

B.C. Cannabis Regulation Engagement: Stakeholder Submissions

PART 2 of 3

Stakeholders were invited to send a formal submission by November 1, 2017 at 4 p.m. All written submissions from organizations that were received by the deadline are listed and included in full below.

List of Stakeholder Submissions – Part 2

City of Kimberley
City of Langford
City of Langley
City of Nelson
City of North Vancouver
City of Parksville
City of Port Coquitlam
City of Quesnel
City of Richmond 1
City of Richmond 2
City of Richmond 3
City of Rossland
City of Surrey
City of Vancouver
City of Vernon
City of West Kelowna
City of White Rock
Clean Air Coalition of BC
College of Naturopathic Physicians of
British Columbia
Craft Cannabis Association of BC
Craft Cannabis Community of the Gulf
Islands
District of Kent
District of Kitimat
District of North Vancouver
District of Tofino
District of West Vancouver
Doctors of BC
Doventi Capital
Earth's Own Naturals Ltd.
Eden Medicinal Society
Educators for Sensible Drug Policy
ExtractionTek Solutions, Abstrax Tech and
Holistek
First Nations Health Authority (FNHA)
Fraser Health – Population and Public
Health Team
Gitanyow Hereditary Chiefs Office
Greatful Med Cannabis Society
Hagwilget Village Council
Health Officers Council of British Columbia
Hillside Pharms



October 31st, 2017
File: 0220-30

**Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Govt
Victoria, BC V8W 9J7**

Dear Minister Farnworth,

RE: RETAILING OF CANNABIS

Thank you for the opportunity to comment on the City of Kimberley's concerns regarding the legalization and regulation of non-medicinal cannabis in BC. Our perspectives will focus on the distribution and retail of cannabis in our community.

Kimberley's view has been informed by our experience in having been the first municipality to issue business licenses to two medicinal cannabis dispensaries. In over two years of operation, the City has had absolutely no issues arise from the operation of these two dispensaries, which have provided a valuable health service to our residents.

Permitting these two existing dispensaries to become retail outlets will create a seamless transition into the non-medicinal framework. The experience that both dispensaries operators have gained is through their own medical journeys. This experience will enable our dispensaries to provide experienced consultation to inexperienced cannabis-users, an important value-add for any future distribution channel.

The dispensaries have established relationships with local "craft" producers, and the cannabis economy is crucial to small-town BC. If cannabis production is centralized outside of our region, it will have a negative impact on our regional economy. Without utilizing current supply chains, it is expected that there will not be enough cannabis available to supply the demand, driving prices up and enable a parallel market to exist.

The City would also like to see a diverse set of cannabis products made available, as opposed to strictly smokeable products.

Sincerely,

A handwritten signature in black ink, appearing to read 'Don McCormick'.

Mayor Don McCormick
City of Kimberley



City of Langford

www.cityoflangford.ca

2017/11/01

The Honourable Mike Farnworth
Minister of Public Safety & Solicitor General
PO Box 9285 Stn Prov Govt
Victoria BC V8W 917

Dear Minister Farnworth:

RE: Feedback on a Marihuana Regulatory Framework for BC

On behalf of the City of Langford, I am writing to provide input on the forthcoming Provincial marihuana regulatory framework.

I would first like to note that Langford is supportive of the Province's efforts to seek input from all interested stakeholders on the forthcoming marihuana regulatory framework. This input is critical, as we know it will assist the Province in developing a framework that provides consistency and clarity for marihuana producers, distributors and retailers, while ensuring a regulatory approach that keeps our communities and our families safe.

Secondly, as this is a new initiative brought about by a change in Federal policy, the City of Langford encourages the Province to adopt a cautious approach, with the recognition that it is easier to relax than to tighten regulations in the future.

Thirdly, the City of Langford encourages the Province to adopt a regulatory framework that adheres to the following policies:

- The locations of commercial marihuana production facilities and marihuana dispensaries should fall under the jurisdiction of local governments in order to ensure that marihuana is not prevalent on every street corner, close to schools or close to other community facilities;
- The cultivation of marihuana in rental housing should be regulated in consultation with landlords;
- All marihuana sold, either for recreational or medical use, should come from Health Canada licensed producers to ensure a safe chain of supply;
- Commercial producers of recreational marihuana should have the ability to set up licensed dispensaries, which would also help to ensure a safe chain of supply;
- If the Province chooses to allow for recreational marihuana to be dispensed through liquor stores, then both private and public liquor stores should have equal opportunity to apply for a dispensary license;

- Also if the Province chooses to allow for recreational marihuana to be dispensed through liquor stores, licensed commercial producers should have the ability to supply to liquor stores;
- Medical marihuana should be sold through licensed pharmacies;
- The Province should work with Health Canada to ensure there are enough licensed commercial producers in British Columbia to supply British Columbia dispensaries, instead of relying on Ontario producers to supply the British Columbia market, as this will create and maintain jobs locally, as well as reduce transportation costs;
- The Federal Government and the Province should fund local government policing, enforcement, legal and administrative costs through a dedicated revenue stream created through the direct sale and/or taxation of marihuana;
- There should be strict regulations on impaired driving;
- WorkSafeBC must protect both employees and employers from employees who come to work impaired, in particular those employees who come to work impaired and operate heavy equipment or transport people;
- The minimum age for legal consumption of marihuana should be 19; and
- Any regulatory framework created by the Province should be revisited in one year or sooner if there are any adverse effects from the implementation of the regulatory framework. During this initial period, any licensing granted through the regulatory framework should be able to be changed at any time.

Overall, I believe the Federal and Provincial governments need to do more work on the legalization of marihuana to ensure our families and our communities are kept safe. I also believe that local governments need to be further consulted to make sure that there will not a drain on police resources at the local level, as this is where all the costs of enforcement will occur.

Before the final version of the regulatory framework is released, we request a meeting with Minister Farnworth or the Premier. We also request continuous dialogue on this important issue, as the implications to our communities will be both very serious and very costly if not implemented correctly.

On behalf of the City of Langford, thank you for your consideration of the above feedback.

Sincerely,



Mayor Stewart Young
City of Langford

CITY OF
LANGLEY



OFFICE OF THE MAYOR

City Hall - 20399 Douglas Crescent, Langley, BC Canada V3A 4B3
Telephone: 604-514-2801 Fax: 604-514-2838

October 31, 2017

Honourable Mike Farnworth
Minister of Public Safety and Solicitor General
Room 128 Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Farnworth:

**Re: City of Langley Submission Regarding Cannabis Legalization and
Regulation in British Columbia**

On behalf of City Council, please accept this letter as the City of Langley's submission regarding cannabis legalization and regulation in British Columbia.

Minimum Age

Bill C-45 establishes the minimum age at 18 to buy, grow and possess cannabis but the provinces can choose to set a higher minimum age.

Langley City endorses 19 as the minimum age in British Columbia. This would harmonize regulations with the age requirement for alcohol and tobacco and with the age of majority in the province.

Personal Possession – Adults

Bill C-45 establishes a 30 gram limit on personal possession of dried cannabis and leaves room for provinces to lower, but not raise, this limit.

Langley City endorses this limit, in line with Federal and Provincial recommendations. There should be clear, proportional and enforceable penalties that seek to limit criminal prosecution for less serious offences.



Personal Possession – Youth

Persons under age 18 will not be allowed to grow or purchase cannabis under Bill C-45; however, it does not prohibit them from possessing up to 5g of cannabis. Provinces, however, are permitted to lower this limit or potentially reduce it to zero. In the event that the limit for youth possession is lowered to zero, this could still not make it a criminal offence.

Langley City proposes that the possession of cannabis for persons under the age of 19 will result in similar enforcement of youth in possession of alcohol; possession of cannabis over the legal age limit would result in police confiscating it with the option of issuing a ticket (no criminal charge). There should be clear, proportional and enforceable penalties that seek to limit criminal prosecution for less serious offences while maintaining criminal offences for illicit production, trafficking, possession for purposes of import/export and trafficking to youth.

Public Consumption

Bill C-45 will amend the Federal Non-smokers' Health Act to prohibit cannabis smoking and vaping in certain federally-regulated places (planes, trains, etc.) but regulation of public consumption in all other places will fall to Provincial legislation.

Langley City supports that cannabis smoking and vaping being treated the same as tobacco smoking and vaping. This would mean a prohibition of smoking and vaping in workplaces, enclosed public spaces, hospitals, bus shelters, playgrounds and outdoor sport facilities. At this time, harmonizing regulations of cannabis smoking and vaping with tobacco smoking and vaping will make education, regulation and enforcement easier for cities and the public.

Drug Impaired Driving

Drug-impaired driving is already prohibited but Bill C-46 introduces new language to specifically address cannabis impairment and provides authority for the Federal Government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be charged with a criminal offence. BC currently has regulations that allow for either criminal charges or administrative penalties for impaired drivers. It is recognized that drug impaired driving cases are resource intensive both from an enforcement and legal perspective.

The Province is suggesting that one or more of the following options could be considered to address cannabis-impaired driving:



1. Launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving;
2. Set a zero tolerance standard in respect to blood THC content for drivers in the Graduated Licensing Program ("L" or "N" designations) and for drivers under the age threshold;
3. Invest in training more police officers to detect drug impairment through Standard Field Sobriety Tests or to be certified as Drug Recognition Experts; or
4. Expand the program of issuing administrative penalties and roadside bans to include cannabis-impaired driving.

In consideration of the above-noted options, Langley City suggests that all options should be pursued as well as the following considerations:

1. Invest in roadside drug impairment testing equipment for police officers;
2. Initiate discussion on the application of the existing Immediate Roadside Prohibition (IRP) and Administrative Driving Prohibition (ADP) under the BC Motor Vehicle Act; and
3. Ensure adequate capacity is developed prior to the start of the regulatory regime (including law enforcement) recognizing that there will be increased demand on law enforcement, especially in the early stages, to ensure compliance with the new regulations.

Personal Cultivation

Bill C-45 allows adults to grow up to four cannabis plants per household, up to a maximum height of 100 cm. There are no restrictions on where plants can be located (indoors vs. outdoors) but provinces are allowed to set restrictions or to lower the number of plants allowed. The Province is asking local governments to consider the following options to address personal cultivation:

1. Adopt a limit lower than four plants per household for non-medical cannabis;
2. Set restrictions on where and how non-medical cannabis can be grown (indoors vs. outdoors, security requirements, etc.);
3. Establish a registration requirement for persons who want to grow non-medical cannabis in their homes; or
4. Leave legislation on those issues out of the provincial regulations and instead allow local governments to set one or more of the above measures.

In consideration of the above-noted options, Langley City prefers Options 3 and 4. The regulation of the location and the number of plants grown in homes should be left to the jurisdiction of local governments. This would allow local governments to:



- Provide local governments with a registry of persons who want to grow non-medical cannabis in their homes;
- Set different regulations based on the demographics and land use in each community;
- Tailor requirements to housing type and other factors (e.g. growing of non-medical cannabis be prohibited from multi-family dwellings, growing of non-medical cannabis be restricted to accessory buildings, etc.); and
- Establish requirements to ensure public health and public safety (i.e. proper mechanical and electrical systems, backflow prevention on the water supply system, mold growth).

Distribution Model

Under Bill C-45, each province has the responsibility to decide how cannabis will be distributed from licensed producers to licensed retailers. There are three basic models for the distribution of cannabis in British Columbia:

1. Government Distribution – warehousing and distribution of cannabis to be the sole responsibility of the provincial government;
2. Private Distribution – one or more private businesses could be responsible for physical warehousing and distribution, with significant government oversight;
3. Direct Distribution – licensed producers sell directly to licensed retailers, also with significant government oversight.

Langley City prefers a government model of distribution (Option 1). One of the goals of the legalization and regulation of non-medical cannabis is to eliminate the role of organized crime and providing a clear role for government in the distribution of cannabis is likely a more effective way to achieve this.

Retail

Bill C-45 gives the provinces the authority to determine the retail model for cannabis sales. Further to this, the Federal Government has committed to implement an online retail system as an interim solution from July 1, 2018 until retail operations are in place. The Province is asking for input on each of the following options for retail sales:

1. Establish a public or private retail system, or a mix of both, similar to the regime for alcohol sales;
2. Require cannabis to be sold from dedicated storefronts, not to be co-located with other products;



3. Establish a direct-to-consumer mail-order system.

In considering Option 1, Langley City supports a mix of both public and private retailers, so long as local government is able to control and regulate the locations through land use regulations (i.e. compliance with zoning and/or the requirement to rezone). Similar to liquor regulations, it is important that local government retain the ability to achieve desired objectives of land use criteria aimed at establishing a minimum proximity to certain sensitive land uses (i.e. residential, park, community facilities and/or school adjacencies).

In considering Option 2, co-locating with other controlled substances can make it easier to regulate and police but has the potential of exposing people to cannabis products who may not otherwise seek them out. Langley City has no preference as long as the product is stocked and inventoried separately and that local governments are given the authority to determine the location regardless of whether it is in a stand-alone store or combined with other products.

In considering Option 3, Langley City opposes a direct-to-consumer mail-order system. A direct-to-consumer mail-order system is already available for the medical cannabis system but opening it up to non-medical cannabis raises difficulties with controlling the distribution and protecting youth. E-commerce is very difficult to control and it is not clear how a system could be regulated to prevent youth from purchasing mail-order cannabis.

Additional Considerations

Two areas of concern are not addressed in the provincial survey questions and will have significant impacts on the implementation of non-medical cannabis:

1. Cost for Implementation and On-going Support

There will be costs borne by local governments to implement, educate and regulate legalization of cannabis. There needs to be a sustained funding mechanism from the Federal and Provincial governments to adequately assist local governments with off-setting these costs.



2. Regulations on Edible Products

Edible cannabis products pose the same or higher level of health risk to the public as smoking or vaping cannabis. Edibles represent a low barrier entry into cannabis consumption. Standards for dosage/potency need to be developed to safeguard public health.

Thank you for the opportunity to comment on this matter. If you have any further questions, please do not hesitate to contact Francis Cheung, Chief Administrative Officer, at 604-514-2805 or fcheung@langleycity.ca.

Yours truly,
CITY OF LANGLEY



Ted Schaffer
Mayor

cc: Councillors
Francis Cheung, CAO
Supt. Murray Power, OIC – Langley Detachment





Introduction

The federal government has set July 2018 as the date when recreational cannabis will be legalized in Canada. It would be only the second country in the world to do so. A taskforce was established which made a number of recommendations to the federal government, including the proposed responsibilities between the various levels of government.

The federal government is primarily responsible for regulating production. They also set minimum standards in areas such as legal age, personal cultivation, and possession quantities, thereby giving provincial and territorial governments the ability to set stricter regulations. Provincial governments therefore must develop regulations for a broad range of other considerations with the major policy decisions addressing:

- Minimum Age
- Cannabis and Youth
- Public Consumption
- Personal Cultivation
- Safeguarding the Sale of Cannabis
- Safety in the Workplace
- Impaired Driving (in conjunction with the federal government)

Decisions on production, distribution and retail have clear implications for businesses hoping to enter the cannabis industry, including how to ensure a diversity of participants. It is apparent that there is significant interest and speculation about the potential for new revenues generated by this industry.

Supply chain management also has significant implications for consumers and communities. Price, product quality and accessibility can all be affected, depending upon what route the Government chooses to take.

Notwithstanding this interest and the far-reaching implications of decisions made regarding the nature and scope of the new industry, the Government's principal interest should be to establish an efficient, accountable and transparent system for regulatory oversight of the supply chain, emphasizing the protection of health and safety and reducing diversion to the illicit market. – Federal Task Force

The timing of the BC provincial election and the delay in forming government has put BC government in a challenging situation to develop the necessary legislation and put the infrastructure in place in time to meet the federal timelines. The federal government indicated that recreational cannabis will be made available by mail order if provinces can't have their regulatory system in place by July 2018. If licensed retail outlets are not in place by July 2018 Nelson is fearful that the already challenging retail environment will be further exacerbated.

The Task Force heard mixed views on the type of retail outlets that should be permitted. Some advocated for a centralized, government monopoly akin to how most provinces and territories manage alcohol sales while others expressed a preference for a private-enterprise model with cannabis-specific storefronts (e.g., dispensaries) or with those for whom profit is not their principal motive (e.g., compassion clubs). Regardless of the model, participants were generally of the view that there should be some sort of storefront retail market, but they also noted concerns regarding the unchecked proliferation of unregulated dispensaries as they exist today. – Federal Task Force

Nelson believes that the integrity of the new system hinges on the ability to quickly transition from the current illicit market and unregulated cannabis retail model to a properly licensed system, similar to that of alcohol or tobacco. It will take concerted effort to create and put in place a new licensing and enforcement regime over the next 3-4 months, to have licensed retail outlets in place by July 2018. Although the entire system is complex, BC has the advantage in that other provinces have already done much of the heavy lifting and BC already has similar legislation in place, namely the *Liquor Control Act* and the *Smoking and Vapour Products Control Act*.

The responsibilities for licensing and enforcement are clear for alcohol and this is a system that is well understood by the public, industry, and local and provincial governments. Nelson strongly supports that a similar regulatory system be put in place as soon as possible for cannabis. The provincial government will have to make some early decisions on key issues such as a distribution and retail model and confirm it will accept a similar role as it does for regulating alcohol and tobacco. The direction from these decisions will enable provincial staff, in consultation with local governments, to start building the capacity to license and regulate these businesses.

Transition strategies, such as issuing temporary licenses, seconding staff from the liquor or tobacco branches, or even temporarily using existing government stores as retail outlets, may have to be put in place. If this is not in place and more unlicensed retail outlets open this will add to current problem. Communities such as Victoria, Vancouver and even Nelson already face a significant challenge to transition from these existing outlets to properly licensed outlets.

Nelson has reviewed both the Federal Task Force recommendations and Bill C-45. Nelson has also reviewed the frameworks from other provinces submissions and submissions from various organizations that will be impacted by the legalization of recreational cannabis, including those in the industry. It is with this background that Nelson, in the body of this report, puts forward our recommendations and other considerations to the Minister.

Nelson City Council appreciates the opportunity to comment on this very important legislation.

Minimum Age

Nelson supports setting the minimum age for purchase and consumption of cannabis at 19. This is in recognition that youth are already accessing it; nearly half of Canadians in Grade 12 say they have used cannabis. At the same time, research suggests that people under 25 who use cannabis face a greater risk of health impacts, including a negative effect on brain development.

Setting a minimum age of 19 will help balance the health risks to youth with the need to eliminate their interaction with a sophisticated and potentially dangerous illicit market.

This would make British Columbia's minimum age consistent with the legal age for alcohol and tobacco, making it easier for police officers and provincial inspectors to enforce. A strong focus on public education will be an important tool to encourage responsible use and create awareness of cannabis's impact on health.

Cannabis and Youth

One of the primary drivers for the federal government to legalize cannabis was to protect youth. Nelson has noted that other provinces, states, school boards and the BC Association of Municipal Chiefs of Police have all identified that allowing youth to possess even a small amount of cannabis runs contrary to this goal.

The federal government has granted autonomy to provincial governments to prohibit the possession of any amount of cannabis by youth.

Nelson supports the following recommendations that were made by the BC Association of Municipal Chiefs of Police:

1. Create provincial legislation prohibiting youth under the age of 19 from possessing or socially 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 for supplying to youth.

Alberta has proposed similar restrictions in their framework:

Young people — those under the legal age of 18 — will not be allowed to purchase or possess any cannabis. This zero tolerance approach means that youth who possess more than five grams of cannabis will continue to face criminal charges. Youth who possess less than five grams will not face criminal charges (which could negatively impact their future), but will be subject to seizure of the cannabis, notification of parents or guardians, and penalties similar to those for underage possession of alcohol or tobacco.

Public Consumption

As noted by provincial statistics, approximately 17% of the population uses cannabis so that means 83% do not and should not be impacted by the minority of users. Cannabis has a very distinct smell and should not be legally consumed in any unlicensed public place. Nelson cannot foresee any unlicensed public place where children and youth would not be exposed to the smell of cannabis if it was being consumed.

Legalizing cannabis will normalize its consumption and if this includes public places, such as going up the ski lift, on a sidewalk outside a restaurant or at the beach or park, this will be a message to children and youth that it is okay to be used similarly by them. Allowing public consumption is also inconsistent with the goal of not mixing alcohol and cannabis as it is likely, if not prohibited in public places, bar patrons will smoke cannabis on the street outside of these establishments and people that have been drinking will be more empowered to smoke cannabis in public places. If a person is found drinking alcohol and smoking cannabis in a public place, does the police officer confiscate the alcohol and allow the person to continue to smoke cannabis? This will make enforcement by police officers and others very difficult. Recreational cannabis is a drug and, especially when combined with alcohol, results in impairment. It should therefore be treated similarly to alcohol, where consumption in public places is restricted and tightly regulated.

Nelson recognizes that, like alcohol, that there will be some that “break” the rule and local police and bylaw should be able to confiscate and fine these users, similar to how they manage public consumption of alcohol.

Nelson recommends that public consumption of cannabis be consistent with the public consumption of alcohol.

Clean Air and Second Hand Smoke

Nelson has adopted a clean air bylaw that has been recognized by the Clean Air Coalition of BC as a progressive bylaw. This was adopted in response to the growing concerns of second hand smoke and the rights of non-smokers. The City has installed signage and is in the process of educating our residents and visitors on these new regulations. It applies to all forms of smoking and vaping including cannabis. To change public habits and perceived rights is extremely difficult. This will also be true for cannabis if it is allowed to be consumed in public places.

Nelson notes the following recommendations from BC Association of Municipal Chiefs of Police:

1. 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.
2. Create a penalty structure for public consumption similar to that under the *Liquor Control Act*, with enhanced penalties where children or youth are present.
3. Add cannabis to the *Smoking and Vapour Products Control Act*.

Nelson further recommends that the Province adopt policies for both cannabis and tobacco that are at least as restrictive as the City’s clean air bylaw or, alternatively, allow local governments to adopt bylaws that allow them to exceed the restrictions found in provincial legislation.

Private Consumption

Nelson supports the position put forward by LandlordBC:

1. Allow landlords to ban the smoking of tobacco or the smoking of marijuana. Ideally, landlords should be able to ban the smoking of tobacco or the smoking of marijuana on specific floors or areas of multiunit dwellings.
2. Prohibit marijuana growing in multi-unit dwellings and in rented dwellings of any size.
3. Prohibit the processing of marijuana in multi-unit dwellings and in rented dwellings of any size. (The task force recommended a prohibition on dangerous manufacturing processes in homes, such as the manufacturing of concentrates using volatile solvents or chemicals. LandlordBC would prefer the ban to be a general ban on all production or processing.)

Alberta has proposed similar restrictions in their framework:

Renters, condo-dwellers and those who live in multi-family dwellings may be restricted from growing cannabis in their homes based on rules established in rental agreements or condominium bylaws. Government will work to educate landlords, renters and condo boards on the options available to them.

Nelson recommends that the Province allow landlords and strata councils the right to restrict the smoking and growing of cannabis and tobacco in rental units and strata units.

Edibles

Nelson encourages the Province to work with the federal government on exploring the legalization of edibles which would mitigate the concerns with the smell associated with smoking cannabis in private residences.

Personal Cultivation

The Task Force recommends allowing personal cultivation of cannabis for non-medical purposes with the following conditions:

- A limit of four plants per residence;
- A maximum height limit of 100 cm on the plants – **Nelson agrees a strict adherence to 100cms is not practical and notes this has been changed in the proposed federal legislation (Bill C45);**
- A prohibition on dangerous manufacturing processes;
- Reasonable security measures to prevent theft and youth access; and,
- Oversight and approval by local authorities – **Nelson recommends that this be done at the provincial level.**

Nelson supports the federal task force recommendations on the condition that the Province has a robust enforcement system in place that ensures that any personal cultivation is being done safely and protects children and youth. This must include provincial resources to investigate as well as fines and penalties that are sufficiently strong enough to act as a deterrent from operating outside the regulations. For example, if a person is found in violation, they should be prohibited from personal cultivation for a period of time. This can also be a progressive penalty.

Cannabis Lounges

Nelson recommends the Province explore the possibility of allowing licensed cannabis lounges in the future.

This will give patrons an opportunity to consume cannabis in a social atmosphere similarly to alcohol. If these are allowed, they need to be licensed and regulated by the Province similar to establishments serving alcohol. Local governments would determine where these were located through zoning and business licensing. Restrictions on number, proximity to each other, schools, youth centres, parks and so on should be incorporated in the provincial regulations.

Safeguards for Cannabis Sales

Nelson largely supports the approach that is being considered by the Albertan Government, as articulated in their “*safeguards for cannabis sales*” section.

We have included this section of the Alberta framework for ease of reference:

Albertans of legal age will be able to purchase cannabis products from retailers that will receive their products from a government-regulated distributor. The distribution system would be similar to the system Alberta currently has in place for alcohol.

Government-regulated distribution can also ensure a level playing field for large and craft producers, and prevent small communities from being penalized for delivery costs by making sure product is shipped at the same price no matter where it's going.

There may not be online sales of non-medical cannabis initially. It will be considered as part of next steps once we understand more about the market, and we are confident we can ensure age verification.

Only specialized retail outlets will be able to sell cannabis, up to a maximum of 30 grams per purchase, and will not be able to sell cannabis if they sell alcohol, tobacco or pharmaceuticals.

The provincial government will establish rules that guide hours of operation and location of stores (for example, the minimum distance retail outlets must be from schools, community centres, liquor stores and each other), age of staff and training, and controlling initial growth in the number of outlets.

Staff who work at cannabis retail outlets would have to be at least 18 years of age and have appropriate training to educate customers about the potency of products and the risks associated with cannabis use. Staff must also be trained to uphold the rules around the purchase of cannabis, including checking customers' identification to make sure they are of legal age.

Consumer education will be embedded in the retail of cannabis, and retail outlets will display point-of-purchase signage and other materials to educate customers about risks and making responsible choices about cannabis.

Nelson would suggest the following additional considerations:

Proximity and Number of Retail Locations

In order to control access and curb overconsumption, provinces, territories and municipalities should consider using legislation and bylaws to prevent the proliferation of storefronts, including stores selling cannabis or cannabis paraphernalia, and to ensure locations are an acceptable distance away from schools, community centres, public parks, etc.

Retail outlets should be staffed with knowledgeable employees who have been trained through a formal training program, which will need to be developed. – Federal Taskforce

Nelson believes that the protection of youth and children is paramount and that the BC government should establish provincial standards. This is too important to have different rules across the Province as it would give a different message to youth from different communities.

For example, if the regulation in Nelson is that stores selling cannabis must be 100 meters from a youth center or school and Castlegar it is 500 meters, what message does this send? It is more difficult in those communities that have a strong cannabis lobby to set strict standards; while that may be okay for adults, it should not be okay for children and youth. These communities are already challenged in educating their citizens on the harmful effects of cannabis use, especially among youth, as there has been a long history with illicit cannabis use.

Unless retail outlets are restricted to areas such as industrial parks, which does not seem practical or necessarily fair, then the likelihood of youth being exposed to these retail outlets is high. If the goal is to restrict youth exposure to cannabis, then is it okay to have a cannabis outlet next to a candy store, a sports store or a restaurant? What happens when the reverse occurs, i.e. a cannabis outlet is operating at an approved location, and a youth frequented store wants to open in close proximity? This cannot be managed through zoning and business licensing. It is therefore important to provincially restrict the maximum number that can be located in any one community.

It is not practical to solely regulate the location of cannabis retail outlets through local bylaws. It is too important of an item, if the primary objective is to improve public health to not have minimum provincial proximity requirements. The only practical tool, that creates a consistent message, as a province, is the Government of BC establishing the overall minimum proximity distances to youth oriented facilities, liquor stores and to each other. These should be consistent with liquor store regulations. The proximity rules for liquor stores were established for a reason and are well accepted. Nelson believes the same should apply to cannabis outlets. A provincial standard sends a consistent message to children and youth across the province. Local governments can further restrict if they so choose. Communities can have choice by being able to further restrict, but not reduce these provincial standards, unless a specific exemption is granted.

The final point Nelson would like to make on retail outlets is that rural remote and/or un-zoned areas may be particularly challenged. If there are no provincial standards, then these outlets would be free to set up virtually anywhere. Rural areas could not issue business licenses and many do not have zoning.

Special consideration might have to be made for isolated retail outlets as there may only be one country store that serves the entire rural community. While mail order might be a partial solution, this may not

adequately address illicit market sales. Nelson recommends that the provincial licensing authority have the latitude to give a special license to these outlets if adequate safeguards can be put in place.

Nelson notes that both the Federal Task Force made this recommendation and the Alberta framework includes this provision.

Federal Task Force

Limits on the density and location of storefronts, including appropriate distance from schools, community centres, public parks, etc:

Alberta Framework:

The provincial government will establish rules that guide hours of operation and location of stores (for example, the minimum distance retail outlets must be from schools, community centres, liquor stores and each other), age of staff and training, and controlling initial growth in the number of outlets.

Nelson therefore recommends that:

The provincial regulations set the minimum distances and hours of operation for retail outlets. Local governments would then be able to provide further restrictions through zoning and other bylaws if so desired. Provincial regulations would allow local governments to specifically limit the number of retail outlets and cannabis lounges, if and when these are allowed. The provincial regulation would also grant exceptions, with local government approval, where deemed necessary.

Distribution

While Nelson is not opposed to directly supplying retail outlets by licensed producers, Nelson would need to be assured the system is robust enough to ensure that only licensed and tested product is being sold in retail outlets. Nelson does not believe that this can be established in the short time-frame between now and July 2018 and recommends provincial control of distribution until at least such time that a robust direct producer to retailer system could be established.

Nelson recommends the provincial government centralize, under public control, the distribution of cannabis.

Licensing and Enforcement

Nelson believes that the integrity of the new regulated system relies on ensuring that only licensed retail outlets are allowed to operate starting July 1, 2018. This will require the BC Government to license outlets prior to July 1, 2018. If this licensing and enforcement system is not in place prior to July 2018 there is a high likelihood of the current unregulated situation getting worse. Communities such as Victoria, Vancouver and even Nelson already will be a challenge to bring into compliance with the new regulatory system that will be put in place. Vancouver and Victoria, who chose to regulate medical cannabis retail outlets, are currently struggling with getting compliance.

Licensing and inspection: To be effective, a regulatory regime's requirements must be enforced. Governments will need to ensure that they have the resources and tools in place to do so. This will include building capacity for licensing and inspection at all levels of government: federal (e.g., for

production and laboratories), provincial and territorial (e.g., for distribution and retail), and municipal (e.g., for home-cultivation permits). – Federal Task Force

A first step is a robust provincial licensing regime being put in place as early as possible. This will require immediate and significant action: cannabis licensing officials and inspectors need to be recruited and trained, a licensing system implemented, a training program developed for those in the industry and securing adequate supply of cannabis.

The Province, in conjunction with local police, will need to have the resources to close down all illegal retail outlets that do not have a license and continue to sell cannabis, even if they say it is medical cannabis. This will take significant provincial and local government resources. The Province may need to take these operations to court. While Nelson does not support giving a leg up to the existing medical cannabis retail outlets, they should have the right to apply for licenses in the same manner as other entrepreneurs. These retail outlets should be allowed to continue operation if they are successful in getting a provincial license and meet both provincial and local government regulations. Nelson is not opposed, as part of a transition strategy, to the Province issuing temporary licenses to these establishments on the condition that they must meet provincial and local government regulations in order to continue to operate once these are finalized. No grandfathering would apply, including non-conforming use.

