

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF QUEBEC)

B E T W E E N:

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(Respondent)

– and –

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Respondent
(Appellant)

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PART I – OVERVIEW AND FACTS

1. Overall, this appeal concerns provincial ability to adopt legislation in a concurrent area of federal/provincial jurisdiction, health. More specifically, at issue is whether Quebec’s ban on possessing or growing cannabis plants at a dwelling-house,¹ for personal non-medical purposes, is constitutionally valid and operative given that the Quebec legislation is more restrictive than federal cannabis legislation prohibiting the growing of more than four cannabis plants at a dwelling-house.² The Quebec Court of Appeal unanimously upheld the constitutional validity of Quebec’s legislation.³ The Canadian Cancer Society (CCS) is of the view that the Quebec legislative provisions at issue are fully constitutionally valid and operative.

2. CCS agrees with the facts outlined by the Attorney General of Quebec and adds the following.

3. Cannabis is a product that causes dependence and that is harmful to health, as outlined in the first and second rounds of Health Canada health warnings required to appear on cannabis packaging.⁴ Federal cannabis legislation came into force Oct. 17, 2018, and was accompanied by the implementation of cannabis legislation by all 13 provinces/territories. Governments adopted cannabis legislation for health reasons, especially among youth. In addition to the ban on home growing, there are many provincial/territorial cannabis legislative provisions that are more restrictive than federal cannabis legislation.

4. Beyond cannabis, there are many other health areas where provincial/territorial laws are more restrictive than federal legislation in the same subject area. These subject areas include tobacco control (including electronic cigarettes), alcohol, asbestos and indoor tanning. Aspects regarding tobacco are elaborated in more detail later in this factum given the many similarities between tobacco and cannabis regulation.

¹ *Cannabis Regulation Act*, CQLR c. C-5.3, ss. 5, 10 [CRA (QC)].

² *Cannabis Act*, SC 2018, c. 16, ss. 12(4), 12(5). The federal provision also only applies to non-medical use.

³ *Procureur général du Québec v. Murray-Hall*, 2021 QCCA 1325 [judgment under appeal].

⁴ *Cannabis Regulations*, SOR/2018-144, ss. 123(1)(e), 123(4), incorporating by reference *Cannabis health warning messages*, Health Canada, effective Oct. 17, 2019 (with prior round of warnings effective Oct. 17, 2018 to Oct. 16, 2019), reproduced in Part VII-B [*Cannabis health warning messages*].

5. For alcohol, an example is that Yukon and Northwest Territories have required a health warning label on alcohol containers, with there being no federal requirement to do so.⁵ In 2017, the Yukon Liquor Corporation implemented a time-limited requirement for additional health warnings on alcohol containers, including a warning on alcohol and cancer risk, only to rescind the requirement following industry pressure.⁶

6. For asbestos, among other restrictions, Saskatchewan established a public registry requirement for buildings containing asbestos, while there was no such federal requirement.⁷ For indoor tanning, many provinces have health warning requirements at point of sale beyond federal requirements.⁸ For example, while federally there is a text-based health warning at point of sale,⁹ Alberta requires a photograph-based health warning.¹⁰

PART II – ISSUES

7. The constitutional question stated by the appellant, and the position of CCS, are as follows:

Les juges de la Cour d’appel du Québec ont-ils erré en droit en concluant que les articles 5 et 10 de la Loi provinciale sont constitutionnellement valides? Answer: No.

PART III – ARGUMENT

Quebec legislation is *intra vires*

8. The pith and substance of both the federal and provincial cannabis legislation is health, and both are valid under the double aspect doctrine. Health is a concurrent, shared area of federal/provincial responsibility. The federal legislation is *intra vires* under the criminal law power, while

⁵ Tim Stockwell, Robert Solomon, Paula O’Brien *et al*, “Cancer Warning Labels on Alcohol Containers: A Consumer’s Right to Know, A Government’s Responsibility to Inform, and an Industry’s Power to Thwart” *Journal of Studies on Alcohol and Drugs* (2020), 81(2):284-292.

⁶ *Ibid.*

⁷ *The Public Health (Howard’s Law) Amendment Act*, SS 2013, c 26.

⁸ Sydney Gosselin, Jennifer E McWhirter “Assessing the content and comprehensiveness of provincial and territorial indoor tanning legislation in Canada” *Health Promotion and Chronic Disease Prevention in Canada* (2019), 39(2):45-55.

⁹ *Radiation Emitting Devices Regulations*, CRC, c. 1370, Sch. 2, Pt. XI, s. 5.

¹⁰ *Artificial Tanning Regulation*, AR 233/2017, s. 4, incorporating by reference *Standards for Artificial Tanning Facility Signage*, Alberta Health, January 2018.

the Quebec legislation is valid under property and civil rights, and matters of a merely local or private nature.¹¹ The Quebec provisions are not inoperative on the basis of paramountcy, either because of an operational conflict or because of frustration of a federal legislative purpose.

No operational conflict

9. Regarding an operational conflict, there is plainly no impossibility of dual compliance. It is possible to comply with both laws. Because federal legislation prohibits more than four plants in a residence, this does not prevent provinces from being more restrictive. Nor does federal legislation provide a constitutional authorization (or “right”) for individuals to have up to four plants in their home. The incoherence of this contention is shown by the minimum federal cannabis sales age of 18. This does not create a constitutional authorization for individuals older than 18 to be sold cannabis. In fact, Quebec has a minimum cannabis sales age of 21, 11 provinces/territories have a minimum sales age of 19, and only one province, Alberta, has 18.¹²

Frustration of federal legislative purpose is a very high standard

10. For issues related to double aspect, federal paramountcy and frustration of a federal legislative objective, courts should be extremely reluctant to declare provincial legislation inoperative, and should only do so in the clearest of circumstances, which is not the case in this appeal. The burden is on the party alleging the frustration of a federal legislative purpose and discharging this burden

is not an easy task, and the standard is always high. In keeping with co-operative federalism, the doctrine of paramountcy is applied with restraint. It is presumed Parliament intends its laws to co-exist with provincial laws. [...] Conflict must be defined narrowly, so that each level of government may act as freely as possible within its respective sphere of authority.¹³

¹¹ *Constitution Act, 1867*, ss. 91(27), 92(13), 92(16).

¹² e.g. *CRA (QC)*, *supra* note 1, s. 35; *Cannabis Control Act, 2017*, SO 2017, c. 26, Sch. 1, s. 7.

¹³ *Alberta (Attorney General) v. Moloney*, 2015 SCC 51, para. 27, per Gascon J [*Moloney*]. See also *Saskatchewan (Attorney General) v. Lemare Lake Logging Ltd.*, 2015 SCC 53, para. 21, per Abella and Gascon JJ. [*Lemare Lake Logging*]: “paramountcy must be narrowly construed [...] courts must take a ‘restrained approach’ ”; para. 25: “the burden [...] is a high one”. See also *Orphan Well Association v. Grant Thornton Ltd.*, 2019 SCC 5, para. 66.

