



## MINUTES OF PROCEEDINGS

OTTAWA, Thursday, February 5, 2026  
(23)

[English]

The Standing Senate Committee on Legal and Constitutional Affairs met this day at 10:30 a.m., in room B30, Senate of Canada Building, the chair, the Honourable David M. Arnot, presiding.

*Members of the committee present:* The Honourable Senators Arnot, Batters, Clement, Dhillon, Gerba, Miville-Dechêne, Oudar, Pate, Prosper, Saint-Germain, Simons and Tannas (12).

*Participating in the meeting:* Dana Phillips, Analyst, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, June 12, 2025, the committee continued its consideration of Bill S-209, An Act to restrict young persons' online access to pornographic material.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-209.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

It was agreed that clause 1, which contains the short title, stand postponed.

The chair asked whether clause 2 shall carry.

The Honourable Senator Simons moved that Bill S-209 be amended, in clause 2, on page 2, by replacing the following:

(a) by replacing line 13 with the following:

“pornographic material means, with the exception of the material referred to in the definition of child sexual abuse and exploitation material in paragraph 163.1(1)(a) of the Criminal Code, any photographic, film,”;

(b) by replacing lines 15 to 20 with the following:

“was made by electronic or mechanical means, that

(a) shows the genital organs or anal region of a person engaged or depicted as engaged in explicit sexual activity; and

(b) is intended to cause sexual excitement. (*matériel pornographique*)”.

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 2, as amended, carry.

It was agreed that clause 3 carry.

It was agreed that clause 4 carry.

It was agreed that clause 5 carry.

The chair asked whether clause 6 shall carry.

The Honourable Senator Miville-Dechéne moved that Bill S-209 be amended, in clause 6, on page 3, by replacing line 21 with the following:

“organization that incidentally pro-”.

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 6, as amended, carry.

It was agreed that clause 7 carry.

It was agreed that clause 8 carry.

The chair asked whether clause 9 shall carry.

The Honourable Senator Saint-Germain moved that Bill S-209 be amended, in clause 9, on page 4, by replacing line 31 with the following:

“(e.1) any appropriate information in relation to a system of administrative monetary penalties made by regulation under paragraph 12(1)(c); and”.

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 9, as amended, carry, on division.

The chair asked whether clause 10 shall carry.

The Honourable Senator Miville-Dechéne moved that Bill S-209 be amended, in clause 10, on page 5, by deleting lines 31 to 42.

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 10, as amended, carry.

The chair asked whether clause 11 shall carry.

The Honourable Senator Arnot moved that Bill S-209 be amended, on page 6, by adding the following after line 12:

**“National Strategy**

**11.1 (1)** The Minister must, in consultation with provincial government representatives responsible for health and with Indigenous groups and relevant stakeholders, develop a national strategy for the protection of young persons from the harmful effects of the exposure to pornographic material.

**(2)** The strategy must, among other things, include measures to

**(a)** provide trauma-informed counselling to and mental health supports for young persons who have been exposed to pornographic material;

**(b)** promote public awareness campaigns on the harmful effects pornographic material has on young persons; and

**(c)** develop, publish and maintain online resources providing current facts, research and best practices relating to the protection of young persons from the exposure to pornographic material.”.

After debate, the question being put on the motion in amendment that new clause 11.1 carry, it was negatived.

It was agreed that clause 11 carry.

The chair asked whether clause 12 shall carry.

The Honourable Senator Miville-Dechêne moved that Bill S-209 be amended, in clause 12, on page 6, by replacing lines 17 to 20 with the following:

“graphic material made available free of charge is not to be regarded as made”.

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Saint-Germain moved that Bill S-209 be amended, in clause 12,

(a) on page 6,

(i) by replacing line 21 with the following:

“available for commercial purposes;”,

(ii) by replacing line 23 with the following:

“tion methods referred to in subsection 7(1); and

(c) designating as a violation the failure of an organization that receives a notice under subsection 9(1) to take the steps referred to in paragraph 9(2)(c) within the period set out in paragraph 9(2)(d), establishing a system of administrative monetary penalties applicable to those violations and setting a range of amounts for those penalties.”;

(b) on page 7, by adding the following after line 9:

“(3) In establishing the system of administrative monetary penalties referred to in paragraph (1)(c), the Governor in Council must ensure that any representation made pursuant to paragraph 9(2)(f) is taken into consideration when determining if an organization has committed a violation and in determining the amount of the penalty.”.

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Miville-Dechéne moved that Bill S-209 be amended, in clause 12, on page 6, by replacing lines 35 and 36 with the following:

“age-verification or age-estimation purposes;”.

After debate, the question being put on the motion in amendment, it was adopted.

The Honourable Senator Saint-Germain moved that Bill S-209 be amended, on page 7, by adding the following after line 9:

**“Cost of Administering the Act**

**12.1** Within one year after the day on which this Act comes into force, the Minister must cause to be tabled in each House of Parliament a report that includes

(a) a proposed framework to ensure that the cost of administering this Act is fully borne by the organizations that make pornographic material available on the Internet in Canada; and

(b) any necessary legislative changes required to implement such a framework.”.

After debate, it was moved that the motion in amendment be amended by replacing “the cost” with “any cost”.

After debate, the question being put on the subamendment, it was negatived.

The question being put on the motion in amendment, it was negatived.

It was agreed that clause 12, as amended, carry.

The chair asked whether clause 13 shall carry.

After debate, clause 13 was negatived.

The chair asked whether clause 14 shall carry.

The Honourable Senator Miville-Dechéne moved that Bill S-209 be amended, in clause 14, on page 7, by replacing lines 26 and 27 with the following:

**“14 This Act comes into force on a day to be fixed by order of the Governor in Council.”.**

After debate, the question being put on the motion in amendment, it was adopted.

It was agreed that clause 14, as amended, carry.

It was agreed that clause 1, which contains the short title, carry.

It was agreed that the preamble carry.

It was agreed that the title carry.

It was agreed that the bill carry, as amended, on division.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical or other required non-substantive changes resulting from the amendments adopted by the committee, in both official languages, including updating cross-references and renumbering of provisions.

The committee discussed observations.

At 12:39 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Vincent Labrosse

*Clerk of the Committee*