

Cannabis Regulation

Under the [Cannabis Act](#), the Government of Canada has made cannabis legal in certain circumstances as of October 17, 2018. The rules around medical cannabis did not change. The federal government and the Government of Saskatchewan, under [The Cannabis Control Act](#) and other provincial Acts, both play a role in creating and enforcing rules about cannabis. Cannabis production and sale will be strictly regulated and there are many rules concerning what is and what is not legal use of cannabis.

Production

Licenses are required to grow and process cannabis for commercial use. There are rules that growers must follow to secure their facilities such as installing alarm systems and fencing off growing areas. Employees holding certain positions must have security clearance.

All cannabis must be tracked so that there is a record of the amount produced, inventory and sales volume. Cannabis products cannot contain nicotine, caffeine or alcohol.

Sales

Cannabis can be sold to the public through private retailers overseen by the [Saskatchewan Liquor and Gaming Authority](#) (SLGA). SLGA determines how many retail licenses to issue and the requirements to become a licensed retailer. Communities can decide that they do not want a licensed cannabis retailer in their community.

There are currently 51 licensed retail stores in Saskatchewan. A list of the permit holders and their locations can be found [here](#). It is a criminal offence to purchase or possess cannabis from anyone other than a licensed retailer.

Licensed retailers can only sell cannabis obtained from a licensed producer. Retailers can only sell to people 19 or older and stores are required to demand proof of age. People under 19 are not allowed in stores that sell cannabis. There is mandatory training for anyone working in a retail cannabis store. Municipalities can use their authority to pass bylaws to determine where licensed cannabis retail stores can be located and to require them to purchase a business licence.

Cannabis and cannabis accessories cannot be sold in vending machines or other self-serve or dispensing devices. Individuals may, however, purchase from licensed retailers online.

Promotion & Packaging

There are strict rules about how cannabis can be promoted and packaged. Promotion must be informational or relate to brand preferences. Promotion material and cannabis packaging cannot:

- appeal to youth
- include false, misleading, or deceptive information
- use sponsorship, testimonials, or endorsements

- depict persons, celebrities, characters, or animals
- associate cannabis with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring

Legal Cannabis Use

In Saskatchewan people 19 or over can:

- purchase cannabis from a licensed retailer
- possess up to 30 grams of cannabis in a public place provide that it was purchased from a licensed retailer or legally grown
- distribute – not sell - up to 30 grams of cannabis purchased from a licensed retailer or legally grown to another person who is also 19 or older
- cultivate up to four cannabis plants in their home from a licensed producer of seeds or seedlings
- make cannabis products from cannabis purchased from a licensed retailer for their own use, such as food or drink, in their own home provided that organic solvents are not used

People under 19 cannot possess or distribute any cannabis in Saskatchewan.

Provincial non-criminal penalties apply to people under 19 who possess or distribute any cannabis. Criminal charges can be laid if someone under 18 possesses or distributes more than 5 grams of cannabis.

There are [significant fines](#) for minors who commit a cannabis-related offence or for adults who are involved.

Cannabis cannot be used by anyone in:

- vehicles
- public places
- places where there are young people under 19 (schools, daycares etc.)
- rental units if the landlord has rules against the use of cannabis in rental units

Landlords can also prohibit possessing, growing or selling cannabis in a rental unit.

Condominium boards may also be allowed to regulate possessing, growing or selling cannabis in condos.

Driving & Cannabis

It is a criminal offence to drive if you have a higher concentration of THC in your bloodstream than allowed under the *Criminal Code*, discussed below.

In addition there are consequences under provincial law for driving if a test of your bodily fluids shows that you have *any* THC in your system. The police can demand that you take a bodily fluid test if they reasonably suspect you have any drugs in your system.

The consequences under provincial law include immediate roadside suspension of your licence and impoundment of your vehicle. You will lose your licence for 3 days for a first offence – this suspension goes up to 90 days after repeated offences. Vehicle impoundments start at 3 days and go up to 14 days for repeated offences. If there was someone under the age of 16 in the vehicle, you will lose your licence and your vehicle for 7 days for a first offence. For repeated offences with someone under the age of 16 in the vehicle you will lose your licence for 120 days and have your vehicle impounded for 60 days. You will also be required to attend a mandatory education program.

Travelling with Cannabis

It is illegal to take cannabis across a Canadian border regardless of whether cannabis use is legal in the country you are visiting.

Provinces can have different rules about things like the age limit for buying or possessing cannabis. If you are thinking about travelling with cannabis or using cannabis in another province find out what the laws are in that province first.