11. Where there are alternative constructions to federal legislation, the construction that would ensure the continued validity of provincial legislation should be adopted.¹⁴

12. A highly restrained approach to paramountcy is especially needed when the “matter”, here health, is a shared area of responsibility among two equal levels of government. The situation here is not where the federal aspect is an exclusive responsibility, eg banking or bankruptcy.

13. Though it may not be the case in this instance for the federal grow-at-home restriction, it is often lobbying by commercial interests that explains why federal legislation contains exemptions, or partial restrictions instead of prohibitions, or is not yet as restrictive as some provincial laws. This context provides a further reason why courts should be extremely reluctant to declare inoperative provincial legislation that seeks to advance the public interest.

14. For public health legislation in Canada, there is a long history of cooperative federalism where legislation of one level of government builds on the legislation of the other level of government. This should also contribute to a highly restrained approach when considering paramountcy issues.

15. Parliament “should not be obliged to deal with all aspects of a problem at once. [. . .] It must be given reasonable leeway to deal with problems one step at a time [. . .]”¹⁵

16. Parliament frequently balances multiple interests. Politics is “the art of the possible”. Some exemptions or weaker restrictions are sometimes needed for a bill to pass at all, or in a timely way. Because economic interests can vary by region (eg tobacco industry, tobacco farmers), some provinces may be able to achieve certain measures that the federal government cannot, at least initially. Other regional variations could include the severity of an issue, levels of consumption, public support, illegal sales, climate or geography, and capacity to enforce. These considerations can change over time, including with the emergence of new evidence or international experience. Federalism facilitates different approaches being used.

¹⁴ *Attorney General of Canada v. Law Society of British Columbia*, 1982 CanLII 29 (SCC), [1982] 2 SCR 307, at p. 356, per Estey J. See also *Lemare Lake Logging*, *supra* note 13, paras. 20, 21; *Moloney*, *supra* note 13, para. 27.

¹⁵ *McKinney v. University of Guelph*, 1990 CanLII 60 (SCC), [1990] 3 SCR 229, at p. 317, per La Forest J.

Provincial tobacco legislation repeatedly upheld as *intra vires*

17. Both cannabis and tobacco are products for human consumption that cause dependence and health harms (though the risks for tobacco are more significant).¹⁶ Cannabis and tobacco legislation and strategies have many similarities, covering sales to minors, promotion, use in public places, retail distribution, product standards, packaging/labelling including health warnings, taxation, and public education. Because of these similarities, it is worth reviewing the experience with tobacco legislation.

18. There has been provincial tobacco legislation that is more restrictive than federal tobacco legislation in place concurrently and continuously for more than 100 years, with provincial tobacco sales to minors legislation first adopted in the 1890s (including Ontario and New Brunswick with a minimum sales age of 18), and federal legislation with a minimum age of 16 adopted in 1908.¹⁷ Modern tobacco legislation dates from the 1980s. Today, there is detailed tobacco control legislation (now also applying to electronic cigarettes) in place federally and in all 13 provinces/territories.¹⁸ Provincial tobacco legislation, which has a health purpose, has repeatedly been recognized to be *intra vires*, with tobacco being an area of concurrent federal/provincial jurisdiction. This Court has stated:

Indeed the [federal] Act forms only one part of a comprehensive and multi-faceted federal and provincial program to control and reduce the consumption of tobacco.¹⁹

The two levels of government frequently work together to meet common concerns. The cooperative measures relating to the use of tobacco are fully related in *RJR-MacDonald*, *supra*. Nor, though it arises under a different technical basis, is the

¹⁶ For cannabis, see text of rotated package health warnings required by Health Canada, *Cannabis health warning messages*, *supra* note 4, reproduced in Part VII-B. For tobacco, see *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 SCR 199 per La Forest J., paras. 29-34, 65-66, speaking for 7 justices on this point [*RJR-MacDonald*].

¹⁷ *e.g.*, *An Act Respecting the Use of Tobacco by Minors*, SO 1892, c. 52, later *Minors' Protection Act*, RSO 1990, c. M.38, rep. by *Tobacco Control Act, 1994*, SO 1994, c. 10, s. 24; *Tobacco Restraint Act*, SC 1908, c. 73, later RSC 1985, c. T-12, rep. by *Tobacco Sales to Young Persons Act*, SC 1993, c. 5, s. 11. See Part VII-C for “Listing of Historic Federal/Provincial/Territorial Tobacco Sales to Minors Legislation No Longer in Force”.

¹⁸ See Part VII-D for “Listing of Principal Federal/Provincial/Territorial Tobacco Control Legislation Currently in Force”. See also Canadian Cancer Society, “Overview Summary of Federal/Provincial/Territorial Tobacco Control Legislation in Canada” October 2017.

¹⁹ *RJR-MacDonald*, *supra* note 16, per La Forest J., para 36, see also paras. 37-38 citing provincial tobacco legislation, speaking for 7 Justices on these points.

situation, in substance, different as regards federal prohibitions against polluting water for the purposes of protecting the fisheries. Here again there is a wide measure of cooperation between the federal and provincial authorities to effect common or complementary ends. It is also the case in many other areas.²⁰

Health is an area of concurrent jurisdiction; both Parliament and the provinces may validly legislate on the topic: *RJR-MacDonald Inc.* [...] ²¹

19. Claims that provincial tobacco control laws (more restrictive than federal tobacco control laws) are inoperative due to federal paramountcy have consistently been rejected. Examples include Saskatchewan banning visible product displays at retail, going further than federal promotion restrictions;²² Nova Scotia setting a minimum sales age of 19 (vs federal age 18);²³ and Quebec restricting electronic cigarette advertising more stringently than federally.²⁴

20. There are many other examples of provincial tobacco laws going beyond federal legislation, including minimum age now 21 in PEI (vs federal age 18);²⁵ banning vending machines (vs allowing in bars);²⁶ not having advertising exemptions for direct mail and in places where minors are prohibited by law (vs having exemptions);²⁷ banning tobacco brand names/logos on non-tobacco goods (vs partial

²⁰ *R. v. Hydro-Québec*, 1997 CanLII 318 (SCC), [1997] 3 SCR 213, para. 131, per La Forest J.

²¹ *Carter v. Canada (Attorney General)*, 2015 SCC 5, para. 53, per The Court. See also *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*, 2001 SCC 40, para. 35, per L'Heureux-Dubé; *Attorney General (Que.) v. Kellogg's Co. of Canada*, 1978 CanLII 185 (SCC), [1978] 2 SCR 211 at p. 224, per Martland J., citing with approval *Benson & Hedges (Canada) Ltd. et al. v. Attorney-General of British Columbia*, 1972 CanLII 1067, 27 DLR (3d) 257 (BCSC) (BC ban on tobacco, liquor advertising *intra vires*); *RJR-MacDonald v. Canada (A.G.)*, 1993 CanLII 3500 (QC CA), 102 DLR (4th) 289, [1993] RJQ 375, pp. 306-307 DLR, pp. 388-389 RJQ (per Lebel JA, as he then was), pp. 347-351 DLR, pp. 413-416 RJQ (per Brossard JA) (tobacco ad ban could be adopted either federally or provincially), appeal allowed in part, but not on this point, *RJR-MacDonald*, *supra* note 16; *Club Pro Adult Entertainment Inc. v. Ontario (Attorney General)*, 2008 ONCA 158, leave to appeal to SCC refused (*sub nom D. Atlantic Inc. v. Ontario*), 32612 (18 September 2008) (smoking ban in public places *intra vires*).