The Province should implement significant deterrents to operating illegally after July 1, 2018. This could include large fines, criminal charges or being banned from obtaining a recreational cannabis license in the future if it is found that they have been selling cannabis while unlicensed.

The Province needs to immediately develop a strategy to ensure that licensed retail outlets are in place in time. Nelson believes this can only be achieved by using existing legislative frameworks, primarily the *Liquor Control Act* and the *Smoking and Vapour Products Control Act*. This can be achieved by either bringing cannabis into these Acts or using these Acts as the framework for a standalone Act for cannabis. It may also involve identifying contingency plans such as issuing temporary licenses, seconding existing liquor or tobacco inspectors and licensing staff until a full licensing system and staffing are in place. While not necessarily a long-term solution, the Province could explore a store within a store concept for its existing liquor stores as a stop gap measure. The Province must also immediately shore up supply.

Nelson recommends the following:

- Nelson supports private retail outlets or a hybrid approach similar to alcohol.
- The BC Government develops a licensing and enforcement system that is consistent with the *Liquor Control Act* and the *Smoking and Vapour Products Control Act*.
- The current responsibilities of local and provincial government for liquor and tobacco are applied to cannabis.
- The provincial government implements a training program that is mandatory for a person to work in a retail cannabis outlet.
- That significant deterrents (fines, sanctions and penalties) are included in the legislation that will strongly penalize and dissuade those who are or would consider operating outside of the regulated system.

- If temporary licenses are issued or unlicensed outlets continue to operate beyond July 2018, there will be no applications of grandfathering and non-conforming use.
- That the provincial government develops a transition strategy to ensure that there are licensed legal retail outlets approved by July 2018.
- That enough resources are available to ensure only regulated retail outlets are operating after July 2018.
- That the provincial government ensures they have secured adequate supply from licensed producers to supply the licensed retail outlets.

Advertising and Packaging Cannabis

Nelson agrees with strict regulations on advertising and promotion of cannabis.

The Task Force agrees with the public health perspective that, in order to reduce youth access to cannabis, strict limits should be placed on its promotion. In our view, comprehensive restrictions similar to those created by tobacco regulation offer the best approach. There is also a concern that the presence of any cannabis promotion could work against youth education efforts.

In designing a system for the regulation of cannabis, we are creating a new industry. As with other industries, this new cannabis industry will seek to increase its profits and expand its market, including through the use of advertising and promotion. Because of the risks discussed earlier in this chapter, regulation aims to discourage use among youth and ensure that only evidence-informed information is provided to adults. Restrictions on advertising, promotion and related activities are therefore necessary.

Any promotion, marketing or branding that is allowed should still be subject to restrictions, such as lifestyle advertising (similar to the Tobacco Act restrictions), false or misleading promotion (as for food, drugs and any other consumer product), the encouragement of excessive consumption (similar to standards for alcohol) and therapeutic claims (similar to restrictions for drugs or natural health products in the Food and Drugs Act). – Federal Task Force

The Task Force recommends that the federal government:

- *Apply comprehensive restrictions to the advertising and promotion of cannabis and related merchandise by any means, including sponsorship, endorsements and branding, similar to the restrictions on promotion of tobacco products;*
- *Allow limited promotion in areas accessible by adults, similar to those restrictions under the Tobacco Act;*
- *Require plain packaging for cannabis products that allows the following information on packages: company name, strain name, price, amounts of THC and CBD and warnings and other labelling requirements;*
- *Impose strict sanctions on false or misleading promotion as well as promotion that encourages excessive consumption, where it is allowed;*
- *Require that any therapeutic claims made in advertising conform to applicable legislation; and,*

- *Resource and enable the detection and enforcement of advertising and marketing violations, including via traditional and social media.*

The Alberta framework made the following statements about advertising and packaging:

The federal government has proposed strict rules about advertising, labelling and packaging cannabis.

We will continue to monitor the specifics of the program they are proposing as additional rules are developed and will work with the federal government to address any issues or gaps in policies should they arise.

Restrictions on cannabis advertising and packaging will generally mirror what is in place today for tobacco. Advertising will be restricted to locations where there are no minors, and there will be limits on displays and in-store promotion.

British Columbia Independent Cannabis Association (BCICA) notes:

Branding, as an issue, has many potential impacts. The BCICA recommends that product branding be allowed. Branding can play a role in public safety, as good actors can establish their brand trust through transparency and compliance. Alternatively, it also allows the public to identify brands that have failed pesticide tests or inspections in the past. If everyone has the same label, it becomes difficult for end users to identify historical good and bad actors.

British Columbia Pharmacy Association

Included in our written submission is our concern about well-established illegal cannabis shops operating under the false pretense of selling their product for medicinal purposes and calling themselves “dispensaries”. We urge the government to limit the use of this term to health professionals.

We also believe that the government of B.C. must undertake a simultaneous review of both the implementation of sales of recreational cannabis and dispensing medicinal cannabis because of the unique situation in British Columbia, where illegal pot shops have falsely led consumers to believe they are selling marijuana for “medical” purposes.

A number of recommendations have been put forward to achieve these goals, including a robust public education program and restrictions on advertising, promotion and branding. Retail outlets are seen as a requirement in order to reduce purchasing on the illicit market as a direct to consumer mail order system is not seen as robust enough. A preference for engaging more directly with knowledgeable staff and with the products themselves before making purchases was also identified by respondents. The recommendation of the Task Force and many others were to limit advertising to in-store promotion where it is only accessible to adults.

Bill C-45 states the following

Promoting cannabis, cannabis accessories (e.g., rolling papers, pipes and vaporizers), and services related to cannabis would be prohibited except in limited circumstances. Subject to the regulations,

promotion would be limited to informational or brand preference promotion in certain circumstances such as in a place where young persons are not permitted by law.

Nelson believes that store frontages and signage are an important consideration in restricting advertising and promotion. It is unclear how the federal regulations will address outside and store frontage advertising and promotion. The current signage that is being used in BC and American states that have legalized medical or recreational cannabis does not meet the recommendations from the Task Force or Bill C-45 (see appendix A for examples). Cannabis outlets should be unobtrusive and signage should be kept to a minimum, they should not promote usage or promote the product. Even the name of the business should not be of a promotional nature. It is important that this is regulated and enforced in accordance with the recommendations from the Task Force.

It is unclear from the proposed federal legislation who will be responsible for enforcing this provision and the extent of the prohibition on promotion.

In setting restrictions, the federal government should consider options for oversight and enforcement. This should include effective oversight by government, possibly supplemented by industry self-regulation (as is the case with pharmaceuticals). – Federal Task Force

Nelson recommends that either the federal or if there is a gap the provincial advertising and promotion regulations specifically address all outside advertising, including store signage, sandwich boards, billboards and window displays. A control point could be provincial licensing. Nelson recommends that outside signage, including the name of the retail outlet should be approved as part of the licensing. Signage should be restricted to the storefront only. These regulations should ensure that this outside advertising is consistent with all the recommendations of the Task Force. Local governments, through business licensing, should have the authority to impose additional restrictions.

Supply and Economic Development Opportunities

Another concern that has been identified, primarily by the industry, is supply and economic development opportunities. Nelson found the proposal put forward by the British Columbia Independent Cannabis Association (BCICA) quite informative.

Based on Nelson's understanding of the federal regulation, it does not appear that the BCICA proposal could be implemented. However, Nelson would like the Province to consider how to best assist our local small/craft producers being brought into the legal recreational cannabis system to not lose the economic development benefits of this important industry to BC and to reduce illicit market production and sales.

The economic development aspect of the industry should be assigned to the Ministry of Jobs, Trade, and Technology and a taskforce should be formed immediately to ensure this important industry in BC, especially for our small rural communities, is not lost, but rather grown. This also seems, on the surface, as the best strategy to address illicit market production and sales and the concern of valuable productive agriculture lands in the lower mainland being converted to cannabis production.

Independent Retail Stores

Nelson concurs with the recommendation from the Federal Task Force and the Alberta framework that cannabis retail outlets should be standalone stores and that employees and patrons frequenting them be a minimum of 19 years of age.

Nelson also has concerns of producers operating retail stores as this may limit the success of smaller, independent stores.

The Federal Task Force further recommends that the retail environment include:

- *No co-location of alcohol or tobacco and cannabis sales, wherever possible. When co-location cannot be avoided, appropriate safeguards must be put in place*

Nelson concurs with Alberta's proposal to not implement direct to consumer mail-order system until such time as age verification can be assured.

Production

Nelson concurs with the Federal Task Force's recommendations in the following areas:

Regulate the production of cannabis and its derivatives (e.g., edibles, concentrates) at the federal level, using best practices taken from the current medicinal cannabis production system.

Use licensing and production controls to encourage a diverse, competitive market that also includes small producers. – See Nelson recommendation above re: supply and economic development opportunities.

Implement a seed-to-sale tracking system to prevent diversion and enable product recalls.

Promote environmental stewardship by implementing measures such as permitting outdoor production, with appropriate security measures. – see concern of lower mainland communities as communicated by UBCM of potential impact on prime farmland.

Implement a fee structure to recover administrative costs (e.g., licensing).

Regulate CBD and other compounds derived from hemp or from other sources.

Workplace

Nelson concurs with then Federal Task Force recommendations as follows:

- *Facilitate and monitor ongoing research on cannabis and impairment, considering implications for occupational health and safety policies.*
- *Work with existing federal, provincial and territorial bodies to better understand potential occupational health and safety issues related to cannabis impairment.*
- *Work with provinces, territories, employers and labour representatives to facilitate the development of workplace impairment policies.*

Nelson also supports the position and approach taken in the Alberta framework.

Workers who are impaired on the job – whether by alcohol or drugs – are a danger to their coworkers and themselves.

Alberta already has rules and programs in place to address impairment on the job and keep workers safe, but before July 2018 we will review occupational health and safety regulations and

work with employers, labour groups and workers to ensure the rules continue to address impairment issues. This may include developing additional regulations, education or training programs.

Nelson also notes the recommendations from the BC Trucking Association:

BCTA recommends that the provincial government ensure trucking and motor coach companies have the necessary tools to protect their drivers and the public from crashes due to impairment by working with the federal government to:

- Develop a national approach to legalization.
- Amend the Criminal Code to include cannabis impairment offence with a THC cut-off similar to the one established for alcohol, and support a zero-tolerance for safety –sensitive occupations, like commercial drivers, in the absence of clear evidence of the level of cannabis impairment that is “safe”.
- Agree on a practical, reliable, least intrusive, and legally acceptable road-side testing protocol.
- Agree on a regulatory framework to allow employers of workers in safety-sensitive occupations to conduct random workplace drug and alcohol testing.

Nelson strongly encourages that the Province work with WorksafeBC, industry and local governments to ensure that there are strong regulations to ensure that workers and the public are safe.

Impaired Driving

With respect to impaired driving, the Task Force recommends that the federal government:

- *Invest immediately and work with the provinces and territories to develop a national, comprehensive public education strategy to send a clear message to Canadians that cannabis causes impairment and that the best way to avoid driving impaired is to not consume. The strategy should also inform Canadians of:*
 - *the dangers of cannabis-impaired driving, with special emphasis on youth; and*
 - *the applicable laws and the ability of law enforcement to detect cannabis use*
- *Invest in research to better link THC levels with impairment and crash risk to support the development of a per se limit*
- *Determine whether to establish a per se limit as part of a comprehensive approach to cannabis-impaired driving, acting on findings of the Drugs and Driving Committee, a committee of the Canadian Society of Forensic Science, a professional organization of scientists in the various forensic disciplines*
- *Re-examine per se limits should a reliable correlation between THC levels and impairment be established*
- *Support the development of an appropriate roadside drug screening device for detecting THC levels, and invest in these tools*

- *Invest in law enforcement capacity, including Drug Recognition Experts and Standardized Field Sobriety Test training and staffing*
- *Invest in baseline data collection and ongoing surveillance and evaluation in collaboration with provinces and territories*

The Task Force further recommends that all governments across Canada consider the use of graduated sanctions ranging from administrative sanctions to criminal prosecution depending on the severity of the infraction. While it may take time for the necessary research and technology to develop, the Task Force encourages all governments to implement elements of a comprehensive approach as soon as feasible, including the possible use of administrative sanctions or graduated licensing with zero tolerance for new and young drivers.

The BC Association of Municipal Chiefs of Police

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 a Section 215 (24 Hour) 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 and 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.

Nelson supports a strong education campaign as well as penalties that will act as a strong deterrent to impaired driving caused by cannabis.

Appendix "A"

Sample of current outside advertising and promotion.











October 24, 2017

Lisa Anderson
Executive Director, Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
200, 914 Yates Street
Victoria, BC V8V 3M2

VIA EMAIL: cannabis.secretariat@gov.bc.ca

Dear Ms. Anderson:

RE: BC Cannabis Regulation Engagement

Please accept this letter, attached Council Resolution and related report entitled “Provincial Consultation on Cannabis Regulation”, as feedback from the City of North Vancouver on the BC Cannabis Regulation Engagement.

Council appreciates the opportunity to provide feedback on an issue that will have a significant impact on local communities. While Council would appreciate a fuller discussion on the legalization and regulation of cannabis, Council understands the challenges associated with the Federal Government’s July 1, 2018 enactment date. The City of North Vancouver is pleased to provide the following feedback:

1. Minimum age:

The Province should set the minimum age at 19 for cannabis consumption, thereby maintaining consistency with the age limitation for alcohol consumption.

2. Personal possession limits:

Possession limits have little impact on City staff and are of more concern to the RCMP.

3. Public consumption:

Public consumption regulation should apply province-wide without variation, and should include regulation of all forms of cannabis consumption (e.g. smoking, vaping, edibles, and drinkable). Consumable cannabis that is difficult to detect or enforce should not be grounds for not regulating the public consumption of that product.

4. Drug impaired driving:

Cannabis-impaired driving should be held to the same standard of enforcement and consequences as alcohol-impaired driving.

...Page 2

5. Personal cultivation:

As with public consumption, regulations regarding personal cultivation should be established province-wide without the ability of further regulation by local government. The Province should avoid enabling a patchwork of regulations at the municipal level. The provincial government should also be responsible for monitoring and enforcing any regulations that are enacted, as there is no viable revenue stream to offset the costs for a municipality that takes on this work.

6. Distribution model:

Distribution is likely more of an RCMP concern. The City of North Vancouver does not have an opinion regarding the distribution model, provided the provincial model prohibits retailing at the distribution/wholesaling location.

7. Retail model:

The City of North Vancouver has no preference with respect to the retail system, except that any private retail system must provide municipalities with sufficient time to prepare and enact regulations appropriate for their local conditions; and that the provincial legislation include the authority for the municipality to take appropriate enforcement action against the private business when required.

The City of North Vancouver's position is a high level commentary, and this position may change once details of the proposed provincial regulation are known.

Whatever regulation is finally adopted, there will undoubtedly be cost implications for local governments. The City of North Vancouver therefore recommends that both the provincial and federal governments consider a system for revenue sharing with local governments to help offset costs related to the legalization and regulation of cannabis, as well as share in this important source of revenue.

Should you desire further clarification of this submission please contact Guy Gusdal, Manager-Bylaw Services, at 604-983-7307 or Larry Orr, Manager-Business Services, at 604-982-3913. The City of North Vancouver would welcome further input into the consultation process.

Yours sincerely,



Darrell Mussatto
Mayor

Encl.

cc: North Vancouver City Council

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER, CITY HALL, 141 WEST 14th STREET, NORTH VANCOUVER, BC, ON MONDAY, OCTOBER 23, 2017.

REPORT OF THE COMMITTEE OF THE WHOLE (CLOSED SESSION)

**14. Provincial Consultation on Cannabis Regulation
– File: 09-4000-01-0001/2017**

Moved by Councillor Buchanan, seconded by Mayor Mussatto

PURSUANT to the report of the Manager, Bylaw Services, and the Manager, Business Services, dated October 18, 2017, entitled “Provincial Consultation on Cannabis Regulation”:


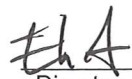
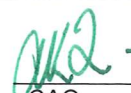
THAT having considered the Provincial Government’s deadline of November 1, 2017 to provide input into the Province’s Consultation Process on Cannabis Legalization and Regulation in British Columbia and the information in this report, a letter be provided from the Mayor on behalf of Council to the Ministry of Public Safety and Solicitor General, substantially in the form presented as Attachment #2 of the report;

AND THAT the following words be added to the end of the second last paragraph of the letter from the Mayor:

“, as well as share in this important source of revenue.”

CARRIED UNANIMOUSLY



 Division Manager	 Director	 CAO
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The Corporation of **THE CITY OF NORTH VANCOUVER**
COMMUNITY SERVICES DEPARTMENT

CONFIDENTIAL REPORT

To: Mayor Darrell R. Mussatto and Members of Council

From: Guy Gusdal, Manager, Bylaw Services
Larry Orr, Manager, Business Services

SUBJECT: PROVINCIAL CONSULTATION ON CANNABIS REGULATION

Date: October 18, 2017 File No: 09-4000-01-0001/2017

The following is a suggested recommendation only. Please refer to Council Minutes for adopted resolution.

RECOMMENDATION:

PURSUANT to the report of the Manager, Bylaw Services and the Manager, Business Services, dated October 18, 2017, entitled "Provincial Consultation on Cannabis Regulation":

THAT having considered the Provincial Government's November 1, 2017 deadline to provide input into the Province's Consultation Process on Cannabis Legalization and Regulation in British Columbia and the information in this report, a letter be provided from the Mayor on behalf of Council, substantially in the form presented as Attachment #2 of the report.

ATTACHMENTS:

1. BC Ministry of Public Safety and Solicitor General Department's "Cannabis Legalization and Regulation in British Columbia Discussion Paper". (Document #1573511)
2. Proposed Submission to the Cannabis Legalization and Regulation in British Columbia consultation process. (Document #1575238)

PURPOSE:

To obtain Council's direction with respect to providing input to the Provincial consultation process for the legalization and regulation of cannabis. The deadline for input is November 1, 2017.

BACKGROUND:

On April 13, 2017 the federal government introduced legislation to legalize and regulate the sale and recreational consumption of cannabis. The proposed legislation comes into effect on July 1, 2018 and sets the federal government as the authority for licensing cannabis producers (regulating production and product standards) as well as implementing restrictions to minimize harms associated with cannabis use, and mitigate the size and scale of the illegal market and its related social harms. The decisions related to how cannabis is distributed and presented to consumers were delegated to the provinces and territories.

On September 25, 2017 the provincial government announced a consultation process to discuss the legalization and regulation of cannabis in British Columbia. The window for the public, including local governments, to participate in the consultation process is very tight, as the consultation period will close on November 1, 2017, at 4:00 PM. The Ministry of Public Safety and Solicitor General prepared a Discussion Paper (Attachment #1) that outlines the following key policy issues where feedback is desired:

1. minimum age;
2. personal possession limits;
3. public consumption;
4. drug impaired driving;
5. personal cultivation; and
6. distribution and retail models.

The RCMP will have an interest in all of the above issues; while issues number 3, 5 and 6 have implications for the Community Services and Planning Departments.

DISCUSSION:

The following is a brief discussion of each of the key policy issues and includes related staff recommendations.

Minimum Age

The federal government has established a minimum age of 18 years to buy, grow and possess the maximum personal amount of recreational cannabis. However, as with alcohol, each province or territory can set a higher minimum age in their jurisdiction. As with alcohol consumption there will likely be a variety of minimum age limits across Canada. BC's current age of majority is 19.

The Province has indicated concern with having a lower minimum age for recreational cannabis consumption as this would potentially expose more high school students to cannabis use through the legal consumption of fellow students that turn 18 during the school year (a similar rationale for having alcohol consumption at the age of 19). There are also competing concerns with brain development impacts that could occur prior to the age of 25 versus creating a strong demand for the illegal cannabis market as currently people under the age of 25 are a strong demographic for cannabis use.

Staff Recommendation: Staff recommend that Council request the Province set the minimum age at 19 for cannabis consumption. This maintains consistency with the age limitation for alcohol consumption.

Personal Possession

The federal government has established a maximum possession amount for adults of 30 grams and a possession limit of 5 grams for persons under the age of 18 or the minimum age set by a province or territory. The adult possession limit is set to address concerns of trafficking, while the under age limit is there to prevent youths from criminal prosecution for small amounts of cannabis. The latter allows provinces or territories to deal with youth possession in a manner similar to alcohol (i.e. confiscation by police and ticketing).

Staff Recommendation: Possession limits have little impact on City staff and are of more concern to the RCMP.

Public Consumption

The federal legislation will prohibit cannabis smoking and vaping in federally regulated places (e.g. planes and trains). Further regulation of the public consumption of cannabis (e.g. smoked, vaped or eaten) is the responsibility of each province. Failure to regulate would allow public consumption to occur in all other areas, including places where tobacco smoking and vaping are currently prohibited. The primary dilemma on the issue of public consumption revolves around whether cannabis should be treated like tobacco use versus alcohol use.

The current tobacco smoking and vaping regulation has resulted in a mosaic of different regulations between BC municipalities that is confusing to the public and has left the burden of enforcement to municipal bylaws staff that do not have the necessary legislative authority to adequately deal with non-compliant individuals. In addition, the odour from cannabis smoke is far more likely to generate nuisance complaints from the public. For these reasons, staff do not support using the current tobacco smoking and vaping regulatory framework as a means to regulate the public consumption of cannabis.

Current regulation prohibits the public consumption of alcohol. Enforcement of this regulation generally falls to the local police force. The difficulty with using this regulatory model is that there are currently no venues (e.g. bars, pubs, nightclubs or restaurants) that allow smoking within the establishment. That is, the ban on the consumption of alcohol in public is offset by the reasonable access to private businesses where people can socialize and consume alcohol in a public setting. Therefore, a ban on the consumption of cannabis

in public (smoked, vaped or eaten) requires the creation of establishments where this activity can take place in a social setting.

Regardless of how the public consumption of cannabis is regulated it will create staffing challenges and added costs for the City due to complaints from the public that are unhappy with the regulation framework implemented. RCMP operations will likely experience the greatest impact.

Staff Recommendation: Regulations for public consumption should apply province-wide without variation, and should include regulation of all forms of cannabis consumption (e.g. smoking, vaping, edibles, and drinkable).

Drug-impaired Driving

A lack of scientific evidence to effectively determine an individual's impairment is a key challenge to address safety concerns related to drug-impaired driving. The Province proposes a number of different options to address this concern.

Staff Recommendation: Cannabis-impaired driving should be held to the same standard of enforcement and consequences as alcohol-impaired driving.

Personal Cultivation

Federal legislation allows each household to grow a maximum of 4 plants to a maximum height of 1 metre. The federal government's Task Force on Cannabis Legalization and Regulation suggested that local governments should establish oversight and notification processes for home cultivation. The provincial government has also suggested that local governments could be authorized to do this. Staff do not support downloading this responsibility to local governments; particularly given the challenges with enforcing any such regulatory framework and the severe limitations with implementing a revenue stream to fund the new enforcement work.

Staff Recommendation: As with public consumption, regulations regarding personal cultivation should be established province-wide without the ability of further regulation by local government. The Province should avoid enabling a patchwork of regulations at the municipal level. The provincial government should also be responsible for monitoring and enforcing any regulations that are enacted, as there is no viable revenue stream to offset the costs for a municipality that takes on this work.

Distribution Model

The federal government has indicated that distribution/wholesaling is within each province's jurisdiction. The provincial government is proposing three models for discussion: government distribution; private distribution and direct distribution. The provincial discussion paper appears to favour a government distribution model, similar to the existing model for alcohol (e.g. the Liquor Distribution Branch).

Staff Recommendation: Distribution is likely more of an RCMP concern. Staff do not have an opinion regarding the distribution model provided the provincial model prohibits retailing at the distribution/wholesaling location.

Retail

The federal government has indicated that retail distribution is the province's jurisdiction. The provincial government is proposing three models for discussion: public and/or private retail distribution; retail distribution using existing liquor stores (public and private) and pharmacies; and direct-to-consumer mail-order distribution. The province hasn't indicated any preferences in the discussion paper. It has noted that a public retail system would eliminate the need for the private illegal dispensaries.

A public retail system that does not allow any private retailing (e.g. like the system proposed in Ontario) would be the easiest system for the City to manage. It is expected that the zoning and location approval process for a public retail system would be similar to the system used for government run retail liquor stores. Staff are comfortable with this model as the Liquor Distribution Branch (LDB) is careful in choosing appropriate locations without the need of additional city zoning or business licence regulations; and LDB staff will often consider input and suggestions regarding City concerns of a proposed location. Also, the City rarely has issues with the operation of LDB liquor stores and when issues do arise LDB staff are responsive to the City's concerns.

Having said that, staff believe that a private retail system could work well, provided the City has sufficient time to prepare appropriate zoning and business licence bylaw regulations. Also, the City would require additional authority to set appropriate conditions (business size, hours of operation, etc..) on the operation of the retail store, the ability to easily alter the conditions from time to time (i.e. reward good operators, curtail the operations of poor operators, or respond to unique requests), and the ability to take enforcement against the business to ensure the business operates in an appropriate manner (ideally this authority would be imbedded within the same provincial legislation that authorizes the private cannabis retail store).

Staff Recommendation: Staff have no preference with respect to the retail system, except that any private retail system must provide municipalities with sufficient time to prepare and enact regulations appropriate for their local conditions; and that the provincial legislation include the authority for the municipality to take appropriate enforcement action against the private business when required.

FINANCIAL IMPLICATIONS:

There are no costs associated with providing a submission to the consultation process. However, the potential City costs associated with the provincial government's legalization and regulation of cannabis could range from low to significant depending on the Provincial

Government's enacted regulatory framework. Staff therefore recommend that both the federal and provincial governments consider ways to revenue share with local governments to offset any costs local governments incur due to the legalization and regulation of recreational cannabis. A similar system to the provincial government's Traffic Services revenue sharing program which shares some of the revenue from Traffic tickets with local governments may be a model to consider.

INTER-DEPARTMENTAL IMPLICATIONS:

The Provincial Government's legalization and regulation of cannabis framework has implications that affect the Community Services Department (Bylaw Services & Business Licencing), Planning Department, Finance and the RCMP.

CORPORATE PLAN AND/OR POLICY IMPLICATIONS:

Nil.

STRATEGIC PLAN IMPLICATIONS:

Nil.

RESPECTFULLY SUBMITTED:


for

Guy Gusdal
Manager, Bylaw Services



Larry Orr
Manager, Business Services

GG/LO/eb

Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.

October 24, 2017

VIA EMAIL: cannabis.secretariat@gov.bc.ca

Lisa Anderson
Executive Director, Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
200, 914 Yates Street
Victoria, BC V8V 3M2

Dear Ms. Anderson:

RE: **BC Cannabis Regulation Engagement**

Please accept this letter, and the attached copy of Council's Resolution and the related report to Council entitled "Provincial Consultation on Cannabis Regulation" dated October 17, 2017 as feedback from the City of North Vancouver on the BC Cannabis Regulation Engagement.

Council appreciates the opportunity to provide feedback on an issue that will have a significant impact on local communities. While Council would appreciate a fuller discussion on the legalization and regulation of cannabis, Council understands the challenges associated with the Federal Government's July 1, 2018 enactment date. The City of North Vancouver is pleased to provide the following feedback:

1. minimum age:

The Province should set the minimum age at 19 for cannabis consumption; thereby maintaining consistency with the age limitation for alcohol consumption.

2. personal possession limits:

Possession limits have little impact on City staff and are of more concern to the RCMP.

3. public consumption:

Public consumption regulation should apply province-wide without variation, and should include regulation of all forms of cannabis consumption (e.g. smoking, vaping, edibles, and drinkable). Consumable cannabis that is difficult to detect or enforce should not be grounds for not regulating the public consumption of that product.

4. drug impaired driving:

Cannabis-impaired driving should be held to the same standard of enforcement and consequences as alcohol-impaired driving.

5. personal cultivation:

As with public consumption, regulations regarding personal cultivation should be established province-wide without the ability of further regulation by local government. The Province should avoid enabling a patchwork of regulations at the municipal level. The provincial government should also be responsible for

monitoring and enforcing any regulations that are enacted, as there is no viable revenue stream to offset the costs for a municipality that takes on this work.

6. distribution model: and

Distribution is likely more of an RCMP concern. The City of North Vancouver does not have an opinion regarding the distribution model provided the provincial model prohibits retailing at the distribution/wholesaling location.

7. retail model:

The City of North Vancouver has no preference with respect to the retail system, except that any private retail system must provide municipalities with sufficient time to prepare and enact regulations appropriate for their local conditions; and that the provincial legislation include the authority for the municipality to take appropriate enforcement action against the private business when required.

The City of North Vancouver's position is a high level commentary and this position may change once details of the proposed provincial regulation are known.

Whatever regulation is finally adopted, there will undoubtedly be cost implications for local governments. The City of North Vancouver therefore recommends that both the provincial and federal government consider a system for revenue sharing with local governments to help offset costs related to the legalization and regulation of cannabis.

Should you desire further clarification of this submission please contact Karla Graham, City Clerk, 604-990-4234, at your convenience. The City of North Vancouver would welcome further input into the consultation process.



City of Parksville
Office of the Mayor

October 24, 2017

Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
Province of British Columbia
Via email: cannabis.secretariat@gov.bc.ca

Re: City of Parksville Comment on Cannabis Regulation

On behalf of the City of Parksville Council, I write in response to the Province of BC's invitation to provide feedback on the development of a regulatory framework for cannabis in anticipation of new federal law expected in July 2018.

It is crucial that local government input be considered in the regulation of cannabis as municipalities and regional districts will be immediately impacted by all facets of the new legislation; from public consumption to personal cultivation, the effects of cannabis legalization will no doubt be far-reaching and significant for local governments.

The City of Parksville is a relatively small municipality with limited resources; it is our hope that the provincial cannabis legislation will be carefully drafted to minimize the currently-unknown impact on small local government resources, particularly bylaw enforcement and police services.

As a result, at the October 23, 2017, meeting, Council unanimously passed the following resolution with recommendations on shared revenue; minimum age for purchase; public consumption; personal possession limits; impaired driving regulation; personal cultivation; and distribution and retail of cannabis:

- 17-288 1. THAT the Council of the City of Parksville makes the following recommendations to the Province of BC with respect to provincial regulation of cannabis to commence in July 2018:
- i. THAT the federal and provincial governments implement a stable and continuous funding model whereby municipalities share in revenues from the cannabis economy;

.../2

- ii. THAT the minimum age for cannabis purchase, use and consumption be established at 19 years;
- iii. THAT the gram limit for adult public possession be set at 30 grams and for youth be set at five (5) grams;
- iv. THAT public consumption of cannabis be restricted in the same manner as tobacco smoking and vaping;
- v. THAT the Province of BC undertake a vigorous public education campaign on the risks of cannabis impaired driving; and the province establish a zero-tolerance standard for blood THC content for drivers with an "L" or "N" designation; and the province invest in enhanced field testing options and undertake additional training for officers to facilitate detection of impaired drivers; and the province establish penalties similar to those currently imposed for impaired driving under the influence of alcohol;
- vi. THAT adults be permitted to cultivate up to four (4) plants per household provided the cultivation be restricted to an indoor location and visibly undetectable from any location off the premises and local governments be delegated the authority to prohibit or regulate home cultivation through zoning and building bylaws at the municipal and regional district level;
- vii. THAT the province establish a government or hybrid government and private distribution model for cannabis in BC;
- viii. THAT the province establish a retail model that consists of a government or hybrid retail model based on existing liquor and drug stores and that authority be delegated to local governments to regulate the location, density and hours of retailers through zoning and business licence bylaws.

