence of two years less a day. They do face that as well, but I still think that a jail sentence is much more proportionate to the offence under question.

• (1005)

The Chair: Thank you.

Ms. Sidhu.

Ms. Sonia Sidhu (Brampton South, Lib.): I respect Mr. Davies' passion, but like Mr. Trudeau said, we are strictly regulating it. We want to protect our kids. One purpose of Bill C-45 is to deter illicit cannabis activity through the right sanctions, too. We really want to protect our kids and that's why we're strictly regulating it.

Thank you.

The Chair: Thank you. Mr. Fortin.

[*Translation*]

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Mr. Chairman, as an MP from a party that is not recognized and who does not have the right to speak, I do not intend to address a substantive issue. I would simply point out a typo in the amendment proposed by my NDP colleague. In comparing the French and English versions, I notice that it is lines 10 and 11, and not lines 9 and 10, that should be replaced. I simply wanted to draw your attention to that minor typo.

[*English*]

The Chair: Our legislative clerk will check that out to make sure that if it's incorrect we'll fix it.

Mr. Rhéal Fortin: It was the same in the previous proposition from PV, Mr. Chair.

The Chair: Thanks very much, and welcome to the committee.

Seeing no further speakers, I call for a vote on NDP-19.

Mr. Don Davies: May I have a recorded vote?

(Amendment negated: nays 8; yeas 1)

(Clause 13 agreed to)

(On clause 14)

The Chair: On PV-14, does anyone want to debate or comment?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: On NDP-20, if this adopted, PV-15, NDP-21, and NDP-22 cannot be moved.

Mr. Davies.

•(1010)

Mr. Don Davies: For the benefit of my colleagues, essentially, it removes the 14-year penalty and replaces it with the \$300,000 fine or imprisonment for two years less a day for indictable proceedings, and in the case of proceeding by summary conviction to fines of not more than \$300,000 for first offence, or not more than \$50,000 for second offence.

I would also like a recorded vote.

The Chair: We're not there yet.

Mr. Oliver.

Mr. John Oliver: I would like to thank Mr. Davies for his continued efforts in this regard, but the same response will come from our side. One of the purposes of the bill is to deter illicit cannabis activities and have serious criminal consequences in place for those who are outside of the intended purposes of the act. These amendments would restrict the court's ability to apply that judgment.

[*Translation*]

Mr. Rhéal Fortin: Mr. Chairman, with your permission, I would also point out that, in the French version, it should be lines 25 and 26, and not lines 24 and 25.

[*English*]

The Chair: We're advised it's because the English and the French paragraphs don't always line up, but we're going to follow up and make sure it's correct.

[*Translation*]

Mr. Rhéal Fortin: There is no problem in the English version. The French version, however, does not match the English version or what we are discussing. The wording of the French version of the bill does not make sense as drafted. I encourage you to make the necessary amendments. It is simply a typo because the lines do not match up. It completely changes the meaning of the passage.

[*English*]

The Chair: Would you like to explain that?

[*Translation*]

Mr. Olivier Champagne (Legislative Clerk, House of Commons): I think you are looking at the line numbering in the centre of the document. It is the numbering on the right that applies to the French. Paragraph 14(2)a) begins at line 24, as indicated in the amendment.

Mr. Rhéal Fortin: In the French version, line 24 says, "une infraction et encourt, sur déclaration de culpabilité".

Mr. Olivier Champagne: That is not what I see.

Mr. Rhéal Fortin: Perhaps we do not have the same document. Let me compare mine to yours. I probably do not have the right document. My apologies if that is the case.

[*English*]

The Chair: Thanks very much.

Seeing no further speakers on NDP-20, I call for a vote on NDP-20.

Mr. Don Davies: Could we have a recorded vote, please, Mr. Chair?

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to PV-15.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-21. If this is adopted, NDP-22 cannot be moved.

Mr. Davies, go ahead.

Mr. Don Davies: Briefly, this is the second tier of amendments to try to amend the criminal sanctions in this bill to a more reasonable view. This would reduce the jail sentence from 14 years down to two years less a day for indictment, and for offences that are under 14 years currently in the bill, it would replace it with summary conviction only.

This is a difficult area of the bill, as are others, and I do have some empathy for the government's attempt to struggle with this, but what animates these amendments is the prospect of.... In a province like Alberta, Manitoba, or Quebec, where the drinking age is 18, and I expect that the age for consumption of marijuana would be 18, we'll have a situation where a 19-year-old could give some illicit cannabis to a 17-year-old, and that 19-year-old would face, under this act, up to 14 years in prison.

While I am empathetic to the arguments of trying to protect our children, and none of us want to see underage people have cannabis, the reality in this country is that they do. The reality is that after this bill takes place, there is still going to be illicit cannabis produced. The question is what the appropriate policy response is. What is the appropriate regulatory regime?

Having a 19-year-old face a potential jail sentence of 14 years for exchanging illicit cannabis with someone who is 17 strikes me as a continuation of the very prohibitionist, criminalized model, which hasn't worked to date and which the majority of Canadians don't feel is appropriate. It is not going to work as an effective deterrent, in any event.

I would take this opportunity to bring up something that I think is very important, which is education. If we really don't want kids under the age of 18 or 19 to use cannabis, then we should be pouring money into educating them about cannabis use and what its impacts and effects may be on the developing brain and otherwise.

We've heard in the testimony that this government, so far, has committed to education what can only be described as a paltry \$9 million over five years. We heard testimony from Chief Isadore Day, from Ontario, that, as far as he knows, there is no money given to indigenous communities in this country for education. Compare that with Colorado or Washington state, where they are spending that amount every year on one-fifth or one-seventh the population of Canada.

We did hear the Minister of Health say that this is just the beginning and that there will be more money, but we are about nine and a half months, maybe 10 months from legalization on July 1. I am waiting for my colleague Ms. Gladu to tell us how many days we have.

•(1015)

Ms. Marilyn Gladu: It's 271 days.

Mr. Don Davies: Thank you. Ms. Gladu can be trusted for her accurate estimate.

That's not very much time to set out an educational regime in advance of cannabis being legalized in this country.

I'll bet a dollar to a doughnut with anybody that telling a 19-year-old, "If you give illicit cannabis to a 17-year-old, you're going to go to jail for 14 years," is not going to have much impact in this country. Educating young people about responsible cannabis use would be a much better way to go.

The Chair: Ms. Gladu, go ahead.

Ms. Marilyn Gladu: Further to my colleague's comments about public awareness and education, the Minister of Health did say that the Liberals were on their way with this rollout, but I received a copy of the RFP from Health Canada that's looking for a contractor to put together a public awareness and education program directed at young people and their influencers, which is what we heard in the testimony that we need to do. That RFP is not even due with bids until October 16. From then on, you'll have to start putting together the awareness program. With 271 days to go, certainly that's not going to happen anywhere near the rush date of July 2018.

Now, with respect to the age comment, this was exactly one of the reasons why the evidence we heard said we should raise the age, not lower it, because 18-year-olds hang out with 17-year-olds and 16-year-olds, and there was a concern that there would be transfer of marijuana to them. Witnesses from other jurisdictions had 21 as the age, and the Canadian Medical Association said that this was a compromise between the health harms that kids up to 25 would receive and understanding the prevention. The idea was that 21-year-olds don't hang out with 16-year-olds, so some prevention would happen.

I am disappointed not to see any age changes in this bill. We see that Alberta has come out with 21, and I think that would have been a better answer.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Mr. Davies, you had me right up until about this point, because your argument implies that, when a person is 18, everything is okay. Yet we heard testimony from physicians, from doctors, who told us that at 25 the brain is still maturing and damage can still be done. I'm a little puzzled as to why or whether

you in fact are saying the age restriction really shouldn't apply. As I said, if it's unhealthy for an 18-year-old, or for someone who's 19 or 20, according to the testimony, why would we be so adamant not to allow the 17-year-olds to get hold of this stuff?

There's a little bit of a conflict there. Do you want to take an opportunity to try to explain that to me? I'm having some trouble with that one.

•(1020)

The Chair: Mr. Davies.

Mr. Don Davies: I'm simply making a comment based on the structure of the bill, where this bill sets out the minimum age of 18 for legal possession and use of cannabis. I'm not commenting that there shouldn't be an age limit. I think there should be an age limit. It's a thorny question whether that should be 18, 19, or 25. We heard evidence all around that question. My own view is that it should be 19, for a couple of reasons. One is, of course, the developing brain. That's one more year of brain development.

Second, I think your average high school student in this country is 18 or younger, so making the age 19, in my opinion, would be more helpful in keeping cannabis out of high schools. The way it is now at 18, half of your grade 12 class will be able to legally possess cannabis, and then that brings cannabis right into the high schools.

What I'm really talking about here, Mr. Van Kesteren, is what the proper penalty is. If the age is 18, what happens if you have a 19-year-old who gives some illicit cannabis to a 17-year-old? How do we properly deal with that? I'm saying that subjecting that person to a 14-year prison sentence is not the proper way to go.

The Chair: Mr. Oliver.

Mr. John Oliver: Thank you.

I want to address this age-limit issue again. We've certainly heard lots and lots of our health witnesses say that the age limit should be higher than 17. I think the CMA said it should be 21, and others have said that 25 is really the ideal age. What I heard is what we can do under federal acts and what can be done by the provinces and territories.

If we move the age limit for possession up, then someone charged with possession of five grams over the age of 17 would face full adult criminal charges. They would have a lasting record and would have to go through a much more significant criminal consequence, whereas if they're 17 or under, it would fall under the Youth Criminal Justice Act, the records are sealed, and there's a chance for those records to be erased a number of years after the term is finished.

For me, it's really important that the provinces and territories understand that there is potentially a higher age that could be applied to restrict access to marijuana because of that developing brain and the impact on a developing brain. The provincial or territorial consequences aren't criminal. They can seize or they can fine and ticket, but it's not a criminal charge for people over the age of 17 at the provincial and territorial level.

The Chair: Mr. Davies, you can have a quick intervention.

Mr. Don Davies: One of the interesting parts of this is this concept of the relative harms of tobacco, cannabis, and alcohol. The task force itself, the McLellan task force, found, as has every other major study, that relatively speaking, cannabis has less health impact on anybody than does alcohol or tobacco.

Interestingly, if we're going to talk about the developing brain, why aren't we talking about raising the age of consuming alcohol in this country, if that's the case? If the brain's developing and a 19-year-old can drink a bottle of scotch every single night, I can tell you that after five straight years of doing that, they're going to have brain damage. They're going to have cirrhosis of the liver, potentially. They're going to have all sorts of problems. We don't criminalize that. We don't say, you face a 14-year penalty in jail because of the developing brain when it comes to alcohol.

What is motivating my amendments here today is trying to situate cannabis. If we're going to legalize it, then situate it based on the evidence, in an appropriate manner, comparing it with other substances that we want to restrict to adults, which we know have potential health consequences. It doesn't make any sense, though, to retain 14-year criminal penalties for cannabis and not to have those for alcohol or tobacco, and that's exactly the absurdity of this provision.

• (1025)

The Chair: Seeing no further speakers, I'm going to call for a vote on NDP-21.

Mr. Don Davies: As a recorded vote, Mr. Chair.

(Amendment negated: nays 8; yeas 1)

The Chair: Now we go to NDP-22.

Go ahead, Mr. Davies.

Mr. Don Davies: I'll be mercifully short. It would amend the criminal provision from 14 years down to nine years, again, not as the NDP's first choice. However, it has the virtue of allowing judges to give conditional sentences in cases where the crown proceeds by way of indictment.

The Chair: Seeing no further speakers, I call for a vote on NDP-22.

Mr. Don Davies: Could I have a recorded vote, please?

(Amendment negated: nays 8; yeas 1)

(Clause 14 agreed to)

The Chair: We have no amendments for clauses 15, 16, 17, 18, 19, or 20. Can I lump those together and ask for one vote on those clauses?

(Clauses 15 to 20 inclusive agreed to)

(On clause 21)

The Chair: Now, we go to Liberal-4.

Go ahead, Mr. Ayoub.

[Translation]

Mr. Ramez Ayoub: Mr. Chairman, amendment LIB-4 is also intended to harmonize the English and French versions of the bill. It would amend clause 21 by replacing it, from line 19 on page 19, with the following:

It is prohibited to display, refer to or otherwise use any of the following, directly or indirectly in a promotion that is used in the sponsorship of a person, entity, event, activity or facility:

This amendment serves to make the distinction between the word "promotion" in the English version and the words "matériel relatif à la promotion" in the French version, and secondly, between the words "sponsorship of a person", which are translated as "promotion d'une personne". This is really technical. Unless there is some linguistic or grammatical reason, I am proposing this amendment to clarify the bill.

[English]

The Chair: Next, we have Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Mr. Chair.

When we talk about trying to make sure we don't have young people attracted to using marijuana, I was disappointed that there was no consideration given to preventing incentives to kids. We don't want to see cannabis cards with "buy 8, get 1 free" or any kind of financial incentives. In the promotion or in the following clauses, I would have thought that there would be amendments brought to protect kids on that. I was disappointed to not see those.

The Chair: Mr. Davies.

Mr. Don Davies: I support the amendment.

I wondered if any of the ministry officials could tell me if this type of regulatory prohibition on sponsorship is applied to alcohol. Do we know that?

Ms. Diane Labelle (General Counsel, Health Canada Legal Services, Department of Justice): When it comes to alcohol-related items, the federal government does not regulate at that level. Alcohol is regulated as a food under the Food and Drugs Act, but when it comes to promotion, advertising, and restrictions on advertising, that is not done by the Department of Health.

• (1030)

Mr. Don Davies: If I could follow up, this section says that it is prohibited to display:

directly or indirectly in a promotion that is used in the sponsorship of a person, entity, event, activity, or facility:

(a) a brand element of cannabis, of a cannabis accessory or of a service

I take it that would cover things like athletic events. In this country, can we do that for alcohol, to your knowledge?

Ms. Diane Labelle: I don't know all the rules with respect to alcohol. I do believe that the CRTC has guidelines on the promotion of alcohol in terms of telecommunications. More than that, I do not know.

Mr. Don Davies: Thank you.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: I have one further point on this one with respect to an initiative we discussed earlier with Mr. Davies in talking about exporting. Especially with the medical marijuana, there are companies that are expanding and shipping globally, and they have branding. Will this prohibit them from being able to brand their products in foreign countries?

Mr. John Clare (Director, Cannabis Legalization and Regulation Branch, Department of Health): The promotion restrictions set out in the legislation apply to promotion in Canada, so in whatever foreign jurisdiction that company is operating, they would need to comply with those rules in that jurisdiction.

The Chair: Seeing no further speakers, I'm going to call for a vote on Liberal-4.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 21 as amended agreed to)

The Chair: We have no amendments for clauses 22 to 33.

Mr. Dave Van Kesteren: Mr. Chair, can I suggest that we take a health break?

The Chair: Yes. That's a good point. We'll just take five minutes.

We're going to break for lunch from 12 to 12:30. We're going to stop this operation and have a little bite to eat. Then we are going to question period at 1:50 p.m. Ms. Gladu has an S.O. 31. Just so we all know, we'll be back at 3:30. Now I'll suspend for five minutes.

•(1030) _____ (Pause) _____

•(1040)

The Chair: Let's reconvene.

Ms. Marilyn Gladu: Chair, I think you're doing a fabulous job of leading us through in an expedient fashion. To the clerk and the legislative clerks, you're doing a very good job.

The Chair: It's working well.

Thank you. I appreciate that.

Let's reconvene, and carry on so we're not here on Saturday and Sunday.

The Chair: When we broke, we were considering clauses 22 to 33. There are no amendments; I was seeking approval for all those clauses 22 to 33.

(Clauses 22 to 33 agreed to)

(On clause 34)

The Chair: Now we go to Liberal-5. This was moved by Dr. Eyolfson.

Mr. Doug Eyolfson: This is technical. It provides clarity with respect to the prohibition of any mixture of substances. Much the

way we've seen the trend with alcohol and caffeine; vodka and Red Bull are coming up.

It's a clearer description so you can't sell cannabis in combination with nicotine, caffeine, or alcohol.

The Chair: Thanks very much.

Ms. Gladu.

Ms. Marilyn Gladu: Dr. Eyolfson, the hemp producers asked to be exempted from all this regulation. I know people can sometimes cut their cannabis with hemp. What do we intend to do with that recommendation that came to committee?

Mr. Doug Eyolfson: I would have to get back to you on that particular clarification. That's not in this one here.

The Chair: I have a point of clarification.

If Liberal-5 is adopted, Liberal-22 is also adopted at the same time.

Mr. Davies, I have you on the list.

Mr. Don Davies: Dr. Eyolfson, I just want to be clear.

This is referring to substances infused with cannabis? Not the selling of cannabis alongside....

Mr. Doug Eyolfson: This is a substance infused with cannabis. Something like a given product, which contains cannabis, nicotine, caffeine, or alcohol.

Mr. Don Davies: Okay.

Thank you.

The Chair: Seeing no further speakers, I'm going to call for a vote on Liberal-5.

(Amendment agreed to)

(Clause 34 as amended agreed to)

The Chair: We have no amendments from clause 35 to clause 43.

(Clauses 35 to 43 agreed to)

(On clause 44)

•(1045)

The Chair: Now we come to NDP-23.

If NDP-23 is moved, NDP-24 can't be moved. Does anybody have a comment?

Mr. Davies.

Mr. Don Davies: This is a miscellaneous penalty provision of the bill that basically talks about "every person that contravenes a provision of this Act for which no punishment is otherwise provided". It specifies then that automatically these provisions will apply.

The first part is that a person could be "guilty of an indictable offence and is liable to a fine of not more than \$5,000,000 or imprisonment for a term of not more than three years, or to both".

If they're proceeded with on summary conviction on a first offence, they are subject "to a fine of not more than \$250,000 or imprisonment for a term of not more than six months, or to both, and, for any subsequent offence, to a fine of not more than \$500,000 or imprisonment for a term of not more than 18 months, or to both."

