

# 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/educational-materials/#substance-use](https://decyde.ca/educational-materials/#substance-use)

To learn more about different substances, see our substance use snapshots: [decyde.ca/substance-snapshots](https://decyde.ca/substance-snapshots)

## 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+)

### 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**.



# Substance Use Laws in Canada

## 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.

## 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.



## 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



## 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 at 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.



For more information visit us at:  
[www.decyde.ca](http://www.decyde.ca)



### References

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