



BILL NO. 108

Government Bill

*1st Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act to Provide for the Regulation and Sale of Cannabis

CHAPTER 3
ACTS OF 2018

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
APRIL 18, 2018**

The Honourable Mark Furey
Minister of Justice

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Provide for the Regulation and Sale of Cannabis

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Cannabis Control Act*.
- 2 The purpose of this Act is to
 - (a) regulate and control the purchase, possession, sale and distribution of cannabis;
 - (b) establish prohibitions relating to the purchase, possession, sale, distribution, consumption, cultivation, propagation and harvesting of cannabis to
 - (i) protect public health and safety,
 - (ii) protect youth and restrict their access to cannabis, and
 - (iii) ensure that recreational-use cannabis is only sold in accordance with this Act; and
 - (c) deter unlawful activities in relation to cannabis through appropriate enforcement and sanctions.
- 3 In this Act,
 - (a) “authorized cannabis seller” means
 - (i) the Corporation, or
 - (ii) a person authorized by or under the regulations to sell cannabis;
 - (b) “cannabis” means cannabis as defined in the federal Act;
 - (c) “cannabis accessory” means cannabis accessory as defined in the federal Act;
 - (d) “Corporation” means the Nova Scotia Liquor Corporation;
 - (e) “distribute” includes administer, give, transfer, transport, send, deliver, provide or otherwise make available in any manner, whether directly or indirectly, and offer to distribute or have in possession for distribution;
 - (f) “federal Act” means the *Cannabis Act* (Canada);
 - (g) “Government store” means a Government store as defined in the *Liquor Control Act*;
 - (h) “medical-use cannabis” means cannabis used for medical purposes
 - (i) within the meaning of the *Access to Cannabis for Medical Purposes Regulations* (Canada), or
 - (ii) in accordance with a court order;
 - (i) “package” means a package as defined in the federal Act;
 - (j) “police officer” means a member of an agency as defined in the *Police Act*;

(k) “premises” means lands and structures or either of them, including trailers and portable structures designed or used for residence, business or shelter, and includes any part thereof;

(l) “sell” includes offer for sale, expose for sale and have in possession for sale;

(m) “vehicle” means any conveyance that may be used for transportation over land or water;

(n) “young person” means an individual under the age of 19 years.

4 This Act binds Her Majesty.

5 (1) Subject to subsection (2), this Act does not apply to

(a) an activity in connection with medical-use cannabis;

(b) an activity in connection with industrial hemp cultivated and produced pursuant to the *Industrial Hemp Regulations* (Canada) or another federal enactment;

(c) an activity performed in connection with the enforcement or administration of an enactment of the Province or of Canada;

(d) an activity conducted pursuant to a licence, permit, authorization, order or exemption under the federal Act or the regulations made under that Act;

(e) an activity prescribed by the regulations; or

(f) a person performing an activity referred to in any of clauses (a) to (e).

(2) Section 22 applies in respect of the consumption of medical-use cannabis.

PART I

AUTHORIZED CANNABIS SELLERS

6 The Minister responsible for the Nova Scotia Liquor Corporation is responsible for the supervision and management of this Part.

7 Subject to this Act, an authorized cannabis seller may purchase, possess, sell and distribute cannabis.

8 The objects of the Corporation with respect to cannabis are to

(a) promote social objectives respecting the responsible consumption of cannabis;
and

(b) control and carry out the purchase, possession, distribution and sale of cannabis in accordance with this Part.

9 (1) The Corporation may

(a) purchase, possess, distribute and sell

(i) cannabis that has been produced by a person authorized under the federal Act to produce cannabis for commercial purposes, and

(ii) cannabis accessories;

(b) provide for the maintenance or operation of warehouses for cannabis and regulate the keeping in and delivery to or from any such warehouses;

(c) regulate the operation of stores, including Government stores, in which the Corporation sells cannabis;

(d) determine the varieties, forms and types of cannabis that it is to sell and the prices therefor; and

(e) do anything the Corporation considers necessary or advisable to effectively carry out its objects with respect to cannabis.

(2) Subject to this Act, the Corporation may, in pursuit of its objects under this Act, exercise any power, other than a power in relation to liquor, that it possesses under the *Liquor Control Act*, including its powers under Sections 5 and 6 of that Act.

10 Subject to the regulations, the Corporation may only sell or distribute cannabis to the public from

(a) one or more retail stores operated by the Corporation, including Government stores; and

(b) an Internet site operated by the Corporation or its agent.

11 Notwithstanding Section 23, an authorized cannabis seller or a common carrier or other person authorized by an authorized cannabis seller may, in accordance with the regulations, store, transport or deliver cannabis.

12 Except for the Corporation, no authorized cannabis seller shall

(a) purchase cannabis from any person except the Corporation;

(b) have on the premises of the store any cannabis that was not supplied by the Corporation or authorized by the Corporation to be supplied to the authorized cannabis seller; or

(c) sell any cannabis that was not supplied by the Corporation or authorized by the Corporation to be supplied to the authorized cannabis seller.

13 (1) An authorized cannabis seller shall not

(a) sell cannabis unless the cannabis has been produced by a person who is authorized under the federal Act to produce cannabis for commercial purposes; or

(b) sell cannabis to any young person.

(2) An authorized cannabis seller shall

(a) in accordance with the regulations, keep appropriate records respecting its activities in relation to cannabis that it possesses for commercial purposes; and

(b) in accordance with the regulations, take adequate measures to reduce the risk of cannabis it possesses for commercial purposes being diverted to an illicit market or activity.

(3) An authorized cannabis seller shall comply with this Act, the regulations, the federal Act and every other enactment of the Province and of Canada respecting the distribution and sale of recreational-use cannabis.

(4) An authorized cannabis seller other than the Corporation shall comply with any terms and conditions to which the authorized cannabis seller is subject by or under the regulations.

14 (1) The Governor in Council may make regulations

(a) respecting authorized cannabis sellers, including

(i) respecting the authorization of persons to sell cannabis,

(ii) respecting terms and conditions applicable to the sale of cannabis by an authorized cannabis seller, and

(iii) respecting the maintenance and operation of a store operated by an authorized cannabis seller;

(b) respecting the purchase, possession, sale, distribution and delivery of cannabis by an authorized cannabis seller;

(c) respecting the storage, transportation and delivery of cannabis by an authorized cannabis seller or person authorized by an authorized cannabis seller;

(d) respecting the keeping of appropriate records by an authorized cannabis seller respecting its activities in relation to cannabis that it possesses for commercial purposes;

(e) respecting the taking of adequate measures by an authorized cannabis seller to reduce the risk of cannabis it possesses for commercial purposes being diverted to an illicit market or activity;

(f) prohibiting the sale of particular types of cannabis product;

(g) respecting the promotion, packaging, labelling and display of cannabis to be sold by an authorized cannabis seller;

(h) respecting agreements with agents of the Corporation;

(i) defining any word or expression used in this Part but not defined in this Act;

(j) further defining, for the purpose of this Part, any word or expression defined in this Act;

(k) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) A regulation made under subsection (1) may be of general application or may apply to such individual or individuals, such class or classes of persons, such class or classes of places or such class or classes of matters or things as the Governor in Council determines and

there may be different regulations with respect to different individuals, different classes of persons, different classes of places and different classes of matters or things.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

PART II

ACTIVITIES IN RELATION TO CANNABIS AND ENFORCEMENT

15 The Minister of Justice, or such other member of the Executive Council to whom the administration of this Part is assigned under the *Public Service Act*, is responsible for the supervision and management of this Part.

