



Marijuana Legalization and International Travel

On October 17th, 2018 the Canadian federal government will legalize cannabis in Canada. While employers continue to ramp up drug and alcohol policies for managing personnel, there remains growing concern from the group travel industry regarding the customers knowledge and awareness of cannabis regulations, particularly when crossing the Canada-US border.

While cannabis will be legal in Canada, it remains an illegal substance at the federal level in the United States. What this means to Canadians is that under no circumstances can an individual attempt to cross the border with cannabis or cannabis containing products. Even if crossing from Canada into a US state where cannabis is legal, or decriminalized, it is still illegal to cross the border with cannabis. In fact, attempting to cross the border with cannabis can lead to lifetime ban from entering the US, along with serious criminal penalties. Previous use of cannabis can also result in the same inadmissible designation. This holds true even for those with prescription-use marijuana. Any involvement in the legal cannabis industry in Canada, including being a “shareholder”, can also deem a person inadmissible for life. Once deemed inadmissible, the only option to seek admissibility to the US, in the future, is to apply for waivers which can be costly and time consuming.

Canada also will continue to prohibit the importation of cannabis, so those entering Canada, including Canadian citizens with or without a prescription, are not legally able to bring cannabis with them and attempting to do so may result in serious criminal penalties

Failing to declare cannabis products when you enter Canada, or the US can result in enforcement action, including arrest and prosecution.

Citizens of the United States are also not permitted to transport cannabis across the border. While a US citizen cannot be deemed inadmissible to the US, a US citizen may face criminal charges and other penalties.

Len Saunders, an American Immigration lawyer was recently quoted in the Globe and Mail stating “Not every officer asks this question,” he said in Ottawa. “It’s discretionary. But if you’re asked this question, I’ve always told clients you’re under no obligation to say yes. It’s not a question that is required to be answered at a port of entry,” he added. “You’re not lying if you say nothing.”¹

More information on the legalization of cannabis and international travel can be found on the Government of Canada’s website using the links provided below.

References:

- ¹<https://globalnews.ca/news/4093248/why-telling-a-u-s-border-guard-youve-smoked-pot-could-be-dangerous-even-once-its-legalized/>
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