Interestingly, this is the catch-all provision that says that anybody who violates this act is automatically liable to potential imprisonment. I just want to go on record as saying that it is inconsistent, and in fact, I think it's incompatible with an approach that claims to be legalizing. I think it clearly is an approach that maintains the criminalized approach to cannabis.

My amendment would seek, in keeping with that, to change the regulation of cannabis, as we move to commercializing this product, to make them "guilty of an offence punishable on summary conviction" only, and "liable, for a first offence, to a fine of not more than \$3,000 and, for any subsequent offence, to a fine of not more than \$50,000".

The interesting part about this clause is that I would assume that, for every offence under this act that the government thought was a significant offence, they specified a penalty. This clause obviously is for anything else in the act that the government didn't even, after studying the bill and drafting it, think that an offence was necessarily appropriate to maintain or even to specify a penalty for. I find it instructive that the scheme of this legislation by the Liberal government is to say that any violation of this act in any way results in a criminalized approach with a jail sentence.

If the purpose of this bill is to legalize cannabis and to, as we've heard time and time again, move away from a prohibitionist approach, which the Minister of Health and the Minister of Justice say doesn't work, and which evidence before this committee showed creates much harm.... That's why the purpose of my amendment is to punish people who don't follow the scheme of the act by monetary fines, much like the way we regulate tobacco and alcohol.

The Chair: Thank you.

Ms. Gladu.

Ms. Marilyn Gladu: I want to provide some comfort to my colleague Mr. Davies. Although I don't support the changes that he's proposed here, in clause 45 you'll find that no summary conviction "may be commenced after the expiry of one year after the day on which the subject-matter of the proceedings arose".

Right now the situation is that, because the Justice minister has not put in place adequate judges, we have court cases that are waiting 18 months to three years, and by Jordan's principle, murderers and sex offenders are going free. The likelihood of anybody getting to court in time to get any conviction is less. I just wanted to comfort him with that.

The Chair: Mr. Davies, are you comforted?

Mr. Don Davies: Thank you for pointing that out because it leads to another potential problem. We're dealing with clause 44 now, but Ms. Gladu is quite right to refer to clause 45, which reads that:

No summary conviction proceedings in respect of an offence under section 44 may be commenced after the expiry of one year after the day on which the subject-matter of the proceedings arose.

This leads to the potential situation where, after one year, if a prosecutor is prohibited from proceeding by way of summary conviction, they will be forced to proceed by way of indictment or else have no offence whatsoever. I think it's important to point out that flaw in the bill.

Thanks, Ms. Gladu.

• (1050)

The Chair: Seeing no further speakers, I'm going to call for a vote on NDP-23.

Mr. Don Davies: Could I have a recorded vote, Mr. Chair?

The Chair: Certainly.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to NDP-24.

Mr. Davies.

Mr. Don Davies: In short, this is a second attempt to try to amend the penalty provisions of the miscellaneous provisions of this act. This amendment would remove the indictable offence provision and leave the offence provisions that relate to summary conviction.

The Chair: I see no further speakers. I call for a vote on NDP-24.

Mr. Don Davies: I'd like a recorded vote, Mr. Chair.

The Chair: We're going to have a recorded vote this time.

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 44 agreed to)

The Chair: There are no amendments proposed from clause 45 to clause 50. Shall clauses 45 to 50 inclusive carry?

(Clauses 45 to 50 inclusive agreed to)

(On clause 51)

The Chair: For clause 51, we have PV-16.

Ms. Gladu.

Ms. Marilyn Gladu: I know Ms. May is not here to speak to her motion, but you can see she's looking to add something where a peace officer has to have regard to what would be in the best interests of justice, with particular attention given to whether the individual is a member of a disadvantaged community.

While I am quite a supporter of ticketed offences to get rid of the criminalization that Mr. Davies has pointed out is so prevalent in this flawed bill, I really think this is very vague wording, so I won't be supporting it. I don't think there's enough definition.

The Chair: Seeing no further comments, I'm going to call for a vote on PV-16.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we have NDP-25.

Mr. Davies.

Mr. Don Davies: I think this is probably moot. Earlier, my colleagues will remember that I attempted to eliminate the 30-gram possession limit. Had that occurred, this would be the companion to that. It would have removed the 30-gram possession limit from the list of items that could be ticketable offences, but since we've kept the 30-gram limit, it's probably academic at this point. I think it could stay in as is.

The Chair: We're not clear. Do you want to withdraw it?

Mr. Don Davies: Yes, I think it should be withdrawn.

The Chair: I don't think anybody will argue with that.

(Amendment withdrawn)

The Chair: Now we'll go to LIB-6. This is consequential to LIB-3.

I'm sorry. It's adopted already because of an earlier vote.

NDP-26 cannot be moved because of the same thing.

Now we go to LIB-7.

Does anybody want to speak on LIB-7?

Mr. Eyolfson, you moved this.

•(1055)

Mr. Doug Eyolfson: This is technical in nature. It corrects some omissions made in the drafting with regard to information: any use of judicial records in a summons and information portions of a ticket. It would be consistent with other parts of the bill, so that the judicial record from a ticket would be kept separate from other judicial records and not be used for any purpose that would identify the accused.

The purpose of this is that we do know that there may be some consequences to being legally identified for cannabis-related offences. Even today, admitting to or having a record at the United States border can result in a lifetime ban. So, if you have received a ticket, this would not be in the judicial record and be available to customs officials and that sort of thing.

The Chair: Thank you.

Ms. Gladu.

Ms. Marilyn Gladu: I agree that it will be very important. I live in a border community, so people are being asked at the border if they have ever smoked pot and not being allowed over if they admit that they have. It would be certainly important to make sure you can't identify them.

That said, there is no detail provided as to how the government will keep these records separate and what kind of restrictions will be put in place to restrict access to this confidential information, with 271 days left to go.

Dr. Eyolfson, could you provide some detail as to how the government intends to do that?

Mr. Doug Eyolfson: I'm not privy to the technical nature of how these records are kept, so I don't know the answer to that.

The Chair: Seeing no further speakers, I call for a vote on LIB-7.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: We are on NDP-27.

Mr. Davies, do you want to explain that to us?

Mr. Don Davies: I think this may be academic at this point. This is a corresponding amendment as a companion to remove the 30-gram and 100-centimetre limits from ticketable offences. I guess it would be moot with respect to the 30 grams, but still applicable with respect to the 100-centimetre limits because 30 grams has remained a prohibited level but the 100-centimetre limit has not. I don't know if the legislative counsel can give me any advice in that regard.

The Chair: Did you have a question for our legislative assistant?

Mr. Don Davies: Yes, what this does is it says for an offence referred to in any of the paragraphs, and then it's got "2(a) to (h), \$200 plus a victim surcharge". This is the ticketable offence provisions. I guess my amendment was meant if the 30-gram limit had been removed, then you would have to remove one of the references to the sections there, but that's now academic. I guess it now is probably still appropriate insofar as it may relate to the 100-centimetre limit.

Mr. John Oliver: Mr. Chair, can I help with this?

The Chair: Yes, Mr. Oliver.

Mr. John Oliver: I think we'd be supporting the motion. The amendment is technical, but it ensures the correct cross-reference in subclause 51(4) to the list of ticketable offences set out in subclause 51(2). Subclause 51(1) would specify the amount of the fine for a ticket would be set at \$200 plus a victim surcharge. It basically properly cross-references the right clauses that wouldn't otherwise happen, so I'd be supportive of this motion if Mr. Davies is still putting it forward.

•(1100)

The Chair: Okay, Mr. Davies, are you ready?

All right, I'm going to call for a vote on NDP-27.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 51 as amended agreed to [See *Minutes of Proceedings*])

(Clause 52 agreed to)

(On clause 53)

The Chair: Now we go to LIB-8.

Ms. Sidhu.

Ms. Sonia Sidhu: Mr. Chair, I'm moving this amendment because I feel that it will protect individuals who face ticketable offences from fines that will impose a significant financial burden. This would ensure that courts could consider a range of factors in setting the fine, including the ability of the accused to pay the fine. By limiting the fine to no more than \$200, we are limiting the financial burden imposed by a ticket for less severe offences under the cannabis act.

The Chair: Seeing no debate or speakers, I'll call for a vote on LIB-8.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: On NDP-28. Was this adopted as a consequence of LIB-3?

Mr. Davies.

Mr. Don Davies: I believe this is similar. It simply corrects the cross-referencing in light of earlier amendments to the 100-centimetre limit, and the lack of an amendment to the 30-gram prohibition limit.

The Chair: Mr. Oliver.

Mr. John Oliver: Are we in clause 28?

The Chair: We are on NDP-28

Mr. John Oliver: For French equivalency, I would make a subamendment to add the word “*maximale*” in French after “*amende*” on line 32, page 30.

The Chair: That's in order.

(Subamendment agreed to)

(Amendment as amended agreed to [See *Minutes of Proceedings*])

The Chair: Now we go to LIB-9.

Ms. Sidhu.

Ms. Sonia Sidhu: Mr. Chair, this legislation as drafted would enable a court to apply an order for probation to an individual who is issued a ticket. The intention of a ticketing system was to ensure that penalties or less severe offences would not result in criminality, but would be regulated through fines. It is not the intent to enable probation to be included in the consequences of a ticketing system. The amendment clarifies this.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Mr. Chair. I seek clarification.

It references section 731 of the Criminal Code. Which section is that, or what does that section talk about?

Ms. Sonia Sidhu: The amendment states:

That Bill C-45, in Clause 53, be amended by adding after line 37 on page 30 the following:

“(1.1) If the accused is convicted of the offence, no order is to be made under section 731 of the Criminal Code in respect of that conviction.”

Ms. Marilyn Gladu: What is section 731?

Ms. Sonia Sidhu: Under section 731 of the Criminal Code in respect of that conviction.

Ms. Marilyn Gladu: Is that the whole code?

The Chair: Mr. Saint-Denis.

Mr. Paul Saint-Denis: Mr. Chair, section 731 deals with the issuance of probation orders upon a conviction. The court may choose to impose certain conditions. If those conditions are breached, there is the risk of a charge being laid, and the possibility of imprisonment for breaching....that charge.

• (1105)

The Chair: Seeing no further speakers on LIB-9, I call for a vote on LIB-9.

(Amendment agreed to)

The Chair: Shall Clause 53 carry as amended?

(Clause 53 as amended agreed to [See *Minutes of Proceedings*])

(On clause 54)

The Chair: We go to PV-17. Is there any debate or discussion on PV-17?

Seeing no debate or speakers, all in favour of PV-17?

(Amendment negatived)

The Chair: Shall clause 54 carry?

(Clause 54 agreed to)

The Chair: We go to a new clause, NDP-29.

Mr. Davies.

Mr. Don Davies: Doesn't NDP-29 amend clause 54?

The Chair: It's a new clause that we've been given; it's new clause 54.1.

Mr. Don Davies: Okay.

Mr. Chair, I really hope that my colleagues support this amendment, because I believe there is an unintended flaw in this bill, such that, once I explain the policy behind the amendment and what it does, I think all members should be behind this.

What clause 54 says is:

If an accused fails to pay the amount set out in the ticket within the period set out in the ticket, the accused is liable for that amount and

- (a) a conviction is to be entered in the judicial record of the accused;
- (b) the conviction is deemed to be pronounced by a court;

Further down, it adds that:

- (d) the accused has 30 days after the day of the conviction to pay the amount set out in the ticket

and any court fees.

Subclause 54(2) then says what the effect of payment or imprisonment is. It says:

If, after being convicted, the accused pays the amount set out in the ticket or, if the accused is an individual, the accused has served, in full, any period of imprisonment imposed as a result of a default in payment of the amount of the fine imposed by the court, the judicial record of the accused in relation to the offence must be kept separate and apart from other judicial records and it must not be used for any purpose that would identify the accused as a person dealt with under this Act.

Then finally, clause 55 says:

Only an individual who is unwilling though able to pay a fine or the amount of a victim surcharge imposed in respect of a conviction [...] may be imprisoned in default of its payment.

This is meant to avoid the stigma of a criminal conviction.

Who doesn't get a criminal conviction? It's someone who pays the fine; someone who doesn't pay the fine but serves the imprisonment; someone who could pay the fine but chooses not to, is not eligible for imprisonment.

The person who's left out of this is the poor indigent person who simply can't pay the fine. If they just can't pay the fine because they're poor, then they end up getting a criminal record, and that criminal record can be referred to.

We heard a couple of pieces of testimony by Michael Spratt, who pointed this out. Michael Spratt said:

To its credit, Bill C-45 does attempt to reduce the prejudicial impacts of this ticketing option and there are provisions designed to prevent the public disclosure of judicial records, but this is dependent on the offender's ability to pay a fine. If the ticket remains unpaid 30 days after a conviction is registered, there is no corresponding right to privacy in a judicial record.

If you are poor and cannot pay the fine, you get the record and you don't get the protection of this provision. He goes on to say:

I think the problem is obvious... if you are poor and can't pay a fine, you are further stigmatized through a public record. If you are well off and can pay the fine, your record is sealed. That judicial record is non-disclosable.

Given the research on the impacts of the disclosure of judicial records, the inability of the poor to purchase privacy rights, and the disproportionate enforcement of marijuana offences experienced by marginalized groups, it's quite likely that this ticketing provision...will be found to violate the Canadian Charter of Rights and Freedoms.

Now, Ms. Sidhu clarified this with him. She asked Mr. Spratt:

For clarification, Mr. Spratt, you said that people who are unable to pay tickets are criminalized. In fact, clause 55 states that the ability to pay is a clear consideration in ticketable offences. If you cannot pay, you won't be further punished. I just wanted clarification on this.

Mr. Spratt responded:

It's not that you'll be jailed. The act is clear that the judicial record won't have the same privacy protection as it does for someone who can pay. The punishment I speak of isn't incarceration. Rather, it's the devastating impacts, which are well documented, of the disclosure of judicial records. That's how they're punished.

I think this was an unintended gap in the bill that my amendment clears up.

My amendment would add a new clause 54.1 that says:

54(1) If an accused establishes to the satisfaction of a court that payment of the amount set out in the ticket or of a fine imposed under this Act would cause undue hardship to the accused, the court may, on application of the accused, make an order exempting the accused from the payment of the amount set out in the ticket or that of the fine, or both.

(2) For the purposes of subsection (1), undue hardship means the accused is unable to pay the amount set out in the ticket or the amount of a fine imposed under this Act because of the accused's precarious financial circumstances, including because of their unemployment, homelessness, lack of assets or significant financial obligations towards their dependants.

• (1110)

Then finally:

If the accused is convicted of the offence and a Court makes an order under subsection (1), the judicial record of the accused in relation to the offence must be kept separate and apart from other judicial records and it must not be used for any purpose that would identify the accused as a person dealt with under this Act.

In short, Mr. Chair and colleagues, this says if a person can satisfy a court that they're poor and cannot pay the ticket, their record will also be treated in the same way as someone who has paid the fine or the ticket. You don't leave the poor with the stigmatization of a conviction that's not separated as it is for those who can pay.

The Chair: Thanks very much.

Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair. I want to thank my colleague for bringing this one forward. Certainly I agree with the principles that he's talking about. If you're poor, you shouldn't be punished for not being able to pay your ticket by receiving more criminality, or less privacy, or anything else. In principle, I agree, but I am concerned because the response to my question about what kind of database they're going to use to keep these things in, what detail level they are going to use to administer that, has not even been thought of. And 271 days from now, it will matter. I won't be supporting this.

The Chair: Mr. McKinnon.

Mr. Ron McKinnon: Thank you, Chair. I'd like to respond to my colleague. The intent is well-meaning; I think it's a good intent.

However, the Criminal Code provisions already grant the court discretion, such that if it is satisfied that the accused cannot pay a fine, it has other options available to it. The court also has the ability to grant an absolute discharge or a conditional discharge to an accused who they believe cannot pay the fine, or to allow them to discharge a fine by earning credits for work performed. This was further clarified with our previous LIB-8, which clarified the court's ability to impose a fine of up to \$200. I believe this amendment is unnecessary and is covered by the existing bill.

The Chair: Mr. Davies.

Mr. Don Davies: If that were the case, I would agree with my colleague. But I believe he's not reading section 54(2) properly. It describes the "Effect of payment or imprisonment". It says, "If, after being convicted, the accused pays the amount set out in the ticket...." Then it goes on to say that "the judicial record of the accused in relation to the offence must be kept separate and apart from other judicial records...."

I'm talking about after conviction. Let's say you have a wealthy person who is convicted and you have an indigent person who is convicted. The wealthy person goes and pays the fine, and their judicial record is now kept separate and apart from other judicial records and can't be used for any purpose that would identify the accused as a person dealt with under this act. But at that point, the indigent can't pay the fine. This is after conviction, so there's no possibility of a discharge at this point. They've already been convicted. That's why this amendment is so important, to deal with that situation.

Ironically, section 55...would leave that person with only one option: serving the jail sentence. So they serve the jail sentence and then they can be treated the same way.

Really what we have here are two different standards of justice: your criminal record and your privacy expectations are dependent upon your ability to pay. Surely that can't be the intention and desire of the Liberal government.

• (1115)

The Chair: Mr. McKinnon.

Mr. Ron McKinnon: Thank you, Chair. I wonder if our officials could clarify this question, the matter of having once been convicted, and whether being able to have a conditional discharge is part of that. It seems to me that a discharge is a part of the sentencing. They could also clarify other aspects of concern to Mr. Davies.

Mr. Don Davies: If I may, there's another consideration that I want to add to that question.

I was trying to understand this at the time I read it, and I think I understand it now.

Here's the other confusing rub. Clause 55 says:

Only an individual who is unwilling though able to pay a fine or the amount of a victim surcharge imposed in respect of a conviction referred to subsection 53(1) or a fine imposed in respect of a conviction referred to in section 54 may be imprisoned in default of its payment.

