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Chair

Mr. Bill Casey

Standing Committee on Health

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• (1530)

[English]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): Welcome everyone. This is meeting 71 of the Standing Committee of Health. We're going to continue our study on Bill C-45, pursuant to the order of reference of Thursday, June 8, 2017.

There are a couple of little housekeeping things I want to cover. We're scheduled today to be here from 3:30 to 5:30, tomorrow from 9:00 until 6:00, Wednesday from 1:00 until 6:00, and Thursday from 9:00 until 6:00, if we haven't completed. There is a little glitch. We've asked for televised sessions, but we can't get a room for televised sessions for Thursday. We'll still try to get it, but we may not have a televised session.

As we go through the clause-by-clause consideration, we have agreed that we will have a five-minute limit per party to discuss proposed amendments. We have clocks here for each party. We'll make sure that everybody fits in that time appropriately.

There is one other issue. There are quite a few clauses that have no proposed amendments at the moment. I may try to group them together, but if anybody wants to talk about a particular clause, don't hesitate to raise it.

Mr. Kesteren.

Mr. Dave Van Kesteren (Chatham-Kent—Leamington, CPC): Mr. Chair, I have a motion which concerns the issue at hand, and as such, I believe it's admissible. I wonder if you would hear me at this time.

When the Liberal government first introduced Bill C-45, it presented three central goals that this legislation would achieve. The bill would propose to protect youth; regulate and legalize a marijuana industry in order reduce to illicit activity; and reduce the burden on the judicial system. I'd like to make it clear that Bill C-45 would accomplish none of these goals.

This bill would allow youth to possess up to five grams of dried marijuana, and permit the growth and cultivation of marijuana in the home. I'm not in favour of criminalizing youth for the possession of marijuana; however, giving youth free rein to possess as of age 12 will cause immense mental and social harm to our younger generations. This would not protect our youth, and certainly not protect our kids.

This bill would also have little effect on the illicit markets, as it does not cover the entire scope of marijuana products, and it grows

home grown. Home grow creates the ideal environment for organized crime to thrive in our communities. That many witnesses have stated Bill C-45 would reduce the size of the black market is simply naive.

Several witness stated that the criminal charges in Bill C-45 are, in fact, more severe than the status quo. This bill proposes that growing four plants is legal, but if you grow five, you are a criminal, or having a plant that is 99 centimetres tall is legal, but if it's 100 centimetres tall, you are a criminal.

With more severe charges, and with an increased number of smaller charges, often left up to the discretion of the officer, the number of judicial cases would only increase. In fact, witnesses clearly stated that this legislation would put even more pressure on our justice system. I attested to that at the last meeting. I was informed by my sons, who are also police officers.

This is a fundamentally flawed piece of legislation that would not protect our youth, would not eliminate organized crime, and would only increase the burden on both the judiciary and law enforcement officials in our country. With no education program in place, and with far less than a year to go until the arbitrary date of July 1, 2018, I, along with my Conservative colleagues, move that this bill proceed no further through the legislative process.

• (1535)

The Chair: Mr. Oliver.

Mr. John Oliver (Oakville, Lib.): I would move that the debate be now adjourned.

The Chair: All in favour of the motion to adjourn debate?

Mr. Dave Van Kesteren: Chair, can we have a recorded vote?

The Chair: Yes, we can have a recorded vote.

(Motion agreed to: yeas 5; nays 4)

The Chair: The motion passes.

Now I want to go back to my introduction for the meeting. We have some guests today.

Mr. Davies.

Mr. Don Davies (Vancouver Kingsway, NDP): Mr. Chair, I don't want to hold things up. I don't have a motion, but I just want to clarify a couple of things.

First, I understand there are a number of clauses of the bill that don't have amendments, so I would suggest that where you can move groups for which nobody has any amendments proposed, you do so. I suppose that's subject to whether any of my colleagues really want to discuss a particular clause, in which case they can. I note that the Conservatives have put in no amendments. The NDP have effectively 11 different amendments. They're expressed in 37 different places, because three of our amendments are repeated, and after I introduce those amendments a few times, I won't belabour the point or repeat the arguments, because my colleagues will start seeing what the rationale is.

The other point is that the motion that was adopted was that the chair reserved the discretion to limit debate to five minutes. It wasn't an automatic five minutes, and the way you expressed it at the beginning of this meeting was that people would be limited to five minutes. That is not what the motion was. I would suggest that you, of course, keep the discretion to do that. If you feel that any party is abusing that privilege or if debate has gone on far too long on one amendment, then by all means exercise that. But I don't think we should start off with a clock of five minutes on each amendment, particularly since some of my amendments may take a little more than five minutes to introduce at the beginning, but then, as I've said, once they become repetitive, I won't repeat that. That would be my suggestion, Mr. Chair.

The Chair: All right. Thanks very much.

Before we go any further, I'd like to introduce our guests, who are here to help us. Then we're going to go to Dr. Eyolfson.

From the Department of Health, we have John Clare, director, cannabis legalization and regulation branch. From the Department of Justice, we have Carole Morency, director general and senior general counsel, criminal law policy section; Paul Saint-Denis, senior counsel, criminal law policy section; and Diane Labelle, general counsel, Health Canada. From the Department of Public Safety and Emergency Preparedness, we have Rachel Huggins, manager, policy development, serious and organized crime strategies division, community safety branch. We have Michael Holmes with us as well to help us with any questions we have as far as legal issues go. Mr. Eric Costen has also been added to the list.

Welcome, everyone.

We also have additional legislative clerks, and our analysts are here to help us. So as we proceed through this marathon clause-by-clause consideration, we have lots of help.

Dr. Eyolfson, you are on our list. Do you want to talk?

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): That's withdrawn.

• (1540)

The Chair: Okay.

Ms. Gladu, you are on our list.

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

I would like to ask for a recorded vote on each clause as we go forward. We've been clear that we are opposed to the legalization of

marijuana, so as my colleague said, we're not bringing any amendments. It would be hypocritical for us to pretend to try to fix a bill that we wish didn't exist. That's it. I was very engaged during the testimonies that we heard pointing out the flaws in the bill, and I will continue to do that, but if we could have a recorded vote, I would appreciate that.

The Chair: All right.

Does that have to come to a vote as a motion, to have a recorded vote on all clauses?

We have a motion on the floor to deal with every clause with a recorded vote.

Is there any debate on that?

Mr. Davies.

Mr. Don Davies: I'm wondering if that's really necessary on a bill of this length. It's over 100 pages and I can't remember how many clauses, almost 200 clauses. I respect very much the right of my colleagues in the Conservative Party to state unqualifiably their opposition to the bill, but I don't know if it's necessary to do that by slowing down this process that much by doing that with every single clause of the bill. I think Ms. Gladu and others will make their position very abundantly clear throughout the bill. It seems to be a rather time-consuming and unnecessary way to achieve her objective to slow us down. I would oppose having a recorded vote for every single clause. I would simply ask that maybe a representative of the Conservative Party at each clause take the floor and express their opposition to that clause.

The Chair: I'm advised that a member can ask for a recorded vote at any time, but *carte blanche* for all the clauses is not in order.

We'll start and see how it goes.

The Conservative Party has registered its position. Nobody misunderstands your position.

We're going to start our clause-by-clause study.

I'll start with clause 2 through clause 6. Clause 1 is postponed. We'll come back to that. That's the short title. We always come back to that at the end.

We're going to do clause 2 through clause 6. I see no amendments to them.

(Clauses 2 to 6 inclusive agreed to)

(On clause 7)

The Chair: On clause 7 we have an NDP amendment.

Would one of the NDP members like to elaborate on it?

Mr. Don Davies: One of the NDP members would be delighted, Mr. Chair.

The Chair: Go ahead.

Ms. Marilyn Gladu: The only one there.

Mr. Don Davies: Briefly, colleagues, this amendment would add another provision to the purposes section of the bill, a new paragraph 7(h), so it would read that the purpose of the act is to protect public health and public safety, and in particular, to:

recognize that criminal prohibitions on certain activities in relation to cannabis may have a negative impact on social determinants of health.

For decades evidence has been mounting that the so-called war on drugs has been a clear failure from a variety of perspectives, but particularly from a public health perspective. New Democrats have long understood that cannabis use isn't a moral failing or an issue of character and that its criminal prohibition has, in most contexts, and some would argue in all contexts, been more harmful than the substance itself.

Most tellingly, colleagues, we've heard a lot of evidence at this committee about discretion being applied by police officers in enforcing this act and in applying penalties, and I think adding this purpose will serve as a guidepost to those officers in exercising their discretion. We heard evidence from officers and I think from the department officials that there's discretion in terms of giving tickets or sometimes arresting; there's sometimes proceeding by summary conviction, and sometimes by indictment. I think having a clear statement of purpose in this bill that recognizes that criminal prohibitions in respect to cannabis can have a negative impact on social determinants of health will help those officers and the people charged with administering this bill and exercising that discretion.

I want to give a couple of quotes to the committee.

Dr. Eileen de Villa, the medical officer of health, Toronto Public Health, said:

Criminalization of cannabis use and possession impacts social determinants of health such as access to employment and housing. Given that cannabis possession will soon be made lawful in Canada, I urge you to immediately decriminalize the possession of non-medical cannabis for personal use.

That latter sentence speaks to a different issue, of course, but I think her main sentence is clear.

