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**DRUG OFFENCES IN CANADA
FOURTH EDITION**

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What's New in this Update:

The sea-change in drug law continued unabated well into 2019. This update analyzes significant legislative and case law developments that have occurred since our last review during the fall of 2018.

- **Cannabis edibles:** With little fanfare, in December 2018 the federal government published an extensive set of draft regulations intended to govern Canada's approach to cannabis edibles. This is a very controversial area of cannabis law. A 60-day consultation period was set. It is widely expected that the regulations will come into effect during the fall of 2019. These draft regulations are analyzed in the "Emerging Issues Bulletin" at the beginning of this volume, and in c. 2, "The Evolution of Canada's Drug Legislation", at 2:140.

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- **Circular reasoning and post-offence conduct:** The Ontario Court of Appeal has analyzed the dangers of post-offence conduct, and noted that trial judges should explicitly caution the jury against circular reasoning that may lead inappropriately to a conclusion of guilt: c. 4, “Possession”, at 4:80.100.140.
- **Does the *Vetrovec* rule collide with fair trial requirements under the *Charter*?** Emerging case law on this point is analyzed in c. 5, “Trafficking”, at 5:80.80.20.170.
- **Expert evidence in importing cases:** Appellate courts continue to caution the Crown and trial judges about the dangers of allowing police witnesses to suggest that blind couriers do not exist, and that drug couriers know they are involved in illegal activity. In this context, the Ontario Court of Appeal has now given helpful guidance on how trial judges should charge juries in relation to expert evidence. That matter is discussed in c. 8, “Importing/Exporting”, at 8:60.40.40.220.
- **Cross-examination of the expert in drug-impaired driving charges:** The successful defence of a drug-impaired driving charge depends heavily on the effective cross-examination of the Crown’s “DRE” expert. The Ontario Court of Appeal has outlined the pivotal purposes of such cross-examination. Those purposes are examined in c. 11, “Drug-impaired Driving”, at 11:80.60.60.
- **Offence-related Property:** Both the *CDSA* and the *Cannabis Act* regulate “offence-related property”. That typically includes standard tools of the drug trade such as cannabis grow houses, meth labs and a trafficker’s weigh scales. Both statutes contain myriad provisions concerning the seizure, restraint and disposition of this type of property which, in turn, are linked to related provisions in the *Criminal Code*. This is an intensely complex area of the law. Chapter 15 has been totally re-written to provide counsel, judges and law enforcement with a workable and up-to-date blueprint on how this legislative scheme actually functions in practice.