Prohibitions

16 (1) No young person shall possess, distribute, consume, purchase or attempt to purchase cannabis.

(2) No young person shall cultivate, propagate or harvest cannabis or offer to cultivate, propagate or harvest cannabis.

(3) No young person shall purchase or attempt to purchase a cannabis accessory.

(4) This Section does not apply to young person who, for the purpose of enforcing or ensuring compliance with this Act, the federal Act or the regulations made under either of those Acts, is acting under the direction of a person whose duty it is to enforce, or ensure compliance with, any of those enactments.

17 (1) No person shall knowingly sell or distribute cannabis to a young person.

(2) No person shall

(a) where cannabis is provided to the purchaser at the time of sale, sell cannabis to; or

(b) where cannabis is not provided to the purchaser at the time of sale, deliver purchased cannabis to,

an individual who appears to be under the age of 25 years unless the person selling or delivering the cannabis has been provided a valid government-issued identification document, bearing a photograph of the individual and showing the individual's age, and is satisfied that the individual is not a young person.

(3) It is not a defence to a charge under subsection (2) that the defendant believed the individual to not be a young person unless the individual produced an identification document described by that subsection and there was no apparent reason to doubt the authenticity of the identification document or that it was issued to the individual.

(4) No person shall present as evidence of the individual's age any identification document other than an identification document that was lawfully issued to the individual.

18 (1) No person shall knowingly sell or distribute a cannabis accessory to an individual who is a young person.

(2) It is not a defence to a charge under subsection (1) that the defendant believed the individual to not be a young person unless the defendant took reasonable steps to ascertain the individual's age.

19 (1) No person shall involve an individual who is a young person in the commission of an offence under this Act.

(2) It is not a defence to a charge under subsection (1) that the defendant believed the individual to not be a young person unless the defendant took reasonable steps to ascertain the individual's age.

20 (1) No person, other than an authorized cannabis seller, shall

- (a) sell cannabis; or
- (b) operate a store that sells cannabis.

(2) No person shall purchase cannabis except from an authorized cannabis seller.

21 No person shall knowingly sell or distribute cannabis to an individual who is or appears to be intoxicated.

22 Except in the circumstances prescribed by the regulations, no person shall consume cannabis, including medical-use cannabis, in a vehicle.

23 (1) No person shall transport cannabis in a vehicle unless the cannabis is

- (a) contained in closed packaging or packaging that is fastened closed; and
- (b) either
 - (i) out of reach of or not readily accessible to any person in the vehicle,
 - or
 - (ii) being transported in a manner prescribed by the regulations.

(2) Subject to subsection (1) and the regulations, a person may transport cannabis from a place where cannabis is lawfully located to another place where cannabis may be lawfully located.

Compliance and Enforcement

24 (1) For the purpose of ensuring compliance with this Act and the regulations, a police officer may, at any reasonable time,

(a) enter and inspect any place or vehicle in respect of which this Act applies, except a private dwelling, and make any examination or inquiry or conduct any test that the police officer considers necessary or advisable;

(b) make inquiries of any person who is or was in a place or vehicle in respect of which this Act applies;

(c) require the production of any documents at a place or vehicle in respect of which this Act applies and inspect, examine, copy or remove the documents;

(d) require the production of a valid government-issued identification document, bearing a photograph of the person offering it, of any person who is or was in a place or vehicle in respect of which this Act applies;

(e) exercise any other powers and perform any other duties that are prescribed by the regulations; and

(f) exercise any powers and perform any duties that are incidental to the powers set out in clauses (a) to (e).

(2) A police officer who removes documents under clause (1)(c) shall give a receipt for the documents and return them as soon as possible after the making of copies or extracts.

(3) In exercising the powers conferred under subsection (1), a police officer may be accompanied and assisted by any person who, in the opinion of the police officer, has special knowledge or expertise.

25 (1) In the course of exercising the powers conferred under Section 24, a police officer may seize any thing, including cannabis, if the police officer has reasonable grounds to believe that

(a) the thing will afford evidence of an offence under this Act; or

(b) the thing was used or is being used in connection with the commission of an offence under this Act and, unless the thing is seized, it is likely that it would continue to be used or would be used again in the commission of an offence under this Act.

(2) Where an offence appears to have been committed under this Act and a police officer has reasonable grounds to believe, in view of the offence apparently committed and the presence of cannabis, that a further offence is likely to be committed, the police officer may seize the cannabis and any packages in which it is kept.

26 (1) Where a person is convicted of an offence under this Act, the court that convicts the person shall order that any thing seized under Section 25 in connection with the offence be forfeited to Her Majesty in right of the Province, unless the court considers that forfeiture would be unjust in the circumstances.

(2) Any cannabis forfeited to Her Majesty in right of the Province under subsection (1) or any other enactment must, in accordance with any directions issued by the Minister responsible for this Part, be destroyed.

27 Where a police officer finds a person apparently in contravention of this Act or the regulations and the person refuses to give the person's name and address or the police officer has reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without a warrant.

28 (1) Where a police officer has reasonable grounds to believe that this Act, or a provision of the regulations in respect of which this Section applies, is being contravened on any premises, the police officer may require that one or more persons vacate the premises.

(2) No person shall

(a) remain on the premises after being required to vacate the premises under subsection (1); or

(b) re-enter the premises on the same day the person is required to vacate, unless a police officer authorizes the person to re-enter.

(3) Subsection (1) does not apply in respect of persons who reside in the premises.

29 No person shall obstruct, interfere with or fail to co-operate with a police officer in the execution of the police officer's duties under this Act.

30 (1) In a prosecution under this Act, an indication on a container, package, label or sign that the contents of the container or package or the thing to which the label or sign relates is cannabis is proof, in the absence of evidence to the contrary, that the contents or thing is cannabis.

(2) In a prosecution under this Act or any other Act of the Legislature, a certificate or report prepared by an analyst under subsection 131(2) of the federal Act is admissible in evidence and, in the absence of evidence to the contrary, is proof of the statements set out in the certificate or report, without proof of the signature or official character of the individual purporting to have signed it.