Michael DeVillaer, assistant professor at McMaster University, said:

Issuing of more criminal records will continue to have a devastating impact on the social determinants of health of these mostly young Canadians. Prohibition also poses a problem for those who are dependent on cannabis and are seeking treatment to improve their lives. In my experience as a counsellor, I never encountered a patient who was helped by a criminal record. It actually impeded their efforts.

Kirk Tousaw said:

Public health isn't just about the health consequences or benefits of using a particular substance. Public health also includes considerations of undue and unnecessary criminalization of people, use of the courts, use of the legal regime, misuse of police resources, distrust between the police...and all of those things are amplified by taking some sort of restrictive approach to people accessing relatively safe products like cannabis.

Finally, I want to quote two ministers who came.

The Minister of Health, Honourable Ginette Petitpas Taylor, said:

Protecting the health and safety of Canadians is a priority for our government and the focus of this bill. Canadians use cannabis at some of the highest rates in the world and decades of criminal prohibition have not reduced these rates. In fact, cannabis has become the most commonly used illegal substance in Canada.

She continued:

Our youth have the highest prevalence of cannabis use when compared with peers in other developed countries. This clearly shows that the current approach to cannabis is not working.

To echo what my colleagues have indicated, the evidence is clear that prohibition, the status quo, is just not working.

Finally, Mr. Chair, Honourable Jody Wilson-Raybould, the Minister of Justice, said this:

There is a broad consensus among Canadians that our current approach to cannabis is not working. Our system of criminal prohibition fosters an environment where organized crime reaps billions of dollars in profits from its sale, where thousands of Canadians each year end up with criminal records for non-violent cannabis offences, and where cannabis is not being kept out of the hands of young people.

In conclusion, Mr. Chair, I think a clear statement that one of the purposes of this act is to recognize that criminal prohibitions on certain activities in relation to cannabis may have a negative impact on social determinants of health is not only a profoundly accurate statement, it's one borne by the evidence this committee heard, one that was reinforced by the Minister of Health and the Minister of Justice, and one that I think will have the helpful impact of reminding those entrusted and charged with enforcing this legislation in the future that whenever possible, to not use a criminal approach to cannabis is preferable, and a criminal approach should be avoided at all costs, given the negative health consequences of criminalization on our population, particularly on young people.

● (1545)

Thank you, Mr. Chair.

The Chair: Thank you. You're right on time.

Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Thank you, Chair.

First, I'd like to thank Mr. Davies. I agree with many aspects of what he has said. The war on drugs is a failure, a failure of prohibition. I'd like to compliment Mr. Davies on the enthusiasm, care and concern with which he has addressed this file. Having said that, I think the purpose of this bill has already been very well stated. It is inherent in the existing purpose, and in that respect I think Mr. Davies' amendment is redundant and will in the end add no value.

The Chair: Is there any other debate?

Mr. Davies.

Mr. Don Davies: I call for a recorded vote on this amendment, please.

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

(Clause 7 agreed to)

(On clause 8)

● (1550)

The Chair: We have an amendment from the NDP. I have a note here from the legislative clerk which says that if adopted, then NDP-25 is also adopted as a consequential impact. That is if NDP-2 is carried.

Would you like to introduce it, Mr. Davies?

Mr. Don Davies: Mr. Chair, clause 8 of the bill sets out a limit of Canadians possessing no more than 30 grams of dried cannabis in public. The purpose of my amendment would be to delete that, so that there is not a limit of possession of 30 grams distinguishing a Canadian who is not a criminal from one who is a criminal.

The rationale for this again comes largely from the evidence, and I think from logic as well. It's completely arbitrary to restrict possession to 30 grams. This legislation would say that someone in public who has 29 grams of cannabis is a law-abiding citizen, and someone who has 31 grams of cannabis is a criminal who is subject to a jail sentence of up to five years.

There is no clear policy goal satisfied by that distinction. I don't think anybody in this room—frankly, anybody in the country—could make a compelling argument that someone with 31 grams of cannabis in public is doing anything inherently more criminal than someone with 29 grams.

Even worse, this measure will continue to impose all of the harms of criminalization that the purpose of the bill that the Liberal government has just passed claims to ameliorate or to enforce. We know that taking up police resources, clogging up our courts, and criminalizing Canadians for simply possessing cannabis in amounts that are clearly for personal use or for use among friends serves no valid purpose and in fact does a great deal of harm. It costs our society billions of dollars. It makes our court time valuable so that more serious crimes get shifted into the future. In some cases, people facing serious crimes don't even have a trial at all because of the Jordan principle and because our courts are clogged up with minor and petty cannabis offences.

We don't treat alcohol or tobacco this way. We don't criminalize adult possession of amounts of alcohol because that is inconsistent with the concept of a legalized market. Anyone in this room could back a van up to a liquor store and fill up the van with cases and cases of scotch. In fact, you could fill up a semi-trailer with cases of scotch and drive away. That's not an offence in this country. We heard evidence—it's clear—that alcohol and tobacco are clearly more dangerous to health than cannabis is. Nobody who looks at the evidence even disputes that anymore, yet this legislation says that if you have 31 grams in public, you're a criminal. It makes no sense.

I want to talk briefly about a theme, because it is important for Canadians. This may be a distinction without a difference, but Mr. Trudeau and the Liberals campaigned in the last election on legalizing cannabis. This bill has more sections on criminalization of cannabis than exist in the current Criminal Code. It does not legalize cannabis; it makes it less illegal. It is still a criminal offence punishable by jail to have 31 grams or more in your possession. That's not legalization. We could argue that it's better than the status quo, and I would probably agree with that, but it's not legalization.

There is no argument that we heard in five days of hearings with some 90 witnesses that cogently explained why 30 grams exists, why that number was chosen, and why anybody with more than that or less than that is a criminal or not. Neil Boyd testified:

The idea that we would pass legislation that would retain a criminal offence of possession of cannabis seems to me to be inconsistent with at least part of the logic of this. I know that the Prime Minister has repeatedly said it's about eliminating the black market and reducing access, but part of it is also about

recognizing that people who have used cannabis, or who use cannabis, do not deserve the label of "criminal".

Kirk Tousaw said:

Bill C-45...contemplates criminal penalties being applied to adult Canadians who possess more than 30 grams of cannabis or grow more than four 100-centimetre plants per household. These are [completely] arbitrary numbers.

These criminal restrictions are decidedly unlike the way our country regulates alcohol, a vastly and inarguably more dangerous substance than cannabis. At this moment in Canada, a 19-year-old can walk into a liquor store and purchase enough alcohol to kill that person and all that person's friends and acquaintances. Indeed, there is enough alcohol in one bottle of vodka to kill the consumer.

● (1555)

We don't tell that person they can't have 40 bottles of it.

Paul Renaud, the communications director of Educators for Sensible Drug Policy, said, "Youth cannot be criminalized for alcohol possession. What sense does it make to criminalize them for cannabis?"

Mr. Chair, I'll conclude just by saying that if we truly believe the Minister of Justice and the Minister of Health that prohibition doesn't work, then why are we persisting with provisions in the bill that continue to prohibit based on an arbitrary number that serves absolutely no logical purpose whatsoever other than just to say that Canadians can have 30 grams or under, but not more, for no logical, compelling, science-based reason?

I'm going to conclude by saying that I've heard this government talk repeatedly, and I congratulate them for claiming to take, and in some cases taking, an evidence-based approach to legislation. This is not an evidence-based approach to legislation. This is an arbitrary approach to legislation, with no basis in science or fact.

I'm going to ask my colleagues to support the removal of the limit of 30 grams of dried cannabis, and start treating adults in this country like adults. Certainly adults can determine how much cannabis they want to have in their possession. There are other sections in this act that control trafficking, sale, production, and distribution, which will completely take care of any issue around those concepts. Let's let Canadians start being able to make the mature decision of how much cannabis they want to have.

My final point is this. In terms of medicinal cannabis or people who are using cannabis for other reasons, someone may decide to go on a two-month trip or a one-month trip across Canada. When we get to the cultivation parts, we'll see that Canadians can grow their own. Ironically, you can have four plants, so you might be in possession of 160 grams of cannabis in your house, and that's okay, but you can't have more than 30 grams in public. What if someone wants to take 50 grams of cannabis with them for a month-long trip across Canada? Are they criminals? What if someone is moving apartments and harvests their plants and has 100 grams? What do they do? Do they make three trips? This is an absurd limit. It's arbitrary and absurd.

The harm and the amount of police time that'll be taken up in having to continue to police what is essentially a criminalized approach to possession of cannabis in this country is as wrong after this bill as it is before the bill.

If my colleagues on the Liberal side really believe in the purposes of this bill—that we want to deter illicit activities in relation to cannabis, reduce the burden on the criminal justice system, and protect the health of young persons—then why don't we come up with evidence-based provisions in this act and make it consistent with those purposes? This 30 gram limit does not meet that test now.

The Chair: Thanks very much.

Ms. Gladu.

Ms. Marilyn Gladu: Chair, we heard a lot of testimony. I was specifically interested in this possession amount because I was concerned that it's between 60 and 90 joints. We had testimony from Colorado and Washington that 30 grams is the limit they chose, and the other jurisdictions that have legalized also chose that.

Now, within the bill there is provision for possession of between 30 and 50 grams to be a ticketed offence or some non-criminal intent, which would take you up to 100 or 150 joints. I seriously think, since trafficking is still a criminal offence, you have to really watch where you get from personal possession into an amount that you would be tempted to traffic to others.

