



The Supreme Court of Canada will decide whether Quebec’s ban on growing cannabis plants for personal use is constitutional.

In 2019, Janick Murray-Hall challenged Quebec’s ban on owning and growing cannabis plants for personal use. Mr. Murray-Hall claims the Quebec law is unconstitutional and contradicts the federal cannabis law. He is arguing the case on behalf of everyone in that province who might be fined for owning and growing cannabis plants.

The law

In 2018, the federal government enacted a law about cannabis. It says people cannot own or grow more than four cannabis plants at home. Provinces and territories then enacted their own laws to regulate practical issues such as how cannabis can be sold and stored. In Quebec, the government enacted a law banning people from owning and growing cannabis plants for personal use. If caught, people could be fined between \$250 and \$750.

The lower courts

Mr. Murray-Hall brought his case to Quebec’s Superior Court. He argued that the Quebec government did not have the authority to ban cannabis plants. He said that only the federal government has that power as a matter of criminal law, which is federal jurisdiction under section 91(27) of Canada’s Constitution. Alternatively, Mr. Murray-Hall argued the Quebec ban should be declared of no force or effect because the federal law should prevail over the provincial law.

The judge agreed and declared the Quebec ban unconstitutional. The Attorney General of Quebec appealed that decision on behalf of the province.

The Court of Appeal of Quebec disagreed and ruled the ban was constitutional, because it pertains to matters of provincial jurisdiction under two other sections of the Constitution: section 92(13), which allows provinces to make laws related to property and civil rights; and section 92(16), which permits them to make laws of a local or private nature within a province. That outcome meant Quebecers could not own or grow cannabis plants.

Questions for the Supreme Court

The Supreme Court will decide whether Quebec’s ban on growing cannabis plants for personal use is constitutional. The case also raises important legal questions for the entire country, such as whether these federal and provincial laws are compatible with one another, or whether one prevails.

Impact and Interveners

This decision could affect cannabis laws in other provinces. For this reason, the provincial attorneys general can intervene in this case. However, any other interested people or groups must apply to the Court to become interveners. Interveners provide context on the legal questions, although the case does not affect them directly. They submit their arguments in writing. Some are also allowed to make their arguments at the hearing. Interveners offer judges different perspectives to consider when making their decisions.

More information (case # 39906): [Case information](#) | [Factums](#) (written arguments from both sides)

Lower court rulings: [trial](#) (Quebec Superior Court) | [appeal](#) (Quebec Court of Appeal – in French only)

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