Here's the irony now, and I think I'm reading this properly. A person who can't pay the fine because they're impoverished can't even serve the sentence, because this section says the only people who can be in prison for default of payment are those who are able to pay but won't. So, an indigent person can't pay the fine, so they can't get the benefit of record-sealing—for lack of a better word—and they can't serve the jail sentence, because only people who are able to pay are able to be imprisoned. So an indigent person would have no way of having their criminal record treated the same way as someone who can afford to pay, or ironically, someone who can afford to pay but won't. That can't be the intention of the legislation or part of it.

Mr. Paul Saint-Denis: The courts have wide discretion in terms of sentencing options.

With respect to fines, it was pointed out that the court can impose a fine of up to \$200. That's a result of a motion that was adopted by this committee. The courts already have discretion in terms of alternatives to imposing a fine. In the case of an indigent person, there's an obligation under the code currently for the court to not impose a fine if the court is of the view that the person cannot pay the fine. Alternatively, in those cases, the court could impose a fine

option or sentence the individual to serve a period of time in a fine option program whereby he would do work in the community. The indigent person is not going to be compelled to pay a fine that the court knows cannot be paid.

The Chair: Okay.

Mr. Davies.

Mr. Don Davies: Mr. Saint-Denis, you're saying that in Canada today it's never the case that an indigent person receives a fine in a Canadian court? Can you speak with that kind certainty?

Mr. Paul Saint-Denis: No, I can't. I'm just pointing out what the Criminal Code provisions set out. I'm not aware of indigent persons being jailed for not being able to pay a fine.

Perhaps my colleague can add to that.

Ms. Carole Morency (Director General and Senior General Counsel, Criminal Law Policy Section, Department of Justice): To the point of Bill C-45 reflecting what the Supreme Court has said, if a person is unable to pay a fine, they cannot be imprisoned for their inability to pay through no fault of their own. As my colleague has said, the starting point is that the court has to first determine whether there is an ability to pay a fine, before it can impose a fine. It must then determine the amount of the fine. Bill C-45 provides a maximum limit on that. Alternatively, once a fine is imposed, whatever the amount is, if there is a fine option program in the province, it is possible for an individual to work towards discharging that fine through the work credit.

One thing that is perhaps causing a bit of confusion is that between the first part of the ticket process—an individual issued a ticket chooses to pay or to challenge the ticket—and the second part of the process, which I think Mr. Davies was dealing with—if the individual challenges the ticket and goes through a court process, the court makes determinations as to whether an offence has been committed, and if so, the penalty to be imposed in that situation. If the individual is acquitted, there's no need to protect the record. If there is a conviction entered, then once it's paid or however it's dealt with in accordance with whatever the court imposes for the fine, that part is protected as well under the provision at clause 54 in terms of the judicial record of conviction.

• (1120)

The Chair: Thank you very much. We appreciate that.

Mr. Davies.

Mr. Don Davies: It's a confusing section of the code, but if a police officer gives someone a ticket, gives an indigent person a ticket, the person.... We're making a lot of assumptions here. I'm assuming that the person doesn't pay the ticket because they are poor. They may not even show up in court.

Clause 54 says if an accused fails to pay the amount set in the ticket within the period set out in the ticket, the accused is liable for that amount and a conviction is to be entered in the judicial record of the accused. So an indigent person who doesn't show up in court for their ticket—and this happens every day; Canadians don't go to court when they get tickets—a conviction is entered.

Once that conviction is entered, paragraph 54(1)(d) says the accused has 30 days after the day of the conviction to pay the amount set out on the ticket. If they don't do that, then subclause 54 (2) says if after being convicted the accused pays the amount, then it goes into the fact that their record is kept separate and apart.

I still say this section leaves open the very real possibility that indigent Canadians, unless they go to court—and in many cases they will not hire a lawyer, they may not even be able to represent themselves properly; they may not even know to say they can't afford the fine. It leaves open the possibility there's a structural flaw here in the bill where the way that your record is treated is all dependent on your ability to pay the fine. I'm not saying people go to jail for not paying fines. I'm saying that every day in this country indigent people get ticketed and they get a fine of some type, and they don't pay it. I don't think it's fair or right that we treat the way their criminal record is protected by whether or not they pay a fine.

The effect of my amendment, I think, would only bolster that. I don't think it changes anything. It just clearly directs a judge in terms of an offence under this act, that if there is undue hardship and the person can't pay... Again, there's this anomaly, I think, of saying a person can't even serve the time if they can't pay. It at least says that an indigent person, if they satisfy the court of that, their inability to pay the fine is not a reason to have their record treated separately, which is exactly what it says now.

The Chair: Thank you very much, Mr. Davies. We understand what you're driving at.

I see no further speakers, so I'll call for a vote on NDP-29.

Mr. Don Davies: A recorded vote, Mr. Chair.

The Chair: Certainly. A recorded vote.

(Amendment negatived: nays 8; yeas 1 [*See Minutes of Proceedings*])

(Clauses 55 to 57 inclusive agreed to)

(On clause 58)

The Chair: Now we go to LIB-10.

Dr. Eyolfson.

• (1125)

Mr. Doug Eyolfson: Thank you, Mr. Chair.

This is basically another clause that is technical in nature. It corrects an omission that was made in the drafting and also ensures that information respecting judicial records be included as part of the proceedings, and it's consistent with other parts of the bill.

The Chair: Mr. Davies.

Mr. Don Davies: I'm sorry. I don't understand the nature of the amendment.

Dr. Eyolfson, can you tell me specifically what this amendment does? I don't know if anybody from the department can help with that. I'm not sure what the amendment is.

Mr. Doug Eyolfson: Mr. Saint-Denis, could you take a look at the nature of this amendment, the technical nature of this.

Mr. Paul Saint-Denis: The amendment is meant to ensure that the reference to an individual not being able to be identified as someone who has been dealt with under this legislation is incorporated into this provision as it is in other similar provisions.

It is simply to ensure consistency in the text; that's the technical aspect of this.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you.

In what database will it be stored? Does the database exist or it something that has to be created?

Mr. Paul Saint-Denis: I can't speak to what databases are going to contain that information. We're talking, though, about judicial records, so at the very least court records would have that information.

Ms. Marilyn Gladu: Yes. It seems that nobody knows that level of detail with 271 days until somebody gets charged, and we need to know.

The Chair: Seeing no further speakers, I'm going to call for a vote on LIB-10.

(Amendment agreed to [*See Minutes of Proceedings*])

(Clause 58 as amended agreed to)

(On clause 60)

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Clause 60 is the clause that talks about the sharing of the revenue, essentially, from this deal with provinces and municipalities.

I'm disappointed that we didn't see something more concrete in here, because we did hear testimony from all of the municipalities and provinces that showed up that not enough funding was given for them to put all of the mechanisms in place and do all of the work to react to this legislation. I would have liked to have seen something more concrete there.

Thank you.

The Chair: Thank you very much.

Mr. Davies.

Mr. Don Davies: I pass.

The Chair: Shall clauses 59, 60, and 61 carry?

(Clauses 59 to 61 inclusive agreed to)

(On clause 62)

The Chair: We now go to Liberal amendment 11.

Mr. Davies.

Mr. Don Davies: I'm sorry. With my Liberal colleague's indulgence, I'd like to make a motion to amend subclause 62(2), which comes before the LIB-11 amendment. I'm going to move it from the floor, if I might.

It has to do with a conversation we had yesterday about the prohibition in this bill banning the importation or exportation of cannabis except as provided for by this bill. I didn't move my amendment there. I'm going to move my amendment now to subclause 62(2). This is the part of the bill that does authorize the importation and exportation of cannabis. It says currently:

Licences and permits authorizing the importation or exportation of cannabis may be issued only in respect of cannabis for medical or scientific purposes or in respect of industrial hemp.

That's the status quo we have now. My amendment would be to permit the import and export of recreational cannabis. I'll speak to it in a moment and give you the wording that I worked out with the legislative counsel yesterday.

The amendment reads: "Licences and permits authorizing the importation or exportation of cannabis may be issued." Basically, everything after the word "issued" in line 31 would be struck. I'll speak briefly to that, if I may.

As I said, in my opinion, there are many countries in the world that are looking at legalizing recreational cannabis. I've talked to many people in the industry who tell me that this is a multi-billion dollar industry in which Canada currently stands at the forefront. I talked to a leading manufacturer of medicinal cannabis who said that he is contacted every week by businesses outside of Canada who want to learn about their business and to partner.

I think it's only a matter of time before other jurisdictions—besides Uruguay—legalize recreational cannabis. France could legalize cannabis next year. If they do, I think this legislation should at least permit the exportation and importation of cannabis products between those two countries. If the product is legal in both countries, why would we not want to give our business community and those who are producing cannabis the ability to trade in that commodity?

Interestingly, we're going to allow licensed producers to produce and sell cannabis within Canada. We're going to make that decision. Why would we want to hamstring our business community and say that they can't do that with another country that comes to the same decision?

Finally, of course, it is the case that currently this bill would allow the importation and exportation of cannabis for medical or scientific purposes or for industrial hemp. To me, it makes sense that we maintain Canada's competitive advantage. I think Canada can be a global leader as we develop the intellectual property and more cannabis strains under a very wisely regulated environment, which this bill purports to set out, where we have quality cannabis that's quality controlled and where the dosages are controlled, properly labelled, and not marketed to children. If we can ship wine to France, we should be able to ship cannabis there if, as an example, France decides as a country to take the same approach to legalization that we do.

● (1130)

The Chair: Mr. Oliver.

Mr. John Oliver: I'll just come back to the three purposes of the act. One is to remove this from the hands of youth. The second is to deter criminal activity with significant criminal consequences. The third is safe and healthy production so that customer or consumer safety is to the fore. It isn't about retailing, exporting, and creating those business opportunities.

Having said that, I think Mr. Davies does raise some interesting points. I'm wondering if we could have a five-minute sidebar on our side just to talk. We didn't have this before us. It's coming from the floor. We'd like a chance to have a little sidebar.

The Chair: There will be a sidebar for five minutes.

● (1130)

_____ (Pause) _____

● (1135)

The Chair: We'll reconvene. Now on the speakers list we have Ms. Gladu.

Ms. Marilyn Gladu: I don't support expanding this. The RCMP has already expressed concerns about the medical marijuana system that we have today, where people who don't have a criminal record are applying for licences and are vetted, but are related to those who are members of organized crime. That's how organized crime may be penetrating the medical marijuana market today.

I certainly wouldn't want to see us expand the opportunity and have Canada turn into the organized crime capital for exporting to other countries. For that reason, I wouldn't be supporting this.

The Chair: All right. Thanks very much.

Ms. Sidhu.

Ms. Sonia Sidhu: I just want to make one point, Mr. Chair.

This bill is about public health, not economic development. We have been clear that the intent of this legislation is to keep it as a domestic issue. Medical cannabis producers will continue to be able to import and export for medical purposes.

So this is not about economic development right now. That's my point of view.

The Chair: Thank you very much.

Mr. Oliver.

Mr. John Oliver: I would echo Ms. Sidhu's comments. I would also add that the advice we had from everybody else was to go slow on this. I think you'll see a motion coming later for a review of the bill—in fairly short order, in terms of parliamentary time—that may then allow this kind of consideration. At this juncture, as Ms. Sidhu said, the purpose of the bill is not about retail and business opportunities. It is about deterring crime, getting this stuff out of the hands of our youth, and having a safe production capacity, a licenced capacity.

I'll be voting against the motion.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Thank you, Chair.

I find it fascinating that the conversation is moving in this direction. It seems that within the Liberal Party, as well as the NDP, there's this opinion that there's amazing capacity for the government and the economy to have this incredible opportunity of wealth.

The problem is that we don't read our history books. China is probably the greatest civilization that's ever existed on this planet, if one looks at their accomplishments. However, if you read what took place, it began in the 1700s with opium. Opium was introduced for the same reason. Governments became involved. The British saw a lucrative trade there. There was one prime minister who condemned the British government for becoming part of this whole act. In essence, it destroyed a whole society.

If you read your history books, you'll find that people began to lose their livelihoods. The family unit was completely destroyed. Crime and lawlessness increased.

This isn't some exercise in trying to scare people. The reality of the situation is that we have learned lessons in the past, and it's not for no reason that governments have put together laws that have restricted drugs.

I thought it would be interesting. I looked on the Internet. I wanted to see what the drug culture, those who.... I have to confess that maybe I'm the wrong person to talk about this, because I've never smoked the stuff. I wanted to find out what people who indulged in smoking marijuana said about marijuana, as opposed to opium. Opium is an interesting drug. Almost without exception, the responses were that opium is a whole lot better. I'm paraphrasing. They pontificate. They go into reasons why and such.

The point is that this is a stepping-stone drug. The people who smoke marijuana aren't going to be content just to.... I'm not painting everybody with the same brush, but I can assure you that we will see the same thing happening in our society. Why, for the life of me, would we...?

You know, even without proper dialogue, even without thinking this through, this is a dangerous precedent. I can't reinforce this enough. It took the brutality of Mao Zedong to stamp out drug usage in China. There were probably 10 million people who were addicted to opium.

Now people will say we're dated, that we're talking about marijuana. There's a difference.

Mr. Davies, you referred to alcohol. It's not the same thing. Yes, it's a drug, to a degree I suppose, one would argue. You drink alcohol. You might like beer; you might be hooked on vodka. It's alcohol. Whereas with drugs, you open up a whole world of possibilities. If we think we're going to become a prosperous nation, that there's opportunity economically with the pursuit of marijuana in our society, we are so sadly mistaken. We need to talk about this.

I am convinced that there are people—and not just old fuddy-duddies like me—and there are people in the Liberal Party too, who have some reservations. I implore you to start talking to your leadership, to stop this crazy notion that this is a good idea.

I was going to leave this for closing remarks, but you opened it up. The fact that we somehow imagine this whole marijuana business is going to be advantageous and we're going to protect youth—we're going to keep a lid on this thing—is foolhardy at best.

● (1140)

I appreciate your time, and I ask my Liberal colleagues to look at this, really look at this, because this is a disaster waiting to happen.

The Chair: Thank you very much.

Mr. Davies.

Mr. Don Davies: I know my Liberal colleagues don't need to jump to their defence on that, but I think, with respect to Mr. Van Kesteren's comments, there is clearly a very large philosophical difference between the Conservatives and other parties on the proper way to regulate this. Unfortunately, Mr. Van Kesteren wasn't here, I don't think, to have the benefit of hearing the evidence we heard for five days, but we heard a massive amount of evidence about the harms of criminalization, and I want to speak to my motion a little more pointedly.

Nobody is talking about cannabis being some sort of economic action plan for the future. I'm going to quote Kirk Tousaw again. "It's not the creation of an industry. The industry exists." There's a \$7-billion to \$10-billion market in Canada right now, and that's in a criminalized context with jail terms. After spending billions of dollars trying to pursue a criminalized approach to cannabis, where are we? We have a \$7-billion to \$10-billion industry that's controlled by the black market, and our youth are among the highest users of cannabis in the world. That's what a hundred years of a criminalized approach has gotten us. That's the evidence.

I want to comment on a few things. The point of this is, if you have willing jurisdictions, let's say another country adopts Canada's model of recreational cannabis, I see no reason why we wouldn't want to be trading, as we are with medicinal. What's the difference between our exporting medicinal cannabis and our exporting recreational cannabis to a willing jurisdiction that is prepared to receive it?

I know the U.S. federally does not currently legalize marijuana but right now eight states in the U.S. have legalized cannabis; 14 states have decriminalized; and another 30 have legalized medicinal cannabis. Even in the United States, perhaps the toughest jurisdiction on drugs in the developed world, they are moving in that direction.

Mr. Oliver referred to three of the purposes, but there are seven purposes in this legislation, and one of them is to provide for the licit production of cannabis to reduce illicit activities in relation to cannabis. If you don't legalize exporting, if you don't let responsible licensed Canadian business people and producers export, who do you think is going to export? I'll tell you who's exporting now: organized crime. I live in British Columbia where the cannabis drug trade to the United States and other countries is controlled by the Hells Angels.

If we're supposed to be trying to provide for the licit production and reduce illicit activities, wouldn't you want to bring the regulated production of that cannabis out of the hands of organized crime and put it in the hands of legitimate Canadian business people who can then deal with it in a responsible, regulated way? By leaving exports in the hands of organized crime, we're hamstringing legitimate Canadian business people and producers who are going to start producing recreational cannabis, just as they have been producing medicinal cannabis, and we're allowing them to export.

Again, if medicinal cannabis is allowed, I fail to see what the difference is with recreational cannabis if it's properly regulated, properly labelled, etc.

I won't get into the philosophical position as to why I think this is a more productive and responsible way to regulate cannabis, other than to say that in the last election, more than 60% of Canadians voted for the Liberals or the NDP together. Both parties pursued very explicit policies of legalizing or decriminalizing cannabis. There was a reference to a referendum, and there's no greater referendum than a federal election, I don't think.

I congratulate the government for pursuing this. I think the legislation is a good first step. It reads to me like an excellent first draft, and I believe we're rushing this a little too much. I agree with my Conservative colleagues that we're going to see holes in this bill, and we're going to see unintended consequences for sure, because of the rushing, but that's what we're trying to do here today, as the NDP. We're trying to do our best to improve this bill, and propose amendments that we think are going to help, and to allow the importation and exportation of recreational products between willing jurisdictions that have well-regulated recreational cannabis industries, just like the medicinal side, makes total sense to me.

● (1145)

The Chair: Thank you very much.

Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chairman.

I feel compelled to take a moment to respond to my colleague, Mr. Van Kesteren.

My colleague Mr. Davies has in fact summarized much of my thinking in many respects. From a philosophical point of view, the opinions are diametrically opposed. I must say, however, that not all Conservatives think that way. Contrary to what you said, that was an integral part of the Liberal and NDP platforms. My colleague Mr. Davies said that. Even the Bloc Québécois and Ms. May

subscribed to that idea. So 70% of Parliament intended to find a way to legalize marijuana.

