NEW WESTMINSTER

PUBLIC HEARING

6:00 pm on February 19, 2018
in Council Chambers
City Hall, 511 Royal Avenue
New Westminster, BC V3L 1H9

Zoning Amendment Bylaw (Retail of Cannabis) No. 7966, 2018

WHAT IS THE ZONING AMENDMENT BYLAW ABOUT?

In response to the pending enactment of the Federal Cannabis Act, Council has directed staff to prepare a regulatory framework, including permitting the retail sale of cannabis and production or distribution facilities for non-medical cannabis. The proposed Zoning Amendment Bylaw being considered at this Public Hearing would provide clarification that the retail sale of cannabis continues not to be a permitted use until the required Federal legislation has been enacted and City Bylaws have been adopted permitting these uses.

The amending bylaw would also update references within the Zoning Bylaw from the Marihuana for Medical Purposes Regulations (MMPR) to the updated Access to Cannabis for Medical Purposes Regulations (ACMPR); and would update references within the Zoning Bylaw from 'marihuana' to 'cannabis' to match wording in proposed Federal and Provincial regulations and documents.

HOW DO I GET MORE INFORMATION?

The bylaw and all pertinent material are available for viewing online at www.newwestcity.ca/publicnotices, and also in the Planning Division at City Hall 10 business days prior to the Public Hearing, February 2 to February 19, 2018. City Hall hours are Monday between 8:00 am and 7:00 pm, Tuesday through Friday between 8:00am and 5:00pm (except statutory holidays).

HOW CAN I BE HEARD?

Speakers are requested to register individually in advance, beginning at 8:00 am on February 2, 2018 and continuing until 5:45 pm on February 19, 2018. Beginning at 8:00 am on February 2, please register by e-mailing clerks@newwestcity.ca or by calling 604-527-4523. All persons present at the Public Hearing will be permitted to address Mayor and Council. Registered speakers will receive priority and be called to speak in the order that the registrations were received.

QUESTIONS AND COMMENTS?

Written submissions addressed to Mayor and Council may be sent prior to the closing of the Public Hearing.

Email: clerks@newwestcity.ca
Phone: 604-527-4523
Post: Legislative Services Department
511 Royal Avenue
New Westminster, BC V3L 1H9

Further information regarding this Public Hearing can be found at www.newwestcity.ca/publicnotices.

Jacque Killawee, Acting City Clerk

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Please note that the City of New Westminster deems any response to this notification to be public information. If you have a financial interesting in the land subject to this Public Hearing and have contracted to sell or lease all or part of your property to any person, firm or corporation, we strongly urge you to deliver this courtesy notification, as soon as possible, to the prospective buyer or tenant.

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Corporation of the City of
NEW WESTMINSTER

There is no Report with this Item.
Please see Attachment(s).

CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING AMENDMENT BYLAW (RETAIL OF CANNABIS)
NO. 7966, 2018

ADOPTED _____

A Bylaw to Amend Zoning Bylaw No. 6680, 2001.

The Municipal Council of the City of New Westminster, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Retail Sale of Cannabis) No. 7966, 2018".

2. Zoning Bylaw No. 6680, 2001 is hereby amended as follows:

(a) Inserting the following as section 120.159.3

"RETAIL SALE OF CANNABIS means the use of a site for the sale or distribution of cannabis, including for medical purposes, in any form but excludes a *medical cannabis production facility*."

(b) Replacing section 120.132.1 with

"MEDICAL CANNABIS PRODUCTION FACILITY means a facility providing for the production, storage, processing and distribution of cannabis; does not include the retail sale of cannabis; and for which Health Canada has issued a license under Access to Cannabis for Medical Purposes Regulations (ACMPR), SOR 2016-230, as amended from time to time."

(c) Replacing section 720.21.1 with:

"Medical Cannabis Production Facility provided that:

(a) All operations related to the production, storage and processing of medical cannabis must occur within a completely enclosed building; and

(b) the site on which the *Medical Cannabis Production Facility* is located must be at least 60.9 metres (200 feet) from any site used for a school or for any residential use."

(d) Inserting the following as section 680.12.1:

"Retail Sale of Cannabis;"

GIVEN FIRST READING this 29th day of January, 2018.

GIVEN SECOND READING this 29th day of January, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

GIVEN THIRD READING this _____ day of _____, 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____, 2018.

_____
MAYOR

_____
CITY CLERK

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Corporation of the City of
NEW WESTMINSTER

There is no Report with this Item.
Please see Attachment(s).

Minutes Extract: Zoning Amendment Bylaw No. 7966, 2018 regarding the Retail Sale of Cannabis

R-2 Open Workshop, October 30, 2017, Report

2. **BC Cannabis Regulation - Online Feedback Form**, Acting Director of Development Services

a. Report

b. Presentation

Jackie Teed, Acting Director of Development Services, advised that in 2018, non-medical use of cannabis is expected to be legalized by the Federal government, and that a survey has been issued by the Province for municipalities to provide feedback.

Kim Deighton, Manager of Licensing and Integrated Services, commented that there is currently a lot of uncertainty, with the Provincial framework unknown at this point.

Council's response and discussions on the following survey questions:

Question 1: How strongly does your organization support the legalization of cannabis?

N/A because this is not a decision that Council can influence, this is a Federal decision.

Question 2: Setting the minimum age to possess, purchase and consume cannabis in B.C. to 19:

- 19 would be consistent with current age limits for consumption of alcohol;
- Not known at this time are: health impact for different ages; how age limits affect the criminality aspect; how the Federal government intends to address the black market from a legal and health perspective;
- Concerned that previously illegitimate sources could become legitimate.

Deputy Police Chief Dave Jansen noted that health professionals have recommended consistency with existing policies, with age 19 as the minimum age, and that education would be the most important factor, as fines may not be effective.

Question 3: Do you support the proposed federal 30g possession limit?

- The limit may not be relevant as possession for the purpose of selling is illegal, and there are currently no similar limits on alcohol and other medication;
- Need to distinguish between medical/prescription and recreational use;
- Council expressed support for the 30g limit.

Ms. Deighton noted that the limit would be in place province-wide, and not on a city by city basis.

Deputy Chief Jansen suggested that the challenge would be enforcement, including funding for enforcement. The Police Department has no position on the specific quantity.

MOVED and SECONDED

THAT the City "strongly support" the federal 30g possession limit.

DEFEATED.

Councillor Johnstone, McEvoy, and Trentadue voted in opposition.

Question 4a: Adult usage of non-medical cannabis in some spaces outside homes – Somewhat Agree

- Parallel regulations with alcohol consumption and cigarette smoking;

Question 4b: Limitations on public consumption of non-medical cannabis should be the same for any form of cannabis

– Somewhat Disagree

- Council noted potential difficulties in enforcing edible consumption;

Question 4c: Public smoking of non-medical cannabis should be allowed where tobacco smoking is currently allowed – Neither Agree nor Disagree

Question 4d: B.C. should consider establishing licensed establishments

– Neither Agree nor Disagree

- Council suggested that should be permissible locations for consumption if it is being legalized, otherwise high restriction defeats the purpose of legalization. It will need to be first determined whether to regulate consumption like alcohol or like smoking.

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Ms. Deighton suggested that most Provinces may be taking a "wait and see" approach.

Question 5a: Do you think the legalization of non-medical cannabis will result in increased problems with cannabis-impaired driving in B.C.?

– Strongly Agree

- Council suggested that feedback from Washington State and Colorado could help;
- Rely on measurable facts and not opinion;
- Should be dealt with the same way as alcohol, including with public education.

Question 5b: Do you think the proposed Criminal Code penalties for drug-impaired driving are sufficient, or should B.C. consider additional actions to deter drug-impaired driving?

– Yes. The proposed Criminal Code penalties for drug impaired driving are adequate.

Question 5c: Level of agreement with actions to reduce drug-impaired driving

– Strongly Agree

- Youth are more likely to drive impaired from drugs than alcohol; need greater public education campaign; (DAVE: standard field sobriety test – officer training as a major component with cost) Questions around Zero Tolerance;

Question 6: Additional restrictions on where and how non-medical cannabis can be grown for personal use at home

– Strongly Agree

- Council expressed concerned about safety and fire hazards.

Fire Chief Tim Armstrong acknowledged that the fire risk exists, and that employees working under the influence are also a concern.

Ms. Deighton noted children having access as an additional concern, and suggested that legalization could mitigate some fire risk issues.

Question 7a: Who should be responsible for distributing non-medical cannabis products?

– Government operated distribution organization.

- Council suggested that government operated distribution could be an issue in remote areas; However, distribution should parallel the alcohol model where possible, and that there should be oversight of potency levels. Private distributors could be controlled, but it is not currently known as to who will be responsible.

Question 7b: Where should non-medical cannabis be sold?
– Mixed of government and private retail stores
- More information and discussion needed on retail component and what this could look like.

Ms. Deighton suggested that liquor and cannabis would not be sold within the same retail store fronts.

Question 7c: Support selling non-medical cannabis in liquor stores?

– Neither Support nor Oppose

- Supports selling in stores that are already regulated; there should be separate sales streams so as to not encourage consumption of both concurrently.
-

Question 7d: If sold in retail stores, which requirements should be considered for regulating retail regardless of who operates the stores?
– Support Staff Recommendation.

Council directed staff to complete the Provincial questionnaire as directed by Council.

R-2 Open Workshop, January 29, 2017, Report

1. Cannabis Workshop: Implementation of Cannabis Legislation, Acting Director of Development Services

Jackie Teed, Acting Director of Development Services, summarized the staff report dated January 29, 2018, noting that the proposed cannabis regulation framework accounts for the different approaches that the province could take; staff is seeking Council's endorsement of the draft framework for the purposes of public consultation.

Kim Deighton, Manager of Licensing and Integrated Services, reviewed the features of the Federal Cannabis Act and Provincial jurisdiction under the Act, noting that the minimum age to possess, purchase and consume non-medical cannabis has been set at 19.

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Draft regulatory framework for cannabis regulation:

1. Land use regulations for retail and consumption;

Council noted the following:

- Requiring a rezoning process to sell a product which will be legal may be problematic, as it could create barriers and put additional work on staff;
- Municipal approach to retail regulation should project to what the retail scene may be like in five years, as corporations could make significant investments into this retail sector;
- Regulations for private liquor stores have worked well in the city; outlets have fit well into retail districts.

In response to questions from Council, Ms. Teed and Mike Watson, Planner, noted the following:

- The timeline for rezoning applications would be similar to most rezoning applications processed by the City, with community/public consultation, a presentation to the Residents' Association, and final consideration by Council after a public hearing;
- Guidelines would form a key piece of the regulatory framework; staff would bring draft guidelines for Council endorsement and then to community consultation; a research phase is needed to develop the guidelines;
- As cannabis is currently not lawful to sell, the list of permitted properties will initially contain no properties;
- Further information from the Province is expected in the Spring;
- The timing of the enactment of the Cannabis Act could result in a small gap between enactment of Provincial regulations and legalization; the City is working ahead to mitigate the gap in regulation;
- Cannabis would continue to be a controlled substance under the Cannabis Act; using the same regulations as for the control of liquor distribution could be an effective approach for cannabis;
- Medical access would still be available; it is currently not known if these will be available in retail locations;
- The City aims to set retail regulations ahead of time to direct businesses to specific areas.

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MOVED and SECONDED

THAT Council support the following approach to land use regulations for cannabis retail and consumption for the purposes of public consultation.

- *Land use regulations consistent with the City's current method used for the retail sale of liquor. For this approach a list of properties permitting retail sale and consumption establishments would be included within the Zoning Bylaw;*
- *Rezoning applications would be required to add a property to this list; and*

CARRIED.

All members of Council present voted in favour of the motion.

2. Non-Medical Cannabis Production Facilities

Mr. Watson noted that non-medical cannabis production facilities would have the same regulations as for medical cannabis production; additions to the regulations could be made depending on federal and licensing requirements.

In response to questions from Council, Mr. Watson noted the following:

- Distribution centres would fit under the Heavy Industrial (M-2) districts that production facilities would also fall under;
- There are M-2 zoned properties currently in the Sapperton industrial area as well as in Queensborough;
- Through medical regulations, production and distribution facilities would have similar security requirements as other M-2 facilities; and
- Staff would touch base with Metro Vancouver regarding air quality measurements;

Ms. Teed noted that an operation of this scale would likely be a provincial distribution operation.

Council noted the history of liquor distributors in the City, and suggested that strict quality control and security requirements would be necessary for warehouses and distribution operations. Council also suggested that staff could investigate the viability of Light Industrial (M-1) districts for this purpose.

MOVED and SECONDED

THAT Council support the following approach with regards to non-medical cannabis production facilities for the purposes of public consultation:

- *Non-medical cannabis production facilities permitted within Heavy Industrial Districts (M-2) with the same Zoning Bylaw conditions as medical cannabis production facilities:*
  - *must occur within a completely enclosed building; and*
  - *must be located at least 60.9 meters (200 feet) from any site used for a school or for any residential use.*
- *Additional conditions may need to be considered depending on the Federal requirements which may be included in the future; and*

THAT staff evaluate the feasibility of Light Industrial Districts (M-1) for non-medical cannabis production facilities and report back to Council.

CARRIED.

All members of Council present voted in favour of the motion.

3. Business License Regulations

Ms. Deighton noted that the City's approach would mirror what is currently in place for beer and wine stores, and that training and education materials are being developed by senior levels of government.

Ms. Teed noted that the Province has not advised as to whether criminal legislation would change with regards to driving while under influence.

Police Chief Dave Jones advised that under the Criminal Code, impairment includes both drugs and alcohol; no "legal" limit has been set for marijuana, and that scientifically and legally upholding drug-impaired DUI could be a challenge and could take time.

Council expressed concerns regarding restrictions on paraphernalia sale, suggesting that the bylaw could be susceptible to challenge after legalization. Council suggested removing conflicting elements within the bylaw, or elements that would likely be challenged.