On behalf of Council and staff, I wish to express our appreciation for the opportunity to participate in the legislative development process. We look forward to the continued consultation and involvement of local governments in the regulation of cannabis.

Yours truly,



MARC LEFEBVRE
Mayor

cc: Council Members
The Honourable Michelle Stilwell, MLA, Parksville-Qualicum



Office of Mayor Greg Moore

October 25, 2017

The Honourable Mike Farnworth
Minister of Public Safety & Solicitor General
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Dear Minister Farnworth:

Thank you for the opportunity to contribute to the cannabis regulations. We appreciate the challenges that this new change in federal direction presents. In general the City would like our local government powers through zoning and other bylaws to be preserved and allow us to control land use, siting and the locations for consumption of cannabis. The city also believes the initial legislation should be err on the side of stronger controls; the thought is that it is easier to subsequently relax regulations rather than subsequently contract regulations. The City of Port Coquitlam puts forward the following suggestions for your consideration on the topics identified in the engagement survey.

Personal cultivation;

The City of Port Coquitlam believes no amount of personal cultivation is appropriate for the following reasons:

- concerns about quality and strength,
- damage to residential property dwellings,
- safety concerns from inadequate electrical installations,
- the involvement of organized criminal elements,
- and the potential for black market trafficking

Our understanding is that both medical cannabis and recreational cannabis will be readily available to eligible persons from licenced producers, negating the need for personal cultivation.

Public consumption;

Local Governments need the ability to prohibit the consumption of cannabis in public spaces through our bylaw mechanisms, particularly indoor and outdoor public places, parks, schools and playgrounds. This limitation should also extend to medical use of cannabis as other members of the public have a right to not be exposed to second hand smoke or the effects of cannabis.

.../2

Commercial cultivation and production;

The city prefers to restrict commercial cultivation and production to sites where a site-specific zoning would permit the use, as appropriate. The rezoning process would ensure the city has the opportunity to address items such as odour control, proper security requirements for the public's safety, proximity to other licenced sites or uses such as schools, and address any other identified impacts. Our current policies promote the protection of agricultural lands for food production and we do not support production uses in these areas. Siting decisions for this type of use is best handled by local governments who are aware of local conditions that best balance the use with local community concerns.

Safety for commercial cultivation and production;

Federal and provincial safety requirements should be met for all commercial cultivation and production. In addition, local governments should have the ability to put conditions on commercial cultivation sites, through our bylaws, that will ensure safe and harmonious operation within our boundaries.

Distribution and retail models;

Local governments need to retain the authority to determine where such use is appropriate through application of their zoning and business licence bylaws to ensure the location is deemed appropriate. For example, we would wish to consider proximity to schools or other community buildings where youth are likely to be present. This will also ensure unescorted underage youth are not allowed on the premises. Training must be required for all staff involved in the selling of cannabis.

Revenue sharing;

Revenue sharing should be implemented with local governments to reflect additional efforts and costs that local governments will incur for policing and enforcement activities. The provincial portion of the revenue should be split 50%-50% to reflect the overall regulatory structure and the costs incurred by local governments; particularly those costs due to monitoring and ensuring compliance with new legislation that will fall to local police.

Drug impaired driving;

We expect the regulations to reflect the safety of the public regarding automobile operations. All reasonable conditions should be implemented to prevent impaired driving. The costs for testing of drivers, provision of equipment to determine impairment, and any required training for police officers should be borne by the federal and provincial government portion of the revenue.

Minimum age;

Port Coquitlam supports setting the minimum age to possess, purchase and consume cannabis in B.C. to 19 (to correspond with British Columbia's age of majority).

Given that cannabis legalization is a new initiative in Canada and that issues and solutions may not be fully known for some time, the city feels it would be prudent for the Province to conduct a review of the legislation and regulations after one year; and that the review should include a public consultation opportunity for the citizens of British Columbia.

Thank you on behalf of the Mayor and Council of the City of Port Coquitlam.

Sincerely,

A handwritten signature in black ink, appearing to read 'BW' followed by a stylized flourish.

Brad West
Acting Mayor

c: Cannabis Legalization & Regulation Secretariat
Port Coquitlam City Councillors
John Leeburn, Chief Administrative Officer
Port Coquitlam Department Heads

October 30, 2017

Via email: cannabis.secretariat@gov.bc.ca

Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
Victoria, BC V8W 9J7

Re: Cannabis Legalization and Regulation – City of Quesnel Recommendations

Thank you for Minister Farnworth's letter of September 21, 2017, in which he outlined the provincial request for municipal input into the proposed new and amended legislation; respectively Bill C-45 – *Cannabis Act* and Bill C-46 – Amendment to *Criminal Code*.

At a regular meeting of Quesnel City Council held Tuesday, October 24, 2017, Council resolved:

"17-27-481 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that the Provincial Regulation be 19 years of age for the minimum age legislated for the ability to buy, grow or possess up to 30 grams of Recreational Cannabis for the following reasons:

- 1. Youth still in high school if minimum age is 18 will have increased exposure;*
- 2. Consistency with the minimum age for tobacco, alcohol and minimum age of minority of 19; and*
- 3. There is emerging evidence suggesting Cannabis use could affect brain development up to the age of 25.*

CARRIED

17-27-482 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that the Provincial Regulation allow adult possession to be up to 30 grams of Recreational Cannabis;

AND THAT the Provincial Regulation prohibit youth personal possession of Recreational Cannabis;

Mayor Bob Simpson

Councillors Ed Coleman, Scott Elliott, Ron Paull, John Brisco, Sushil Thapar, Laurey-Anne Roodenburg



AND THAT laws be established to prohibit youth possession of Recreational Cannabis and permit penalty by way of a fine(s) and/or confiscation of Recreational Cannabis by the R.C.M.P.

CARRIED

17-27-483 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that the Provincial Regulation be that any penalty of a fine(s) related revenues regarding cannabis-impaired driving, be returned to the Local Government's Policing function as revenue to assist Local Governments with the extra burden that will be placed on municipal policing services due to the legalization of cannabis.

CARRIED

17-27-484 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that the Provincial Regulation for personal cultivation of cannabis plants be standardized to be the same, without variation, for all local governments to allow for consistency and understanding by the public.

CARRIED

17-27-485 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, the Provincial Regulation for the Cannabis Retail Model be through a Government Distribution System with a Public Retailer model, with a potential move to a Private Retailer(s) Model in the future.

CARRIED

17-27-486 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that the Provincial Regulation for the Cannabis Revenue Taxation be apportioned to cover the newly realized incremental costs that Local Governments will now be burdened with due to the legalization of cannabis;

AND THAT realized should be shared equally, and separately, among Federal, Provincial and Local Governments.

CARRIED

17-27-487 THAT Council recommends to the Minister of Public Safety and Solicitor General, as per the proposed Cannabis Act and the proposed Provincial Regulations development, that both the Federal Government of Canada and the Provincial Government of British Columbia, equip Local Governments with stronger tools to



extinguish the illegal Distribution and Retail Cannabis systems that are illegally distributing and illegally selling cannabis currently, and in the future.

CARRIED"

Thank you for consideration of our municipal input and we look forward to ongoing collaboration and engagement to ensure the best interests and safety of all British Columbians.

Yours Sincerely,

Mayor Bob Simpson
City of Quesnel

Enclosure(s): September 21, 2017 Letter – Ministry of Public Safety and Solicitor General



City of Richmond

Report to Committee

To: General Purposes Committee
From: Cecilia Achiam, MCIP, BCSLA
General Manager, Community Safety
Date: October 10, 2017
File: 12-8000-01/2017-Vol
01
Re: **City of Richmond Submission Regarding Cannabis Legalization and
Regulation in BC**

Staff Recommendation

That the comments summarized in the staff report titled, "City of Richmond Submission Regarding Cannabis Legislation and Regulation in BC" and detailed in Table 1, be approved for submission to the Province of British Columbia.

Cecilia Achiam, MCIP, BCSLA
General Manager, Community Safety
(604-276-4122)

Att. 2

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Fire Rescue	<input checked="" type="checkbox"/>
RCMP	<input checked="" type="checkbox"/>
Policy Planning	<input checked="" type="checkbox"/>
Community Social Development	<input checked="" type="checkbox"/>
Parks and Recreation Services	<input checked="" type="checkbox"/>
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

The Province of British Columbia has asked local governments for input into the regulatory framework for the legalization of cannabis. The following report outlines the proposed submission from the City of Richmond.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

Maintain emphasis on community safety to ensure Richmond continues to be a safe community; and

Council's 2014-2018 Term Goal #3, A Well-Planned Community:

Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.

Findings of Fact

The federal government intends to pass legislation to regulate cannabis by July 1, 2018. With that in mind, the federal government tabled the following legislation:

- Bill C-45 (Cannabis Act), *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*
- Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*

Further to this legislation, each province and territory will be responsible for regulating the sale and distribution of cannabis, determining minimum age and possession limits and making determinations on smoking laws and impaired driving. In some cases, the federal government has constrained the rules (setting either minimum or maximums) while leaving others at the full discretion of provinces and territories.

As part of a community engagement process, the Province has asked local governments for input into the regulatory framework for the legalization of cannabis in British Columbia. The Ministry of Public Safety and Solicitor General released a discussion paper titled, "Cannabis Legislation and Regulation in British Columbia" in order to guide discussion and input from local governments (Attachment 1). Further information on this topic was provided to Council in a staff memorandum titled, "Provincial Regulation of Non-Medical Cannabis Update from UBCM" dated September 27, 2017 (Attachment 2).

Analysis

The following comments, if endorsed by Council, will be provided to the Minister of Public Safety and Solicitor General as the City of Richmond's input into the legalization and regulation

of cannabis in British Columbia. The summary in Table 1 will be provided directly in response to the on-line survey and staff will also follow up with a letter sent directly to the Minister.

These comments will also form the basis of discussions with community partners, such as the Richmond School Board and Vancouver Coastal Health. Further discussion of the options and ideas for consideration is provided in the discussion paper (Attachment 1).

Minimum Age

Bill C-4 establishes the minimum age at 18 to buy, grow and possess cannabis but the provinces can choose to set a higher minimum age. It is recommended that Richmond endorse 19 as the minimum age in the British Columbia. This would harmonize regulations with the age requirement for alcohol and tobacco and with the age of majority in the province. There are some arguments to be made, mostly related to health, to increase the minimum age to 21 or higher but this could have unintended consequences. Persons under the age of 25 are the segment of the population most likely to use cannabis and setting the legal age too high could continue to support the illegal market of growing and supplying cannabis.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on personal possession of dried cannabis and leaves room for provinces to lower, but not raise, this limit (for reference, one “joint” typically contains 0.33g to 1g of cannabis). This limit is consistent with limits in other jurisdictions where cannabis has been legalized and is intended to strike a balance between personal use and illegal possession for the purpose of trafficking. It is proposed that Richmond endorse this limit, in line with federal and provincial recommendations.

Personal Possession - Youth

Persons under age 18 will not be allowed to grow or purchase cannabis under Bill C-45, however it does not prohibit them from possessing up to 5 grams of cannabis. This is consistent with federal recommendations that possession of relatively small amounts of cannabis should not result in criminal convictions. However, provinces are permitted to lower this limit or potentially reduce it to zero. In the event that the limit for youth possession is lowered to zero, this would still not make it a criminal offence.

Given the importance of protecting youth, it is recommended that Richmond comment that personal possession of cannabis by youth should be prohibited. It is felt that setting the minimum age to 19 is already a compromise based on the health impacts and allowing any possession will be inconsistent with the primary goal of protecting children. This would result in enforcement similar to enforcement of youth in possession of alcohol; possession of cannabis over the legal limit would result in police confiscating it with the option of issuing a ticket (no criminal charge).

Public Consumption

Bill C-45 will amend the federal Non-smokers' Health Act to prohibit cannabis smoking and vaping in certain federally-regulated places (planes, trains, etc.) but regulation of public

consumption in all other places will fall to provincial legislation. The provincial discussion paper gives consideration to treating cannabis the same as tobacco, in terms of public consumption, and also discusses the merits of having different rules.

It is proposed that the Richmond comment is that cannabis smoking and vaping is treated the same as tobacco smoking and vaping. This would mean a prohibition of smoking and vaping in workplaces, enclosed public spaces, hospitals, bus shelters, playgrounds and outdoor sport facilities. At the request of Council (July 2017), City staff are currently in the process of amending City bylaws to expand smoking prohibitions to encompass all public parks and school grounds and to include all forms of smoking activities, including non-tobacco substances and vaping. Similar prohibitions have been enacted in local jurisdictions such as Vancouver, Surrey, Coquitlam, and Delta in recent years for public health purposes. At this point in time, and in the absence of further medical evidence, public expectations and health impacts of second hand smoke of any type are similar for both tobacco and cannabis. Harmonizing regulations will make education, regulation and enforcement easier for cities and the public as well as maintain alignment with the goal of protecting children.

Drug Impaired Driving

Drug-Impaired driving is already prohibited but Bill C-46 introduces new language to specifically address cannabis impairment and provides authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be charged with a criminal offence. BC currently has regulations that allow for either criminal charges or administrative penalties for impaired drivers. The problem with extending this to cannabis is that there is not enough scientific evidence to link particular blood THC level to impairment. Additionally, THC can remain in the blood after impairment has resolved.

The province is suggesting that one of more of the following options could be considered to address cannabis-impaired driving:

1. Launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving;
2. Set a zero tolerance standard in respect to blood THC content for drivers in the Graduated Licencing Program ("L" or "N" designations) and for drivers under the age threshold;
3. Invest in training more police officers to detect drug impairment through Standard Field Sobriety Tests or be certified as Drug Recognition Experts; or
4. Expand the program of issuing administrative penalties and roadside bans to include cannabis-impaired driving.

In considering the options above, it is recommended that Richmond advise the province that all options should be pursued. Public education and awareness is an integral part of all regulatory schemes, especially new ones. In addition, it is imperative that funding for training and equipment is provided to all police forces. There is no reason to exclude any of the options above as they are complementary and will further the goal of addressing public safety.

Personal Cultivation

Bill C-45 allows adults to grow up to four cannabis plants per household, up to a maximum height of 100cm. There are no restrictions on where plants can be located (indoor vs. outdoor) but provinces are allowed to set restrictions or to lower the number of plants allowed. The province is asking local governments to consider the following options to address personal cultivation:

1. Adopt a lower limit than four plants per household for non-medical cannabis;
2. Set restrictions on where and how non-medical cannabis can be grown (indoor vs outdoor, security requirements, etc);
3. Establish a registration requirement for persons who want to grow non-medical cannabis in their homes; or
4. Leave legislation on these issues out of the provincial regulations and instead allow local governments to set one or more of the above measures.

With consideration to the above options, it is recommended that Richmond state a preference for option 4, that regulation of the location and number of plants grown in homes be left to the jurisdiction of the local governments. This would allow local governments to set different regulations based on the demographics and land use in each community and to tailor requirements to housing type and other factors. Depending on what is in the new regulations, staff may also have to consider the cultivation of cannabis plants in community gardens and determine if further regulation is required.

Distribution Model

Under Bill C-45, each province has the responsibility to decide how cannabis will be distributed from licenced producers to licenced retailers. There are three basic models for the distribution of cannabis in British Columbia:

1. Government Distribution – warehousing and distribution of cannabis to be the sole responsibility of the provincial government;
2. Private Distribution-one or more private businesses could be responsible for physical warehousing and distribution, with significant government oversight;
3. Direct Distribution-licenced producers sell directly to licenced retailers, also with significant government oversight.

It is proposed that Richmond's preference is for a government model of distribution. One of the goals of the legalization and regulation of non-medical cannabis is to eliminate the role of organized crime and providing a clear role for government in the distribution of cannabis is most likely the way to achieve this. Each of the proposed distribution models may have additional considerations (e.g. land use, transportation, employment) which cannot be anticipated until a model is chosen and further detail is provided.

Retail

Bill C-45 gives the provinces the authority to determine the retail model for cannabis sales. Further to this, the federal government has committed to implementing an online retail system as

an interim solution from July 1, 2018 until retail operations are in place. The province is asking for input on each of the following options for retail sales:

1. Establish a public or private retail system, or a mix of both, similar to the regime for alcohol sales;
2. Require cannabis to be sold from dedicated storefronts, not to be co-located with other products;
3. Establish a direct-to-consumer mail-order system.

In reference to option 1, it is proposed that Richmond support a mix of both public and private retailers, so long as local government is able to control and regulate the locations through land use regulations (i.e. compliance with zoning and/or the requirement to rezone). Similar to liquor regulation, it is important that local governments retain the ability to achieve desired objectives of land use criteria aimed at establishing a minimum proximity to certain sensitive land uses (i.e. residential, park, community facilities and/or school adjacencies). At the same time, it is recognized that a mix of public and private models will support economic objectives and consumer demand while providing regulatory oversight.

Consideration to option 2, whether cannabis should or should not be co-located with other products (i.e. tobacco and alcohol), is more difficult to determine. Co-location with other controlled substances can make it easier to regulate and police but has the disbenefit of exposing people to cannabis products who may not otherwise seek them out. It is proposed that Richmond state no preference as long as the product is stocked and inventoried separately and that local governments are given the authority to determine the location (regardless if it is in a stand-alone store or combined with another product).

In reference to option 3, it is proposed that Richmond oppose a direct-to-consumer mail-order system. A direct-to-consumer mail-order system is already available for the medical cannabis system but opening it up to non-medical cannabis raises difficulties with controlling the distribution and protecting youth. E-Commerce is very difficult to control and it is not clear how a system could be regulated to prevent youth from purchasing mail-order cannabis.

Richmond currently has Official Community Plan (OCP) policies and zoning regulations specific to the medical cannabis regime under the federal Access to Cannabis for Medical Purposes Regulations (ACMPR). Under this regulatory framework for medical cannabis production facilities, case-by-case consideration of rezoning applications for proposed Health Canada licensed production facilities are reviewed in accordance with the OCP and zoning to manage this land use. The federal government has stated that upon legalization of non-medical cannabis in Canada, the medical cannabis regime under the ACMPR will continue to exist to provide access to individuals for medical purposes.

In February 2017, Council adopted zoning regulations to define a “marijuana dispensary” and add this use to the list of non-permitted uses in Zoning Bylaw 8500. This prohibits the sale and/or dispensing of any cannabis derived product as a proactive response to upcoming federal legalization of non-medical cannabis and ensures consistency with the current law. Additional OCP and Zoning Bylaw amendments may be necessary once the Province has determined the

distribution and retail regulatory regime for non-medical cannabis in BC. It should be noted that the City, if desired, could continue to prohibit the retailing of non-medical cannabis.

Additional Considerations

Two areas of concern are not addressed in the provincial survey questions and will have significant impacts on the implementation of non-medical cannabis:

1. Cost for Implementation and On-going Support

There will be costs borne by local government to implement, educate and regulate legalization of cannabis. There needs to be a sustained funding mechanism from the federal and provincial governments to adequately assist local government with off-setting these costs.

2. Regulations on Edible Products

Edible cannabis products (e.g. gummy bears, baked goods, etc.) pose the same or higher level of health risk to the public as smoking cannabis, but have not been included in this round of consultation. Edibles represent a low barrier entry into cannabis consumption. Standards for dosage/potency need to be developed to safe guard public health.

Summary

Table 1 provides a summary of the comments and survey responses that will be used to represent the views of the City of Richmond.

Table 1 – Proposed City of Richmond comments on Cannabis Legalization and Regulation in British Columbia

Issue	Proposed Response to Survey
Proposed Minimum Age - 19	Agree
Personal 30g Possession Limit (Adults)	Support
Public Consumption	
1. adults allowed to use non-medical cannabis in some places outside their homes	1. Agree
2. limits on public consumption to be the same for all forms of cannabis	2. Agree
3. limits on public consumption to be the same as tobacco	3. Strongly Agree
4. BC should consider licenced establishments, such as cannabis cafes	4. Disagree
Drug Impaired Driving	
1. Public education campaign	1. Strongly Agree
2. Increased police enforcement	2. Strongly Agree
3. Longer driving prohibitions	3. Strongly Agree
4. Immediate roadside driving prohibitions	4. Strongly Agree
5. Vehicle impoundment	5. Strongly Agree
6. Remedial drug education and counselling	6. Strongly Agree
7. Zero tolerance for new drivers	7. Strongly Agree

Personal Cultivation – BC should set additional restrictions	Strongly Agree
Distribution Model – who should be responsible for distributing non-medical cannabis?	Government Distribution
Retail 1. Where should non-medical cannabis be sold? 2. Do you support selling non-medical cannabis in liquor stores?	1. Mix of government and private retail 2. Neither support nor oppose

Financial Impact

None.

Conclusion

Summarized above are the proposed comments on cannabis legalization and regulation to be submitted to the Ministry of Public Safety and Solicitor General on behalf of the City of Richmond. Staff will prepare a response to the on-line survey and a submission on the City's behalf should these comments be approved by Council.



Carli Edwards, P.Eng.
Acting Senior Manager, Community Safety, Policy, Programs and Licencing
(604-276-4136)

- Att. 1: Discussion Paper - Cannabis Legislation and Regulation in British Columbia
2: Staff memorandum titled, "Provincial Regulation of Non-Medical Cannabis Update from UBCM" dated September 27, 2017

Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an "L" or "N" designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.



City of
Richmond

Memorandum
Community Safety Division

To: Mayor and Councillors **Date:** September 27, 2017
From: Cecilia Achiam, MCIP, BCSLA **File:** 12-8060-01/2017-Vol 01
 General Manager, Community Safety
Re: Provincial Regulation of Non-Medical Cannabis Update from UBCM

This memorandum provides a synopsis on the discussions at UBCM on September 25-26 regarding Provincial Regulation of Non-Medical Cannabis.

Background

The federal government intends to pass legislation to regulate cannabis by July 1, 2018. With that in mind, the federal government tabled the following legislation:

- Bill C-45 (Cannabis Act), *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*
- Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*

The federal legislation places emphasis on keeping cannabis away from children and profits out of the hands of criminals. The federal government is responsible for overseeing the production and manufacturing components of the cannabis framework and setting industry-wide rules and standards. It will also set base line standards for minimum consumption age, personal possession limits and personal cultivation.

Each province and territory is responsible for regulating the sale and distribution of cannabis within their jurisdictions and will determine places where cannabis can be consumed.

Of the responsibilities transferred to provincial and territorial governments as part of Bill C-45, some are constrained by minimum federal conditions, while others remain at the full discretion of provinces and territories.

There are areas of overlap where the federal government sets minimum standards and left it open to the provinces and territories to impose further restrictions. The following table provides a summary of the areas of responsibilities and the comments heard at the UBCM sessions attended by staff:

Areas of Focus	Federal Responsibility	Provincial Responsibility	Comments from UBCM Discussions
1. Minimum Age for Consumption	Adults 18 and over will be able to legally buy, possess, grow, and use cannabis. It will continue to be a criminal offence to sell cannabis to a young person;	May consider more restrictive provisions	Options: <ul style="list-style-type: none"> • Harmonize with federal minimum standard • Set minimum age standard at 19 (legal drinking age) • Increase minimum age to 21
2. Personal Possession Limits	The adult public possession limit will be 30 grams; the youth possession limit will be 5 grams. (Note: While there is no legal way for youth to obtain non-medical cannabis, this 5 g limit ensures that youth can't be criminally prosecuted for possessing small amounts)	May consider more restrictive provisions	Some expressed concerns that edibles and other means of consumption (e.g. topical) were not part of the discussion as these methods are much less visible and are more direct ways to obtain the effects.
3. Public Consumption	Defer to the province	Identifying legal locations and establishing provincial zoning rules for adult consumption of cannabis (e.g. public places, vehicles, designated lounges, etc.)	Options: <ul style="list-style-type: none"> • Follow existing smoking bylaws • Full prohibition • Designate specific areas for consumption • Limit smoking in public places to "vaping" • Take the "laissez faire" approach
4. Drug-Impaired Driving	Bill C-46 amended the Criminal Code to address impaired driving changes. (See attachment 1)	Amending provincial traffic safety laws to address impaired driving.	Financial impact on municipalities to enforce regulations need to be addressed.

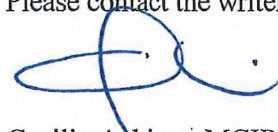
Areas of Focus	Federal Responsibility	Provincial Responsibility	Comments from UBCM Discussions
5. Personal Cultivation	Adults will be allowed to grow a maximum of four plants per household, up to 100 cm. each.	May consider more restrictive provisions	<p>More plants are permitted under the medical-cannabis regulations. This may drive non-medical cannabis users to seek "medical" status.</p> <p>Consideration should be given to harmonize limits for ease of understanding and enforcement.</p>
6. Production	The federal government will regulate production and product standards.	N/A	Concerns were expressed that the supply will not meet the need of the users when by July 1, 2018 and will continue to drive an underground economy.
7. Distribution Model	<p>N/A</p> <p>(Note: As some provinces may not have their own cannabis regimes established and implemented by July 2018, the federal government will establish a mail order retail system so that adults will have access to legal non-medical cannabis.</p>	Provincial and territorial governments will regulate distribution within their jurisdictions (i.e. licensing of cannabis distributors and carrying out associated compliance and enforcement activities).	<p>Options:</p> <ul style="list-style-type: none"> • Centralized within few large suppliers • Distributed models to allow for economic development particularly in rural areas where cannabis cultivation has been accepted as part of the informal economy <p>Some noted that over regulation could again lead to driving non-medical cannabis users to the medical cannabis regime or proliferate criminal activities.</p>

Areas of Focus	Federal Responsibility	Provincial Responsibility	Comments from UBCM Discussions
8. Retail Model	N/A	Provincial and territorial governments will regulate retail within their jurisdictions (i.e. licensing of cannabis retailers and carrying out associated compliance and enforcement activities).	Options: <ul style="list-style-type: none"> Through liquor store or pharmacy Stand-alone store (Note: Concerns were expressed that local governments should receive a share of the taxes/economic benefits regardless of the distribution models chosen)
9. Promotion/Advertising	Prohibited, with limited exceptions.	N/A	Not discussed.
10. Seed-to-sale Tracking	Bill C45 includes a seed to sale tracking system to support product safety and compliance and enforcement activity.	N/A	Not discussed.

In general, staff noticed an urban/rural divide in attitudes towards the production, consumption and regulation of non-medical marijuana. In addition, several delegates noted a concern that edibles are not included under the proposed regulations. Some delegates felt that edibles represent a low barrier entry into cannabis consumption which requires regulation. Others were more concerned with setting standards for the dosage/potency of cannabis used in edibles.

Finally, it was clarified that the current program for access to cannabis for medical purposes would continue under the proposed Cannabis Act.

Please contact the writer at cachiam@richmond.ca if you require further information/clarification.



Cecilia Achiam, MCIP, BCSLA
General Manager, Community Safety
(4122)

Att 1: Bill C-46 – An Act to amend the Criminal Code

pc: SMT
Carli Edwards, Acting Senior Manager, Community Safety Policy & Programs and
Licencing
Wayne Craig, Director, Development
Terry Crowe, Manager, Policy Planning

Bill C-46 – An Act to amend the Criminal Code

An additional piece of legislation, Bill C-46, will amend the *Criminal Code* to, among other things:

1. Enact new criminal offences for driving with a blood drug concentration that is equal to or higher than the permitted concentration;
2. Authorize the Governor in Council (the federal Cabinet) to establish blood drug concentrations (e.g. maximum levels of THC in blood samples); and
3. Authorize peace officers who suspect a driver has a drug in their body to demand that the driver provide a sample of a bodily substance for analysis by drug screening equipment.

For cannabis, the federal government proposes penalties starting at 2 nanograms or more of THC (the main psychoactive compound in cannabis) per millilitre of blood. Penalties would depend on the level of THC in blood and the presence of alcohol or another drug in addition to cannabis at or above set levels.

Bill C-46 is expected to come into force as soon as it is enacted, which may be as early as December 2017.

Source: <http://engage.gov.bc.ca/BCcannabisregulation/cannabis-legalization-the-cannabis-act/>



Ministry of Public Safety and Solicitor General	
RECEIVED	
OCT 31 2017	
<input type="checkbox"/> MO Response	<input type="checkbox"/> INFO FILE
<input type="checkbox"/> DMG Response	
CC:	
OTHER:	OFFICE OF THE MAYOR

October 19, 2017

The Honourable Mike Farnsworth
Minister of Public Safety and Solicitor General
200, 914 Yates St,
Victoria, BC
V8V 3M2

Dear Minister Farnsworth,

Thank you for the opportunity to comment on the formation of rules and regulations to legislate cannabis. As you know, this will have a tremendous impact on local government and it is important to get this right from the start. We greatly appreciate your efforts to reach out to all British Columbian communities for our feedback and suggestions.

This letter represents the position of our city council in Rossland. While some of our council are opposed to legalization entirely, that is an issue beyond our jurisdiction. What is important is how to mitigate any negative impacts that might arise once the substance is legal.

In anticipation of the changes in legislation we did not prohibit the establishment of a medical marijuana dispensary in Rossland. We have had very little resistance to this facility. It is owned and operated by a local member of our community who approached the City, Council, and the local RCMP prior to opening his business. He has been a model business owner and will be compliant with whatever rules are put in place. We have attached his letter to our submission as we believe he brings a useful perspective to the discussion.

As noted in the discussion paper, several key issues need to be determined and we have outlined our responses to them here:

- 1) **Tax revenue:** Provision for tax revenue to local government is essential. Local government will be significantly impacted by this newly legalized industry and much of it is likely to be negative. Municipalities need to be included in whatever revenue is generated so as to mitigate the impacts. Perhaps a scheme similar to the Gas Tax Fund would be appropriate.
- 2) **Education and treatment:** Provincial revenue must have a generous allocation for funds used exclusively for robust public education and substance abuse programs.
- 3) **Age:** While the brain chemistry arguments are compelling and would indicate 21 or 25 years old as the most appropriate, the reality is that an older age limit would force under age people to seek out, and support, a thriving black market. We believe 19 years old, and a robust public education program, is a good compromise.
- 4) **Distribution- wholesale:** We had some lively discussion on this topic. Licensing and product regulation is likely to remain with the upper orders of government so it could make sense that the distribution chain remain there as well. However, this is an opportunity for economic development. In our area we have many small producers, much like small wineries, who create their own unique product. It would be unfortunate for those local businesses to get pushed out of the market by large industrial scale producers, most likely headquartered out of our area or province.

Phone 250 362 7396 Fax 250 362 5451
Email cityhall@rossland.ca Web rossland.ca

1899 Columbia Avenue, PO Box 1179, Rossland, BC V0G 1Y0, Canada

From a local government point of view, we want to see our residents thrive and contribute to our local economy. We would prefer to see a robust standard for product testing implemented that was standardized for all producers. Entrepreneurial growing for sale to licensed outlets should be allowed as long as the product meets the testing standards.