(3) The party against whom a certificate or report is produced under subsection (2) may, with leave of the court, require the attendance of the analyst for the purpose of cross-examination.

Offences, Penalties and Regulations

31 (1) A person who contravenes this Part or the regulations made under this Part is guilty of an offence and liable on summary conviction to the penalty set out Section 32.

(2) Where a corporation contravenes this Part or the regulations made under this Part, a director, officer or agent of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalty set out in Section 32, whether or not the corporation has been prosecuted or convicted.

(3) Where an offence under this Part is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

32 (1) A person who is convicted of contravening Section 16 or subsection 17(4) is liable to a fine of not more than \$150.

(2) A person who is convicted of contravening subsection 17(1) or (2) or 19(1) or clause 20(1)(a) is liable to a fine of not more than \$10,000.

(3) A person who is convicted of contravening Section 18, 22 or 23 is liable to a fine of not more than \$2,000.

(4) A person who is convicted of contravening clause 20(1)(b) is liable to a fine of not less than \$10,000 and not more than \$25,000.

(5) A person who is convicted of contravening subsection 20(2) is liable to a fine of not more than \$250.

(6) A person who is convicted of contravening Section 21 is liable to a fine of not more than \$1,000.

33 (1) The Governor in Council may make regulations

(a) prescribing any place as being a private dwelling;

(b) prescribing activities to which this Act, subject to subsection 5(2), does not apply;

(c) respecting the cultivation of cannabis and securing of such cannabis while it is being cultivated;

(d) prescribing circumstances in which a person is not prohibited under Section 22 from consuming cannabis in a vehicle;

(e) respecting the transportation of cannabis;

(f) prescribing powers and duties of police officers for the purpose of clause 24(1)(e);

(g) prescribing provisions of the regulations in respect of which Section 28 applies if a police officer has reasonable grounds to believe that one or more of the prescribed provisions is being contravened;

(h) respecting the prohibition of the consumption of cannabis, other than by smoking within the meaning of the *Smoke-free Places Act*, in places other than a private dwelling and prescribing any such places;

(i) defining any word or expression used in this Part but not defined in this Act;

(j) further defining, for the purpose of this Part, any word or expression defined in this Act;

(k) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

PART III

TRANSITIONAL, CONSEQUENTIAL AMENDMENTS
AND COMING INTO FORCE

- 34 (1)** 3313086 Nova Scotia Limited is dissolved.
- (2)** All right, title and interest of 3313086 Nova Scotia Limited in any real or personal property is vested in the Nova Scotia Liquor Corporation.
- (3)** All the obligations and liabilities of 3313086 Nova Scotia Limited become the obligations and liabilities of the Nova Scotia Liquor Corporation.
- (4)** In any document, including any deed, lease, agreement, trust or debenture, a reference to 3313086 Nova Scotia Limited is deemed to be a reference to the Nova Scotia Liquor Corporation.
- 35 (1)** Words and expressions used this Section have the same meaning as in the *Residential Tenancies Act*.
- (2)** Notwithstanding subsection 9A(2) of the *Residential Tenancies Act*, a landlord may, upon four months' notice given to the tenant before April 30, 2019, change its rules that apply to the residential premises to establish, as a consequence of the legalization of recreational cannabis, rules restricting the smoking, as defined in the *Smoke-free Places Act*, or cultivation of recreational cannabis in the residential premises.
- (3)** Notwithstanding Section 10 of the *Residential Tenancies Act*, where a landlord has given notice to a tenant under subsection (2), the tenant may terminate a year-to-year or fixed-term tenancy by
- (a)** within one month of being given notice under subsection (2), giving the landlord three months' notice to quit, in the form prescribed by the Director; and
 - (b)** where one or more other tenants reside in the same residential premises,
 - (i)** serving each of the other tenants with a copy of the notice to quit at least three months before the termination of tenancy, and
 - (ii)** giving the landlord proof of service, in the form prescribed by the Director, on each of the other tenants of a copy of the notice to quit.
- (4)** Where a tenancy is terminated under subsection (3), the tenancy is terminated for all the tenants in the same residential premises, but the other tenants may enter a new landlord and tenant relationship with the landlord with the consent of the landlord, which consent may not be arbitrarily or unreasonably withheld.
- 36 Subclause 3(zg)(xiv) of Schedule A of Chapter 1 of the Acts of 2018, the *Education Act*, is amended by adding immediately after paragraph (A) the following paragraph:**
- (AA)** cannabis,

37 (1) Subsection 134(1) of Chapter 231 of the Revised Statutes, 1989, the *Insurance Act*, is repealed and the following subsection substituted:

(1) An insured may not recover from the insured's insurer any amount with respect to damage to the insured's own automobile or injuries sustained by the insured while in a condition for which the insured is convicted of an offence under subsection (1) or (3) of section 253 or section 255 or under or in connection with circumstances for which the insured is convicted of an offence under section 254 of the *Criminal Code* (Canada) unless the insured establishes that the insured's impairment by alcohol or drug was not the proximate cause of the accident.

(2) Subsections 134(1) and (1A) of Chapter 231 are repealed and the following subsections substituted:

(1) An insured may not recover from the insured's insurer any amount with respect to damage to the insured's own automobile or injuries sustained by the insured while in a condition for which the insured is convicted of an offence under section 320.14 or under or in connection with circumstances for which the insured is convicted of an offence under section 320.15 of the *Criminal Code* (Canada) unless the insured establishes that the insured's impairment by alcohol or drug was not the proximate cause of the accident.

(1A) An insured may not recover from the insured's insurer any amount with respect to damage to the insured's own automobile or injuries sustained by the insured during or in connection with circumstances for which the insured is convicted of an offence under section 320.13 or 320.17 of the *Criminal Code* (Canada) unless the insured establishes that such circumstances were not the proximate cause of the accident.

38 (1) Subsection 4(2) of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, as enacted by Chapter 4 of the Acts of 2001, is amended by striking out “, for all purposes of this Act,” in the first and second lines.

(2) Subsection 4(3) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by adding “with respect to liquor” after “Corporation” in the first line.

39 Section 12 of Chapter 260, as amended by Chapter 4 of the Acts of 2001, is further amended by

(a) striking out “for the purposes of this Act” in the second line of clause (e) and substituting “to achieve the objects of the Corporation”;

(b) striking out “object and purposes of this Act” in the fourth and fifth lines of clause (g) and substituting “objects of the Corporation”; and

(c) striking out “object and purposes of this Act” in the fourth line of clause (h) and substituting “objects of the Corporation”.

40 Subsection 25(2) of Chapter 260, as enacted by Chapter 4 of the Acts of 2001, is amended by adding “and cannabis” immediately after “liquor” in the second line.