I would invite my colleague opposite to read the record of the last five days of consultations. A tremendous amount of information was presented.

Unfortunately, we can see that your approach is partisan and that you are missing a large part of the information presented by people with the full range of opinions on the legalization of marijuana. It is extremely interesting to read the testimony, gather information, and look beyond the philosophy that leads certain people to not want to know anything or do anything because they see the planned legalization of marijuana in July 2018 as the apocalypse. That smacks of the politics of fear and trying to hide things. As we are saying, however, there is currently a market, it is in the news, and it is part of reality. For your part, you are proposing that nothing be done, but that is not how we are going to proceed.

I have had discussions with other Conservatives who are much more open to the idea of legislation and finding a way to protect young people rather than doing nothing. On the contrary, I think we are achieving what we have to. That being said, we want to do things well and properly regulate the use of marijuana, while being mindful of the safety of our children and of the population as a whole.

● (1150)

[*English*]

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Thank you, Chair.

I listened to the comments made by Mr. Ayoub, and honestly, the 88% of Canadians who don't use cannabis have to be taken into consideration as well. Even saying that, the people who voted for the NDP and Liberal Party really wanted adults to be able to smoke marijuana without a criminal charge. That is not what they received in this bill. This bill is full of criminality. It's full of things that will not keep drugs out of the hands of children. It will not prevent organized crime. That part is laughable.

I'm astounded when I hear Mr. Oliver say, "We heard consistently that we need to go slow, we need to go slow." Then the Liberals are rushing it. Rushing the legislation, sticking with an arbitrary date, when the police, the municipalities, and the provinces have clearly said they're not going to be ready. Those things are just unbelievable.

With respect to Mr. Davies' motion, that we're supposed to be discussing, I think he made an argument that actually makes my point. He said organized crime was already involved in exporting. Yes they are. I don't think we want to make that bigger.

We're naive if we think Kathleen Wynne's LCBO model, where she's going to have the stores open like they are now, is going to deliver the same kind of service that our chair has testified his son can get delivered right to his door at any hour of the day or night.

I don't think we want to open up the market anymore for organized crime to get a bigger foothold not only here in Canada but in other countries. For that reason, I do oppose the amendment.

The Chair: Mr. Eyolfson.

Mr. Doug Eyolfson: This is a little off topic, but I'd like to respond to a couple of the comments.

Ms. Gladu said 88% of Canadian don't use cannabis. That's 88% in the last year. At some time during their lives, 45.5% of Canadians have used it at some time in their lifetime. To say this only affects 12% of Canadians is incorrect.

In regard to Mr. Van Kesteren's comments, I will very quickly say two things.

First of all, there was an oblique reference to marijuana, I believe. This word was not used, but indicating it would be a gateway drug to harder things. This is from my previous career. The definitive textbooks in toxicology, the ones used for fellowship training in toxicology, are *Ellenhorn's Medical Toxicology* and *Goldfrank's Toxicologic Emergencies*. Both are clear from an extensive review of the literature, the gateway effect of marijuana does not exist. It has never been scientifically validated. It's an assumption that no evidence has ever actually validated.

If we're going to talk history, we don't have to go as far back as China with opium, we have to go back a mere century to the United States in the law and order catastrophe that was alcohol Prohibition.

The Chair: Thanks very much.

Mr. Davies, could you tighten it up a little?

Mr. Don Davies: Sure, Mr. Chair, I have a couple of points.

Mr. Van Kesteren had difficulty referring to alcohol as a drug. If you talk to most Canadians and most health experts, I think they'll tell you that alcohol is most certainly a drug. It's a question of nomenclature. Alcohol fulfills all those criteria.

In speaking to this motion, one is whether we should allow importing and exporting of recreational cannabis among jurisdictions that want to receive it—and Ms. Gladu picked up my point but I'm not sure I agree with her conclusion—I don't think most Canadians would agree that we should leave that in the hands of organized crime. I think that most Canadians would say that we should bring that within the realm of legitimate, regulated business, where we regulate and tax.

If we're going to be importing and exporting cannabis, doesn't it make a lot more sense to have that done in a quality-controlled, tightly regulated manner so the products are safe and properly labelled, and they're done by responsible businesses, and governments get revenue?

We know that it's \$7 billion to \$10 billion in Canada. The international amount of money involved in cannabis is many factors of that, so—

• (1155)

The Chair: On your amendment.

Mr. Don Davies: Yes. I would urge my colleagues to amend this and allow recreational producers in Canada, the licit, responsible business people, to tap into external markets as those develop.

The Chair: Ms. Gladu is to speak to the amendment.

Ms. Marilyn Gladu: Yes, on the amendment, the other thing preventing us from doing what Mr. Davies said are the three treaties we are signatory to with the UN, which restrict the shipping of any marijuana that is not medical.

The Chair: Thank you very much.

Seeing no further speakers on the list, I want to bring the amendment to a vote.

Mr. Don Davies: Could I have a recorded vote, Mr. Chair?

(Amendment negated: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to Liberal 11, Dr. Eyolfson.

Mr. Doug Eyolfson: This is a change in the wording, and only in the English version because the French version is correct. It is an amendment to subclause 62(7). In the original it reads, regarding a licence or a permit, “The Minister may refuse to issue, renew or amend a licence or permit if (a) doing so is likely to create a risk...”, etc. It reads, in its original form, that the refusal would indicate a risk to the public.

What we want to say is if “the issuance...is likely to create a risk to public health”. It's just a technical change in the wording.

The Chair: Okay. I see no speakers.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now we have NDP-30. Let's see if we can focus on NDP-30.

Mr. Don Davies: Thank you, Mr. Chair.

This is a substantive amendment to this section. Essentially, as we move to a legalized market, this is the section that will guide the minister in determining whether to issue or renew or amend a licence or permit to someone who wants to enter the cannabis industry.

What it does, as it currently reads, is that it allows the minister to refuse it on a number of different grounds, and I want to focus my colleagues' attention on paragraphs (c) and (d). This says, “The Minister may refuse to issue, renew or amend a licence or permit if”

(c) the applicant has contravened in the past 10 years a provision of this Act, the Controlled Drugs and Substances Act or the Food and Drugs Act or of any regulation made under this Act or any of those Acts;

(d) there are reasonable grounds to believe that the applicant has contravened in the past 10 years

(i) an order made under this Act, the Controlled Drugs and Substances Act or the Food and Drugs Act, or

(ii) a condition of another licence or permit issued to the applicant under this Act or any of those Acts;

Now, philosophically I think what we are doing with this legislation—and it's been expressed very well by some of the witnesses—is that we're trying to move the illegal market into the light. We're trying to take encourage current illicit production to move into the licit market.

We heard from Colorado and Washington very clearly that they're measuring their success by what percentage of the former black market they are able to move into the regulated controlled market. That is I think what all Canadians who support this legislation want to see happen.

If we're serious about eliminating the black market, then involvement in the current illicit trade should not be sufficient to provide a bar to entering the legal cannabis market. In our view, the minister should be required to consider aggravating factors, such as committing an offence in relation to youth or being involved in violence or dishonesty as factors, in addition to simply participating or having been convicted under the former regime, in order to bar them from becoming involved in this industry.

I'm conscious of the fact that the opening words of this section say that the minister “may” refuse, so it is discretionary. I note that. In order for greater certainty, we want to make sure, on the New Democrat side, that people who have been involved in the illicit industry are not precluded from participating in the newly regulated legal market simply because they may have been convicted under the old regime.

Some of the testimony points this out. Here's what Rick Garza said. He's the director from Washington State Liquor and Cannabis Board.

I wanted to add that we do have a point system in Washington with respect to someone's criminal background. We're looking for an egregious pattern of illegal activity or criminal activity. ...

I don't want to suggest in my remarks that we don't allow any criminal activity or any record. We have a point system.

Abigail Sampson of NORML Canada stated this:

...in an attempt to provide reparations to Oakland residents who were jailed for offences related to cannabis possession in the last 10 years, city council has approved a program to help convicted drug felons get into the legal cannabis industry. Called the equity permit program, this “first in the nation” idea will allow recently incarcerated individuals the opportunity to receive medical cannabis industry permits. ...

...it recognizes the harms done by the war on drugs by allowing those who have been affected by it through incarceration an opportunity to participate.

Trina Fraser, from Brazeau Seller said this to the committee:

It is estimated that over 13,000 individuals in British Columbia alone participate and work in the illicit cannabis industry. This represents an estimated wage amount of over \$600 million.

Kirk Tousaw said this:

When we speak of the black market as it relates to domestic cannabis production and consumption, we are not speaking of what most Canadians understand to be organized crime. We are not speaking of gangs. Instead, the domestic black market is comprised almost exclusively of ordinary Canadians, otherwise law-abiding, who make their living, pay their bills, and support their families by working in the cannabis industry. ... Almost none are violent or otherwise harmful to society in any way.

Finally, if that's not enough, a 2011 Department of Justice study found that 95% of cannabis-trafficking offenders have no link to organized crime or street gangs.

Essentially, Mr. Chair, what this amendment does is say that the only people who can be prevented from participating in the legal industry are people who have contravened the act or acts by a minimum term of imprisonment of at least two years.

● (1200)

That will separate those who may be carrying cannabis convictions for minor offences and remove that as a bar to their being able to participate in a legal market. What we really want to do with this legislation is to entice those who've been working in the illicit market. By the way, everybody who's been involved in the cannabis industry up to now has been involved in the illicit market.

As we move toward this profound move from an illegal activity to a legal, regulated one, I think we want to cast the net as wide as possible to encourage those people to come into the regular market to achieve the purpose of the bill, which is to provide for the licit production of cannabis and to reduce illicit activities in relation to cannabis. That is an overt purpose of this bill. If we don't do that, we will continue to leave people operating in the illicit market, and that's not what anybody wants, I think, on either side of the table.

The Chair: Thank you very much.

Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chairman.

I understand my colleague's motives. To my mind, however, the legislation must provide a framework for the legal decisions that will be made by a minister or a judge. The legislation is not unduly restrictive, nor should it be overly permissive.

It is important to give the minister discretionary power. That affords him the flexibility to make sure that the right decisions are made within a certain framework and that we do not depart from it too much. The discretionary power is the cornerstone of this provision. That is exactly our intent in providing discretionary power or some latitude to allow a minister to determine, for instance, who may grow cannabis and who may not. For example, a grower may have had problems with the law in the past, but only minor ones.

Not everything can be judged before the fact. That is why the discretionary power is important.

For this reason, I oppose this amendment.

● (1205)

[*English*]

The Chair: Thanks very much.

Hearing no speakers, I call for a vote on NDP-30.

Mr. Don Davies: A recorded vote, Mr. Chair.

The Chair: A recorded vote.

(Amendment negated: nays 7; yeas 1 [See *Minutes of Proceedings*])

The Chair: We move on to PV-18. The only thing between us and soup is PV-18.

Mr. Don Davies: I move that we go to the vote immediately.

The Chair: All those in favour of PV-18?

(Amendment negatived [See *Minutes of Proceedings*])

(Clause 62 as amended agreed to)

The Chair: I declare us suspended.

Thank you.

• (1205) _____ (Pause) _____

• (1235)

The Chair: We'll reconvene our Standing Committee on Health, meeting number 72.

Mr. Van Kesteren mentioned a little while ago that we should learn from history. Also, he mentioned prime ministers. I wanted to point out that my predecessor is right up here. Sir Charles Tupper is my predecessor. He was the MP from Cumberland County and was elected in 1867 and he got to be Prime Minister in 1896 for a little while. He was the Minister of Mines and Canals and a whole bunch of things. His house was three houses from where I was born and raised my entire life. The good news is his house is for sale. If anybody wants to buy an historic site of a former prime minister, it's for sale. It's not mine either. Anyway, it's an interesting house and it's an interesting piece of history. I love that painting. It's been here ever since I've been here. I wasn't elected or exactly right after Sir Charles Tupper. There was a little break.

Voices: Oh, oh!

The Chair: Anyway, that's our piece of history. Thank you, Mr. Van Kesteren, for that segue.

We're on clause 63. There are no amendments for clauses 63 to 68.

(Clauses 63 to 68 inclusive agreed to)

(On clause 69)

The Chair: Now we go to amendment NDP-31.

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair.

Essentially what this amendment would propose to do, colleagues, is to allow the provinces to license certain producers, in particular, craft growers, small producers, and other classes of growers. It would allow flexibility so that provinces can develop best practices and choose the production model best suited to their jurisdiction.

I note that alcohol and tobacco production, as has been pointed out by our ministry staff, aren't strictly controlled at the federal level, nor is their import illegal. However, if a federal government opposed to legalization were elected, it could constrict cannabis supply by refusing to issue or renew production licences. This would put provinces like Ontario in a position where their cannabis control boards would be unable to access a sufficient licit supply.

This amendment was borne out of testimony we heard before the committee. Jonathan Page from the UBC department of botany said:

Some of the information we have around this is from the current medical system, where we have some very large producers licensed and also some small mom-

and-pop-style producers under licence. There's a general feeling that the illicit world, which includes many small growers, primarily in British Columbia but elsewhere, has been excluded. The fact is that they don't have the wherewithal to produce the security or they have legal issues that have been held against them, and there have been delays in licensing that have led mainly to the large producers with very deep investment funds to build facilities.

What we need to do in the commercial sense, outside the personal cultivation subject of this hearing, is to have an ecosystem in the same way we have with beer or wine, where you can have Molson and that type of thing as big ones and also have smaller producers that are equally well regulated, with testing applied and securities around there, that we also have regulations and legislation that encourage those small ones to get involved in this industry and not make the cost of start-up so steep or the regulations so strict that we exclude those small producers.

Trina Fraser from Brazeau Seller LLP said:

I would also add that a meaningful opportunity to transition into the legal market involves having regulations which are not so onerous that they effectively exclude small operators. The task force on cannabis legalization and regulation, in fact, recommended that the government encourage market diversity by creating a space for smaller producers. Under the ACMPR—

That is the regulation for medicinal cannabis.

—what I am seeing is that the cost of compliance, in particular relating to security requirements, is a real barrier to small-scale production, and a meaningful opportunity to transition also requires expanding the scope of cannabis products to include edibles and other derivative products. This is what the market wants and demands and it will be required in order to transition the existing producers of these derivative products into the legal market.

The concern is that we haven't seen the regulations under this act, and we all want to have a very well-regulated market that focuses on security and quality and production safety, but we must make sure we achieve that balance where it's not just deep-pocketed big producers who have the ability to get through the regulatory regimen and have the money to fund the kinds of applications that may be required and to build the kinds of facilities that meet the regulations and freeze out the artisanal, craft, and small producers in this country.

My amendment responds to that by saying let's let the provinces be able to issue licences if they want to develop a local market, much the way that, let's say, in British Columbia or Ontario we have developed small wineries. If we can develop a localized production regulatory regime that is sensitive to the provincial market and realities, we should do that.

I'll conclude by saying that already the government has seen fit to share jurisdiction in regulating cannabis. They've done that by delegating distribution to the provinces and letting the provinces make up entirely their own distribution model, which, of course, is a serious part of this act. It involves security. It involves preventing access to underage kids. There are some very serious parts of this bill that we have entrusted the provinces to regulate and determine, so allowing them to develop production licences in a manner that suits their provincial sensibilities I think is important.

•(1240)

Finally, I will conclude by repeating the idea that if you leave production licences in the hands of the federal government, we are assuming that a federal government will always grant those licences. What we saw with the supervised injection sites is that in the hands of a government that doesn't really believe philosophically in supervised injection sites, no licences get issued. The legislation is there but no licences get issued.

The same thing could happen with this legislation if we keep production in the hands of the federal government exclusively. I think this is an amendment that would be responsive to that concern as well.

The Chair: Mr. Oliver.

Mr. John Oliver: Thank you, Mr. Davies, for raising the amendment.

One of the intents of the bill is to ensure that product quality and product safety requirements in the production of cannabis are in place. The task force on cannabis legalization and regulation produced almost unequivocal advice, I would say, that the federal regulation of cannabis production is essential, most importantly “to ensure that consumers in all regions of the country have access to quality-controlled products that are free from harmful...substances”. They were quite adamant about that.

The task force arrived at that conclusion following extensive consultation with stakeholders, including provinces and territories. I don't think we heard one province or territory say that they wanted permission or the authority to license production. Based on the advice of the task force, which is quite extensive, and based on the fact that they did talk to provinces and territories while we only heard from Saskatoon, I would support their position on it and would oppose the recommendation.

•(1245)

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Further to the comments that Mr. Oliver has made about the provinces—and I'm glad he said “territories”, because they're not mentioned in here—we also have indigenous communities in Canada. We had testimony from the indigenous communities that indicated they did want to partake in producing and distributing marijuana. That was one of the comments that I think this amendment doesn't reflect: including the indigenous communities.

The other thing I would say is that we heard testimony that some of the indigenous communities wanted to have a dry zone for marijuana.

Ms. Morency and Ms. Labelle, I believe you were both there, but I'm not sure which one of you said that if we implemented this federal framework, they would not be able to designate their communities as dry communities. Did I understand that correctly or did I get that wrong?

Ms. Carole Morency: I don't recall responding to that question. I think the question might have been put to the Minister of Justice. My recollection of how she would have answered that is to the effect that certainly, as you're saying, the provinces and territories would have

the ability to enact legislation within their areas of responsibility to deal with different aspects of what Bill C-45 proposes to address.

I think the minister spoke, too, with respect to the issue of indigenous communities, in that they derive their authority from a number of sources, whether that's the Indian Act, self-government agreements, or section 35 of the Constitution, so there isn't a blanket answer on that, but discussions are continuing with indigenous communities as to how to implement these measures moving forward.

The Chair: Are you satisfied?

Ms. Marilyn Gladu: This clearly says that the question hasn't been answered, but we're rushing forward with the legislation anyway, and I thought—

The Chair: I didn't hear them say that.

