

February 8, 2019

Mr. Luc Provençal  
Chair  
Committee on Health and Social Services  
Édifrice Pamphile-Le May  
1045, rue des Parlementaires,  
Rez-de-chaussée, Bureau RC.111  
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**Subject: Bill 2 – Act to tighten the regulation of cannabis**

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Mr. Chair:

Within the framework of its mandate, the Québec Ombudsman reviews all bills and draft regulations introduced in the National Assembly or published in the *Gazette officielle du Québec*. When it deems necessary, it intervenes under section 27.3 of its constituting act,<sup>1</sup> which empowers it to call the attention of the government or a chief executive officer of a public body to legislative, regulatory or administrative reforms it deems to be in the public interest. With this aim in mind, I examined Bill 2, *Act to tighten the regulation of cannabis*, introduced last December 5 by the Minister for Health and Social Services.

During the last legislature, in the context of analyzing Bill 157, *Act to constitute the Société québécoise du cannabis, to enact the Cannabis Regulation Act and to amend various highway safety-related provisions*, the Québec Ombudsman recommended that resources that offer residential services to minors with problems of addiction or maladjustment be included in the list of places where it is prohibited for anyone to possess cannabis. While this recommendation was disregarded when the Bill was passed into law, the Québec Ombudsman is of the opinion that it is still relevant.

Section 4 of Bill 2 amends section 8 of the *Cannabis Regulation Act*. It will therefore be prohibited for anyone to possess cannabis in the following places:

- (1) on grounds, on premises or in buildings placed at the disposal of an educational institution providing preschool education services, elementary and secondary school instructional services, educational services in vocational training or educational services to adults in general education, as the case may be;
- (2) on the premises or in the buildings of a college-level educational institution, except the student residences of a university-level educational institution;
- (3) on the grounds and in the facilities of a childcare centre or day care centre within the meaning of the Educational Childcare Act; or
- (4) on grounds, on premises or in buildings used for detention within the meaning of the Act respecting the Québec correctional system. (references omitted)

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<sup>1</sup> *Public Protector Act*, CQLR, c. P-32.

As I pointed out when I analyzed Bill 157, it is worrisome to see that the list of places where all cannabis possession is prohibited does not include intermediate resource facilities, community organizations or rehabilitation centres for youth with problems of addiction or maladjustment. The mission of these facilities is precisely to reduce the risk of recidivism by supervising minors or offering social rehabilitation services to youth who need help because of their behavioural, psychosocial or family difficulties or their addictions. Their omission seems to run counter to the purpose of the *Cannabis Regulation Act*, provided for in section 1, to "prevent and reduce cannabis harm in order to protect the health and security of the public and of young persons in particular."

For these reasons, I feel that in the context of Bill 2, *Act to tighten the regulation of cannabis*, it is still appropriate that section 8 of the *Cannabis Regulation Act* be amended to, as with educational institutions, prevent potentially harmful situations in the places indicated above.

**Consequently, the Québec Ombudsman recommends:**

**R-1 That** at section 4 of Bill 2, which amends section 8 of the *Cannabis Regulation Act*, resources, other than private residences, that offer residential services to youth with problems of addiction or maladjustment be added to the list of places where it is prohibited for anyone to possess cannabis.

Yours respectfully,

Marie Rinfret  
Ombudsperson

c.c.: Mr. Lionel Carmant, Minister for Health and Social Services  
Ms. Danielle McCann, Minister of Health and Social Services  
Mr. Simon Jolin-Barrette, Government House Leader  
Mr. Sébastien Proulx, Official Opposition House Leader  
Mr. Martin Ouellet, Leader of the Second Opposition Group  
Mr. Gabriel Nadeau-Dubois, Leader of the Third Opposition Group  
Mr. Yvan Gendron, Deputy Minister of Health and Social Services  
Ms. Sabine Mekki, Acting Secretary, Committee on Health and Social Services  
Ms. Carolyne Paquette, Secretary, Committee on Institutions