Ms. Deighton noted the goal of limiting paraphernalia retail to specialty stores is to limit access to youth.

Ms. Teed suggested that the restrictions could be more specific to permit cannabis-specific paraphernalia to be sold, but not items for other unlawful drug use.

Chief Jones noted that some paraphernalia could be used to multiple types of drugs, thus making it difficult to evaluate and define cannabis-specific paraphernalia.

Council noted the following:

- Concealing of tobacco products in retail is to discourage youth consumption;
- The Provincial government should enact cannabis regulations similar to the selling of tobacco products;
- If the bylaw is challenged, seek guidance from senior levels of government; and
- Educational programs could be more successful than restrictions through regulations.

MOVED and SECONDED

THAT Council support the following approach with regards to business licence regulations for the purposes of public consultation:

- *That business license regulations for the retail sale of non-medical cannabis be established similar to the regulations currently in place for liquor sales.*

CARRIED.

All members of Council present voted in favour of the motion.

4. Public Consumption – Smoking Control Regulations

Council expressed a preference for Provincial regulations which are consistent across all of BC.

Ms. Teed noted edibles would be available for legal sale, with Chief Jones suggesting that the risk regarding edibles is improper labelling, and edibles that resemble other types of food items.

Regarding consumption through smoking, Ms. Deighton noted that New Westminster currently has more stringent proximity requirements at 7.5 meters, where the Provincial requirement is 6 meters. The City could advocate for a Provincially consistent regulatory approach at 7.5 meters.

MOVED and SECONDED

THAT Council support the following approach with regards to public consumption of cannabis for the purposes of public consultation:

- *Maintain existing smoking control regulations and apply them to cannabis;*
- *Update smoking control regulations to apply to vaping of all products, including cannabis.*

CARRIED.

MOVED and SECONDED

THAT staff develop a resolution advocating for a provincially consistent approach to public consumption regulations for cannabis, and that, upon Council's approval, the resolution be forwarded to UBCM and LMLGA for consideration.

CARRIED.

All members of Council present voted in favour of the motion.

5. Personal Cultivation

Council expressed concerns regarding safety issues.

Chief Jones noted the following:

- There are safety and health risks associated with indoor hydroponic growth; there may be less risk with organic growing;
- Health issues include mould as a result of high humidity;
- Enforcement on a complaint-based or discretionary basis;
- Would solicit advice from the Fire Chief on whether further regulations would be required;

Council noted that clarity is needed on potential gaps between cannabis regulations and the Residential Tenancy Act and Strata Act, and potential impact to multi-family residential units.

MOVED and SECONDED

THAT Council supports the following approach with regards to personal cultivation of cannabis for the purposes of public consultation:

- *No additional restrictions for personal cannabis cultivation above those which would be put in place through Federal or Provincial regulations.*

CARRIED.

All members of Council present voted in favour of the motion.

B. Interim Zoning Bylaw Amendment

Ms. Teed noted that the following:

- The Zoning Bylaw currently does not address or regulate the sale of cannabis and where it can occur, as cannabis is currently not legal.
- At this time, the City's Bylaw Enforcement work with Police to shut down any open retail outlets selling cannabis products; and
- There are concerns regarding the regulation gap due to the short time frame between legalization and when regulations would be in place.

Council expressed concerns that the interim bylaw may send the wrong message to the community, and that business licensing is currently used as a tool to regulate retail shops.

Chief Jones noted that the interim bylaw is not a new approach, and that it would extend the City's legal protection until the regulatory framework is in place. The City aims to avoid future enforcement issues that could become lengthy civil litigation matters.

Ms. Teed further noted the following:

- An external consultant would be engaged for public consultation work, including an online survey and a townhall-style meeting with Council to receive feedback on the proposed framework;
- The intention is to have the consultation and draft framework completed by July 1; the final bylaw steps would follow;
- Province regulations are expected around late May or early June; staff would continue with consultation work in the interim; and
- A September public hearing is the target, as the City's practice is not to hold public hearings during the summer.

Council noted the following:

- The interim bylaw is important to assist with interim enforcement measures;
- The public hearing timeline is concerning, as the industry could be ready sooner and it could be important for economic development in the City.

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MOVED and SECONDED

THAT the draft framework for the regulation of cannabis be presented to Council in early Fall.

CARRIED.

All members of Council present voted in favour of the motion.

MOVED and SECONDED

THAT Council consider first and second readings to Zoning Amendment Bylaw No. 7966, 2018 and forward the bylaw to Public Hearing on February 19, 2018.

CARRIED.

Councillors Harper and McEvoy voted in opposition.

Staff noted that the next steps would be to engage specific stakeholders, as well as drafting guidelines for rezoning applications.

Corporation of the City of
NEW WESTMINSTER

REPORT
Development Services

To:	Mayor Coté and Members of Council in Open Council Workshop	**Date**:	10/30/2017
From:	Jackie Teed Acting Director of Development Services	**File**:	01.0170.20
		Item #:	467/2017

Subject: **BC Cannabis Regulation: On-Line Feedback**

RECOMMENDATION

THAT *Council provide staff with responses to the survey during the workshop session.*

EXECUTIVE SUMMARY

The Government of Canada intends to bring the proposed *Cannabis Act* into force no later than July 2018. The Act will make the production, sale and possession of non-medical cannabis legal across Canada, subject to restrictions. Provinces and Territories will have authority to regulate certain aspects like distribution, retail and a range of other matters, as they do for tobacco and liquor. Municipalities will have authority to further regulate certain aspects like retail (through land use and business licensing regulations) and public use (through smoking regulations).

The Province is seeking input regarding the areas under their authority and has created an online survey to gather the opinions of stakeholders. The B.C. Cannabis Regulation – Online Feedback Form provides Council with an opportunity to speak collectively to represent the interests of New Westminster. Staff will present this online form in the Council workshop for feedback towards providing the Province with the City's response.

PURPOSE

The purpose of this report is to provide Council with information to assist in the completion of the B.C. Cannabis Regulation - Online Feedback Form (Attachment A).

POLICY AND REGULATIONS

Current Federal Cannabis Regulations

Cannabis (marijuana) remains a Schedule II drug under the Controlled Drug and Substances Act under which producing, possessing and distributing cannabis for non-medical purposes is currently illegal everywhere in Canada.

Production, possession and distribution of cannabis for medical purposes is regulated under the Access to Cannabis for Medical Purposes Regulations.

Storefront operations selling cannabis (either for medical or non-medical purposes), commonly known as "dispensaries" and "compassion clubs" are not licensed by Health Canada under the current law and are currently illegal.

Zoning Bylaw No. 6680, 2001

Section 720.21.1 permits Medical Marihuana Production Facilities in Heavy Industrial (M-2) zones provided that: (a) all operations related to the production, storage and processing of medical marihuana must occur with a completely enclosed building; and (b) the site on which the Medical Marihuana Production Facility is located must be at least 60.9 metres (200 feet) from any site used for a school or for any residential use.

Given storefront distribution of medical cannabis is currently illegal, there are no provisions in the Zoning Bylaw that permit the retail sale of cannabis.

Business Licence Bylaw No. 5640, 1986

Only those businesses conforming to City regulations may receive a business license from the City, and section 4(1) of the Business License Bylaw prohibits any person from conducting business in the City unless a valid and subsisting licence is issued under the Bylaw. Given this, the City's current practice is to enforce against businesses with the purpose of the retail sale of cannabis.

BACKGROUND

Proposed Cannabis Act

Regulations regarding the non-medical use of cannabis in Canada have been proposed in the House of Commons (Attachment B). Upon enactment, Federal regulations will permit adults 18-years or older to purchase, share, possess and grow a limited amount of cannabis and cannabis oil, and make cannabis products (i.e. food and drinks) at home for non-medical purposes. Other products (i.e. edibles) would be made available for purchase once appropriate rules for their production and sale are developed.

Under the *Cannabis Act*, scheduled to be enacted in July 2018 the following is proposed:

- the **Federal** government would be responsible for setting: 1) minimum age of 18 years or older; 2) requirements for production and manufacturing; 3) industry-wide rules and standards related to product type and packaging, serving size and potency, prohibited ingredients and promotion activities, and tracking toward preventing an illicit market.

- **Provinces** and **Territories** would be responsible for setting, if desired within their jurisdictions: 1) a higher minimum age; 2) restrictions on public consumption; 3) a lower possession limit; 4) further regulations for growing cannabis at home (e.g. reduced number of plants per residence); 5) further regulations on the sale and distribution of cannabis; 6) further restrictions related to drug-impaired driving.

- **Municipalities** would be able to further regulate non-medical cannabis through: 1) prohibiting or limiting retail locations (via the Zoning Bylaw); 2) business licensing rules (via the Business Licence bylaw); prohibiting or limiting public consumption (via the Smoking Bylaw); and possibly, further regulations related to production at home (e.g. requiring production in an accessory building). A future report will address the options for the City in addressing further regulations; however, the manner in which the Province chooses to regulate the above has significant implications.

Other Background Information

To inform the workshop discussion, the following additional background information is included in the Attachments:

A. B.C. Cannabis Regulation - Online Feedback Form
B. Information regarding the Cannabis Act
C. Information regarding response of provinces
D. Submission by the BC Association of Municipal Chiefs of Police
E. Information from Canadian Health Associations

B.C CANNABIS REGULATION – ONLINE FEEDBACK FORM

The Province is seeking feedback on the issues within their jurisdiction by way of the B. C. Cannabis Regulation – Online Feedback Form. The survey is comprised of three sections: 1) questions identifying the demographic of the responder; 2) questions regarding sub-topics contained within the broad category of cannabis regulation; and, 3) additional comments. Staff will present this online form in the Council workshop for feedback on sections 2 and 3 and will provide the Province with the City's response towards providing the Province with the City's response. The topics in section 2 are detailed below to facilitate the workshop discussion:

General Support

The Province is seeking an indication of level of support for the legalization of cannabis, using a scale of: strongly support, somewhat support, neither support/ oppose, somewhat oppose, strongly oppose, don't know/ no opinion.

Minimum age

The Act would restrict non-medical cannabis access to adults 18 years of age and older. Provinces and territories have the option to set access at a higher age and most are viewing it advantageous to make the age of consumption the same as that for tobacco and liquor. BC Police recommend 19 years and the Canadian Medical Association recommends 21 years. It is recognized that, while there are known health risks, setting the age too high would likely promote illicit use by youth and young adults.

The Province is considering either: 1) 19 years, consistent with tobacco and liquor; or 2) older than 19 years.

Personal possession

The Act would permit adults to possess 30g (1.06 oz) of dried cannabis (or equivalent in a non-dried form) in a public place. Provinces and territories have the option to set lower amounts, but a consistent possession limit would make it easier for the public to understand and comply. The City police have indicated no concern with this amount, and offer for information that the amount considered by the Act is generally more than one would consume in a day and is more consistent with use over several days or weeks.

The Province is seeking an indication of level of support for the 30g limit, using the same scale as above.

Public consumption

The Act would not set restrictions on where non-medical cannabis can be consumed, which would be left for the provinces and territories to decide with local governments potentially implementing further regulations. The right to consume would need to be balanced with the need to protect others from the health and nuisance issues of second hand smoke.

The Province is seeking an indication of level of support for permitting public consumption related to the following, using the same scale as above:

1) *Permitting consumption in some spaces outside private residences. Choosing "strongly disagree" in this case would indicate support for only permitting consumption within private residences;*
2) *Permitting all types of cannabis product (e.g. smoked, vaped, eaten, lotions, tinctures) to be publicly consumed in the same way. Although edible cannabis products would not be available for sale, they could be made at home and consumed in public;*
3) *Permitting consumption in public spaces where smoking is permitted; and,*
4) *Permitting consumption in establishments licensed for that purpose (similar to liquor). Other provinces are delaying any consideration of having venues specific to consumption (e.g. licensed establishments or cafes) until after the Act has been in effect for a while.*

Drug impaired driving

Currently there are two types of penalties for drugs and driving: criminal impaired driving charges, and/ or 24-hour driving prohibition/ vehicle impound. A proposed Federal bill would establish new laws related to drugs and driving, which would depend on level of drug/ alcohol in the blood and would include penalties ranging from a fine to 10 years in jail. The City police have indicated no concern with the proposed penalties, and support for all of the actions listed below to reduce drug-impaired driving.

The Province is seeking an indication of:

1) *The City's opinion on whether non-medical cannabis legalization would increase drug impaired driving;*
2) *Whether the City believes the proposed penalties are sufficient or additional penalties should be implemented; and,*
3) *An indication of level of support for the following actions to reduce drug-impaired driving, using the same scale as above:*
    a. *Public education*
    b. *Increased police enforcement*
    c. *Longer driving prohibitions*
    d. *Immediate roadside driving prohibitions*

e. *Vehicle impoundment*
f. *Remedial drug education and counselling*
g. *Zero tolerance for new drivers*

Personal cultivation

The Act would permit adults to grow up to four one-metre tall cannabis plants for non-medical use per residence anywhere on a property. Provinces and territories would be able to set further restrictions such as where and how cultivation can occur, as well as establish a registry for non-medical production. Local governments may be able to implement further regulations. Risks associated with home cultivation, including exposure to youth, pesticide use, and mold spores, would be reduced with licensed producers cultivating in a commercial environment. Eliminating home cultivation could encourage purchase from the illicit market. BC Police recommend prohibiting home-grown and personal cultivated cannabis, however it is currently legal in Canada to grow tobacco and produce wine or beer at home for personal use with very few restrictions.

The Province is seeking an indication of level of support for setting additional restrictions on cultivation, using the same scale as above.

Distribution and retail of non-medical cannabis

Provinces and territories must determine how non-medical cannabis will be distributed (production and provision of product) and sold (delivery to end user), i.e. should the government or private businesses, or a combination of these be responsible for distribution and/ or sale. An important underpinning to the proposed legislation is the belief that reasonable access to legal cannabis would discourage illicit sales. In those provinces or territories that do not authorize retail sale, adults would be able to purchase cannabis directly from a federally licensed producer by ordering online with secure delivery at home by mail.