²² *Rothmans, Benson & Hedges Inc. v. Government of Saskatchewan*, 2005 SCC 13, per Major J. [*Rothmans*].

²³ *R. v. Sobey's Inc.*, 1998 NSCA 237, per Cromwell JA, as he then was.

²⁴ *Association québécoise des vapoteriers v. Procureure générale du Québec*, 2019 QCCS 1644, aff'd *sub nom Procureur général du Québec v. Gallant*, 2021 QCCA 1701.

²⁵ *Tobacco and Electronic Smoking Device Sales and Access Act*, RSPEI 1988, c. T-3.1, s. 4.

²⁶ *e.g. Tobacco Access Act* SNS 1993, c. 14, s. 6; *Tobacco Control Act*, CQLR, c. L-6.2, s. 16. *Tobacco and Vaping Products Act*, SC 1997, c. 13, s. 12 [TVPA].

²⁷ *Tobacco Control Act*, *ibid*, s. 24. TVPA, *ibid*, s. 22(2).

restrictions);²⁸ banning tobacco sponsorship (vs partial restrictions);²⁹ requiring larger package health warnings,³⁰ and reporting and public disclosure of cigarette additives.³¹

21. An additional example is menthol cigarettes. In 2010, new federal amendments prohibited flavours in cigarettes, but exempted menthol flavour.³² In 2015, Nova Scotia banned all flavours in cigarettes, including menthol.³³ Alberta and some other provinces would in turn ban menthol cigarettes.³⁴ In 2017, new federal amendments would also do so.³⁵ This example illustrates the benefits of federalism to allow for innovation and experimentation, and how action and experience by one province can inspire action by other provinces and federally.

Quebec legislation advances health purpose

22. Quebec's legislative provisions banning possession and growing of cannabis plants at home have a health purpose, and advance several of the purposes in the federal *Cannabis Act*, s. 7. It is fully legitimate for a province to determine that banning home growing helps prevent youth access, protects the benefits of higher taxation discouraging consumption by preventing the growing of tax-exempt product,³⁶ and protects the objectives of a controlled distribution system where product

²⁸ *Tobacco Control Act*, *supra* note 26, s. 27. TVPA, *supra* note 26, s. 26(1).

²⁹ Quebec adopted such a ban on June 18, 1998, effective Oct. 1, 2003 (*Tobacco Act*, SQ 1998, c. 33, ss. 22, 23, 72, 73), whereas at the time (June 1998), the federal *Tobacco Act*, SC 1997, c. 13, ss. 24, 25 as originally enacted contained only restrictions on sponsorship advertising but was amended on Dec. 10, 1998 to include a total ban as of Oct. 1, 2003: *An Act to amend the Tobacco Act*, SC 1998, c. 38.

³⁰ *Regulation under the Tobacco Control Act*, CQLR c.L-6.2, r.1, s.6.1 (minimum package health warning surface area of 46.5 cm²); *Tobacco Products Labelling Regulations (Cigarettes and Little Cigars)*, SOR/2011-177, s.11 (no minimum surface area (cm²) prescribed, just percentage of surface)

³¹ *Tobacco Testing and Disclosure Regulation*, BC Reg 282/98, as originally adopted, rep. by BC Reg 393/2007. *Tobacco Reporting Regulations*, SOR/2000-273, s.11.

³² *Cracking Down on Tobacco Marketing Aimed at Youth Act*, SC 2009, c. 27, ss. 4, 5, 17, 18, in force at retail July 5, 2010.

³³ *Tobacco Access Act*, SNS 1993, c. 14, ss. 3(ba), 7(c), 7(d), as enacted by *An Act to Amend Chapter 14 of the Acts of 1993, the Tobacco Access Act*, SNS 2015, c. 26, ss. 1, 2.

³⁴ *Tobacco Reduction Amendment Regulation*, AR 85/2015, s. 2, repealing menthol exemption in *Tobacco Reduction Amendment Regulation*, AR 201/2014, s. 12.

³⁵ *Order Amending the Schedule to the Tobacco Act (Menthol)*, SOR/2017-45.

³⁶ *RJR-MacDonald*, *supra* note 16, paras. 38, 98. See also: “[T]he price of tobacco is a significant factor in reducing consumption”: *R. v Pickering*, 1996 CanLII 17983 (MBPC), para. 53, affirmed 1999 CanLII 14098 (MBQB), para. 32; *R v Martin*, 2018 ABPC 165, para. 12.

standards are met. In the federal Act (s.7), purpose (a) to reduce youth access is advanced because otherwise the plant is right there available in the home, and the untaxed, lower-priced product further increases access compared with fully taxed product in a store. Purpose (b) to “protect young persons and others from inducements” is advanced because otherwise having visible cannabis plants permanently in the home in a room or the backyard is in itself a *de facto* promotion that undermines the principle of legislation prohibiting minors in cannabis stores, as well as cannabis products in stores from not being visible outside, and stores not being located close to schools.³⁷ Purpose (f) to “provide access to a quality-controlled supply” is advanced, because home grown cannabis is not subject to product standards, such as maximum THC level.³⁸ Purpose (g) “to advance public awareness of the health risks” is advanced because home grown cannabis does not come with rotated package health warnings, nor exposure to required health information at retail, and moreover the easy presence at home can undermine public education messaging about health effects. The Canadian Medical Association³⁹ and the Association des médecins psychiatres du Québec⁴⁰ were among those opposed to home growing during parliamentary proceedings.

23. It is also legitimate for a province to conclude that banning home growing deters illicit activities and advances federal purpose (d) to “deter illicit activities [...] through appropriate sanctions and enforcement measures”. Cannabis grown at home can easily be supplied to someone outside the home and is a *de facto* diversion from a regulated market. In Parliament, there were different views about the impact of home growing on illegal activities. Some in Parliament stated

³⁷ e.g. CRA (QC), *supra* note 1, ss. 33, 34, 40.

³⁸ *Regulation to determine other classes of cannabis that may be sold by the Société québécoise du cannabis and certain standards respecting the composition and characteristics of cannabis*, CQLR c. C-5.3, r. 0.1, s. 3.

³⁹ Judgment under appeal, para. 130, citing *House of Commons Debates*, 42-1, Erin O’Toole, June 6, 2017, p. 12184; see A.R. vol. 3, p. 132, which refers to p. 12196.

⁴⁰ Standing Senate Committee on Legal and Constitutional Affairs, 23rd report, May 1, 2018, Appellant’s Record [A.R.] vol. 6, p. 200, citing (footnote 7) testimony of the Association des médecins psychiatres du Québec on April 18, 2018. The Committee’s proceedings of April 18, 2018 are not part of the appellant’s record.

that home growing would increase illegal activity.⁴¹ The Canadian Association of Chiefs of Police opposed home growing.⁴²

24. In the context of cooperative federalism, where there is a legitimate perspective as to whether a federal objective is advanced, that is sufficient for paramountcy analysis.

