

Lesson plan 6 : The truth about forever : Drugs and alcohol

Introduction

Legal drugs mean any prescription or over-the-counter drugs, and are either prescribed by a physician (prescription medications) or are available over the counter at a pharmacy or other outlet (non-prescription medication), and used for the purpose for which they are prescribed. Although you may probably have some knowledge about drugs and alcohol, the aim of this booklet is to provide you with legal information surrounding drug use and 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, usage, possession and distribution or use is regulated by the law. Controlled substances include opioids, stimulants, depressants, hallucinogens and anabolic steroid. These drugs can cause physical and mental dependence. As for alcohol, it is a **psychoactive drug**, which is the active ingredient in drinks such as beer, wine and distilled spirits. It is a legal substance known for its psychoactive (mind-altering) properties.

Topic 1: Alcohol and tobacco

In Canada, each province and territory defines their own legal age for drinking. While the legal age to purchase, possess and consume alcohol in Quebec is 18 years old, you might need to be older to be in contact with alcohol if you travel to another province. As for tobacco and vapes, they are regulated by the Tobacco and Vaping Product Act which prohibits minors from owning tobacco and smoking it . Because nicotine and alcohol are highly addictive substances it is important to familiarize yourself with the significant harm that can be caused from excessive consumption of substances as well as the different laws that frame their usage.

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

You need to be 18 years of age to buy tobacco or to legally smoke. In Canada, the Tobacco and Vaping Act aims to provide a legal framework to minimize public health problems related to the use of tobacco, especially for youths. Under this federal act, it is then prohibited for people under 18 years of age to buy, own, consume and/or distribute tobacco. If a police officer finds that you are a minor and in possession of tobacco, he/she has the right to confiscate it.

What are E-cigarettes?

E-cigarettes, also known as e-cigs and vapes, are battery-powered devices that try to

create the same feeling as smoking cigarettes, but without tobacco.

Can I use a E-cigarette or vape at my age?

E-cigarettes and vapes, with or without nicotine are legal in Canada. Just like regular cigarettes, in order to purchase and consume them, you need to be at least 18 years of age.

What if I am using the vape of another person?

Again, if you are under 18 years old, you are prohibited from purchasing and/or consuming products with nicotine. Use of tobacco products should be for personal usage which means that it cannot be sold if you're not a certified retailer and should never be shared with a young person as the risk of addiction is extremely high. As stated in the Tobacco and Vaping Product Act (s.8 PART II), it is illegal to furnish any tobacco products to minors and delivery personnel have the duty to ensure that the buyer is at least 18 years of age by requesting a photo ID.

Where in Québec can I use my vape or E-cigarette?

You can lawfully use tobacco products at home, unless your lease states otherwise. In general, vaping is banned wherever smoking is banned. Vapes and E-cigarettes can be used outdoors but certain public spaces, such as restaurant patios, skate parks and sports fields prohibit the use of tobacco inside their premises. Tobacco products are also prohibited in public spaces such as schools, restaurants and movie theaters.

Remember that if you are to use these products outdoors, it is always advisable to check the signs to make sure it is allowed in a particular area.

What is the legal age for drinking alcohol?

In Québec, you must be 18 years of age.

What is an alcoholic beverage?

An alcoholic beverage is essentially any drink that contains alcohol. This means that if alcohol is mixed with a non-alcoholic beverage it is still considered to be an alcoholic drink. The percentage of alcohol in a beverage is always indicated on the label or directly on the can or bottle.

What is the legal blood alcohol limit?

In Québec, the legal limit of Blood Alcohol Content, or BAC is to be under 80 milligrams of alcohol in 100 millilitres of blood, or 0,08. This is the same throughout Canada.

How many drinks is 80 milligrams/ 100 milliliters ?

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

What happens if I get caught driving while impaired by the police?

Alcohol impairs your ability to drive as of the first drink. However, police may still charge a driver with driving while impaired if they are driving unsafely and have a BAC below 0.08.

If a police officer has reasons to believe that you are driving while impaired, he has a right to ask you to take a breathalyzer , 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. It must be noted that Quebec is one of the few provinces that does not issue license suspensions for drivers whose BAC is below 0.08 but above 0.05.

If you are pulled over by a police officer on suspicion of driving while impaired and you blow **above 0.08**, the following consequences immediately apply:

- **First offence:** 90 day license suspension;
- **Second or greater offence:** 90 day license suspension, 90 day vehicle impoundment, mandatory alcohol and drug abuse risk assessment.