Sale through government-owned retail stores would be consistent with how alcohol is sold. The benefit of this system is greater oversight and more control of how the legal market is established (e.g. pricing), and long term revenues from a public system would likely be higher than from a privatized model, however it would involve more up-front costs for government. A private sales system may offer more flexibility in meeting consumer demand and thereby discourage purchase from illicit sources, however extensive oversight and regulation would be required to ensure there is control over the market as it emerges and no illicit market infiltration. A private system would require fewer up-front costs for government but it would potentially result in less revenue over the long term.

The Province is seeking an indication of:

1) *Who should be responsible for distribution (government, private, both);*
2) *Where non-medical cannabis should be sold (government retail, private retail, both; online only); and,*
3) *The City's top three areas for retail regulation, regardless of operator:*
    a. *Store location*
    b. *Permitting under age youth on premises (currently permitted in liquor stores);*
    c. *Number of stores in a given area;*
    d. *Store hours;*
    e. *Training for staff;*
    f. *Staff background checks;*
    g. *Other products available for sale;*
    h. *Other, with comments.*

For question 3, staff recommends selecting "a" and "c", and choosing "other" with the comment that, if permitted, retail stores should be covered by similar regulations as BC Liquor Stores, including limiting store hours, requiring training and background checks for staff, and limiting other products for sale where they would be attractive to youth or young adults.

NEXT STEPS

Based on feedback from Council in the workshop, staff will prepare and submit the City's response to the Province.

A future report will provide Council with the options for municipal regulations.

INTERDEPARTMENTAL LIAISON

Staff from Police Services was consulted regarding this matter.

OPTIONS

There are two options for Council to consider:

1. That Council provide staff with responses to the survey during the workshop session; or

2. That Council receive this report for information.

Staff recommends option 1.

ATTACHMENTS

Attachment A: BC Cannabis Regulation Online Feedback Form
Attachment B: Government of Canada Fact Sheet and Young Anderson Client Bulletin
Attachment C: Submission by the BC Association of Municipal Chiefs of Police
Attachment D: Information Regarding Response of Provinces
Attachment E: Information from Canadian Health Associations

This report has been prepared by:
Kim Deighton, Manager Licensing and Integrated Services

Approved for Presentation to Council

Jackie Teed
Acting Director of Development Services

Lisa Spitale
Chief Administrative Officer

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Corporation of the City of
NEW WESTMINSTER

Attachment A

BC Cannabis Regulation Online Feedback Form

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BC Cannabis Regulation

Online Feedback Form

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B.C. Cannabis Regulation - Online Feedback Form X

Through the proposed Cannabis Act the federal government intends to legalize non-medical cannabis in Canada. The Cannabis Act is expected to be implemented in July 2018 and will make the production, sale and possession of non-medical cannabis legal across Canada, subject to restrictions.

While the federal government will be responsible for legalizing cannabis and some aspects of non-medical cannabis regulation, B.C. will be responsible for other components, such as regulating how cannabis is sold in the province and where it can be consumed. As a result, B.C. has a number of decisions to make regarding how we regulate cannabis within our province.

The Government of B.C. invites you to complete the following feedback form on the regulation of non-medical cannabis in B.C.

This feedback form will be open from September 25 to November 1, 2017 and the approximate time estimated to complete the form is 8 - 12 minutes. Your responses are voluntary and will be confidential. All responses will be compiled and analyzed as a group. Responses will not be identified by individual.

Thank you for your feedback.

Privacy Policy

Personal information collected through this feedback form will inform the development of a provincial regulatory framework for non-medical cannabis by the Ministry of Public Safety and Solicitor General, under the authority of s.26 of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, use and disclosure of your personal information, please contact:

Lisa Anderson
Executive Director, Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
Victoria BC
Cannabis.Secretariat@gov.bc.ca

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B.C. Cannabis Regulation - Online Feedback Form X

0%

Are you completing the feedback form as:

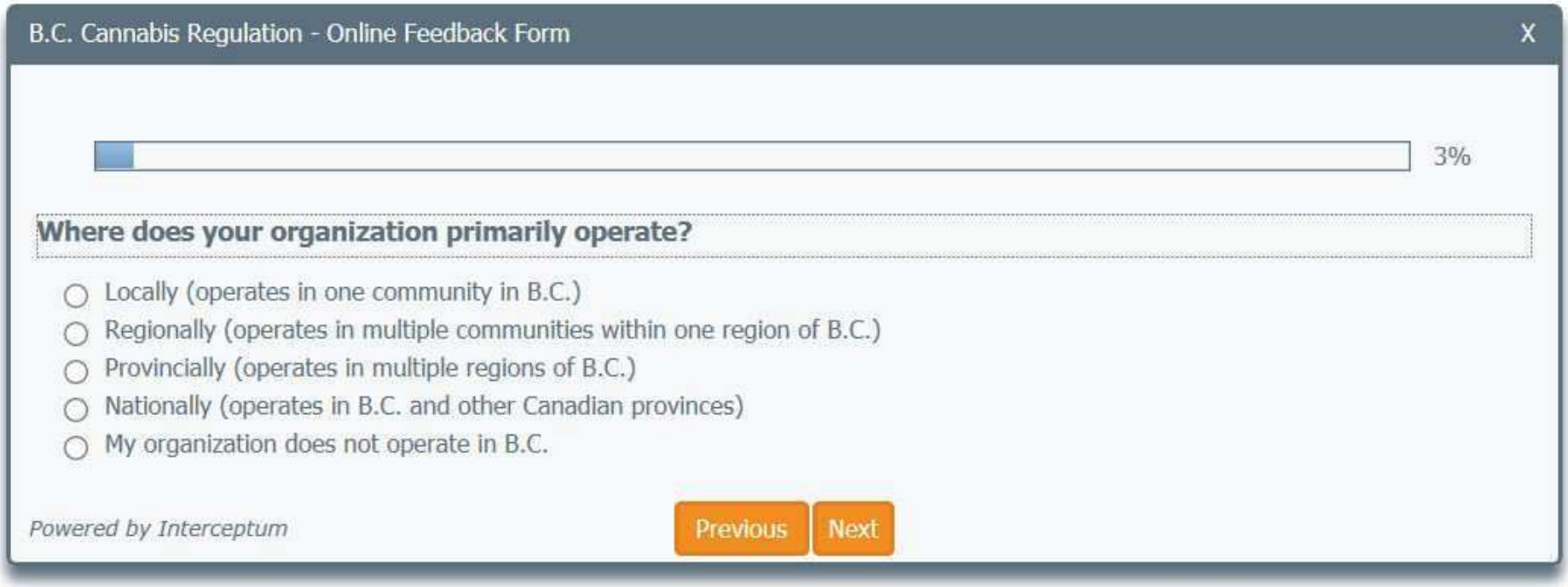
- ○ An individual
- ○ A local government (please specify below)
- ○ An Indigenous government / Indigenous organization
- ○ An organization or association (please specify below)
- ○ A business
- ○ Other (please specify below)

If applicable, please specify:

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B.C. Cannabis Regulation - Online Feedback Form X

21%

Minimum Age

Provinces and territories can choose to set a legal age for a person to possess, purchase and consume cannabis greater than 18 years of age - the age set under the proposed Cannabis Act. B.C. will need to balance the decision to set a higher legal age based on a number of factors. For example, emerging evidence indicates that cannabis use may impact a person's developing brain until the age of 25. However, setting the minimum age too high may not help reduce the illegal market, as those under the minimum age may continue to obtain cannabis from the illegal market. In British Columbia, the legal age to purchase alcohol/tobacco is 19. The age of majority, the age when minors become legal adults, is 19 in B.C.

Do you support setting the minimum age to possess, purchase and consume cannabis in B.C. to 19 (to correspond with British Columbia's age of majority)?

- ○ Yes
- ○ No. It should be older than 19
- ○ Don't Know/No opinion

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B.C. Cannabis Regulation - Online Feedback Form X

24%

Personal Possession

Provinces and territories have the option of reducing the personal possession limit for adults. A consistent possession limit across provinces and territories would make it easier for the public to understand and comply with. Under the proposed Cannabis Act, adults will be allowed to possess up to 30 grams of dried legal non-medical cannabis in public, and will be able to share up to 30 grams of dried legal cannabis with other adults. (For context, one joint typically contains between .33g to 1g of cannabis). The legislation sets equivalent possession limits for other forms of cannabis (e.g., oils, solids containing cannabis, seeds).

Do you support the proposed federal 30g possession limit?

	Strongly Support	Somewhat Support	Neither Support nor Oppose	Somewhat Oppose	Strongly Oppose	Don't know / No Opinion
	○	○	○	○	○	○

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B.C. Cannabis Regulation - Online Feedback Form X

27%

Public Consumption

Provinces and territories have the option of regulating where people may use cannabis, as the proposed Cannabis Act does not set restrictions on where cannabis can be consumed. B.C. must determine where people may use cannabis without affecting the health and well-being of others similar to public consumption restrictions placed on alcohol and tobacco.

For example, you cannot drink alcohol in public unless you are in a licensed place. You cannot smoke tobacco, hold lighted tobacco, or vape tobacco (use or hold an activated e-cigarette) in the following locations:

- Most public and workplaces (except for adult-only vapour product shops where up to two customers can test a vapour product for purchase at the same time);
- Cars with children under the ages of 16;
- Within six metres of doors, air intakes and open windows to indoor public/workplaces;
- K-12 public and private school sites at all times; and
- Health authority property, unless in designated areas.

What is your level of agreement for the following statements?

	Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree	Don't know / No Opinion
Adults should be allowed to use non-medical cannabis in some spaces outside their homes.	○	○	○	○	○	○
Limitations on public consumption of non-medical cannabis should be the same for any form of cannabis (e.g., smoked, vaped, eaten, lotions, tinctures/drops, etc.).	○	○	○	○	○	○
Public smoking/vaping of non-medical cannabis should be allowed in any public place where tobacco smoking/vaping is currently allowed.	○	○	○	○	○	○
B.C. should consider establishing licensed establishments, such as tasting lounges or cannabis cafés.	○	○	○	○	○	○

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B.C. Cannabis Regulation - Online Feedback Form X

39%

Drug-Impaired Driving

B.C. must carefully look at the best ways to deter drug-impaired driving to keep the public safe. Currently, there are two kinds of penalties, or sanctions, for drugs and driving. Under federal law, if police believe a driver's ability to operate a vehicle is impaired by a drug they may pursue criminal impaired driving charges. Under provincial law, if police believe a driver's driving ability is affected by a drug, other than alcohol, they may serve an administrative 24-hour driving prohibition at the roadside and impound the vehicle for that same period – in conjunction with or instead of criminal impaired driving charges.

The proposed federal Bill C-46 would establish new laws and tools under the Criminal Code to help police detect and investigate drug-impaired driving cases. Penalties would depend on the level of THC (Tetrahydrocannabinol, the principal psychoactive constituent of cannabis) in blood and the presence of alcohol or another drug in addition to cannabis at or above set levels. The penalties range from a fine to a maximum penalty of 10 years in jail (doubling the current maximum of 5 years).

Do you think the legalization of non-medical cannabis will result in increased problems with cannabis-impaired driving in B.C.?

- ○ Yes. More British Columbians will be likely to drive impaired after it is legalized.
- ○ No. Those British Columbians who most likely drive impaired by cannabis are already doing it and I don't expect it'll be any more of an issue after legalization.
- ○ Maybe – it is too early to tell, more research will be required.
- ○ Don't Know / No Opinion

Do you think the proposed Criminal Code penalties for drug-impaired driving are sufficient, or should B.C. consider additional actions to deter drug-impaired driving?

- ○ Yes. The proposed Criminal Code penalties for drug-impaired driving are adequate.
- ○ No. The Province should take additional measures to curb drug-impaired driving.
- ○ Don't know / No opinion

What is your level of agreement for the following actions to reduce drug-impaired driving?

	Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree	Don't know / No Opinion
Public education and awareness campaigns	○	○	○	○	○	○
Increased police enforcement	○	○	○	○	○	○
Longer driving prohibitions	○	○	○	○	○	○
Immediate roadside driving prohibitions	○	○	○	○	○	○
Vehicle impoundment	○	○	○	○	○	○
Remedial drug education and counselling	○	○	○	○	○	○
Zero tolerance for new drivers	○	○	○	○	○	○

If you have other actions you would like to suggest, please tell us:

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B.C. Cannabis Regulation - Online Feedback Form X

65%

Personal Cultivation

Provinces and territories have the option of regulating personal cultivation of non-medical cannabis. The proposed Cannabis Act allows adults to grow a maximum of four plants per residence, to a height of 100 cm each. Adults cannot designate or transfer this allowance to another residence.

Under the proposed Act, adults will be allowed to alter cannabis at home to prepare different types of products for personal use, such as cannabis-infused food or beverages, but may not use dangerous chemicals or solvents in the process. Provinces and territories may establish restrictions on personal cultivation beyond those set out in Bill C-45.

B.C. has several options regarding restrictions on personal cultivation, such as setting restrictions on where and how non-medical cannabis can be grown at home. B.C. could also establish a registration requirement for persons who want to grow non-medical cannabis for personal use. When considering possible restrictions it may be helpful to keep in mind that it is legal in Canada to grow tobacco and produce wine or beer at home for personal use with very few restrictions.

What is your level of agreement for the following statement?

	Strongly Agree	Somewhat Agree	Neither Agree nor Disagree	Somewhat Disagree	Strongly Disagree	Don't know / No Opinion
B.C. should set additional restrictions on where and how British Columbians can grow non-medical cannabis for personal use at home.	○	○	○	○	○	○

If you agree, what additional restrictions should B.C. set on personal cultivation of non-medical cannabis?