Thirty grams certainly is too much, but I accept it based on the evidence we heard.

• (1600)

The Chair: Mr. Oliver.

Mr. John Oliver: As Mr. Davies said, this topic comes up several times. I thought that maybe members would jump in and have a conversation about it rather than repeating things each time it comes up. Now might be a good time to have that discussion.

As Ms. Gladu said, both Colorado and Washington have sat, and we've used them as good models of how to carefully and thoughtfully go forward, particularly in the first phase of introduction of what's quite a significant social change for Canada in the act. These are their limits metricized, if I can say it that way. Theirs are a bit different because they were in ounces, but this is metric.

The second thing is that it isn't you're over and you get five years in jail. Officers have a choice to ticket and seize, which is very different and doesn't have the same consequence. They can do it

summarily, or they can charge with an indictable offence. There's an open range.

The goal of the legislation, in this phase I believe, is to stop organized crime and to deter the activity of organized crime. We heard from many of the witnesses that it was going to be very difficult for us to step in and deter organized crime in this space. Having some kind of consequence, I think is important, recognizing that if somebody is caught with 30 grams to 50 grams, they can be ticketed. If it's simply somebody, as Mr. Davies said, caught moving across from one province to another for a month's holiday, that would be ticketable at the officer's discretion.

I think those are important considerations.

The other piece with organized crime is that at some point we need to realize that this is not about opening up recreational marijuana. It's not about choice for consumers. It's not about promoting marijuana. It's about restricting youth to access. It's about deterring organized crime, and it's about safe production.

As Mr. Davies said, people can have unlimited amounts in their home. It's simply if they're caught in public with it. The issue about stopping organized crime is that with people carrying amounts that are over 30 grams or 50 grams, that doesn't look like personal use in public. That looks like trafficking.

I don't think it's arbitrary. They've used guidelines from other jurisdictions. I think it's a conservative approach to introducing this particular topic.

Those are the points I want to raise on this one.

The Chair: Okay, thanks very much.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: Mr. Chair, Mr. Davies made a very valid argument. I must say that his argument is very sound, but I don't agree with it.

I would take issue with a number of things that he stated. For instance, he says there isn't a negative effect. We've heard a witness say that with youth right up to age 25, there's very clear science that there may be very negative effects mentally. When I'm listening to this argument, I'm hearing confusion. As we like to say unofficially, we're getting into the weeds. When we do that, we start to see how entangled we've become.

I can't reiterate it enough when I say this is a bad idea. I believe there are many on the Liberal side who know this is a bad idea as well. As we continue to debate this, and as we continue to go clause by clause, we repeatedly hear about the need to protect our youth and to put a stop to organized crime. How shallow and inept an argument, without any legs, that is.

I agree that we either go into this all out and open the whole thing up or we start to look at what this legislation is actually going to open up, which is Pandora's box. Although I agree with his argument, I disagree with the outcome.

I certainly will be voting against this proposal.

•(1605)

The Chair: Thank you very much.

Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): So we are basically caught in the middle.

I heard the opinion that we should go the route of full legalization of cannabis without any restrictions, as is the case for alcohol and tobacco. We have also heard many other arguments to the effect that cannabis is hazardous to health, especially for young people. That is something we want to prevent. We have to protect our young people. That is in fact one of the primary objectives of the bill. To protect our young people, certain guidelines are needed.

We also want to get this market out of the hands of organized crime. Yet if there is no legislative authority to fight organized crime, the black market will not die out. Once that market has been weakened as much as possible—it will not completely disappear—will we not have as great a need for a very strict law that has a major impact on crime.

In the meantime, we have to find the right balance between doing nothing, or maintaining the status quo, and completely throwing open the doors to consumption. I think that is precisely where we are headed. Right now, the bill prohibits young people from possessing more than five grams of cannabis, which will prevent an overload of the court system. It is not the case that we want young people to possess or use cannabis, on the contrary, in fact. We do, however, want them to be aware of the dangers and to be educated and informed.

For adults, the bill sets a limit of 30 grams. That is what is deemed to be a reasonable amount. If an adult user does not go over that limit, they will not have a criminal record or face consequences. If they have a larger amount in their possession, however, whether because of cannabis cultivation or drug trafficking, that is what we want to avoid. That is the purpose of the bill.

We do not want to completely change the approach. The possession of marijuana will not suddenly become legal overnight. The change will in fact take place over many months, perhaps many years. Later on, we will have to review the bill again to see whether any improvements are needed. In my opinion, our approach is middle of the road.

[*English*]

The Chair: You've used a lot of time, Mr. Davies, but go ahead for a short comment.

Mr. Don Davies: We are talking about people over 18, so this subclause does not talk about young people at all. We talked about Colorado and Washington being used as models. Well, we didn't use Colorado and Washington for models in several other very important respects. For instance, they legalized edibles and this government didn't. So you can't really pick and choose. You can't really refer to other jurisdictions and say we use them as models, but only when it suits your argument. The punishment section of this clause is very clear. In the very first part, it says that "every person that contravenes subsection (1)...is guilty of an indictable offence and is liable" to a

term of imprisonment of "not more than five years less a day". It then has "summary conviction" possibilities as well.

Make no mistake. If you're caught with more than 30 grams, you are liable, under this legislation, to up to five years in jail. You may not get that the first time, I agree, with discretion, but you could. The thing about trafficking and using the argument that if someone has 40 grams of cannabis, we're going to make the assumption that they must be traffickers, that's actually not consistent with the way the law is now. You can't make an assumption just because someone has a certain amount of cannabis that they're going to do something. That's why the law currently requires other evidence of trafficking like scales, baggies, or other accoutrements of trafficking. If you have a trunk full of scotch, nobody assumes that you're going to sell it on a black market just because you have a lot of scotch. I would say, leave the law to the discretion of the courts and judges on that.

Mr. Van Kesteren, I want to be clear. Cannabis is not without health impacts, for sure, but the evidence was very clear that it is not as harmful as alcohol or tobacco. There's no known overdose limit for cannabis and it's not a carcinogen like tobacco is. That's why there's the argument, in my view, that cannabis should be as proportionally regulated as tobacco and alcohol. We don't have five-year jail terms from having 50 cartons of cigarettes in your trunk. You can go to the store and you can buy as many cartons of cigarettes as you want. You can buy as much alcohol as you want. So why would we put a limit on cannabis?

Finally, if Canadians find that there are arbitrary elements in this law, then they will disrespect the law and they will ignore the law just as they have been doing for decades. Unless you have a good argument to tell adult Canadians why they can't have 35 grams as opposed to 25 grams, and one can go to jail for five years, and one person is a law-abiding citizen, you're running the risk that people will flout the law and disrespect it. That's really what's happened. If there's no rational basis for 30 grams, then we shouldn't be restricting adults that way.

•(1610)

The Chair: You'll have to wind it up now.

Mr. Don Davies: I will wind it up. If someone's caught with a lot of cannabis, Mr. Chair, and if there's other evidence of trafficking, then charge them under that bill, but don't make that assumption simply by the amount of cannabis they have.

The Chair: All right, thanks very much.

I'm going to call for a vote on NDP-2.

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

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

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

The Chair: Now we're going to the Green Party's amendment PV-1. Is there any discussion or debate on PV-1?

Ms. Gladu.

Ms. Marilyn Gladu: Yes, this is where she proposes to increase the amount that a young person could have from five grams, which is already the wrong message. Zero is the right amount for a young person to have. Up to 30 grams is just unbelievable, so I would definitely be opposed.

The Chair: Ms. Sidhu.

Ms. Sonia Sidhu (Brampton South, Lib.): Yes, Mr. Chair, supporting that amendment is not consistent with the government's response because the government doesn't want to convey the message that a young person using cannabis is acceptable, normal, or healthy behaviour.

The Chair: All right. Seeing no more comments, I'm going to call for a vote.

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

The Chair: Now we go to NDP-3.

Mr. Don Davies: Did clause 8 pass?

The Chair: No, it didn't. We're still on clause 8.

If NDP-3 is adopted, NDP-4 cannot be moved.

Would you like to make a comment on NDP-3?

Mr. Don Davies: Yes, Mr. Chair.

The Chair: Try to restrict it to make it a little shorter.

Mr. Don Davies: Mr. Chair, this is one where I would ask for a little indulgence because this is the one that comes up repeatedly, and I'm not going to repeat the arguments when they come up.

The Chair: You've had quite a bit of indulgence.

Mr. Don Davies: Yes, on different sections. I'll speak for five minutes to every one of the other sections if that's better. This way saves time. I speak for 10 minutes now or I speak for 50 minutes—

The Chair: Go ahead.

Mr. Don Davies: The way I want to introduce this is this legislation has a number of sections that still retain a criminalized approach to cannabis with quite heavy criminal penalties and heavy jail sentences possible, in fact, up to 14 years. I've pointed out before that 14-year maximum sentences are similar to those for producing child pornography or leaving Canada to commit acts of terrorism. Yet a 20-year-old, according to this bill, could sell cannabis to a 17-year-old and potentially face a 14-year sentence.

From a broad philosophical point of view, I agree with the government in their general approach to legalized cannabis. I just want to point out that by retaining a prohibitionist model and retaining criminal sanctions for a whole host of offences around cannabis, you're not legalizing cannabis.