41 (1) Subsection 78(3) of Chapter 260 is amended by adding “who is nineteen years of age or older” immediately after “person” in the third line.

(2) Section 78 of Chapter 260 is further amended by adding immediately after subsection (3) the following subsections:

(3A) Except as authorized by this Act or the regulations, no liquor shall be given or consumed by any person under the age of nineteen years.

(3B) Every person who violates subsection (1) is guilty of an offence and liable upon summary conviction to a fine of not more than ten thousand dollars.

(3) Subsection 78(4) of Chapter 260 is amended by striking out “this Section” in the first line and substituting “subsection (2) or (3)”.

(4) Section 78 is further amended by adding immediately after subsection (4) the following subsection:

(5) Every person who violates subsection (3A) is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred and fifty dollars.

42 (1) Subsection 89(2) of Chapter 260 is amended by striking out “shall be liable to the penalties mentioned in Section 104” in the fifth and sixth lines and substituting “is guilty of an offence and liable upon summary conviction to a fine of not more than ten thousand dollars”.

(2) Section 89 of Chapter 260, as amended by Chapter 33 of the Acts of 1990 and Chapter 18 of the Acts of 2014, is further amended by adding immediately after subsection (2) the following Section:

(2A) Every person who, while under the age of nineteen years, knowingly procures liquor, except for medicinal purposes only as provided by this Act, is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred and fifty dollars.

(3) Section 89 of Chapter 260, as amended by Chapter 33 of the Acts of 1990 and Chapter 18 of the Acts of 2014, is further amended by adding immediately after subsection (3) the following Section:

(3A) Every person who violates subsection (3) is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred and fifty dollars.

43 Section 101 of Chapter 260 is amended by striking out “less than one hundred dollars and not more than five hundred dollars or, in default, to a term of imprisonment” in the fourth and fifth lines and substituting “more than two hundred and fifty dollars”.

44 Section 102 of Chapter 260 is amended by striking out “less than one hundred dollars and not more than five hundred dollars or, in default, to a term of imprisonment” in the fourth, fifth and sixth lines and substituting “more than one hundred and fifty dollars”.

45 Section 104 of Chapter 260 is repealed.

46 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 of the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 35 of the Acts of 2006, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 59 and 60 of the Acts of 2010, Chapter 35 of the Acts of 2011, Chapters 20 and 53 of the Acts of 2014 and Chapters 45 and 46 of the Acts of 2015, is further amended by

(a) adding immediately after clause (aaa) the following clauses:

(aaaa) “approved container” means an approved container as defined in section 254 of the *Criminal Code* (Canada);

(aaab) “approved drug screening equipment” means approved drug screening equipment as defined in section 254 of the *Criminal Code* (Canada);

(b) striking out “254” in clause (aaaa) and substituting “320.11”;

(c) striking out “254” in clause (aaab) and substituting “320.11”;

(d) striking out “254” in the second line of clause (aab) and substituting “320.11”;

(e) striking out “254” in the second line of clause (aac) and substituting “320.11”;

(f) adding immediately after clause (m) the following clause:

(ma) “drug recognition evaluation” means an evaluation, test or analysis in relation to drugs conducted in accordance with subsection (3.1) of section 254 of the *Criminal Code* (Canada) and the regulations;

(g) striking out “subsection 254(3.1)” in clause (ma) and substituting “section 320.28”;

(h) adding immediately after clause (aqa) the following clause:

(aqb) “physical coordination test” means a physical coordination test in accordance with clause (a) of subsection (2) of section 254 of the *Criminal Code* (Canada);

and

(i) striking out “of subsection (2) of section 254” in clause (aqb) and substituting “subsection (1) of section 320.27”.

47 (1) Subsection 67(4) of Chapter 293, as amended by Chapter 12 of the Acts of 1994, is further amended by striking out “259” in the last line and substituting “320.24”.

(2) Subsection 67(5) of Chapter 293, as amended by Chapter 32 of the Acts of 1998, Chapter 11 of the Acts of 1999, Chapter 44 of the Acts of 2001, Chapters 20 and 30 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapters 32 and 38 of the Acts of 2005, Chapter 45 of the Acts of 2007, and Chapter 10 of the Acts of 2013, is further amended by

(a) striking out clause (ba) and substituting the following clause:

(ba) one year in the case of a first revocation, three years in the case of a second revocation and indefinitely in the case of a third or subsequent revocation where

(i) the revocation was for a violation of section 253 or 254 or subsection (4) of section 259 of the *Criminal Code* (Canada), where the disqualification under subsection (4) of section 259 was occasioned by an impairment-related offence involving alcohol that occurred on or after the coming into force of this clause, but before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of subsection (1) or (4) of section 320.14, subsection (1) of section 320.15 or section 320.18 of the *Criminal Code* (Canada), if the prohibition referred to in section 320.18 of that Act was occasioned by an impairment-related offence and the offence involves the operation of a motor vehicle;

(b) striking out clause (c) and substituting the following clause:

(c) two years in the case of a first revocation and five years in the case of a subsequent revocation where

(i) the revocation was for a violation of subsection (1) of section 249, subsection (1) of section 249.1, section 249.2, 249.3 or 249.4 or subsection (1) of section 252 of the *Criminal Code* (Canada) and where the offence involved the operation of a motor vehicle before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of subsection (1) of section 320.13 or subsection (1) of section 320.16 of the *Criminal Code* (Canada) and the offence involved the operation of a motor vehicle;

(c) striking out clause (ca) and substituting the following clause:

(ca) five years in the case of a first revocation and indefinitely in the case of a subsequent revocation where

(i) the revocation was for a violation of section 220, 221 or 236, subsection (3) or (4) of section 249, subsection (3) of section 249.1, subsection (1.2) or (1.3) of section 252, subsection (2) of section 255(2) or subsection (2.1), (2.2), (3), (3.1) or (3.2) of section 255 of the *Criminal Code* (Canada) and where the offence involves the operation of a motor vehicle before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of section 220, 221 or 236, subsection (2) or (3) of section 320.13, subsection (2) or (3) of section 320.14, subsection (2) or (3) of section 320.16 or section 320.17 of the *Criminal Code* (Canada) and the offence involves the operation of a motor vehicle;

and

(d) striking out clause (e) and substituting the following clause:

(e) except as provided in subsection (9), one year in the case of a first revocation or two years in the case of a subsequent revocation where

(i) the revocation was for a violation of subsection (4) of section 259 of the *Criminal Code* (Canada), if the offence involves the operation of a motor vehicle and the prohibition referred to in that subsection was in relation to an offence other than an impairment-related offence, or subsection (2) of Section 287 of this Act before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of section 320.18 of the *Criminal Code* (Canada), if the offence involves the operation of a motor vehicle and the prohibition referred to in that section was in relation to an offence other than an impairment-related offence, or subsection (2) of Section 287 of this Act,

the new revocation period to be concurrent with any period of revocation provided in this subsection, or any prohibition or suspension which may be in effect at the time of the revocation;