Ms. Marilyn Gladu: The point was made that they're not sure because they're covered under a bunch of different rules. If this is a right that we're granting to all Canadians and they're Canadians, I think it could be contested if some indigenous community decided they wanted to be dry and that kept certain persons in their community from being able to exercise their right.

The Chair: Mr. Davies.

Mr. Don Davies: I just have a couple of remarks in response to some of the points that were made.

I don't think anybody in this room would suggest that provinces are any less sensitive to ensuring that their populations have access to safe, quality-controlled cannabis. Certainly, that's not the exclusive purview of the federal government. I think it would be unfair to suggest to provinces that they would take any less rigorous of an approach to licensing production in their province than the federal government would.

It is true, as Mr. Oliver pointed out, that, unfortunately, despite inviting a number of provinces, this committee has heard from precisely one province. One province agreed to appear before this committee. I would argue that, in keeping with Ms. Gladu's statement, part of it was that they weren't prepared to appear. Surely, there is some reason why, after this committee had two panels on federal-provincial relations, we couldn't get more than one provincial government to appear before this committee and tell us about their preparations for this bill.

Also, this is the second time I've heard the Liberal side refer to scrupulously adhering to the recommendations of the task force. You can't suck and blow, or pick and choose, at the same time. The task force, equally, recommended clearly that this government regulate edibles, concentrates, and other non-smokable forms, and the government mysteriously and inexplicably chose not to proceed with that, with some vague reference that we need to go slowly, even though there is absolutely no rational basis for moving slowly and it's contrary to the purposes of the act.

Just like provinces regulate small craft breweries and wine production—that's not the federal government; that's the provincial government—we want to make sure that we give the flexibility to provinces to do that. That's the basis of this amendment. Also, perhaps, there could be a sort of second tier of production regulation that is responsive to those small growers, where we can construct a regulatory regime that preserves the safety and quality controls that we want, but is not so onerous of a system that it freezes them out from participating.

My final point is that, as we've heard time and time again, if we do not craft a legislation that is successful in bringing those out of the dark into the light, they will continue to produce illegally. That's not what we want and it's not what the bill proposes to do.

•(1250)

The Chair: Seeing no further speakers, I will call for a vote on NDP-31.

Mr. Don Davies: I'd like to have a recorded vote, please.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 69 agreed to)

Mr. Don Davies: Mr. Chair, I noticed that we are past 10 to one, and you said we would stop at that point.

The Chair: I said 10 to two.

Mr. Don Davies: Pardon me, I am ahead of myself.

The Chair: No problem. You're on British Columbia time.

On clause 70, I have no notice of amendments.

(Clause 70 agreed to)

(On clause 71)

The Chair: That takes us to amendment Liberal-12.

Dr. Eyolfson, you're up.

Mr. Doug Eyolfson: Thank you, Mr. Chair.

Again, this is technical in nature. It basically just clarifies the language regarding what the employees of licensed producers might do. It clarifies that as long as they are working within their duties under the permit, they may possess cannabis beyond what would be the normal possession limits—if they are possessing it in their workplace for the purpose of production and transfer at the workplace.

It's just clarifying the language to make sure that licensed producers aren't breaking the law as part of their duties.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 71 as amended agreed to)

The Chair: From clause 72 to clause 93, I have no notice of amendments.

Ms. Gladu, go ahead.

Ms. Marilyn Gladu: I have a question regarding clause 74, which is about tests and studies. This part talks about how the minister may order, or require a person who's authorized under the act, to conduct

any activity in relation to cannabis and to conduct tests or studies on cannabis.

We heard testimony about the types of testing that are done for potency, THC content, mould, and a bunch of different things. Would people that are doing home grow be subject to this? Could the minister say to individuals who have four plants growing in their house that they need to test them for potency, mould, or anything like that?

The Chair: Mr. Clare.

Mr. John Clare: The answer is no.

•(1255)

The Chair: That's the shortest answer we've had.

(Clauses 72 to 93 inclusive agreed to)

(On clause 94)

The Chair: That brings us to Liberal-13.

Mr. Eyolfson.

Mr. Doug Eyolfson: It involves the wording in French.

Mr. Ramez Ayoub: Everything in French is on my shoulders. It's a big burden to carry.

[*Translation*]

Once again, these are merely grammatical changes.

The proposed amendment reads as follows: “[...] tout employé d'une personne autorisée à posséder, à vendre, à distribuer ou à produire du cannabis sous le [...]”. This is in clause 71, line 8 on page 40 of the French version. I do not know if my colleague Mr. Fortin has the same lines as we do.

Mr. Rhéal Fortin: It should be. There is no problem.

Mr. Ramez Ayoub: Very good.

It is really just a grammar issue, once again. It is to ensure that the elements in the English and French versions match.

If there are no other questions, that is the proposed amendment.

[*English*]

The Chair: All in favour of Liberal amendment 13?

(Amendment agreed to)

(Clause 94 as amended agreed to)

The Chair: On clauses 95 to 138. I have no notifications of amendments.

(Clauses 95 to 138 inclusive agreed to)

(On clause 139)

The Chair: That brings us to Liberal-14.

Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chair.

Through this amendment, we want to allow the government to monitor and regulate all aspects of chemical substances, whether we are talking about burning or vaporizing cannabis, and all of the accessories used in connection with cannabis. This amendment would give the government the authority to regulate the emissions produced by these products and accessories, such as, for instance, through the imposition of limits on chemical concentration.

This is also related to Bill S-5, which intends to allow the governor in council to regulate vaping product characteristics and emissions.

For all of these good reasons, we are moving the amendment which is before you. I will not read it because it is very technical. It concerns clause 139, lines 25 to 27 on page 81 of the English version.

I am at your disposal to answer questions.

[*English*]

The Chair: Go ahead, Marilyn Gladu.

Ms. Marilyn Gladu: When we heard testimony from a lot of the medical marijuana proponents, I know that they also identified the importance of respecting the characteristics, composition, design, construction, performance, intended use, sensory attributes, appearance, shape, purity, quality, etc., of marijuana. That's another good reason why home grow should never be allowed because none of those properties are controlled in any way in home grow. For that reason, I won't support it.

The Chair: Yes, Mr. Davies.

Mr. Don Davies: It's more than just a technical amendment. I would say it adds some significant substantive changes to the current act.

The current bill allows the Governor in Council to make regulations “respecting the composition, strength, concentration, potency, purity or quality or any other property of cannabis or any class of cannabis”. This, the amendment of paragraph 139(1)(k), says:

respecting the characteristics, composition, strength, concentration, potency, intended use, sensory attributes—such as appearance and shape—purity, quality or any other property of cannabis or any class of cannabis;

When you have the words “or any other property of cannabis”, is it really necessary to add the extra words that are proposed to be added by the amendment? I guess “intended use” is a little bit different. However, that's quite a substantive change. Regarding “sensory attributes”, I'm not quite sure what that means, but I would say sensory attributes would probably be a property of cannabis. I think appearance and shape are properties of cannabis.

I'm just wondering if my friend can explain to us why he thinks that language is necessary. How is that different than the current language?

• (1300)

[*Translation*]

Mr. Ramez Ayoub: In fact, it is simply to be a little more specific.

It refers to the use that will be made of it, and its sensory properties. The purpose is really to focus more on the use that may

be made of it. It refers among other things to quality, purity and the monitoring of production, elements that will allow us to ensure control and will allow citizens to know what they are consuming, quite simply.

[*English*]

The Chair: Seeing no more speakers, I'm going to call for a vote on Liberal-14.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now, we go to Liberal-15. Go ahead, Mr. Eyolfson.

Mr. Doug Eyolfson: This is basically some changing of the wording in the act in part of the legislation that provides the minister with the authority to make orders to exempt persons, as well as classes of cannabis, with the provisions of the act. It's a clarification of some of the language to make it consistent.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now, we come to Bloc Québécois amendment 1. You have the floor, Mr. Fortin.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Mr. Chair.

In fact, this is the only amendment the Bloc Québécois is moving to this bill, but we think it is extremely important.

Since yesterday I have been following the work of the committee, and I note that a great deal of importance is rightly being given to the matter of penalties and sanctions for breaching the law in any way.

However, if you read clause 139, you see that almost of the details of this act will be decided by regulation.

I refer among others to paragraph 139(1)(b), which permits the establishment of other classes of cannabis. What will be done with those other classes? We see that provisions will apply differently according to the category in question.

Further on, the issuance of licences and permits are mentioned, as well as all of the related conditions.

Clause 139 also discusses the composition, content, concentration and purity of the cannabis. In fact, we were just talking about that. In our opinion, these are all questions that should be discussed in committee and submitted to the entire House. We don't agree that these decisions be made in camera by public servants of the department.

The bill also discusses the classification of violations. This is in paragraph 139(1)(z.3), where it refers to classifying “each violation as a minor violation, a serious violation or a very serious violation”. Afterwards, paragraph 139(1)(z.4) discusses modulating the penalties in light of that classification. Thus if the decision is made to establish new levels of violations, they could be minor, serious or very serious, and penalties would be adjusted accordingly. This means that the work we are currently doing in committee may be somewhat superfluous.

In addition, as I was saying, according to paragraph 139(1)(z.5) and the following ones, the criteria according to which a penalty for a violation may be increased or reduced will be set by regulations. The clause discusses amounts, agreements, ranges of amounts and so on.

We all agree that this is an important bill, because it is going to change a lot of things throughout Canada. We think that a bill as important as this one has to be managed properly. These matters are important and should be discussed in committee. That is why we move that clause 139 be amended as proposed in amendment BQ-1 which is before us now.

• (1305)

[English]

The Chair: Thank you very much.

Mr. Davies.

Mr. Don Davies: I would like to thank my Bloc colleague for taking interest in the bill and proposing these amendments. I wonder if he could just describe for me a little bit more what he thinks the benefits of his amendments are. How does he think the legislation will be stronger with these amendments, and what exactly does he believe these amendments will do to enhance the bill?

[Translation]

Mr. Rhéal Fortin: Mr. Chair, the amendment we are proposing will not strengthen the future act, but it will make it better understood and better adapted to the realities of Quebec and Canada as a whole. Parliamentarians will be called on to discuss these important matters as the need arises. We agree that certain decisions may be made by public servants. That is always the way things are done, and I am aware of that. However, under clause 139, some important decisions are going to be made by officials.

As I just said, paragraph 139(1)(z.3) of the bill refers to the classification of violations as “minor, serious or very serious”. Paragraph 139(1)(z.4) refers to setting “a maximum amount as the penalty for minor violations, for serious violations, or for very serious violations”. This means that everything that has been done in committee since yesterday regarding penalties will be practically useless, since officials will be able to set the categories of violations of the law and modulate the penalties to be applied in consequence. This seems important to us.

The same thing applies to paragraphs 139(1)(z.5) and (z.6), which discuss “circumstances under which [...] a penalty for a violation may be increased or reduced”. Isn't that what we have been doing since yesterday? My colleague from Vancouver Kingsway Mr. Davies has rightly insisted on the importance that needs to be given to penalties in the bill. Do we want them to be serious, less serious? How will we adjust those penalties with regard to all of the violations listed in the Criminal Code and according to the relative seriousness of the different violations? It is important that we examine all that.

Regarding the issues raised by Mr. Davies, I see now that a public servant sitting in his office will be able to set aside all of the work we have done and decide which violations are minor, serious or very serious, and adjust the penalties in any way he or she deems appropriate.

If the act is to be accepted by all of the population and adapted to the realities of Canada as a whole, it seems important to us that it be discussed by parliamentarians, at the very least regarding issues that appear to me to be of critical importance.

[English]

The Chair: Thank you very much.

Mr. Ayoub.

[Translation]

Mr. Ramez Ayoub: I thank my colleague Mr. Fortin for his contribution and the questions he raises. This gives me an opportunity to reiterate that all through this process, the government carried out consultations in order to allow all Canadians to express themselves and their fears and recommendations, so that we may adopt the best possible act, while remaining as open as possible. That is what we are currently doing and will continue to do until the act is implemented.

However, we have a very clear goal: the act has to be passed by July 2018. If we accept your amendment, the process will be delayed by several months in order to allow parliamentarians to prepare regulations.

We want the public service to make certain decisions in connection with the act once the law has been passed. The essence of this act will be determined by the members of Parliament and by Parliament, but public servants may always assist us regarding the more technical aspects.

For that reason, I cannot accept the amendment as it stands.

• (1310)

[English]

The Chair: Thank you very much, Mr. Ayoub.

Mr. Davies.

Mr. Don Davies: I'd like to thank Mr. Fortin for bringing up what I think is a very important part of this bill. I think that is well laid out in the substance of his amendment.

As I understand this amendment, it really would allow and compel the government to bring the regulations, which will be made behind closed doors by the ministry, into the House of Commons for scrutiny by Parliament and specifically to be sent to committees for our scrutiny in public hearings. I think that's not only a very democratic way to proceed but also very important.

This bill—I don't think this has been said enough—changes a century of legal, social, cultural, and political attitudes towards cannabis, yet a lot of the details of how this bill will be implemented in practice will be determined by regulation.

This amendment says the Governor in Council may make a regulation:

only if the Minister has first laid the proposed regulation before the House of Commons.

It further says:

A proposed regulation that is laid before the House of Commons is deemed to be automatically referred to the appropriate committee of the House, as determined by the rules of the House, and the committee may conduct inquiries or public hearings with respect to the proposed regulation and report its findings to the House.

Then it talks about the process in which those regulations may be passed by the House of Commons and then referred to the Governor in Council being within 60 sitting days.

I wholeheartedly agree with this approach, particularly when we know that the regulations, for instance around production, are going to determine whether someone can or cannot produce cannabis in this country. We have no idea what those regulations are going to be. I know there is great interest by the business community and by industries across this country in that issue for one, and there are many other issues like that in this legislation that will be determined by regulation.

I really like the idea of making the government put those regulations before the House and before committee, and most importantly, allowing at least the possibility of an opportunity for committees such as this to call witnesses from particular provinces or particular stakeholder groups to comment on those regulations prior to their coming to us.

My final point is that we keep hearing over and over again from the Liberal side that it's important to get it right. They want to get it right. They want to slow this down, because they want to get it right. That's why they won't bring in legislation around edibles, because they want to get it right.

Certainly the regulatory structure of this bill, I would argue, is very important to get right, and getting it right involves not just a decision by the minister or an order in council by cabinet. Getting it right means having the full scrutiny of this House of Commons and the benefit of testimony from stakeholders across the country and the public, so that we can make sure that the regulatory structure brings us the best legislation we can get.

I'm going to be supporting these really well-thought-out amendments by the Bloc Québécois.

The Chair: Mr. Oliver.

Mr. John Oliver: May I add to the comments of Mr. Ayoub? We've heard a lot of concerns from Mr. Davies in particular and from the Conservatives about things that they feel aren't right in the bill. We've been consistently saying we need to move slowly with this and we need to understand how we're proceeding with it.

The motion, as I understand it and as Mr. Ayoub has said, would quite restrict the ability for regulations to be made. It would require, for the next three to five years, regulations to be tabled in the House and the whole House review cycle to be gone through, and it would significantly limit the Governor in Council's flexibility in making regulations.

To the extent that some of these issues that Mr. Davies outlined do become evident, the bill, as it's written, is a way to begin to address them on a more timely basis. For that reason, I wouldn't be supporting this amendment.

● (1315)

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Mr. Chair, I want to thank my colleague from the Bloc Québécois for bringing this forward. One of the concerns that I've had, in addition to hating the whole bill, is the fact that many parts were left out of this, such as the edibles. The intent is to just let the regulators regulate and doing that could certainly introduce things that would be not to parliamentarians' liking.

While I really agree with the principle of parliamentary oversight, unfortunately it's applied to legalizing marijuana, which I'm dead set against.

The Chair: Seeing no more speakers, I'm going to call for—

[*Translation*]

Mr. Rhéal Fortin: Mr. Chair, with your permission, I would like to quickly reply to the arguments we just heard.

I understand my Liberal Party colleagues' contention that this would cause delays. I would point out that these delays will not last several years, as my colleague Mr. Oliver pointed out. There will certainly be delays, but they would only last a few months.

I am addressing my colleagues here. In adopting such an important act, should we really be attempting to spare a parliamentary study? Must we really go so fast that we disrupt everything, regardless of the effect, regardless of legislative chaos or chaos in the enforcement of the act?

This morning, we were talking about the height of the plants, and so on. This bill contains all sorts of important things and the provinces are asking for time to apply the act that will be passed, since there will be important consequences for health and safety. The provinces and police forces want some time to prepare to enforce the act. We think that these important questions that will be delegated to public servants should be studied in Parliament. All of this leads me to think that we may find ourselves in a deplorable situation in a few years' time, and perhaps even in a few months.

I want to insist on this, and I ask my colleagues to revise their position. The Bloc Québécois is in favour of legalizing marijuana, but we have to do this right. We cannot botch this; it is too grave a matter.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you very much.

There are no further speakers, so I'm going to call for a vote on BQ-1.

(Amendment negated)

(Clause 139 as amended agreed to)

The Chair: Now we go to the series of clauses from 140 to 151. I see no amendments proposed.

(Clauses 140 to 151 inclusive agreed to)

The Chair: That takes us to Liberal-16. It's a new clause.

Who is going to speak on that?

Mr. McKinnon.

Mr. Ron McKinnon: Thank you, Chair.

I'd like to note that there appears to be a miscommunication in the drafting. I'd like to move that as three years instead of five years with respect to both the French and the English versions of that.

The Chair: Is says, "Five years after this section comes into force". You want that to be "three years".

Mr. Ron McKinnon: I'd like to move that as three years.

The Chair: Does that need to be a subamendment? We'll just accept it as three years.

Mr. Ron McKinnon: It has been said that this bill, this initiative, is an experiment. I disagree. It puts an end to an experiment that began 90 years ago, an experiment that was initiated without debate or study, or any evidence to justify it, simply by adding cannabis to a list of prohibited substances.

But 90 years is too great a distance to travel in one giant step. There are 90 years of history to overcome, and 90 years of societal attitudes, myths, and misunderstandings to change. It's too much to achieve in one great leap. In order to succeed, in the end, we need to follow a middle course.

