

## Chapter 8

### CANNABIS STATUTES AMENDMENT ACT

(Assented to June 13, 2018)

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

#### *Cities, Towns and Villages Act*

1. (1) This section amends the *Cities, Towns and Villages Act*.
- (2) Subsection 54.6(2) is amended by
  - (a) replacing "regulate the smoking of tobacco" with "regulate smoking, as defined in the *Tobacco Control and Smoke-Free Places Act*,"; and
  - (b) deleting "tobacco or holding lighted tobacco".
- (3) Paragraph 102(e) is amended by adding ", as defined in the *Tobacco Control and Smoke-Free Places Act*," after "smoking".

#### *Hamlets Act*

2. (1) This section amends the *Hamlets Act*.
- (2) Subsection 54.6(2) is amended by
  - (a) replacing "regulate the smoking of tobacco" with "regulate smoking, as defined in the *Tobacco Control and Smoke-Free Places Act*,"; and
  - (b) deleting "tobacco or holding lighted tobacco".
- (3) Paragraph 102(e) is amended by adding ", as defined in the *Tobacco Control and Smoke-Free Places Act*," after "smoking".

#### *Insurance Act*

3. Subparagraph (2)(b)(i) of Subsection 3 of Section B of the Schedule to the *Insurance Act* is repealed and replaced by:
  - (i) sustained by any person who is convicted of an offence under the following provisions of the *Criminal Code* occurring at the time of the accident:
    - (A) sections 253 and 254,
    - (B) sections 320.14 and 320.15;

#### *Liquor Act*

4. Paragraph 13(1.12)(b) of the *Liquor Act* is repealed and replaced by:
  - (b) any municipal by-law affecting the licensed premises that regulates smoking, as defined in the *Tobacco Control and Smoke-Free Places Act*, or designates places in which smoking is prohibited.

*Marriage Act*

**5. Subsections 20(1) and (2) of the *Marriage Act* are amended by replacing each occurrence of "under the influence of liquor" with "intoxicated by alcohol or other drugs".**

*Motor Vehicles Act*

**6. (1) This section amends the *Motor Vehicles Act*.**

**(2) The following is added after section 239:**

Definition

239.1. (1) In this section, "smoke" has the same meaning as in the *Tobacco Control and Smoke-Free Places Act*.

Consumption of cannabis

(2) Subject to section 239.3, no person in or on a vehicle on a highway shall smoke cannabis or otherwise consume cannabis.

Transporting cannabis

239.2. (1) Subject to subsections (3) and (4) and section 239.3, no person shall drive or have the care or control of a vehicle on a highway while any cannabis is contained in or on the vehicle.

Possession of cannabis

(2) Subject to subsection (4) and section 239.3, no person in or on a vehicle on a highway shall possess cannabis.

Exception for drivers of commercial vehicles

- (3) Subsection (1) does not apply if
- (a) the vehicle is a commercial vehicle used to transport passengers for compensation; and
  - (b) the cannabis is in the possession of a passenger.

Exceptions for drivers and passengers of all vehicles

- (4) Subsections (1) and (2) do not apply to cannabis that meets any prescribed requirements and
- (a) is packed in baggage that is fastened closed or is not otherwise readily available to any person in or on the vehicle; or
  - (b) is contained in a sealed, tamper-proof container that has been sealed by a lawful commercial manufacturer, distributor or seller of cannabis.

Cannabis for medical purposes

239.3. Sections 239.1 and 239.2 do not apply in the prescribed circumstances to cannabis obtained for medical purposes in accordance with applicable laws of Canada.

**(3) The following is added after section 285:**

SEARCH FOR CANNABIS

Search of vehicle for cannabis

285.1. (1) An officer who has reasonable grounds to believe that cannabis is being contained or possessed in or on a vehicle on a highway in contravention of section 239.2 may

- (a) enter and search the vehicle without a warrant where the officer has reasonable grounds to believe that delaying the search to obtain a warrant would result in the loss or destruction of evidence; or
- (b) enter and search the vehicle with a warrant issued under subsection (3).

Search of person for cannabis

(2) An officer who has reasonable grounds to believe that a person in or on a vehicle on a highway has cannabis on their person in contravention of section 239.2 may

- (a) search the person without a warrant where the officer has reasonable grounds to believe that delaying the search to obtain a warrant would result in the loss or destruction of evidence; or
- (b) search the person with a warrant issued under subsection (3).

Warrant

(3) Where on application without notice a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in or on a vehicle or on a person cannabis that will afford evidence that a contravention of section 239.2 has been committed, the justice may issue a warrant authorizing the officer named in the warrant to enter and search the vehicle or to search the person.

Seizure of cannabis

(4) An officer authorized by this section to search a vehicle or a person may seize and detain any cannabis found during the search, unless

- (a) the exceptions under subsection 239.2(3) apply to the cannabis; or
- (b) the prescribed circumstances referred to in section 239.3 apply with respect to the cannabis.

**(4) Subsection 293(2) is amended by adding "239.1, 239.2," after "236,".**

**(5) The following is added after paragraph 349(x.12):**

- (x.13) respecting the circumstances where sections 239.1 and 239.2 do not apply to cannabis obtained for medical purposes in accordance with applicable laws of Canada.

