

La date limite pour voter la Loi sur le cannabis a été fixée

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Le Sénat a fixé le 7 juin 2018 comme date butoir pour procéder au vote final sur la légalisation du cannabis à des fins récréatives au Canada. Le projet de loi C-45, la *Loi concernant le cannabis et modifiant la Loi réglementant certaines drogues et autres substances, le Code criminel et d'autres lois* (la Loi sur le cannabis), qui légaliserait la consommation, la production, la distribution et la vente de cannabis à des fins non médicales, a déjà été adopté par la Chambre des communes et en est actuellement à l'étape de la deuxième lecture au Sénat. Lorsque le projet de loi aura été adopté sous la même forme par les deux chambres, il recevra la sanction royale de la gouverneure générale et pourra entrer en vigueur en tant que loi.[1]

Il a été convenu de fixer un échéancier à la suite des indices laissant présager que l'adoption de la loi très attendue pourrait être retardée.^[2] Même si le gouvernement du Canada avait fait part de son intention de mettre en œuvre un régime légal pour le cannabis à des fins récréatives au plus tard en juillet 2018,^[3] compte tenu de l'évolution actuelle du projet de loi, il a été annoncé, lors d'une récente séance du Sénat, que l'entrée en vigueur de la légalisation du cannabis à des fins récréatives pourrait être retardée au-delà du mois de juillet, les représentants du gouvernement fédéral prévoyant un retard d'au moins deux à trois mois.[4] En réponse, le gouvernement avait manifesté une volonté d'accélérer l'adoption de la Loi sur le cannabis en imposant une attribution de temps au Sénat pour exiger un scrutin.^[5]

A deal for both sides

The delay of the vote grants Conservatives additional time they had suggested was necessary to study the bill more thoroughly and to provide more time for provinces and law enforcement agencies to prepare. This deal means that August or September 2018 would be the earliest time that Canadians will be able to purchase recreational use cannabis. Although this has forced the government to concede that the deadline of July 1, 2018, will not be met, the revised schedule remains relatively close to the original timeline. This is significant particularly in light of the government's concern that the \$7-billion illegal cannabis industry continues to operate without implementation of federal regulation.[6] Conservative senators meanwhile have been focused on what effect the legislation would have on youth, police work and efficacy in terms of reducing the illegal market. Some senators had even argued full implementation should be delayed by at least a year.[7]

Next steps

The legislation will now be studied by five Senate committees: the social affairs committee, the Aboriginal peoples committee, the legal and constitutional affairs committee, security and defence committee and the foreign affairs committee. The committees are expected to

have their analysis complete by May 29, 2018.^[8]

The timeline could still be at risk should the Senate decide to propose amendments to the Cannabis Act. The bill would have to go back to the House of Commons and if any amendments are rejected, the bill would be returned once again to the Senate for approval.^[9] There is no guarantee that the Senate would not seek amendment of the Cannabis Act. In fact, the Senate has previously been able to compel compromise on the Liberal government's proposed legislation, most notably during the passage of Bill C-14, which legalized medical assisted dying through what was eventually called a "Canadian compromise."^[10] This ability to extract concessions is especially relevant considering the current Senate composition of 41 independents, 33 Conservatives, 12 independent Liberals and five non-affiliated senators.^[11] As a result, once the committees finish studying the proposed legislation, whether or not the Senate proposes any amendments will be a key development to watch for as the revised deadline approaches.

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

^[1] John Paul Tasker, "Senate deal on cannabis bill timeline means no sales before August," *CBC News* (February 15, 2018), online: [CBC News](#).

^[2] Sean Kilpatrick, "Federal government threatening to force vote on marijuana legalization," *The Canadian Press* (February 13, 2018), online: [The Globe & Mail](#).

^[3] Health Canada, "Canada takes action to legalize and strictly regulate cannabis," *Health Canada* (April 13, 2017), online: [Government of Canada](#).

^[4] Daniel Leblanc, "Marijuana legalization could be delayed beyond July 1," *The Globe & Mail* (February 6, 2018), online: [The Globe & Mail](#).

^[5] *Supra*, note 2.

^[6] *Supra*, note 1; *Supra*, note 4.

^[7] *Supra*, note 1.

^[8] *Supra*, note 2.

^[9] *Supra*, note 2.

^[10] Catharine Tunney, "Liberals' assisted-dying bill is now law after clearing final hurdles," *CBC News* (June 17, 2016), online: [CBC News](#).

^[11] *Supra*, note 2.