Blaney McMurtry LLP

PUBLICATION

Canadian Cannabis Law - Fascinating History in the Making

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Today, April Fools' Day, marks another historical development in the history of Canadian cannabis law as the first set of privately run cannabis retail stores opened in Ontario and are expected to each take in $1.25 million a month. It has been an unprecedented run of developments since the legalization of recreational cannabis on October 17, 2018. In this first of a series of articles on cannabis, we will start by looking at the past. As President Teddy Roosevelt once said "the more you know about the past, the better prepared you are for the future".

There was much stigma in the first half of the 19th Century over cannabis which continued during the hippie counter-culture of the 1960s. In the late 1970s, Royal Commissions looking to perhaps decriminalize cannabis found no traction due to lack of any political will. The seminal moment for change occurred in February, 1998 when Canadian Olympian Ross Rebagliati was stripped of his Gold Medal for testing positive for having traces of Cannabis in his blood. Canadians and, more importantly, politicians quickly came to Rebagliati's defence and the support was soon followed by a landmark Ontario case involving Terry Parker. Parker successfully used cannabis to medically treat debilitating epilepsy. When his home was raided and he was charged with trafficking, he fought. The Ontario Court of Appeal ruled the charges unconstitutional and that, "forcing Parker to choose between his health and imprisonment violates his right to liberty and security of person." The Court placed the burden on the federal government to create a system to ensure that people like Parker never have to choose between their health and their freedom. This ignited politicians and led to Senate Committee reviews and federal government reports in favour of the legalization of Cannabis, first medically and now recreationally.

It has been fascinating history in the making. Other nations are watching the strides Canada has made to decriminalize cannabis. Ending the stigma is no April Fools' joke and it is only the tip of the iceberg. In future articles we will look below the water line and consider other significant matters such as:

- The unprecedented migration of US cannabis companies to the Canadian Securities Exchange and how our firm can help
- The recent passing of the US Farm Bill legalizing hemp and the rise of CBD as an important alternative to the opioid crisis
- The anticipation and uncertainty over Canada's introduction of edible cannabis in October 2019
- The licensing, regulatory and compliance requirements behind cannabis laws and how our firm can help
- The lessening of restrictive banking rules for cannabis companies and its impact on the marketplace

It's a strange thing when something as natural as consuming a plant has been made illegal for nearly a century. Now that the shackles are off and the stigma is softened, it will be interesting to see how nature takes its course in the burgeoning cannabis industry.

Patrick is Co-Chair of the firm's Cannabis Group. He has proven experience and results in the cannabis regulatory field having assisted companies, investors, and other industry participants on a full range of services including licensing matters and Canadian Securities Exchange listing.

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