(3) Subsection 67(5A) of Chapter 293 is repealed and the following subsection substituted:

(5A) Notwithstanding clause (ba) of subsection (5), an application may be made for restoration, before the expiry of the time periods referred to in clause (ba) of subsection (5), of a person's driver's license or privilege of obtaining a driver's license by a person where the revocation was

(a) for a violation of

(i) section 253 or 254 of the *Criminal Code* (Canada), if the violation involved alcohol, or

(ii) subsection (4) of section 259 of *Criminal Code* (Canada), if the disqualification under that subsection was occasioned by an impairment-related offence involving alcohol,

before the coming into force of clause (b); or

(b) for a violation of

(i) subsection (1) of section 320.14 or subsection (1) of section 320.15 of the *Criminal Code* (Canada), if the violation involved alcohol, or

(ii) section 320.18 of the *Criminal Code* (Canada), if the prohibition under that subsection was occasioned by an impairment-related offence involving alcohol,

and the Registrar permits the person to participate in an ignition interlock program established by the regulations.

(4) Subsection 67(5C) of Chapter 293, as enacted by Chapter 22 of the Acts of 2011, is amended by

(a) striking out “Section 253” in the third line and substituting “section 253, 254”; and

(b) adding “, if the offence was committed before the repeal of those provisions, or section 320.14 or 320.15 of that Act” immediately after “(Canada)” in the third line.

(5) Subsection 67(11) of Chapter 293, as amended by Chapter 34 of the Acts of 1996, Chapter 32 of the Acts of 1998, Chapter 20 of the Acts of 2002, Chapter 54 of the Acts of 2005 and Chapter 36 of the Acts of 2006, is further amended by

(a) striking out “alcohol related driving offence” in the second and third lines and substituting “impairment-related offence involving alcohol”; and

(b) adding “for an impairment-related offence involving alcohol” immediately after “279A” in the third line.

(6) Subsection 67(11A) of Chapter 293, as enacted by Chapter 36 of the Acts of 2006, is amended by striking out “alcohol related driving offence” in the third and fourth lines and substituting “impairment-related offence involving alcohol”.

(7) Subsection 67(12) of Chapter 293 is repealed and the following subsection substituted:

(12) In this Section, “impairment-related offence” means an offence under section 253, 254 or 255 of the *Criminal Code* (Canada).

(8) Subsection 67(12) of Chapter 293 is repealed and the following subsection substituted:

(12) In this Section, “impairment-related offence” means

(a) an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) committed before those provisions were repealed; or

(b) an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada).

(9) Subsection 67(16) of Chapter 293 is repealed and the following subsection substituted:

(16) Where a person pleads guilty to or is found guilty of an offence against section 220, 221, 249, 249.1, 249.2, 249.3, 249.4, 252, 253, 254 or 255 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of the *Criminal Code* (Canada), this Section applies in the same manner as if the person were convicted of the offence.

(10) Subsection 67(16) of Chapter 293 is repealed and the following subsection substituted:

(16) Where a person pleads guilty to or is found guilty of an offence against section 220, 221, 320.13, 320.14, 320.15, 320.16 or 320.17 of the *Crim-*

inal Code (Canada) and an order directing that the accused be discharged is made under section 730 of the *Criminal Code* (Canada), this Section applies in the same manner as if the person were convicted of the offence.

(11) Subsection 67(17) of Chapter 293, as amended by Chapter 12 of the Acts of 1994-95, is further amended by striking out “alcohol-related” in the last lines and substituting “impairment-related”.

48 Subsection 67A(1) of Chapter 293, as enacted by Chapter 20 of the Acts of 2010 and amended by Chapter 10 of the Acts of 2013, is further amended by

(a) striking out “section 253 or 254 or subsection 259(4) of the *Criminal Code* (Canada) where the disqualification under subsection 259(4)” in the fourth, fifth and sixth lines and substituting “subsection (1) of section 320.14 or subsection (1) of section 320.15 of the *Criminal Code* (Canada), where the violation involved alcohol, or section 320.18 of that Act, where the prohibition referred to in section 320.18 of that Act”; and

(b) striking out “alcohol-related offence” in the seventh line and substituting “impairment-related offence, as defined in subsection (12) of Section 67, involving alcohol.”.

49 Subsection 68(1) of Chapter 293, as amended by Chapter 24 of the Acts of 1994, Chapter 9 of the Acts of 2007, Chapter 2 of the Acts of 2008, Chapter 5 of the Acts of 2009, Chapter 8 of the Acts of 2011, Chapter 3 of the Acts of 2013 and Chapter 6 of the Acts of 2015, is further amended by striking out “alcohol related” in the third line and substituting “impairment-related”.

50 Subsection 70(6A) of Chapter 293, as enacted by Chapter 53 of the Acts of 2014, is amended by adding “, 279K, 279L” immediately after “279C” in the sixth line.

51 Subsection 70A(4) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 42 of the Acts of 2004, Chapter 20 of the Acts of 2007 and Chapter 67 of the Acts of 2014, is further amended by adding “, 279K, 279L” immediately after “279C” in the fifth line.

52 Subsection 100A(5) of Chapter 293, as enacted by Chapter 11 of the Acts of 1999 and amended by Chapter 53 of the Acts of 2014, is further amended by striking out “subsection (2) of section 254” and substituting “section 320.27”.

53 (1) Clause 100B(1)(b) of Chapter 293 is repealed and the following clause substituted:

(b) “qualified technician” means a qualified technician as defined in section 320.11 of the *Criminal Code* (Canada).

(2) Subsection 100B(4) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 53 of the Acts of 2014, is further amended by striking out “subsection 254(2) of the *Criminal Code*” in the fourth line and substituting “section 320.27 of the *Criminal Code* (Canada)”.

(3) Section 100B of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, and amended by Chapter 11 of the Acts of 1999, Chapter 42 of the Acts of 2004 and Chapter 53 of the Acts of 2014, is further amended by adding immediately after subsection (5) the following subsection:

(5A) Notwithstanding subsection (3), (4) or (5), where a license is suspended under this Section for a period of twenty-four hours,

- (a) a peace officer may not request the license be surrendered;
- (b) a novice driver whose license is suspended is not required to surrender the license; and
- (c) for greater certainty, notwithstanding the license not being surrendered, the license is suspended and the novice driver's driving privilege is suspended for a period of twenty-four hours.

54 Subsection 241(1) of Chapter 293, as amended by Chapter 21 of the Acts of 2009, is further amended by adding "or 279K" immediately after "279C" in the eighth line.

55 (1) Subsection 266(5) of Chapter 293 is amended by striking out "259" in the second line and substituting "320.18".