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B.C. Cannabis Regulation - Online Feedback Form X

68%

Distribution & retail of non-medical cannabis

Provinces and territories must decide the distribution and retail model for non-medical cannabis in their own jurisdiction. Under the proposed Cannabis Act, provinces and territories are responsible for choosing:

- How non-medical cannabis will be distributed
- How non-medical cannabis will be sold

Distribution is the process of making a product or service available for the consumer or business (for example, a retailer) that needs it. **Retailing** is the process of selling goods or services to a consumer (the end user).

Although the proposed Cannabis Act does not place any restrictions on whether cannabis can be sold with other products such as liquor, there are health and public safety concerns associated with co-consumption and co-sale of liquor and cannabis. As a reference point, none of the U.S. states, that have legalized non-medical cannabis, allow liquor and cannabis to be sold together.

Who should be responsible for distributing non-medical cannabis products?

- ○ A government operated distribution organization
- ○ A private distribution organization or organizations
- ○ Mix of both
- ○ Don't know/No opinion

Where should non-medical cannabis be sold?

- ○ Government-owned and operated retail stores
- ○ Private retail stores
- ○ Mix of government and private retail stores
- ○ Online mail order only
- ○ Don't know/No opinion

Do you support selling non-medical cannabis in liquor stores?

	Strongly Support	Somewhat Support	Neither Support nor Oppose	Somewhat Oppose	Strongly Oppose	Don't know / No Opinion
	○	○	○	○	○	○

If sold in retail stores, which requirements should be considered for regulating retail regardless of who operates the stores? (select your top 3)

- ☐ Where stores can be located
- ☐ Whether under age youth are allowed on the premises
- ☐ Number of stores in a given area
- ☐ Hours stores are open
- ☐ Training requirements for staff who work in stores
- ☐ Background checks on staff
- ☐ Other products that can be sold in stores
- ☐ Other (please specify below)
- ☐ None of the above
- ☐ Don't Know/No opinion

If you said, "Other", please specify:

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B.C. Cannabis Regulation - Online Feedback Form X

Through the proposed Cannabis Act the federal government intends to legalize non-medical cannabis in Canada. The Cannabis Act is expected to be implemented in July 2018 and will make the production, sale and possession of non-medical cannabis legal across Canada, subject to restrictions.

While the federal government will be responsible for legalizing cannabis and some aspects of non-medical cannabis regulation, B.C. will be responsible for other components, such as regulating how cannabis is sold in the province and where it can be consumed. As a result, B.C. has a number of decisions to make regarding how we regulate cannabis within our province.

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Lisa Anderson
Executive Director, Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
Victoria BC
Cannabis.Secretariat@gov.bc.ca

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Corporation of the City of
NEW WESTMINSTER

Attachment B

Government of Canada Fact Sheet
and
Young Anderson Client Bulletin

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LEGALIZING AND STRICTLY REGULATING CANNABIS: THE FACTS

The proposed Cannabis Act would create a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada.

The Act seeks to:

- restrict youth access to cannabis
- protect young people from promotion or enticements to use cannabis
- deter and reduce criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import, export or provide cannabis to youth
- protect public health through strict product safety and quality requirements
- reduce the burden on the criminal justice system
- provide for the legal production of cannabis to reduce illegal activities
- allow adults to possess and access regulated, quality controlled legal cannabis
- enhance public awareness of the health risks associated with cannabis

The current program for accessing cannabis for medical purposes would continue under the new Act.

Cannabis will remain illegal as the bill moves through the legislative process. If it is approved by Parliament, the bill could become law with a target date of no later than July 2018.

RESTRICTED ACCESS

The Cannabis Act proposes many rules that would protect youth from accessing cannabis.

PROTECTING YOUTH

No person could sell or provide cannabis to any young person **under the age of 18**.

In addition, the Act would create 2 new criminal offences, with maximum penalties of 14 years in jail, for:

- giving or selling cannabis to youth, and
- using a youth to commit a cannabis-related offence

In order to prevent youth from using cannabis, the Act would also prohibit:

- products that are appealing to youth
- packaging or labelling cannabis in a way that makes it appealing to youth
- selling cannabis through self-service displays or vending machines
- promoting cannabis, except in narrow circumstances where the promotion could not be seen by a young person

Penalties for violating these prohibitions include a fine up to $5 million or 3 years in jail.

The Government has also committed $9.6 million to a comprehensive public awareness campaign to inform Canadians, especially youth, of the health and safety risks of cannabis consumption, and to surveillance activities.

CONTROLLED ACCESS

Should the Cannabis Act become law in July 2018, adults who are **18 years old or older** would be able to legally:

- **possess** up to 30 grams of legal dried cannabis or equivalent in non-dried form
- **share** up to 30 grams of legal cannabis with other adults
- **purchase** dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
  - In those provinces that have not yet or choose not to put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally-licensed producer.
- **grow** up to 4 cannabis plants, up to a maximum height of 100cm, per residence for personal use from licensed seed or seedlings

- **make** cannabis products, such as food and drinks, at home provided that organic solvents are not used

Other products, such as edibles, would be made available for purchase once appropriate rules for their production and sale are developed.

STRICT REGULATION

The federal, provincial and territorial governments would share responsibility for overseeing the new system.

The federal government's responsibilities would be to:

- set strict requirements for producers who grow and manufacture cannabis
- set industry-wide rules and standards, including:
  - the types of cannabis products that will be allowed for sale
  - packaging and labelling requirements for products
  - standardized serving sizes and potency
  - prohibiting the use of certain ingredients
  - good production practices
  - tracking of cannabis from seed to sale to prevent diversion to the illicit market
  - restrictions on promotional activities

The provinces and territories would license and oversee the distribution and sale of cannabis, subject to federal conditions. They could also:

- increase the minimum age in their province or territory (but not lower it)
- lower the possession limit in their jurisdiction
- create additional rules for growing cannabis at home, such as lowering the number of plants per residence
- restrict where adults can consume cannabis, such as in public or in vehicles

CRIMINAL PENALTIES

The Cannabis Act proposes offences targeting those acting outside the legal framework, such as those involved in organized crime.

Penalties would be set in proportion to the seriousness of the offence. Sanctions would range from warnings and tickets for minor offences to criminal prosecution and imprisonment for more serious offences.

OFFENCE	PENALTIES
Illegal distribution or sale	▸ Tickets for small amounts ▸ Up to 14 years in jail
Possession over the limit	▸ Tickets for small amounts ▸ Up to 5 years in jail
Production of cannabis beyond personal cultivation limits or with combustible solvents	▸ Tickets for small amounts ▸ Up to 14 years in jail
Taking cannabis across Canada's borders	▸ Up to 14 years in jail

Further penalties related to cannabis-impaired driving have been put forward in the proposed drug-impaired driving legislation.

The proposed Cannabis Act is informed by the recommendations of the Task Force on Cannabis Legalization and Regulation.

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YOUNG ANDERSON
BARRISTERS & SOLICITORS

May 3, 2017

CLIENT BULLETIN

A HAZY ROAD AHEAD: THE PROPOSED *CANNABIS ACT* AND LOCAL GOVERNMENTS

A new legal landscape for the recreational use of cannabis in Canada has been proposed in the House of Commons. For local governments, the highly-anticipated *Cannabis Act* has significant implications for local zoning and density bylaws, building standards, as well as matters related to personal cultivation, smoking restrictions, public nuisance complaints, as well as the minimum age of purchase and personal possession limits. The bills will be subject to heavy scrutiny as the different levels of government sort out jurisdictional issues in the coming months. This bulletin highlights five key issues that local governments should be aware of as the federal government moves toward the legalization of recreational cannabis.

1. Individual Possession and Cultivation is Allowed

Adults (18 or older) may possess up to 30 g of dried cannabis (or equivalent) in a public place. Adults may grow up to four one-metre tall cannabis plants per residence, anywhere on their property. Regulations regarding access to medical marihuana and cannabis remain in place. Local governments may be able to implement further regulations on personal cultivation to address municipal concerns.

2. Commercial Licensing and Industry Standards will be Federally Regulated

The federal government will oversee commercial production licences and ensure cannabis products are safe for consumption. Industry-wide requirements and standards will be federally regulated, including the types of cannabis products allowed for sale; product packaging and labelling requirements; and restrictions on promotional activities. Commercial possession, production and distribution outside the legal system would remain illegal, as would imports or exports without a federal permit.

3. Cannabis Retail may be Provincially Regulated

The provinces may legislate how cannabis is distributed and sold, subject to minimum federal conditions. The proposed *Cannabis Act* does not prescribe what the retail environment must look like. For example, provinces may choose to regulate the sale of cannabis through provincial liquor stores, or implement a framework that permits private cannabis retail stores similar to dispensaries. Where a province chooses to not have provincial legislation to regulate cannabis retail, adults may purchase cannabis by mail or courier from a federally licenced producer.

YOUNG ANDERSON
BARRISTERS & SOLICITORS

The proposed bills indicate that a provincial authority may also establish province-specific standards relating to the minimum age requirement for purchasing cannabis; the provincial personal possession limit; locations where adults may consume cannabis; and additional regulations for growing cannabis at home.

4. Local Governments Will Face Enforcement Challenges

Municipalities are to be 'key partners' in enforcing local zoning and density bylaws, building standards, and matters related to the minimum age of purchase, personal cultivation, personal possession limits, smoking restrictions, and public nuisance complaints. The federal government expects that such standards and regulations will be enforced through municipal by-law inspectors and police. However, the bill is silent on whether the federal government will provide any additional financial support for local governments in addressing new challenges from the legalization of cannabis.

5. A Test for THC Blood Levels May Be Used to Determine Impairment

A blood-testing mechanism to determine impairment from THC has been proposed. A driver found with a blood content of 2 to 5 nanograms/ml of THC may face a maximum penalty of $1,000, as well as a driving ban. The penalties are increased if the driver is also impaired by alcohol. This is relevant to local governments as employers, as the impairment threshold for driving is often used as a reference for determining impairment thresholds in the workplace.

This blood content limit is likely to draw scrutiny as even the Report from the federal Task Force on Cannabis Legalization and Regulation acknowledged that such a limit for THC blood levels is not currently a reliable metric for establishing impairment. According to that Report, further research is required to determine a more effective method of determining impairment.

The proposed bills are not yet the law, and the final legislation may still look quite different from what is before the House of Commons today. What is clear is that provinces will be playing a critical role in regulating cannabis retail sales, and local governments will need to adapt their local bylaws and enforcement mechanisms to accommodate the new approach to cannabis in Canada. The federal government aims to have the bill approved by the summer 2018. Until that time, the current *Access to Cannabis for Medical Purposes Regulations* remain the regulatory authority for local governments.

Stefanie Ratjen

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Corporation of the City of
NEW WESTMINSTER

Attachment C

Submission by the BC Association of Municipal Chiefs of Police

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Cannabis Regulations

Submission by the BC Association of Municipal Chiefs of Police

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ABBOTSFORD
CENTRAL SAANICH
DELTA
NELSON
NEW WESTMINSTER
OAK BAY
PORT MOODY
SAANICH
METRO VANCOUVER TRANSIT POLICE
VANCOUVER
VICTORIA
WEST VANCOUVER
COMBINED FORCES SPECIAL ENFORCEMENT UNIT – BC
STL'ATL'IMX TRIBAL POLICE

British Columbia Association of Municipal Chiefs of Police
4455 Clarence Taylor Crescent, Delta, BC V4K 3E1 Tel: 604-940-5009

To Whom It May Concern,

On behalf of the BC Association of Municipal Chiefs of Police (BCAMCP), thank you for accepting our submission to the BC Cannabis Regulation Engagement process. The BCAMCP is a united voice for all municipal independent police agencies, representing approximately 2,500 police officers who are responsible for the public safety of over 1.3 million British Columbians.

Police leaders across Canada have similar public safety concerns that may arise from a legalized cannabis regime, namely increases in impaired driving, youth access to cannabis and the infiltration of organized crime. The Canadian Association of Chiefs of Police addressed the Federal Standing Committee on Justice and Human Rights regarding details of the *Cannabis Act* and delivered similar messaging, the nature of which is reflected in this submission including:

- Cannabis and Youth,
- Enforcing the *Cannabis Act* and related provincial legislation,
- Enforcing Impaired Driving Laws and Driver Education,
- Cannabis and Organized Crime, and
- Personal Cultivation/Possession within a Dwelling.

Recognizing that the legalization of cannabis brings with it a breadth of issues from a variety of stakeholder perspectives, it is the hope of the BCAMCP that the feedback and recommendations outlined in this submission are given due consideration from a public safety standpoint.

The BCAMCP recognizes that significant resources have been committed to ensuring that British Columbia is prepared for the legalization of cannabis, and we appreciate the opportunity to be involved in the research and development of provincial regulations and laws that will help keep our communities safe.

Sincerely,

Neil Dubord, M.O.M, PhD, CPHR
Chief Constable, Delta Police Department
President, British Columbia Association of Municipal Chiefs of Police

Cannabis and Youth

Upon the announcement of the legalization of cannabis, the federal government indicated a key rationale of restricting youth access to cannabis. However, the *Cannabis Act* allows youth to possess and social share up to five (5) grams of cannabis. The federal government also permits individuals to grow four marijuana plants in a dwelling house, which may put youth at risk of easy access to cannabis and exposure to unsafe building conditions.

According to the Canadian Center on Substance Use and Addiction cannabis use is associated with experiencing psychotic symptoms and abnormal brain development in youth and young adults up to the age of 25. Fortunately, the federal government has granted autonomy to provincial governments to prohibit the possession of any amount of cannabis by youth, which is an opportunity for British Columbia to protect its youth.

Recommended Actions

That the provincial government:

1. Create provincial legislation prohibiting youth under the age of 19 from possessing or social sharing any amount of cannabis.

2. Create a meaningful penalty strategy for youth found in contravention of provincial possession limits. For example, restrictions placed on a youth's driver's license and/or ability to apply for a license. In Colorado in addition to driver's license restrictions, youth face fines and public service sentences.

3. Develop and fund formal diversion programs for youth found in possession of cannabis including education, counselling and social/emotional support.