25. Further, here there is an “absence of ‘very clear’ statutory language [...] that Parliament intended to ‘occupy the field’⁴³ regarding restrictions on growing at home.

26. Having a minimum cannabis sales age higher than 18 (*e.g.* 19 or 21) will inherently increase illegal sales among 18-20 year-olds. Sales to minors laws are notoriously difficult to enforce. But does that mean that a provincial minimum sales age of 19 or 21 is inoperative due to paramountcy?

27. Provinces can authorize landlords/condominiums to ban cannabis growing in apartments/condominium units, something that the Parliamentary Secretary to the Ministers of Justice and Health stated in Parliament could be done.⁴⁴ PEI has done so.⁴⁵ BC provides that tenancy agreements existing on Oct 17, 2018, are deemed to ban home growing.⁴⁶ If provinces can authorize a ban on growing in multi-unit buildings, representing a large proportion of Canadians, why would there be a constitutional impediment to a ban in single-family homes?

28. Federal legislation does not ban production of alcoholic beverages at home. But that does not mean there is a constitutional authorization to have a mini-distillery for personal consumption in

⁴¹ *House of Commons Debates*, 42-1, Marilyn Gladu, Nov. 1, 2017, pp. 14834-14835, A.R. vol. 3, pp. 169-170; see also pp.14812-14813 (English). See also Hansard excerpts quoted by Court of Appeal, judgment under appeal, para. 130.

⁴² Proceedings of the Standing Senate Committee on Legal and Constitutional Affairs, March 29, 2018, A.R., vol. 6, pp. 131-132.

⁴³ *Lemare Lake Logging*, *supra* note 13, para. 27. See also *Rothmans*, *supra* note 22, para. 21.

⁴⁴ *House of Commons Debates*, 42-1, Bill Blair, Nov. 1, 2017, p. 14836 (French), A.R. vol. 3, p. 171; see also p. 14814 (English): “There is also provision within provincial regulations for restrictions on where that can take place, whether it can take place, for example, in multi-use dwellings, such as apartment buildings or condo buildings.”

⁴⁵ *Cannabis Control Act*, RSPEI 1988, c. C-1.2, s. 12. Manitoba bans home growing generally, similar to Quebec: *The Liquor, Gaming and Cannabis Control Act*, CCSM c. L153, s. 101.15.

⁴⁶ *Residential Tenancy Act*, SBC 2002, c.78, s.21.1. BC also bans growing anywhere at homes providing licensed child care: *Cannabis Control and Licensing Act*, SBC 2018, c.29, s.56(b)(i).

every home, nor frustration of a federal legislative purpose by a provincial ban on such home production.

Absence of intervention by Attorney General of Canada

29. Where the federal government supports the constitutionality of provincial legislation, it prompts caution for a court before a finding of inoperability.⁴⁷ In this appeal, the Attorney General of Canada has not intervened. How realistic or credible is it for there to be frustration of a federal legislative purpose if the Attorney General of Canada has not intervened to actually say so?

Incomplete parliamentary proceedings on the record

30. That there are limitations to citing Hansard is well-understood.⁴⁸ Here, in the record before this Court, the parliamentary proceedings are incomplete. While at least some of the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs are in the record, the extensive proceedings of the House of Commons Standing Committee on Health and the Standing Senate Committee on Social Affairs, Science and Technology are not, nor are proceedings of some other Senate Committees studying parts of the bill. CCS is thus not able to cite excerpts that may be of assistance to the Court. This adds to the caution when Hansard extracts are considered.

PART IV – SUBMISSIONS ON COSTS

29. CCS does not seek costs, and requests that none be awarded against it

PART V – ORDER SOUGHT

30. As an intervener, CCS has no submissions regarding the order sought.

PART VI – SUBMISSIONS ON PUBLICATION

31. CCS has no submissions in that regard.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, Ottawa, August 22, 2022.

⁴⁷ *R v. Demers*, 2004 SCC 46, para. 28, per Iacobucci and Bastarache JJ. See also *Rothmans*, *supra* note 22, para 26.

⁴⁸ *R. v. Khill*, 2021 SCC 37, para. 111; *Canadian National Railway Co. v. Canada (Attorney General)*, 2014 SCC 40, para. 47.



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PART VII-B – STATUTES, REGULATIONS AND STANDARDS (EXCERPTS)

Cannabis Regulation Act, CQLR c. C-5.3, ss. 5, 10:

<p>5. It is prohibited to possess a cannabis plant. Anyone who contravenes the first paragraph commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence.</p>	<p>5. Il est interdit d’avoir en sa possession une plante de cannabis. Quiconque contrevient aux dispositions du premier alinéa commet une infraction et est passible d’une amende de 250 \$ à 750 \$. En cas de récidive, ces montants sont portés au double.</p>
<p>10. It is prohibited to cultivate cannabis for personal purposes. That prohibition against cultivating cannabis applies, in particular, to the planting of seeds and plants, the propagation of plants from cuttings, the cultivation of plants and the harvesting of their production. Anyone who contravenes the first paragraph by cultivating four cannabis plants or less in their dwelling-house commits an offence and is liable to a fine of \$250 to \$750. Those amounts are doubled for a subsequent offence. For the purposes of the third paragraph, “dwelling-house” has the meaning assigned by subsection 8 of section 12 of the Cannabis Act (S.C. 2018, c. 16).</p>	<p>10. Il est interdit de faire la culture de cannabis à des fins personnelles. Cette interdiction de culture s’applique notamment à la plantation des graines et des plantes, la reproduction des plantes par boutures, la culture des plantes et la récolte de leur production. Quiconque contrevient aux dispositions du premier alinéa en faisant la culture de quatre plantes de cannabis ou moins dans sa maison d’habitation commet une infraction et est passible d’une amende de 250 \$ à 750 \$. En cas de récidive, ces montants sont portés au double. Aux fins du troisième alinéa, une «maison d’habitation» a le sens que lui donne le paragraphe 8 de l’article 12 de la Loi sur le cannabis (L.C. 2018, c. 16).</p>

Cannabis Act, SC 2018, c. 16, ss. 12(4), 12(5), Schedule 4:

