

LEGALIZING CANNABIS: A JOINT EFFORT

April 2018

Sukhbir Manhas

1. Land Use Management & Zoning

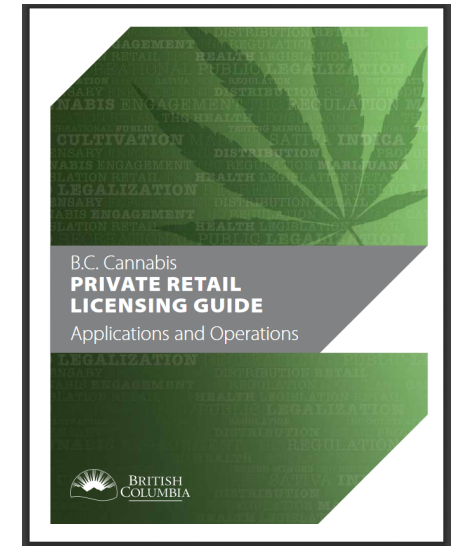
- a. Retail Sales
- b. Personal Cultivation
- c. Commercial Production

a. Retail Sales – Minimum Conditions

- Federal conditions are:
 - Authorized* retailer can only sell cannabis, or cannabis accessories and products:
 1. To a person older than 18
 2. Without an appearance, shape or attribute that could be appealing to a young person
 3. With appropriate record-keeping measures in place
 - Cannabis Tracking System under Part 6 of *Cannabis Act*
 - Under conditions to prevent diversion to an illegal market or activity
 4. Not through a self-service display or vending machine

a. Retail Sales – BC Framework

- Hybrid private-public retail system, licenced through Liquor Control and Licencing Branch
 - Operating rules generally similar to Liquor
 - In urban areas, stand-alone cannabis stores
 - no combined alcohol & tobacco sales
 - No re-packaging of cannabis from distributor



a. Retail Sales – Location

- Local gov'ts may set distance requirements
 - Province will not legislate distances
 - Recognition of local authority to set distances between cannabis retail and schools, daycares, other land uses
- Local gov't approval required for cannabis retail licences
 - Process not defined - indication that local gov'ts are to consult with residents in vicinity and pass council resolution

a. Retail Sales – Conforming Use

- Cannabis Retail is a Conforming Use
 - Retail sales likely permitted in all retail zones unless expressly removed as a permitted use
- Covenants & Temporary Use Permits

b. Personal Cultivation

- Province will permit 4 plants per household, so long as:
 - Plants not visible from public spaces off property (ie: sidewalks)
 - Not in dwelling used for daycare
- Regulation options
 - Building codes - safety
 - Nuisance - odours, noise
- Landlords and Strata Councils will be able to prohibit cultivation
 - Unclear whether will be on a moving forward basis

c. Commercial Production

- Federal/Provincial/Local government jurisdiction
 - Information sharing
 - ALR issues
- Micro & regular production tiers
- Production vs processing

2. Business Licencing

- Types of Business License Based Cannabis Regulations
 - Retail Facilities ie: Dispensaries (incl. illegal), Cafés
 - Provincial licence through Liquor Control and Licencing Branch
 - Production Facilities
 - Federal licence
- Regulation of Business Practices
- Licensing Costs and Fees

3. Public Consumption

- Other orders of government:
 - Federal authority over *Criminal Code*, moral issues
 - No smoking cannabis in vehicles (province)
- Local government authority to regulate
 - Public health and welfare
 - Public places – Parks, public trails (may be covered by Province)
 - Property owned by local government
- Smoking as a Comparison
 - Provincial smoking regulations may include cannabis
 - Provincial ban on areas used by children – ie: community beaches, parks, playgrounds
 - Regulations TBA in BC re: Cannabis, but indications that local gov'ts will be able to regulate similar to tobacco smoking

4. Enforcement

- Jurisdiction Issues
 - Orders of Government, Policing
 - Enforcement Options
 - Nuisance (Odours)
 - Building Codes
 - Safe Premises Bylaws and Non-medical Cannabis
 - Enforcement Policies
 - Jurisdiction of other parties – landlords and strata able to prohibit
-

Questions?