4. Immediately commence with a public awareness campaign to educate the public, parents and youth about the dangers of youth marijuana consumption, dangers of drug impaired driving and an overview of the new legislation.

5. Invest in school based programs and provide funding to support school liaison officer programs to manage cannabis-related issues in school environments.

6. Ensure proper consideration is given to storefront locations in proximity to schools, recreation centers, parks and other places children and youth may gather.

7. Develop language in legislation similar to the *Liquor Control Act* that prohibits the sale or supply to minors, in order to give police better tools in dealing with large public demonstrations, such as '4-20'.

8. Develop labelling for all cannabis products that remind adults of the penalties involved in supplying to youth.

Enforcing the *Cannabis Act* and related provincial legislation

Over the past decade, police agencies have eliminated cannabis enforcement teams, instead focusing on opiates and synthetic drugs such as methamphetamine and cocaine. With these shifting priorities, the ability to enforce the *Cannabis Act* may reduce capacity in other drug enforcement initiatives. The *Act* brings with it complex enforcement requirements including possession amounts, personal cultivation and the need for drug-impaired driving enforcement capacity. In addition, clandestine drug labs will continue to produce illegal cannabis by-products including 'shatter' which involves a highly volatile and dangerous process.

With respect to provincial legislation, police resources will be required to enforce public consumption laws, particularly where children are present. Recognizing that cannabis products can be toxic and/or carcinogenic, the issue of public consumption will require input from public health stakeholders.

The federal government key mandates are to keep cannabis out of the hands of youth and to interrupt organized crime in the cannabis market. While notable, the enforcement of these mandates will become the responsibility of local police, which will require resources. Consideration must be given to this cost download when developing a revenue sharing strategy between all levels of government, including the development of a provincial inspection strategy that enforces legal seed-to-sale production of cannabis.

Recommended Action

That the provincial government:

1. Fund cannabis enforcement strategies for municipal police agencies including the re-creation of cannabis enforcement teams.

2. Develop clear legislation on public consumption, including explicitly banning consumption in public spaces such as parks, beaches and other public areas frequented by children and youth.

3. Create a penalty structure for public consumption similar to that under the *Liquor Control Act*, with enhanced penalties where children or youth are present.

4. Add cannabis to the *Smoking and Vapour Products Control Act*

5. Factor the cost download of enforcement to local police when developing a revenue sharing structure.

6. Ensure that sufficient resources be created to develop an inspection strategy for the seed-to-sale supply chain of cannabis for all producers, suppliers and retailers including granting inspectors the authority to immediately shut down illegal operations.

Enforcing Impaired Driving Laws and Driver Education

With fewer than nine months remaining until the *Cannabis Act* comes into effect, the need to prepare police officers in Standard Field Sobriety Testing (SFST) and Drug Recognition Expert (DRE) training has become a top priority for all agencies. Since cannabis was legalized in Colorado and Washington, both states experienced an upward trend of serious and fatal motor vehicle accidents, in which a driver was impaired by cannabis. In order to ensure safety for all motorists and pedestrians that use BC roads, strict and effective enforcement under this new regime is required.

The Canadian Association of Chiefs of Police addressed the Standing Committee on Justice and Human Rights to highlight concerns for law enforcement regarding language in Bill C-46. Impaired driving remains a leading criminal cause of death in Canada, and the introduction of legal cannabis will exacerbate this issue, as is evidenced in Washington and Colorado. While the federal government works through the development and potential amendments to Bill C-46, it is incumbent on the provincial government to ensure police officers in British Columbia have the capacity to enforce the law. Training and equipping police forces throughout the province will need to be a top priority, including ensuring sufficient resources and personnel are released from regular duties to guarantee the effective implementation and execution of a provincial training strategy.

By supporting a provincial training strategy, and investing into enhanced Standard Field Sobriety Testing and Drug Recognition Expert training, the government will send a clear message to the public that impaired driving by drugs or alcohol will not be tolerated. In order to meet the legislated requirements post-legalization, training must begin immediately.

According to the Canadian Centre on Substance Use and Addiction, the economic impact of cannabis related collisions is an estimated $1 Billion per year. The Immediate Roadside Prohibition legislation greatly impacted the rate of serious and fatal motor vehicle accidents and has yielded a reduction of impaired drivers on BC roads. BC is a leader in impaired driving enforcement and cannabis impairment can be integrated into the established and successful IRP framework.

In addition to police training and tough penalties, significant investment into public education will be required in order to drive home the message that alcohol and/or drug impaired driving is a key public safety issue. In a number of studies conducted through the Canadian Centre on Substance Use and Addiction, the trend of young drivers driving under the influence of cannabis is exceptionally high. Young drivers do not view driving under the influence of cannabis in the same way they view driving under the influence of alcohol. According to CCSA, an “analysis of fatality data revealed that among drivers who tested positive for drugs following their death in a car crash, almost 70% of those under the age of 19 tested positive for cannabis.”

It has taken decades to change driver behavior regarding impaired driving, and it is imperative that the government continues to push messaging regarding all impaired driving, including cannabis. Until such time as scientific and medical evidence can properly inform cannabis impaired driving laws, the message that ‘no amount is a safe amount’ will be required to safeguard BC roads from impaired drivers.

Recommended Action:

That the provincial government:

1. Create an integrated management team consisting of RCMP and Municipal police to administer the framework, training, and overall Provincial Training Strategy to ensure that the Province is prepared for cannabis legalization in 2018.

2. Amend the Immediate Roadside Prohibition legislation to include drug-impaired driving.

3. Amend the *Motor Vehicle Act* so that 215 (24Hour) prohibition for Drugs has the same remedies for review as the 24 hour prohibition for alcohol as detailed in Section 215 of the *Act*. In such cases as it is necessary, the Attorney General will defend challenges against drug impaired driving suspensions in the same fashion as alcohol-impaired challenges, as per s. 215(2) of the *Act*.

4. Fund Drug Recognition Expert and Standardized Field Sobriety Test training for RCMP & municipal police agencies.

5. Create a zero tolerance policy for 'New' and 'Learner' Drivers.

6. Develop provincially based public education training on the dangers and strict penalties involved with drug impaired driving, including a 'no amount is a safe amount' campaign with respect to cannabis consumption and driving.

Cannabis and Organized Crime

Upon the announcement of the legalization of cannabis, the federal government indicated a key rationale of deterring and reducing organized crime and criminal activity in the cannabis industry. Interrupting the black market will required a strategy that includes consideration for cost, quality and convenience that meets consumer demand. It is known that organized crime has infiltrated the medical marijuana regime, and criminals will look for opportunities to exploit the legal retail market. If the public does not have reasonable access to legal cannabis, organized crime with fill the void.

Whether government allows for independently operated storefronts or chooses to control the sale of cannabis to consumers, a clear and effective strategy should be communicated to the public.

Recommended Action

That the provincial government:

1. Ensure an appropriate taxation and licensing scheme is designed to deter consumers from the illegal cannabis market.

2. Ensure pricing is competitive with black market cannabis.

3. Ensure appropriate funding and resources are in place for law enforcement to investigate organized crime activities associated to the cannabis industry.

4. Identify a legal mode of sale that provides reasonable access to legal marijuana, including mail order and appropriate storefront hours to ensure consumers are not directed to the black market and dial-a-dopers.

5. Conduct stringent vetting of owners, operators and all employees on an ongoing basis to ensure there is no nexus to organized crime.

6. Develop strict penalties for cannabis producers, suppliers or retailers that have a nexus to organized crime or sell to youth.

7. Create strict penalties, including storefront shut-down and fines for any operator that breaches the regulatory mechanism.

Personal Cultivation/Possession within a Dwelling

The BCAMCP echoes the sentiment of the Canadian Association of Chiefs of Police in its opposition to in-home production. While seemingly benign the issue of home production brings with it a host of issues.

The risk of exposure to youth as well as concerns regarding diversion of cannabis into the hands of youth will continue to be a risk, if persons are able to grow cannabis within a residence. In order to ensure consistency in cannabis products including THC content, responsible pesticide use and to avoid potential contamination in homes including mold spores, it may be necessary to restrict cultivation to licensed producers.

Additionally cultivation within a dwelling house has the potential to create problems if police attend a residence on an unrelated call, and observe illegal amounts or sizes of plants. As is evidenced in Colorado, police departments have been held liable for the destruction of seized cannabis products, in which the seizure was overturned by the courts.

Enforcing a legal cannabis regime will add pressure to police departments in both operational and administrative capacities. The cost of additional time required by police to process, investigate and potentially charge an individual will be borne by local government and will squeeze already maximized police resources. Discourse at all levels of government regarding the cost of policing has put pressure on police agencies to cut costs wherever practicable, however cannabis enforcement will undoubtedly create additional costs.

Recommended Action:

That the provincial government:

1. Prohibit home-grown and personally cultivated cannabis in British Columbia.

2. Approve only licensed producers to cultivate cannabis in a commercial environment.

3. Indemnify law enforcement agencies if a court decisions requires the return of product that has been lawfully seized and destroyed.

End.

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Information Regarding Response of Provinces

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Alberta Government

Cannabis legalization in Canada

While legalization is a federal decision, the provinces and municipalities have areas of responsibility.

Proposed federal legislation

On April 13, 2017, the Government of Canada introduced legislation to legalize, regulate and restrict access to cannabis. This legislation is expected to come into effect by July 2018.

Cannabis is currently an illegal substance (with the exception of authorized medical use) under the federal Controlled Drugs and Substances Act.

The federal legislation would:

- allow adults to possess up to 30 grams of legally-produced cannabis
- allow adults to grow up to four cannabis plants per household
- set the minimum age for purchase and use at 18 years of age, with the option for provinces to increase the age limit
- enable a regulatory regime for the licensed production of cannabis, which would be controlled by the federal government
- enable a regulatory regime for the distribution and sale of cannabis, which would be controlled by the provincial government
- establish new provisions to address drug-impaired driving, as well as making several changes to the overall legal framework to address alcohol impaired driving

Learn more:

- Legalization and regulation of cannabis in Canada
- Introduction of the Cannabis Act: Q&A

Role of provinces

While legalization is a federal decision, provinces and municipalities have been given areas of responsibility.

Table 1: **Jurisdictional responsibilities**

Activity	Responsible		
	Federal	Provincial	Municipal
Possession limits **			
Trafficking			
Advertisement & packaging **			
Impaired driving			
Medical cannabis			
Seed-to-sale tracking system			
Production (cultivation and processing)			
Age limit (federal minimum) **			
Public health			
Education			
Taxation			
Home cultivation (growing plants at home) **			
Workplace safety			
Distribution and wholesaling			
Retail model			
Retail location and rules			
Regulatory compliance			
Public consumption			
Land use/zoning			

** provinces will have the ability to strengthen legislation for these areas under federal jurisdiction

Alberta's plan for action

The Government of Alberta has an obligation and an opportunity to actively shape how the province will adapt to cannabis legalization in a way that best suits Albertans' needs, circumstances and values.

There is no perfect approach for legalized cannabis in Alberta. In many areas, our engagement with Albertans discovered that people were split in their opinions, and we recognize that there is no one clear strategy that will encompass the opinions and concerns of all Albertans.

We are recommending this approach as an entry point, and we will closely monitor all aspects of it as the system unfolds. There will be much to learn immediately after the system is put in place, and we will continuously improve what works and make changes to what doesn't.

To that end, we will remain focused on our four policy priorities:

1. Keeping cannabis out of the hands of children

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2. Protecting public health
3. Promoting safety on roads, in workplaces and in public spaces
4. Limiting the illegal market for cannabis

We will use these priorities as a plan for action from which we can measure our success in the long run.

1. Keeping cannabis away from children

Our approach to legalization aims to reduce the risks of cannabis use by youth by deterring them from consuming it. This includes setting a minimum age of 18. While we know some people under 18 will continue to use cannabis, we may deter some from trying it and thereby help protect them from health risks associated with the consumption of cannabis by young people.

We will take a zero tolerance approach to possession of cannabis by those under 18, using sanctions such as fines for youth who possess five grams or less. Possession above that limit will be a criminal offence.

We will also target public education to children and youth, focusing on both the health effects and the risks of buying from the illicit market (including exposure to unsafe products, unknown potencies and other illegal drugs). Similar to public awareness for alcohol, public education will also target parents, who may be a source for cannabis for some youth.

Our approach limits youth access to cannabis by:

- banning public consumption in areas frequented by children
- setting the minimum age for purchase, consumption and possession at 18
- ensuring that all cannabis grown for personal use is grown indoors
- setting location restrictions with buffers that keep retail locations for cannabis away from schools, daycares and community centres
- requiring that all staff at retail locations are of legal age, and are properly educated and trained to sell cannabis, including always checking to make sure purchasers are legal age
- doing further investigation on how online sales and home delivery can reliably confirm the recipient’s age
- working with other governments and external partners to prepare public education and awareness targeted to young people and parents regarding the health risks and harms of cannabis use in youth

2. Protecting public health

Our approach to legalizing cannabis includes significant efforts to continue protecting the health and well-being of all Albertans from the potential risks of cannabis consumption. This includes short-term consequences such as effects on memory, attention and motor function. While we don’t yet have in-depth knowledge about long-term effects, some of the risks we do know about include testicular cancer, mental health problems and poor outcomes in pregnancy.

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Other negative health consequences may come from frequent use, consumption of higher potency products, co-use with alcohol or tobacco, drug-impaired driving, violence related to the illicit market, unsafe products and exposure to other more harmful illicit substances. Albertans also told us they were concerned about risks associated with second-hand smoke and the potential for increased pressures on our hospitals and health care systems.

Certain groups are also more at risk, including children and youth, and pregnant women whose children could experience adverse cognitive and behavioural outcomes through their mother's cannabis use.

