

Five burning questions surrounding marijuana legalization in Canada

By AdvocateDaily.com Staff



Toronto criminal lawyer [Jacob Stilman](#) has a warning for Canadians facing the brave new world of legal marijuana — having a financial interest in Canada’s cannabis industry is enough to prevent you from entering the United States.

“Best to sell your Canopy stock before you head down for that next Buffalo Bills game,” Stilman, partner with [Lo Greco Stilman LLP](#), writes in [The Lawyer’s Daily](#).

In the article, Stilman answers five burning questions, covering “the legal implications and consequences of marijuana consumption.”

The questions are:

- If I go on a road trip to the U.S. and the nosy customs and border control agent asks me if I have been taking full advantage of our new permissive laws, what should I say?
- I went for a smoke break at work yesterday, lit up a joint and promptly got fired from my job. What’s going on? I thought weed was legal.
- I’ve been growing great weed for years and want to get into the business. Why can’t I produce my own product for sale?
- I smoked a joint last night and started to drive home. I was stopped by the cops, and arrested and charged with impaired driving. How can this be?
- How are the cops going to know that I’m driving high?

While professional ethics prevent lawyers from advising anyone to lie to border guards, Stilman says admitting to smoking marijuana is enough to get you banned permanently from the U.S.

“Every practising lawyer knows either anecdotally or directly of cases where persons with weed possession convictions from their distant past encounter difficulties at the border well into adulthood,” Stilman writes in the online publication. “It’s even worse than merely admitting that you have smoked dope at some point in your life.”

For those contemplating getting high at work, Stilman cautions that there is a distinction between what’s legal and appropriate employee standards.

“Think of it this way: if you are a heavy machinery operator and you pounded back four bottles of beer during your lunch break, would your boss have a case to fire you? Most likely yes,” he writes.

“Legitimate workplace safety policy operates separately from the criminal law, and practices which are legal from the criminal law perspective may still contravene your terms of employment.”

Stilman also has advice for anyone thinking of making the leap from home to commercial grower. He writes there are several hurdles one must clear under the *Cannabis Act*, including applications, background checks and assuring “proper security and product safety controls” are met.

“All cannabis which is produced from commercial grow-ops is to be tracked so that the supply chain is monitored for the purposes of revenue generation, distribution control and quality and health control,” he says.

“A principle objective of the new regime is to replace the criminal element which has run the cannabis industry and derived the exclusive benefits of it, with an accountable and regulated corporate model.”

Stilman says an increase in stoned driver cases is likely to be one of the largest challenges with legalization.

While it has always been illegal to drive impaired, be it by booze, illegal drugs or prescriptions, the federal government has changed Criminal Code provisions “to specifically address road safety concerns arising from the *Cannabis Act*.”

“How to deal with what is likely to be an epidemic of impaired-by-cannabis driving incidents is one of the most confounding problems under the new regime,” he says.

Stilman further writes in *The Lawyer’s Daily* that detection and enforcement by police are “going to prove very controversial.”

“The problem is that cannabis consumption supplies far fewer cues to the outside observer than does alcohol consumption,” he says.

“Police may end up resorting to the vaguest of hunches to justify the detention or investigation of motorists or use their powers of investigation simply as a pretext to conduct otherwise unwarranted searches of vehicles and their occupants.”