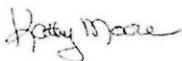
- 5) **Distribution- retail:** Please see the letter attached from a local business person who makes an eloquent case for following a private, entrepreneurial retail model. This is a model we support for all the reasons he states. As for the number of outlets- Each municipality should determine the density of cannabis outlets through their own business licensing and zoning regulations.

If it made sense provincially, we could support a bifurcated system, wherein medical products are handled by local, independent operators and recreational cannabis is handled through a government system styled on the Provincial Liquor Board model. However, we are concerned that selling cannabis in the same outlet as alcohol could exacerbate social issues such as addiction and substance abuse. It would need to be operated in a separate retail outlet and carefully monitored. The other issue that arises in this situation is that in a small town, operating a separate Provincially run store might not be feasible, which would force the trade back into the black market, thus defeating the purpose of exerting government control of the distribution. As with all momentous decisions, the unintended consequences must be carefully analyzed.

- 6) **Possession:** The 30g limit proposed in the discussion paper seems reasonable.
- 7) **Edibles-** These should be subject to testing to ensure they do not contain contaminants, excess levels of THC etc, just as the other cannabis products should be tested.
- 8) **Public consumption:** Should be left to the discretion of the local government and legislated accordingly. Currently some municipalities prohibit the smoking of tobacco in public spaces, like parks and trails, while others do not. This should be left to the discretion of the local government. Cannabis smoking should not be allowed in any public or commercial building. Second hand smoke considerations are very relevant.
- 9) **Impairment:** This requires some more technological solutions for testing but impairment from cannabis in any form, as well as drugs and alcohol should be handled by field testing based on behaviors and physiological tests. Police need further education to determine the signs of impairment from cannabis as it may differ from alcohol.
- 10) **Cultivation:** Enforcement for a four plant limit on home grown plants for personal consumption will be difficult and time consuming to police. In addition, it is not the best use of limited resources. Limiting home grown to four plants should be the guideline but not the focus of substantial police efforts.

Thank you for this opportunity to provide our feedback. Please consider the attached letter from Mr. Jeff Weaver as part of our submission. He makes some excellent points. I have also included some correspondence with our local RCMP Sargent Darren Olke. Unfortunately Council did not have an opportunity to see the RCMP remarks prior to our meeting but we have a very good relationship with our community police force and respect their opinion.

Sincerely,



Mayor Kathy Moore

Phone 250 362 7396 Fax 250 362 5451
Email cityhall@rossland.ca Web rossland.ca

1899 Columbia Avenue, PO Box 1179, Rossland, BC V0G 1Y0, Canada

CITY OF SURREY

OFFICE OF THE MAYOR

October 31, 2017

File: 7450-30

Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
200, 914 Yates Street
Victoria, BC V8V 3M2

Attention: Lisa Anderson, Executive Director

Dear Ms. Anderson:

Re: City of Surrey Response - Cannabis Legalization and Regulation in British Columbia

Recognizing that local governments have a significant interest in the provincial regulatory framework for the legalization of cannabis, the Minister of Public Safety and Solicitor General released a discussion paper on Cannabis Legalization and Regulation in British Columbia ("Discussion Paper") and invited written submissions from Mayors outlining their position on the issues. This letter represents the City of Surrey's formal response to this request.

Three issues in the Discussion Paper directly impact the jurisdiction of local government. Therefore the City of Surrey requests that additional consultation processes be put in place to allow more time for review of research and consideration of related social and economic impacts. For the remaining issues a preliminary response is outlined in this letter. The City of Surrey reserves the right to amend and update its responses as new information and evidence on social and economic impacts come to light.

Issues Requiring Additional Consultation

As stated, three of the issues highlighted in the Discussion Paper have significant implications for local government and must be reviewed in the context of the jurisdictional authority of local government under the *Community Charter* and *Local Government Act*. These relate to the:

- personal cultivation of cannabis plants;
- distribution model for cannabis; and
- retail model for cannabis.



P 604 591 4126 MAYOR@SURREY.CA

13450-104 AVENUE SURREY BRITISH COLUMBIA CANADA V3T 1V8

WWW.SURREY.CA

The issue of personal cultivation in homes has significant documented health and public safety risks and multiple enforcement challenges. As a result we believe this issue requires further research and analysis prior to submitting our position to the Province.

The issue of distribution and the retail sales model has significant implications for local government cost recovery and requires further research. For example, if the Province follows the Liquor Distribution Act model under which the Liquor Distribution Branch, a crown agency, sells cannabis, local governments will be unable to collect business license fees from those outlets because the Province and its agencies are not bound by local by-laws. Section 14(1) of the *Interpretation Act* exempts the B.C. Government from being bound by any legislation or local bylaws for the "use or development of land, or in the planning, construction, alteration, servicing, maintenance or use of improvements," as defined in the *Assessment Act*. Local governments could not control the location or number of government owned dispensaries if the liquor store retail model is adopted for cannabis sales.

There are other public health and public safety issues related to cannabis legalization that were not covered in the Discussion Paper. For these reasons a more substantive process is required for the City to formulate a response. Therefore, the City requests additional consultation processes are put in place by the Province, either through the Joint Committee on Cannabis Regulation or other consultative mechanisms.

Responses to the Discussion Paper

The City of Surrey's positions on the remaining issues in the Discussion Paper are outlined below.

- Minimum age for possession and consumption of cannabis
- Limits for personal possession of cannabis for adults
- Limits for personal possession of cannabis for youth
- Impaired driving due to cannabis use
- Public consumption of cannabis that is smoked or vaped
- Public consumption of other forms of cannabis

Minimum age for possession and consumption of cannabis products

The federal government will set a minimum age of 18 years for consumption of cannabis. Provinces can adopt the same minimum age, or recommend an alternative minimum age is set for consumption of cannabis.

Response

The minimum age should be set at 19 years of age for possession and consumption of cannabis. This is in line with the age of majority in B.C., and the minimum age for consumption of alcohol and tobacco.

Limits for personal possession of cannabis for adults

The suggested personal possession limit for adults in the proposed legislation is 30 grams. The Province suggests that it could accept this limit or recommend a higher or lower limit within their jurisdiction.

Response

The personal possession limit for adults could be consistent with the existing limit of 30 grams for medicinal cannabis products or the Province could set a lower limit. This is a significant amount and represents the supply for a frequent cannabis consumer of approximately one month. The City would not be opposed to a lower personal possession limit for adults but the Province should recognise that enforcement of this limit will be difficult.

Limits for personal possession of cannabis for youth (under 18yrs)

Under the federal legislation it is proposed that youth possession of cannabis would not be criminalised if the youth possessed up to 5 grams for personal use.

Response

The risks for youth consumption of cannabis are well documented and as such the City recommends a zero tolerance policy for youth consumption in B.C. Public opinion on cannabis is strongest in terms of the impact on and risks for youth. The City of Surrey is committed to encouraging wellness and healthy development for youth in many of its programs, therefore a zero tolerance policy is the only policy in line with the City's existing position. If a zero tolerance policy were adopted, any youth found to be consuming or possessing cannabis would have the items immediately confiscated and a ticket issued.

Impaired driving due to cannabis use

There is currently no standard/reliable test to link blood THC levels with impairment so putting in place a new scientific test similar to a breathalyser is not an option at this time. While enforcement bodies already have some tools in place e.g., Immediate Roadside Prohibitions (IRP) and Administrative Driving Prohibitions (ADP) there needs to be additional tools put in place to assist the authorities with identifying and enforcing impaired driving due to cannabis use. The Province has indicated that public awareness campaigns and new training for staff administering Field Sobriety Tests are likely necessary. As well there would be a zero tolerance policy for Graduated Licence holders and young drivers although the details of how this would be administered are still in development.

Response

The City of Surrey endorses the approaches suggested by the Province in the discussion paper and believes that all existing tools should be applied to the issue of impaired driving due to cannabis use as with impaired driving due to alcohol. Immediate 24 hour prohibitions on driving are currently being used for "drugged" driving impairment; however these are open to challenge due to the inability to scientifically prove impairment due to cannabis consumption. The use of this tool should be continued until reliable and scientific tests of impairment become available that can withstand constitutional challenges similar to those experienced when IRP were put in place.

In addition, the City recommends that the Province fund further research to determine whether additional tests for impairment may be possible in the future to augment the use of Field Sobriety Tests. Clear guidelines and enhanced training for enforcement officers

will be needed until reliable and scientific tests of impairment become available. Investment in public education campaigns should also be supported to augment federal education initiatives.

Public consumption of cannabis (that is smoked or vaped)

Once the federal regulation is passed it will be legal for individuals to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are currently forbidden. Therefore, it is necessary to put in place clear Provincial rules for public consumption of smoked and vaped cannabis products.

Response

Although federal legislation will allow public consumption it is appropriate to create additional provincial provisions to limit public consumption. The risk of second-hand impacts on bystanders (including children) makes prohibiting public consumption of cannabis an appropriate consideration. The City recommends that the Province prohibit public consumption of cannabis that is smoked or vaped. However, it should be noted that such a prohibition could lead to increase calls for service for both police and bylaw officers that would lead to increased costs at the local level.

Public consumption of other forms of cannabis (edibles, drinks, oils etc.)

The options for other consumption of cannabis products (e.g. edibles, drinks, oils etc.) are less clear in the proposed legislation and the Province has indicated that these would be considered in the future. The regulation and enforcement for other forms of consumption may be more difficult than for smoking and vaping. The Province is seeking input on whether other consumption types should be regulated the same as vaping and smoking or whether specific regulations are needed.

Response

The City of Surrey recommends that the Province table this issue until the Federal Government addresses this issue in the future. Under Bill C-45 adults will be allowed to make edibles at home. However, the production, distribution and sale of consumables represent much greater risks. Therefore this issue should be re-visited when those activities are federally regulated. It seems there is little to be gained by weighing in on this hypothetical issue at this time. Once the current legislation and regulatory framework is implemented and monitored local governments will be in a much better position to determine an appropriate response.

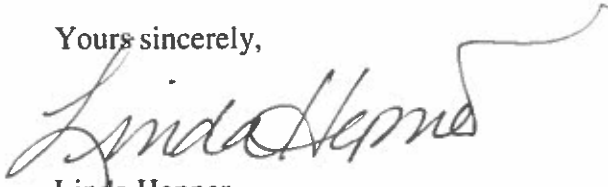
Issues Not Covered in the Discussion Paper

The City of Surrey notes that there are several additional issues with regard to public health, public safety risks and cost recovery that implementation of the legislation will create. These are not adequately covered in the Discussion Paper.

The City of Surrey has led research efforts to examine both the existing academic literature on the harms related to cannabis cultivation and consumption, as well as the practical experience of other jurisdictions in implementing new regulations and legislation.

For this reason the City of Surrey requests a more substantive process of consultation and dialogue be established by the Province to review these issues with local government representatives.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Linda Hepner". The signature is fluid and cursive, with a long, sweeping horizontal line extending to the right.

Linda Hepner
Mayor
City of Surrey

TW/mc

MEMORANDUM

November 1, 2017

TO: Hon. Mike Farnworth, Minister of Public Safety and Solicitor General

CC: Lisa Anderson, Executive Director, Cannabis Legalization & Regulation Secretariat
Hon. Gregor Robertson, Mayor
Kevin Quinlan, Chief of Staff, Mayor's Office
Paul Mochrie, Deputy City Manager
Kaye Krishna, General Manager, Development, Buildings and Licensing
Francie Connell, Director, Legal Services
Gil Kelley, General Manager, Planning, Urban Design and Sustainability
Kathleen Llewellyn-Thomas, General Manager, Community Services
Kathryn Holm, Chief Licence Inspector
Patrick Ryan, Chief Building Official
Rena Kendall-Craden, Director, Communications

FROM: Sadhu A. Johnston, City Manager

SUBJECT: BC Cannabis Regulation Engagement

INTRODUCTION

Please accept this submission to the Provincial *Cannabis Regulation Engagement* process on behalf of staff within the City of Vancouver.

Due to the abbreviated engagement window, staff were unable to collect detailed feedback or gain formal endorsement from City Council on this submission and so the material held herein reflects staff research and input from various city departments. While this submission is on behalf of the City¹, staff did engage external partners and conducted a public survey to inform the City's positions.

¹ Note: The Vancouver Police Department (VPD), Vancouver School Board (VSB), and Vancouver Coastal Health Authority (VCH) participated in City of Vancouver meetings, but each have prepared a separate submission to the *Cannabis Regulation Engagement* process. The City also requested feedback from all the Business Improvement Areas (BIA's).
Document5

The City has been working for several years to address the reality of the cannabis market, and welcomes supporting Federal and Provincial regulation to help protect the health and safety of our residents. We look forward to working collaboratively with our partners to implement appropriate regulations for non-medical cannabis by July 1, 2018.

SUMMARY OF CITY OF VANCOUVER POSITION ON CANNABIS LEGALIZATION

In preparation for the legalization of non-medical cannabis, the City is currently reviewing four key areas: personal cultivation, public consumption, distribution/retail, and taxation and revenue-sharing.

Personal Cultivation

The City supports the Federal policy to allow personal cultivation of non-medical cannabis, and supports the Federally proposed restriction of up to four non-medical cannabis plants per household (indoors or outdoors) subject to compliance with the Building and Fire Code and By-laws. The City also expects Provincial regulations prohibiting *commercial* cannabis cultivation in residential dwelling units or community gardens.²

The City anticipates that personal cultivation would be permitted in all residential dwelling units under the Zoning and Development By-law, but that Strata Councils or property owners would be able to establish building-specific or tenant-specific rules to prohibit cannabis cultivation. The City expects guidelines from the Residential Tenancy Branch regarding personal cultivation in rental housing.

The City expects the Province to take on enforcement responsibility of all non-criminal personal cultivation infractions within the City of Vancouver. VPD would have enforcement responsibility for all criminal offences related to personal cultivation within the City of Vancouver. City staff will work closely with the Province and VPD to support compliance with regulations governing personal cultivation.

The City does not propose a Provincial registry of home-based growers of non-medical cannabis, as we feel this would be administratively burdensome and challenging to maintain and enforce over time.

Public Consumption

The City expects cannabis smoking will be regulated similarly to tobacco. Anywhere residents are currently prohibited from smoking/vaping tobacco (e.g. parks, near entrances/exits, bus stops, etc.), they would also be prohibited from smoking/vaping medical or non-medical cannabis. The City expects review and amendment of the Vancouver Smoking By-law and the Provincial Tobacco and Vapour Products Control Act to reflect this principle.

As with tobacco smoking/vaping, Strata Councils or property owners would be able to establish rules to prohibit cannabis smoking/vaping. The City expects guidelines from the Residential Tenancy Branch regarding cannabis consumption in rental housing.

² The existing City Licence By-law would also prohibit commercial cannabis cultivation in residential dwelling units, community gardens, or in urban farms (class A or B).

The City anticipates the need for broader dialog and analysis on whether to allow cannabis smoking or vaping cafés or lounges. In addition to collecting general feedback on the concept, additional research and consultation is needed regarding health impacts and licensing, zoning and building conditions and requirements.

Once legalized, the City expects edible cannabis products to be subject to Federal and/or Provincial regulations including product standards, quality assurance, and testing. While the City does not anticipate regulations prohibiting public consumption of these products, staff expect the Province to consider cannabis-specific regulations related to public intoxication.

The City has concerns regarding the potential for drug-impaired driving, and would support additional Provincial road safety regulations.

The City recognizes the need for effective public communication related to non-medical cannabis consumption, and supports the Province building a comprehensive education campaign, starting with school-aged children, focused on clarifying health and safety risks, improving health outcomes, and fostering compliance.

Distribution and Retail

The City believes that storefront retail of non-medical cannabis should be allowed, subject to appropriate regulations, and that municipalities should be able to control factors such as retailer location, size, and concentration via land use rules as well as business operating conditions via municipal licensing.

While the existing non-medical cannabis retail sector in Vancouver is currently comprised exclusively of private organizations, the City envisions a mixed model of public and private organizations retailing cannabis, similar to the current framework for wine and liquor stores in Vancouver. Under this model, that City expects retailers would be subject to Provincial regulations including but not limited to licences, advertisement controls, staff training requirements, and pricing controls. The City would require all retailers, public or private, to follow municipal zoning and licensing regulations. Based on consultation with public health experts, the City does not support cannabis sales in liquor stores.

The City also requests that the Province establish a robust regulatory framework for distribution of non-medical cannabis, including operating requirements, compliance monitoring, and oversight, regardless of whether distribution is conducted by public or private enterprises. Distributors should be subject to Provincial regulations including licences, integration with production licences, product safety measures, staff training requirements, and pricing controls. The City would require all distributors, public or private, to follow municipal zoning and licensing regulations.

The City expects enforcement of Provincial retail and distribution regulations to fall under Provincial purview unless it involves a criminal offence, in which case VPD would be responsible. The City would regulate enforcement of Zoning and Development By-laws (i.e. for location, size, concentration, separation from other uses, nuisances, etc.), Licence By-law (i.e. to establish licence conditions), Fire and Building By-laws, and other municipal regulations.

The City expects Provincial regulations prohibiting home-based commercial distribution or retail of non-medical cannabis.³

Taxation and Revenue Sharing

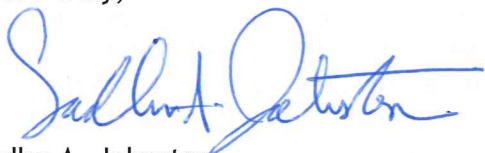
The City anticipates sales tax(es) on non-medical cannabis would be used to fund regulatory administration, compliance and enforcement, and public education and communications.

The City foresees significant local responsibilities post-legalization related to business licensing, property-use inspections, building and fire safety, supplemental education, enforcement and prosecution, police services, park rangers, and other municipal services. As part of the ongoing inter-jurisdictional work towards legalizing cannabis, the City of Vancouver expects a financial review of all associated costs, and the development of a strategy for allocating cannabis-related tax revenue to support the required municipal functions.

The City anticipates full cost-recovery from revenues generated by the cannabis-related sales tax(es), and does not expect to absorb any net costs related to fulfilling required municipal responsibilities.

Please do not hesitate to contact me for further discussion.

Yours truly,



Sadhu A. Johnston
City Manager

tel: 604.873.7627
sadhu.johnston@vancouver.ca

³ The existing City Licence By-law would also prohibit commercial distribution or retail in residential dwelling units or community gardens.



THE CORPORATION OF THE CITY OF VERNON

3400 - 30TH STREET VERNON, BRITISH COLUMBIA V1T 5E6

TELEPHONE (250) 545-1361 FAX (250) 545-4048

File: 6445-03

OFFICE OF THE MAYOR

October 26, 2017

Via Email: cannabis.secretariat@gov.bc.ca

Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
Victoria, BC V8W 9J7

Dear Secretariat:

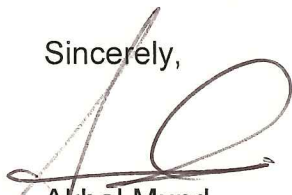
Re: Response to Provincial Request for Input on the Pending Legalization of Cannabis

Thank you for the opportunity to provide input from the City of Vernon's perspective regarding the legalization and regulation of non-medical cannabis in our province.

We are attaching our five page submission for your review and consideration. Council endorsed the attached submission at its Regular Meeting of October 23, 2017.

We look forward to working collaboratively with the Province of British Columbia to address this complex issue, in a timely manner, prior to the legalization of non-medical cannabis as of July 2018. Thank you for your efforts.

Sincerely,



Akbal Mund
Mayor

Enclosure

Cc: Council Members
Union of BC Municipalities



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Kim Flick, Director
Community Infrastructure &
Development

COUNCIL MEETING: REG ☐ COW ☒ I/C ☐
COUNCIL MEETING DATE: October 23, 2017
REPORT DATE: October 17, 2017
FILE: 6445-03

SUBJECT: RESPONSE TO PROVINCIAL REQUEST FOR INPUT ON THE PENDING
LEGALIZATION OF CANNABIS

PURPOSE:

To respond to the Provincial Government's request for input regarding the pending legalization of cannabis pursuant to Bill C-45 (the Cannabis Act).

RECOMMENDATION:

THAT Council support the UBCM's role in advocating for local government interests in the process to regulate cannabis provincially, and request regular updates from the Province through UBCM to ensure local governments are aware of any and all progress in the development of provincial regulations related to cannabis;

AND FURTHER, that Council endorse the comments provided in Section 3 of the report titled "Response to Provincial Request for Input on the Pending Legalization of Cannabis" and dated October 17, 2017 as submitted from the Director, Community Infrastructure and Development, and forward to the Cannabis Legalization and Regulation Secretariat, Ministry of Public Safety and Solicitor General;

AND FURTHER, that a copy of the report titled "Response to Provincial Request for Input on the Pending Legalization of Cannabis" and dated October 17, 2017 as submitted from the Director, Community Infrastructure and Development be forwarded to UBCM for information.

ALTERNATIVES & IMPLICATIONS:

THAT Council support the UBCM's role in advocating for local government interests in the process to regulate cannabis provincially, and request regular updates from the Province through UBCM to ensure local governments are aware of any and all progress in the development of provincial regulations related to cannabis;

AND FURTHER, that Council endorse the comments provided in Section 3 of the report titled "Response to Provincial Request for Input on the Pending Legalization of Cannabis" and dated October 17, 2017 as submitted from the Director, Community Infrastructure and Development, and forward to the Cannabis Legalization and Regulation Secretariat, Ministry of Public Safety and Solicitor General, with the following amendments: *(to be cited by Council)*;

AND FURTHER, that a copy of the report titled "Response to Provincial Request for Input on the Pending Legalization of Cannabis" and dated October 17, 2017 as submitted from the Director, Community Infrastructure and Development be forwarded to UBCM for information.

Note: This alternative provides for amendments to the comments provided by Administration, as identified by Council.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. Context

In April 2017, the federal government introduced Bill C-45 (the Cannabis Act) and Bill C-46 (amending the Criminal Code impaired driving provisions) which will come into force July 2018, making non-medical cannabis legal as of that date. The City received correspondence from the provincial Minister of Public Safety and Solicitor General in September 2017 requesting comments from local governments (and indicating that the public, Indigenous governments and organizations, and stakeholder groups will also be consulted). Comment is requested no later than November 1, 2017 (Attachment 1).

Under Bill C-45, provinces and territories will regulate the distribution and sale of non-medical cannabis (medical cannabis is regulated under the Access to Cannabis for Medical Purposes Regulations), subject to minimum federal conditions. Provinces and territories will also have the authority to increase the minimum legal age (set at 18 by the federal government), regulate public consumption, establish additional restrictions on personal cultivation and possession limits and address cannabis impaired driving in provincial road safety laws. The federal government is responsible for supply, setting industry wide standards related to the product, labelling and marketing, and criminal penalties.

2. UBCM

In the September 2017 letter, the Minister also commits to consultation with UBCM regarding cannabis regulations. Two resolutions were endorsed at the 2016 UBCM Convention, related to 1) working with local government through UBCM and FCM on the development of a regulatory approach to cannabis, and 2) the sharing of revenues from cannabis taxation with local government to help fund its new role in the regulation of cannabis. UBCM also undertook a survey of its members in April 2017 regarding concerns local governments have and released the results in May 2017 (Attachment 2). A significant concern amongst UBCM members is the shift in regulatory authority from the federal government to local and provincial governments. The regulation of the distribution and sale of cannabis, public consumption, and additional restrictions on personal cultivation and possession limits all fall within the scope of responsibility of local and provincial governments. Without sufficient resources, local government will not be able to respond effectively to these new responsibilities. The provincial government responded to the endorsed 2016 resolutions, stating that before considering a tax revenue transfer to local government, it would first need to fund the regulatory framework and essential services impacted by cannabis (e.g. health care, education, public safety).

A special resolution was endorsed at the UBCM Convention in September 2017 which identified the following as key principles to guide UBCM's advocacy with the provincial government regarding cannabis:

- meaningful provincial consultation with local governments
- adequate provincial funding to cover the responsibilities and increased administration by local governments
- a sharing of tax revenues
- respect for local choice, jurisdiction and authority, including but not limited to land use and zoning regulations

3. Proposed City of Vernon Comments

Staff from Planning, Bylaw Compliance, Building and Licensing and Economic Development met to review the Discussion Paper and offer several points for Council's consideration, as follows:

- a. **Impact on Municipal Resources** – Administration concurs with the UBCM position that there is potential for a considerable impact to municipal resources, depending on the distribution and sales model ultimately identified. A strict government-regulated model, akin to the government liquor distribution system, would likely put the least burden on municipal resources, while a fully privatized system would place considerable burden on municipal resources. Ongoing funding from senior levels of government is required to ensure that local government can respond to increased administrative and enforcement duties. The most impacted services are likely to include Bylaw Compliance, Building and Licensing, Planning, Fire Services and the RCMP.
- b. **Personal Cultivation** - Bill C-45 allows people to grow up to four cannabis plants with a maximum height of 100 cm. The Province is looking at restrictions that range from allowing cultivation indoors only, to yards with screening or security measures, or without either of those things. The Province may also opt to do nothing and authorize local governments to develop their own regulations on this matter. Administration's primary concern is the potential impact on adjacent residents, especially in multi family dwellings like row houses or apartments. Administration believes it is important that local government have the authority to regulate this use. Existing federal licenses permitting the legal growing of medical cannabis have, on occasion, resulted in negative impacts on neighbours, and the City has not been able to intervene. It is suggested that the Good Neighbour Bylaw would be an appropriate vehicle to provide the City the authority to regulate the personal cultivation of cannabis, should odour or other issues exist. Personal cultivation is anticipated to significantly impact municipal resources, especially Bylaw Compliance.
- c. **Public Consumption** - The federal Task Force on Marijuana Legalization and Regulation recommended extending the restrictions on tobacco use to cannabis so it would be prohibited where smoking is currently prohibited. The Province could take a different approach and be more or less restrictive. Administration recommends that smoking cannabis should be subject to the same restrictions as tobacco and vapour products at a provincial level, with the same opportunity for local government to pass more restrictive bylaws, if they so desire. A complete ban on smoking cannabis in public is not supported by Administration as it may limit the tourism opportunities associated with legal recreational cannabis. It is anticipated that there will be an impact on Bylaw Compliance resources in enforcing the new provisions, regardless of how restrictive the provincial regulations are.
- d. **Economic Development Potential** - Municipalities have differing perspectives on the sale and distribution of cannabis within their boundaries. Some feel that it does not fit their image as a community, while other jurisdictions are willing to explore the economic development possibilities inherent in cannabis legalization. A retail sales model similar to that of liquor sales (combination of government and private stores) would provide greater economic benefits to the community in terms of employment and economic spin off as opposed to a more restrictive retail sales model (i.e. government only) where the majority of revenues as a result of the sale of cannabis would leave the community. Tourism opportunities could also be considered in terms of access to product and locations where smoking/consumption is allowed.

While there is Administration consensus that a government-regulated model would pose the least amount of licensing, enforcement and planning issues, some mechanism for private distribution, as is currently the case with liquor distribution, is the recommended model. This

approach, which provides for provincial government oversight of licensing, would help mitigate the impact on municipal resources while resulting in greater economic benefits for the community.

Should the Province opt for a private distribution model, the impact on municipal resources would be extensive, particularly on Building and Licensing, Planning and Bylaw Compliance.

- e. **Revenue Sharing** – The regulation of the distribution and sale of cannabis, public consumption, and additional restrictions on personal cultivation and possession limits will all fall within the scope of responsibility of local and provincial governments. These are new responsibilities, and it is unrealistic to expect that local governments can absorb them without corresponding ongoing funding. In addition to this ongoing funding requested from senior levels of government to administer the new regime, the sharing of revenues related to cannabis taxation is a reasonable request to assist with the many anticipated impacts local government will deal with outside of its new regulatory and enforcement role (including, but not limited to, Fire Prevention programs, recreation and cultural opportunities for youth, enhanced bylaw or safety programs, and economic development and tourism opportunities). A model similar to gas tax revenue, whereby municipalities are permitted to spend the revenue within prescribed limits as appropriate for them, would provide funding to offset these costs.
- f. **Consultation with Local Government** – While the request for comment is appreciated, the time frame provided for comment (5 1/2 weeks) does not provide local government with sufficient opportunity to consider in depth the many questions posed. It is understood that the federally-imposed time frame is rapidly approaching, but additional consultation is required. It is recommended that Council explicitly support the UBCM's role in advocating for local government in the process to regulate cannabis, and request regular updates from the Province through UBCM to ensure local governments are aware of any and all progress in the development of provincial regulations related to cannabis.

C. Attachments:

Attachment 1: September 2017 Letter and Discussion Paper from the Minister of Public Safety and Solicitor General

Attachment 2: BC Local Government Attitudes Toward the Legalization and Regulation of Marijuana in Canada (May 19, 2017)

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject proposal does not involve goals or objectives in Council's Strategic Plan 2015 – 2018.

E. Relevant Policy/Bylaws/Resolutions:

Once the Province has enacted legislation to regulate the sale of cannabis, Administration will bring forward a report for Council's consideration pertaining to the necessary bylaw amendments and recommended process. The bylaw amendments will be informed by the regulations identified by the Province.

BUDGET/RESOURCE IMPLICATIONS:

The implications of the pending changes will not be known until the Province tables the applicable legislation.

Prepared by:

Approved for submission to Council:



Kim Flick

Oct 26 2017 10:46 AM 

Kim Flick

Director, Community Infrastructure &
Development



Will Pearce, CAO

Date: 17.10.2017

REVIEWED WITH

- | | | |
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| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input checked="" type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: N/A | | |
| <input type="checkbox"/> OTHER: | | |



City of West Kelowna

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October 30, 2017

Ministry of Public Safety and Solicitor General
P.O. Box 9285 Stn. Prov Govt
Victoria BC V8W 9J7

Attn: Cannabis Legalization and Regulation Secretariat

To Mike Farnworth, Minister of Public Safety and Solicitor General,

The City of West Kelowna is appreciative of the opportunity to provide a written submission regarding the development of a Provincial framework for the distribution and sale of non-medical cannabis in British Columbia. Our municipality has been following the progression of Federal marihuana legislation over the years, from the initial Medical Marihuana Access Regulations (MMAR), to the Marihuana for Medical Purposes Regulations (MMPR) to the Access to Cannabis for Medical Purposes Regulations, and now the introduction of Bills C-45 (the *Cannabis Act*) and C-46 (the Act to amend the *Criminal Code*). We have had City representatives partake in the review of previous Federal legislative changes through the Federation of Canadian Municipalities (FCM) and have participated in the drafting of resolutions regarding various legislative changes for marihuana regulations through the Southern Interior Local Government Association (SILGA) and the Union of British Columbia Municipalities (UBCM).

On October 24, 2017, Council participated in a workshop regarding the Provincial framework for the future distribution and sale of non-medical cannabis. Outlined below are West Kelowna's submission comments that we urge you to consider with regard to the development of new Provincial regulations for non-medical cannabis in British Columbia. The comments below are organized based on the topics provided in the Provincial discussion paper, *Cannabis Legalization and Regulation in British Columbia*, and also include additional areas of concern that are absent from the discussion paper.