What I propose here, Mr. Chair, is I'm going to have three different types of amendments so that every time a section comes up that has a jail term criminal sanction to it, I will move amendments 1, 2, and 3.

The first type of motion I will move, and that's what I'll move here first, is to replace the criminal framework with monetary penalties modelled on the Tobacco Act. It still will retain the ability to impose a criminal sentence on the most severe or most repetitive type of commission of an offence, just like it does under the Tobacco Act or

under the Excise Act, but it generally more faithfully makes this legislation change a criminalized approach to cannabis to one that is more regulatory.

The criminal framework created by this bill is inconsistent with a rational and evidence-based criminal justice policy, and I think will only serve to reduce the positive impacts of cannabis legalization. The penalties contained in Bill C-45 are drastically out of proportion with those currently applied to alcohol and tobacco offences, and I think cannabis legalization should take a regulatory approach with significant fines for offences rather than a criminal one. Again, one of the purposes of Bill C-45 as laid out in clause 7 is to reduce the burden on the criminal justice system in relation to cannabis, so penalties in the bill, I think, should be consistent with that stated intent.

I will point out, as well, that a maximum penalty of 14 years' imprisonment eliminates a judge's discretion to impose a conditional sentence. We heard evidence that current sentencing ranges for cannabis offences under prohibition are far shorter than the lengths proposed under legalization in Bill C-45.

The Canadian Bar Association said:

At present, sentences for cannabis offences are not near the length proposed in Bill C-45, as even large scale operations do not generally attract 14 year sentences. While some criminal sanctions might be appropriate for an offender distributing a large quantity of illicit cannabis, that will be the exception in a legalization regime. If cannabis is to be treated like tobacco or alcohol, penalties available should reflect those regimes. ... For tobacco, section 220 allows a person to grow up to 15 kg of tobacco for personal use, with the same allowance for other adults on the farm or premises. Selling without a license brings a fine and, for default in paying the fine, up to twelve months imprisonment. The same is true for violating section 220. Offences for selling without paying duties carry penalties on indictment of up to five years and on summary conviction up to two years.

John Conroy said that all indictable offences should be abolished, leaving only summary conviction offences and a maximum of two years less a day imprisonment for serious matters. He said there should be no imprisonment available for cannabis offences and the focus should be on monetary penalties for infractions and violations. Mr. Conroy said that having this "maximum of 14 years, hybridized by indictment, and so on, is frankly totally unrealistic in terms of what goes on on the ground."

Even in the Saskatchewan Court of Appeal, which is not known to be the most liberal court in the country, the range for trafficking, for example, is 12 to 18 months. Most sentences are up to two years. The conditional sentence order is the last step before having to put you actually in prison, and a 14-year maximum, because of the 2012 amendments, prevents a judge from doing that.

● (1615)

Kirk Tousaw said:

These criminal restrictions are decidedly unlike the way our country regulates alcohol. At this moment in Canada a 19-year-old can walk into a liquor store and purchase enough alcohol to kill that person and all that person's friends and acquaintances. Similarly there are virtually no restrictions on individual Canadians' rights to brew beer or make wine for individual consumption.

Given that reality, it's ludicrous, or to put it in legal terms, arbitrary, overbroad, and grossly disproportionate to allow Canadians to be arrested and caged for simply possessing an amount of cannabis or dealing with it in an illicit manner. There is no empirically, morally, or legally sound reason why cannabis should be treated more strictly than alcohol.

Finally, Michael Spratt said that Bill C-45 is an “unnecessarily complex piece of legislation that leaves intact the criminalization of marijuana in too many circumstances.”

He goes over the fact that:

An adult who possesses more than 30 grams of marijuana in public is a criminal. A youth who possesses more than five grams of marijuana is a criminal. An 18-year-old who passes a joint to his 17-year-old friend is a criminal. An adult who grows five marijuana plants or possesses a plant 101 centimetres tall is a criminal. And anyone who possesses non-government-approved marijuana is a criminal.

This continued criminalization is inconsistent with a rational and evidence-based criminal justice policy and will only serve to reduce some of the positive effects of Bill C-45.

In conclusion, Mr. Chair, my first range of amendments, and the one that will be put before my colleagues first, is to remove the jail sentences and replace them with monetary fines in this clause. As you'll see, if this is defeated, the second type of amendment will reduce the 14-year maximum sentences to two years less a day. It will retain the criminal and penal sanctions but it will put the sentencing into a more reasonable and, frankly, realistic sentencing range, which is the case in Canada today, and make all other offences summary convictions only and strike out the indictable offence sections. If that doesn't pass, my third motion is simply to reduce the 14-year maximum sentence, wherever you see it, with a nine-year sentence. That's because any offence in the Criminal Code that carries a maximum of 10 years or more does not qualify for a conditional sentence ordered by a judge, and we want to restore that discretion to a judge.

Mr. Chair, that's the explanation of all of these amendments. I'll move the first amendment now, which would remove the jail sentences and replace them with monetary fines.

Thank you for your indulgence, Mr. Chair.

• (1620)

The Chair: Thank you.

Dr. Eyolfson.

Mr. Doug Eyolfson: Mr. Chair, I find some merit in what Mr. Davies says, but we were also advised by the jurisdictions that legalized it to take it slowly, take this very slowly, not to go too far or do too much too soon. In regard to an earlier comment about how we had campaigned on legalizing, we campaigned on legalizing and strictly regulating. That was part of it. We didn't just say the word “legalizing”.

One of the things we want to get a hold of is the problem right now of trafficking. We have to set some limit on what the difference is between the amount you'd have for personal use and what might be considered for trafficking. This may be reviewed, if this amount is causing problems in the future, but again, this is the amount advised by the jurisdictions that have legalized it.

Therefore, I'll be opposing this motion.

The Chair: Thanks very much.

Mr. Van Kesteren.

Mr. Dave Van Kesteren: Chair, I wonder if I could indulge Mr. Davies. As I said, it's a great sound argument, but why wouldn't you go all the way? Why wouldn't you just say that we need to remove all sentencing except, perhaps, in the case of trafficking? If you take this argument to its logical conclusion, and if marijuana should be something that should be freely accessible in society, and if people are adults and they choose to use it, why would we...? I mean that with all sincerity. Could you maybe explain to me why we have any sentencing, or any prison time, or a fine at all?

Mr. Don Davies: Mr. Chair, may I respond quickly.

That's an excellent question and one that was raised throughout the testimony. I think it's a fair characterization of the evidence we heard that cannabis is a product similar to tobacco and alcohol and that we should adopt a similar regulatory system for it. These are mind-altering substances. You don't want children using them. They all have health consequences to varying degrees, but ultimately we think they are substances that adults should be able to choose in the comfort of their own homes to indulge in or not without attracting criminal sanctions. That's why I'm really puzzled by this. According to the evidence we heard—and the Liberals heard the same evidence—cannabis is less harmful than tobacco or alcohol in any range of measure. So why would we be bringing in legislation that retains a much harsher, much heavier criminalized approach to cannabis when we don't apply the same approach to tobacco or alcohol?

I think it's justified to have some regulatory controls on this, as we do with tobacco and alcohol, because we want to keep these substances out of the hands of children, out of the hands of organized crime, and because we want to make sure the products are safe and that production is controlled. I think this warrants a regulatory approach where there have to be some sanctions. The question is: what are the appropriate sanctions? Dr. Eyolfson said there needs to be some consequences, but we're talking about possession. This is the possession section, not the trafficking section.

The question is whether we need a five-year jail term. Is that really what we as parliamentarians want to prescribe for people caught with 90 grams of cannabis? Are we going to say, in 2017, that these people are criminals and that they can go to jail for five years? There was no evidence before this committee suggesting that this was an appropriate response. The Liberals, I can tell, are going to vote against this, and they can do that. What they can't do, though, is square their position with the evidence we heard at this committee. The evidence showed that this position is completely out of whack with even the penalties given now under complete criminal prohibition where you can traffic large amounts of cannabis and get two years, whereas under this act you can possess 80 grams and get five years.

What I want to do is find the proper regulatory system with proportionate responses so that we can legalize this substance. I take Dr. Eyolfson's point that this represents a change in culture and requires that we move with some caution. I think that's understandable. But it doesn't mean we should pass a bill that has criminal law provisions that are not based on the evidence and that we all know will do more harm than good.

• (1625)

The Chair: I see no further speakers, so I would like to bring NDP-3 to a vote.

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

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

The Chair: That amendment was negatived, but it wasn't unanimous. That's a consolation.

Now we go to NDP-4.

Mr. Don Davies: Mr. Chair, I appreciate your finding a silver lining in every cloud.

In keeping with what I just said, this is the second-best amendment we could make to this bill. If we're not going to take the regulatory approach with fines, we should make the criminalized part of this, the jail sentences, at least reasonable. This amendment would remove the indictable offence for possession and leave the summary conviction, which would mean that any offence under the possession provisions of this bill would leave a person subject only to summary conviction, with a maximum fine of \$5,000, a maximum of six months in prison, or both.

I want to make clear that this is not my first choice, but given that it's the will of the majority of this committee not to move to a regulatory penal system but to maintain a criminalized one, then I suggest that we remove indictable offences from simple acts of possession of cannabis.

The Chair: Mr. Ayoub.