If you blow **above 0.16**, you face the following consequences:

- **First offence:** 90 day license suspension, 30 day vehicle impoundment, mandatory alcohol and drug abuse risk assessment;
- **Second or greater offence:** 90 day license suspension, 90 day vehicle impoundment, mandatory alcohol and drug abuse risk assessment, behaviour assessment.

Quebec's impaired driving laws are in line with the Canadian criminal code but go further. Upon your arrest, you will receive an immediate license suspension for up to 90 days and an immediate vehicle seizure for up to 30 days. Once convicted, you will receive a driving prohibition of at least one year, your license is revoked for one-to-three years, you must complete an impaired driving program, and an ignition interlock device is mandatory. An ignition interlock device requires the driver to blow into a mouthpiece on the device before starting or continuing to operate the vehicle. The minimum financial penalties for a first offence are \$1,750. For repeat offenders within a 10-year period, a minimum two-year prohibition, up to five-year license revocation, possible prison time, varying vehicle use prohibition, and a lifelong ignition interlock device are levied.

Who needs to follow the zero tolerance rule?

The zero alcohol rule applies to :

- All license holders regardless of the licence class (automobile, motorcycle, etc) or type of licence (learner's licence, regular driver's licence) who are under the age of 22;
- Holders of a learner's licence, regardless of their age ;
- Holders of a probationary licence who do not hold any other class of licence. In other words, individuals who are in the process of obtaining their very first licence, regardless of their age.

Individuals who fall under these categories are strongly prohibited from driving after drinking any amount of alcohol and would be committing an offence if they do. Such behavior is punishable under the *Criminal Code* and the *Highway Safety Code* .

Drivers under 21 years of age or individuals with learner's or probationary licenses are prohibited from driving with any alcohol in their bodies. If such an individual blows above 0.00, they will get their license suspended for 90 days, four demerit points on their driver's record and a \$300-600 fine. Demerit points are added to your driving record when you are guilty of certain offences and are removed from said record two years after the date of conviction or payment of a fine.

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> .

When can a police 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. If a police officer suspects that you have consumed certain drugs or certain medications, he/she could also ask you to submit to a physical coordination test or a saliva test.

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. If an officer has reasonable grounds to believe that you over drank, he/she has the right to ask you to take a breathalyser, a physical coordination test or a blood test if you are under arrest.

What if an opened container of alcohol is in the car?

Having an open container of alcohol in your car could be enough for an officer to assume that you have consumed the alcohol. He/she is then entitled to ask you to take a test to verify the alcohol level in your blood if they suspect you have been drinking.

What if I was just holding someone else's alcohol?

In Québec, since it is illegal for people under 18 to be in possession of alcohol, they would be committing an offence just by holding a cup/glass of alcohol. The same goes for holding your

parent's alcohol in public spaces. You cannot legally do so even if your parents have given you permission.

What can happen if I use a fake ID to buy alcohol/ tobacco or get into a bar or club?

If you are caught using a fake ID to get into a bar or a club, you will be denied entry and could also be charged with a fine. Your fake ID may also be confiscated. Using a fake ID may also count as false representation if used to lie to a police officer when he/she asks you to identify yourself. This means that if you use someone else's ID and get caught, you can be charged with impersonation 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". Depending on the substance (alcohol, drugs or combination of both) and the level in your blood, penalties can range from fine, loss of licence to life imprisonment. In Canada, a person is considered impaired if they have reached or went above the prohibited level or substance in their blood, and therefore represent a risk to others on the road.

For alcohol specifically, the prohibited blood-alcohol concentration, also called «BAC», is 80 milligrams or more of alcohol per 100 millilitres of blood.

For Cannabis (THC), two prohibited levels exist. The first is to have between 2 to 5 nanograms (ng) of THC per millilitres of blood. While it is still prohibited, having this level of THC in your blood represents a less serious offence. However, exceeding the 5 nanograms per milliliters of blood represents a much more serious offence and leads to greater consequences. The Criminal Code breaks down the fines related to driving under the influence of cannabis as is :

- Less than 2ng of THC per millilitre of blood = no issue
- 2ng but less than 5ng of THC per millilitre of blood = max \$1000 fine
- 5ng or more of THC per millilitre of blood =
 - **First offence:** mandatory minimum \$1000 fine;
 - **Second offence:** mandatory minimum of 30 days imprisonment;
 - **Third and subsequent offences:** mandatory minimum of 120 days imprisonment.