<p>Cultivation, propagation and harvesting — 18 years of age or older (4) Unless authorized under this Act, it is prohibited for an individual who is 18 years of age or older to cultivate, propagate or harvest, or to offer to cultivate, propagate or harvest, (a) a cannabis plant that is from a seed or plant material that they know is illicit cannabis; or</p>	<p>Culture, multiplication ou récolte — individu âgé de dix-huit ans ou plus (4) Sauf autorisation prévue sous le régime de la présente loi, il est interdit à tout individu âgé de dix-huit ans ou plus de se livrer aux activités suivantes : a) cultiver, multiplier ou récolter toute plante de cannabis provenant d’une graine ou d’une matière végétale qu’il sait être du cannabis illicite, ou offrir de le faire;</p>
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<p>(b) more than four cannabis plants at any one time in their dwelling-house.</p> <p>Cultivation, propagation and harvesting — dwelling-house limit (5) Unless authorized under this Act, if two or more individuals who are 18 years of age or older are ordinarily resident in the same dwelling-house, it is prohibited for any of those individuals to cultivate, propagate or harvest any cannabis plants if doing so results in there being more than four such plants being cultivated, propagated or harvested at any one time in the dwelling-house.</p> <p>SCHEDULE 4 (Section 33 and subsection 151(3))</p> <p>Classes of Cannabis That an Authorized Person May Sell</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Class of Cannabis</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>dried cannabis</td> </tr> <tr> <td>2</td> <td>[Repealed, SOR/2019-207, s.3]</td> </tr> <tr> <td>3</td> <td>fresh cannabis</td> </tr> <tr> <td>4</td> <td>cannabis plants</td> </tr> <tr> <td>5</td> <td>cannabis plant seeds</td> </tr> <tr> <td>6</td> <td>edible cannabis</td> </tr> <tr> <td>7</td> <td>cannabis extracts</td> </tr> <tr> <td>8</td> <td>cannabis topicals</td> </tr> </tbody> </table>	Item	Class of Cannabis	1	dried cannabis	2	[Repealed, SOR/2019-207, s.3]	3	fresh cannabis	4	cannabis plants	5	cannabis plant seeds	6	edible cannabis	7	cannabis extracts	8	cannabis topicals	<p>b) cultiver, multiplier ou récolter plus de quatre plantes de cannabis au même moment dans sa maison d’habitation, ou offrir de le faire.</p> <p>Culture, multiplication ou récolte — limite par maison d’habitation (5) Sauf autorisation prévue sous le régime de la présente loi, dans le cas d’une maison d’habitation où résident habituellement deux ou plusieurs individus âgés de dix-huit ans ou plus, il est interdit à l’un quelconque d’entre eux de cultiver, de multiplier ou de récolter des plantes de cannabis si cela a pour effet de porter à plus de quatre le nombre de plantes de cannabis qui y sont cultivées, multipliées ou récoltées en même temps.</p> <p>ANNEXE 4 (article 33 et paragraphe 151(3))</p> <p>Catégories de cannabis qu’une personne autorisée peut vendre</p> <table border="1"> <thead> <tr> <th>Article</th> <th>Catégorie de cannabis</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>cannabis séché</td> </tr> <tr> <td>2</td> <td>[Abrogé, DORS/2019-207, art. 3]</td> </tr> <tr> <td>3</td> <td>cannabis frais</td> </tr> <tr> <td>4</td> <td>plantes de cannabis</td> </tr> <tr> <td>5</td> <td>graines provenant d’une plante de cannabis</td> </tr> <tr> <td>6</td> <td>cannabis comestible</td> </tr> <tr> <td>7</td> <td>extrait de cannabis</td> </tr> <tr> <td>8</td> <td>cannabis pour usage topique</td> </tr> </tbody> </table>	Article	Catégorie de cannabis	1	cannabis séché	2	[Abrogé, DORS/2019-207, art. 3]	3	cannabis frais	4	plantes de cannabis	5	graines provenant d’une plante de cannabis	6	cannabis comestible	7	extrait de cannabis	8	cannabis pour usage topique
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Cannabis Regulations, SOR/2018-144, ss 123(1)(e), 123(4):

<p>Information 123 (1) The following information must be included on the label that is applied to any container in which a cannabis product is packaged: [...]</p>	<p>Renseignements 123 (1) Les renseignements ci-après doivent figurer sur l’étiquette apposée sur tout contenant dans lequel est emballé un produit du cannabis : [...]</p>
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<p>(e) one of the health warning messages set out in the document entitled <i>Cannabis Health Warning Messages</i>, as amended from time to time and published by the Government of Canada on its website, that applies to the cannabis product;</p> <p>[...]</p> <p>Rotation</p> <p>(4) The health warning messages referred to in paragraph (1)(e) must be displayed in rotation on each type of container of each brand name of the cannabis product that is packaged in a year, so that each health warning message is displayed, to the extent possible, on equal numbers of containers of that product.</p>	<p>e) l'une des mises en garde figurant dans le document intitulé <i>Mises en garde sur le cannabis</i>, avec ses modifications successives, publié par le gouvernement du Canada sur son site Web, qui s'applique au produit du cannabis;</p> <p>[...]</p> <p>Alternance</p> <p>(4) Les mises en garde visées à l'alinéa (1)e) doivent figurer en alternance sur chaque type de contenants de chaque nom commercial d'un produit du cannabis qui est emballé au cours d'une année de façon à ce que chacune de ces mise en garde figure, dans la mesure du possible, sur un nombre égal de contenants de ce produit.</p>
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Cannabis health warning messages, Health Canada, effective October 17, 2019 (with prior round of warnings effective October 17, 2018 to October 16, 2019), incorporated by reference Cannabis Regulations, SOR/2018-144, s.123(1)(e).

<p><u><i>Cannabis health warning messages</i></u></p> <p>This document took effect on October 17, 2019.</p> <p>Part 1: All of the cannabis health warning messages in this Part apply to cannabis products of all classes of cannabis listed in Schedule 4 to the <i>Cannabis Act</i>, with the exception of cannabis topicals.</p> <p>WARNING: The smoke from cannabis is harmful. Toxic and carcinogenic chemicals found in tobacco smoke such as polyaromatic hydrocarbons, aromatic amines, and N-heterocyclics are also found in cannabis smoke.</p>	<p><u><i>Mises en garde sur le cannabis</i></u></p> <p>Le présent document est entré en vigueur le 17 octobre 2019.</p> <p>Partie 1 : Toutes les mises en garde sur le cannabis dans la présente partie s'appliquent aux produits du cannabis de toutes les catégories de cannabis énumérées à l'annexe 4 de la <i>Loi sur le cannabis</i>, à l'exception du cannabis pour usage topique.</p> <p>MISE EN GARDE : La fumée de cannabis est nocive. Les produits chimiques toxiques et cancérigènes, comme les hydrocarbures aromatiques polycycliques, les amines aromatiques et les N-hétérocycliques, présents</p>
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WARNING: Do not use if pregnant or breastfeeding. Substances in cannabis are transferred from the mother to child and can harm your baby.

WARNING: Do not drive or operate heavy equipment after using cannabis. Cannabis can cause drowsiness and impair your ability to concentrate and make quick decisions.

WARNING: Frequent and prolonged use of cannabis containing THC can contribute to mental health problems over time. Daily or near-daily use increases the risk of dependence and may bring on or worsen disorders related to anxiety and depression.

WARNING: Adolescents and young adults are at greater risk of harms from cannabis. Daily or near-daily use over a prolonged period of time can harm brain development and function.

WARNING: The higher the THC content of a product, the more likely you are to experience adverse effects and greater levels of impairment. THC can cause anxiety and impair memory and concentration.

WARNING: It can take up to 4 hours to feel the full effects from eating or drinking cannabis. Consuming more within this time period can result in adverse effects that may require medical attention.

dans la fumée du tabac, sont également présents dans la fumée du cannabis.

MISE EN GARDE : N'utilisez pas si vous êtes enceinte ou vous allaitez. Les substances présentes dans le cannabis sont transmises de la mère à l'enfant et peuvent nuire à votre bébé.

MISE EN GARDE : Ne conduisez pas ou n'opérez pas de machinerie lourde après avoir consommé du cannabis. Le cannabis peut causer de la somnolence et nuire à la capacité de se concentrer et de prendre rapidement des décisions.