That's what this bill attempts to do, in my view. It's a transformational bill, but I believe it's also a transitional bill. I don't expect that this will be the final step along this path. I think that it will be appropriate to revisit this as we go forward, and that's what this amendment intends to do. It is to mandate a review in three years' time so that we can make any course adjustments, as may seem warranted, from the new perspective and experience we will have gained at that time.

This amendment is modelled after a similar provision in the Federal Public Sector Labour Relations Act and the Public Service Employment Act. It would give us a chance to adjust our course as we go forward.

Thank you.

• (1320)

The Chair: Is there no further comment?

Mr. Davies.

Mr. Don Davies: Thank you.

I support this amendment insofar as it recognizes what we all can fairly acknowledge as certain gaps—at the very best, gaps, at the worst, deficiencies—in the bill. To the extent that this amendment would require a review of this bill within three years, I think that's good.

Where I might part ways with Mr. McKinnon's statement is that, yes, the legal regime has been in force for over 100 years in this country, but criticism of the criminalized approach, and not only suggestions but evidence research and commission inquiries, have been recommending since 1972 that cannabis be decriminalized or legalized. It's not like we just thought of this in the last two years. There has been a mountain of evidence, a mountain of academic work, a mountain of sociological data amassed over the last 40 years that points to this. I'm reminded of the dictum of Mackenzie King, where he said, "Liberals never do by halves what they can do by

quarters." I think this bill is a good example of that. On the other hand, Liberals often accuse New Democrats of being Liberals in a hurry.

I really think we need to take an evidence-based approach that is faithful to the principles and avowed purposes of this bill. That's where I'm a little disappointed with this bill. We know that prohibition doesn't work. We know that criminalizing cannabis has really done nothing positive whatsoever, yet this bill maintains a criminalized, prohibitionist approach to cannabis. We know that the purposes of the bill are to bring production out of the illegal black market and to bring it into the regulated markets so that we have regulated supplies of quality-controlled cannabis and we reduce the impact of organized crime. Yet we leave a gaping hole for edibles, concentrates, and non-smokable products to remain in the black market. Why? Because the Liberals say, "We're not ready." What more do we need to know about those products than we know now?

We keep pointing to the example of Colorado, which claims they went too fast by legislating edibles. What they failed to point out is that Colorado, then, with the experience, corrected their legislative regime. Frankly, we have gold standards of regulatory provisions concerning edibles and other products. But instead, this government wants to leave those products to the black market. I've said this repeatedly. Organized crime is not going to sell edibles in childproof containers. They are not going to stamp their products with THC. Canadians cooking brownies on their stove are not going to have any way of ensuring that the brownies in their pan have an even spread of THC throughout the cannabis. The cannabis brownies are not going to have a stamp on them so that a child or another adult won't unwittingly pick up a brownie not knowing that it has THC in it. That's how the Liberals are leaving edibles, and all because they're saying, "We must move slowly and we have to review this in three years."

What I fail to understand is why this government isn't moving now on the clear evidence that they have. They do that partially. I'll answer the question. The Liberals are trying to have it both ways. They are trying to look like they are hip to the issue of cannabis by pursuing so-called legalization, but they want to appeal to the conservative side of their party by making it seem that they are not really wanting to go there. The result is that we have a bill that's neither fish nor fowl. We have a bill that is neither full legalization nor is it full prohibition, but somewhere in between.

While I agree we should be reviewing this bill in three years, my position is that it's not an excuse for us to fail to make necessary amendments to this bill now. I'm fairly disappointed that Liberals have voted down just about every amendment that has been proposed by the New Democrats. Some of that I respect because it's a question of philosophy or approach, but some just plainly ignores the evidence before this committee and that Canadians are aware of.

I will support this, but I ask my Liberal colleagues to have the courage to make the changes that they know need to be made to this bill now, at committee.

● (1325)

My final point is that Mr. Trudeau campaigned on the idea of making committees more responsive, to loosen the control of the ministries over committees and let committees operate independently. What I've seen from the voting on the Liberal side—on amendments that my colleagues on the Liberal side know are amendments that arose, in many cases, squarely from the evidence we heard—tells me that this promise that Mr. Trudeau made to Canadian parliamentarians about committees being free to act more independently has not really come to bear, at least not for this bill.

The Chair: Thank you very much.

Mr. Oliver.

Mr. John Oliver: I come back again to the issue of this being rushed. It's been very clear that this was a campaign issue for the Liberals in the last election. The task force travelled for six months across Canada, heard thousands and thousands of witnesses, and received tens of thousands of submissions. It brought very good advice forward. The legislation has been drafted and before this committee for some period of time now. We heard from over 100 witnesses. We did it in a very efficient way, rather than doing it over about three to four months, which is what it would normally have taken to do that many. We did it in a consolidated sitting.

I think the advantage of a consolidated sitting is that we heard from different perspectives, and we could hear more easily where there were differing views. We did hear, I think, from our witnesses that there are very different perspectives on this bill. It is a big social change for us. We heard from health people and health providers who said to go slow because cannabis needs to be treated with great caution. We heard from the user community that this is happening right now, that they're "overgrowing the government", and that things need to move faster.

What we do know for sure is that our youth are using this drug. They're getting it from black markets. They're buying it from unknown vendors of unknown production. It's just not safe as it sits. There's a need to move forward with the legislation and get it back to the House.

We heard from the provinces and territories and our police forces. They need clarity from the federal legislation as to what's happening so that they can go to their next level of work to make sure that the provinces and territories and the municipalities understand this.

I don't think this is rushed, but I do feel that we need to keep moving it forward. I think some of the suggestions from Mr. Davies would have put it on pause while parts of it were reopened and re-examined. I think coming back to this in three years' time will give enough data and enough understanding of the implications and consequences of this legislation that if fine-tuning or improvements are needed, they can be introduced.

Mr. Davies has mentioned edibles a few times. We have a motion coming later in the amendments that would require that this happen within a year, not within this three-year cycle. I think we all heard

that testimony and feel a need to respond to it, but we need to do it in a safe, thoughtful, regulated way, which is the goal of this.

I do support this motion. I think it's important that there be a review for many of the reasons that Mr. Davies has raised, many of the points that he's made. I just think we need time to see this at work in Canadian society before we make any further big changes to this particular act.

● (1330)

The Chair: Thank you very much.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: I was going to let this one slide, but Mr. Davies and Mr. Oliver opened the door.

First, on the campaign promise, let's look at the reality that took place, which was that a third-place party—which I don't think too many Canadians thought had a hope of ever achieving government, let alone a major majority—with a promise that was in the back of the books.... I'd love to do a poll of how many of the people I approached at the door said they wanted to talk about this marijuana deal. Not one. It wasn't on anybody's radar. To suggest that this was a hot campaign item, I don't think is fair.

Second, history was brought up twice. I love history. Mr. McKinnon first mentioned the fact that we've had 90 years of bad history. Mr. Davies said since the 1970s, but I'm reminded of a Chinese general—I forget his name—when they asked him after the Chinese revolution what he thought of the French revolution, he said it was too early to tell.

That's so true because in the same breath, Mr. McKinnon, you're forgetting why, in the early part of the 20th century, Canada, a young democracy, which had very little experience in these things, had such strong drug laws. It was because we had from that period of time an example of how drugs can destroy a society. We've forgotten. I argued that earlier today, and I think it needs to be recognized that there is good reason. It isn't a bunch of killjoys and then the young people want to smoke up so why should we stop them? There is a collective history, a lot of wise people enacted a law for good reason. I don't think the history argument is at all a fair argument. If we're going to use it, let's go back in history and let's talk about those things.

Again, as for the campaign promise, I don't buy it. I don't think Canadians expected us to have a government in place that would enact this type of legislation. I'll be voting against this amendment as well.

The Chair: Thank you very much.

Seeing no further speakers, I'd like to call for a vote on Liberal-16.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now we have a series of clauses here, 152 to 158, to which I see no amendments.

(Clauses 152 to 158 inclusive agreed to)

(On clause 159)

The Chair: Now we come to Liberal-17.

Mr. Oliver.

Mr. John Oliver: Thank you.

This is a technical amendment. It clarifies that the transitional provision that deals with the applications for a licence or permit under the narcotic control regulations of the Controlled Drugs and Substances Act would only apply to applications that deal with cannabis, so it was just a concern that it might look to be including other applications.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: I notice that in paragraph (b), the words have been added, “and to any narcotic”.

My concern is that this legislation concerns cannabis, and I worry that this opens the door to do the same thing with other narcotics. I don't know if anyone can clarify.

The Chair: We have a shaking of heads.

Ms. Marilyn Gladu: Nobody knows, and we're rushing ahead.

Mr. Ramez Ayoub: Can I ask a question?

The Chair: You certainly may.

Mr. Ramez Ayoub: Maybe they can answer, I don't know.

Mr. John Oliver: I thought it was directed to....

Ms. Marilyn Gladu: I'll take an answer from anyone who has the legal knowledge to understand. If we have the words “and to any narcotic”, could we then legalize other narcotics?

• (1335)

Mr. John Clare: No. I can explain essentially the purpose of the provision.

As was mentioned in the introduction of the motion, this section of the bill deals with the transition of applications under the narcotic control regulations, which are regulations under the Controlled Drugs and Substances Act.

It provides for when someone has made an application under those regulations, and an example would be what is called a licensed dealer. This is someone who is licensed to handle any controlled drug or substance such as a pharmacy.

What this provides is that if I made an application under the narcotic control regulations, my application is transferred over to the cannabis act, and is considered or deemed to be an application under the cannabis act.

The amendment seeks to clarify that it's only those applications related to cannabis that are transferred over to the cannabis act, not all applications under the narcotic control regulations.

Ms. Marilyn Gladu: Why then do we have to include the words “and to any narcotic” in the cannabis act alone? The cannabis act only concerns cannabis. Surely, those things are covered in other provisions in other bills?

Ms. Diane Labelle: This is to ensure the continuity of an application that has been made, so it would avoid an individual who is handling both other narcotics and cannabis to have to refile a new application under the cannabis act. Whatever the other narcotic is would continue under the Controlled Drugs and Substances Act, and the amendment makes it clear that what is deemed is only in relation to cannabis, so there's this continuity in the application.

Ms. Marilyn Gladu: Thank you.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 159 as amended agreed to)

(Clause 160 and 161 agreed to)

(On clause 162)

The Chair: This is where Liberal-17.1 and Liberal-17.2 come in.

Ms. Sidhu.

Ms. Sonia Sidhu: As I said, I'll speak to them together. This would amend the Non-smokers' Health Act to include outdoor workspaces on federal properties. This would include a restriction on smoking outside federal buildings, in national parks, and on federal lands.

This amendment would help to achieve the public health intent in Bill C-45 by allowing the Minister of Labour and Minister of Transport to regulate cannabis smoke in all federal workplaces both indoor and outdoor.

The Chair: Is that Liberal-17.1 and Liberal-17.2, or are you just on Liberal-17.1?

Ms. Sonia Sidhu: It's Liberal-17.1.

The Chair: Mr. Davies.

Mr. Don Davies: I'm wondering if Ms. Sidhu can expand on this. You mentioned national parks. Is the intent of this to prohibit the possession or smoking of cannabis in national parks?

• (1340)

Ms. Sonia Sidhu: This amendment would provide flexibility to restrict smoking or vaping of tobacco and cannabis in designated outdoor spaces and in federally regulated workplaces.

Mr. Don Davies: Mr. Chairman, I'd like to pursue that. I'm still not quite clear.

A national park would be a federally regulated workplace. There are federal employees who work there. Is it the intent of her amendment to prohibit possession or smoking of cannabis in public parks, national parks, as being public, federally regulated workplaces?

Ms. Sonia Sidhu: It's just federally regulated places. Regulated smoker outdoor spaces is something that has been previously dealt with at provincial and territorial levels, as well as the municipal level, but not yet in federal legislation. With this amendment it will be regulated federally.

Mr. Don Davies: I wonder, Mr. Chair, if I could have an opinion from the ministry staff whether or not this would be broad enough that it would preclude cannabis possession or cannabis smoking in national parks completely. I'm thinking the language says that "work space means any indoor or other enclosed space—or any outdoor space or class of outdoor space designated in regulations—in which employees perform the duties of their employment, and includes... any outdoor space or class of outdoor space designated in the regulations—that is frequented by employees during the course of their employment."

I would guess park rangers, in the course of their employment, frequent national parks space. Would that be broad enough, in your view, to preclude possession or smoking of cannabis in the entire national park?

Mr. John Clare: I can answer this question, Mr. Chair. In fact, I was a park warden in Jasper National Park, so it was my workspace.

I can clarify how the amendment would work. There are two parts. One is, as you read, the change to the definition of workspace. Part two is the regulation-making power under the Non-smokers' Health Act to designate spaces in outdoor areas that would be included in the definition of workspace. That's how it would work.

It applies to the consumption, the smoking or vaping of cannabis or tobacco, not its possession. Together the two motions allow the Minister of Labour to make a recommendation to the Governor in Council to make a regulation designating certain outdoor spaces as being a workspace. In those areas, the smoking or vaping of tobacco or cannabis would not be permitted.

It's not a blanket prohibition that in any federal outdoor space suddenly now you can't consume tobacco or cannabis. It simply provides the ability, as the committee heard during witness testimony, for the minister to designate these spaces, such as an area outside of these buildings, a parking lot of Athabasca Falls in Jasper National Park, and so on.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: We just had a conversation on the second-hand smoke and pot smokers being outside Confederation Building. Knowing that smoke from marijuana is five times more toxic than smoke from tobacco, I think there is some merit to this, although I do hate the whole bill.

The Chair: Were they members outside the building?

Ms. Marilyn Gladu: I don't know who might be loitering there. It's just a concern that the clouds might evolve.

The Chair: Okay.

Mr. Davies.

Mr. Don Davies: With great respect to the studies, I don't know where the evidence came from that marijuana smoke is five times more toxic than tobacco smoke, but I certainly have never heard that

and I would find that highly surprising considering the carcinogens and constituents of tobacco.

My follow-up question to Mr. Clare is, what about campsites? Park rangers have to supervise campsites. That's their place of work. Would this give the power to the minister to designate campsites as being places where people could not consume or vape cannabis? Is that possible?

• (1345)

Mr. John Clare: I think there are other considerations at play there. I wouldn't want to speculate. However, I know a campsite is a person's temporary dwelling. That's where they are staying.

I think there are a number of considerations that would be at play there. Before any kind of regulation would be made in those areas, all of those things would be given due consideration.

Mr. Don Davies: Thank you.

The Chair: Thank you very much.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: We go now to Liberal amendment 17.2.

Ms. Sidhu.

Ms. Sonia Sidhu: I spoke on both, Mr. Chair. This was also previously dealt with at the provincial and territorial level. Now it's coming under federal legislation. This amendment would provide flexibility to prohibit the smoking and vaping of tobacco and cannabis in specific outdoor areas or spaces by regulation in federal workplaces to protect people from exposure to tobacco or cannabis smoke.

The Chair: We have a little technical issue here.

The legislative clerk has informed me that the proposed section in 17.2 is between clauses 163 and 164, so we have to go back to clause 162. I'm seeking a vote on clause 162.

Mr. Don Davies: On a point of order, Mr. Chairman, didn't we just vote on that?

The Chair: We voted on amendment 17.1, but we didn't vote on clause 162.

(Clause 162 as amended agreed to)

The Chair: Thank you very much for your patience.

We're going to do clause 163 next, and then we do Liberal amendment 17.2.

(Clause 163 agreed to)

The Chair: Now we have a new clause in Liberal-17.2.

Ms. Sidhu.

Ms. Sonia Sidhu: I've talked about both, Mr. Chair.

The Chair: Is there any debate or discussion on Liberal-17.2?

Mr. Davies.

Mr. Don Davies: I'm sorry, I'm not quite clear. Is this a companion amendment that follows?

I don't want to put you on the spot, Mr. Clare, but perhaps someone from the ministry can explain the purpose of new clause 163.1. Why is this necessary?

Mr. John Clare: I am happy to explain. This is the companion to the motion that just passed. It provides the regulation-making power to designate the outdoor spaces.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: We have time for one more clause I think.

(Clause 164 agreed to)

•(1350)

The Chair: All right. We'll knock off there and we'll go and listen to Ms. Sidhu's S. O. 31.

We'll start up again at 3:30. The meeting is suspended.

•(1350)

(Pause)

•(1525)

The Chair: Back to meeting 72. We've completed clause 164, and now we go to new clause 164.1. I have some bad news. The clerk has determined that this is out of order. You have to move it first.

Mr. Don Davies: Can I move it and speak to it before it's out of order?

The Chair: Yes, you can.

Mr. Don Davies: Thank you, Mr. Chair.

Mr. Chair, the NDP's amendment would amend this bill to provide for a procedure to pardon Canadians who have been convicted of offences that this legislation would no longer make a crime. It does so by amending the Criminal Records Act, eliminating the current wait time in the Criminal Records Act, which I believe is five years, and also by waiving the fee that's payable with respect to the application. The previous Conservative government lengthened the time you had to wait to apply for a pardon, to five years. They increased the pardon fees to a little over \$600, both of which have proven to be barriers to Canadians seeking pardons.

My proposal would be to eliminate the waiting period and the fee for those people who have current convictions relating to cannabis that this legislation would no longer deem a crime. The rationale is pretty straightforward. We don't believe that Canadians should be saddled with a criminal record for offences that will no longer be offences under legalization.

We would leave Canadians in the perverse situation that after July 1, 2018, someone could validly and legally possess cannabis but someone could have been convicted two weeks earlier and have a criminal record for five years for engaging in the same act.

Given that the discriminatory impacts of the current law are well documented, pardons are an important means of restitution to those affected most severely by prohibition.

I have a couple of quotes, and then I'll wrap up.

