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SENTENCING DRUG OFFENDERS

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What's New in this Update:

- **Sentencing Under the Controlled Drugs and Substances Act — Overview — Cannabis Legalization and Regulation.** The possession of certain quantities of cannabis is legal as of October 17, 2018. The *Cannabis Act*, S.C. 2018, c. 16, creates a legal framework for controlling the production, distribution, sale and possession of cannabis across Canada. Newly defined offences will target those acting outside of the legal framework. See Section 1:100.40, “Cannabis Legalization and Regulation”.
- **Sentencing Under the Controlled Drugs and Substances Act — Other Sentencing Principles — Exceptional Circumstances.** The concept of “exceptional circumstances” is a common-law sentencing principle

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that is “nebulous and devoid of a precise definition”. Sometimes it has been used to refer to the type of sentence that is to be imposed absent exceptional circumstances (e.g., imprisonment for drug trafficking) or for serious commercial fraud or theft involving a breach of trust. On other occasions, it has been used to refer to the length of sentence to be imposed absent exceptional circumstances. The practical effect of this sentencing principle is that it acts as a safety valve for the justice system in the “rare case” where the circumstances are “above and beyond the norm”. See Section 1:300.15, “Exceptional Circumstances”.