MISE EN GARDE : La consommation fréquente et prolongée de cannabis contenant du THC peut entraîner des problèmes de santé mentale au fil du temps. L'utilisation quotidienne ou presque quotidienne augmente le risque de dépendance et peut entraîner ou aggraver des troubles liés à l'anxiété et à la dépression.

MISE EN GARDE : Les risques d'effets nocifs du cannabis sont plus élevés chez les adolescents et les jeunes adultes. L'utilisation quotidienne ou presque quotidienne sur une période prolongée peut nuire au développement et au fonctionnement du cerveau.

MISE EN GARDE : Plus la teneur en THC d'un produit est élevée, plus une personne est susceptible d'éprouver des effets indésirables et plus ses facultés sont affaiblies. Le THC peut causer de l'anxiété et nuire à la mémoire et à la concentration.

MISE EN GARDE : Cela peut prendre jusqu'à quatre heures pour ressentir tous les effets de la consommation de produits comestibles à base de cannabis. La consommation accrue pendant cette période

<p>WARNING: The effects from eating or drinking cannabis can be long-lasting. The effects can last between 6 and 12 hours following use.</p> <p>Part 2: The cannabis health warning message in this Part applies only to cannabis products that are cannabis topicals.</p> <p>WARNING: Do not swallow or apply internally or to broken, irritated or itching skin. There may be health effects and risks associated with cannabis topicals that are not fully known or understood.</p> <p>Previous version This is how the document read from October 17, 2018 to the coming into force of the Regulations Amending the Cannabis Regulations (New Classes of Cannabis) on October 17, 2019.</p> <p>Part 1: Health warning messages for cannabis products that are dried cannabis or cannabis accessories that contain dried cannabis</p> <p>WARNING: Cannabis smoke is harmful. Harmful chemicals found in tobacco smoke are also found in cannabis smoke.</p> <p>WARNING: Do not use if pregnant or breastfeeding. Using cannabis during pregnancy may harm your baby and result in low birth weight.</p>	<p>peut entraîner des effets indésirables qui peuvent nécessiter des soins médicaux.</p> <p>MISE EN GARDE : Les effets de la consommation de produits comestibles à base de cannabis peuvent être de longue durée. Les effets peuvent durer de six à douze heures après la consommation.</p> <p>Partie 2 : La mise en garde sur le cannabis dans la présente partie ne s'applique qu'aux produits du cannabis qui sont du cannabis pour usage topique.</p> <p>MISE EN GARDE : Ne pas avaler ni appliquer sur une surface interne ou sur une surface éraflée, irritée ou en proie à la démangeaison. Il peut y avoir des effets sur la santé et des risques associés au cannabis pour usage topique qui ne sont pas entièrement connus ou compris.</p> <p><i>Versions précédentes</i> Voici la version du 17 octobre 2018 avant l'entrée en vigueur du <i>Règlement modifiant le Règlement sur le cannabis (nouvelles catégories de cannabis)</i> le 17 octobre 2019.</p> <p>Partie 1 : Les mises en garde pour les produits du cannabis qui sont du cannabis séché et les accessoires qui contiennent du cannabis séché</p> <p>MISE EN GARDE : La fumée du cannabis est dangereuse. Les produits chimiques dangereux présents dans la fumée du tabac sont aussi présents dans la fumée du cannabis.</p> <p>MISE EN GARDE : Ne consommez pas si vous êtes enceinte ou allaitez. Consommer du cannabis pendant la grossesse pourrait être dangereux pour le bébé et réduire son poids à la naissance.</p>
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<p>WARNING: Do not use if pregnant or breastfeeding. Substances found in cannabis are also found in the breast milk of mothers who use cannabis.</p>	<p>MISE EN GARDE : Ne consommez pas si vous êtes enceinte ou allaitez. Les substances présentes dans le cannabis se retrouvent aussi dans le lait maternel des mères qui en consomment.</p>
<p>WARNING: Do not drive or operate machinery after using cannabis. More than 4,000 Canadians were injured and 75 died from driving after using cannabis (in 2012).</p>	<p>MISE EN GARDE : Ne conduisez pas ou n'utilisez pas de machines si vous avez consommé du cannabis. Plus de 4000 Canadiens ont été blessés et 75 sont morts dans des accidents de la route après avoir consommé du cannabis (en 2012).</p>
<p>WARNING: Do not drive or operate machinery after using cannabis. After cannabis use, coordination, reaction time and ability to judge distances are impaired.</p>	<p>MISE EN GARDE : Ne conduisez pas ou n'utilisez pas de machines si vous avez consommé du cannabis. La consommation de cannabis nuit à la coordination, au temps de réaction et à la perception des distances.</p>
<p>WARNING: Cannabis can be addictive. Up to half of people who use cannabis on a daily basis have work, social or health problems from using cannabis.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Jusqu'à la moitié des personnes qui consomment du cannabis au quotidien ont des problèmes professionnels, sociaux ou de santé liés à leur consommation de cannabis.</p>
<p>WARNING: Cannabis can be addictive. 1 in 11 people who use cannabis will become addicted.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Une personne sur 11 qui consomme du cannabis en deviendra dépendante.</p>
<p>WARNING: Cannabis can be addictive. Up to 1 in 2 people who use cannabis daily will become addicted.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Jusqu'à une personne sur deux qui consomme du cannabis au quotidien en deviendra dépendante.</p>
<p>WARNING: Regular use of cannabis can increase the risk of psychosis and schizophrenia. Higher THC content can increase the risk of psychosis and schizophrenia.</p>	<p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter le risque de psychose et de schizophrénie. Une teneur élevée en THC peut augmenter le risque de psychose et de schizophrénie.</p>
<p>WARNING: Regular use of cannabis can increase the risk of psychosis and</p>	<p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter</p>