[*Translation*]

Mr. Ramez Ayoub: I understand my colleague's intention well and I respect it very much. That said, we are talking about clause 8 of the bill and we need the power to act in the case of large quantities. Mr. Davies might not consider 30 grams to be a lot, but it is being recommended that the bill give the court the power to impose penalties. Criminal acts are still covered by this bill at this time. For those reasons, I oppose this amendment.

• (1630)

[*English*]

The Chair: Thanks very much.

Ms. Gladu.

Ms. Marilyn Gladu: Chair, I want to say that we did hear a lot of testimony to the effect that, for younger people, cannabis harm education is better than punitive things. There was a lot of support for a ticketed offence type summary conviction approach.

Certainly, in light of all the things we hear, I want to correct what the member has said about there not being any harm with cannabis. He keeps comparing it to alcohol and tobacco. Well, tobacco is a

harmful substance, and alcohol is a harmful substance, and cannabis is a harmful substance.

The Chair: Thank you.

Seeing no further names on the list, I'm going to call for a vote on NDP-4.

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

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

The Chair: Now we go to the vote on clause 8.

Ms. Marilyn Gladu: I request a recorded vote on clause 8.

Mr. Ron McKinnon: I have an amendment to add clause 8.1.

The Chair: We're going to get to 8.1. That's the next one.

We're voting on clause 8.

(Clause 8 agreed to [See *Minutes of Proceedings*])

The Chair: Now we have new clause 8.1 proposed by Mr. McKinnon.

Would you like to explain this?

Mr. Ron McKinnon: Chair, the purpose of this amendment is to bring the provisions of my private member's bill, Bill C-224, to bear on this legislation. As you remember, Bill C-224, the Good Samaritan Drug Overdose Act, which received royal assent in May and passed all stages in both Houses—I believe, unanimously—amended the Controlled Drugs and Substances Act to exempt from charges for simple possession, certain breaches of conditions, and so forth, people who seek emergency medical or law enforcement assistance for themselves or another person in the event of an overdose.

This is working, and it is an effective tool to help stem the tide of death that pertains to overdoses in this country. However, should this bill pass and receive royal assent, cannabis would be removed from the scope of the Controlled Drugs and Substances Act, and the provisions of that act would no longer apply to cannabis, which means that those exemptions would no longer apply to cannabis.

What this amendment would do is it would add into this section those self same exclusions that were previously introduced and passed in the Controlled Drug and Substances Act.

We have also suggested a minor change. The word “overdose” is sometimes confusing to people. They don't know necessarily whether a particular medical situation is in fact an overdose, and so they are reluctant to make the call. This would change the language to “medical emergency” as opposed to using the word “overdose”.

I think this avoids for us a situation where someone who might be in possession of marijuana but in a circumstance where someone has been called in relation to, say, an opioid overdose is subject to possession charges that would take from them the incentive to call for help, which is really what we want to do. We want to encourage people to call for help when help is needed.

I hope for support from the committee for this amendment.

The Chair: This was your good Samaritan bill, was it not?

• (1635)

Mr. Ron McKinnon: Pardon me?

The Chair: What did you call your bill?

Mr. Ron McKinnon: The Good Samaritan Drug Overdose Act. It was Bill C-224.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Chair, I want to commend my colleague opposite for the good Samaritan bill. It's certainly very important, and I think it will save lives. That being said, of course no one has overdosed from cannabis, and I feel that this provision is sort of like putting cover-up on skin cancer, so I will be voting against it.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Chair, along the same lines, I wonder if we could get a word from the department. Is there a possibility that a person could OD from marijuana use?

Mr. John Clare (Director, Cannabis Legalization and Regulation Branch, Department of Health): I can speak to that, Mr. Chair.

To clarify the way the provision would work, it wouldn't be an exemption due to an overdose from cannabis; it would be any medical emergency for which someone dials 911. What the provision does is it exempts the person who makes the call, or who is on the scene, from any charge of possessing more than 30 grams of cannabis under the cannabis act.

Mr. Dave Van Kesteren: I'm just a little bit confused about why this is being introduced if there is no danger. Maybe we could hear from the doctors or somebody. I just need a little bit of clarification on this.

The Chair: Mr. Davies, you're next, then Dr. Eyolfson, and then we'll go to Mr. McKinnon.

Mr. Davies.

Mr. Don Davies: Maybe I'll defer and let Mr. McKinnon respond to explain where it might help—

The Chair: I think that's a good idea.

Mr. McKinnon, we're going to bump Dr. Eyolfson for a minute.

Mr. Ron McKinnon: The problem we're trying to address here is that in a situation where there is a drug overdose caused by whatever substance, an overdose of any kind, people are fearful to call for help because they fear they're going to get in trouble, that they're going to get arrested for holding whatever they're holding, so they don't make the call. They will do extraordinary things like take their friend out into the street and call for help anonymously. They'll take them off anonymously to emergency and dump them off. All of this takes time, and this is a situation where time is life. We can't save people

from whatever their underlying demons are if they're dead. We can't cure dead people.

The purpose of this is to remove that fear of being apprehended for a possession charge in a situation where an overdose has occurred. We desperately want people to make the call for help for that person, or for themselves. We're not necessarily expecting a cannabis overdose in this circumstance, although you can get THC overdoses in the case of some of the concentrates.

We really just want to make sure that people call for help when there's a problem, and that they're not so afraid of criminal consequences for possession that it prevents them from making that call.

The Chair: Dr. Eyolfson.

Mr. Doug Eyolfson: Yes, thank you.

Further to Mr. Van Kesteren's question, I just want to expand on this. The previous legislation said it would exempt someone, as we've said, from being charged with possession for any drug that they had on them in an emergency. The problem is that because this bill would take cannabis off the schedule, if someone was carrying cannabis.... Again, I am not aware of someone ever actually having overdosed on cannabis. However, we have a substance that they might be carrying for which they would have been protected under the old legislation. This legislation removes cannabis from that schedule, so they would no longer be protected. They might ask themselves, "Bob's turning blue, but I have a quarter-ounce of dope in my pocket, so should I leave him in the street anonymously?"

This would correct that. There won't be any hesitation in making the correct call that could save a life.

The Chair: Mr. Davies.

Mr. Don Davies: I have just a few things to add.

You can possess 30 grams in public, which is a little bit more than an ounce. There are 28 grams in an ounce, so it wouldn't be a quarter-ounce, but I get the point.

The point is that someone who had more than 30 grams on them—say, 60 grams—and wanted to call in an emergency would otherwise be in violation of this legislation. Let's say they were with someone else who was using opioids and overdosed. Is that the intent, Mr. McKinnon?

By the way, the evidence that we heard was that there have been some cases of children overdosing on THC after the introduction of edibles in Colorado, but there has never been a fatality.

Mr. Doug Eyolfson: Yes, I should have clarified that.

Mr. Don Davies: That is what I recollect, other than one person who apparently jumped off a bridge or something, and it was claimed that had to do with it.

Mr. McKinnon, I just want to clarify the result of the legislation that Parliament passed, the so-called good Samaritan bill. Are you saying that by bringing in Bill C-45, the protection of the good Samaritan bill would no longer apply to someone who was in illegal public possession of more than 30 grams of cannabis? Is that why it's necessary to put it in this bill?

My question is why they wouldn't have the protection of the good Samaritan legislation. I think Dr. Eyolfson was getting at it with the schedule, but could you explain that?

• (1640)

Mr. Ron McKinnon: The Good Samaritan Drug Overdose Act was a change to the Controlled Drugs and Substances Act. When this bill passes, cannabis is removed from the schedules of that act. The exemption that was available in that act refers specifically to drugs that are on the schedule. Cannabis is no longer on the schedule, so it no longer would provide the exemption.

The point is, if they're holding whatever they're holding, we don't want them to be afraid to call. Whether they think they're in violation of the law, whether they're holding 40 grams, or 50 grams, or a kilo, they should be able to make that call, because otherwise people are going to die.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: I don't want to belabour the point, but in essence I'm hearing from Dr. Eyolfson and Mr. Davies as well that you can OD. Let's face it, Mr. McKinnon, that bill was put into effect to protect those who could be charged with drug possession. Since this is no longer under that umbrella, we're going to put it in here. But the record should show—I think Mr. Eyolfson said that, Mr. Davies, and I think you're correct—that a person could have an overdose, however you define an overdose, from the use of marijuana. Am I correct? That was my question.

Mr. Doug Eyolfson: Not a fatal one.

The Chair: Mr. Davies.

Mr. Don Davies: I have one quick question for our legislative clerk.

I'm just wondering if this is within the scope of this bill, or whether it would be more appropriately handled by an amendment to the good Samaritan legislation. Is this proposed amendment to provide an exemption within the scope of this bill, in your opinion?

The Chair: Go ahead.

Mr. Philippe Méla (Legislative Clerk): Yes, we believe it is.

The Chair: All right, seeing no further comments, we'll vote on new clause 8.1.

Mr. Ron McKinnon: Could I have a recorded vote please?

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

The Chair: New clause 8.1 is carried.

(On clause 9)

The Chair: We have several proposed amendments here.

The first is by Ms. May, PV-2. Is there any debate on PV-2?

Ms. Gladu.

Ms. Marilyn Gladu: Yes, I have the same comment as before. She's trying to change the amount that the young person can have from five grams—which I think needs to be zero—to 30 grams. The other thing I would say is we're going to spend a lot of time discussing proposals from Ms. May, but she did not attend any of the

testimony at the committee, which is unfortunate. I just wanted to make that comment.