(2) Subsection 266(7) of Chapter 293 is repealed and the following subsection substituted:

(7) Where a person pleads guilty to or is found guilty of an offence against section 253, 254 or 255 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence.

(3) Subsection 266(7) of Chapter 293 is repealed and the following subsection substituted:

(7) Where a person pleads guilty to or is found guilty of an offence against section 320.14 or 320.15 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence.

56 (1) Subsection 278(1) of Chapter 293, as amended by Chapter 20 of the Acts of 2002, Chapter 38 of the Acts of 2005, Chapter 45 of the Acts of 2007, Chapter 61 of the Acts of 2010 and Chapter 10 of the Acts of 2013, is further amended by

(a) striking out clause (b) and substituting the following clause:

(b) an offence against section 220, 221, 249, 249.1, 249.2, 249.3, 249.4, 252, 253, 254, 255, 259, 333.1 or 335 of the *Criminal Code* (Canada);

and

(b) striking out clause (b) and substituting the following clause:

(b) an offence against section 220, 221 or 320.13, 320.14, 320.15, 320.16, 320.17, 320.18, 333.1 or 335 of the *Criminal Code* (Canada);

(2) Subsection 278(3) of Chapter 293 is amended by striking out “259” in the second line and substituting “320.24”.

(3) Subsection 278(4) of Chapter 293 is amended by striking out “259” in the second line and substituting “320.24”.

(4) Subsection 278(10) of Chapter 293 is repealed and the following subsection substituted:

(10) Where a person pleads guilty to or is found guilty of an offence against section 253, 254 or 255 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence.

(5) Subsection 278(10) of Chapter 293 is repealed and the following subsection substituted:

(10) Where a person pleads guilty to or is found guilty of an offence against section 320.14 or 320.15 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence.

57 (1) Subsection 279A(1) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95 and amended by Chapter 11 of the Acts of 1999, is further amended by

(a) adding “equals or” immediately after “blood” in the sixth line of clause (a);

(b) striking out “or” at the end of subclause (a)(i);

(c) striking out subclause (a)(ii) and substituting the following sub-clauses:

(ii) has reason to believe that a person, while having alcohol or a drug in the person’s body, failed or refused to comply with a demand made on that person to supply a sample of the person’s breath or blood under section 254 of the *Criminal Code* (Canada),

(iii) has reason to believe a person operated or had the care or control of a motor vehicle while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 253 of the *Criminal Code* (Canada),

(iv) by reason of an analysis of the blood of a person, has reason to believe that the person has consumed a drug in such quantity that the

concentration thereof in the person's blood exceeds the blood concentration for the drug that is prescribed by the regulations, or

(v) by reason of an analysis of the blood of a person, has reason to believe that the person has consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeds the blood concentration for alcohol and the drug that is prescribed by regulation; and

(d) striking out "254" in subclause (a)(ii) and substituting "320.27 or 320.28";

(e) striking out "253" in subclause (a)(iii) and substituting "320.14";

(f) adding "or other bodily substance" immediately after "blood" the first time it appears in subclause (a)(iv);

(g) repealing clause (c) and substituting the following clause:

(c) where the person holds a valid driver's license issued pursuant to this Act to operate the motor vehicle, suspend the person's driver's license by serving on the person an order of suspension, which is effective immediately;

(h) repealing clause (e) and substituting the following clause:

(e) where the person holds a valid driver's license to operate a motor vehicle issued other than pursuant to this Act, suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person, which is effective immediately; or

and

(i) striking out "a notice of intention to suspend and order of suspension" in the sixth and seventh lines of clause (f) and substituting "an order of suspension, which is effective immediately,".

(2) Clause 279A(2)(e) of Chapter 293 is repealed and the following clause substituted:

(e) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada) with respect to the person referred to in subsection (1).

(3) Subsection 279A(5) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95, is amended by striking out "three months" in the second last line and substituting "90 days".

(4) Subsection 279A(6) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95, is amended by striking out "three months" in the second last line and substituting "90 days".

(5) Section 279A of Chapter 293, as amended by Chapter 34 of the Acts of 1996, Chapter 11 of the Acts of 1999 and Chapter 44 of the Acts of 2001, is further amended by adding immediately after subsection (8) the following subsections:

(9) Where more than one suspension under this Section would arise from the same occurrence, only one suspension has effect.

(10) The Governor in Council may make regulations

(a) prescribing the maximum blood concentration of a drug for the purpose of subclause (iv) of clause (a) of subsection (1);

(b) prescribing the maximum blood concentration of alcohol and a drug for the purpose of subclause (v) of clause (a) of subsection (1).

(11) A regulation made under subsection (10) may apply in respect of individual drugs, classes of drugs or types of drugs.

(12) A regulations made under subsection (10) may incorporate by reference regulations made under the *Criminal Code* (Canada), as amended from time to time.

(13) The exercise by the Governor in Council of the authority contained in subsection (10) is regulations within the meaning of the *Regulations Act*.

58 (1) Subsection 279B(6) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95, is amended by striking out “certificate of analysis under section 258” in the second line of clause (c) and substituting “certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32”.

(2) Subsection 279B(7) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95, is amended by

(a) adding “equalled or” immediately after “blood” in the fifth line of clause (a);

(b) striking out “or” at the end of clause (a);

(c) striking out clause (b) and substituting the following clauses:

(b) the person, while having alcohol or a drug in the person’s body, failed or refused to comply with a demand made on that person to supply a sample of the person’s breath or blood under section 254 of the *Criminal Code* (Canada);

(c) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 253 of that Act;

(d) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed a drug in such quantity that the concentration thereof in the person’s blood exceeded the blood concentration for the drug that is prescribed by the regulations; or

(e) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for alcohol and the drug that is prescribed by the regulations.

(d) striking out “254” in the third line of clause (b) and substituting “320.27 or 320.28”; and

(e) striking out “253” in clause (c) and substituting “320.14”.

59 (1) Subsection 279BA(4) of Chapter 293, as enacted by Chapter 67 of the Acts of 2011, is amended by

(a) adding “equalled or” immediately after “blood” in the fifth line of clause (a);

(b) striking out “or” at the end of clause (a);

(c) striking out the period at the end of clause (b) and substituting a semicolon;

(d) adding immediately after clause (b) the following clauses:

(b) the person, while having alcohol or a drug in the person's body, failed or refused to comply with a demand made on that person to supply a sample of the person's breath or blood under section 254 of the *Criminal Code* (Canada);

(c) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 253 of that Act;

(d) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for the drug that is prescribed by the regulations; or

(e) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for alcohol and the drug that is prescribed by the regulations.

(e) striking out “254” in the third line of clause (b) and substituting “320.27 or 320.28”; and

(f) striking out “253” in clause (c) and substituting “320.14”.

