

## **DRUGS**

Useful information about regulated and illegal substance

Although you may probably have some understanding about drugs and alcohol, the aim here is to provide you with legal information surrounding drug use. These are tools to help you make informed decisions regarding drug use.

It is important to know that most drugs are controlled substances. A controlled substance is generally a drug or chemical whose manufacture, possession, or use is regulated by the government. Using laws, the government regulates the use of illegal drugs and prescription medication.

### **What is the legal age for smoking cigarettes? What if I just have cigarettes on me but don't get caught smoking?**

You need to be 18 years of age to buy cigarettes or to legally smoke. Before hitting 18 you cannot buy, own, consume or distribute cigarettes. If a police officer finds that you are in possession of cigarettes and are a minor, he/she has the right to confiscate the cigarettes.

### **What is the legal age for drinking alcohol?**

In Quebec the legal age is 18 years old.

### **What is an alcoholic beverage?**

An alcoholic beverage is any drink that contains alcohol. Coolers are also considered to be alcoholic because they are typically made from wine and fruit juice, often in combination with a carbonated beverage and sugar.

### **What is the legal blood alcohol limit?**

Anyone wishing to drive a vehicle can not have a blood alcohol limit of 0.08. It is important to realize though that even small amounts of alcohol can impair driving. Once you go over the limit, you are committing a crime.

If an officer has reason to believe that you are driving while impaired, he has a right to ask you to take a breath test, blood test or to ask you to submit to a physical coordination test. You should comply with the police officer's request because failure to do so could result in your driving privileges being suspended and/or your car being seized, even if you have no prior driving offences.

For certain people, it is prohibited for them to drive after drinking any amount of alcohol. This is the case for driver's licence holders under age 22, as well as learner's licence or probationary licence holders. If you belong to any of the categories mentioned above and you commit an offence your licence will be suspended for 90 days, four demerit points will be entered into your

driving record and you must pay a \$300 to \$600 fine. The police also have the right to immediately seize and impound your car.

If you would like to know more about your rights and obligations as a driver consult the *Société de l'assurance automobile* (SAAQ) website at : <http://www.saaq.gouv.qc.ca>. You can also check out <http://www.educaloi.qc.ca>

### **How many drinks is 80mg/100ml?**

For an average 5'4", 18 year old girl who weighs about 135 lbs, drinking a can a beer and two shots of vodka would just about get her to the legal blood-alcohol limit.

### **When can an officer ask me to take the test?**

An officer can ask you to take a breathalyser test if he/she believes you are driving with a blood-alcohol level above 0.08.

### **What if nobody saw me drinking but I failed a breathalyser test?**

Nobody has to actually see you drinking to be able to determine that you have been drinking. A failed breathalyser test is proof that you have been drinking. An officer can ask you to take the test if they have reasonable grounds to believe that you are drunk. They can also ask you to take a blood test or ask you to do take a physical coordination test.

### **What if there's an open container of alcohol in the car?**

If you have an open container of alcohol in your car, an officer could make the assumption that you consumed the alcohol and proceed to test your blood alcohol level.

### **What if I was just holding someone else's drink?**

If you are under the legal drinking age, it is illegal for you to be in possession of alcohol. This means that you would be committing an offence by just holding a cup of alcohol. You cannot legally buy or hold your parents' alcohol in public, even if you have been given permission to do so by your parents.

### **What can happen if I use a fake ID to buy alcohol or cigarettes or get into a bar or club?**

If you lie about your age, by using a fake ID for example, you can be charged with a fine. Your fake ID may also be confiscated.

False representation of your age is an offence. If you present a false ID to a police officer, you can be charged with impersonation (if you used someone else's ID) or misrepresentation.

### **What is a DUI? What can happen if I get caught?**

DUI stands for “driving under the influence”. Here in Canada, the offence of driving while under the influence of alcohol is called “driving while impaired”.

If you are caught driving while impaired, whether you are under the influence of alcohol, drugs (including medication) or a combination of both, you could be fined, lose your license and even run the risk of going to jail. If you are a repeat offender or get into an accident, you could be sued in civil court for putting the lives of other at risk.