The Chair: Are there any other speakers to this amendment?

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

The Chair: Is there any debate on PV-3?

Mr. Davies.

Mr. Don Davies: I have this identified as Green amendment 3. Is this to amend subclause 9(3)?

The Chair: It states, "That Bill C-45, in clause 9, be amended by deleting lines 4 to 15 on page 9."

Mr. Don Davies: Perhaps I could speak to this. I haven't had the benefit of hearing Ms. May's argument as to why she proposed this amendment, so I'm just left with my speculation.

The current subclause states as follows:

(3) It is not a defence to a charge arising out of the contravention of subparagraph (1)(a)(ii) that the accused believed that the individual referred to in that subparagraph was 18 years of age or older, unless the accused took reasonable steps to ascertain the individual's age.

Now, we're still talking about the distribution section, where it is possible for someone 19 years of age to sell a joint to somebody 17 years of age and be liable to imprisonment of up to 14 years. I will speak to that in a moment, to what I will argue is the complete disproportion of that provision.

Because of that possibility, I'm going to speak in favour of this amendment. What it does is this: it says that it doesn't matter if the accused believed that the person they were selling to was over 18 unless they took reasonable steps to ascertain the individual's age. About the only way you can take a reasonable step to ascertain someone's age, I guess, is to ask for ID. I think it's pretty unrealistic that at some party where young people are, a 19-year-old who wants to sell a joint for five bucks to another person will say, "Can you show me some ID?" I think that's unrealistic.

I think it should be a defence to a charge arising under this section that the accused believed that the person was under 18. I think that question should be left to the discretion of the judge and the courts to determine whether that was reasonable in the circumstances. If the court finds that they didn't think that was reasonable to believe, then they'll convict them. But if they find that someone reasonably believed that somebody was over the age of 18, and maybe didn't take a reasonable step to ascertain that—again, it's beyond me exactly what that would consist of—then they may acquit. But to absolutely strip a defence from someone that they reasonably believed that somebody was over the age of 18 is essentially adjudicating by Parliament, and I think that's too narrow. I think it's enough to say that it's an offence to sell to somebody under 18, and I don't think we should strip a defence from someone.

I would vote in favour of this amendment.

•(1645)

The Chair: I would like to say, too, that Ms. May intended to be here to help us with this, but she is under the weather and was unable to come.

Mr. McKinnon.

Mr. Ron McKinnon: I'm going to oppose this amendment.

I'd like to respond to Mr. Davies' comments. How can a person reasonably believe that another person is of a given age if he took no reasonable steps to find out? I mean, what is reasonable in the circumstances will depend on the circumstances.

First of all, selling a joint at a party is already illegal. Second, you have to be responsible for what you do. If you're giving drugs to someone at a party, you should have a pretty good idea of how old they are. If you don't, then you shouldn't be doing it.

The Chair: Seeing no further speakers, I'm going to call for a vote on PV-3.

Mr. Don Davies: Mr. Chair, could I just make a brief response?

The Chair: Why, sure.

Mr. Don Davies: Thank you.

It's in keeping, I think, with the fact that this committee didn't hear from a single 16- to 24-year-old that.... People our age are discussing what's reasonable or not currently with 19- and 20-year-olds and with 17-year-olds and 18-year-olds who have parties.

It's all well and good, Mr. McKinnon, to take that tough-love, hard-core approach, but here's the reality of parties: they're probably all drinking. You might have a 19-year-old who's had four beers. There may be someone who looks much older than 18 but is 17 and a half and might say, "Come on, I don't have my ID here." There's peer pressure that goes on. What I'm saying is, do you really want to subject that person in that circumstance to up to 14 years in prison with some sort of hard, moralizing judgment?

I mean, all this amendment does is leave the defence open, and a judge could make that ruling. In other words, I say that it should be a defence that the accused believed someone was over 18 years of age. If they can satisfy a judge of that, then it should be left open to that and the system.

It's a huge gap, in my opinion, in the entire committee study of this bill that we didn't hear from anybody under the age of 30. Maybe if we had.... Certainly, we didn't from the 16- to 24-year-olds. Although there was a heck of a lot of testimony about how important that group was and how important it is that we know how to communicate with them, nobody thought to ask one. Maybe we could have asked those people how reasonable or not it is to have a section like this, where a 19-year-old is dealing with a 17-year-old.

Maybe that would have helped to inform this committee, but from what I can remember of high school.... Hammering a 19-year-old with a jail sentence for distributing marijuana to someone who's 17 and not even allowing them the defence of saying that they believed the person was over 18.... Maybe they had friends around who said they knew the person was over 18. Maybe their best friend vouched for them. There are all sorts of things that could lead to a reasonable

belief that a person is over 18. I just don't think that we should take that defence away.

•(1650)

The Chair: Thank you very much. Now I'm going to call for a vote on PV-3.

Mr. Oliver, are you speaking or voting?

Mr. John Oliver: I have just a quick reaction to that. I think we're missing the fact that the provinces and territories can also step into this space, pass their own laws, and have their own consequences for the age brackets that they decide should not be in possession in terms of that threshold. I think it's possible that we could see provincial charges rather than federal charges. I do think there's some discretion in here that we have yet to see emerge from the provinces and territories.

Again, we're in the early stages of implementation. We don't know yet how the provinces and territories will respond to the legislation. I don't think the worst-case scenario that Mr. Davies paints.... I think we'll see alternatives come to bear to give more discretion to police officers in the future.

The Chair: Mr. Davies, one very quick comment.

Mr. Don Davies: Thank you. I only mean to intervene, Mr. Chair, because, with great respect to my colleague, I don't think that's correct in this case.

The bill does delegate some authority to the provinces to make changes, but not in this clause. The subclause says:

It is not a defence to a charge arising out of the contravention of subparagraph (1) (a)(ii) that the accused believed that the individual referred to in that subparagraph was 18 years of age or older, unless the accused took reasonable steps to ascertain the individual's age.

I'm sorry, but I don't see how a province can change that in any way whatsoever. Even if the provinces were to make the legal age of consumption 19 or 20, it wouldn't change this. Even if it did, I would say that it makes my argument even stronger, because it wouldn't be a defence to say that you thought they were over 19.

I respect that people may want to vote against this amendment, but I don't think they should vote on the basis that they think a province can fix this clause. I don't think that's the case.

The Chair: Thank you very much for that.

All in favour of amendment PV-3?

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

The Chair: Yes, surely.

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

The Chair: Now we go to PV-4.

Is there any discussion on PV-4?

Mr. Davies.

Mr. Don Davies: Mr. Chairman, I thought Ms. May would be here to speak to her motion. It would be helpful if someone could characterize what the motion was on this one.

Can we ask the clerk or one of the analysts to describe briefly what the amendment is? Is that in order?

The Chair: Does anybody want to volunteer?

It's hard to speak on behalf of Ms. May because we don't know what she was thinking. It's unfortunate that she's not here. I'm sure she feels strongly about these, and we all know the work she puts into it, but we have to carry on.

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

The Chair: We're now on NDP-5. If NDP-5 is adopted, PV-5, NDP-6, and NDP-7, cannot be moved.

Mr. Davies, would you like to comment?

• (1655)

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

This amendment deals with the punishment sections over the distribution offences that are in clause 9. Clause 9 states that it is prohibited for an individual who is 18 years of age or older to distribute cannabis of more than 30 grams, to distribute cannabis to an organization, or to distribute cannabis that they know is illicit cannabis. It's also an offence for a young person to distribute more than five grams of dried cannabis, for an individual to distribute one or more cannabis plants that are budding or flowering, or to distribute more than four cannabis plants that are not budding or flowering.

The section I'm going to propose we amend has to do with the punishment for the violation of those. I have so far consistently replaced the criminal penalties with monetary fines, or at least put in limited criminal sanctions to narrow circumstances and to make the maximum penalty no more than two years less a day. As we all know, two years less a day subjects a person to incarceration in a provincial institution and not a federal one. Basically, the rationale that I would have for this is similar to what I've already expressed, so I won't belabour the point.

Again, I would point out that making it a criminal offence for, say, a 19-year-old to distribute cannabis to a 17-year-old, or, in the case of a young person who has more than five grams, to subject them to criminal provisions under the Youth Criminal Justice Act maintains a criminalized approach to cannabis that we know doesn't work and that we know will cause more harm than the cannabis itself.

This amendment would replace lines 20 and 21 with "a fine of not more than \$300,000 or imprisonment for a term of not more than two years less a day, or to both". That's for the most serious repetitive crime.

Then, for the most common offences and infractions, we'd see, "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".

Then we'd have the same approach for lines 9 to 12, "a first offence, to a fine of \$3,000 and, for any subsequent offence, to a

fine of not more than \$50,000", so that there's no criminal penalty or jailing of people for offending these except in the most serious or repetitive case.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: Mr. Chair, could we ask the officials if they could give us...? Currently, what is the punishment for selling? Well, I guess it wouldn't be in place. I want to compare this to what we currently have on the books for possession and what we currently have on the books for selling to a minor. I don't know whether there is even any legislation that would follow that. A lot of this looks pretty extreme.

Is this in line with what the current laws have on the books, Mr. Saint-Denis?

Mr. Paul Saint-Denis (Senior Counsel, Criminal Law Policy Section, Department of Justice): I think I may be able to assist you on this.