(2) Clause 279BA(5)(c) of Chapter 293, as enacted by Chapter 67 of the Acts of 2011, is amended by striking out “certificate of analysis issued pursuant to section 258” in the second line and substituting “certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32”.

60 (1) Subsection 279C(1) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 21 of the Acts of 2009 and Chapter 53 of the Acts of 2014, is further amended by striking out “subsection 254(2) of the *Criminal Code*” in the second and third lines and substituting “section 320.27 of the *Criminal Code* (Canada)”.

(2) Subsection 279C(2) of Chapter 293, as enacted by Chapter 53 of the Acts of 2014, is amended by

(a) striking out “subsection (3) of section 254” in the second line and substituting “section 320.28”;

(b) repealing clause (a);

(c) striking out “who is not novice driver” in the first line of clause (b);

(d) adding “or approved screening device” immediately after instrument in the third line of clause (b); and

(e) striking out “is more than fifty milligrams and not exceeding” in the fourth and fifth lines of clause (b) and substituting “equals or exceeds fifty milligrams and is less than”.

(3) Subsection 279C(4) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 21 of the Acts of 2009, is further amended by

(a) adding “under this Section or Section 279K” immediately after suspension in the first and second lines of clause (a);

(b) adding “under this Section or Section 279K” immediately after suspension in the first and second lines of clause (b); and

(c) adding “under this Section or Section 279K” immediately after suspension in the second line of clause (c).

(4) Clause 279C(10)(b) of Chapter 293, as enacted by Chapter 21 of the Acts of 2009, is amended by striking out “a written statement of the time at which the suspension takes effect” in the first and second lines and substituting “an order of suspension which is effective immediately”.

(5) Clause 279C(10B)(a) of Chapter 293, as enacted by Chapter 21 of the Acts of 2009, is amended by striking out “a notice” in the first line and substituting “an order”.

61 Subsection 279D(2) of Chapter 293, as enacted by Chapter 22 of the Acts of 2011, is amended by striking out “Sections 253 or 255” in the second line and substituting “section 320.14 or subsection (1) of section 320.15”.

62 Clause 279E(1)(e) of Chapter 293, as enacted by Chapter 22 of the Acts of 2011, is amended by adding “, where the offence involves alcohol,” immediately after “and” in the second-last line.

63 (1) Chapter 293 is further amended by adding immediately after Section 279H the following Sections:

279I (1) A peace officer may, on behalf of the Registrar, suspend the license of a driver for up to twenty-four hours by serving an order of suspension on the driver if there are reasonable grounds to believe that the driver is unfit to drive for any reason, including a medical reason.

(2) For greater certainty, a suspension under this Section is not a revocation for the purpose of Section 67, subsection (6A) of Section 70 or subsection (4) of Section 70A.

(3) A copy of an order of suspension issued under this Section must be forwarded to the Registrar.

(4) The order of suspension must be in the form, contain the information and be completed in the manner required by the Registrar.

(5) Where a license is suspended under this Section, the license may not be physically seized or destroyed.

279J (1) Where a peace officer has a reasonable suspicion that a person's ability to drive is adversely affected by the introduction of drugs into the person's body, the peace officer shall

(a) demand the person take a physical coordination test;

(b) demand the person to submit to a drug recognition evaluation in accordance with subsection (3.1) of section 254 of the *Criminal Code* (Canada); or

(c) demand the person comply with the requirements of both clauses (a) and (b).

(2) The purpose of demanding a test or evaluation under subsection (1) is to promote road safety.

279K (1) A peace officer shall, on behalf of the Registrar, issue an order of suspension if the peace officer has a reasonable suspicion that a person's ability to drive is adversely affected by the introduction of drugs into the person's body based upon

(a) the person's failure of a physical coordination test; or

(b) the inability of the person to follow instructions of the peace officer intended to determine the sobriety and physical ability of the person.

(2) Upon issuing an order of suspension under subsection (1), the peace officer shall

(a) where the person holds a valid driver's license issued pursuant to this Act to operate the motor vehicle, take possession of the license and suspend the person's driver's license by serving on the person an order of suspension effective immediately;

(b) where the person holds a valid temporary driver's license,

(i) take possession of the person's temporary driver's license, and

(ii) immediately suspend the person's temporary driver's license by serving on the person an order of suspension;

(c) where the person holds a valid driver's license to operate a motor vehicle issued other than pursuant to this Act, suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person effective immediately; or

(d) where the person does not hold a valid driver's license to operate a motor vehicle, immediately suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person.

(3) An order of suspension issued under subsection (1) applies for

(a) seven days in the case of a first suspension under this Section or Section 279C within the last ten years;

(b) fifteen days in the case of a second suspension under this Section or Section 279C within the last ten years; or

(c) thirty days in the case of a third or subsequent suspension under this Section or Section 279C within the last ten years.

(4) A peace officer who serves an order pursuant to subsection (1) shall, without delay, forward to the Registrar

(a) the person's driver's license, if one has been surrendered;

(b) the temporary driver's license, if one has been issued;

(c) the completed order of suspension;

(d) a report signed by the peace officer;

(e) the results of any physical coordination test with respect to a person referred to in clause (a) of subsection (1);

(f) the results of any drug recognition evaluation, if applicable; and

(g) any certificate of analysis under section 258 of the *Criminal Code* (Canada), if applicable.

(5) The order of suspension, report of the peace officer referred to in this Section and temporary driver's license must be in the form, contain the information and be completed in the manner required by the Registrar.

(6) Where a person who holds a valid driver's license does not surrender it, the driver's license is nevertheless suspended.

(7) The revocation of a license and the suspension of a driving privilege pursuant to this Section are in addition to and not in substitution for any other proceeding or penalty arising from the same circumstances.

(8) Every peace officer who requests the surrender of a license from a person pursuant to this Section shall

(a) keep a written record of the suspension with the name, address and license number of the person and the date and time of the suspension;

(b) provide the person with a written statement setting out the time at which the suspension takes effect, the length of the period during which the license is suspended and acknowledging receipt of the license that is surrendered; and

(c) forward to the Registrar forthwith a written report setting out the name, address and license number of the person and such particulars as the Registrar may require in relation to the matter.

(9) The peace officer who requested the surrender of a license under this Section shall

(a) issue an order of suspension to the driver in accordance with subsection (1); and

(b) seize and dispose of the license as directed by the Registrar.

(10) At the end of the suspension period, a person may apply in the form and manner prescribed by the Registrar for reinstatement of the person's license upon payment of the reinstatement fee prescribed by the regulations.

(11) Where the motor vehicle driven by a person whose license is suspended or whose driving privilege is suspended pursuant to this Section is in a location from which, in the opinion of a peace officer, it should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the person, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the person of its location.