<p>schizophrenia. Higher THC content can lower the age of onset of schizophrenia.</p> <p>WARNING: Regular use of cannabis can increase the risk of psychosis and schizophrenia. Young people are especially at risk.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. Early and regular use increases the risk of psychosis and schizophrenia.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. Using cannabis as a teenager can increase your risk of becoming addicted.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. 1 in 6 people who start using cannabis in adolescence will become addicted.</p> <p>Part 2: Health warning messages for all other cannabis products</p> <p>WARNING: Do not use if pregnant or breastfeeding. Using cannabis during pregnancy may harm your baby and result in low birth weight.</p> <p>WARNING: Do not use if pregnant or breastfeeding. Substances found in cannabis are also found in the breast milk of mothers who use cannabis.</p>	<p>le risque de psychose et de schizophrénie. Une teneur élevée en THC peut diminuer l'âge auquel la schizophrénie apparaît.</p> <p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter le risque de psychose et de schizophrénie. Les jeunes sont particulièrement à risque.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. La consommation à un jeune âge et de manière régulière augmente le risque de psychose et de schizophrénie.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. Consommer du cannabis à l'adolescence peut augmenter le risque de devenir dépendant.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. Une personne sur six qui commence à consommer du cannabis à l'adolescence en deviendra dépendante.</p> <p>Partie 2 : Les mises en garde pour tous autres produits du cannabis</p> <p>MISE EN GARDE : Ne consommez pas si vous êtes enceinte ou allaitez. Consommer du cannabis pendant la grossesse pourrait être dangereux pour le bébé et réduire son poids à la naissance.</p> <p>MISE EN GARDE : Ne consommez pas si vous êtes enceinte ou allaitez. Les substances présentes dans le cannabis se retrouvent aussi dans le lait maternel des mères qui en consomment.</p>
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<p>WARNING: Do not drive or operate machinery after using cannabis. More than 4,000 Canadians were injured and 75 died from driving after using cannabis (in 2012).</p>	<p>MISE EN GARDE : Ne conduisez pas ou n'utilisez pas de machines si vous avez consommé du cannabis. Plus de 4000 Canadiens ont été blessés et 75 sont morts dans des accidents de la route après avoir consommé du cannabis (en 2012).</p>
<p>WARNING: Do not drive or operate machinery after using cannabis. After cannabis use, coordination, reaction time and ability to judge distances are impaired.</p>	<p>MISE EN GARDE : Ne conduisez pas ou n'utilisez pas de machines si vous avez consommé du cannabis. La consommation de cannabis nuit à la coordination, au temps de réaction et à la perception des distances.</p>
<p>WARNING: Cannabis can be addictive. Up to half of people who use cannabis on a daily basis have work, social or health problems from using cannabis.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Jusqu'à la moitié des personnes qui consomment du cannabis au quotidien ont des problèmes professionnels, sociaux ou de santé liés à leur consommation de cannabis.</p>
<p>WARNING: Cannabis can be addictive. 1 in 11 people who use cannabis will become addicted.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Une personne sur 11 qui consomme du cannabis en deviendra dépendante.</p>
<p>WARNING: Cannabis can be addictive. Up to 1 in 2 people who use cannabis daily will become addicted.</p>	<p>MISE EN GARDE : Vous pouvez devenir dépendant du cannabis. Jusqu'à une personne sur deux qui consomme du cannabis au quotidien en deviendra dépendante.</p>
<p>WARNING: Regular use of cannabis can increase the risk of psychosis and schizophrenia. Higher THC content can increase the risk of psychosis and schizophrenia.</p>	<p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter le risque de psychose et de schizophrénie. Une teneur élevée en THC peut augmenter le risque de psychose et de schizophrénie.</p>
<p>WARNING: Regular use of cannabis can increase the risk of psychosis and schizophrenia. Higher THC content can lower the age of onset of schizophrenia.</p>	<p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter le risque de psychose et de schizophrénie. Une teneur élevée en THC peut diminuer l'âge auquel la schizophrénie apparaît.</p>
<p>WARNING: Regular use of cannabis can increase the risk of psychosis and</p>	<p>MISE EN GARDE : Consommer régulièrement du cannabis peut augmenter</p>

<p>schizophrenia. Young people are especially at risk.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. Early and regular use increases the risk of psychosis and schizophrenia.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. Using cannabis as a teenager can increase your risk of becoming addicted.</p> <p>WARNING: Adolescents are at greater risk of harms from cannabis. 1 in 6 people who start using cannabis in adolescence will become addicted.</p>	<p>le risque de psychose et de schizophrénie. Les jeunes sont particulièrement à risque.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. La consommation à un jeune âge et de manière régulière augmente le risque de psychose et de schizophrénie.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. Consommer du cannabis à l'adolescence peut augmenter le risque de devenir dépendant.</p> <p>MISE EN GARDE : Les adolescents sont à risque élevé des effets dangereux du cannabis. Une personne sur six qui commence à consommer du cannabis à l'adolescence en deviendra dépendante.</p>
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PART VII-C – Listing of Historic Federal/Provincial/Territorial Tobacco Sales to Minors Legislation No Longer in Force

Note: The following lists known legislation.

Federal: *Tobacco Restraint Act*, S.C. 1908, c. 73, later R.S.C. 1952, c.266, later R.S.C. 1970, c.T-9, later R.S.C. 1985, c.T-12, rep. by *Tobacco Sales to Young Persons Act*, S.C. 1993, c.5, s.11.

British Columbia: *Minors' Protection Act, 1891*, S.B.C. 1891, c.28, later *Youths' Protection Act*, R.S.B.C. 1897, c.139, am. *An Act to amend the Youths' Protection Act*, S.B.C. 1902, c.51, s.4, later *Infants Act*, R.S.B.C. 1911, c.107, ss.113-117, rep. by S.B.C. 1913, c.31, s.5.

Alberta: *An Ordinance Respecting the Use of Tobacco by Minors*, R.O.N.W.T. 1905, c.92, later R.S.A. 1922, c.219, later *The Tobacco Act*, R.S.A. 1942, c.273, rep. by *An Act to repeal the Tobacco Act*, S.A.1954, c.104, s.1.

Saskatchewan: *An Ordinance Respecting the Use of Tobacco by Minors*, R.O.N.W.T. 1905, c.92, later *The Minors Tobacco Act*, R.S.S. 1978, c.M-20, rep. by *The Tobacco Control Act*, S.S. 2001, c.T-14.1, s.32.

Manitoba: *An Act respecting the Welfare of Children*, S.M. 1922, c.2, s.169, 170, 172, later *The Child Welfare Act*, R.S.M. 1924, c.30, ss.182, 183, 185, later *The Child Welfare Act*, R.S.M. 1970, c.C80, s.134(1) (later repealed).

Ontario: *An Act Respecting the Use of Tobacco by Minors*, S.O. 1892, c.52, later R.S.O. 1897, c.261, later *The Minors' Tobacco Sales Act*, R.S.O. 1914, c.234, later *Minors' Protection Act*, R.S.O. 1970, c.276, later *Minors' Protection Act*, R.S.O. 1980, c. 293, later *Minors' Protection Act*, R.S.O. 1990, c.M.38, rep. by *Tobacco Control Act, 1994*, S.O. 1994, c.10, s.24.

New Brunswick: *An Act to prohibit the Sale of Cigarettes or Cigars to Minors*, S.N.B. 1890, c.23, rep. by *An Act Respecting the Use of Tobacco by Minors*, S.N.B. 1893, c.36, later C.S.N.B. 1903, c.81, later R.S.N.B. 1927, c.64, rep. by *Tobacco Sales Act*, S.N.B. 1993, c.T-6.1, s.13.

Nova Scotia: *The Minors' Protection Act*, 1892, S.N.S. 1892, c.50, later *Prevention of the Use of Tobacco and Opium by Minors Act*, R.S.N.S. 1900, c.119, rep. by *Children's Protection Act*, 1912, S.N.S. 1912, c.4, s.76 but enacting ss.36-38, rep. by *The Children's Protection Act*, 1917, S.N.S. 1917, c.2, s.83.

Prince Edward Island: *An Act respecting the Use of Tobacco by Minors*, S.P.E.I. 1901, c.19 (later repealed).