Currently, there is no breakdown or distinction made between distribution and selling. In the CDSA, we have a generic trafficking offence, which includes distribution and selling. Those penalties are high: life, maximum, for amounts over three kilograms. For three kilograms or less, the penalty is five years less a day. This is presently the range of penalties that are available for trafficking in cannabis.

• (1700)

The Chair: Mr. Oliver, go ahead.

Mr. John Oliver: I want to thank my colleague for his comments. While I am somewhat sympathetic to it, I do have to come back to the stated purpose of the bill, which is to deter criminal activity by imposing serious criminal penalties. I think these amendments actually thwart the purpose of the bill. They restrict the court's ability to deal more appropriately with cases involving individuals who distribute, or possess for purposes of distribution, serious quantities of cannabis.

I think this allows the courts to then act accordingly, so I wouldn't support the amendment.

The Chair: Seeing no further speakers, I am going to call for a vote.

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

The Chair: Certainly.

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

The Chair: Now we go to PV-5, another amendment proposed by Ms. May.

Is there any debate on PV-5?

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

The Chair: Now we go to NDP-6. My notes here say that if it is adopted, NDP-7 cannot be moved.

Are there any comments or debate on NDP-6?

Mr. Davies, go ahead.

Mr. Don Davies: Thank you.

Again, this is the mid-level proposal to try to get the criminal sanctions in this bill down to a reasonable, proportional basis. This amendment would reduce the 14 years maximum imprisonment to two years less a day, and for offences that are less than that, to replace all of the proceedings by indictment with summary conviction only.

In my view, this loses the advantage that I just expressed in the previous defeated amendment of using financial penalties instead of criminal sanctions. In lieu of that, it does bring the criminal sanctions down to a reasonable level and in line not only with what the courts are handing out today in terms of sentencing, but also with a similar approach to the regulation of tobacco and alcohol.

The Chair: Are there any further comments on NDP-6?

All right, I call for a vote on NDP-6.

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

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

The Chair: Now we go to NDP-7. Is there any debate on NDP-7?

Mr. Davies, go ahead.

Mr. Don Davies: Very briefly, Mr. Chair, under current law in Canada, if there's a sentence of over 10 years as a maximum penalty, a judge does not have the discretion to impose a conditional sentence. The proposal here is to reduce the 14-year maximum sentence to nine years for the sole purpose of allowing a judge to give a conditional sentence. This would reduce incarceration rates in this country in appropriate cases, and it would provide for judicial discretion. The Liberals, I believe, voted against the legislation introduced by the previous Conservative government to take away the conditional sentencing options from judges for sentences of 10 years or more. By the way, it's not for sentences over 10 years, it's any section of the Criminal Code where the maximum potential penalty is more than 10; automatically the judge loses the discretion to give a conditional sentence.

Given the shared belief by the Liberals and the New Democrats that judges should have the discretion to impose conditional sentences, then I would imagine that we would want to do that in this clause here. That's the spirit behind my moving this. Fourteen years is arbitrary. Does anybody really expect that anybody gets a 14-year sentence for distributing 50 grams or 100 grams of cannabis to someone else? I doubt it.

By the way, we also heard that nobody is getting nine years for trafficking, anyway. They're getting 18 months and two years, anyway, so why not make this clause under the 10-year limit so we can actually cure that deficiency of the conditional sentencing shackles that are currently placed on judges in this country. I would hope that I get support particularly from my Liberal colleagues to reduce the 14 years to nine years, or at least hear a cogent argument as to why not.

• (1705)

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

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

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

(Clause 9 agreed to)

(On clause 10)

The Chair: Now we go to page 3, with 23 pages to go.

We have PV-6 by Ms. May. Is there any debate or discussion on PV-6?

There is no discussion so I call for a vote on PV-6.

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

The Chair: Now we go to PV-7. If this is adopted, NDP-8, PV-8, NDP-9, and NDP-10 cannot be moved.

Is there any debate on PV-7? Seeing no one wanting to debate, we will call for a vote.

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

The Chair: We are on NDP-8. Again, if adopted, PV-8, NDP-9, and NDP-10 cannot be moved.

Mr. Davies, on NDP-8.

Mr. Don Davies: Mr. Chair, I'm not going to repeat most of the arguments I've made already, but this is, again, an attempt by the New Democrats to take out the criminalized approach to cannabis, and replace it with a regulatory system more in keeping with tobacco and alcohol. I would just mention a couple of new points which I haven't mentioned yet.

We heard a lot of evidence before this committee of the very harmful effects of criminalization of cannabis on certain specific groups in this country, notably marginalized groups, racialized groups, indigenous Canadians, and young Canadians. Those are the groups that tend to bear the brunt of a criminalized approach to cannabis.

The second point I want to emphasize is the overwhelming evidence from the sociologists who have studied this issue. They have stated that most of the harm imparted upon Canadians does not come from ingesting cannabis itself, but from the harms associated with the criminalized nature of it.

Those are important points to mention as reasons that should cause parliamentarians to choose a rational, regulatory approach to cannabis, and avoid criminalizing this substance where we can. Just like alcohol and tobacco, we can construct a regulatory regime where Canadians respect the basic rules around these adult use substances that have impacts on people, but without doing it with the heavy hand of the criminal law.

This amendment would replace the criminalized approach with a regulatory, fine-based one.

•(1710)

The Chair: Thank you very much.

Seeing no further debate, I call for a vote on NDP-8.

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

The Chair: Yes.

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

The Chair: We're going to PV-8, an amendment proposed by Ms. May.

Is there any discussion on PV-8?

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

The Chair: We now come to NDP-9, and again, if adopted, NDP-10 cannot be moved.

Mr. Davies.

Mr. Don Davies: Again, if we can't move from a criminalized approach to cannabis to a regulated one, at the very least we should be putting in reasonable and proportionate criminal law sanctions. This amendment would do so by replacing the criminal jail sentences of more than two years, in some cases five years or 14 years, with two years less a day, and to proceed by summary conviction only, not by indictment.

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

Mr. Don Davies: I would like a recorded vote, please.

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

The Chair: On NDP-10, are there any comments or discussion?

Mr. Davies.

Mr. Don Davies: This is the last attempt to amend the 14-year jail sentence with something that would permit the imposition of a conditional sentence in an appropriate sentence by a judge. I would move that we amend this clause to have a maximum 14-year penalty changed to nine years.

I would also ask for a recorded vote.

The Chair: Seeing no one wanting to make more comments, we'll vote on NDP-10.

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

(Clause 10 agreed to)

(On clause 11)

The Chair: We have PV-9, again proposed by Ms. May.

Is there any discussion on PV-9?

Mr. Don Davies: Is this on clause 11?

The Chair: This is on clause 11.

Mr. Davies.

Mr. Don Davies: I don't know if this speaks exactly to the amendment, but we didn't hear a lot of evidence on clause 11, but this is the proposed subsection that says:

11 (1) Unless authorized under this Act, the importation or exportation of cannabis is prohibited.

From the New Democrats' point of view, and I think from that of the Conservatives as well, the fact that the Liberals limited evidence on this groundbreaking, centuries old, changing of legislation to five days of hearings, and to those who may be listening, saying that there are 90 witnesses sounds like a lot of witnesses, but when you have 35 million Canadians and many groups and stakeholders who were shut out of testifying before this committee, including ordinary Canadians, young Canadians, licensed producers, and edibles manufacturers, of whom we heard none, it leaves gaping holes in this legislation and sections of this bill on which we're left without any testimony at all.

I've been wondering, since those days of hearings, what the rationale behind prohibiting exportation of cannabis and cannabis products would be.

In my research for this I have talked to licensed producers who have licences from the federal government, distributors who distribute in British Columbia, licensed dispensaries, and manufacturers. We had a number of excellent witnesses testify before this committee who have decades of experience in cannabis products, and also in the medicinal use of it as well as in the different products that go along with it—the creams, the tinctures, the sublingual tablets, the nasal sprays, and the vaporizer pans for those who don't want to smoke. They tell me that there are billions and billions of dollars at stake for Canada to become a world leader in responsible cannabis products. They tell me that Canada, right now, if we do get our legislation right, should be able to export our responsible and research-based products certainly to countries or jurisdictions that have legalized cannabis.

We know that Uruguay has. We know Portugal has decriminalized all drugs, although I'm not sure that I understand exactly what they've done. Once California legalizes cannabis, it will be legal from the Mexican border to the Arctic Circle, really everywhere but the border between B.C. and Washington. Yet we are hamstringing what could be a sustainable, science-based, very lucrative, innovative, technologically driven industry and we're saying that Canada can't export any of that to the world.

Again, I wish we had heard a single witness who could have testified what the rationale of this prohibition is and why it's considered a wise course of action. I didn't hear any, so I'm left with only my own experience talking to people who tell me that we're actually risking Canadian entrepreneurs' and Canadian industrial technology's current advantage in the world. Surely other jurisdictions in the world are not far behind Canada and will be starting to develop cannabis products that are safe, that are properly dosed, and that are legal for either medicinal use or otherwise.

I don't know if anybody from the department can speak to why we are, in this bill, banning the exportation of cannabis at least to other willing jurisdictions that would legalize it.

I'd like to know if there are any thoughts on that.

• (1715)

The Chair: Mr. Clare.