John Conroy said:

The Criminal Records Act is what governs the pardon situation and there have been recent decisions that have pointed out that the ability to get a pardon is determined by the date of the offence. As a result, we've ended up now with a situation where, depending on how old your offence is, different rules apply under the Criminal Records Act compared to what's in the current version of the act.

Dana Larsen said:

I really think that the legalization of cannabis should begin with an apology to the cannabis culture and to cannabis users for a hundred years of punishment and incarceration and harassment and demonization that were entirely undeserved.

...I would like to see not only a pardon but an apology and some kind of restitution made.

That goes much farther than my amendment would.

Finally, Michael Spratt said:

Bill C-45 contains no measures, for example, to address the tens of thousands of Canadians who have been stigmatized through the war on drugs counter-productive imposition of criminal records.

Those who have criminal records are less likely to be able to obtain employment, housing, cross international borders, and less able to fully engage in educational opportunities.

Bill C-45 should amend the Criminal Records Act to remove the unconstitutional retrospective application of the pardon ineligibility period. It should restore pre-amendment waiting periods, and a further reduction in the waiting period should be available for individuals convicted of marijuana offences...

Currently, 18-year-old, first-time offenders who are convicted of simple possession of marijuana the day before Bill C-45 comes into force will be required to wait five years before they're even eligible to apply for a pardon. Bill C-45 must remedy this situation.

...the fee of over \$600 that, again, disproportionately and sometimes unfairly limits the availability of pardons to only wealthier members of society could be dealt with directly in this bill.

Mr. Chair, to conclude, I have taken that direct testimony from Michael Spratt and others and drafted that into language that would provide a simple and expedited pathway to pardons for Canadians. If this is ruled out of order or beyond the scope of the bill, then I think it's an egregious omission on behalf of this government to bring in legalized cannabis legislation without having thought of the impact on—I don't think it's tens of thousands, I think it's hundreds of thousands of Canadians who currently have cannabis possession records in this country. I would ask that my colleagues support this so that on July 1, 2018, we can not only correct the future for Canadians but provide a pathway to pardons for those Canadians who have been unfairly stigmatized by what in essence is no longer a criminal act.

•(1530)

The Chair: Thank you very much. Certainly, your proposal reflects some of the testimony we had. As the *House of Commons Procedure and Practice*, Second Edition, states, on pages 766 and 767:

An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act unless the latter is specifically amended by the clause of the Bill.

Since section 4 of the Criminal Records Act is not being amended by Bill C-45, it is therefore, the opinion of the chair that the amendment is inadmissible. I'm ruling it inadmissible and we have to move along.

(Clauses 165 to 170 inclusive agreed to)

(On clause 171)

The Chair: That brings us to LIB-18.

Go ahead, Mr. Eyolfson.

Mr. Doug Eyolfson: Thank you, Mr. Chair.

This is an amendment with the Mutual Legal Assistance in Criminal Matters Act, which needs to be changed because we're removing cannabis from the scope of the Controlled Drugs and Substances Act. Again, this is a very technical matter, just to put it in sync with the new legislation.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clause 171 as amended agreed to [See *Minutes of Proceedings*])

(Clauses 172 to 193 inclusive agreed to)

• (1535)

The Chair: That takes us to LIB-19. This is actually a new clause. It's clause 193.1.

Go ahead, Mr. Oliver.

Mr. John Oliver: Thank you, Mr. Chair.

This proposed amendment would provide certainty and timing for Canadians and the industry that edibles containing cannabis and cannabis concentrates would be authorized for sale, no more than 12 months after the coming into force date of the proposed cannabis act.

We heard from many witnesses that having edibles as part of the legalization of cannabis was important. We heard from public health that limiting legalized cannabis to dried forms would encourage smoking and there are significant public health consequences associated with smoking cannabis. We also heard from many consumer groups and users that they felt that having edibles was an important method for their proper use of the drug.

We also heard, though, from other jurisdictions that had legalized it that it was important to go slowly to make sure that we had time to get this right. We also heard from representatives of government that there was work to be done in regs and in other bills that would have to be finished and completed to properly implement this. Having said that, I still think we should be making the amendment that edibles would be available 12 months after the bill comes into force.

That's what this motion does. There's a companion motion with it that comes up in a couple of motions to deal with the rest of that.

The Chair: Thank you.

Yes, Mr. Davies.

Mr. Don Davies: I appreciate the movement from the Liberals on this.

I have a question and then I'm going to speak to the amendment.

Mr. Oliver, if I understand correctly, you're saying that edibles and concentrates would have to be legalized within one year of the coming into force of the bill?

Mr. John Oliver: They should be authorized for sale no more than 12 months after the coming into force date of the proposed cannabis act.

Mr. Don Davies: I'm looking at LIB-19. I see that it simply adds these products to part 12.1, schedule 4.

I don't see the reference to the 12 months.

Mr. John Oliver: This is to understand why we're adding this, otherwise it would look like we're just legalizing it as of the date it comes into force. The accompanying motion, LIB-21, establishes the 12-month time scale.

Mr. Don Davies: I see; so this motion here, LIB-19, simply puts them on the schedule, and your companion motion will make it within 12 months.

Mr. John Oliver: That's correct.

Mr. Don Davies: Well, if I may just speak to the amendment, then, but for the waiting 12 months, I think it's an excellent amendment for a number of reasons.

We are the health committee, and the thing about edibles, concentrates, and non-smokable forms of cannabis is that they are a healthier way to ingest cannabis than smoking. It's ironic that we're going to be legalizing the one form of cannabis that is most heavily ingested by smoking and not legalizing the other forms of cannabis that present a less harmful health impact, at least on the respiratory system.

The thing about regulating edibles, of course, is that it allows us to regulate them properly, supervise businesses to control the dosages, and to control the titration to make sure that there's uniformity of THC, CBD, and the other chemicals in the product. It allows us to apply the labelling requirements. We all agree and understand that we want to make sure that the labelling of all products, particularly edibles, is not marketed towards children, and that products are contained in single-serving packages, that they're in childproof containers, and that they're properly labelled and marked. Most importantly, of course, is to make sure that we take these products out of the hands of the black market.

While we wait the 12 months, Canadians are still going to be getting edibles, but they're going to be getting them from sources that are completely unregulated.

I wanted to refer to an article that was in the *National Post*, that ran on September 26. It said a report has come out, released by Dalhousie University last Tuesday, that said that 68% of people agreed or strongly agreed with legalizing recreational cannabis; another 45.8% agreed that they would buy marijuana-infused food products if they hit the Canadian market; 46.1% would opt for bakery products such as brownies or muffins; and 65.6% of respondents said they don't know enough about marijuana to cook with it on their own.

One of the dangers of this legislation and waiting a year, of course, is that it leaves Canadians to cook their own edibles on their own without any controls over titration or dosage and, of course, leaves them to obtain their products through the black market.

I congratulate the Liberal side for moving on edibles, and I'm going to support that amendment accordingly. I want to go on record as saying there is no reason whatsoever to go slowly on this because there's nothing that we're going to be learning in the next year about these products that we don't know now.

We know other jurisdictions, including Colorado, Washington, Alaska, and others, have years of experience in regulating edibles. The errors that they made have been repaired, and we already have best practices, gold standards of regulatory directions as to how to regulate these products well.

My last point, of course, will be as I've said before. Given that there's no real reason to wait on regulating edibles, given that we won't be learning anything new, given that we know what the aspects of regulation around edibles—sound regulation—consists of, all we're doing by waiting that year is giving organized crime another year to make these products and to subject Canadians to another year of obtaining products that have no regulation whatsoever. As a member of the health committee, I can't support that as being a wise approach to health.

I will support this amendment because, as my father said, wisdom comes so seldom, it shouldn't be rejected because it comes late. I would re-emphasize that I see no reason that we shouldn't be amending this bill now to put edibles into the schedule now.

• (1540)

The Chair: Thanks very much. I just want to say that you just asked for this a minute ago in question period and here it is. You can't ask for better than that.

Mr. Don Davies: I'm going to ask more often in question period.

Mr. John Oliver: While I hear Mr. Davies' urgency to move forward with this, we did hear from witnesses from the ministry that there are complex regulations that need to be written and brought to force on this. They said they would not have those ready within the time frame of the bill coming into force.

I do think it's important. I mentioned at the outset that the importance of edibles was around public health and moving people away from smoking, around consumer choice, but I forgot to mention—and Mr. Davies appropriately raised it—that this is part of the black market's business. It's important that edibles come to market quickly so that we continue to deter and restrict the opportunities for organized crime to be working in this space.

I do think that with a year to go, it gives the industry and Canadians lots of time to know it's coming, and I think it's an appropriate amendment given where we are.

The Chair: Seeing no more comments, I call for a vote on amendment LIB-19.

Mr. John Oliver: Can we have a recorded vote?

(Amendment agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

• (1545)

Mr. Don Davies: Mr. Chair, could I just ask a procedural question?

I have an amendment coming up to put edibles on the schedule now, from our legislative counsel. Does the amendment that we just passed make that moot, or does it retain its viability because it would be different, in the sense that it would put edibles on the schedule upon the passage of this bill?

You can think about that, and we can wait until we get to that part of the legislation.

The Chair: What amendment is it that you're talking about?

Mr. Don Davies: I have a motion later on, when we get to schedule 4, to add edibles to the legislation now. We've just passed an amendment that, when fully perfected, would add edibles to the legislation one year after it comes into force. My own view is that those are two separate things. We can still have a vote on adding edibles now, because I don't think they're mutually exclusive.

The Chair: When you get ready to make your motion, we'll make a motion to deal with it.

(Clauses 194 and 195 agreed to)

The Chair: Now we go to amendment LIB-20.

Mr. McKinnon.

Mr. Ron McKinnon: This is a coordinating amendment, following along from the addition of clause 8.1 earlier in this process. It brings the language that was introduced into the Controlled Drugs and Substances Act with the passage of Bill C-224, the Good Samaritan Drug Overdose Act, concerning the use of the word “overdose” to instead use the phrase “medical emergency”. This will bring the CDSA into conformity with the newer language incorporated into this act by means of clause 8.1.

(Amendment agreed to [See *Minutes of Proceedings*])

(Clauses 196 to 199 inclusive agreed to)

(On clause 200)

The Chair: That brings us to amendment NDP-33.

Mr. Don Davies: Thank you, Mr. Chair.

This represents the last part of the legislation that has criminal offences punishable by conviction and jail terms. In keeping with the NDP's position that we should be bringing—

Mr. John Oliver: Did we skip 266, and amendment LIB-21?

The Chair: We just did amendment LIB-20 now.

We're at clause 200.

Mr. John Oliver: Sorry, my apologies.

Mr. Don Davies: Again, in keeping with the New Democrats' general approach that cannabis should be legalized and regularized, and that we should be decriminalizing this and moving away from prohibition as a criminal model, this would once again amend the penalty provisions of this legislation. It would take away the imprisonment provisions of this section, and instead substitute a fine of not more than \$3,000, or a fine for a subsequent offence of not more than \$50,000. It would also limit the proceedings under clause 200 to summary conviction only, and remove the ability to proceed by indictment.

The Chair: Is there any further debate on amendment NDP-33?

Mr. Don Davies: Mr. Chair, let's have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Now we go to amendment NDP-34.

Mr. Don Davies: Similarly, this would be the next level of reducing the impact of the incarceration provisions under the section. Clause 200 presently allows the crown to proceed by indictment and subjects a person convicted to a fine of not more than \$5 million or to imprisonment for a term not exceeding three years or to both.

This amendment would limit that term to a term not exceeding two years less a day instead, so that we again, in our opinion, reduce the penalties down to a reasonable level and keep people out of federal penitentiaries for cannabis violations.

• (1550)

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: If I understand Mr. Davies' point, we are of the view that if we're reducing the penalties for non-compliance, we could encourage more non-compliance. We're thus going to oppose this recommendation.

The Chair: Mr. Davies.

Mr. Don Davies: I want to respond.

If you could punish and criminally enforce your way out of cannabis offences, we wouldn't be in the position we're in today, because the offences that we have in the Criminal Code today are far worse than these, and they haven't stopped the burgeoning cannabis market.

With great respect, then, I completely reject that assertion. I don't think you can penalize your way out of cannabis. All that's going to happen is that we're going to subject Canadians to the harms of criminalization and are not going to have any meaningful impact on cannabis use at all.

The Chair: Seeing no further debate, I call for a vote on amendment NDP-34.

Mr. Don Davies: May we have a recorded vote, Mr. Chair?

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 200 agreed to)

(Clauses 201 to 215 inclusive agreed to)

(On clause 216)

The Chair: That takes us to clause 216 and amendment NDP-35.

Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair.

This is the very last provision of the act that deals with incarceration for up to five years or more. My amendment would substitute for that imprisonment a term of not more than two years less a day. It would also delete lines 8 and 9 on page 118 entirely as well.

Again, it's just in keeping with trying to have proportionate sentencing in this bill and to eliminate as far as possible the criminalization of cannabis.

The Chair: Seeing no other members on the speakers list, I will call for a vote on amendment NDP-35.

Mr. Don Davies: Let's have a recorded vote, Mr. Chair.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 216 agreed to)

(Clauses 217 to 223 inclusive agreed to)

(On clause 224)

The Chair: That takes us to clause 224 and amendment NDP-36.

Mr. Davies.

• (1555)

Mr. Don Davies: Thank you, Mr. Chair.

I said that other one was the final one, but this is the final provision of the act that contains a criminal penalty with a period of incarceration, of imprisonment, for five years. This would change that reference to imprisonment for a term of not more than two years less a day.

The Chair: Are there any other comments?

I will call for a vote on NDP-36.

Mr. Don Davies: I'd like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 224 agreed to)

(Clause 225 agreed to)

(On clause 226)

The Chair: That brings us to Liberal-21.

Mr. John Oliver: I think this is me again. This is the companion piece. We added edibles to the schedule, so this is the clause language that brings it into force 12 months after the act is brought into force.

The Chair: Okay. Is there any debate?

I'm calling for a vote on Liberal-21.

Mr. John Oliver: Could we have a recorded vote?

(Amendment agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

(Clause 226 as amended agreed to)

The Chair: That completes our clauses.

Now we will go to Mr. Oliver.

Mr. John Oliver: Mr. Chair, thank you very much for steering the committee through clause-by-clause as efficiently as you did.

I also want to commend Mr. Davies. An incredible amount of work went into his thoughts and his amendments. He clearly listened to the witnesses and took time to ponder their testimony. A lot of thought went into his work, so I just want to acknowledge that. Hopefully, in time, as this progresses, his concerns will be addressed, and we'll see less criminalization of some of these issues.

I do also want to say that the House sent this to us to work on to improve it for all Canadians, and it's unfortunate that not all members of the committee took that on. I understand that they may not be in support of it in principle, but there was still a lot of evidence and testimony provided that could have been worked on to improve the bill.

The Chair: I just want to say that we're not done yet, but I think it's a good time—and I'm going to take advantage of your comments—to say too that I think we've done a good job. We've made this a living document. We've made it a requirement that in one year, edibles be included, and at three years, it's going to be reviewed, so I think we've made some improvements in it. I want to compliment everybody for the role they played.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: I hate to rain on everyone's parade, but I still have my motion. My motion, of course, hasn't been voted on. It was just set aside. My motion was that because this is a flawed piece of legislation—

The Chair: I'm surprised you still think that after all the good work we did.

• (1600)

Mr. Dave Van Kesteren: It's a bad idea based on a false premise.

First of all, it's supposed to protect youth, but I think we've seen enough evidence that tells us that it's easier for youth to get this drug. It says that this would keep the drug out of the hands of criminals. I would suggest that the person who is going to sell it is just going to change. It used to be the criminals; now it's going to be the government. I don't know what that makes the government.

We've heard that 2018 is much too early, much too quick to have as an entry date, and we haven't dealt with that. We've heard that from doctors and specialists.

There are many unintended consequences that I don't think have been addressed. Police have warned us about impaired driving. Just this past August, in my riding, on the 401, there were a mother and a daughter. You can check it up on the CBC. A report just came out: alcohol and cannabis, both were found present in the driver. I've mentioned before that my sons are repeatedly telling me, "Dad, we're running into this more and more"—impaired driving because of marijuana. They are not prepared to do the test that will help curb that, let alone stop it.

I wonder about the workforce. What's going to happen if we don't have legislation that protects employers? What if an employee is allowed to smoke marijuana, and he has a job that requires his full attention? He takes his break in the afternoon, or at lunch, and an accident happens, or something. There are all these things we haven't talked about.

Then, I touched on lessons from history. I just can't emphasize that enough. I encourage members of this committee, when they have the time, to read about what happened in China, the Boxer revolution, the continual downgrading of that great society. The Chinese call it "the century of humiliation". I remember visiting China. They show their great civilization, and how it advanced, on these little figurines. I don't know if anybody has been on that funky tower in Shanghai. They show the progression, and all of a sudden they show these pictures of the rickshaws, and the western women walking along the Bund. That's what they talk about, the humiliation. It was an invasion because of what happened to a drug-scourged society. Then they show how they managed to change that. It's interesting to note that today, in China, they shoot drug dealers. They don't mess around, these people. They recognize the dangers in drugs.

I know, in my heart, that we are entering dangerous territory. At the very least, we should pause and take some time to think about this, look at more evidence, and speak to more people. We should give Canadians the opportunity to weigh in on this. I don't believe they have done so. We've heard testimony that they have, but I know that my constituents back home don't feel that way. They keep coming to me and saying, "Dave, what's going on with this? What's happening? Why aren't we hearing about this?"

I am very concerned, and I encourage my colleagues in this House not to make that mistake—and it is a mistake. This is something that will have serious ramifications for your kids and my kids, for our grandkids, and for future generations. Oftentimes, we don't look into the future as we ought to. That's the type of western society that we have. We don't consider our acts today, and how they will affect future generations.

That motion is still on the floor. I am asking that we stop this whole process at this point. I open it to conversation, or at the very least, a vote.

• (1605)

The Chair: You technically have to propose a motion to resume debate.