Our recommended approach considers that public health is a priority and takes action to protect the health of Albertans by:

- providing government oversight of distribution of legally produced cannabis products
- restricting the consumption of cannabis in public to spaces where tobacco smoking is also allowed, and adding further restrictions to protect the health of children and limit the public's exposure to cannabis and second-hand smoke
- working with other governments and industry to develop public education and awareness campaigns to educate people about the risks of cannabis use, and in particular, to vulnerable groups, including children, youth and pregnant women
- undertaking public education to discourage the use of cannabis with other substances, such as alcohol, tobacco and other drugs
- ensuring retail outlets have point-of-purchase material that promotes responsible use and education about health risks to be in place wherever cannabis is sold
- not allowing for cannabis to be sold in the same place as alcohol, tobacco or pharmaceuticals

3. Promoting safe roads, workplaces and public spaces

Impairment is impairment, whether it's by alcohol, cannabis or other drugs. Our approach recognizes that Albertans are concerned that legalizing cannabis could potentially increase impaired driving and impairment at work. Neither are new issues, but both are dangerous – not only for the person who is impaired, but for all Albertans who are put at risk because of these actions.

We have a system in place to deal with impairment. With cannabis legalization, we will review all aspects of the system to ensure those tools can also address impairment by cannabis, and we will work with workplaces and law enforcement to put in place any new tools required.

The safety of Albertans on our roads and in workplaces and public spaces is a priority, and our approach takes action to address impairment and public safety by:

- banning drivers and passengers from consuming cannabis in vehicles
- working with the transportation sector, law enforcement and the justice system to review the current system for impaired driving and make the changes necessary to address the legalization of cannabis
- introducing new tools to expand the ability of police to address drug-impaired driving

- deterring young people from consuming cannabis and driving by expanding current zero tolerance to include cannabis for young and graduated drivers
- working with the federal government to train and equip law enforcement
- developing promotional materials and undertaking public education and awareness about drug-impaired driving
- working with industry and labour to assess current workplace rules to address impairment at work

4. Limiting the illegal market

Our approach recognizes that reducing the illicit market for cannabis is one of the goals of legalization. Other than approved sales for medical use, cannabis has only been available illegally in Canada.

Experience with legalized cannabis around the world indicates that it is unlikely any province can eliminate the illicit market completely. But the decisions Albertans make today — especially about how cannabis will be sold and used in the future — can go a long way to reduce criminal activity and limit access to those who are legally allowed to buy and use it. An opportunity exists to address the issue of the illicit market and reduce its presence in our society.

To that end, our approach includes actions to further protect Albertans from the effects of the illicit market by:

- establishing a distribution system where government has oversight over products coming into our province from licensed producers
- providing access for adults to purchase legal cannabis through retail outlets
- allowing adults to grow up to four plants indoors at home for personal use, using seeds purchased from a cannabis retailer
    - This will reduce the need for consumers in more remote and rural areas to purchase cannabis from the illicit market because they are not near a retail location
- promoting awareness and public education about the risks and dangers of buying from illicit market

Get involved

We encourage you to review the draft Alberta Cannabis Framework and provide your feedback by completing the online survey or sending a written submission to acs@gov.ab.ca by Friday, October 27 at midnight.

Take the survey

Previous page:Alberta Cannabis Framework
Next page:About cannabis

STAY CONNECTED

BLOG

BLOG BY CATEGORIES

BLOG BY MONTHLY ARCHIVES

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13 SEP 2017

A joint effort: Ontario's Proposed Cannabis Retail Model

The Ontario provincial government has released its **framework to regulate the use and sale of recreational cannabis**. Although additional legislation is scheduled to be tabled by the Ontario government later this fall, this framework serves as a reference for other provinces that are still considering how to address the legalization of recreational cannabis in their own regions. A summary of the key issues that affect local governments in the framework follows.

1. **Minimum Age and Youth Possession** – The minimum age to purchase or consume recreational cannabis will be 19 years old. This is more restrictive than the federal minimum age of 18, and proposed federal possession limits of up to 30 grams for adults, and up to 5 grams people under 18 years old.

2. **Public Places** – Smoking, including cannabis or marijuana, will continue to be illegal in any public space, including parks, workplaces and motorized vehicles.

3. **Retail Regulation** – Ontario aims to ensure that there will be only one legal retailer in the province. Cannabis will only be sold online and through stores that are a subsidiary of the Liquor Control Board of Ontario. The province pledged to open 40 stores next year and a total of 150 separate locations to sell legal weed across the province by 2020.

4. **Retail Sales** – Dedicated stores will be set up to sell only cannabis. Cannabis will not be sold alongside alcohol. All sales are to be assisted via counter service, and there will be no self-service. All products are to be stored, packed, and distributed in a safe and controlled manner.

5. **Dispensaries & Enforcement** - Unauthorized dispensaries will continue to be illegal. The province expects to actively enforce the law and close any illegal dispensaries, in coordination with police and the federal government. However, there is no indication of any increased funding for local governments to support such enforcement measures.

In BC, the provincial government has indicated it intends to engage in consultation prior to implementing its own cannabis framework. Awareness of what is happening in other regions may assist local governments in effectively participating in any consultation initiatives.

Stefanie Ratjen

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A renewed Human Rights Commission in BC
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Court of Appeal un-stops a dock, because it's not a "private moorage facility"

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SITE KEYWORD SEARCH

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Information from Canadian Health Associations

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CANADIAN PAEDIATRIC SOCIETY POSITION STATEMENT

Cannabis and Canada's children and youth

May 3 2017

RECOMMENDATIONS

To protect children and adolescents from the harms associated with recreational cannabis use and cannabis dependence, the Canadian Paediatric Society recommends the following:

Governments should:

- Prohibit sales of all cannabis products to children and youth under the legal age for buying tobacco products and alcohol (18 or 19 years, depending on location).

- Consider limiting the concentration of THC in cannabis that 18- to 25-year-olds can purchase legally.

- Enact and rigorously enforce regulations on the cannabis industry to limit the availability and marketing of cannabis to minors. These regulations must:
    - prohibit dispensaries from being located close to elementary, middle and high schools, licensed child care centres, community centres, residential neighbourhoods and youth facilities.
    - prohibit the sale of cannabis products by means of self-service displays or dispensing devices.
    - mandate strict labelling standards for all cannabis products, including a complete and accurate list of ingredients and an exact measure of cannabis concentration.
    - mandate package warnings for all cannabis products, including known and potential harmful effects of exposure (e.g., to young children and the fetus during pregnancy), similar to messaging on cigarette packaging.
    - mandate and enforce strict marketing and promotional standards, including a ban on all cannabis industry-related advertising and on the sponsorship of events, activities or permanent facilities by the cannabis industry.
    - mandate and enforce a ban on the marketing of cannabis-related products using strategies or venues that attract children and youth, including (but not limited to) 'candy-like' edibles, 'giveaways' and promotion through social media.
    - restrict the online sales of all cannabis and related products only to individuals identified as being older than the legal drinking age in the province or territory where they reside.

- Extend and align existing anti-tobacco legislation at all government levels to include cannabis (i.e., prohibiting smoking in public venues, smoking in cars where a child is present).

- Fund public education campaigns to reinforce that cannabis is not safe for children and youth by raising awareness of the harms associated with cannabis use and dependence. These campaigns should be developed in collaboration with youth leaders and should include messages from young opinion-leaders.

- Invest in the development and implementation of programs for routine roadside detection of cannabinoids and determine suitable consequences for youth who are found to be under the influence.

- Increase funding for the research, prevention and treatment of substance use in adolescents and young adults.

- Increase funding for mental health promotion and for treating mental illness in this age group.

- Consult with Indigenous communities on adapting legislation, preventative measures and/or interventions to meet local conditions and cultural requirements.

- Actively monitor the impacts on youth of changes to cannabis legislation.

Health care providers should:

- Be aware of and communicate the health risks related to cannabis use.
- Screen all children and youth for cannabis exposure and/or use and educate adolescents and families on the health risks and harms associated with cannabis.
- Provide anticipatory guidance to parents and older children on the potential health risks of cannabis use.

Acknowledgements

This statement has been reviewed by the Bioethics, Community Paediatrics, Drug Therapy and Hazardous Substances and Mental Health and Developmental Disabilities Committees of the Canadian Paediatric Society. The authors wish to acknowledge Dr. Heather VanderMeulen's contribution to the manuscript sections on cannabis-impaired driving and school performance, cognitive decline and lifetime achievement.

CPS ADOLESCENT HEALTH COMMITTEE

Members: Giuseppina Di Meglio MD, Natasha Johnson MD, Margo Lane MD (Chair), Karen Leis MD (Board Representative), Mark Norris MD, Gillian Thompson NP-Paediatrics (past member), Ellie Vyver MD
Liaison: Christina N. Grant MD, CPS Adolescent Health Section
Principal authors: Christina N. Grant MD, Richard E. Bélanger MD

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CMA SUBMISSION
LEGALIZATION, REGULATION AND RESTRICTION OF ACCESS TO MARIJUANA

GOVERNMENT OF CANADA – TASK FORCE ON MARIJUANA LEGALIZATION AND REGULATION

AUGUST 29, 2016

The CMA appreciates the opportunity to provide feedback on this important matter to physicians and the public. Legalization of marijuana for non-medical purposes is a fundamental shift in the approach to drugs. The CMA's position is that it is essential that the government consult with experts, key stakeholders and the general public not only at this phase in preparation for legislation on this matter, but throughout the process of the development of regulations and implementation.

Recommendations:

1) The CMA recommends that the federal government take a broad public health policy approach in legalizing marijuana for non-medical purposes, and that it be held accountable to these public health objectives.

Section 1

2) The CMA recommends that the federal government incorporate the following measures to support improved implementation of the legalization of marijuana:

   a) Ensure sufficient time to adequately prepare for the implementation of the legalized regime, including a phased-in approach and piloting legalization in smaller regions prior to national roll-out;

   b) Assess international experience with legalization and incorporate lessons-learned from other jurisdictions into Canada's approach;

   c) Assess the domestic experience in the regulation of tobacco and alcohol against meeting the national objectives for each substance and incorporate lessons-learned from those experiences; and,

   d) Develop capacity for national surveillance to ensure rigorous national-level monitoring and evaluation.

   e) Support for a research agenda.

3) The CMA recommends that the federal government prohibit the marketing and advertising of marijuana and that packaging requirements include plain packaging, potency labelling and health warnings. The CMA further recommends that the federal government prohibit flavouring and shapes.

4) The CMA recommends that the federal government employ taxation and pricing levers to discourage consumption and that the revenues of this taxation be allocated to the provinces and territories and clearly allocated for health and social services.

5) The CMA recommends that the federal government establish potency restrictions to reduce the harms associated with higher potencies.

6) The CMA recommends that the federal government establish dosing restrictions on marijuana products, notably edibles.

7) The CMA recommends that the federal government establish maximum limits on quantities of marijuana that can be purchased.

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8) The CMA recommends that the federal government employ effective public education tools, including skills-based training, to inform youth and families of the risks and harms of marijuana usage.

9) The CMA recommends that the federal government expand access and availability of substance use, mental health and social stabilization services simultaneously to the legalization of marijuana.

10) As part of this initiative, the CMA recommends that the federal government implement a plan to expand training programs in addiction medicine.

11) The CMA recommends that the federal government set the minimum age of purchase and consumption at 21 and that quantities and potency be restricted for those under the age of 25.

12) The CMA recommends that the federal government establish the minimum age at the national level to ensure consistency across all jurisdictions.

Section 2

13) The CMA supports a tightly regulated competitive model wherein production and distribution is heavily regulated and includes strict oversight.

14) The CMA recommends that the federal government prohibit home cultivation in the legalized system for non-medical use.

15) The CMA recommends that the federal government evaluate the requirements established by the MMPR system for production, packaging, storage and distribution to introduce improvements for implementation in the new legalized system for non-medical use.

Section 3

16) The CMA recommends that the distribution model should occur outside health care structures, for example, in liquor stores, and that storefront densities should be federally set and restrictive.

17) The CMA recommends that the distribution model should be established at the federal level and be consistent across jurisdictions.

18) The CMA recommends a phased implementation approach prior to national availability.

Section 4

19) The CMA recommends that the federal government reallocate resources to the enforcement of marijuana infractions to public health, education and treatment programs.

20) The CMA recommends that the federal government ensure that a clear and reliable process for identifying, testing and imposing consequences on individuals who operate a motor vehicle under the influence of marijuana be in place nationally prior to the legalization of marijuana.

21) The CMA recommends that the federal government prohibit smoking of marijuana for non-medical purposes in public places.

Section 5

22) The CMA recommends that there be only one regime for marijuana, following legalization of non-medical marijuana, with provisions for the medical needs of those who would not be able to acquire marijuana in a legal manner, e.g., those below the minimum age or those with a requirement for a more potent product than legally available.

Corporation of the City of
NEW WESTMINSTER

REPORT
Development Services

To:	Mayor Coté and Members of Council in Open Council Workshop	**Date**:	1/29/2018
From:	Jackie Teed Acting Director of Development Services	**File**:	01.0170.20
		Item #:	19/2018

Subject: **Cannabis Workshop: Implementation of Cannabis Legislation**

RECOMMENDATION

THAT *Council provide feedback regarding the preparation of the municipal framework for the regulation of cannabis and direct staff to procced with next steps, including consultation, as identified in this report; and*

THAT *Council consider first and second readings to Zoning Amendment Bylaw No. 7966, 2018 and forward the bylaw to Public Hearing on February 19, 2018.*

EXECUTIVE SUMMARY

The Cannabis Act has been proposed by the Federal Government which would create a legal framework for controlling the lawful production, distribution, sale and possession of non-medical cannabis across Canada. The bill could become law as early as July 2018.

Each Province and Territory will have the authority to regulate certain aspects such as distribution, retail and a range of other matters, in a manner similar to that of tobacco and liquor. Municipalities will have authority to further regulate certain aspects such as retail (through land use and business licensing regulations) and public use (through smoking regulations). The Province of British Columbia announced a number of key decisions related to the anticipated legalization of non-medical cannabis including a minimum age

requirement of 19 years, a wholesale distribution model run through the Liquor Distribution Branch and a retail sale model which includes both public and private retail opportunities. A number of key decisions from the Province however are still outstanding and, although expected prior to July 2018, potentially leave a narrow window of opportunity for local governments to respond and prepare necessary amendments to their regulations.