Mr. John Clare: Mr. Chair, what I'll point out is that part 1 of the bill kind of sets out these prohibitions and, as you noted, the beginning of the clause begins with, "Unless authorized under the act", and it's part 3 of the bill that would actually provide the minister with the authority to authorize both the export and import of cannabis. It's actually set out in subclause 62(2) where the minister's authority to issue those licences or permits is limited to cannabis in respect of medical or scientific purposes or in respect of industrial hemp.

That would maintain the status quo as it exists today under the CDSA, where licensed producers or Canadian industrial hemp producers can be authorized to export their product to other countries.

Mr. Don Davies: May I ask a follow-up question?

The Chair: Yes.

Mr. Don Davies: Thank you for that.

You said it maintains the status quo, so I take it that the legislation still would prohibit the export of any kind of recreational cannabis that's contemplated by this bill.

Mr. John Clare: That's correct. The minister's authority is limited by that clause I just mentioned to only medical, scientific, or industrial hemp purposes.

Mr. Don Davies: My question, though, is why is that the case? I know this legislation only deals with recreational cannabis, so why would we not be able to export recreational cannabis or cannabis products to other jurisdictions that have also legalized it?

• (1720)

Mr. John Clare: I understand the question, but as an official, I can't really explain the government's reasoning in making that decision. I can only point out that's the way the legislation is currently drafted.

Mr. Don Davies: Thank you.

The Chair: Ms. Gladu.

Ms. Marilyn Gladu: Mr. Chair, I agree with my NDP colleague. I was very concerned that we didn't hear testimony from places like Uruguay, which is the only other country to have legalized it. Understanding what they did in this area might indeed be very helpful, but I know that with 272 days left to go, the Liberals are in quite a hurry to get through this.

My question has to do with medical marijuana export. I happen to have a company in my riding that exports to, I believe, nine countries, but as I understand it, under the current treaties we've signed with the UN, there's a limit to the amount that Canada, as a nation, is allowed to export. Will they bump up against that in terms of this legislation?

Mr. John Clare: I can't speak specifically to what you're saying under the access to cannabis for medical purposes regulations, if what you're saying is, in fact, accurate. We can endeavour to provide an answer. What I can say is that under the cannabis act, if it's enacted by Parliament, a new framework would be established in

regulations that would deal with the import and export process. That's to be decided by government, I would say.

The Chair: Ms. Labelle.

Ms. Diane Labelle (General Counsel, Health Canada Legal Services, Department of Justice): I just want to add to that response.

Under the drug conventions, Canada is required to report the amounts of cannabis that are used and sold for medical purposes. That is an aspect we don't expect to change. Whether it actually creates a ceiling as to how much can be exported is up for question.

The Chair: Mr. Van Kesteren.

Mr. Dave Van Kesteren: I just want to say at the outset that, Mr. Davies, I commend you for your advocacy and for attacking the premise that if this is a legitimate drug, if this is legislation that is purposeful and is good for society—and you firmly believe that, and I respect that—then the heavy-handedness that we're seeing from the government is really hard to understand.

We've had some discussion with some of the officials about how we deal with other countries. I would argue that the most important part of that motion is that this is big; this is going to change us fundamentally as a society. There are groups out there—I'm talking about moms and dads with kids in school, about surgeons and physicians—who have some serious, serious concerns, but there also are groups outside of our jurisdiction. We mention Uruguay as a nation that's often held as an example of a jurisdiction that has adopted these.... From the research that I've done, it's very slim, at best, to suggest that this is at all like what we're proposing in this country. The Netherlands, where my parents come from and which had a very relaxed set of laws, is going back to another position.

I want to ask the officials. Do you feel that we've done enough? Again, in light of the fact that this legislation will be passed and will be enacted in July 2018, have we done enough? Have we searched and have we communicated to other jurisdictions? Have we looked at other jurisdictions? Really, this is cutting edge, but in light of the importance of this legislation, have we really done enough to make an educated decision on this legislation?

I invite anybody to respond.

Mr. Costen.

• (1725)

Mr. Eric Costen (Director General, Cannabis Legalization and Regulation Branch, Department of Health): Mr. Chair, I'd be happy to do my best to answer the member's question.

As officials, we have benefited greatly from conversations with our counterparts in other jurisdictions, not only in the U.S. states, but in the Uruguayan government. Having been in the role that I'm in for a number of years now, I can say that we've developed what would be described as some fairly strong relationships into all of those jurisdictions, so that we can understand the issues that they're working through and benefit as much as possible from the lessons that they're willing to share with us. It may be of interest to the member that I recently returned from Portland, Oregon, where, last week, there was a meeting of all of the heads of the regulatory programs in the U.S. states for the very purpose that you're describing, where we can discuss the issues and share lessons learned. I believe that Canada is listening very closely to those issues.

Mr. Dave Van Kesteren: I have a quick follow-up.

Mr. Costen, have you had discussions with physicians in those jurisdictions? Have you had discussions with soccer moms? Have you had discussions with the police?

Mr. Eric Costen: We've had discussions primarily with government representatives, but that would also include law enforcement.

Mr. Dave Van Kesteren: Have you had discussions with physicians?

Mr. Eric Costen: Yes, and also members from the health care community in those jurisdictions.

Mr. Dave Van Kesteren: Have you reported on that as well?

Mr. Eric Costen: Pardon me?

Mr. Dave Van Kesteren: Have you reported on that as well?

Mr. Eric Costen: Have I reported...?

Mr. Dave Van Kesteren: Do we have the information that we can glean from their testimony and their response on this?

Mr. Eric Costen: I can only speak to the meetings that I've been at and the presentations and discussions that I've heard and been a part of. Perhaps the task force in their report also reflected on this. I understand they also visited those jurisdictions and had conversations with a wide range of individuals.

The Chair: Thanks very much.

I think we have Mr. Davies next.

Could we confine it to the amendment, as we're kind of getting off base here.

I want to point out something. The fact that we didn't have anybody from Uruguay has come up a couple of times. We had over 100 witnesses and all of the names were submitted by all of the parties and no party submitted a name from Uruguay. I just want to make that clear.

Go ahead, Mr. Davies.

Mr. Don Davies: Thank you.

I'm going to continue speaking about the importing and exporting, because that's clause 11, and we're talking about the punishments for violating that. There are a few things that I think are important to put before colleagues at this table.

I talked to a very large licensed producer who is producing for the medicinal market now who told me that their company is contacted every week by a foreign business or foreign jurisdiction that wants to learn from them or go into business or partner with them. I'm reminded of Kirk Tousaw's testimony, where he looked pointedly at the committee and said, "You politicians are talking like you're creating a market. You're not creating a market. The market exists." There is a \$7-billion to \$10-billion market in Canada right now, regardless of what we do. What we're really doing with this legislation is trying to modernize the regulatory framework. I congratulate the government on taking steps towards this, because we're trying to take that illicit market into the light and recognizing that not only can we shed the harms of criminalization, but we actually can regulate this properly and make it a legitimate business.

We export sprits and wines in this country. We're all proud of Canadian wines that have a global reputation as we're sending it around the world. In fact, I think the Conservatives have taken the lead on showing the problems we have with overly restrictive transportation of beer across borders. We can't even buy beer in one province and take it across the border to another province.

In my view, and maybe the Conservatives don't necessarily share this perspective, the trend on cannabis is that we're moving towards ever more legalization. Canada's being a leader in that regard, getting ahead of the curve, would position us well. We have to remember that in Washington, Oregon, and Colorado they legalized cannabis by citizens' initiatives. This is what the people wanted. I think in many cases the populations are ahead of the politicians on this, and I think the world is moving in this direction.

What I'm hearing from the market and the business people involved is that if we regulate this properly and move forward, Canada not only can legalize and legitimize the illegal market here in Canada, and create tax revenues and get healthier and save our justice system a lot of grief, but we can actually position Canada to be a leader in a very lucrative and growing product on the world stage.

I want to conclude, Mr. Van Kesteren, by saying that I don't say it's good necessarily. I say cannabis is what cannabis is. It is an adult-use substance that alters consciousness. It also has significant medicinal advantages that are beyond doubt. It's a product that adults use, whether we want them to or not, and the criminalized approach is simply not an appropriate way to regulate that substance any longer. That's why I'd like to see this legislation changed.

I'm going to move that subclause 11(1) be amended to allow the minister to make regulations that would permit the exportation of cannabis covered by this act. I don't know if you want language on that right now, or if the concept is good enough.

Perhaps I'll draft it for tomorrow morning.

•(1730)

The Chair: That would be really good. Let's finish up with amendment PV-9. I was just thinking that Elizabeth May would be proud of us, because we've spent a lot of time on her two-line amendment.

Mr. Don Davies: Actually, I'm talking about subclause 11(1), Mr. Chair. It's not her amendment.

The Chair: We're on amendment PV-9 at the moment. That's what this debate is about.

I want to bring PV-9 to a vote. We're at 5:30 now, so could we get a decision on PV-9?

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

The Chair: We are going to suspend there until tomorrow at nine o'clock.

Where are we tomorrow?

The Clerk of the Committee (Mr. David Gagnon): Centre Block.

The Chair: We're at Centre Block tomorrow.

Ms. Marilyn Gladu: Are we breaking for question period tomorrow, or are we going straight through?

The Chair: What is the will of the committee?

Mr. Don Davies: We said we would break for QP.

The Chair: It depends on if you have any questions.

Ms. Marilyn Gladu: I have an S. O. 31 statement on mental health. As the health committee, we should want to be there for that.

The Chair: All right.

The meeting is adjourned.

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