Newfoundland and Labrador: *An Act respecting the Sale of Tobacco to Juveniles*, S.N. 1902, c.19, 2 Ed. VII, c.19, later *On the Sale of Tobacco to Juveniles [Act]* C.S.N., 1916, c.49. *The Welfare of Children Act*, R.S.N. 1952, c.60, ss.24, 32, later *The Child Welfare Act*, R.S.N. 1970,

c.37, ss.20, 37, replaced by *Child Welfare Act, 1972*, S.N. 1972, ss.2(a), 37, later *Child Welfare Act* R.S.N. 1990, c.C-12, s.27, rep. by *Tobacco Control Act*, S.N.L. 1993, c.T-4.1, s.11.

Yukon: *An Ordinance Respecting the Use of Tobacco by Minors*, R.O.N.W.T. 1898, c.92, repealed by *An Ordinance to Amend the Consolidated Ordinances of the Northwest Territories*, O.Y.T. 1902, c.26, s.20.

Northwest Territories: *An Ordinance Respecting the Use of Tobacco by Minors*, O.N.W.T. 1896, c.18, later R.O.N.W.T. 1898, c.92, later R.O.N.W.T. 1905, c.92, rep. by *An Ordinance to Repeal Certain Ordinances*, O.N.W.T. 1948, c.36, s.1(iii).

PART VII-D – Listing of Principal Federal/Provincial/Territorial Tobacco Control Laws

This list includes laws currently in force but does not include laws concerning tobacco taxation nor tobacco health care cost recovery.

Canada

Tobacco and Vaping Products Act, SC 1997, c. 13.

Nicotine Concentration in Vaping Products Regulations, SOR/2021-123.

Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms), SOR/2011-178.

Regulations Excluding Certain Vaping Products Regulated Under the Food and Drugs Act from the Application of the Tobacco and Vaping Products Act, SOR/2018-133.

Tobacco (Access) Regulations, SOR/99-93.

Tobacco Products Information Regulations, SOR/2000-272.

Health Warnings and Information for Tobacco Products, published by the Department of Health, May 12, 2000, amended March 30, 2007 (“source document”).

Tobacco Products Labelling Regulations (Cigarettes and Little Cigars), SOR/2011-177.

Labelling Elements for Tobacco Products (Cigarettes and Little Cigars), published by the Department of Health, May 27, 2011 (“source document”).

Tobacco Products Regulations (Plain and Standardized Appearance), SOR/2019-107.

Tobacco Reporting Regulations, SOR/2000-273.

Tobacco (Seizure and Restoration) Regulations, SOR/99-94.

Vaping Products Labelling and Packaging Regulations, SOR/2019-353.

List of Health Warnings for Vaping Products, published by the Department of Health, Dec. 19, 2019

Vaping Products Promotion Regulations, SOR/2020-143.

List of Health Warnings for Vaping Products Advertising, published by the Department of Health, July 8, 2020.

Cigarette Ignition Propensity (Consumer Products) Regulations, SOR/2016-103 (adopted under *Canada Consumer Product Safety Act*, SC 2010, c. 21).

Non-smokers' Health Act, RSC 1985 (4th Supp.), c. 15, formerly SC 1988, c. 21.

Non-smokers' Health Regulations, SOR/90-21.

British Columbia

Tobacco and Vapour Products Control Act, RSBC 1996, c. 451.

Tobacco and Vapour Products Control Regulation, BC Reg 232/2007.

Occupational Health and Safety Regulation, BC Reg, 296/97, ss. 4.80.1 - 4.82 (under the *Workers Compensation Act*, RSBC 2019, c. 1).

E-Substances Regulation, BC Reg 186/2020 (under the *Public Health Act*, S.B.C. 2008, c. 28).

Alberta

Tobacco, Smoking and Vaping Reduction Act, SA 2005, c. T-3.8.

Tobacco, Smoking and Vaping Reduction Regulation, Alta Reg 240/2007.

Saskatchewan

The Tobacco and Vapour Products Control Act, SS 2001, c. T-14.1.

The Tobacco and Vapour Products Control Regulations, RRS c. T-14.1, Reg 1.

The Occupational Health and Safety Regulations, 1996, RRS c. S-15.1 Reg 10, s. 6-14, (under *The Saskatchewan Employment Act*, SS 2013, c. S-15.1).

Manitoba

The Smoking and Vapour Products Control Act, CCSM c 92.

Smoking and Vapour Products Control Regulation, Man Reg 174/2004.

Documentation for Verifying Age Regulation, Man Reg 170/2002.

Ontario

Smoke-Free Ontario Act, 2017, SO 2017, c. 26, Schedule 3.

General, O Reg 268/18.

Quebec

Tobacco Control Act, CQLR, c. L-6.2.

Regulation under the Tobacco Control Act, CQLR, c. L-6.2, r. 1.

Regulation respecting the warning attributed to the Minister of Health and Social Services concerning the harmful effects of tobacco on health, CQLR, c. L-6.2, r. 2.

Décret 70-2006 concernant la déclaration du Québec de se lier à la Convention-cadre pour la lutte antitabac, (2006) 138 *Gazette officielle du Québec, Partie 2*, p. 1288 (8 mars 2006).

New Brunswick

Smoke-free Places Act, RSNB 2011, c. 222.

General Regulation – Smoke-free Places Act, NB Reg. 2004-99.

Tobacco and Electronic Cigarette Sales Act, SNB 1993, c. T-6.1.

General Regulation – Tobacco and Electronic Cigarette Sales Act, NB Reg 94-57.

Nova Scotia

Smoke-free Places Act, SNS 2002, c. 12.

Smoke-free Places Regulations, NS Reg 144/2002.

Tobacco Access Act, SNS 1993, c. 14.

Tobacco Access Regulations, NS Reg 9/96.

Prince Edward Island

Smoke-free Places Act, RSPEI 1988, c. S-4.2.

General Regulations, EC279/03.

Tobacco and Electronic Smoking Device Sales and Access Act, RSPEI 1988, c. T-3.1.

Tobacco and Electronic Smoking Device Sales and Access Act Regulations, EC538/15.

Newfoundland and Labrador

Smoke-free Environment Act, 2005, SNL 2005, c. S-16.2.

Smoke-free Environment Regulations, 2005, NLR 54/05.

Tobacco and Vapour Products Control Act, SNL 1993, c. T-4.1.

Tobacco and Vapour Product Regulations, NLR 55/17.

Yukon Territory

Tobacco and Vaping Products Control and Regulation Act, SY 2019, c14.

Northwest Territories

Tobacco and Vapour Products Control Act, S.N.W.T. 2019, c. 31.

Tobacco and Vapour Products Control Regulations, R-015-2020.

Smoking Control and Reduction Act, S.N.W.T. 2019, c. 29.

Smoking Control and Reduction Regulations, R-014-2020.

Occupational Health and Safety Regulations, NWT Reg 039-2015, s. 81, under *Safety Act*, RSNWT 1988, c. S-1.

Nunavut

Tobacco and Smoking Act, SNu 2021, c.20 (not yet proclaimed).

Tobacco Control and Smoke-Free Places Act, SNu 2003, c. 13.

Tobacco Control and Smoke-Free Places Regulations, Nu Reg 011-2007.

Occupational Health and Safety Regulations, Nu Reg 003-2016, s. 81 (under the *Safety Act*, RSNWT (Nu) 1988, c. S-1).