*Pharmacy Act*

**7. (1) This section amends the *Pharmacy Act*.**

**(2) Paragraph 22(2)(b) is amended by adding ", cannabis" after "intoxicating liquors".**

**(3) Paragraphs 27(b.1) and (b.2) and subsections 28(1) and (2) are amended in the English version by adding "pharmaceutical" before each occurrence of "drug" and "drugs".**

*Tobacco Control Act*

8. (1) This section amends the *Tobacco Control Act*.

(2) The Act is renamed the *Tobacco Control and Smoke-Free Places Act*.

(3) Section 1 is amended by repealing the definition of "'smoke' or 'smoking'" and adding the following definitions in alphabetical order:

"electronic cigarette" means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled; (*cigarette électronique*)

"smoke" means to smoke, inhale or exhale vapour from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled; (*fumer*)

"water pipe" means smoking equipment, whether called a water pipe or any other name, containing a water reservoir and designed to heat a substance and produce a vapour intended to be inhaled; (*pipe à eau*)

(4) The following is added after subsection 2(1):

Cannabis and other substances

(1.1) For greater certainty, sections 13 to 15 of this Act also apply to the smoking of cannabis and other substances.

(5) The heading preceding section 13 is amended by deleting "TOBACCO".

(6) Subsections 13(2) and 14(2) and paragraph 13(4)(e) are amended in the French version by replacing "à l'usage du tabac" with "aux fumeurs".

(7) Paragraph 13(4)(c), subsection 13(5) and paragraph 14(5)(b) are amended in the French version by replacing "l'usage du tabac est permis" with "il est permis de fumer".

(8) Section 15 is amended in the French version by replacing "l'usage du tabac, la disposition qui limite le plus l'usage du tabac l'emporte" with "le fait de fumer, la disposition qui limite le plus le fait de fumer l'emporte".

*Tobacco Tax Act*

9. (1) This section amends the *Tobacco Tax Act*.

(2) The definition of "tobacco" in section 1 is repealed and replaced by:

"tobacco" means, subject to section 1.1,

- (a) tobacco in any form in which it is consumed and includes snuff,
- (b) any substance consumed in the same manner as tobacco, or
- (c) any substance which is substituted for tobacco. (*tabac*)

**(3) The following is added after section 1:**

Application

1.1. This Act does not apply to

- (a) stramonium compounds used for the relief of respiratory conditions; or
- (b) cannabis.

**Terminological clarification and consequential change**

**10. (1) The following provisions are amended in the English version by replacing each occurrence of "drug" with "medicine" and replacing each occurrence of "drugs" with "medicines":**

- (a) the definition of "necessary personal belongings" in section 1, and paragraph 20(2)(d) of the *Family Abuse Intervention Act*;
- (b) paragraphs 14(8)(b) and 46(i) of the *Medical Profession Act*;
- (c) paragraphs 3(k), 3(m), 56(c) and 56(d) of the *Midwifery Profession Act*;
- (d) the definition of "practice of optometry" in section 1 of the *Optometry Act*;
- (e) subsection 34(11) of the *Personal Property Security Act*;
- (f) subparagraph 18(2)(d)(ii) of the *Public Health Act*, R.S.N.W.T. 1988, c.P-12;
- (g) the definition of "medical aid" in subsection 1(1) of the *Workers' Compensation Act*.

**(2) Paragraph 46(i) of the *Medical Profession Act* is amended in the French version by deleting "ou des drogues".**

**11. (1) The following provisions are amended by replacing each occurrence of "a drug" with "another drug":**

- (a) paragraph 43(1)(a) of the *Boilers and Pressure Vessels Act*;
- (b) the definition of "disability" in section 1 of the *Human Rights Act*;
- (c) paragraph 89(2)(a) and subsections 95(1) and (3) of the *Wildlife Act*.

**(2) The following provisions are amended by adding "other" before each occurrence of "drug" or "drugs":**

- (a) paragraphs 7(3)(h) and (i) and subparagraph 29.1(a)(ii) of the *Child and Family Service Act*;
- (b) the definition of "social services facility" in section 1 of the *Hospital Insurance and Health and Social Services Administration Act*;
- (c) section 69 and paragraph 72(1)(c) of the *Liquor Act*;
- (d) subparagraph 38(1)(b)(iv) of the *Medical Profession Act*.

**(3) Paragraphs 9(b) and 13(b) of the *Pawnbrokers and Second-hand Dealers Act* are amended by replacing each occurrence of "drugs or alcohol" with "alcohol or other drugs".**

**(4) Paragraphs 5(3)(g) and 6(2)(e) of the *Child and Family Service Act* are amended in the English version by replacing each occurrence of "drug or alcohol treatment and rehabilitation" with "alcohol or other drug treatment and rehabilitation".**

**12. Subsection 5(3) of the *Public Health Act*, S. Nu. 2016, c.13, is amended by replacing "*Tobacco Control Act*" with "*Tobacco Control and Smoke-Free Places Act*".**

**Coming into force**

**13. This Act, other than section 3, comes into force on the same day as section 8 of the *Cannabis Act* (Canada), introduced in the House of Commons as Bill C-45 on April 13, 2017, comes into force.**

**14. Section 3 of this Act comes into force on the same day as section 15 of *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts* (Canada), introduced in the House of Commons as Bill C-46 on April 13, 2017, comes into force.**