At this time, staff recommends a two-step approach to prepare for non-medical cannabis legalization:

A. Prepare a framework for regulation based on the provisions currently identified by the Province. This would be refined and implemented relative quickly once the Province has finalized its provisions. Staff has identified three land use approaches which could serve as a framework to regulate the retail sale of non-medical cannabis in New Westminster. The recommended approach is for retail sale to be permitted on a site specific basis, similar to Liquor Primary Licensed Premises. Staff is also recommending corresponding amendments to the Business License Bylaw; and

B. For the short term, maintain and clarify the current prohibition on the retail sale of cannabis within New Westminster. Staff recommends Council consider First and Second Readings of Zoning Amendment Bylaw No. 7966, 2018, attached as Appendix A, which would make the prohibition on the retail sale of cannabis more explicit, update reference to the Access to Cannabis for Medical Purposes Regulations (ACMPR) for the medical production of medical cannabis, and update language in the Zoning Bylaw to match that of the Cannabis Act (e.g. changing references from marihuana to cannabis).

PURPOSE

The purpose of this report is to provide Council with information regarding regulatory options in anticipation of the proposed federal legalization of non-medical cannabis in July 2018 and to receive direction from Council regarding those options, including a Zoning Amendment Bylaw to clarify and maintain the prohibition while public consultation on legalization takes place.

POLICY AND REGULATIONS

Current Federal Cannabis Regulations

Cannabis remains a Schedule II drug under the Controlled Drug and Substances Act under which producing, possessing and distributing cannabis is currently illegal everywhere in Canada.

Production, possession and distribution of cannabis for medical purposes are authorized and regulated under the Access to Cannabis for Medical Purposes Regulations.
Storefront operations selling cannabis (either for medical or non-medical purposes), commonly known as "dispensaries" and "compassion clubs", are not licensed by Health Canada under the current law and are currently illegal.

Zoning Bylaw

Retail Sale of Cannabis

Given the retail sale of both medical and non-medical cannabis is currently illegal, the Zoning Bylaw does not include any zoning district which permits the sale of cannabis as a permitted use. The general retail store use included in the Zoning Bylaw, and which permits the retail sale of goods directly to the consumer in most commercial and mixed use districts throughout the city, is not intended for the sale of controlled substances or illegal substances including, medical and non-medical cannabis.

Medical Marihuana Production Facilities

In December 2012 the Federal Minister of Health announced the Marihuana for Medical Purposes Regulations (MMPR) which permits the commercial production of medical cannabis. The facilities in which medical cannabis may be produced under this regulation are industrial in nature with an emphasis on security. In 2014, Council adopted an amendment to allow the production, but not retail sale, of medical cannabis in the M-2 Heavy Industrial District, subject to the following conditions:

1. That all operations related to the production, storage and processing of medical marihuana must occur within a completely enclosed building.
2. That the site on which the production facility is located must be at least 60.9 meters (200 feet) from any site used for a school or for any residential use.

Business Licence Bylaw

Section 15 of the Business License Bylaw generally requires that every person applying for a business licence must comply with all federal, provincial and municipal laws, bylaws, regulations and rules applicable to that type or class of business. Section 33(1) of the bylaw specifically restricts retail stores from selling cannabis or any other controlled substance or any product related to use or production of such substance.

Given the retail sale of cannabis is currently illegal, the City's current practice is to deny business licence applications for the purpose of retail sale of cannabis and to enforce against those businesses who engage in the retail sale of cannabis without a licence.

Smoking Control Bylaw

Section 3 of the Smoking Control Bylaw prohibits smoking in most public places and within 7.5 metres of any opening into a building, including any door or window that opens and any air intake. This protects against emissions entering these places and protects people as they enter or exit. The Bylaw also prohibits smoking within 15 metres of an outdoor field, skate park, playground lacrosse box, bowling green, stadium, picnic area, water park wading pool, swimming pool or off leash dog area.

Enforcement of smoking restrictions is challenging and therefore is mostly an exercise in public education.

Controlled Substance Property Bylaw

This bylaw prohibits the use of property for the trade, manufacture, ingestion, use, sharing, trade or barter of controlled substances and defines controlled substances in the same manner as the Controlled Drug and Substances Act. It was created to facilitate the dismantling of 'grow-ops', and enforcement of this bylaw is a joint effort involving New Westminster Police and Bylaw Officers.

BACKGROUND

Proposed Federal Non-Medical Cannabis Regulations

The Government of Canada intends to bring the proposed Cannabis Act (Bill C-45) into force no later than July 2018. The Cannabis Act will make the production, sale and possession of non-medical cannabis legal across Canada, subject to restrictions.

Upon coming into force, the Cannabis Act would permit adults to purchase non-medical cannabis from a retailer that has been authorized by the Province to sell and distribute non-medical cannabis. In those Provinces or Territories that have yet to authorize retailers, adults would be able to purchase non-medical cannabis directly from a federally licensed producer by ordering online with secure delivery at home by mail.

The Cannabis Act would permit adults to grow up to four one-metre tall cannabis plants for non-medical use per residence anywhere on a property.

The enactment of the Cannabis Act would not permit cannabis edible products and cannabis concentrates for legal retail sale. However, the Federal Government has indicated that it intends to authorize the legal sale of these, subject to restrictions, within the year following the legalization of the Cannabis Act.

Proposed Jurisdictions

Each Province and Territory will have authority to regulate certain aspects like distribution, retail and a range of other matters, as they do for tobacco and liquor. Municipalities will have authority to further regulate certain aspects like retail (through land use and business licensing regulations) and public use (through smoking regulations).

Under the Cannabis Act, the following is proposed, also summarized in the table below:

- the **Federal** government would be responsible for setting: 1) minimum age of 18 years or older; 2) requirements for production and manufacturing; 3) industry-wide rules and standards related to product type and packaging, serving size and potency, prohibited ingredients and promotion activities, and tracking toward preventing an illicit market.

- **Provinces** and **Territories** would be responsible for setting, if desired within their jurisdictions: 1) a higher minimum age; 2) restrictions on public consumption; 3) a lower possession limit; 4) further regulations for growing cannabis at home (e.g. reduced number of plants per residence); 5) further regulations on the sale and distribution of cannabis; 6) further restrictions related to drug-impaired driving.

- **Municipalities** would be able to further regulate non-medical cannabis through: 1) prohibiting or limiting retail locations (via the Zoning Bylaw); 2) business licensing rules (via the Business Licence bylaw); 3) prohibiting or limiting public consumption (via the Smoking Bylaw); and 4) possibly, further regulations related to production at home (e.g. requiring production in an accessory building).

Activity	Federal	Provincial	Municipal
Possession limits *	✓		
Trafficking	✓		
Advertisement & packaging*	✓		
Impaired driving	✓	✓	
Medical cannabis	✓		
Seed-to-sale tracking system	✓		
Production (cultivation and processing)	✓	✓	✓
Age limit (federal minimum)*	✓		
Public health	✓	✓	
Education	✓	✓	✓

Taxation	✓	✓	
Home cultivation (growing at home)*	✓		
Workplace safety		✓	
Distribution and wholesaling		✓	
Retail model		✓	
Retail location and rules		✓	✓
Regulatory compliance	✓	✓	
Public consumption		✓	✓
Land use/zoning			✓

* Provinces will have the ability to impose additional restriction for these areas under federal jurisdiction.

Existing Federal Access to Cannabis for Medical Purposes Regulations

The Access to Cannabis for Medical Purposes Regulation (ACMPR) was brought into force on August 24, 2016 and replaced the previous Marihuana for Medical Purposes Regulation (MMPR). The ACMPR program continues to allow individuals with a medical need, with the authorization of a health care practitioner, to access quality-controlled dried marijuana through producers licensed by Health Canada.

Under the Cannabis Act, the cannabis for medical purposes regime will continue to exist to provide access for individuals who have the authorization of their health care practitioner to use cannabis for medical purposes.

BC Provincial Regulatory Framework

Between September 25 and November 1, 2017 the BC Provincial government conducted a public engagement initiative to hear the views of stakeholders on a range of issues related to the legalization and regulation of non-medical cannabis in BC. The topics included minimum age, personal possession, public consumption, drug-impaired driving, personal cultivation, wholesale distribution and retail models. New Westminster City Council participated in the process by collectively answering the questionnaire.

On December 5, 2017, after considering input from 48,951 British Columbians and submissions from 141 local and Indigenous governments and a range of other interested stakeholders, the Province announced the following key decisions related to the anticipated legalization of non-medical cannabis in July 2018:

- **Minimum age**
  British Columbia will set the minimum age to possess, purchase and consume non-medical cannabis at 19 years old. A minimum age of 19 is consistent with B.C.'s minimum age for alcohol and tobacco use and with the age of majority in B.C.

- **Wholesale distribution of cannabis**
  Like other provinces, B.C. will have a government-run wholesale distribution model. The BC Liquor Distribution Branch (LDB) will be the wholesale distributor of non-medical cannabis in B.C.

The other areas in which the Province is expected to announce regulations include:

- **Retail Sale of Cannabis**
  The Province anticipates establishing a retail model that includes both public and private retail opportunities which is consistent with how liquor is currently sold. Further details on Provincial retail sale regulations are expected to be released by the Province in early 2018. The City may further regulate private retail use through the Zoning Bylaw and Business License Bylaw.

- **Public Consumption**
  The Province may regulate public consumption, and the City may provide further regulations. The Province may prohibit public consumption (i.e. only permitted in private residences); permit consumption in some or all types of public spaces (e.g. parks, streets); and/ or permit consumption in dedicated establishments licensed for that purpose (e.g. cannabis cafes) similar to establishments with a liquor license (i.e. pubs, bars, restaurants). If public consumption is permitted, the regulations may differ depending on the mechanism used to consume (e.g. smoked, vaped, eaten, lotions, and tinctures). For example, smoking may be regulated similarly to current tobacco smoking/ vaping regulations, which are intended to protect those in the surrounding area from the health hazards and nuisance issues of second hand smoke. Other forms of consumption are less conspicuous and do not pose direct hazards to those in the vicinity, and therefore may be regulated to a lesser degree.

- **Non-Medical Cannabis Production Facilities**
  Federal licenses for the production of cannabis or cannabis products would be required under the Cannabis Act. The processes, conditions and criteria associated with licenses for the production of Cannabis would be developed in association with the Federal licensing process. Provinces and municipalities could set further conditions regarding the non-medical production of cannabis through land use controls.

- **Personal Cultivation**
  The Province may set restrictions on personal cultivation (i.e. where and how cultivation can occur), as well as establish a registry for non-medical production. Local governments may be able to implement further regulations. It is currently legal in Canada to grow tobacco and produce wine or beer at home for personal use with very few restrictions.

- **Possession Limits and Impaired Driving**
  The Province may further regulate possession and set impaired driving laws specific to cannabis. It would be the role of the City's Police Department to uphold these laws.

DISCUSSION

Timing of Regulations

Given the above, the City needs to develop municipal regulations governing cannabis for the New Westminster context. Many details at both the Federal and Provincial levels are still unknown, details are not due to be released until spring 2018, and the legalization of non-medical cannabis is expected in early summer 2018.

Given this, at this time staff recommends a two-step approach:

A. *Prepare a framework for cannabis regulation* based on the provisions currently identified by the Province. This would be able to be refined and implemented through bylaw amendments relative quickly once the Province has finalized its provisions. Staff has identified three land use approaches which could serve as a framework to regulate cannabis retail sale, and consumption establishments in New Westminster. The recommended approach is for retail sale and consumption establishments to be permitted on a site specific basis, similar to how the City currently regulates Liquor Primary Licensed Premises. Staff is also recommending corresponding amendments to the Business License Bylaw; and

B. *For the short term, maintain and clarify the current prohibition on cannabis retail sale and consumption establishments* within New Westminster. Staff recommends Council consider First and Second Readings of Zoning Amendment Bylaw No. 7966, 2018 which would make the prohibition on cannabis retail sale and consumption establishments more explicit, update reference to the Access to Cannabis for Medical Purposes Regulations (ACMPR) for the medical production of medical cannabis, and update language in the Zoning Bylaw to match that of the Cannabis Act (e.g. changing references from marihuana to cannabis). This would be amended when the regulations developed to implement (1) were put in place.

These two steps are further detailed in the following sections.

A. Proposed Regulation Framework

The City's framework for regulating cannabis needs to address the five areas which may be under municipal jurisdiction: 1) cannabis retail sales and consumption establishments; 2) non-medical cannabis production facilities 3) business licensing regulations; 4) public consumption; 5) personal cultivation. An analysis and proposed approach for each follows.

1. Cannabis Retail Sale and Consumption Establishments

The retail sale of cannabis could potentially take two forms. First it could be sold directly to consumers for consumption off site, i.e. a public or privately run dispensary, similar to a liquor store. Second it could be sold to the consumer for consumption on site, e.g. a "cannabis café", similar to a pub or bar. These two forms parallel the existing forms of retail sales for liquor, and the City's current practice for regulating liquor sales and liquor establishments is attached in Appendix B for comparison.

It is expected that the second form would likely not be permitted by the Province, as smoking cannabis indoors would likely not meet existing public health or work safe requirements. However, the Province has neither included nor excluded this use in their provisions released to date, and the Federal Government has indicated that it intends to authorize sale of cannabis edible products and concentrates by July 2019, after which a retail sales model which includes on site consumption could be possible.

Given this, three approaches have been identified for the regulation of cannabis retail sale and consumption establishments as a land use, which would include the legal sale and consumption of cannabis in legal forms.

a) Permitted in Existing Zoning District(s):

Cannabis retail sale and consumption establishments could be permitted within an existing zone or zones. This approach would permit the retail sale of cannabis as an outright entitlement within any of the to-be-determined zoning districts.