Discussion Paper Issue #1: Minimum Age

West Kelowna Council is supportive of the option for the Province to set the minimum age to buy, grow and publicly possess cannabis at 19. Setting the minimum age at 19 will ensure continuity with Provincial alcohol and tobacco regulations and will ease administrative oversight. Should the age to buy, grow or consume alcohol or tobacco change in the future, it is recommend that cannabis regulations follow suit.

Discussion Paper Issue #2: Personal Possession – Adults

West Kelowna Council did not wish to comment on the issue of personal possession limits for adults.

Discussion Paper Issue #3: Personal Possession- Youths

West Kelowna Council did not wish to comment on the issue of personal possession limits for youths.

Discussion Paper Issue #4 Public Consumption

West Kelowna is supportive of the option for the Province to prohibit public cannabis smoking altogether, but allow for the vaping of cannabis wherever tobacco smoking and vaping are permitted. West Kelowna further



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acknowledges that it will have to review its municipal regulations regarding public consumption of cannabis in City parks following legalization.

Discussion Paper Issue #5 Drug-Impaired Driving

West Kelowna is supportive of the Province moving forward with all options presented in the Discussion Paper regarding drug-impaired driving to ensure the safety of our community. A multi-faceted approach would be similar to the provisions for alcohol-related impaired driving. However, as there will be substantive costs to our local RCMP in terms of training (i.e. for new Standard Field Sobriety Tests and Drug Recognition Expert training), revenue sharing must occur to avoid downloading these costs to the local government level. Our position on revenue sharing is explained in further detail below.

Discussion Paper Issue #6 Personal Cultivation

In reviewing the Provincial regulatory options for the personal cultivation of non-medical cannabis, West Kelowna recognizes this is a complicated topic that will likely require a multi-faceted regulatory structure to regulate and enforce limits on personal cultivation. A limit of four plants per household will likely mitigate existing nuisance concerns in our community in theory, but the practicality of limiting the size and number of plants per household is strongly questioned. In terms of monitoring and enforcing these regulations, it is not clear which level of government will be responsible (i.e. who will police the number of plants per household? The height of plants? Who is responsible for the oversight of these regulations? What will this oversight cost?).

Further, any established registry should be at the Provincial or Federal level, with resources allocated to local governments for the monitoring and enforcement of any subsequent local regulations that may be required. Regardless of the number of plants per household, West Kelowna has concerns that the monitoring, potential oversight of registries and enforcement of regulations will be downloaded on municipalities.

Further, it should be noted that under the existing Federal regulatory framework for medical marihuana production, our community has been greatly impacted by proponents pooling 'valid' personal production and designated production licenses in various locations, resulting in hundreds (if not thousands) of plants located at a single address. This has had a negative effect on both our traditional single family neighbourhoods as well as our Business Park, in terms of odour complains and public safety issues. It is therefore requested that once legalization of non-medical cannabis occurs, a review of the existing Federal regulations on medical marihuana occur to ensure that proponents are not utilizing personal/dedicated production licenses in a manner never envisioned by senior levels of government. There does not appear to be much oversight in the current medical marihuana regime by Federal authorities in these circumstances.

Discussion Paper Issue #7 Distribution Model

West Kelowna is supportive of the Province moving forward with a government distribution model which would entail direct government control over the movement of cannabis products. This model is similar to the current distribution model for alcohol within the province, and is also the model being considered by various other provincial governments, including Ontario. This model will enable a cautious approach for the distribution of cannabis, while leaving the potential for a public/private model in the future should a private model be warranted. Should the government move forward with a government-distribution model, it is requested that the Province adhere to all local bylaws, including zoning and business licensing bylaws.

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Regardless of the model the Provincial Government chooses to move forward with, West Kelowna Council wants to reiterate that there should be no downloading of regulations or costs to municipalities. It is noted that the specific details regarding the financial impacts for each of the models is absent from the Discussion Paper.

Discussion Paper Issue #8 Retail

West Kelowna is supportive of the Province moving forward with a publicly-owned retail system that conforms to local bylaws (i.e. zoning). A public retail system will ensure controls are kept in place for an emerging industry, and as similar to the discussion regarding a distribution model above, would allow for the future evaluation of this model and potential to move forward with a combination of a public/private retail system should the Province so desire. A public retail model will also ease the enforcement of the existing illegal dispensaries by clarifying that the only legal model for the sale of cannabis is through publicly-owned retail stores.

ADDITIONAL ISSUES NOT COVERED IN THE PROVINCIAL DISCUSSION PAPER:**Issue: Implementing Seed to Sale Regulations**

In the Discussion Paper, three basic models for the warehousing and distribution of cannabis to retailers in BC are discussed, including government distribution, private distribution and direct distribution. As the Province develops a framework for the retail distribution of marihuana, of paramount concern should be the development of a Provincial or Federal regulatory framework that formally monitors the production of marihuana from 'seed-to-sale' to track the production of marihuana through each stage from cultivation to point of sale. The 'seed-to-sale' framework should also include random inspections conducted by Provincial or Federal Inspectors to ensure compliance to confirm the supply of marihuana is obtained from legitimate and safe sources. This will help reduce crime in our local communities and ensure the health and safety of end-point consumers.

The City of West Kelowna, similar to other jurisdictions within the Province, has been experiencing a proliferation of illegal marihuana dispensaries within our community. Dispensary operators have publicly stated to Council that they are currently obtaining their supply from local (unregulated) sources. We are extremely concerned that this existing supply is stemming from illegitimate sources outside of the existing Federal Regulations which poses health and life safety risks for consumers in our community and there clearly needs to be a regulatory framework in place to mitigate these risks.

Issue: Clarification on the Federal-Provincial-Municipal Revenue Sharing Model

It is also noted that the Provincial Discussion Paper does not mention the proposed framework for revenue sharing with municipalities. Our municipality is extremely concerned about the downloading of responsibilities and costs associated with the legalization of non-medical cannabis. The cannabis industry is very active in West Kelowna and illegal dispensaries have proliferated in the community in advance of the legalization of recreational cannabis. The City has also been significantly impacted at the community level by both producers and distributors of marihuana circumventing the existing federal regulatory framework. The lack of enforcement or regulatory oversight from senior levels of government have resulted in the municipality creating local community bylaws to clarify that dispensing of marihuana is not currently legal



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and premises operating with pooled personal/dedicated personal production licenses are now required locally to meet Federal standards for air filtration and ventilation. The municipality is currently engaged in expensive legal proceedings to shut down the existing illegal dispensaries to ensure there is no legal non-conforming status of these operations following the passage of the *Cannabis Act*. West Kelowna Council wants to be ensured that there will be a fair and equitable revenue sharing model that includes municipalities, to ensure that costs are not downloaded to local taxpayers.

The City currently spends a significant amount of resources researching, regulating, inspecting, enforcing and responding to inquiries and complaints regarding the production and distribution of marihuana. There are currently six dispensaries obtaining cannabis from illegitimate sources and operating illegally in the City. Numerous licensed personal production and dedicated personal production facilities are growing marihuana in both residential and industrial areas. The City also has one federally approved licensed producer and a second firm in the licensed producer application stage with the Federal Government that has recently submitted a Development Permit application for a 4-storey production facility. The City is concerned regarding the potential for future municipal staff costs associated with the development, monitoring and enforcement of regulations to enable the distribution and sale of non-medical marihuana. The City is also concerned with future costs to cover the training of, and potentially hiring additional, RCMP officers regarding new regulations and mechanisms to evaluate driving impairments.

Municipalities must therefore receive their appropriate share in the revenues associated with the legalization of non-medical cannabis to offset the anticipated municipal costs that will result from legalization.

Issue: Existing Illegal Dispensaries

The Discussion Paper also does not really specify in detail the plan for the enforcement of existing illegal dispensaries operating throughout the Province. As discussed in various sections in this submission, there are 6 dispensaries currently operating illegally within our community. West Kelowna Council has concerns that the current supply of product to these stores is not stemming from safe, monitored, legitimate sources. In addition, Council is very concerned with the location of existing dispensaries in our downtown core, reducing the vibrancy in the area and affecting the operation of local businesses. There is mention in the Discussion Paper that some of these illegal dispensaries may be able to continue to operate under legalization, should the Province move forward with a public/private or solely private model for retail sales. West Kelowna has concerns with legitimizing businesses that were established as illegal enterprises which would essentially give these businesses an unfair competitive advantage. West Kelowna wants to be ensured that should the Province move forward with any sort of private model, that all dispensaries adhere to local bylaws (in terms of zoning, business licensing, nuisance bylaws, etc.) and that all product sold in these dispensaries come from safe, legal sources.

Issue: Pooling of Personal Production Licenses

As described above, West Kelowna has experienced a proliferation of proponents 'pooling' personal and dedicated personal production licenses at single locations, resulting in hundreds (if not thousands) of plants on a single property. These operations seem to be occurring in an unintended 'grey' area of existing Federal regulations for medical marihuana and are having a substantial negative impact on both residential neighbourhoods and the Business Park area of our community. To complicate the matter of "pooling", the City



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is also receiving numerous requests to further demise large warehouse spaces into smaller units and is also being requested to assign separate addresses for these smaller units. The additional addresses enables a warehouse to increase the number of personal production licenses to be pooled in the facility, which is an unintended consequence of the existing Federal limitation of four personal/designated person production licenses per address. Following legalization, the ACMPR regulations need to be reviewed to ensure this circumventing does not continue to occur and that all license holders are using their licenses as originally intended and envisioned by the Federal Government.

Issue: Inform Local Governments Early in the Process

It is further requested that when the Province has confirmed its regulatory distribution model, that it inform local governments as early as possible in the process. Local governments will be responsible for the development of regulations regarding the siting and sizing of retail outlets and will likely need to conduct community consultation to confirm with residents appropriate locations in our communities for this new land use. It is therefore requested that municipalities be informed of the proposed changes to the Provincial regulatory framework well in advance of legalization to ensure that municipal bylaws are in place to effectively regulate distribution and sales at the community level.

Should you have any questions regarding West Kelowna's submission, please contact the General Manager of Development Services, Nancy Henderson at 778-797-8830 or via email at nancy.henderson@westkelownacity.ca

Respectfully Submitted,

Mayor Doug Findlater and Council
City of West Kelowna

cc.

Norm Letnick, Member of Legislative Assembly, Kelowna – Lake Country
Steve Thomson, Member of Legislative Assembly, Kelowna-Mission
Dan Ashton, Member of Legislative Assembly, Penticton
Dan Albas, Member of Parliament Central Okanagan – Similkameen-Nicola
Stephen Fuhr, Member of Parliament, Kelowna – Lake Country
Richard Cannings, Member of Parliament, South Okanagan – West Kootenay
Ginette Petipas Taylor, Minister of Health, Health Canada

October 31, 2017

File No. 0220-20

Attn: Cannabis Legalization and Regulation Secretariat

Hon. M. Farnworth
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
VICTORIA BC V8W 9J7

Sent via email to: cannabis.secretariat@gov.bc.ca

Dear Minister Farnworth:

RE: CANNABIS LEGALIZATION AND REGULATION IN BRITISH COLUMBIA

City of White Rock Council considered your letter dated September 21, 2017 at their October 23, 2017 Governance and Legislation Committee meeting regarding Bills C-45 and C-46 in relation to the legalization of cannabis.

At this meeting, Council also considered a corporate report from Carl Johannsen, Director of Planning and Development Services titled "Cannabis Legalization and Regulation in British Columbia – Discussion Paper Commentary". Council discussed the proposed legislation and expressed concerns regarding the potential impacts to the City and its residents.

In response to your invitation to provide written submissions, we have included a summary of their comments with this letter.

Thank you for the opportunity to make a formal submission. If you have any questions, please contact Mr. Johannsen at cjohannsen@whiterockcity.ca or 604 541 2142.

Sincerely,



Stephanie Lam
Deputy Corporate Officer

cc: Mayor and Council
D. Bottrill, Chief Administrative Officer
C. Johannsen, Director of Planning and Development Services

City Clerk's Office

p: 604.541.2212 | F: 604.541.9348

City of White Rock

15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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**CITY OF WHITE ROCK
OCTOBER 23, 2017 GOVERNANCE AND LEGISLATION COMMITTEE
MINUTE EXTRACT REGARDING CORPORATE REPORT TITLED "CANNABIS LEGALIZATION AND
REGULATION IN BRITISH COLUMBIA – DISCUSSION PAPER COMMENTARY"**

Concerns Noted by Council:

- Imperative to keep out of hands of children
- Minimum legal age to coincide with drinking age (19 years)
- Place of sales should be as far from schools as possible
- Concern for those that live in an apartment or multi-family with shared airspace, equal rights to not have second hand smoke especially in an individual's home
- Should come under the same regulations as cigarettes
- How would you monitor carrying these items or using them in public?
- Bill C-45 notes that youth under age of 18, can carry 5 grams, -under age children should not be permitted to carry any
- Sales should be confined to same locations as you would purchase alcohol or dedicated storefronts (controlled by the Government)
- Concern re: impaired driving
- Local Government Bylaws should be first and foremost (must be respected) in terms of regulation
- Concerned about additional costs to the City, there should be no additional costs to the City
- There should be no consumption in the public (similar as that applies to alcohol)
- Stringent rules must be established and applied right from the start so individuals are aware of the rules and know that they will be enforced
- No edible products, concern regarding children ingesting edible products
- Not in agreement with public possession, individuals are permitted to have up to 5 grams, currently includes minors, this is a lot
- Concern with the enforcement of the limit of four (4) plants, how will this be enforced (it will be very difficult)
- Growing these plants could ruin homes and this will fall back on the City as grow operations can get larger
- Concern regarding enforcement, RCMP already stating they are overloaded, there is a lot to address in this regard
- Difference between cannabis vs. alcohol, many go outside to smoke and second hand smoke is an issue
- Concern as to any cost implications to municipalities. More funds will be needed to address all financial impacts (all costs associated should be paid by the Provincial and Federal government) / tax collected must go back to the municipalities (help address the new costs)

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THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: October 23, 2017

TO: Governance and Legislation Committee

FROM: Carl Johannsen, Director of Planning and Development Services

SUBJECT: Cannabis Legalization and Regulation in British Columbia – Discussion Paper Commentary

RECOMMENDATIONS

THAT the Governance and Legislation Committee:

1. Receive for information the corporate report dated October 23, 2017 from the Director of Planning and Development Services, titled “Cannabis Legalization and Regulation in British Columbia – Discussion Paper Commentary;”
 2. Direct staff to forward feedback from the Governance and Legislation Committee, and the contents of this report, to the Provincial Minister of Public Safety and Solicitor General; and
 3. Request that the Ministry of Public Safety and Solicitor General update local governments regarding proposed Provincial regulations regarding non-medical cannabis, and provide an opportunity for input prior to the Provincial implementation of these regulations.
-

INTRODUCTION

In July 2018, it is anticipated that non-medical cannabis (noted as ‘cannabis’ in this report) will become legal in Canada, through federal Bill C-45 (the *Cannabis Act*). While some aspects of the proposed *Cannabis Act* will be the responsibility of the federal government, Provinces and Territories will be able to further regulate cannabis, in terms of minimum legal age, distribution, sale, public consumption, possession, cultivation and road safety laws.

In early September 2017 local governments across BC received an invitation from the Provincial Minister of Public Safety and Solicitor General (Appendix A) to provide input on how the Province might legally regulate the use of cannabis in BC.

A Discussion Paper (Appendix B) regarding cannabis legalization has been prepared by the Province to help inform this input, by identifying key policy issues and policy options that the Province may consider in developing a Provincial regulatory approach. The Discussion Paper does not cover medicinal cannabis; the Federal government has decided to maintain a separate regulatory approach for medicinal cannabis.

PAST PRACTICE / POLICY / LEGISLATION

At present the retail sale of cannabis is prohibited by Federal criminal law (*Controlled Drugs Substances Act*); the sale or production of cannabis is not permitted by the City's Zoning Bylaw, and by extension business licenses are not issued to businesses that sell, produce or distribute cannabis products.

While the sale of medicinal cannabis is legal and regulated by Health Canada through a mail-order system, as noted above the direct retail (as well production and distribution) of medicinal cannabis through storefronts is not permitted in White Rock.

ANALYSIS

The following analysis summarizes the key topics identified in the attached Discussion Paper, and includes staff commentary on these topics and how cannabis could be regulated by the Province and the City of White Rock. Staff seek feedback from the Committee on the Discussion Paper and commentary provided below, and recommend that Committee feedback and commentary be provided to the Province in response to their invitation for input on this matter.

Discussion Paper Topics and Commentary

1. Minimum Age to Buy, Grow and Publicly Possess Non-Medicinal Cannabis

Bill C-45 establishes a minimum age of 18 years to buy, grow and publicly possess up to 30 grams of non-medicinal cannabis. However, Provinces and Territories can choose a higher minimum age. Recently Alberta established the minimum age of 18 years, consistent with the minimum age in Alberta for legal alcohol and tobacco consumption.

In British Columbia, the minimum age to buy alcohol and tobacco is 19 years, which is also the age that minors become legal adults. Many health professionals favour a minimum age of 21 years for cannabis consumption, as the Discussion Paper notes that 'emerging evidence that cannabis use could affect brain development up to age 25.'

Based on the above context and existing age regulations regarding alcohol and tobacco, staff note that using 19 years as the minimum age for cannabis consumption would create a consistent age limit for all regulated substances in BC. A minimum age of 21 is also supportable due to reducing health impacts in young adults, although this approach would not support a consistent 'across the board' approach to regulating cannabis, alcohol and tobacco use by legal age.

2. Personal Possession

The proposed federal cannabis bill includes a 30 gram limit on public possession of dried cannabis by adults, which is consistent with other jurisdictions that have legalized non-medicinal cannabis. The 30 gram limit is also intended to help law enforcement officials discern who has cannabis for personal use and who may be involved in trafficking cannabis (ie. by possessing a large amount). Provinces and Territories are also able to reduce the public possession limit from the 30 gram limit.

Bill C-45 also allows public possession by youth (under 18 years old) of up to 5 grams, and Provinces and Territories are able to prohibit possession by youths.

Staff note that the issue of public possession limits for those above minimum legal age is best addressed by law enforcement agencies (ie. RCMP, municipal police). It is also noted that prohibiting possession by youths would support cannabis-free school grounds and associated youth health programs (ie. similar to tobacco-free school grounds and education programs).

3. Public Consumption

While Bill C-45 will result in prohibitions on cannabis smoking and vaping in federally regulated places (ie. airline cabins), Province and Territories will be the primary regulators of public cannabis consumption.

In BC tobacco smoking and vaping is prohibited in workplaces, enclosed public places, school board and health authority sites, transit stops and apartment building common areas, among other areas. Local governments, including White Rock, also prohibit tobacco smoking (and by Bylaw definition) vaping in designated public spaces (ie. the promenade and pier) and parks.

Given this existing context, and noting that public cannabis smoking and vaping creates the same ‘second hand smoke’ situations that tobacco smoking and vaping does, staff recommend that all City of White Rock bylaws that prohibit tobacco smoking and vaping in public places also prohibit cannabis smoking and vaping. Staff also suggest that the Province prohibit cannabis smoking and vaping in places where tobacco smoking and vaping is prohibited.

4. Drug-Impaired Driving

Drug-impaired driving is already prohibited under the Federal *Criminal Code*, and further amendments to the Code that are planned to accompany cannabis legalization will provide the Federal government the authority to set specific blood ‘THC’ limits.

Setting these limits will enable persons to be criminally charged with drug-impaired driving. Noting that this issue is the responsibility of law enforcement and the courts, staff suggest that approaches to combating drug-impaired driving should be consistent with those utilized to address alcohol-impaired driving.

5. Personal Cultivation

Cannabis legalization will allow adults to grow up to 4 cannabis plants per household (max. height of 1 metre), indoors and/or outdoors. Provinces, Territories and local governments are able to regulate personal cultivation further, and the Federal government has suggested that ‘local authorities should establish oversight and approval frameworks’ to monitor the prevalence of personal cultivation (ie. through registration of growers, among other approaches).

The Province is also able to reduce the amount of plants grown and regulate the location of where plants can be grown on a property. At the local government level, property use bylaws (ie. nuisance, good neighbour, building, a stand-alone bylaw) would be the primary tool that could be used to regulate personal cultivation on properties. This being said, staff note that the ability to effectively monitor, regulate and enforce cannabis cultivation could require significant additional resources and processes. Based on this, staff recommend that further study be undertaken on this topic, and the results of this research and policy options be presented to Council for review prior to considering policy/bylaws regarding personal cannabis cultivation in White Rock.

6. Distribution Model

Provinces and Territories will decide how cannabis is distributed for sale within their jurisdictions, and three basic models have been identified to accomplish this, including government, private and direct distribution.

Noting that alcohol distribution in BC has been directly managed for decades by the Provincial Liquor Distribution Branch, a government-based cannabis distribution model may be utilized as well, to allow direct government control over the flow of cannabis products.

7. Retail Model

As with distribution, each Province and Territory will be able to choose the cannabis retail model for their jurisdictions. The Federal government will be utilizing an ‘interim’ on-line retail system until Provincial /Territorial retail regimes are established; there are a number of retail options that Provinces and Territories can implement, including public retailing (ie. government stores, similar to BC Liquor Stores) and/or private retailing (ie. private liquor stores), as well as a direct-to-consumer mail-order system.

BC could also require cannabis to be retailed through ‘dedicated storefronts’ (ie. all products for sale are cannabis-based) or mixed with liquor or pharmaceutical sales. The Discussion Paper notes that ‘co-locating’ cannabis sales with other regulated products such as liquor, in urban areas, could contribute to increased use of cannabis in the general population.

Staff suggests that cannabis sales be undertaken through Provincial government-run dedicated storefronts, where the Provincial government has direct control over cannabis sales, marketing, location and appearance of cannabis retail storefronts. However, staff also suggests that the Province should not have sole discretion regarding the location of these stores; a government-retail model should be bound by additional regulations that limit distances between stores, and involve consultation with local governments in determining potential store locations, design and appearance, similar to liquor licencing regulations.

City of White Rock Land Use and Zoning Considerations

As noted above, local governments have the authority to regulate land use through Official Community Plans (OCPs) and zoning bylaws. However, if cannabis becomes legal in Canada, at this point it is unclear if (and to what extent) the Province will allow local governments to specifically regulate cannabis production and sales, including the land use authority to legally prohibit these uses.

If forthcoming Provincial regulations provide for it, White Rock Council could choose to add land use definitions and geographically-based regulations to the City’s Zoning Bylaw, that control the location and characteristics of cannabis retail storefronts. These regulations could involve identifying specific zone(s) where cannabis retail is permitted or prohibited, minimum separation distances from schools, and requirements regarding the location of cannabis retail storefronts in relation to other retail/uses, among other potential regulations.

In this regard staff suggest that the Province provides the appropriate land use powers to local governments that allows Councils to regulate cannabis sales and production in a way that reflects their community context. Staff also suggests that the Province allows local governments to require additional public consultation for a proposed cannabis retail uses, and require that that any property that includes a proposed cannabis retail use be re-zoned to a specific zone that allows cannabis retail, which in turn requires a Public Hearing and an opportunity for public comment.

Potential Regulation and Enforcement Costs

As noted above, the legalization of cannabis will likely result in the need to allocate additional resources for local government regulation and enforcement, which in turn will result in added costs. Staff suggests that the Province provide further information on how these costs might be addressed, and if the Province will be providing funding (ie. from cannabis sale revenues) or other assistance to local governments for cannabis-related regulation and enforcement.

OPTIONS

The Governance and Legislation Committee can:

1. Direct staff to communicate the content of this report and feedback from the Governance and Legislation Committee to the Provincial Minister of Public Safety and Solicitor General, and request that the Ministry of Public Safety and Solicitor General update local governments regarding proposed Provincial regulations regarding non-medical cannabis, and provide an opportunity for input prior to the Provincial implementation these regulations; or
2. Direct staff to take no further action on this item.

Staff recommends Option 1, which is incorporated into the recommendations at the beginning of this corporate report.

CONCLUSION

In July 2018 it is anticipated that non-medical cannabis will become legal in Canada. In early September 2017, local governments across BC received an invite from the Provincial Minister of Public Safety and Solicitor General to provide input on how the Province might legally regulate the use of non-medical cannabis in BC.

This corporate report summarizes the key topics identified in the attached Discussion Paper, and provides staff commentary regarding these topics as they relate to how cannabis could be regulated by the Province and the City of White Rock.

Staff recommend that feedback from the Governance and Legislation Committee and the content of this report be communicated to the Provincial Minister of Public Safety and Solicitor General. Staff also recommend that the Ministry of Public Safety and Solicitor General update local governments regarding proposed Provincial regulations regarding cannabis, and provide an opportunity for input prior to the Provincial implementation of these regulations.

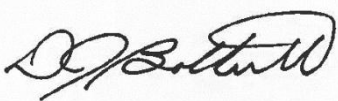
Respectfully submitted,



Carl Johannsen, MCIP, RPP
Director of Planning and Development Services

Comments from the Chief Administrative Officer:

I concur with the recommendations of this corporate report.



Dan Bottrill
Chief Administrative Officer



SEP 21 2017

Dear Mayors/Regional District Board Chairs:

In April 2017, the Government of Canada introduced two Bills in relation to the legalization of cannabis; Bill C-45 (the *Cannabis Act*) and Bill C-46 (amending the *Criminal Code* impaired driving provisions). The Bills are currently making their way through the federal parliamentary process with the goal of bringing Bill C-45 into force in July 2018, making non-medical cannabis legal in Canada as of that date. The federal government plans to bring into force the amendments related to drug-impaired driving as soon as Royal Assent is received.

While some aspects of non-medical cannabis regulation will be the responsibility of the Government of Canada, the Province of British Columbia will be responsible for other components. Under the proposed *Cannabis Act*, provinces and territories will regulate the distribution and sale of non-medical cannabis within their respective jurisdictions, subject to minimum federal conditions. Provinces and territories will have the authority to increase the minimum legal age established by the Government of Canada for purchase and possession of non-medical cannabis. In addition, provinces and territories will have the authority to regulate public consumption, establish additional restrictions on personal cultivation and possession limits, and address cannabis impaired driving in provincial road safety laws. As a result, British Columbia will have a number of decisions to make regarding how we regulate non-medical cannabis within our province.

We are interested in hearing what is important for your community concerning the legalization and regulation of non-medical cannabis in our province. As part of the broader engagement to support the development of the provincial regulatory framework, the Province will be engaging local governments directly, along with the public, Indigenous governments and organizations, and stakeholder groups. As part of this engagement, local governments are invited to provide written submissions to the Province. To help guide your submission, we have enclosed a discussion paper, which identifies a number of priority policy considerations for the development of a regulatory framework for non-medical cannabis in British Columbia.

.../2

Dear Mayors/Regional District Board Chairs
Page 2

Please note that in order to promote the transparency of this engagement process, written submissions will be posted publicly. Submissions can either be made by email to cannabis.secretariat@gov.bc.ca or mailed to the Cannabis Legalization and Regulation Secretariat no later than November 1, 2017 at 4:00 pm at the following address:

Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
Victoria BC V8W 9J7

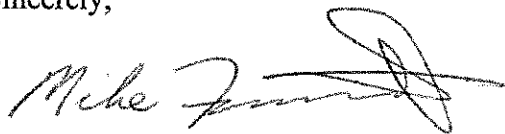
Please ensure your submission does not exceed five pages and does not include third party information or personal information, such as personal telephone numbers or stories that identify specific citizens.

Recognizing that local governments have a significant interest in the provincial regulatory framework for the legalization of cannabis, the Province intends to commence a process of consultation with the Union of BC Municipalities (UBCM). Provincial consultation with UBCM is anticipated to be ongoing until the provincial regulatory framework is developed. The Cannabis Legalization and Regulation Secretariat will also be holding a workshop on September 26th at the 2017 UBCM Convention. This workshop will provide an opportunity to outline the Province's work to date and start the dialogue with local governments about some of the challenges and opportunities arising out of the legalization of non-medical cannabis.

The Province looks forward to a productive engagement process and to working collaboratively with local governments. Your input is valued and the responses we receive through this engagement will help to inform the development of a regulatory framework that best represents the interests and priorities of British Columbians.

Thank you for sharing your perspectives with us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Farnworth", with a stylized flourish at the end.

Mike Farnworth
Minister of Public Safety
and Solicitor General

Enclosure

Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.



November 1, 2017

Minister Mike Farnworth
Minister of Public Safety and Solicitor General
cannabis.secretariat@gov.bc.ca

Dear Minister,

RE: CANNABIS CONSULTATION

The BC Government is considering how to regulate the distribution, sale and use of recreational cannabis in the province, and is seeking input and advice on these issues from individuals and organizations across the province.

Heart & Stroke, BC and Yukon, the Canadian Cancer Society, BC & Yukon and the BC Lung Association make up the Clean Air Coalition of BC. Collectively and individually, the organizations are working to reduce the harms associated with exposure to second-hand smoke from tobacco products and ultimately reduce tobacco use in British Columbia.

Given the future legalization of cannabis, as a coalition we are concerned this may have unintended consequences on tobacco use and for tobacco control in BC. There is strong evidence that cannabis legalization has the potential to increase tobacco use and tobacco initiation. Additionally, it is critical that development and implementation of cannabis regulation be harmonized with existing regulations for tobacco and that any potential gaps in regulation of the two substances be closed. This is essential for reducing high-risk poly-substance use, especially among youth.

The coalition urges the provincial government to consider the following recommendations, which represent best-practice, evidence-based strategies aimed at protecting and improving the health of British Columbians. These recommendations are intended to reduce public health harm and the burden of chronic disease, preventing and reducing high-risk use and reducing the possibility of unintended consequences of legalization, including undermining tobacco control progress.

We welcome the opportunity to participate in additional discussions on the legalization of cannabis use in BC. Our experience and expertise in supporting tobacco control efforts in British Columbia makes us well positioned to support evidence-based programs and supports in our province.

Thank you for the opportunity to provide a submission.

Adrienne Bakker
CEO
Heart & Stroke,
BC & Yukon

Faye Wightman
Interim Executive Director
Canadian Cancer Society,
BC and Yukon

Scott McDonald
President & CEO
BC Lung Association

RESPONSE TO THE BC GOVERNMENT'S CONSULTATION ON LEGALIZATION OF RECREATIONAL CANNABIS

This submission is made in response to the provincial government's consultation on the federal government's plan to legalize recreational cannabis in the summer of 2018 and the ways that the BC government may wish to create a regulatory regime and the roll out of production, manufacture and sale of recreational cannabis.

CANNABIS AND TOBACCO USE

Approximately 17 percent of Canadians currently use tobacco products,¹ (BC – less than 14%) and 12 percent of Canadians (BC – 17.3%) used cannabis at some point during the previous year.² Higher cannabis use is generally observed among youth and young adults than among the general population. Approximately 20 percent of youth aged 15-19 and 30 percent of young adults aged 20-24 used cannabis in the past year, compared to 10 percent of Canadians age 25 and older.³ Moreover, the World Health Organization has noted that Canadian youth have the second highest cannabis use rates worldwide.⁴

As noted in the Ontario Tobacco Research Unit's submission to the Task Force on Marijuana Legalization and Regulation,

“...marijuana smoke is similar to tobacco smoke in many ways. Like tobacco smoke, marijuana smoke is a mixture of very small particles and a gas-vapor phase (IOM 1982). Smoke from these two substances has similar concentrations of particulate matter and of toxicants including carbon monoxide, hydrogen cyanide and nitrosamines (IOM 1982). Several chemicals in both marijuana and tobacco smoke cause cancer and reproductive toxicity: polycyclic aromatic hydrocarbons, carbon monoxide, cyanide, benzene (Barry & Glantz 2016).”⁵

The submission goes on to cite examples of cannabis use associated with respiratory and cardiovascular diseases.