For combination of alcohol and cannabis, the prohibited level of both substances combined is 50mg or more of alcohol per 100 ml of blood and 2.5 nanograms or more of THC per ml of blood.

Note that if you are a repeat offender or get into an accident, you could be sued in civil court for putting the lives of others at risk and face life imprisonment.

Topic 2 : Marijuana

In Canada, the legal age to buy marijuana is 21. Youths under that age are not allowed to buy, possess or consume pot or to get someone to buy it for them. The consumption of marijuana is only legal under certain circumstances and should be used in moderation just like alcohol. Note that the regulations on cannabis are not the same for every drug, this means that you can be charged with illegal possession of drugs if they are considered prohibited substances under the law and if you possess them without any legal justifications.

What happens if I get caught with marijuana?

People over 21 of age can lawfully buy and have marijuana in their person. As prescribed by the Federal Act, it is possible for people of that age to possess 30 grams of dried cannabis in public spaces. The Cannabis Act added a series of measures to prevent youth's accessibility to marijuana. According to the law, it is an offence to provide or sell marijuana to any person under the age of 18 and the penalty for violating these prohibitions go up to 14 years in prison.

In Québec specifically, as of January 1st 2020, the legal age to buy or possess marijuana was raised to 21 years old. If you get caught with marijuana by a police officer and you are under 21, you can be fined up to 100\$. The same applies to edible cannabis products.

What if the marijuana is in my school bag?

Regardless of your age, it is prohibited for any person to possess cannabis in certain areas such as on the ground or in a preschool/elementary/secondary education service, child care, as well as on the premises of a university building. If you get caught with cannabis in these public spaces, you could get a fine ranging between \$500 to \$1500.

This means that if you are at least 21 years old and you have marijuana in your school bag while being at home or in an area where cannabis consumption is legal, you are not committing an offence. If the marijuana is in your school bag (and therefore in your possession), it is considered to be yours under the law so you have to make sure not to carry it on you while you are in a school premises.

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

Actual ownership of drugs is not important. If you are holding marijuana for a friend and technically have access to it, you are still considered as being in possession of marijuana. If you are 21 or older, you can legally purchase and carry the marijuana. However, if you're under 21 and an older friend or a parent is asking to hold their marijuana, they could face criminal charges for using a youth to commit a cannabis-related offence. 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. In Québec, strictly, the SQDC is allowed to sell cannabis. Anyone that helps sell or traffic

drugs can be charged with trafficking. If guilty, you will serve time in prison. If you are a minor however, you may be allowed to serve time in a juvenile detention facility.

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?

In this specific case, you would still be charged with possession of narcotics. If you have suspicion that the package might contain something illegal, it's better not to accept to drop it off. 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 even trafficking.

Can I use someone else's prescription drugs?

No, using or selling others' prescription drugs belonging to another person is an offence and is as serious as getting caught with other illegal drugs.

What is a date rape drug?

Date rape drugs are any type of drug or alcohol that make it easier for someone to rape or sexually assault another person. The most common date-rape drug are GHB (gamma-hydroxybutyric), also known as liquid ecstasy, Rohypol or "roofies" as well as Ketamine. Their sedative effects prevent victims from resisting sexual assault.

It is to be noted that giving these drugs to someone is a crime and that sexual assault does not have to occur for an individual to be charged with an offence. More importantly, if you spike someone's drink to increase your chances of sleeping with them, then you have committed a sexual offence because they most likely were unable to give you proper consent while under the influence.

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 paraphernalia include bongs, needles, smoking masks, crack pipes, roach clips, and even how-to guides for making, selling or consuming illegal drugs. Similarly, materials used by drug dealers to help produce or sell drugs are also considered to be drug paraphernalia. While the importation and exportation of drug paraphernalia is prohibited under *The Controlled Drug and Substance Act* (s.462.2), it is not a criminal offence to own it in Canada, unless it is in your possession along with illegal substances.

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

As a citizen or resident of Canada, you have a right to privacy. However, when put in a school

setting, the scope of this protection changes to provide a safe environment for all . In this specific case, school authorities do have the power to conduct a search if they have reasonable grounds to believe that you might be in possession of drugs or alcohol. This can be done without a warrant, which means that school authorities may conduct a search on a student without their consent, but again, they must have reasonable suspicion and evidence that you have violated your school's laws or regulations. 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.

On the other hand, police officers need to have a warrant before they can conduct a search on school property. However, police officers can still conduct a search if reasonable grounds were established prior to conducting the search and if the safety of others is threatened.