### **What happens if I get caught with marijuana?**

Possession of marijuana is a criminal offense. You don't have to have a certain amount of marijuana in order to break the law; possession of any amount of an illegal substance is illegal. The amount marijuana that you are caught with however, affects the gravity of the crime. The more marijuana you have, the greater the chance that you may be charged with possession for the purpose of trafficking, a more serious offense with more serious penalties.

If you are stopped with less than 30 grams of marijuana, the maximum penalties are a fine of \$1000 or 6 months in jail, or both. However, the penalty for a first offense is less severe. You may also get a criminal record.

### **What if the marijuana is in my school bag?**

If the marijuana is in your school bag it is still considered to be in your possession. As long as you knew that the marijuana was there and you could access it, it is considered to be yours.

### **What if I was just holding the marijuana for a friend?**

If you knew that you were holding marijuana and you could access it, you are still considered as being in possession of marijuana. Your friend who owns the marijuana can also be charged for possession. It is important to know that more than one person can get into trouble for the same stash of marijuana.

### **Can I go to jail for selling drugs at my age? What if I'm just running drugs for someone else?**

Yes, anyone that helps sell or run drugs can be charged with trafficking. If guilty, you will serve time in prison. If you a minor however, you may be allow to serve time in a juvenile detention center rather than prison.

### **What if a drug dealer asks me to drop off a package, but I never actually look inside the package and it turns out to be something illegal?**

Here, you could still be charged with possession and maybe even the more serious offence of trafficking. If you chose not to ask any questions so that you could remain “in the dark”. This is

called wilful blindness. If it is proven that you intentionally did not ask any questions even when you suspected something, you could still be guilty of possession or trafficking.

### **Can I use someone else's prescription drugs?**

No, using or selling others' prescription drugs is an offence and is as serious as getting caught with other illegal drugs. Penalties can be the same as with a marijuana crime.

### **What is a date rape drug?**

A date rape drug is any drug that, when administered, incapacitates a person and renders them vulnerable to sexual assault. These drugs are most often administered without the consent of the victim. However, the most common form of drug facilitated sexual assault is the one in which a person, the victim, consumes alcohol and/or recreational drugs voluntarily.

Sexual assault refers to any sexual activity to which a person does not agree. It is important to know that the parties involved in a sexual act must give their consent.

Date rape drugs cause victims to become weak, confused and generally vulnerable. The most common date rape drugs are Rohypol (also known as roofies), ecstasy, and ketamine.

Giving a date rape drug to someone is a crime. It is not necessary for sexual assault to occur for an individual to be charged for an offence. If you spike someone's drink to increase your chances of sleeping with them then you have committed an offence.

### **What if I pour alcohol in someone's drink?**

Pouring alcohol in someone's drink without his or her permission is illegal. Even if you don't intend to harm them afterwards, you have still committed an offence. You should always ask for permission before refilling anyone's drink.

### **What is drug paraphernalia?**

Drug paraphernalia is any material or equipment used to produce, consume or conceal illegal drugs. Examples of drug paraphernalia would be bongs, needles, smoking masks, crack pipes, roach clips, and even how-to guides for making, selling or consuming illegal drugs. Even materials used by drug dealers to help produce or sell drugs are also considered to be drug paraphernalia. Possession of drug paraphernalia is illegal in Canada, even in the absence of any illegal drugs.

### **Can school authorities and police officers look through my things? Can I be searched for drugs at school?**

It is important to know that as a citizen and resident of Canada you have a right to privacy. However, the scope of this protection changes depending of whether you are being searched by a police officer or school authorities.

School authorities have the power to search a student without a warrant. If a school authority has reasonable grounds to believe that a student has broken the school rules and regulations, they may conduct a search of the students' bags and lockers if they believe that doing so would reveal evidence of the breach. Reasonable grounds may come from 1) information received from one student considered credible, or 2) information received from more than one student, a teacher or principal's own observations or 3) any combination of the above.

It is important to understand that teachers and other school personnel are obligated to provide a safe environment for students as well as maintain order in the school. For this reason, you should understand that, as a student, your expectation of privacy in the school environment is diminished.

On the other hand, police officers need to have a warrant before they can conduct a search on school property. However, police officers can conduct a search without a warrant if reasonable grounds were established prior to conducting the search.