While evidence around a general association between recreational cannabis use and heart disease and stroke is not well established, it is emerging. Developing evidence shows an overall notable increased risk for both heart disease and stroke, both attributable to the effects of cannabis on blood pressure, vasculitis, arterial/venous wall integrity, atrial fibrillation.⁶⁷⁸⁹ There are some reports linking cannabis use with cardiovascular emergencies, including myocardial infarction, cardiomyopathy, arrhythmias, heart failure, stroke and cardiac arrest.¹⁰¹¹¹² Risk for heart disease and stroke related to cannabis use increases with long term or excessive use.¹³¹⁴¹⁵ While studies indicate that recreational cannabis use has potential cardiovascular adverse effects, there is large variability in recreational usage, indicating that further investigation is necessary to better understand the full spectrum of its effect on heart disease and stroke.

It is clear that cannabis is not a benign product. It is a product that is harmful, and its high-risk use can lead to problems with cognitive psychomotor functioning, brain development, motor-vehicle collisions, respiratory problems, dependence and mental health issues. These harms are generally concentrated among a limited group of high-risk users (regulation and programming must be developed to support this population).^{16,17}

There is tremendous overlap between youth who smoke tobacco and youth who use cannabis, and that cannabis use during adolescence and early adulthood is associated with increased risk of initiation of tobacco

use and nicotine dependence¹⁸. The Canadian Student Tobacco and Drugs Survey (CSTADS) for 2014-15 found that among students grades 7-12, 73% of current smokers had used cannabis in the past 30 days, compared with just 3% who had never tried smoking.¹⁹ Among 19-20 year olds who are current smokers of tobacco, 49% used cannabis in the previous 30 days, compared with just 11% among non-smokers. Among 19-20 year olds who used cannabis at least weekly, 51% are current smokers of tobacco, while among 19-20 year olds who have not used cannabis in the past year, only 10% are current smokers of tobacco.²⁰

In fact, joint or mixed use of cannabis and tobacco presents a serious concern for tobacco control efforts. According to recent Ontario data, about 30 percent of cannabis smokers mix tobacco in their “joints.”²¹ Tobacco blunt wraps are often used for this purpose and these are widely available. A strong and consistent association exists between tobacco use and cannabis use.²²

Concurrent and mixed use of tobacco and cannabis is associated with an increased risk of adverse health effects compared with cannabis use alone.²³ Concurrent use and mixed use of tobacco and cannabis is also associated with higher levels of problematic cannabis use.²⁴ Further, the two substances in combination may have multiplicative effects that could generate worse health outcomes.²⁵ As a result, the concurrent and mixed use of cannabis and tobacco is considered a high-risk route of consumption and tobacco use behavior.²⁶

Tobacco and cannabis use may act as behavioral cues for increased use of either substance.^{27,28} Evidence shows that tobacco users who smoke cannabis are more likely to relapse when attempting to quit using tobacco.²⁹ Thus, any increase in overall cannabis use resulting from legalization may increase tobacco use, particularly among youth.³⁰

Government must proceed with caution due to the disproportionate population health level harm and burden caused by tobacco use in comparison to cannabis use. Tobacco-attributable mortality and morbidity in Canada significantly exceeds that of cannabis-attributable mortality and morbidity – tobacco use results in *37 times* more attributable-mortality in Canada than cannabis use.^{31,32}

HARMONIZING LEGISLATION BETWEEN TOBACCO AND CANNABIS

An opportunity exists in developing recreational cannabis legislation that compliments and leverages existing tobacco control legislation, and to find ways to fill in existing gaps in tobacco control regulations. Improved and complimentary policies would help regulate commercial tobacco products – the deadliest products legally available.

To that end, we encourage the provincial government to follow evidenced-based research on reviewing the following issues when addressing cannabis availability and usage in the province and its effects on tobacco use:

- 1) Taxation and pricing policies
- 2) Retail licensing regime, including licensing fees, appropriate number of retail outlets across the province
- 3) Reducing or minimizing youth access
- 4) Preventing renormalization of smoking behaviours
- 5) Reducing exposure to all forms of second-hand smoke
- 6) Reducing harmful and high-risk routes of consumption

Format of the submission

The following submission comments are each made with a key topic heading area, recommendation or recommendations, and the rationale for the recommendation.

TAXATION AND REINVESTMENT IN PREVENTION

Recommendation:

- a) Just as with tobacco taxes, ensure provincial tax rate on cannabis match or exceed nearby provinces, such as Alberta and Saskatchewan.
- b) Commit to raising both tobacco and cannabis taxes over time and protect taxes from being eroded by inflation or wage increases.
- c) Allocate a significant portion of any new cannabis revenue to prevention, research, cessation programming and education. This applies to tobacco tax revenue as well.

Rationale: Taxation is the foundation of a province's strategy to reduce tobacco use, as its effectiveness in reducing consumption has been well documented.³³ Tobacco taxes are the single most effective measure to reduce tobacco use.³⁴ The federal government's task force report on cannabis legalization has recommended that an evidence-based tax rate be implemented for cannabis products, which would focus on preventing and reducing consumption while at the same time restraining the illicit market.³⁵

Cannabis use (specifically high-risk use) can negatively impact the health of its users, including mental, physical and cognitive functioning. Some studies suggest regular use in adolescence increases the risk for developing depressive, anxious and manic symptoms, and major depression and bipolar disorder.³⁶ While there is evidence to raise concern about the adverse health effects of cannabis use, there is still more to learn. Earmarked funds from cannabis tax revenue will provide an ongoing revenue stream for cannabis research. Furthermore, cannabis legalization can create a substantial increase in youth demand due to decreased perceived harm of cannabis in response to the policy change.³⁷ Therefore it is essential to invest in effective prevention programs and initiatives to reduce cannabis use. The Federal Task Force on Cannabis Legalization and Regulation recommended that a significant portion of cannabis revenues should be applied to the research, prevention and treatment of cannabis use.

The WHO Framework Convention on Tobacco Control guidelines acknowledges that allocating a significant portion of tobacco tax revenue to tobacco-control programs is an important strategy to address the tobacco epidemic.³⁸ The U.S. Institute of Medicine (IOM) and the Centres for Disease Control and Prevention recommend US\$15 to US\$20 per capita as a funding target for each U.S. state to fund tobacco control initiatives and activities. To meet these guidelines, the annual tobacco control budget for BC alone should be a minimum of \$69 million.³⁹

RETAIL CONTROL SYSTEM

Recommendation:

- a) Just like vendors selling tobacco products, cannabis retailers (in absence of government-controlled retail stores) should be licensed and regulated with enforcement measures that are managed and implemented by the provincial government, either directly or through health authorities. Tobacco retailers must be licensed and so should cannabis retailers. The following regulatory measures should be included as a condition of licensing:

SELLING THE PRODUCT – REQUIREMENTS OF THE STORE

- Retailers must obtain a valid license from the provincial licensing authority;
- Retailers are prohibited from selling products to minors under the regulated minimum age;
- Retail sales staff must be over the regulated minimum age;
- Retailers must request photo identification from anyone appearing under the age 30;
- Retail sales staff must complete annual mandatory training authorized by the licensing authority;
- Minors are not permitted in stores;

ADMINISTRATIVE REQUIREMENTS

- Retailers are only permitted to sell cannabis products and related paraphernalia;
- Retailers should not be allowed to accept payments, rebates or credits for stocking products;
- Administrative authority to regulate physical location (i.e., zoning) of retailers, including the overall number of outlets in BC and the proximity to certain facilities (e.g. daycares, schools, types of housing facilities). To ensure consistency this should also be considered for tobacco sales.
- Retail outlets for cannabis products must be stand-alone and not be sold together with tobacco or nicotine products, or alcohol;
- Anyone involved in tobacco manufacturing or sales may not be involved in cannabis manufacturing or sales.

FEES AND ENFORCEMENT

- Retailers must pay a one-time fee to obtain a license and then ongoing annual fees that are subject to annual increases. Currently this is not the case for tobacco retailers and for consistency, this needs to be changed;
- Administrative enforcement regime includes graduated fines, ticketing and license suspensions.

Rationale: There is significant evidence indicating the need to implement a government monopoly retail system in order to adequately control product availability, reduce perceived acceptability and reduce consumption, particularly among youth.⁴⁰ The best practices available for alcohol retail controls should be applied to cannabis retail systems, if not to tobacco systems as well.

BC has a regulatory framework for tobacco retail sales and there is a possible working model that could be used to develop a regulatory framework for retailing cannabis and tobacco products. We encourage the provincial government to explore the regulatory model developed in Washington

State where they limit the number of cannabis outlets and have various fees for application of licenses.

In Canada, poly-substance use, particularly the use of cannabis, tobacco and alcohol, is quite common, particularly among youth.⁴¹ The co-location and/or close relative proximity of cannabis, tobacco and alcohol may create an environment for high risk substance use by increasing access, demand and acceptability. Additionally, the sale of any cannabis product with alcohol or tobacco may influence social norms of poly-substance consumption, particularly among youth who are new and novice users.⁴² Restricting availability by limiting the number of retail outlets where products are sold is associated with reducing consumption and related harm.⁴³

PROTECTING YOUTH

Recommendation:

- a) The minimum age of sale should be set at 21 for tobacco and cannabis and ensure active enforcement of regulations prohibiting the sale of cannabis and tobacco products to minors is fully implemented. If necessary, as an interim measure, the minimum age could be set at 19 versus 21, though 21 is considered a more effective harm reduction age.

Rationale: Canada's rate of cannabis use among youth is one of the highest among developed countries.⁴⁴ A minimum sale age of 21 has the potential to be an effective strategy for controlling the sale and use of cannabis among youth as initiation usually occurs during the adolescent years.⁴⁵ However, current evidence indicates that tobacco use leads to much greater health impacts than cannabis use.^{46,47,48}

Higher minimum age requirements for purchase and consumption of alcohol and tobacco have demonstrated positive public health effects. Research from the United States has indicated that a higher minimum age of legal access to tobacco products (e.g., age 21) will likely prevent or delay initiation of tobacco use by adolescents and young adults. Most tobacco users initiate use and become nicotine dependent during adolescence - Canadian research indicates youth initiation of tobacco peaks at the age of 13 and 14 years.⁴⁹ The risk of cannabis dependence is also associated with early-onset use.⁵⁰ Research indicates that if the minimum age of legal access to tobacco products was raised to 21, the result would be a substantial reduction in smoking prevalence—a projected 12 percent decrease.⁵¹ As well, a higher minimum legal drinking age is considered to be effective in decreasing alcohol consumption and related harms among younger drinkers.⁵²

PREVENTING SMOKING BEHAVIOURS FROM BEING RENORMALIZED

Recommendation:

- a) Prohibit all forms of smoking/vaping including cannabis and waterpipe in public indoor and outdoor spaces and workplaces.

Rationale: Public smoking bans are a foundation piece of tobacco control efforts in British Columbia and they have contributed to the reduction of tobacco use while protecting everyone from harmful exposure

to second-hand smoke. Erosion of public smoking bans from cannabis legalization could represent a huge setback for tobacco control. Existing public smoking bans should be protected and extended to include the use of cannabis, waterpipes and e-cigarettes (any smoking or tobacco-like materials).

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COLLEGE OF
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November 1, 2017

Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Govt
Victoria, BC V8W 9J7

BY EMAIL ONLY: cannabis.secretariat@gov.bc.ca

Attn: Cannabis Legalization and Regulation Secretariat

Dear Sirs and/or Mesdames:

Re: Response to request for submissions regarding regulation of non-medical cannabis

Thank you for providing the College of Naturopathic Physicians of British Columbia (the “College”) with the opportunity to provide constructive input into the province’s plans to regulate non-medical cannabis once it is legalized by the federal government next year.

Naturopathic doctors in British Columbia have the authority to prescribe most drugs, but are not included in the definition of “health care practitioner” under the *Access to Cannabis for Medical Purposes Regulations* (“ACMPR”), and are therefore not permitted to prescribe marijuana. In a brief submitted to the federal government in August of this year (attached), the College suggested that, should the Government of Canada decide to maintain a separate medical cannabis program and include naturopathic doctors as “health care practitioners” authorized to prescribe marijuana under the ACMPR, the College would be prepared to work with the BC Ministry of Health to implement the required regulation.

Various court decisions have recognized the difficulties faced by patients who wish to access medical cannabis. While supply is being addressed through the ACMPR and the Licensed Producer system, it is possible that patients may continue to encounter obstacles in their efforts to access medical marijuana due to limited numbers of nurse practitioners and medical doctors currently prescribing medical cannabis.

As the regulator of naturopathic medicine in BC, the College is concerned that with legalization in 2018, members of the public seeking access to medical cannabis may be misled by marketing of non-medical cannabis that blurs the distinction between medical and non-medical cannabis. In the view of the College, a reasonable person could easily be misled to believe that s/he has consulted a licensed health professional, received a diagnosis, and accessed medical cannabis when s/he enters a retail storefront referred to as a “dispensary,” fills out a form that may request his or her private health information, consults a staff person who claims or appears to have expertise in the potential health benefits of marijuana as a natural, botanical, or plant-based medicine, and is then

recommended and sold a particular cannabis strain or product that the staff person advises will address the person's health condition.

When a member of the public consults with a regulated health professional authorized to prescribe drugs, s/he may reasonably expect that the health professional will maintain the confidentiality of his or her health information, make an accurate diagnosis and, only if necessary, and after considering potential interactions with any other medications the patient may be taking, prescribe a drug. Members of the public who mistakenly believe that the safeguards associated with regulated health professionals are in place in retail storefronts called "dispensaries" may place their health and the confidentiality of their health information at risk. Such confusion may also bring the naturopathic medical profession into disrepute: staff of retail non-medical marijuana storefronts who claim or appear to have expertise in plant-based medicines and issue "prescriptions" or recommendations for non-medical cannabis may be mistaken for naturopathic doctors.

The College submits that however the Government of British Columbia chooses to regulate non-medical cannabis, it should endeavor to prevent the use of marketing strategies that may create confusion between medical and non-medical cannabis. We suggest that a government distribution model and a retail model involving pharmacies, BC Liquor stores, and/or other already strictly regulated organizations or health professionals may be the most effective ways to accomplish that objective.

We thank you in advance for considering our input as the Ministry prepares its summary report.

Yours truly,

A handwritten signature in black ink, appearing to read "Howard Greenstein", with a stylized flourish at the end.

Howard Greenstein, B.Sc., M.A., M.B.A.
Registrar and CEO



COLLEGE OF
NATUROPATHIC PHYSICIANS
OF BRITISH COLUMBIA

Naturopathic Physicians and Medical Cannabis

Executive Summary

It is submitted that naturopathic physicians have the training and experience with botanical medicines to safely prescribe medical cannabis, should the federal government continue some form of the medical cannabis or medical marihuana program. Further, it is submitted that regulatory bodies such as the College of Naturopathic Physicians of British Columbia have the experience and expertise in regulating prescribing professionals in order to effectively regulate their registrants regarding the safe prescription of medical cannabis to their patients in order to ensure safe access to medical cannabis.

BACKGROUND

There are 26 regulated health professions in British Columbia, of which 25 are self-regulating professions governed by 22 regulatory colleges under the [Health Professions Act](#).

The [College of Naturopathic Physicians of British Columbia](#) is the regulatory body established for the health profession of naturopathic medicine.

Naturopathic medicine has been a [designated health profession](#) under the [Health Professions Act](#) since January 1, 2000, and is regulated by the College in accordance with the Act, the [Naturopathic Physicians Regulation](#) and the [bylaws of the College](#).

Naturopathic medicine has been a regulated profession under British Columbia legislation since 1936. Before designation under the [Health Professions Act](#), the profession was regulated under the former *Naturopaths Act*.

The composition of the board of the College is:

four elected naturopathic physicians; and

four public representatives appointed by the Minister.

Currently naturopathic physicians in British Columbia and Ontario have prescriptive authority. Alberta is implementing the pharmacy training program developed by the College of Naturopathic Physicians of BC in conjunction the University of BC's School of Pharmacy. Prescriptive authority was added to the naturopathic physicians' scope of practice in 2009 by the government of BC. New drugs are added to the formulary with the assistance of a government-mandated multidisciplinary committee, the Pharmacopoeia, Diagnostic and Referral Committee, composed of representatives from the medical, pharmacist and naturopathic professions, as well as a government appointed representative and an appointed public board member.

REGULATED NATUROPATHIC PHYSICIANS CAN ADDRESS ISSUES OF ACCESS.

*R. v. Mernagh*¹ was a pivotal Ontario Superior Court decision, released on April 11, 2011. Mernagh suffered from fibromyalgia, scoliosis, seizures, and depression. He was in constant pain and prescription medications had failed to relieve his conditions. Medical marijuana eased his symptoms and allowed him to function. The accused was unable to find a medical doctor to support his application for an ATP and therefore grew his own supply of marijuana. He was charged with production of marijuana under the CDSA and in defence of the charges challenged the constitutionality of the marijuana prohibitions of the CDSA and MMAR.

As the law has evolved, the problems associated with the dependence on medical practitioners for access have come to the forefront of the debate.

<http://canliiconnects.org/en/commentaries/29933>

The decision in Mernagh suggests that healthcare providers such as naturopathic physicians may be in as good or better position than medical practitioners to assess medical eligibility. Paragraph 165 of the decision highlights the reticence of medical doctors, regulatory colleges and the disapproval of the Canadian Medical Protective Association (CMPA).

"[165] The Nolin Report at p. 309, further details the opposition of the CMPA to the MMAR. Found at Volume 4 of the Applicant's Book of Authorities, it quotes from an information sheet dated October 2001 which was sent to its members. It states in part:

Section 69 of the regulations allows a medical licensing authority to request from the federal health minister information regarding a specific medical practitioner, which may be provided if the minister has reasonable grounds to believe the medical practitioner has made a false statement under the

regulations. This is a significant concern, as physicians may unknowingly make a false statement because they are being asked to attest to matters that may go beyond the scope of their expertise. As a result, the risk that physicians could be reported to their College is increased.

The fact that marihuana is not an approved drug product may lead some to conclude marihuana is an alternative medicine. This raises the important point as to whether the Colleges would consider physicians' involvement in the application for a licence to possess marihuana as requiring them to comply with the policy of that College concerning alternative or complimentary medicines."

The decision concluded that it was practically impossible for patients seeking medical marijuana to obtain the necessary support of a medical doctor in order to apply for an ATP under the MMAR. The court noted that Canadian physicians had for the most part boycotted the MMAR and had thus effectively undermined effectiveness of the program. The reasons reviewed the history of the opposition of the medical profession to involvement under the MMAR. The following excerpt from the judgment was taken from a letter written by the president of the Canadian Medical Association to the Minister of Justice that summarized the CMA's opposition to the MMAR:

"Our position remained steadfast. Physicians should not be the gatekeepers for a substance that has not gone through the established regulatory review process, as required by all other drugs. CMA has strongly recommended that the physicians of Canada not participate in dispensing marijuana under existing regulations, and warns that those who do, do so at their own professional and legal peril."

A substantial portion of the Mernagh decision focused on the problems with the MMAR's dependence on medical doctors as a means to determine eligibility for medical marijuana. Significantly the judgment considered whether the function of medical practitioners under the MMAR might be carried out by other healthcare providers. The decision quoted the following passage, (paragraph 185), with apparent approval, from the Belle-Isle report that had been admitted in evidence in Beren²:

"Allopathic doctors do not normally deal with herbal medicines. Their training consists mainly of prescribing pharmaceutical products that have gone through the regulatory drug review process. They know and understand this system and trusted scientific rigour. Naturopathic doctors, on the other hand, have experience dealing with complementary and alternative remedies, including herbal remedies, and may be in a better position to assist people who use cannabis for medicinal purposes ... "

The court then said this in the following paragraph:

"The legislation essentially asks doctors to do something that is outside of their knowledge and expertise; it asks them to perform a function and is arguably no longer a medical one."

The judgment later returns to the potential role for alternate healthcare providers with the following passage:

"Another alternative to the exclusive appointment of doctors as gatekeepers would have been to allow other health practitioners to make declarations, practitioners such as naturopaths or herbalists who by the very nature of their training have a more extensive knowledge of alternative forms of medicine. Again, this was not and has not been done."

In the final analysis the court declared the entirety of the MMAR and ss. 4 and 7 of the CDSA were constitutionally invalid and of no force and effect.

ADDING NATUROPATHIC DOCTORS TO THE RESTRICTED SUBSTANCES PRESCRIBERS LIST

Provinces with regulatory colleges (e.g.- In BC, those that are established under the provincial Health Professions Act) and whose registrants have prescriptive authority as part of their scope of practice, could effectively regulate medical cannabis prescribing if naturopathic doctors were added to the list of "practitioners" able to prescribe medical cannabis under the federal Controlled Drugs and Substances Act and whichever new associated regulations may be brought into force.

The Canadian Association of Naturopathic Doctors first enquired about federal practitioner status in 2004 . At that time government advised that it would not grant status as naturopathic doctors did not have prescribing authority.

The situation in 2017 is significantly different. Naturopathic doctors in British Columbia were granted the authority to prescribe drugs in 2009. Prescriptive activities are governed by the [*Scope of Practice for Naturopathic Physicians – Standards, Limits and Conditions for Prescribing, Dispensing and Compounding Drugs*](#). Naturopathic doctors are now regulated in BC, Alberta, Saskatchewan, Manitoba and Ontario and have been granted prescribing authority in Ontario and BC.

MANDATE FOR COLLABORATIVE PRACTICE IN BC BETWEEN REGULATED HEALTH PROFESSIONS

Given the documented reluctance of the medical profession, it's regulatory colleges and its malpractice providers to endorse the prescription of medical cannabis, naturopathic physicians offer an opportunity to facilitate safe access for patients under an established regulatory college.

The College of Naturopathic Physicians of BC is a well-established and respected regulatory body that is looked to for guidance as other jurisdictions move to regulate naturopathic physicians. By permitting the College to regulate the prescribing of medical cannabis, regulatory colleges of other health professions that are less comfortable with doing so, may derive some relief from not being the sole gatekeepers to medical cannabis.

The requirement for inter-professional collaboration, inherent in the BC Health Professions Act, will ensure that patient continuity of care is the priority and that patients will be able to build health care teams that meet their needs and will communicate between health care providers.

[Section 16](#) of the [Health Professions Act](#) mandates that regulated health professions in the province establish inter-professional collaborative practice between professions.

(k) in the course of performing its duties and exercising its powers under this Act or other enactments, to promote and enhance the following:

- (i) collaborative relations with other colleges established under this Act, regional health boards designated under the [Health Authorities Act](#) and other entities in the Provincial health system, post-secondary education institutions and the government;
- (ii) inter-professional collaborative practice between its registrants and persons practising another health profession;
- (iii) the ability of its registrants to respond and adapt to changes in practice environments, advances in technology and other emerging issues.

Further, the College of Physicians and Surgeons of BC updated its policy on [Complementary and Alternative Medicine](#) and professional affiliations with complementary or alternative health-care providers on April 3rd of this year.

‘Patients have a right to make decisions about their health care including choosing complementary or alternative therapies instead of, or as an adjunct to, conventional medicine.’

Physicians are reminded that the [Health Professions Act](#) requires inter-professional collaborative practice between regulated health-care professionals who are governed under the same Act, even if their treatment approach differs.

In choosing to form a professional affiliation with a (regulated) complementary or alternative health-care provider, physicians should be satisfied that the proposed care or health benefit is safe, or at minimum, not more risky than

comparable conventional interventions or not more risky than not receiving conventional interventions.

SUMMARY

It has been observed in various court decisions that patients that wish to access medical cannabis have experienced impediments to that access. While supply is being addressed through the ACMPR and LP system, there will continue to be bottleneck in access due to the limited numbers of nurse practitioners and medical doctors currently prescribing medical cannabis.

Regulated naturopathic physicians could be another profession that could safely expand legitimate patient access to medical cannabis. With a documented history of robust regulation and specifically prescribing authority in BC, it is submitted that the College of Naturopathic Physicians of BC could effectively regulate patient access to medical cannabis. Should the federal government decide to maintain a separate medical cannabis program, as recommended in the final task force report, and approve the addition of naturopathic doctors as approved providers, the College of Naturopathic Physicians of BC is prepared to work with the BC Ministry of Health to quickly enable the required regulation to be implemented. Thank you for your consideration of this submission.

REFERENCES

1. [BC Health Professions Act](#)
2. [Naturopathic Physicians Regulation](#)
3. College of Naturopathic Physicians of BC - [Bylaws of the College](#)
4. R. v. Mernagh (2011), 269 C.C.C. (3d) 297 (Ont. S. C.)
5. R. v. Beren (2009), 192 C.R.R. (2d) 79 (B.C.S.C.)

**BC Cannabis Regulation Engagement
Submission Paper**

**Inclusion of Craft Cannabis:
Protecting BC's Economy**

October 31, 2017



Prepared by Sarah Campbell, David Robinson and Teresa Taylor
for the Craft Cannabis Association of British Columbia



Executive Summary

The Craft Cannabis Association of British Columbia (CCABC) is a non-profit society founded by a diverse group of cannabis advocates with decades of experience in the industry. We are consumers, producers and entrepreneurs who want to ensure that high quality, locally produced cannabis is recognized and incorporated in the new regulatory framework for legal cannabis in BC.

British Columbia is unique. We have a thriving independent cannabis industry - estimated at \$5 billion - that has existed for decades and is the backbone of local economies across many communities in BC. It is comprised of hard-working producers, processors, distributors, retailers and other entrepreneurs who have specialized expertise and have long-awaited legislative reform. It is vital that these British Columbian's are included in the new legal cannabis industry or BC will see the loss of thousands of jobs and millions in income and lost opportunity.

Consumers have demonstrated their preference for independent locally grown cannabis. They have come to know and love the choice of regional strains, handcrafted topical and edibles available from the craft market. Any regulatory approach that precludes the involvement of small-scale independent entrepreneurs in the emerging marketplace, or stigmatizes responsible use, will likely result in civil disobedience and litigation with associated costs borne by Canadian taxpayers.

The current federal licensed producer program has unnecessarily high barriers to entry, an approach reminiscent of the repeal of alcohol prohibition in the 1930s. We are asking our provincial government to stand up for thousands of small business owners now, and save a legacy we deserve.

We recommend:

Provincial Licensing for Craft Producers and Processors



Who We Are

The Craft Cannabis Association of British Columbia (CCABC) is a non-profit society founded by a diverse group of cannabis advocates with decades of experience in the industry. We are consumers, cultivators, and entrepreneurs who want to ensure that high quality, locally produced cannabis is recognized and incorporated in the new regulatory framework for legal cannabis in Canada. Our mission is to support and promote the craft cannabis industry in British Columbia. Further to that, our constitution is as follows:

- To work with governments to ensure statutes and regulations are inclusive of British Columbia's craft cannabis industry;
- To provide a unified provincial voice for the craft cannabis industry in regards to legislative and regulatory matters;
- To provide a forum for information, education, discussion, and guidance for the craft cannabis industry;
- To support the development of standards, regulations and policies for the craft cannabis industry;
- To conduct, encourage and facilitate research into the use of cannabis and methods for its production, distribution and regulation;
- To promote awareness about the importance of British Columbia's craft cannabis industry in local communities and economies; and
- To increase understanding and appreciation of the craft cannabis industry.

We support regulations at all levels of government that reasonably address concerns around public health and safety while promoting small business initiatives, environmental sustainability, economic stability, public education, research and consumer autonomy.

We are not organized crime. The painting of stakeholders as criminals has done little to assure that we are fairly included in imperative dialogue about the future of the industry. Read more about the real people behind the craft cannabis industry in our submission to the Government of Canada, [*The Real Faces of Craft Cannabis*](#).



Why We Care

British Columbia is unique. We have a thriving independent cannabis industry - estimated at \$5 billion - that has existed for decades and is the backbone of the local economy across many communities in British Columbia. It is comprised of hard-working producers, processors, distributors, retailers and other entrepreneurs who have specialized expertise and have long-awaited legislative reform. It is vital that these British Columbian's are included in the new legal cannabis industry or BC will see the loss of thousands of jobs, and millions in income and lost opportunity.

Cannabis has been grown and processed in BC for years. Accurate numbers have always been difficult to discern given the plant's illegality, but in January 2014, after 13 years of administering the Medical Marijuana Access Regulations (MMAR) program, Health Canada reported that they had issued 16,010 Personal-use Production (PUP) and Designated-person Production (DPP) Licenses¹ in BC, accounting for 55.42% of the total number of licenses in Canada. Ontario held just 25.35%. The new Medical Marijuana Program Regulations (MMPR) were introduced in 2014, and the government began licensing large medical facilities, discontinuing the DPPL program. Within three years, Ontario increased their hold to 57.35%² of the large medical licenses, while BC holds 23.53%³. This shift spells economic crisis for communities in BC if not addressed.

The federal government seems to be following a very similar path to legalization of cannabis as alcohol: raise barriers to entry and allow only the very wealthy to participate. The current cost to submit an application to the federal government under the current Access to Cannabis for Medical Purposes Regulations (ACMPR) is roughly \$1M plus, a cost that most small scale producers cannot surmount and one that is unnecessarily burdensome. Craft cannabis producers are prepared to make significant investments in their small scale facilities and processes, within reason.

1. Source: <https://johnconroy.com/pdf/Allard-Defendants-Affidavits-Trial/Ritchot-4-Affidavit-1-of-21-pp-1-95.pdf>, page 15

2, 3. Source: <https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-use-marijuana/licensed-producers/authorized-licensed-producers-medical-purposes.html>



A West Coast Approach

The policy approach taken with alcohol essentially crushed craft beer production for decades until craft producers forced their locally produced small scale brews on the market. We would like to learn from the past and take a different approach. Consider California, a state with a similar population to Canada, and a large craft cannabis industry like ours that they have chosen to embrace. California has introduced 12 types of licenses that cover micro-grows through to large scale cultivation. They recognize the legacy producers and are working to incorporate them into the new system. In fact, they decided that Large Cultivation Licenses (22,001+ square feet) will not be issued until 2023, giving the original craft producers an opportunity to gain a foothold in the industry. See Appendix A for a summary of California's Licenses under the new Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), highlighting those licenses that could be relevant to our craft cannabis industry in BC.

We want to see a fair and inclusive system. **Consumers have demonstrated their preference for locally grown independent small batch craft cannabis.** They have come to know and love the choice of regional strains, handcrafted topicals and edibles available from the craft market. We want to see private cannabis retailers and a legal avenue for their current cultivators and processors. Any regulatory approach that precludes the involvement of small-scale, independent entrepreneurs in the emerging marketplace, or stigmatizes responsible use, will likely result in continued civil disobedience and litigation, with associated costs borne by Canadian taxpayers. This is an opportunity to put the past behind us and work co-operatively to create a comprehensive, collaborative and compassionate drug policy.

We are asking our government to stand up for thousands of small business owners as it would for any other industry that was facing extinction.

We recommend:

Provincial Licensing for Craft Producers and Processors

We want the Government of British Columbia to issue production and processing licenses within the province of BC. A summary of our rationale follows in this submission.