Mr. Dave Van Kesteren: I propose a motion to resume debate.

The Chair: Thank you.

Is there any comment?

There is no debate. I call the vote on the motion.

Mr. Dave Van Kesteren: Can I have it recorded?

(Motion negatived: nays 6; yeas 3)

The Chair: I declare the motion defeated.

Now we have to complete this, so we have to complete the schedules.

(Schedules 1 to 3 inclusive agreed to)

The Chair: Now we have amendment NDP-37.

Mr. Don Davies: Thank you, Mr. Chair.

This will be last amendment. I'll just speak to it, if I may.

As I pointed out, this amendment would add essentially edibles and concentrates to the legalized framework of cannabis with the passage of this bill on July 1, 2018, if in fact that's the date that it's proclaimed. It would allow the legalized selling and purchasing of solids containing cannabis, non-solids containing cannabis, cannabis solid concentrates, and cannabis non-solid concentrates. The reasoning has been covered, but I'll go over it one last time.

It will be impossible to displace the illicit market without legalizing edibles, concentrates, and non-smokable forms of cannabis, which represent about half the legal market in states that have legalized it, like Colorado. Now, I'm talking about not just edibles, but things like creams, tinctures, sublingual tablets, patches, nasal sprays. We heard about suppositories. There are many ways to ingest cannabis. I want to pause and say we heard a lot of evidence that people who are accessing cannabis do so not only for the THC, which is the psychoactive element, but also for the CBD, which increasing evidence is showing is very effective as an anti-inflammatory and as an anti-spasmodic. Particularly seniors who are non-smokers, who don't smoke cannabis, are much more comfortable going into a store and, under the guidance of people who understand the properties of the products they're selling, may want to brew tea or use a topical cream, which has no psychoactive effects at all. These are the kinds of products that Canadians and people in jurisdictions that have legalized it are increasingly seeking. In some cases there's more market share in those products than in smokable cannabis.

As I've said, from a health perspective, it makes no sense to me to legalize smokable cannabis, while continuing to prohibit edibles and other non-smokable forms. States that have legalized it, like Colorado, have developed solid regulatory frameworks that are mature, and have effectively mitigated the risks associated with edibles. Canada should use their regulatory frameworks as a model, otherwise the risks associated with edibles will go wholly unmitigated in the illicit market.

The task force on cannabis legalization and regulation's final report recommended provided regulatory oversight for cannabis edibles and concentrates for both public health and safety reasons. I think we would be wise to listen to their advice. I'm just going to quote the Honourable Anne McLellan. In answer to a question of whether we should include edibles in this legislation, she said:

If your question is more in line with whether edibles should be addressed in federal legislation, absolutely. Should edibles be provided to the market? Absolutely. The task force was very clear in relation to that.

She went on to say:

...it's a growth area in the cannabis marketplace. Obviously, if you're concerned about public health, you want to move people away from smoking product into enjoying their cannabis. If it's for medicinal purposes, there are therapies in non-smoking forms. As we've mentioned, and as mentioned in the task force report, the edible market is growing. It is varied.

We also know there's a demand. If you want to move from the illicit market into a regulated legal market, then you have to offer the quality and choice that the illicit market can provide. It's fair to say that we heard that over and over again from a wide variety of people we talked to. There are public health reasons and public safety reasons why you would want to authorize or allow edibles in various forms. We have discovered that the forms in which they come are only limited by one's imagination.

I'm not going to belabour the point because I believe my Liberal colleagues have come to the same conclusions I have: if we really want to get out of the illicit market, if we really want to have safe, regulated products for Canadians to buy, then we will move to add edibles. The only point of departure right now is whether we do this with this legislation, which the NDP suggests, or if we wait some time, which, as the Liberal side has suggested, they believe is the better way to go. With respect, I'm going to suggest that we adopt this motion and put it in this bill.

This bill will only be passed on July 1, 2018. That's about 10 months from now. The regulations of edibles will be promulgated by regulation. There's a lot of time for the ministry to get those regulations in place in a proper way by July 1. Again, I don't think there's any compelling reason I've heard that would warrant waiting beyond that. I respect the Conservative position that they don't believe perhaps that the product should be legally available at all. I don't want to put words in their mouth. But if we're making the decision, as the Liberals and the New Democrats believe we should, to include edibles, then all the rationale and evidence points to doing that now and none of it points to waiting. There's only harm in waiting.

• (1610)

I want to conclude by making a couple of comments in respect to Mr. Van Kesteren's remarks.

The social impacts of cannabis use that he pointed out, which are real—impaired driving, perhaps the impact on employees under the influence of cannabis in the workplace—are legitimate. With great respect, however, we can't talk as if they are not happening now. They are happening now. The only issue is that what we've done up to now is criminalize that behaviour, and all the evidence I've heard is that criminalizing such behaviour doesn't do anything to address the problem. In fact, all it does is add the extra stigma and harms that come from criminalizing behaviour that is ultimately probably a health matter.

It's my view that legalizing cannabis is long overdue. I congratulate the government for coming forward with this legislation. It may not be perfect, but it's an important step. I want to thank my colleague Mr. Oliver for his kind words.

I want to point out that there is an upcoming referendum called the federal election 2019. If the Conservatives believe that criminalizing cannabis is the way to go, then I hope they campaign on recriminalizing cannabis, and we'll see whether the majority of Canadians agree with them.

The Chair: Thank you very much.

Ms. Gladu.

Ms. Marilyn Gladu: I want to bring to the attention of the member who talked about the products that are made with cannabis that have medical benefit—topical creams, things that people are using that are anti-inflammatories—that these things could be added to the medicinal marijuana roster we have today, which is extremely well controlled and very safe for public consumption because of the quality control and testing that's in place.

I just wanted to put that into the record.

The Chair: Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: Thank you, Mr. Chair.

I am going to echo the comments and suggestions made by Mr. Davies concerning edible marijuana products. He indeed guessed that our government intends to do things in order, step by step. We want to discuss edible products during the 12 months following the adoption of these provisions. That was the time frame we gave ourselves in order to be able to proceed gradually.

I have a great deal of respect for my colleague's will and determination. Since we are almost done, I want to take this opportunity to thank my Conservative colleagues. Even if our points of view differ, I appreciated our discussions. Obviously, our objective will continue to be to improve things for Canadians.

In closing, I cannot prevent myself from asking Mr. Van Kesteren how long China has been a model for Conservatives. That is one point I did not understand. That is the only question of that type I wanted to raise.

As for the rest, I really think that we have done excellent, rigorous work. The committee is exemplary in that way. We will maintain that orientation. It will always be a pleasure for me to discuss things with you and to move this issue forward, whatever direction it takes.

Thank you.

• (1615)

[*English*]

The Chair: Seeing no more speakers, I'm going to call for a vote on amendment NDP-37.

I think we should have a recorded vote on this.

Mr. Don Davies: I want to have one more comment.

The Chair: I'm sure you do.

Mr. Don Davies: I want to comment that it wouldn't be fair to the totality of the evidence we heard and I think to the views of millions of Canadians, if we left without expressing that cannabis is not a substance that is dangerous and harmful to your health, although it has potential impacts in that way. Millions of Canadians view cannabis and use it as a substance that, when used properly and

responsibly, as Dr. Neil Boyd said, provides pleasure and helps control pain.

Millions of Canadians view cannabis in that regard. They do not view it as a substance that is going to lead to the crashing of civilization in Canada as we know it. They view it as a substance that, just like alcohol, is used by adults to enhance their experience of life. We may not all share that view, but millions of Canadians do.

I think it wouldn't do justice to this subject to end without some comment that millions of Canadians do not view this as a substance that is damaging to their lives or their health when used properly and responsibly. I wanted to go on the record to say that.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: I just want to say that it's exactly these kinds of statements that puts into the minds of our young people the idea that cannabis is not harmful, when, clearly, the evidence says it is harmful. It is harmful to them. We also heard testimony from doctors who treat addiction in those who are older. There are harmful effects of the drug itself. There are also the unintended consequences, such as the increase in drug-impaired driving and those who get a hold of it who were not intended to get a hold of it.

I wouldn't want to let the record show that. That said, I also want to say that this has been a most cordial conversation. Although we are not in favour of legalization, we do support ticketed offences for possession and that sort of thing. I did try to participate, engage, and provide many recommendations as we went along. I think there was no surprise about the things that I found flawed in the bill, so thank you for the conversation.

The Chair: Thank you very much.

Now we go to the vote on NDP-37, and we're going to have a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: Shall schedule 4 carry?

(Schedule 4 agreed to)

The Chair: That takes us Liberal-22.

Okay, we don't have to do Liberal-22 because it's already adopted.

Shall schedule 5 carry as amended?

(Schedule 5 as amended agreed to)

The Chair: Shall schedule 6 carry?

(Schedule 6 agreed to)

The Chair: Shall clause 1, the short title, carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry as amended?

Some hon. members: Agreed.

The Chair: Shall I report the bill to the House as amended?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

The Chair: Go ahead, Ms. Gladu.

• (1620)

Ms. Marilyn Gladu: I want to say that I had a doctor in my riding from the Ontario Medical Association come to visit me on the weekend, and he gave me quite an earful about the tax changes that are coming. He said, in fact, that many of the doctors in my riding are close to retirement, and they're looking now at shutting down their practices. We've had a shortage in my riding for some time. He was planning to open up a medical facility, but with the current things going on, he's very concerned. As a spokesperson for the Ontario Medical Association, he said he was concerned about doctors.

I'd like to move that pursuant to Standing Order 108(2)—

The Chair: Is there a connection to Bill C-45 in this discussion?

Ms. Marilyn Gladu: I believe I can move a motion at any time in this committee.

I move that the committee immediately undertake a study of no less than four meetings on how the proposed changes to the tax system outlined in the government's consultation titled, "Tax Planning Using Private Corporations", as publicly released on July 18, 2017, will impact the equality of access to medical services, including doctors covered under the Canada Health Act, across Canada and that the findings be reported to the House.

The Chair: It's an admissible motion.

We'll call for a debate on that. Okay, there is no debate.

(Motion negated [See *Minutes of Proceedings*])

The Chair: Mr. Oliver, you have something you want to raise.

Mr. John Oliver: At our last meeting at the end of last week we had passed a motion to send a letter to the Minister of Health. I think it should be to both the Minister of Health and Minister of Justice. There were two items that we had taken off the letter at that time because we weren't sure how the clause-by-clause would go.

One of them was dealing with edibles, which we've now dealt with. The other was dealing with pardons for those who had been charged and/or convicted with charges that are now legalized under this bill. I think we should put that one back into the letter.

I'm also thinking that Mr. Davies has repeatedly raised concerns about how dire or how heavy the criminal—

The Chair: The penalties.

Mr. John Oliver: —penalties are in this bill. I might be wrong, but my understanding is that a province or a territory could pass legislation to deal with the same areas and it would give the police another option or another alternative. Rather than moving to this bill, they could move to provincial legislation and have fines and penalties rather than the criminal charges. It would just broaden the

tools they would have and the flexibility they would have to deal with situations that they're finding.

I'm wondering if that advice should be added to the letter as well.

The Chair: We have a draft letter, do we not?

Mr. John Oliver: No. We asked for it to be prepared, but we took two items off because of the unknown of the clause-by-clause. I wanted to put those two suggestions in the letter.

The Chair: I think the letter would be a very valuable supplement to our report.

Ms. Gladu.

Ms. Marilyn Gladu: Yes, I think the letter has the power of unanimous support of the four things that were originally there, including public awareness and education, and things that we wanted to encourage the Minister of Health and the Minister of Justice.... I agree with adding her to it.

I wouldn't be comfortable to add those additional two, but I would be comfortable if there was some clarification that the Conservatives were not supportive of those last two, the edibles and the pardon.

The Chair: Mr. Davies.

Mr. Don Davies: I very much support the creation of the letter and the inclusion of recommendations on pardons. I think it was an omission in this bill, and the only reason we couldn't really address it as a committee was because it was outside the scope of the bill, so really almost a technicality. I think we should do that.

I don't know if Mr. Saint-Denis or Madame Labelle can tell us. Having passed this legislation that has the federal penalties in the bill, can provinces come up with a legislative scheme that legislates lesser penalties on those very same issues? I'm also wondering about whether they could do that and intervene in the Federal Court system, the superior courts of the country. As Mr. Oliver said, can we ask the minister to get provinces to pass almost a different penal system and level of offences? Is that possible?

• (1625)

Mr. Paul Saint-Denis: We've drafted the legislation, Mr. Chairman, in a manner that will allow the provinces some space to legislate, but they will not be able to legislate in areas where we have legislated and where we have imposed certain standards, and allow them to contradict those. I think that's the extent to which the provinces will be able to legislate in their areas, where we have left it open for them to do that.

Perhaps my colleague Madam Labelle might wish to add to that.

Ms. Diane Labelle: I think my colleague's comments are a fair statement. Where, potentially, provinces can move are instances like further restricting the age from 18 to 19, and in that space, 18 to 19, there would be provincially determined penalties that would apply, but not where the criminal law applies.

Mr. Don Davies: If I understand correctly, that would probably be a “no”. A province couldn't change the 14 years to nine years or six years, etc.?

Ms. Diane Labelle: Correct.

Mr. John Oliver: Thank you for that clarification.

The Chair: Mr. McKinnon.

Mr. Ron McKinnon: Thank you, Chair.

I'd like to also propose that we consider adding to this letter a request of the Minister of Justice to revise the law around conditional discharges to allow it in the case of 14-year sentences, which would address many of the concerns Mr. Davies had.

The Chair: How are we going to do this letter? We have a bunch of different ideas. Are we going to add to it by official motion or are we going to have the analyst draft a letter and see whether we approve it? Maybe that's the best way.

Is that okay? Based on the ideas you've heard, perhaps you can draft a letter and submit it to us at the next meeting, and we'll have a look at it.

The letter, to me, is an important part of this. Certainly, if there was one common theme that I remember, it was education and public awareness of the risks and those aspects of marijuana, which is not there now.

Mr. Oliver.

Mr. John Oliver: I believe we passed a motion last time, and we had identified four or five items, which included education.

I would like to move that we add to the letter suggestions that appropriate actions be taken to remove or forgive penalties for people who have been charged and/or convicted for crimes that are now, under this legislation, legalized.

The Chair: All right, we'll take it one step at a time.

Ms. Marilyn Gladu: I just want to say that this is another one that I'd like to be exempted from. I agreed to the first four—I certainly stand in unity with the committee—but on the other ones I'm not so sure, until I see the—

The Chair: Is there a consensus that we add to Mr. Oliver's motion?

Mr. John Oliver: I think we're probably voting on it. Then we can decide what the components of the letter are, and then the opposition can go off and do their own dissenting letter on those items.

The Chair: We have a motion now. Your motion is to add relief from pardons and so on to this draft letter.

Mr. John Oliver: That's correct.

The Chair: If there's no further debate, I'll put the question on the motion.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Mr. McKinnon, we come to your motion.

Mr. Ron McKinnon: It is to also amend the motion, to accommodate conditional sentences in cases of 14-year maximum penalties.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: I'm new to this committee, but this legislation is split among a number of departments. Wouldn't it be better to send a letter to the chair of the justice committee and ask him to look at this and then make a recommendation? Isn't that more appropriate? I don't know whether this is within our jurisdiction to be doing.

• (1630)

The Chair: Well, they both testified here at the committee, so I think it's legitimate for us to respond to them. They were both present.

If they were here, we should be able to submit this to them.

Mr. Davies.

Mr. Don Davies: I want to agree with Mr. McKinnon's amendment. I think it could take different forms. This letter is going to the Minister of Health. It could be addressed to the Minister of Health and the Minister of Justice, or it could go to the Minister of Health asking the Minister of Health to work with her colleague, the Minister of Justice, to review the law around conditional sentences.

My hunch is that the present government is looking at altering the way conditional sentences are applied in this country. If we can say that our experience in this committee was that we could envision situations in which, because of the penalties, judges would be unable to offer conditional sentences in situations in which we think they ought to have discretion, I think we should make that recommendation, whether it's to the Minister of Health or the Minister of Justice.

Is that the tenor of your motion, Mr. McKinnon?

Mr. Ron McKinnon: That's exactly where I'm heading with this.

Mr. Don Davies: I'm in agreement with it.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: The Minister of Public Safety was also present, so if I may, let me offer a friendly amendment that this also be sent to the Minister of Public Safety.

The Chair: All right, all in favour of Mr. McKinnon's motion please signify.

(Motion agreed to [See *Minutes of Proceedings*])

Mr. Don Davies: May I just ask a quick question? I think we took edibles out, but now we know that edibles have been put back in, so I don't think we need to—

Mr. Don Davies: Yes, so we don't have to mention that in the letter now, because it's in the legislation.

The Chair: Is that it?

I want to thank everybody. We had our marathon sitting and we did a good job. There's been a debate about how many witnesses we had. We actually had 109 witnesses—90 groups, but we had 109 individuals—here to testify. I don't know about everyone else in the committee, but I learned a lot. We had great witnesses, we learned a lot, and I think we've done a good job on this.

It's going to be reviewed in three years, and I expect us all to come back and review it on this committee.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: Didn't we change the review time to five years?

The Chair: No, we changed it from five years to three, and I think that's good, because there's no question, we're going to learn lessons as this thing unfolds.

Mr. Davies.

Mr. Don Davies: On behalf of the New Democrat caucus here, Mr. Chair, I want to thank you for the equanimity and the fairness with which you've chaired all these proceedings. I thought you did an excellent job; you let the witnesses finish their thoughts; you were very judicious in the way you apportioned the time among the parties.

I would like to thank all the committee members for indulging me so I could have five minutes in my second round. I really appreciated that. I want to thank you in particular, Mr. Chair, the staff, the analysts, the clerk, the legislative counsel, and all the ministry officials for their hard work and indulgence. This was a big bill, and I thought we got through it in a respectful way.

The Chair: We did our job.

Thanks very much, everybody.

The meeting is adjourned.

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