



Proposed legislation transfers grass and hash to FDA

Ottawa - A bill which would transfer cannabis (marijuana and hashish) from the Narcotic Control Act to the Food and Drugs Act was introduced late in 1974.

The bill would not legalize the possession or distribution of cannabis. Possession would still be an offence, and there would still be severe penalties for the distribution of cannabis.

A variety of other illicit substances, such as LSD and MDA, are already controlled by the Food and Drugs Act which provides penalties for their possession and distribution. The presence of cannabis in this Act would therefore be both logical and consistent.

The bill would lessen the impact of the law for the offence of possession, and provide the courts greater flexibility in the application of the law regarding cannabis in general.

Specific changes to the law, if the bill is approved by Parliament, would see:

1. The introduction of a choice of ways to proceed in trying most cannabis offences.

At the present time, all offences except for possession result in criminal proceedings by indictment. In the case of simple possession, a choice between summary conviction and indictment exists. Under the new law, prosecutors would have the choice of proceeding by summary conviction or indictment for all offences except in the case of simple possession, where the only method open to the prosecutor would be summary conviction.

Summary conviction proceedings generally carry with them less severe sentences and shorter periods before pardon can be applied for, than do criminal indictment proceedings.

2. No jail sentences for simple possession of cannabis except in default of payment of fine.

At the present time, persons convicted by

indictment can receive up to seven years imprisonment. Persons convicted by summary conviction can be sentenced to a fine of up to \$1,000 or imprisonment for six months, or both for a first offence. Summary conviction for a second or subsequent offence results in a fine of up to \$2,000 or imprisonment for one year, or both.

Under the new bill, prosecutors would proceed by way of summary conviction only. The penalty upon summary conviction of simple possession would be a fine of up to \$500 for a first offence, or a fine of up to \$1,000 for a subsequent offence. In default of paying the fine, a person convicted for the first time of simple possession would receive a jail sentence of up to three months, and six months if it were a subsequent offence.

3. Reduction of the maximum penalty of life imprisonment for trafficking and possession for the purpose of trafficking.

Under the Narcotic Control Act, there are no summary proceedings for the offence of trafficking and possession for the purpose of trafficking, and conviction upon indictment results in imprisonment, the maximum sentence being life.

Under the proposed new section of the Food and Drugs Act (Part V) summary conviction of trafficking or possession for the purpose of trafficking would result in a fine of up to \$1,000 or imprisonment for up to 18 months, or both. Conviction upon indictment would carry the penalty of imprisonment for up to 10 years.

4. Removal of the mandatory minimum prison sentence for importing or exporting of cannabis where the convicted person can prove that he imported or exported for his own consumption only.

Under current legislation, no summary proceedings are allowed for importing. Conviction of importing or

exporting under indictment carries a prison sentence - a mandatory minimum of seven years and a maximum of life.

Under the new bill, all convictions would still carry prison sentences. However, under summary conviction the penalty would be imprisonment for up to two years. Conviction upon indictment would result in imprisonment of not less than three years and not more than 14 years.

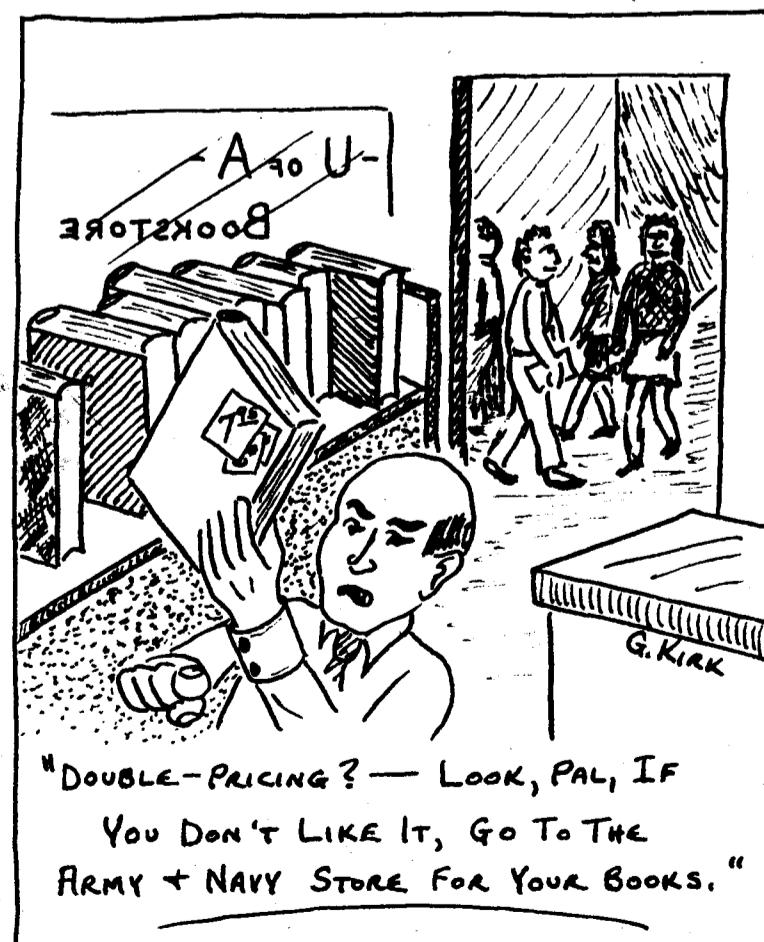
The three-year minimum sentence would not apply, however, where the convicted person could prove that he imported or exported the cannabis for his own consumption only.

5. Choice of fine, imprisonment, or both in the sentencing of persons convicted of cultivation of cannabis.

At the present time, conviction of cultivation results

in a prison sentence of up to seven years. Under this bill, summary conviction of cultivation would carry a penalty of a fine of up to \$1,000 or imprisonment for up to 18 months, or both. Conviction upon indictment would result in imprisonment for up to 10 years.

The proposed legislation is designed to continue to prohibit the availability and use of cannabis while at the same time giving the penal court system more flexibility in relating the sentences to the seriousness of the offence committed. Severe maximum penalties would remain in the law in order to respond to organized crime activities of importing, trafficking and cultivation for financial gain - activities which increase availability and lead to increased use.



EDITORIAL, from page 4

revenues to the tune of about \$300 an issue in increased national advertising.

Presently, *Gateway's* advertising content is 95% local with only a few national ads. Youthstream could equalize this imbalance.

Again, financially we could begin realizing this revenue almost immediately.

In addition, as we would be only prospective members (having no voting rights), our fees are only \$100. The prospective membership status would last until next Christmas when *Gateway* could be considered for full membership.

Full membership would cost \$775.00 next year and \$1550 for the first full term (76-77).

Gateway's interests are not all financial, though. Right now we lack proper contact and exchange with other campuses across Canada. I believe the U of A population would like to know what is happening on issues similar to ours, from other campuses.

We (*Gateway* and the readership) would benefit from a teletype network that operates throughout Canada, giving us immediate coverage of important university events immediately.

I think its worth it.
Greg Neiman

Gateway

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