Recommendation Rationale

Provincial Licensing for Craft Producers and Processors

Economy

- Craft cannabis producers directly support and benefit their local economies.
- Cannabis provides a secondary income stream that has financially supported a large number of individuals and families for many decades.
- Cannabis production has allowed many communities to survive economic downturns in the natural resource industry, particularly in British Columbia.
- This is a powerful opportunity to sustain and diversify our economy with meaningful employment and substantial tax revenues.
- BC was home to greatest number of cultivators in all of Canada, 55%⁴ of all PUP and DPP Licenses as of January 2014.
- Federal cultivation licenses have an extremely high barrier to entry, currently \$1M plus.

Health

- Craft cannabis producers are supportive of reasonable regulations.
- Craft cannabis producers are already dedicated to best practices, including third party testing, with Health Canada accredited labs.
- Craft cannabis producers are currently working towards standardization in production, testing and labeling using other jurisdictions and existing legal industries as guides (California, Oregon, and Canada's food, wine and beer industries)
- We see the future of craft cannabis as the highest standard, boutique style, with all the necessary safeguards in place to instill consumer confidence.

Communities

- Local socio-economic activity associated with the industry creates a strong foundation for community development.
- Rural communities have already experienced the benefits from small scale cannabis production and barriers to entering a legal market will negatively implicate prosperity across these Canadian communities.

Sustainability

- Small-scale production allows growers to effectively manage agricultural risk factors like mildew and pest infestations while minimizing environmental harm from synthetic chemicals.
- Small-scale production or the licensing of existing MMPR or MMAR grows may lead to the saving of arable land for food production.
- Cannabis is a renewable agricultural resource.

4. Source: <https://johnconroy.com/pdf/Allard-Defendants-Affidavits-Trial/Ritchot-4-Affidavit-1-of-21-pp-1-95.pdf>, page 15

Appendix A:

California Licenses under the new Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)⁵

California recently created a new set of regulations to accommodate both their medical program (Medical Cannabis Regulation and Safety Act, MCRSA) and adult use program (Adult Use of Marijuana Act/Proposition 64). This is a summary.

Cultivation - Specialty

Type 1: Specialty Outdoor - up to 5,000 sq ft, or up to 50 mature plants

Type 1A: Specialty Indoor - between 501 and 5,000 sq ft

Type 1B: Specialty Mixed-light - between 2,501 and 5,000 sq ft

Type 1C: Specialty Cottage - 2,500 sq ft or less for mixed-light cultivation, up to 25 plants outdoor, or 500 sq ft or less indoor cultivation

Cultivation - Small

Type 2: Small Outdoor - 5,001 to 10,000 sq ft

Type 2A: Small Indoor - 5,001 to 10,000 sq ft

Type 2B: Small Mixed-light - 5,001 to 10,000 sq ft

Cultivation - Medium

Type 3, 3A and 3B

10,001 to 20,000 sq ft

Cultivation - Large Scale

Type 5, 5A and 5B. 22,001 sq ft and greater. Not issuing these licenses until 2023. No vertical integration permitted.

Manufacturing

Type 6: Manufacturing using non-volatile solvents

Type 7: Manufacturing using volatile solvents.

Microbusiness

Type 12: Microbusiness

Small farms with retailers not exceeding 10,000 sq ft. All inclusive, allows for cultivation, distribution and retail. Testing is independent.

5. Source: Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill No. 94. 2017-2018. California Legislative Assembly 2017. [Link: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94)

This letter is expressly supported by hundreds of cannabis professionals who live and work in the Gulf Islands and on Vancouver Island. Most of these people also provide other important services to their communities, including healthcare, education, construction, hospitality services, auto mechanics, craftsmanship, farming, and many other areas of employment.

Due to the possible legal implications of being associated with the pre-legalization cannabis industry, many of these people are reluctant to be visible publicly.

Cannabis has been a vital supplemental income to countless people and families in our areas for decades. For the many who have excelled at the craft, it has also been their sole income for a long time, and they have invested their lives into it.

Now that we as a society have come to the place of realizing that the cannabis industry was unnecessarily illegal for so many years, we are looking forward to actively participating in creating an industry with high standards of quality, safety and regulation, in a manner that allows for the continued viability of the numerous small businesses that depend on the cannabis industry both directly and indirectly.

Oct. 15, 2017

To Whom It May Concern,

Regarding Legalization of Cannabis in British Columbia

Please accept this letter on behalf of co-operative AMCPR & MMPR growers, artisan cannabis processors and dispensary owners in the Gulf Islands community.

First, thank you for taking the time to hear from your constituents. The people of British Columbia appreciate your acknowledgment and your dedication to moving forward as safely as possible and hopefully with prosperity and co-operation in mind.

BC is in a unique position to be a leader in the burgeoning cannabis market. Here on the West Coast we have a long history with the plant and it's many medicinal benefits. There is a plethora of creative and experienced minds that have been applying themselves to the growing and distribution of safe, medicinal quality cannabis for decades. We are but a few steps from acknowledging this experience and creating what will likely be the forefront of the nationwide market that is ready to emerge.

Here are our key points for consideration:

- 1) The knowledge in the BC craft cannabis industry is second to none. To hedge out the decades of experience that is available would be detrimental and crippling to the industry. Craft growers and dispensaries have developed a relationship with millions of Canadians over the years and would bring a flood of support and trust.
- 2) The value to small communities has been astounding. There are towns, villages and islands that rely on the craft cannabis industry. If this were taken away, these communities would be faced with a depreciation and financial pitfall that would have many of the residents and other businesses struggling for years, if not decades to come. Some would not recover at all.
- 3) Many dispensaries are already testing their products for safety and potency. Craft growers are also able to send products in for testing. Safety can be easily regulated and many producers and dispensaries have already been proactive in their approach to self-regulation.
- 4) Currently operating LP facilities will be hard pressed to provide the quantity that recreational legalization will demand. Some LPs have already come forward to say that support from the craft industry would be of great benefit to a system that will surely be overwhelmed with both recreational and medicinal demand.

- 5) In a time that pipelines and major infrastructure projects are being voted and protested down, craft cannabis is a healthy way to grow local economies, create jobs, and keep people from having to travel too far to find employment. The oil and gas industry has been one of the few options for many coastal families to find well-paid employment without a university degree, but brings its own problems, when one parent has to travel so far for work, keeping them away from their families for long periods of time, and too often ripping families apart. The craft cannabis industry has the ability to keep families gainfully employed, and close to home and children. Therefore strengthening the family fabric, and the community in which they live.
- 6) Craft cannabis is already recognized as a far superior option when compared to large scale, warehouse produced cannabis. LPs have been an option for some time now and when available, Canadians frequent dispensaries or craft suppliers in their area over the option of mail order products produced on a mass scale. The ability to walk into a trusted storefront and discuss your options with knowledgeable staff and be able to see and smell the products is of utmost importance to consumers.
- 7) The Allard v Canada summary made clear that crime vulnerability and fire hazards had minimal affect on currently operating MMPR producers. When utilizing the proper space in a rural area, craft production can create jobs for electricians, plumbers, irrigation companies and building inspectors just to name a few.

We are happy to be heard and are hopeful that our new government will stand up for small communities and see the benefit and opportunity that is being presented. We feel confident that coastal British Columbia can become a Napa Valley for cannabis, and with your co-operation with the craft community, dispensaries and LPs, we can be well on our way strengthening an already well-ingrained part of our society.

Thank you for your time and consideration,

Sincerely,

The Craft Cannabis Community of the Gulf Islands



7170 Cheam Avenue
P.O. Box 70
Agassiz, British Columbia
Canada V0M 1A0

Tel: (604) 796-2235
Fax: (604) 796-9854
Web: www.district.kent.bc.ca

November 1, 2017

File: 0400-20

By Email: cannabis.secretariat@gov.bc.ca

Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
Victoria, BC V8W 9J7

Attention: Cannabis Legalization and Regulation Secretariat

Dear Sir or Madam:

Re: Legalization and Regulation of Non-Medical Cannabis in British Columbia

Council of the District of Kent received the September 21, 2017 request for comment on the legalization and regulation of non-medical cannabis in British Columbia.

Council provided the following comments in relation to the key policies outlined in the *Cannabis Legalization and Regulation in British Columbia* discussion paper.

The District of Kent recommends:

1. The minimum age of 19 to buy, grow, and publicly possess up to 30 grams of non-medical cannabis.
2. A 30 gram limit on the public possession of dried cannabis for adults.
3. Prohibiting the possession of cannabis by youth.
4. Prohibiting public cannabis altogether but allowing cannabis vaping wherever tobacco smoking and vaping is allowed.
5. The following options to address the risk of increased impaired driving due to cannabis legislation:
 - a. Launch a public education and awareness campaign to inform British Columbians about the risk and potential consequences of cannabis impaired driving;
 - b. Set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program ("L" or "N" designation) and or for drivers under a specific age threshold;

- c. Invest in the Standard Field Sobriety Testing and Drug Recognition Expert training for more police officers; and,
 - d. Expand the Immediate Roadside Prohibition and/or Administrative Driving Prohibition programs to include drug-impaired driving.
6. A lower limit than 4 plants per household for non-medical cannabis;
7. Government distribution for the warehousing and distribution model of non-medical cannabis to retailers in BC; and
8. A public retail system.

The District of Kent appreciates the opportunity to provide comment on the proposed legislative and regulatory changes for non-medical cannabis in British Columbia and we look forward to receiving future updates.

Yours truly,



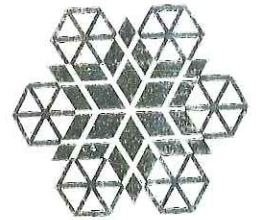
Darcey Kohuch,
Director of Development Services

DK:bw

c: Mayor and Council
Wallace Mah, Chief Administrative Officer

November 1, 2017

Attention: Executive Director, Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety & Solicitor General
PO Box 9285 Stn Prov Govt
Victoria, BC
V8V 9J7



KITIMAT

DISTRICT OF KITIMAT
270 City Centre
Kitimat, British Columbia
Canada V8C 2H7

Phone (250) 632-8900
Fax (250) 632-4995

Re: BC Cannabis Regulation Engagement

At the October 30, 2017 Special meeting, District of Kitimat Council deliberated the provincial consultation on cannabis legalization/regulation and provides the following feedback:

The new legislation should not result in a downloading of duties to local government. As noted in "Legalizing and Strictly Regulating Cannabis: The Facts" from the Government of Canada; the "federal, provincial and territorial governments would share responsibility for overseeing the new system."

The District of Kitimat expects there will be considerable impacts on municipal services, most noticeably in RCMP costs, of which the District is 70% responsible. Additionally, the prisoner costs can reasonably be expected to rise, creating further financial burden on local governments. The Province and Federal Government need to establish sharing of cannabis revenues with the local governments to offset the costs for policing and other impacts on our communities.

Thank you for the opportunity to comment and please contact me if you have any questions or comments.

Sincerely,


Warren Waycheshen,
Chief Administrative Officer

November 1, 2017
File No. 3060.01/000.000

BY EMAIL

Dear Ministry of Public Safety and Solicitor General

Re: Advice to consider when developing the provincial regulatory framework for cannabis legalization and regulation in BC

I write regarding your request for advice on developing the provincial regulatory framework for cannabis legalization and regulation in BC. This submission covers the 6 key policy issues identified in the *Cannabis Legalization and Regulation in BC* discussion paper.

The District of North Vancouver is of the view that public education and awareness campaigns are a critical part of this legalization process. Education and awareness campaigns should provide information about how cannabis use can impact brain development and limit academic performance, the risks and potential consequences of driving under the influence as well as other health and safety related matters.

Minimum Age

The DNV recommends that the minimum age to buy, grow, and publicly possess non-medical cannabis should be 19 which is consistent with the minimum age to buy tobacco and alcohol in BC.

Personal Possession Limits

The DVN recommends that the personal possession limit should be 30 grams for people over the minimum age which is consistent with the Task Force recommendation.

The DNV recommends that persons under 19 should be prohibited from possessing any amount of cannabis which is consistent with alcohol regulations in BC. Persons under age who are caught with cannabis should not be criminally convicted however a law enforcement officer should be able to confiscate it and issue a fine/ticket.

Public Consumption

The DNV recommends extending the existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping.

Drug-Impaired Driving

The DNV recommends that the province should set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and invest in Standard Field Sobriety Test (SFST) and Drug Recognition Expert (DRE) training for more police officers.

Personal Cultivation

The DNV is of the view that allowing small-scale home cultivation of up to four plants per household is reasonable as per Bill C-45.

Distribution and Retail Models

The DNV recommends that the government should be responsible for warehousing and distribution of cannabis to provide consistency with alcohol distributed in BC. Furthermore, the retail regime should be a mix of private and public system, as currently exists for alcohol. The sale of cannabis could either be sold out of dedicated store fronts or existing businesses such as liquor stores or pharmacies. In any instance, local governments should be able to control the location of sales outlets through the Zoning Bylaw.

I look forward to the continued collaboration with local governments.

Yours truly,



Richard Walton
Mayor, District of North Vancouver



DISTRICT OF TOFINO

P.O. Box 9, 121 3rd Street, Tofino, B.C. V0R 2Z0

Telephone: 250.725.3229 | Fax: 250.725.3775 | Email: office@tofino.ca | Website: www.tofino.ca

October 30, 2017

Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9825 Stn Prov Govt
Victoria BC V8W 9J7
Via e-mail to cannabis.secretariat@gov.bc.ca

COM-03

Re: District of Tofino Feedback to Cannabis Regulatory Framework

Thank you for the invitation from the Minister of Public Safety and Solicitor General to provide feedback on the development of a regulatory framework for non-medical cannabis. The District of Tofino Council agrees that local governments have a significant interest in a provincial regulatory framework for the legalization of cannabis. As a small community that will feel the benefits and impacts of 'cannabis tourism' in addition to the impacts of legalization amongst community members, we felt it was important to provide detailed feedback on this matter.

At our October 18, 2017, Committee of the Whole meeting, Committee members discussed the Province of BC's discussion paper "Cannabis Legalization and Regulation in British Columbia" in order to provide specific feedback. At our October 24, 2017, Council Meeting, we reviewed the Committee's discussion and unanimously agreed to submit the following feedback and recommendations.

Minimum age

- Tofino Council supports establishing a minimum age of 19 to buy, grow, and publicly possess cannabis. This would be consistent with the minimum age for tobacco and alcohol, and with the BC age of majority.

Public Consumption

- At a minimum, the Province should extend restrictions on cannabis smoking and vaping to the existing restrictions for tobacco (e.g. workplaces, enclosed public spaces, on health authority and school district property, and in other prescribed places), but local governments should be delegated the authority to establish additional restrictions, including banning public cannabis smoking (or vaping) altogether, or to limit it to designated consumption establishments (e.g. cannabis cafés).
- Tofino Council notes that it is far easier to enforce the activity of "smoking" than it is to distinguish between what is being smoked. Enforcing the activity rather than the substance will result in less ticket disputes.

- Tofino Council notes that the possibility of “cannabis tourism”, or the desire of visitors to consume cannabis while in Tofino, will lead to the necessity to provide some form of controlled space or place to consume lawfully-purchased cannabis since cannabis smoking or vaping would likely be prohibited in hotel rooms, rental cars, and many public spaces. We propose that some form of designated consumption establishment (e.g. a cannabis café) will ultimately be necessary, and we would use municipal authority to regulate land-use and business activity to proceed carefully.
- Tofino Council notes that regulations regarding commercial production and manufacturing of edible and drinkable forms of cannabis will eventually be put into force by the federal government. We encourage the provincial government to establish a separate and distinct consultation process with local governments regarding the regulation of commercial production, sale, and public consumption of edibles in manufacturing, retail and food-service establishments. This will permit local governments to reflect on community experiences and impacts of cannabis smoking and vaping regulations before considering edibles.
- Tofino Council presumes that the Province will pursue a licencing and permitting system not dissimilar to the liquor regulation and licencing system currently used to regulate restaurants, bars, pubs, liquor retailers, manufacturers and special events. Local governments should be provided the opportunity to have comment on any proposed licencing and permitting system for cannabis.

Drug-impaired driving

- Tofino Council recommends that the Province establish an education, penalty, and enforcement system for drug-impaired driving similar to alcohol-impaired driving.

Personal Cultivation

- The Province must act very cautiously should it attempt to balance the interests of landlords, who do not want to assume risks associated with cultivation or smoking of cannabis, with the interests of tenants who wish to cultivate or partake in indoor cannabis cultivation, smoking or consumption.
- Like so many municipalities in BC, Tofino’s rental market is severely restricted and cannot meet the current needs of our workforce and community resident needs. In a strong tourism economy where short-term rentals are a permitted secondary use on some properties, we are confident that if landlords are not permitted to prohibit indoor cannabis cultivation and smoking by their tenants, this would further reduce the likelihood of property owners choosing to long-term rental their suites and cabins, or perhaps even from renting at all.
- The Province should ensure that legislation and regulations permit landlords the discretion to prohibit cannabis smoking and personal cannabis cultivation in rented premises due to odour, energy consumption, and safety concerns.
- Permitting personal cultivation in privately owned and occupied homes is also concerning. We propose that the Province provide clear guidance to municipal staff through the BC Building Code about requirements for personal or household cultivation.
- The District of Tofino has no interest or capacity to undertake a registration system for personal or household cannabis cultivation.

Distribution Model and Retail Sales

- Whether private or public distribution, in a small community like Tofino it is realistic to limit the sale of cannabis products to dedicated retail stores. We prefer dedicated retail stores over co-locating cannabis with alcohol.

Land Use and Business Licence Regulations

- Maintaining jurisdiction over land use and business regulation is of primary importance; municipal governments must be able to regulate land-use and business activities of medical and recreational cannabis retail and consumption businesses.

Enforcement

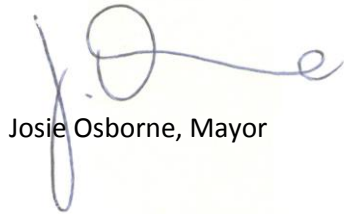
- Tofino Council is very concerned about added costs for bylaw enforcement, and the downloading of enforcement responsibilities to municipalities. Local governments, especially smaller ones like Tofino, are challenged to adequately resource bylaw enforcement. Unlawful alcohol consumption (for example, on public beaches and in public parks) already extends our officers beyond capacity. Unfortunately, RCMP resourcing in small towns (especially those with high visitation and strong tourism economies like Tofino) is also inadequate in supporting our existing needs.
- The Province must not impose regulations that will cause an increased burden to local government for bylaw enforcement without adequately providing resources to local government.
- The Province must factor in the cost of enforcement to local police and municipal bylaw enforcement departments when developing a revenue sharing structure.

In closing, the upcoming legalization of cannabis is new territory for British Columbia and a cautious, evidence-informed approach to regulation should be used. Restrictions can be lessened over time as experience and knowledge are gained, rather than the need for the opposite.

Haste makes for bad policy.

Should there be any questions about our feedback, please do not hesitate to contact me.

On behalf of District of Tofino Council,

A handwritten signature in blue ink, appearing to read 'Josie Osborne', with a stylized flourish at the end.

Josie Osborne, Mayor

Copy: Union of BC Municipalities
Tofino Detachment, RCMP



October 27, 2017

Dear Honourable Minister Farnworth,

Thank you for your letter dated September 21, 2017, giving The District of West Vancouver an opportunity to provide written submissions concerning the legalization and regulation of non-medical cannabis in the Province of British Columbia. Set out below are the District's submissions based on the "priority policy considerations" put forward by the Province in their Discussion Paper.

Submissions on the "Priority Policy Considerations"

- **Minimum Age**
 - 19 years of age to possess or use cannabis.
 - Based on age of majority.
 - 21 years of age or greater considered but inconsistent, and potentially confusing.
- **Personal Possession – Adults**
 - Bill C-45 establishes a 30 gram limit, which is approximately 30 joints.
 - 30 grams is basically one ounce, which is a fairly standard unit of measurement.
 - Similar to one pack of cigarettes.
 - While Staff have no specific expertise, we do not object to the 30 gram limit put forward in C-45 and it appears to address the concerns raised by VCHA (i.e. to limit the maximum amount for sale to limit secondary sales).
- **Personal Possession – Youth**
 - Bill C-45 puts forward a confusing position, namely that persons under 19 should be prohibited from buying or growing cannabis, but would be allowed to possess up to 5 grams of cannabis.
 - We think this is confusing, and we disagree with Bill C-45 in this respect.
 - Youth under 19 should not be allowed to possess any cannabis.
 - We agree with Bill C-45 that possession should not be a criminal offence but should be enforceable by ticket, in the same way underage liquor is enforced.
- **Public Consumption**
 - Bill C-45 only regulates cannabis usage in federally-regulated places like planes and trains. Regulation of public consumption of cannabis therefore falls within provincial and territorial jurisdiction.

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- We think that cannabis should be added to the Smoking and Vapour Products Control Act, so that cannabis is treated in the same way as tobacco smoking and vaping through provincial and municipal legislation.
 - We also think that the Province needs to ensure that local governments have the ability to create legislation with respect to the use (or non-use) of cannabis in parks, playgrounds and beaches.
 - We agree that no cannabis use in vehicles should be permitted due to impaired driving issues.
 - The District's position takes into account what we have been told VCHA will be recommending with respect to this matter.
 - With respect to cannabis edibles, Staff agree with the statement in the Discussion Paper, namely that *"Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption."*
- **Drug-Impaired Driving**
 - Any additional policing or local government costs should not be unfairly downloaded onto local governments or local police forces. Funds raised by the Federal and Provincial Governments from cannabis should be distributed to cover the costs of the local government / local police force activities required as a result.
 - Staff agree with the following four points in the Discussion Paper (but "could" should be changed to "must"):
 - (1) BC must launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving;
 - (2) BC must set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an "L" or "N" designation) and/or for drivers under a specific age threshold;
 - (3) BC must invest in Standard Field Sobriety Test and Drug Recognition Expert training for more police officers; and
 - (4) BC must expand the existing Immediate Roadside Prohibition and Administrative Driving Prohibition programs to include drug-impaired driving.
- **Personal Cultivation**
 - Staff do not have specific expertise but do not object to the four cannabis plants per household limit, and the proposed maximum plant height of 100 cm, established in Bill C-45.
 - This is consistent with information about VCH's position of less than five plants per household.

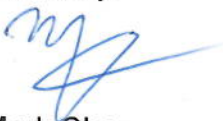
- In addition, Staff recommend that cultivation of cannabis plants outside should be prohibited due to potential concerns about mischief and property crime.
- **Distribution and Retail Model**
 - Distribution and retail models should be similar to existing liquor distribution and retail models in British Columbia.
 - Distribution should be a mix of government and private enterprises, but highly regulated for private sale, like the existing system.
 - There are benefits to having cannabis readily accessible, and reasonably priced to achieve one of the policy goals of reducing incentives to resort to the illicit black market.
 - With respect to dedicated storefront issues, the Province should have a robust licensing, compliance and enforcement system with associated costs recovered through licensing fees.
 - The licensing system should consider matters already considered by liquor licensing, such as whether there are other liquor primary establishments nearby, whether there are schools and residential areas nearby, etc. This would help to ensure licensed cannabis retailers (whether dedicated storefronts or not), are appropriately located and to avoid any unreasonable proliferation.

The District further recommends that the Province keep detailed records and statistics to track the impacts of the cannabis legislation. This will allow the Province and others to effectively and efficiently assess the cannabis program, effects on the public and local governments and Police Departments, etc, and facilitate future decision making on possible revisions to the legislation / program.

We look forward to working with the Province to develop a regulatory framework for non-medical cannabis in British Columbia. If you have any questions regarding the above, please do not hesitate to contact us.

Thank you for the opportunity to comment on the legalization and regulation of non-medical cannabis in our province.

Sincerely,



Mark Chan
Director of Corporate Services
District of West Vancouver

November 1, 2017

The Honourable Mike Farnworth
Minister of Public Safety and Solicitor General
Government of British Columbia

VIA Electronic Submission - cannabis.secretariat@gov.bc.ca

Re: BC Cannabis Regulation Engagement

Dear Mr. Farnworth:

Doctors of BC has reviewed the discussion paper, *Cannabis Legalization and Regulation in British Columbia*, and appreciates the opportunity to provide input on the development of cannabis regulation in British Columbia.

Please find attached a copy of our submission to the BC Ministry of Public Safety and Solicitor General.

We welcome the opportunity to discuss this further with you.

Sincerely,



Dr. Trina Larsen Soles M.Sc. M.D. FRRMS
President, Doctors of BC



doctors
of bc

SUBMISSION TO THE GOVERNMENT OF BRITISH COLUMBIA ON CANNABIS REGULATION

November 1, 2017



Doctors of BC Position

Doctors of BC supports a public health approach to regulating non-medical cannabis in BC. To mitigate potential risks to health and safety, Doctors of BC recommends that the Government of British Columbia adopt a restrictive framework for the initial regulation of non-medical cannabis. Future changes to cannabis regulations should be based on evidence and careful evaluations of the impact of BC's regulatory regime. Revenue from the legal sale of cannabis should be allocated to support harm reduction activities and the ongoing implementation and evaluation of BC's regulatory system.

Doctors of BC believes that BC's regulatory framework for non-medical cannabis should prioritize the following objectives:

1. Discourage the use of non-medical cannabis.
2. Minimize the harms of non-medical cannabis, particularly for youth.
3. Reduce the prevalence of drug-impaired driving.
4. Ensure cannabis products are as safe as possible.

Doctors of BC Submission

Background

On September 25, 2017, the Government of British Columbia ("BC Government") launched a consultation process to seek stakeholder and public feedback on the provincial regulatory framework for non-medical cannabis. To guide the consultation process, the BC Government introduced a discussion paper titled *Cannabis Legalization and Regulation in British Columbia* (the "Cannabis Discussion Paper").⁽¹⁾

The Cannabis Discussion Paper provides background information and seeks feedback on topics including minimum age, personal possession limits, public consumption, drug-impaired driving, personal cultivation, and distribution and retail models.

Doctors of BC appreciates the opportunity to provide input into the development of the provincial regulatory framework for non-medical cannabis.

Minimum Age

Evidence suggests that the younger a person starts using cannabis, the greater the risks for a variety of adverse health and social outcomes.⁽²⁾ These outcomes may include injury, substance use, and mental health or education problems.⁽²⁾ A contributing factor is that cannabis can negatively impact brain development, which is generally not complete until a person is in their mid-20s.⁽²⁾

Unfortunately, cannabis use among youth (age 15-24) is significantly higher than that of the general population. For example, a 2012 survey suggests that in Canada, the average age of initial cannabis use is approximately 16 years of age.⁽³⁾ In a 2011 study, more than 25% of grade 12 students in BC reported using cannabis in the past month.⁽⁴⁾

Doctors of BC recognizes that although it would be ideal to restrict all youth from accessing non-medical cannabis, the setting of a high minimum age will likely result in young cannabis users continuing to purchase unregulated cannabis in the illegal market. Weighing these concerns, the Canadian Medical Association (CMA) recommends that the minimum age for purchasing non-medical cannabis be set at 21 years of age.⁽⁵⁾

In addition to setting a minimum purchasing age, Doctors of BC supports public awareness initiatives to educate youth, young adults, and parents about the impact of cannabis use on the developing brain. For example, education campaigns can target high schools and colleges/universities and emphasize how early initial use and higher intensity/frequency of use can magnify harmful health impacts.⁽²⁾

Note that physicians are also concerned about the risks of children ingesting cannabis edibles, resulting in accidental poisoning or overdose.⁽⁶⁾ Recognizing that the federal government is responsible for setting standards for the production, packaging and potency of cannabis products, Doctors of BC supports developing public education initiatives on safe storage and consumption practices for cannabis edibles.

For Consideration:

- In collaboration with medical, education and other stakeholders, develop public education initiatives to inform youth, young adults, and parents on:
 - o Impact of cannabis on the developing brain.
 - o Safe practices for the storage and consumption of cannabis edibles.

Personal Possession Limits

The federal Bill C-45 establishes a 30 gram limit on public possession of dried cannabis – the maximum an adult could legally buy and take home at any one time.* In order to discourage high frequency use among younger adults, the CMA recommends lowering the personal possession limit for young adults under the age of 25.

For underage minors, the federal Bill C-45 currently allows the possession of up to 5 grams of dried cannabis or equivalent amounts of other cannabis products. To discourage minors from using cannabis, the Cannabis Discussion Paper highlights the possibility of adopting cannabis possession restrictions for minors similar to current laws for alcohol.⁽¹⁾

It is noted that current possession limits do not consider the range of potency of different cannabis products. Recognizing that THC-based measures would likely be difficult to enforce, Doctors of BC supports the adoption of standards to increase transparency and standardization of THC content in cannabis products. The development of personal possession limits may need to consider the variable potency of cannabis products.

Finally, in the application of personal possession limits, the BC Government may need to provide practical methods for law enforcement to differentiate between medical and recreational cannabis users.

* For context, one cannabis joint typically contains 0.33 grams to 1 gram of cannabis.

For Consideration:

- Reduce personal possession limit for young adults below 25 years of age.
- Provide practical methods for law enforcement to differentiate between medical and recreational cannabis users.

Public Consumption

Second hand cannabis smoke contains many of the same toxins, including carcinogens, found in directly inhaled cannabis smoke.⁽⁵⁾ Doctors of BC believes that at minimum, restrictions on the public smoking/vaping of cannabis should match those of current smoking/vaping laws that prohibit smoking/vaping in areas such as workplaces, enclosed public spaces (including clubs/bars and concerts), on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.⁽¹⁾

Recognizing that municipalities can establish stricter smoking/vaping restrictions, Doctors of BC supports the adoption of provincial laws to prohibit smoking and vaping of all kinds, including cannabis, in places such as public parks, outdoor restaurant/bar patios, and playgrounds across BC.

For Consideration:

- Enact cannabis smoking and vaping regulations that, at a minimum, match current restrictions on the public smoking or vaping of tobacco.
- Adopt provincial laws to prohibit smoking and vaping of all kinds, including cannabis, in places such as public parks, outdoor restaurant/bar patios, and playgrounds across BC.

Drug-impaired Driving

Doctors of BC is a strong proponent of policies to address drug-impaired driving.[†] Studies suggest that cannabis can negatively impact a person's peripheral vision, awareness of the passage of time, motor control, and balance. Driving is an exercise in timing, multitasking, and situation awareness – all functions that are adversely impacted by cannabis.⁽⁷⁾ In jurisdictions, such as Washington State and Colorado, there is a growing recognition of the need to address the risks of drug-impaired driving.

Doctors of BC recognizes that unlike measurements of blood alcohol, there is currently insufficient scientific evidence to link a particular blood THC level with impairment. Moreover, the federal government continues to test oral fluid screening devices for their accuracy and reliability. While consideration is given to evidence-based per se limits and improved reliability of testing methods, the BC Government may need to consider alternative methods of detecting drug-impairment in drivers, such as Standard Field Sobriety Test and/or Drug Recognition

[†] In 2014, Doctors of BC passed resolutions calling on BC and federal governments to improve policies/legislation for drug-impaired driving and to develop improved screening tools to detect drug-impaired drivers.

Expert training. Additionally, the BC Government will need to consider how drug-impaired driving laws will be applied to drivers using cannabis for medical purposes.

