

Substance Use Laws in Canada

Legal Substance Use

Substance use that is permitted under the law.

Medical substances

- **Over-the-counter medications**
- **Prescription medications**
 - Used as directed by the prescription-holder

Non-medical substances

- **Caffeine and energy drinks**
- **Alcohol**
- **Cannabis**
- **Nicotine (tobacco and vape) products**



For more information on drug categories, visit:
decyde.ca/drug-categories

To learn more about different substances, see our
decyde.ca/facts-sheets

Illegal Substance Use

Substance use that is not permitted by law.

Medical substances

- **Prescription medication**
 - Used for non-medical reasons or by someone other than the prescription-holder

Non-medical substances

- **Illegal substances**
 - It is against the law to sell or possess these
 - Examples include cocaine, ecstasy, methamphetamine, and heroin
- **Unregulated substances**
 - Alcohol, cannabis, tobacco or vape products bought from outside the licensed market (provincial liquor store, licensed cannabis store, etc)

Identifying Regulated and Unregulated Cannabis and Nicotine Products

Regulated Products

Substances whose production, possession, and use are regulated by the government.

Packaging for regulated cannabis and nicotine products:

- is a solid colour and child-resistant
- identifies product ingredients/strength
- includes mandatory health warnings

Look for these symbols on regulated cannabis packaging:



Unregulated Products

Substances whose production, possession, and use are not regulated by the government.

Some signs of unregulated products:

- packaging has no health warnings or product potency
- no age verification required during purchase
- vendor accepts cash or e-transfer only

While all substance use has risks, regulated products are safer as they provide information on potency and are tested for contaminants and other substances.

Legal Age by Province

Alcohol

- 19+ in all provinces/territories except Alberta, Manitoba and Quebec (18+)

Cannabis

- 19+ in all provinces/territories except Alberta (18+) and Quebec (21+)
- Note: Cannabis vape products are banned in Quebec

Tobacco & nicotine products

- 19+ in all provinces/territories except Alberta (18+) and Quebec (21+)

Adults found selling or providing a substance to someone who is underage face charges and jail time of up to **14 years**.

Good Samaritan Act

- This act applies to anyone seeking emergency attention for themselves or someone else during an overdose from alcohol or an unregulated substance (e.g., fentanyl, cocaine).
- This act applies to underage substance use during an emergency situation.
- You cannot be charged for simple possession of substances or violating parole or probation.
- The Act does not provide protection for **outstanding warrants, drug trafficking, and producing substances**.



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Legal Consumption Areas for Cannabis and Alcohol

- Cannabis can be consumed in private residences and registered campsites.
- Alcohol can be consumed in private residences, licensed areas (i.e., bar, lounge) and registered campsites.
- Cannabis and alcohol cannot be consumed in public areas (e.g., parks, beaches, trails) or in vehicles (cars, boats, etc.) even if stationary.

Substance Use Laws when Travelling

- When travelling within Canada, follow the legal ages of the province/territory you are in
- It is illegal to cross the Canadian border with cannabis, even if travelling to a country where cannabis is legal



Smoke- and Vape-Free Environments

In Newfoundland and Labrador, smoking and vaping are prohibited in all indoor workplaces and public spaces, and in a vehicle with a passenger under the age of 16.

In some Canadian provinces, smoking and vaping are prohibited in all outdoor public spaces, including parks, playgrounds, sports fields, and bus stops.



Cannabis and Alcohol Production

- People of legal age may produce alcohol (beer or wine) or grow cannabis for personal use.
- Homebrewed alcohol and homegrown cannabis can be shared with another person of legal age. **It is illegal to sell these products.**
- Alcohol and cannabis must be produced in a private residence. There is limit of 4 cannabis plants per home.



Impaired Driving Laws

- It is illegal to drive while impaired by cannabis, alcohol or other substances, including prescription medications
- Impaired driving applies to any motorized vehicle (e.g., car, boat, snowmobile, ATV)
- Penalties for impaired driving include vehicle impoundment, license suspensions, fines, and imprisonment

Legal Driving Limits

- Alcohol: 80 mL per 100mL blood
- Cannabis: 5ng per 1mL blood

In Canada, there is **zero tolerance** for alcohol and cannabis for drivers under the age of 22 and novice drivers. There is also zero tolerance for illegal substances among drivers of any age.

Zero Tolerance: Indicates that no amount of a substance can be in your system when driving.

Detecting Impairment

Law enforcement have several techniques for detecting impairment, including:

- Breathalyzer (alcohol)
- Blood, urine or oral fluid samples
- Standard Field Sobriety Testing (SFST)
 - Police officer tests driver's coordination and visual abilities through several tests
- Drug Recognition Expert (DRE) evaluation
 - Used to identify drivers who are impaired by substances, including cannabis, illegal substances, and prescription medications



Open Alcohol and Cannabis

- It is illegal to drink alcohol or consume cannabis while in a vehicle- even if the vehicle is not moving. This applies to passengers as well as the driver.
- Alcohol and cannabis must be kept in a sealed container or in the trunk of the vehicle

Planning Ahead

- If you think you might consume substances, **plan a safe way home beforehand.**
- Call a cab, take the bus, or arrange a ride with a designated driver.

References

1. Canadian Centre on Substance Use and Addiction. (2024). *Policy and regulations: Legal drinking age in Canada*. <https://www.ccsa.ca/policy-and-regulations-alcohol#legal-drinking-age-in-canada>
2. Government of Canada. (2019). *Cannabis impairment*. <https://www.canada.ca/en/services/health/campaigns/cannabis/impairment.html>
3. Government of Canada. (2022). *Authorized cannabis retailers in the provinces and territories*. <https://www.canada.ca/en/health-canada/services/drugsmedication/cannabis/laws-regulations/provinces-territories.html>
4. Government of Canada. (2023). *About the good samaritan overdose act*. <https://www.canada.ca/en/health-canada/services/opioids/about-good-samaritan-drug-overdose-act.html>
5. Government of Newfoundland. (n.d.). *Cannabis in Newfoundland and Labrador: Frequently asked questions*. <https://www.gov.nl.ca/cannabis/frequently-asked-questions/>
6. ITC Project. (2022). *Smoke-free and vape-free policies in Canada: Evidence from the International Tobacco Control Policy Evaluation Project*. https://itcproject.s3.amazonaws.com/uploads/documents/ITC_Smoke-free_and_Vape-free_Policies_in_Canada-v5-Final-en.pdf
7. YMCA. (n.d.). *Cannabis-related measures protecting youth in Newfoundland and Labrador*. <https://www.ymcagta.org/files/PDFs/Youth%20Cannabis%20Awareness%20PDFs/Newfoundland%20%20Labrador%20%20CannabisRelated%20Measures%20Protecting%20Youth%20FINALPart4.pdf>