(12) The costs and charges incurred in moving and storing a vehicle pursuant to subsection (11) must be paid, before the vehicle is released, by the person to whom the vehicle is released.

279L (1) Where approved drug screening equipment indicates the presence of a drug in the system of a novice driver, a peace officer may, on behalf of the registrar, suspend the novice driver's license for a period of twenty-four hours.

(2) Subsection (1) does not apply a person who is legally authorized to use a drug for medical purposes and the presence of that drug was indicated.

(3) Every peace office who requests the surrender of a license from a novice driver pursuant to this Section shall

(a) keep a written record of the suspension with the name, address and license number of the novice driver and the date and time of the suspension;

(b) provide the novice driver with a written statement setting out the time at which the suspension takes effect and the length of the period during which the license is suspended; and

(c) forward to the Registrar forthwith a written report setting out the name, address and license number of the novice driver and such particulars respecting the approved drug screening equipment and the conduct and results of the analysis as the Registrar may require in relation to the matter.

(4) Where a license is suspended under this Section, the license may not be physically seized or destroyed.

(5) Where the motor vehicle driven by a person whose license is suspended and whose driving privilege is suspended pursuant to this Section is in a location from which, in the opinion of a peace officer, it should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the person, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the person of its location.

(6) The costs and charges incurred in moving and storing a vehicle pursuant to subsection (5) must be paid, before the vehicle is released, by the person to whom the vehicle is released.

279M The suspension of a license or the suspension of a driving privilege by reason of the operation of Section 279K or 279L or the breach of a condition of a license referred to in Section 70 or 70A is intended

(a) to ensure road safety for the public;

(b) to safeguard the holder of the license and the public; and

(c) in the case of a novice driver, to assist that driver to acquire experience and develop or improve the driver's safe driving skills in controlled conditions.

279N A suspension under Section 279I, 279K or 279L may not be appealed to the Motor Vehicle Appeal Board.

(2) Subsection 279J(1) of Chapter 293 is amended by striking out “subsection (3.1) of section 254” in clause (b) and substituting “clause (a) of subsection (2) of section 320.28”.

(3) Clause 279K(4)(g) of Chapter 293 is repealed and the following clause substituted:

(g) any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada), if applicable.

64 Subsection 291A(2) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “alcohol-related” in the fifth and sixth lines and substituting “impairment-related”.

65 Clause 2(1)(i) of Chapter 6 of the Acts of 2006, the *Safer Communities and Neighbourhoods Act*, is amended by adding immediately after subclause (ii) the following subclause:

(ia) for the possession, consumption, purchase, sale, distribution, cultivation, propagation, harvest or other use of cannabis, as defined in the *Cannabis Act* (Canada), in contravention of that Act or the *Cannabis Control Act*,

66 Section 2 of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, as amended by Chapter 59 of the Acts of 2005 and Chapter 58 of the Acts of 2014, is further amended by

(a) relettering clauses (a) and (aa) as (ab) and (ac) and adding immediately before those clauses the following clause:

(a) “beach” means a beach as defined in the *Beaches Act* or a beach prescribed by the regulations;

(aa) “cannabis” means cannabis as defined in the *Cannabis Act* (Canada);

(b) striking out “Promotion” in clause (e) and substituting “and Wellness”;

(c) adding immediately after clause (e) the following clause:

(ea) “outdoor public space” means an outdoor place to which the public is ordinarily invited or permitted access, irrespective of whether a fee is charged for entry;

(d) adding immediately after clause (f) the following clauses:

(fa) “playground equipment” includes slides, swings, climbing structures, splash pads, wading pools and sandboxes;

(fb) “post-secondary institution” means

(i) a university or other institution that receives regular and ongoing operating funds from Her Majesty in right of the Province for the purpose of providing post-secondary education, or

(ii) an institution offering post-secondary education programs that is federated or affiliated with a university;

(fc) “provincial park” means a provincial park as defined in the *Provincial Parks Act*;

(e) adding “, cannabis” immediately after “tobacco” in the fourth line of clause (h);

(f) adding immediately after clause (h) the following clause:

(ha) “sports area” means an area, including

(i) a sports field or court,

- (ii) a skateboard park,
- (iii) a rink,
- (iv) a pool, and
- (v) spectator stands,

but not including an enclosed place or a golf course, that is used primarily for the purpose of sports and owned by Her Majesty in right of the Province, a municipality, an agent of Her Majesty in right of the Province or a municipality, or a post-secondary institution;

(g) adding a semicolon immediately after clause (i);

(h) striking out the period at the end of clause (j) and substituting a semicolon;
and

(i) adding immediately after clause (j) the following clause:

(k) “work vehicle” means a vehicle owned or leased by an employer and used by employees during the course of their employment.

67 Clause 5(1)(m) of Chapter 12 is repealed and the following clause substituted:

(m) a work vehicle;

68 Chapter 12 is further amended by adding immediately after Section 5 the following Section:

5A (1) Subject to this Section, no person may smoke

- (a) in a provincial park;
- (b) on a beach;

(c) in an area of an outdoor public place on which playground equipment is situated or within twenty metres of any point on the perimeter of the playground equipment;

(d) on a trail of an outdoor public place or within nine metres of the trail; or

(e) in a sports area or within twenty metres of any point on the perimeter of the sports area.

(2) Clause (1)(a) does not apply to a person smoking in any of the following areas within a provincial park:

- (a) an occupied campsite; and
- (b) an area designated by the Minister of Natural Resources as a smoking area.

(3) Clauses (1)(b) to (e) do not apply to a person smoking on

- (a) land upon which a private residence is situated; or
- (b) an occupied campsite within a campground, other than a campground located in a provincial park.

(4) Clauses (1)(c) to (e) do not apply to a person smoking in an area that is separated by a road from the playground equipment, trail or sports area, as the case may be, referred to in those clauses.

69 Subsection 15(1) of Chapter 12, as amended by Chapter 30 of the Acts of 2002 and Chapter 59 of the Acts of 2005, is further amended by relettering clause (a) as (aa) and adding immediately before clause (aa) the following clause:

(a) prescribing beaches as being beaches within the meaning of this Act;

70 Subsection 16(1) of Chapter 12 is repealed and the following subsection substituted:

(1) Nothing in this Act affects any other authority, including the authority of the council of a municipality, to regulate, restrict or prohibit smoking.

71 Schedule B of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004, Chapter 32 of the Acts of 2007, Chapter 9 of the Acts of 2010, Chapters 2, 44 and 45 of the Acts of 2011, Chapter 17 of the Acts of 2015 and Chapters 3 and 4 of the Acts of 2016, is further amended by adding the following in alphabetical order:

Cannabis Control Act

72 Part II and Sections 36, 37 and 41 to 71 come into force on such day as the Governor in Council orders and declares by proclamation.