This approach would differ from that currently used in New Westminster for retail liquor stores and liquor establishments in that it would not require a rezoning. From a municipal approval perspective, this approach would only require an application for a business license prior to opening.

Should Council decide on this approach, staff would conduct further work to prepare recommendations and identify zones which would be most appropriate for this use and report back to Council with a Zoning Bylaw Amendment at the time the Province has provided full details on Provincial regulations.

Given that the retail sale of cannabis would be a new permitted use and that the land use impacts are relatively unknown, staff recommends not taking this approach, which would eliminate the ability of Council and staff to evaluate the impacts of proposed stores on a case by case basis, as is currently done by the City for liquor stores and establishments.

b) Permitted in a New Zone:

Cannabis retail sale and consumption establishments could be permitted within a new zoning district into which properties would be required to rezone in order to be permitted to use the site for the retail sale of cannabis.

This approach is similar to one of the City's two approaches currently used for regulating retail liquor stores. Currently, liquor stores which wish to operate separate from a Liquor Primary Licensed Premises (LPLP) would be required to rezone into the C-2L zoning district or a comprehensive zoning district.

Should Council decide on this approach, staff would conduct further work to prepare a zoning district for all future cannabis retail/ consumption businesses into which to rezone and bring it forward for Council consideration at the time the Province has provided full details on Provincial regulations.

Given that the retail sale of cannabis would be a new permitted use and that the land use impacts are relatively unknown, staff recommends not taking this approach, as it would be difficult to craft a Zoning Bylaw regulation that would be able to anticipate the full spectrum of potential land use impacts and be able to cover the wide scale of types (densities and forms) of commercial and mixed use zoning.

c) Permitted as an Add-on Use:

A list of properties could be included in the Zoning Bylaw at which cannabis retail sale and consumption establishments would be permitted. In order to have a property included on this list, an application for rezoning would be required.

This approach is similar to one of the City's two approaches currently used for regulating retail liquor stores and establishments. Currently, liquor stores which wish to operate in conjunction with a Liquor Primary Licensed Premises (LPLP) would be required to apply for a text amendment to the Zoning Bylaw to be added to the list of permitted properties.

Should Council decide on this approach, staff would conduct further work to prepare the necessary Zoning Amendments and bring it forward for Council consideration at the time the Province has provided full details on Provincial regulations.

Staff recommends this approach, in which new cannabis retail sale and consumption establishment businesses would be permitted through a rezoning application, which could be evaluated by staff and Council on a site by site basis. This approach is consistent with the City's approach for Liquor Primary Licensed Premises, which is working well.

This proposed approach would be monitored by staff and compared to other approaches used in other municipalities. Staff could report back to Council on the regulations in place in New Westminster after the regulations have been in effect for a period of time.

2. Non-Medical Cannabis Production Facilities

Currently the Zoning Bylaw permits medical cannabis production facilities within the Heavy Industrial Districts (M-2) under the following conditions:

1. must occur within a completely enclosed building; and
2. must be located at least 60.9 meters (200 feet) from any site used for a school or for any residential use.

In addition to the Zoning Bylaw requirements, there are also conditions through the Federal Access to Cannabis for Medical Purposes Regulations (ACMPR) which include:

1. requirements to obtain and maintain a licence
2. establishment and personnel security measures
3. authorized activities, including good production practices, packaging, shipping, labeling, import and export requirements, and record-keeping requirements; and
4. client registration and ordering requirements.

Staff recommends also considering permitting non-medical cannabis production facilities within Heavy Industrial Districts (M-2) with the same Zoning Bylaw conditions as medical cannabis production facilities. However at this time, Federal conditions and requirements for non-medical cannabis production facilities have not been established. Depending on the Federal requirements which are or are not included in the future, additional Zoning Bylaw conditions may be recommended by staff for consideration by Council.

3. Business License Regulations

In response to non-medical cannabis legalization, the City would need to amend the Business License Bylaw to permit cannabis retail sales and consumption establishment businesses.

a) New Definitions:

The Business License Bylaw would need to be amended to include a definition for cannabis retail sales and consumption establishments, consistent with that which ultimately would be

included in the Zoning Bylaw. Conditions of operation would also be included, to limit external impacts of the business.

b) Proposed Conditions:

As a starting point, staff recommends that the business license conditions be similar to those of BC Liquor Stores and private beer and wine stores with respect to hours of operation, staffing, training, and products aimed at youth, as follows:

- Limiting store hours from 9 a.m. to 9 p.m. or 11:00 p.m.;
- Submitting all staff to Criminal Record Searches;
- Requiring all staff to have training comparable to the Serving It Right program;
- Prohibiting other products for sale that would be attractive to youth; and,
- Permitting minors on premises only if accompanied by a parent or guardian, for premises where cannabis is sold exclusively for consumption off the premises.

c) Retain Current Restriction

The Business License Bylaw currently restricts general retail stores from selling cannabis or any other controlled substance or any product related to use or production of such substance. Staff recommends this section remain unchanged to ensure cannabis products and paraphernalia sales continue to be restricted to cannabis retail stores only.

Staff recommends that business license regulations for the retail sale of non-medical cannabis be established similar to the regulations currently in place for liquor stores as outlined above.

4. Public Consumption

Should the Province permit cannabis consumption in public, this right would need to be balanced with the need to protect others from the health hazards and nuisance issues of second hand smoke. Staff recommends limiting consumption to all public spaces where smoking is permitted.

Smoking as defined in the Smoking Control Bylaw includes inhaling, exhaling, burning or carrying of a lighted cigar, cigarette, pipe or other lighted smoking equipment of tobacco or any other weed or plant". Given that cannabis is a plant, and included in this definition, the bylaw would not require an amendment for the purposes of regulating cannabis consumption by smoking. The bylaw would, however, require an amendment to add "vaping" to the definition.

Staff recommends that smoking control regulations be updated to include cannabis and include vaping of all products.

5. Personal Cultivation

Federal regulations would permit adults to grow up to four one-metre tall cannabis plants for non-medical use per residence anywhere on a property. At this time, staff has not identified any land use or building safety concerns over and above any potential impacts associated with the growing of any other plants within a dwelling unit, however, this item will be included in the consultation materials for public comment.

The Controlled Substance Property Bylaw prohibits the use of property for the trade, manufacture, ingestion, use, sharing, trade or barter of controlled substances. It defines controlled substances as "defined and described in Schedules I, II and III of the Controlled Drugs and Substances Act, 1996 c.19. Part of the federal government's work in preparation for July 2018 includes amendments to the Controlled Drugs and Substances Act one of which is repealing item 1 of Schedule II. For this reason an amendment of this bylaw is not required. As such, no amendments have been identified to allow personal cultivation of cannabis.

Staff recommends that no additional restrictions for personal cannabis cultivation above those which would be put in place through Federal regulations.

B. Interim Zoning Bylaw Amendment

Until the legalization of the Cannabis Act, anticipated on July 1, 2018, staff recommend that Council consider a Zoning Amendment Bylaw No. 7966, 2018, attached as Appendix A.

This bylaw would provide clarity that the retail sale of cannabis is not a permitted use until the legalization of the Cannabis Act. The Zoning Amendment Bylaw would define the Retail Sale of Cannabis, and as per City practice with other prohibited uses, the Zoning Amendment Bylaw would also be amended to add 'Retail Sale of Cannabis' to the Public Works, Adult Entertainment and Utility Districts (P-8). This would limit this use to the one site with this zoning, which is the City Works Yard.

The Zoning Amendment Bylaw would also update references in the medical cannabis production facilities to Access to Cannabis for Medical Purposes Regulations (ACMPR) from the previous Marihuana for Medical Purposes Regulations (MMPR). Further, the language in Zoning Bylaw uses 'marihuana' and should be updated to use 'cannabis' and match the language in the proposed Federal and Provincial frameworks.

NEXT STEPS

A. Prepare a Framework for Municipal Regulations

Following feedback received from Council as part of the presentation of this report, the next steps in regards to preparation of the municipal framework for the regulation of cannabis in New Westminster would be as follows:

- Hire a consultant to prepare consultation materials to be used as part of stakeholder surveys and at townhall meeting. (boards, images etc.)
- Conduct online surveys to solicit feedback from the public and businesses regarding the proposed approach to cannabis regulation in New Westminster;
- Conduct a 'townhall' meeting at which the public would be given an opportunity to provide feedback directly to council and staff. This would be setup in Council Chambers similar to a public hearing, where those interested would be given the opportunity to address Council and provide their feedback. Before the meeting, information material would be setup in the lobby area with staff available to answer questions and receive feedback.
- Staff would prepare a report to Council summarizing the feedback received and any further information from the Province in regards to the approach to be used in British Columbia. This report would include the necessary amending bylaws to implement the selected approach for Council consideration prior to the anticipated legalization date of the Cannabis Act.

B. Interim Zoning Amendment

Following Council consideration of Zoning Amendment Bylaw No. 7966, 2018 for first and second readings, the Bylaw would be forwarded to a Public Hearing and then for Council consideration of third reading and adoption on February 19, 2018.

INTERDEPARTMENTAL LIAISON

The Development Services Department has consulted staff from Police Services and the City Solicitor regarding this matter.

OPTIONS

There are two options for Council to consider:

1. That Council provide feedback regarding the preparation of the municipal framework for the regulation of cannabis and direct staff to procced with next steps, including consultation, as identified in this report;

2. That Council consider first and second readings to Zoning Amendment Bylaw No. 7966, 2018 and forward the bylaw to Public Hearing on February 19, 2018; and

3. That Council provide staff with alternative direction.

Staff recommends options 1 and 2.

ATTACHMENTS

Appendix A - Zoning Amendment Bylaw No 7966, 2018
Appendix B - Comparison of Retail Sale of Cannabis to Retail Sale of Liquor

This report has been prepared by:
Mike Watson, Planner
Kim Deighton, Manager, Licensing and Integrated Services

This report was reviewed by:
John Stark, Acting Manager of Planning

Approved for Presentation to Council

Jackie Teed
Acting Director of Development Services

Lisa Spitale
Chief Administrative Officer

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NEW WESTMINSTER

Appendix A:

Zoning Amendment Bylaw No. 7966, 2018

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CORPORATION OF THE CITY OF NEW WESTMINSTER

ZONING AMENDMENT BYLAW (RETAIL OF CANNABIS)
NO. 7966, 2018

ADOPTED _____

A Bylaw to Amend Zoning Bylaw No. 6680, 2001.

The Municipal Council of the City of New Westminster, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Retail Sale of Cannabis) No. 7966, 2018".

2. Zoning Bylaw No. 6680, 2001 is hereby amended as follows:

(a) Inserting the following as section 120.159.3

"RETAIL SALE OF CANNABIS means the use of a site for the sale or distribution of cannabis, including for medical purposes, in any form but excludes a *medical cannabis production facility*."

(b) Replacing section 120.132.1 with

"MEDICAL CANNABIS PRODUCTION FACILITY means a facility providing for the production, storage, processing and distribution of cannabis; does not include the retail sale of cannabis; and for which Health Canada has issued a license under Access to Cannabis for Medical Purposes Regulations (ACMPR), SOR 2016-230, as amended from time to time."

(c) Replacing section 720.21.1 with:

"Medical Cannabis Production Facility provided that:

(a) All operations related to the production, storage and processing of medical cannabis must occur within a completely enclosed building; and

(b) the site on which the *Medical Cannabis Production Facility* is located must be at least 60.9 metres (200 feet) from any site used for a school or for any residential use."

(d) Inserting the following as section 680.12.1:

"Retail Sale of Cannabis;"

GIVEN FIRST READING this _____ day of _____, 2018.

GIVEN SECOND READING this _____ day of _____, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

GIVEN THIRD READING this _____ day of _____, 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this _____ day of _____, 2018.

_____
MAYOR

_____
CITY CLERK

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NEW WESTMINSTER

Appendix B:

Comparison of Retail Sale of Cannabis to Retail Sale of Liquor

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Appendix B: Comparison of Retail Sale of Cannabis to Retail Sale of Liquor

The two forms of retail sales for cannabis noted in this report parallel the existing forms of retail sales for liquor: at publically or privately operated retail liquor stores for consumption off-site; and at licensed establishments for consumption on-site.

Currently in New Westminster, a liquor store is generally permitted through one of two circumstances. Both circumstances require an application for rezoning. First, they are permitted adjacent to and in conjunction with a permitted Liquor Primary Licensed Premises (LPLP). As noted above, for a site to be permitted as a LPLP, an applicant is required to apply for a rezoning to list their property as a permitted location for a LPLP.

Second, a liquor store could be permitted through a site specific rezoning where a liquor store is not adjacent to or in conjunction with a LPLP. The C-2L is a zoning district which would permit a Liquor Store in commercial street locations such as Twelfth Street or East Columbia Street.

In regards to on-site consumption at licensed establishments, the process enabling the sale of liquor depends on whether the establishment is a primarily engaged in the service of food (e.g. a restaurant) or primarily engaged in the service of liquor (e.g. a pub). Restaurants, may include the service of liquor in their business model through a Food Primary (FP) Liquor Licence issued by the Liquor Control and Licensing Branch (LCLB) and are primarily engaged in the service of food. Restaurants are permitted in most commercial and mixed use zoning districts throughout the city. Pubs or nightclubs, however, are primarily engaged in the service of liquor and require a Liquor Primary (LP) Licence from the LCLB. Pubs and nightclubs are permitted on a site specific basis throughout the municipality and require a rezoning application to be included on this list.

The retail sale of cannabis would be a new use not before permitted within New Westminster and, as such, the potential land use impacts are relatively unknown. However, given the parallels between cannabis and liquor sales, it would be reasonable to use existing liquor regulations as a starting point for regulating cannabis in New Westminster. Further, this comparison has been reinforced by the announcement from the Province which seems to be structuring their regulations and methods of distribution on those already in place for liquor.