Cannabis Crimes

There are still certain activities involving cannabis that are crimes. Below is a summary of the activities related to cannabis that are still criminal offences. If you are in any doubt about whether what you will be doing is a crime check the legislation or talk to a lawyer. Not knowing or understanding the law is no defence to a criminal charge.

Cannabis crimes can have very serious consequences including jail time or substantial fines. People under 18 who commit a criminal offence are dealt with under the *Youth Criminal Justice Act*.

Illicit Cannabis

It is a criminal offence to knowingly possess cannabis that is not the product of a licensed retailer or legally grown at home. It is a criminal offence to knowingly distribute any cannabis that was not purchased from a licensed retailer. It is also a crime to possess, produce, sell, distribute or import anything with the intention that it will be used to produce, sell or distribute illicit cannabis.

When the amount of cannabis involved is less than 50 grams or the number of plants is one or two above what is allowed, individuals may receive a ticket and be fined. Individuals can avoid going to court by simply paying the fine. By paying the ticket individuals are pleading guilty to the offence but are deemed to have been given an absolute discharge. This means they have not been convicted of a criminal offence.

Amount Limits

Possession over the allowable limits is a criminal offence.

Dried Cannabis

It is a criminal offence for an individual to possess more than 30 grams of cannabis in a public place. Public places include anywhere the public is allowed as well as any vehicles parked in a public place or any vehicle that is open to being viewed by the public. There are no limits on the amount of dried cannabis that someone over 18 can have in their home.

Organizations are not allowed to possess any amount of cannabis.

It is a criminal offence for anyone under 18 to possess more than 5 grams of cannabis. This limit applies everywhere – not just public places.

Plants

People over 18 can legally have up to four cannabis plants in their home. When two or more people over 18 share a home the limit for the household is still four plants.

Possession of any cannabis plant that is budding or flowering in a public place is a crime.

It is a crime for individuals under 18 or organizations to possess cannabis plants.

Emergencies

If someone is having a life-threatening drug reaction that person and anyone who seeks assistance for that person cannot be charged with possession over the allowable limit based on what is found at the scene.

Distribution

People over 18 can distribute up to 30 grams of cannabis and up to four cannabis plants as long as they are not budding or flowering. People under 18 can distribute up to 5 grams. Other distribution is a crime. Organizations cannot distribute cannabis period.

People over 18 cannot distribute to people under 18. The fact that the person believed the youth to be 18 or older is not a defence unless the person took reasonable steps to determine their age.

No one can distribute to an organization or distribute budding or flowering cannabis plants.

Distributing includes making cannabis available in any way directly or indirectly including sending or delivering cannabis or offering to distribute cannabis.

Sale

It is a crime for anyone to sell cannabis unless they are a licensed retailer. It is also a crime to possess cannabis for the purpose of selling it unless the seller is a licensed retailer.

Importing & Exporting

Importing or exporting, or possessing cannabis for these purposes, is a crime.

Youth

In addition to it being illegal to distribute cannabis to someone under 18, it is a criminal offence to involve anyone under 18 in the commission of any of the above offences.

Driving Offences

Driving while impaired with alcohol or drugs - including legal drugs - continues to be a criminal offence with very serious consequences.

There are 3 new criminal driving offences for driving with a blood concentration of THC (the chemical in cannabis that makes people high) above set amounts, discussed below. As is now the case with .08 offences, there is no requirement to show that the level set has actually impaired your ability to drive. These limits are also known as “per se” limits.

The legislation authorizes the police to use roadside oral fluid drug screeners and allows blood sample to be collected without the person first being screened through a drug recognition evaluation.

REMEMBER

Drug-impaired driving or driving with blood concentrations of THC over the set limits are crimes but there are also serious consequences under Saskatchewan provincial law if you are convicted of one of these offences or any provincial driving offence.

New Offences

- 1.** It is a summary conviction offence to have 2 nanograms but less than 5 nanograms of THC per milliliter of blood. This offence carries a maximum fine of \$1000. There are progressively harsher penalties for higher blood concentrations of THC.
- 2.** It is a more serious offence to have 5 nanograms or more of THC per milliliter of blood punishable by a minimum fine of \$1000.
- 3.** It is also a crime to have a combination of a .05 blood alcohol and 2.5 or more nanograms of THC per milliliter of blood. This offence carries a minimum fine of \$1000.

You can be charged with these offences if you are caught driving or if there is reason to believe you were driving in the last two hours.

Subsequent Offences

Subsequent offences for concentrations of 5 nanograms or more and for concentration levels of 2.5 combined with a .05 blood alcohol result in mandatory jail sentences – 30 days for a second offence and 120 days for a third offence.