In recent years, the BC Government has launched public education campaigns and implemented policy measures such as zero tolerance for Graduated Licensing Program (Learner and New) drivers, Immediate Roadside Prohibition, and Administrative Driving Prohibition to address alcohol impaired driving. Where evidence supports the efficacy of such initiatives in the context of drug-impaired driving, such measures should be considered.

For Consideration:

- Develop effective evidence-based legislation, enforcement, and penalties.
- Develop public education campaigns and consider policy measures such as zero tolerance for Graduated Licensing Program drivers, Immediate Roadside Prohibition, and Administrative Driving Prohibition to address drug-impaired driving.

Personal Cultivation

The federal Bill C-45 permits adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. In this regard, the CMA recommends prohibiting the home cultivation of cannabis for non-medical use due to the following risks of home cultivation, including:⁽⁵⁾

- High humidity and temperatures, risk of fire, and the use of hazardous chemicals such as pesticides.
- Lack of quality control regarding contamination and potency of the product.
- Access to cannabis by children (e.g. accidental ingestion or overdose) and underage youth.

To some extent, a registration and inspection system could mitigate some of the risks outlined above. However, the cost and complexity of such programs is expected to be high and it is uncertain how effective these compliance regimes would be.

For Consideration:

- Prohibit the home cultivation of cannabis for non-medical use.

Distribution & Retail Model

The Cannabis Discussion Paper introduces three main ways of warehousing and distributing cannabis to retailers in BC: government distribution, private distribution, and direct distribution. Whichever model is chosen by the BC Government, the distribution system must have the capacity and tools to ensure that cannabis products adhere to the highest health and safety standards.[‡]

[‡] Although outside the scope of this submission, Doctors of BC supports the CMA's recommendation for the federal government to prohibit flavouring and shapes, the marketing and advertising of cannabis, and enforce packaging requirements including plain packaging, potency labelling, and health warnings.

In terms of retail, Doctors of BC believes that cannabis should be sold in a manner that does *not* encourage or normalize its use. For this reason, Doctors of BC supports regulations separating cannabis items from other consumer products. Furthermore, the CMA recommends restrictions on cannabis storefront densities, hours of sale, and minimum distance from schools, parks, playgrounds, and colleges and universities.⁽⁵⁾

Moreover, the CMA recommends prohibiting health care settings, such as pharmacies, from selling non-medical cannabis. For example, according to a 2016 CMA survey, the majority of physicians are opposed to selling non-medical cannabis in pharmacies due to concerns about lending cannabis the credibility of a pharmaceutical medication.⁽⁵⁾

In addition, Doctors of BC recommends that the sale of cannabis be separated from the sale of alcohol. This is due to growing evidence suggesting that combining cannabis and alcohol results in impairment even at doses which would be insignificant if the substances were used on their own.⁽⁸⁾

Finally, regardless of retail model, the BC Government must ensure that retail staff understand and apply regulations governing the sale of non-medical cannabis. Inspections will likely be required to ensure regulatory compliance and to ensure that cannabis is not sold to underage minors.

For Consideration:

- Develop capacity and tools to ensure that cannabis products distributed to BC retailers adhere to the highest health and safety standards.
- Enact retail regulations to separate cannabis from other consumer products and place restrictions on storefront densities, hours of sale, and minimum distance from schools, parks, playgrounds, and colleges and universities.
- Prohibit non-medical cannabis sales within health care settings, such as pharmacies.
- Adopt restrictions to separate the sale of cannabis from the sale of alcohol.
- Ensure retail staff understand and apply regulations governing the sale of non-medical cannabis.

Research & Surveillance

In the future, changes to cannabis regulations should be based on robust evidence and evaluations of the impact of BC's regulatory regime on non-medical cannabis. To facilitate this, Doctors of BC recommends that the BC Government, in collaboration with the federal government and other provinces, develop surveillance tools to track data on adverse outcomes, such as psychotic episodes, hospitalizations, emergency room visits, accidental ingestions/poisonings, and drug-impaired driving incidents.

For Consideration:

- In collaboration with the federal government and other provinces, develop public health surveillance tools to track data on adverse cannabis-related outcomes in BC.

Conclusion

Doctors of BC supports a public health approach to regulating non-medical cannabis in BC. To mitigate risks to public health and safety, Doctors of BC recommends developing an initial regulatory framework for non-medical cannabis that is more restrictive than permissive. In the future, changes to regulations, whether to make them more permissive or restrictive, should be based on evidence and careful evaluations of the impact of BC's regulatory regime. Revenue from the legal sale of cannabis should be allocated to support harm reduction activities and the ongoing implementation and evaluation of BC's regulatory system.

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SUBMISSION TO THE PROVINCE OF BRITISH COLUMBIA CANNABIS REGULATION ENGAGEMENT

OCTOBER 28TH, 2017

Submitted by Doventi Capital Inc and GreenTec Holdings Ltd

Contact information:

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Kelowna BC V1Y 2E6

BACKGROUND

Doventi Capital Inc (“Doventi Capital”) was one of the first Canadian based Venture Capital investment groups to explore, identify, acquire / invest and operate within the North American legal cannabis industry. To date, we have internally deployed over C\$45,000,000.00 in the legal cannabis sector and have advised, co-led or consulted on another C\$75,000,000 in M&A transactions within this same sector. Our activities have been carried out primarily here in Canada under the Health Canada Access to Cannabis for Medical Purposes Regulations (“ACMPR”), with some diversification into the legalized U.S. market.

Based in Vancouver & Kelowna BC, our diverse team is firmly tied to the roots of the Canadian market and more pertinently, to the British Columbia landscape. The five key principals of Doventi Capital are all born in BC, raised in BC, and still reside in BC. We have been invited to consult and advise a number of countries, provinces and municipalities seeking guidance on legalized cannabis regulatory framework.

We have also conducted in-depth research in this emerging industry since 2010, with investments commencing in 2012, initially as commercial real estate investments leased to tenants which cultivated within their corresponding medical legal frameworks, primarily in the U.S. This evolved quickly into asset-backed financing (such as cultivation equipment) with non-asset backed financing (such as operational capital and tenant improvements), which lead to our group implementing a strict mandate of active management and financial oversight of our investee companies.

We have been active in various segments of this industry, such as; cultivation, processing, retail, and ancillary support services; ranging from analytical testing, SaaS based compliance, processing equipment and nutrient manufacturers.

Through our active investments, we continue to be stakeholders in BC, Ontario, Washington, Colorado, Oregon, Nevada, and Europe. We understand the pros and cons of each respective governing body and the effects of their regulations on the general population as well as industry stakeholders. We strongly believe that through our expertise, widespread experience and exposure to this industry, that we can effectively advise, guide and assist the Provincial regulators on structuring a world-class regulatory framework that minimizes harm, controls and regulates access, ensures a compliant distribution system, and most importantly, mitigates the role of the black market.

As a stakeholder in various sectors of this industry, we wish to provide feedback on the topics that we believe are within our organization’s core competencies.

These topics are the following:

Regulated Commercial & Personal Cultivation

Regulated Distribution & Retail Models

We encourage your department to strongly consider the following recommendations:

REGULATED COMMERCIAL & PERSONAL CULTIVATION

The Federal Government currently regulates the commercialized production of Cannabis within Canada under the ACMPR. Under this framework, the Federal Government supports private and fair opportunities, which reduces chances of an industry that favours oligopolies. This enables the boutique family / independently owned businesses like RedeCan Pharms, Delta 9 and Broken Coast to obtain licenses and participate in this industry, alongside the larger corporations like Canopy, Aurora and Aphria. While the Federal program mitigates the risk and responsibility of commercial cultivation away from the Provinces, we feel that it does not adequately mitigate the risk and responsibility of the personal cultivation licenses issued by Health Canada under the current ACMPR and previous Marihuana Medical Access Regulations (“MMAR”), which continues to operate under a Supreme Court of Canada injunction.

We believe that the Province should place the onus of regulating personal cultivation in local municipalities hands, complimented by Provincial guidance and regulatory framework. Individual at-home cultivators should be required to register with their local municipality, limit the square footage of cultivation conducted inside a residential dwelling, but allow for the square footage to be increased in a barn, workshop or

warehouse setting. Both types of cultivators should be required to file for building, electrical and plumbing permits within the local municipalities and be inspected by the necessary authorities (primarily the fire department and electrical inspectors). The BC Safety Authority should also take an active role in implementing mandatory electrical inspections, as this is the primary safety concern of personal cultivation.

To offset the local municipalities costs of regulating and inspecting these premises, personal cultivators should be required to pay a licensing fee to the City, this fee is to be determined by each municipality depending on their estimates of applicant demand versus inspectors. The Province should set out guidance for the local municipalities to follow and enforce in terms of inspection criteria and key elements (such as; but not limited to, no open flame CO2 generator/burners within a residential dwelling, proper security on a barn / workshop / warehouse locations, square footage limitations, and plant heights). Those with medical conditions who have been issued a personal production license (depending on their prescription size), should be granted regulatory framework that enables realistic production guidelines based on their prescription size and plant count.

There must be a sliding scale based on their issued grams per day / plant count prescription, rather than a “one for all” system.

Personal cultivation facilities shall not be allowed to sell or distribute their excess product to any person, company, distributor or retailer. This will ensure a true personal cultivation program and not a quasi-commercialized personal system that would ultimately compromise the integrity of the ACMPR program.

If the Province and Health Canada explore the option of personal cultivators being able to sell excess product to Licensed Producers, this would create equal opportunity for participation of craft growers, however a serious and likely concern would be an oversupply of product in hopes of selling to Licensed Producers. In this case, a significant majority of the product would likely not meet Health Canada’s quality standards of dried cannabis, and will likely lead to an immense overflow into the grey and black markets once again. We strongly advise against this, unless there is a clear plan in place to mitigate the risk of surplus overflow. If a personal cultivator can produce a product that will meet Health Canada’s quality standards, they should be encouraged to submit an application to become an ACMPR Licensed Producer instead.

The Province will need to enforce and regulate retail locations to ensure their supply is properly sourced. Part of this would be to implement something similar to what the State of Nevada has done, where the state has a remote access to any cultivator, processor or retailer’s “seed-to-sale” inventory management system. The Province should mandate similar access within the retail supply chain.

On October 13th, 2013 Health Canada welcomed cultivators who came from the previous MMAR program, as well as the general public to apply for the first commercialized program in Canada, the Marihuana for Medical Purposes Regulations (“MMPR”). This encouraged craft cannabis cultivations (alongside commercial scale operators) and supported the entrepreneurial drive that us British Columbians are known for. We strongly advise the Provincial regulator to take a similar approach when drafting the framework for the retail model. Those retail locations in cities or municipalities which have been issued business licenses by their local jurisdiction (Vancouver, Victoria and Nelson for example) should have a chance to participate in this market. This does not mean that they are to be grandfathered-in, but rather to be given a fair and equal opportunity to apply within the Province and, if the regulations in which the Province sets out are met, be granted a retail license. Those who do not sufficiently fulfil the requirements set out by the Province, or operate as illegal dispensaries will need to be closed. The Province and City must enforce these rules to ensure the black market is mitigated.

We believe that the retail supply chain should come directly, or indirectly (through a wholesale distributor) from a Health Canada Licensed ACMPR producer.

REGULATED DISTRIBUTION & RETAIL MODELS

The Province should also consider implementing, within the first 2 years, an anti-monopoly / oligopoly system. One way this can be achieved is by mandating a maximum number of retail locations allowed within the Province per corporation, after 2 years of operation it should lead to natural occurrences of industry consolidation. This approach enables fair and equal opportunity to both, family-run or large corporate operators.

Liquor stores should be allowed to sell basic products that are pre-packaged, which may include (but not limited to) cigarette style pre-rolls, pre-filled oils, and pre-packaged flower, similar to how liquor stores currently sell cigarettes. This may be in a kiosk format, or at the cash register. If sales occur at a kiosk, the customer service representative must be properly trained on how to educate consumers on the product usage. If sales occur at a cash register, the customer service representative must not educate a customer on the product.

CONCLUSION

To ensure a successful market, means to ensure entrepreneurial drive of those British Columbians who have created and shaped this emerging industry, but to also filter out those who do not have the ability to evolve and comply within a Provincially regulated framework. A successful market will also ensure proper education, mitigation of risk, and ensure strict quality regulation, control and oversight. We hope that your department will strongly consider our feedback, and our expertise is available for your use upon request.

Earth's Own Naturals Ltd.
Kimberley, BC

Stakeholder submission from a licensed cannabis dispensary, Earth's Own Naturals Ltd.

The founders, of Earths Own Naturals Ltd. were approved through the City of Kimberley for a business license in the fall of 2015 in Kimberley BC. One of the founders, 46-year-old man, was diagnosed with stage 4 esophageal cancer in January 2014. He used a Cannabis oil extract which you ingest, to help him with his symptoms. Although not a recreational user, he was optimistic in its healing properties which also gave him quality of life which was the most important daily goal. He ultimately passed away at age 48 November 2015 surpassing his 9-month diagnosis. With the business license approved, his wife opened Earth's Own Naturals Ltd. January 2017 with her business partner in her husband's honor and to pay it forward. Her view of cannabis has drastically changed after seeing first-hand the positive effects that it had with her husband and encourages our Canadian residents to educate themselves on this highly medicinal non-toxic plant.

Minimum Age:

Earth's Own Naturals Ltd. supports the age of majority in the province of BC. They currently have 19+ posted on the front door and stated in all membership agreements. They also see the need to be open to cannabis use for minors under the age of 19 with authorization from their parents/guardians and Doctor's for medical conditions. We should have a choice for ourselves and our children.

Personal Consumption:

Earth's Own Naturals Ltd. does not agree with the 30g limit as there are no other limits set for other products such as cigarettes and Alcohol for example. From a Medical perspective, the BC residents should be able to possess the amount required for their needs. A BC resident with cancer maybe taking more than a gram a day for their medicinal requirements and may not have the strength to access it on a more frequent basis.

Public Consumption:

Public consumption should be open in designated areas for both Medicinal and recreational purposes.

Drug Impaired Driving:

In the case of our founder, using the Cannabis Oil to treat cancer, his tolerance increased dramatically therefore, letting him function with his daily activities with no side effects. There is no per se amount like there is for alcohol. Many BC residents have a high tolerance to Cannabis.

Personal Cultivation:

Earth's Own Naturals supports personal cultivation

Distribution & Retail Models:

Retail:

Effectively, transitioning the existing locally-approved and compliant cannabis dispensaries into the adult-use market can eliminate the black market. The Storefront Dispensary model is currently working in the province of BC. As Minister Farnworth at UBCM said, "BC is unique" and "we have a long established industry". The best and most efficient way to retail cannabis is through well-regulated private dispensaries. Kimberley has been proactive in establishing common sense regulations which can also generate reliable tax-revenue and safe practices along with the community support. We can draw on the experience of the US states that have been through the legalization process. US best state practices especially Colorado show the private dispensary model works.

Co-Location of liquor and cannabis sends the wrong message to the youth that it is OK to mix these drugs together. For anyone suffering from alcoholism, they would have to put themselves in a position to enter a liquor store to access cannabis. This model has not been tested anyway in the US. Earth's Own Naturals does not agree with this model.

Distribution:

Product diversity should be expanded to include products currently available in dispensaries, i.e. edibles, concentrates, topical ointments and other products. The province and cities can create regulatory and license structures for retailers that include existing cannabis businesses, and allow these businesses to bring in producers from their supply chain. The state of Nevada declared a “state of emergency” for running low on supply of marijuana. This can be avoided in BC by including the current local craft producers who have been growing for decades.



Government of BC - Cannabis Regulation Consultation Submission Eden Medicinal Society - November 1, 2017

Attached is our formal submission to the Government of BC Cannabis Regulation Consultation process.

Eden Medicinal Society has been constructively engaging with governments across Canada, sharing our views and technical knowhow, hoping to build a cannabis regulatory environment that makes sense for consumers, government and business alike.

Luckily for BC, we do not have to reinvent the wheel when it comes to safely managing and regulating the retail of cannabis. Vancouver has operated a quasi-regulated retail cannabis market for several years now, and has learned many lessons. Likewise, the states of Alaska, Colorado, Maine, Massachusetts, Nevada, Oregon and Washington have operated legal recreational cannabis retail regimes, giving us a very clear sense of what does and does not work.

Our key recommendations, laid out in greater detail in the submission, are as follows:

- The Province should act as the sole purchaser of cannabis, and guarantee equal access to all licensed retailers within British Columbia.
- The Province should license and regulate private retailers to sell cannabis, either to augment, or in lieu of government retail locations.
- The Province should engage in strict enforcement of ID requirements at all retail locations, ensuring that cannabis does not fall into the hands of children.
- Municipal governments should be given the power to determine where, and how many cannabis retail locations should exist in their communities.
- The Province should require a basic level of training for all cannabis retail staff, ensuring that they are equipped with basic product knowledge, the latest safety information and ability to screen for minors.

We have appreciated the open and inclusive process that the Government of BC has undertaken these past weeks. Eden looks forward to engaging with your office further, and answering any questions that you may have.

All the best,

Tyler James | Community Outreach + Strategy
EDEN Medicinal Society
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Submission to the BC Cannabis Regulation Consultation by Eden Medicinal Society

Wednesday, November 1, 2017

Eliminating the Black Market for Cannabis in BC

Both the Government of Canada and Government of BC have stated that one of the primary goals of cannabis legalization is the elimination of the black market.

For the Government of BC to achieve that goal, it needs to do two things:

- **PRICE:** Price and tax legal cannabis low enough so that black market suppliers don't have a price advantage;
- **ACCESS:** Make cannabis accessible to consumers, so that unlicensed retailers cannot compete on convenience and availability in any part of the province.

A public retail monopoly such as the current Government of Ontario model will not, according to its own government reports, come close to satisfying consumer demand.

RELATED ARTICLE

https://www.vice.com/en_ca/article/qvjnqx/leaked-document-shows-ontario-government-is-ignoring-its-own-advice-on-weed

The most efficient and cost effective way to put black market retailers out of business is to allow the full participation of private sector retail and online outlets.

Under a private sector retail model, licensed outlets will compete for cannabis customers based on efficiency, provide expertise and (subject to municipal zoning) make cannabis accessible to consumers where they want it.

Online/Mail-order Sales Help Combat the Black Market

To further increase legal access and reduce the reliance on the black market, the Government of BC should consider online private sector retail as well as bricks and mortar private sector retail.

In remote regions incapable of supporting brick-and-mortar retail outlets, mail-order will remain the only viable supply option over the long term.

Mail-order delivery also represents the most discreet method of distribution and permits the easy implementation of various controls (e.g. restrictions on purchaser age and maximum quantities).

Multi-step measures could be put into place to ensure that online purchases are safe and legal just as liquor delivery is done throughout the province today. Such measures include requiring the purchaser to upload a photo of their identification to verify age when cannabis is ordered to be double-checked at the door upon delivery. The package would be sealed and in plain package with a product lock on the cannabis.

The option of mail-order for recreational consumers as a parallel path to brick-and-mortar private retail outlets will ensure consistent supply to consumers across Canada while physical distribution systems are put in place.

Ensuring Healthy Competition by Regulating Supply

We believe it is in the public and government's interest to encourage a diversity of supply and retailers, ensuring that no single private sector group becomes a hegemony in the cannabis retail space.

The Government of BC should consider rules that mandate cannabis for sale in BC come from a wide variety of small, medium and large scale cannabis producers. This would give the province enhanced leverage to negotiate on price, ensuring government revenue is maximized while consumer prices are kept low.

Protecting Our Youth

Eden supports Bill C-45's measures to prevent young persons from accessing cannabis.

In addition, Eden does not seek to normalize cannabis consumption. We believe that cannabis retail locations should blend in with all other storefronts in their immediate area, with no cannabis products or overt cannabis imagery visible from the street. We believe all visitors who enter a retail location should be ID'd to ensure that no one under the legal purchase limit is permitted on the premises.

We believe that the legal age for consumption should be the same as alcohol to not promote one substance over the other. We oppose the co-location of cannabis with alcohol and other general retail-like convenience stores and pharmacies because we believe this would normalize consumption of cannabis among non-users and youth.

We believe public consumption of cannabis will be substantially curbed with the establishment of cannabis safe consumption locations.

Finally, we believe that the Government of BC should consider a comprehensive public service announcement strategy, including information online, throughout the province and in cannabis retail stores to educate young people on the legal and health effects of underage cannabis consumption.

Zoning Considerations

In order to ensure that local community standards and cultures are respected, the Government of BC should allow municipalities the right to control where, and how many cannabis retailers can operate in their neighbourhoods.

By acting as a regulator and not the sole retailer, the province removes itself from the political controversy that will come with the opening of cannabis retail locations at the local level. Mirroring the BC Gaming and Liquor Commission's role, this would allow the government to focus on regulation and reduce its exposure to financial risk.

In a private retailer/municipal relationship, the decision making power will lie with local officials, who can set zoning rules appropriate for their communities.

In the City of Vancouver, officials undertook an extensive consultation process around the zoning rules of cannabis retail locations. They implemented common sense regulations that addressed the concerns of residents. The City permits cannabis related businesses to only operate:

1. In commercial zones;
2. At least 300 m from;
 - Schools
 - Community centers
 - Neighbourhood houses
 - Youth facilities that serve vulnerable youth
 - Other cannabis-related businesses
3. With a business licence (the licence fee is \$1,000 for compassion clubs or \$30,000 for medical marijuana-related retail dealers);
4. With a development permit that includes a standard community notification process; and
5. With a signed good neighbour agreement.

Product Packaging and Labeling

We believe that all cannabis should be packaged in nontransparent tamper-sealed packaging that is labeled with potency data as well as warning messages (i.e. "KEEP OUT OF REACH OF CHILDREN") and other information. Packages should have a child safety seals and sealed to prevent odor.

We believe packages that are shipped should follow the same guidelines via tracked courier in a box that is sealed and non-identifiable.

Training Standards for Retail Staff

BC has a successful model that could be emulated for training cannabis retail staff. BC's Serving It Right program ensures that everyone involved in the sale or serving alcohol has a basis of knowledge that is designed to protect consumers' health and safety.

A parallel licensing program could be easily developed using the same delivery mechanisms and bureaucratic assets. Training would ideally include:

- How to screen consumers for age, using government issued identification documents;
- How to educate consumers on responsible use, and how to avoid dangerous situations (ie. overconsumption, operation of a vehicle or heavy machinery etc.); and
- Basic product knowledge, so that retail workers can speak about cannabis in an accurate and responsible manner.

The Necessity for Brick and Mortar Retail Locations for Medical Users to Ensure Access

In 2016, the Federal Court ruled (*Allard v. Canada*) that patients who need medical cannabis must be granted "reasonable access" under Section 7 of the Charter of Rights and Freedoms. In this ruling, Justice Phelan stated that "dispensaries are at the heart of access."

The Allard decision was recently upheld in a superior court decision regarding the Village Dispensary in Hamilton, Ontario. The constitutional rights of patients to access medical cannabis is a legal reality that the Government of BC must keep in mind when setting the rules for cannabis retail in BC. Acknowledging the Charter Rights of patients to access cannabis is not only compassionate, but it would avoid costly expenditures on law enforcement and unnecessary legal processes.

The reality is that a large number of patients are unable or unwilling to use the federal mail- order cannabis system. The mail order system is a barrier to access in that:

- The mail system is slow compared to retail. If patients run out of cannabis, they cannot afford to wait days;
- Many patients do not have a credit card needed to order online;
- Some patients do not have a fixed address, making mail order difficult; and
- A large number of patients simply prefer the convenience and comfort of talking to a knowledgeable cannabis professional who can answer their questions.

Eden has taken additional steps to address mental health and addictions issues in the communities where we operate:

- The opioid epidemic has killed thousands of Canadians in the last year, and policy makers have been slow to come up with solutions on how to address it. In response to the opioid crisis, Eden Medicinal Society has partnered with the University of British Columbia to study the efficacy of using cannabis in an opioid substitution program. This scientifically rigorous study is underway, and the results so far are extremely promising.

The Case for Vapor Lounges

With the legalization of recreational cannabis, it is inevitable that adult-consumers, tourists, and patients will demand places to consume marijuana products. In 2015, Seattle City Attorney, Pete Holmes articulated why such places are needed:

Single family homeowners have a legal place to consume marijuana; others, however, such as out-of-town visitors, the homeless, and renters and condominium owners whose buildings do not permit marijuana use, have fewer options. Enforcement against public marijuana use will be more effective if people have alternative locations to use marijuana legally. To this end, the CAO is working with Council member Nick Licata to propose legislation to the City Council to license and regulate a new type of business in Seattle called "marijuana use lounges" that would permit vaporizing or eating marijuana.

These lounges would be open to customers 21 years of age and older with mandatory ID checks, prohibit alcohol, and have minimum ventilation requirements. Because state law does not allow consumption of marijuana where it is sold, patrons would have to bring their own. Lounges could charge a cover and sell food and non-alcoholic beverages.

(Source: <http://blogs.seattletimes.com/opinionnw/files/2015/01/Holmes-memo.pdf>)

To avoid streets and parks full of people using legal cannabis products, the Government of BC needs to contemplate a common sense regulatory scheme allowing for vapor lounges and licensed consumption events. Lounges and events should be available to any person over the legal age with valid ID and where the location meets zoning and health and safety regulations. On premises

vaping and ingesting cannabis would be allowed, however due to health and smoking concerns, combusting cannabis would not be permitted.

Assessing the Appropriate Number of Retail Outlets to License

According to the latest data available from their Department of Revenue, Colorado currently has 502 Licensed Medical and Retail Marijuana retail locations. <https://www.colorado.gov/pacific/enforcement/licensees-marijuana-enforcement-division>

According to the latest census data, BC has about 83% the population of Colorado. Using Colorado as a real-world model, BC would require approximately 416 retail outlets to match Colorado's current level of consumer supply. Currently, the BC Liquor Distribution Branch operates 198 retail stores and as such would need to open 218 additional stores if it were to be the exclusive retail outlet network for legal cannabis sales.

Taxation and Pricing

Our data suggests that cost represents a barrier to many of our patients. Patients are discouraged from entering or fully participating in the legal market when a lower-cost black market option exists. We recommend local governments tax cannabis products up to 3-7% while also mandating that proceeds be used for enforcement or public education programs related to legal cannabis. Caution should be used to avoid situations as in Washington State where the tax structure adopted hindered the ability of legitimate cannabis markets to circumvent the black market.

A scaled tax structured increasing over time would allow those in the legal market and those transitioning to the legal market to disrupt the black market and give patients and adult cannabis consumers options outside the black market.

Grey Market Transition

To succeed in eliminating the black market, the Government of BC must embrace laws that successfully transition good faith actors in the current grey cannabis retail market.

The Government of BC should work with municipalities on a merit-based system to transition unlicensed dispensaries. (Eden operates two licensed dispensaries in Vancouver).

The licensing of retail cannabis storefronts from a government body such as the BC Liquor Control and Licensing Branch would determine these merits. Such merits could include; an absence of violent criminal history, an absence of financial criminal history, an absence of gang association, security competency, legal supply agreements, compliant location quality of the operator, employee training compliances, and good neighbor agreements.

It is crucial to assist local governments in enforcing and regulating storefronts that choose to operate with impunity outside the scope of provincial distribution and retail regulations.

Licensed storefronts, supplied by licensed producers and licensed craft growers under a modified Access to Cannabis for Medical Purposes Regulations program, are a long-term distribution solution. Currently, licensed storefronts are a forum for educating the public about responsible consumption and health concerns that can be alleviated with cannabis. Our patients prefer to be educated in person by knowledgeable staff about different products and understand how to consume cannabis derivatives safely.

We've calculated with a high degree of certainty that after July 1, 2018, the supply of cannabis will not be met by the production capacity of existing Licensed Producers (LP). The maturity of the cannabis market in BC is due in large part to the expertise of the ACMPR (medical) and non-violent craft growers; not just its distribution and retail network.

Designing a path that permits medical and grey market growers acceptance into the legal recreational market through a merit-based system, would go a long way to extinguish black market forces. Such a path could include the requirement to use a seed to sale tracking system (current ACMPR protocol), and third-party testing.

Conclusion

Eden seeks to continue its mission to educate and share advanced knowledge of the medicinal use of cannabis while providing access to legal, safe, high-quality, tested cannabis products. As the adult recreational use market becomes legal, Eden seeks to offer products and services for both medicinal and adult-use consumers.

In Vancouver, Eden adapted to fastidiously comply with the municipal licensing regime to provide medical access. Eden has outlined a number of goals to preserve and enhance access to cannabis for adult-consumers and patients through dispensaries, while protecting public health and safety, within a fully legal and regulated framework.

Our goals are to:

1. Work with governments to establish a regulatory framework for provincial licensing and taxation of privately-owned adult-use cannabis retail businesses, subject to municipal licensing and zoning, in coordination with provincially-regulated warehousing, distribution and retail delivery of legal cannabis products.
2. Use licensing and production controls to encourage a safe, diverse, competitive market in the cannabis supply chain that also includes small producers, following the advice of the federal Task Force on Cannabis Legalization and Regulation.
3. Ensure that cannabis adult consumers and patients have access to safe, accessible spaces to obtain in-person advice and access to legal cannabis products that are properly tested, labelled and taxed upon sale.
4. Have regulations and guidelines in place to ensure that adult-use cannabis retail staff are knowledgeable and trained about harms of use, prevention of youth sales, and appropriate and responsible use. This includes restricting co-location of cannabis retail sales with alcohol, consistent with advice of the federal Task Force on Cannabis Legalization and Regulation.
5. Ensure safe and responsible access to adult-use cannabis products online by requiring rigorous identity and age verification at time of purchase and pick-up/delivery.

About Eden

Eden Medicinal Society is a federally registered not-for-profit that opened the doors to our first medical dispensary location in July 2011, in the heart of Vancouver's Downtown Eastside. Eden sought to provide compassion to a neighbourhood that suffers from a lack of economic development and access to safe, alternative forms of medicine, including for those suffering from addictions – a core mandate that continues today.

Eden now operates two of Vancouver's municipally licensed cannabis dispensaries, as well as two dispensaries in Toronto and four dispensaries in other municipalities. All Eden locations operate in accordance with the guidelines set forth by the Canadian Association of Medical Cannabis Dispensaries (CAMCD). Eden was the first dispensary in Canada to obtain this accreditation.

Eden is tax-compliant, remitting over \$1 million per annum to the CRA, by paying income tax and CPP/EI for its employees through a third-party payroll provider and HST on sales. Eden's staff are treated with respect and earn good wages, above the minimum wage, plus benefits.

Eden's ultimate goal is to be fully regulated and licensed within a comprehensive legal cannabis system, so that we can continue to work within the communities where we operate, as an active contributor to the quality of life of our communities.

Thank you for your consideration.

Tyler James

EDUCATORS FOR SENSIBLE DRUG POLICY

Evidence based, unbiased and holistic drug education for youth

Submission to the Cannabis Legalization and Regulation Secretariat of B.C.

Summary

Young people need to gain factual scientific knowledge about cannabis. It is critical that they learn about the effects of cannabis, specifically as young as 10 years old. Most of what is presently happening is not new but it has become increasingly evident that Educators must engage in politics, social relations, family and community. Youth play a pivotal role in addressing the ubiquity of cannabis as a major health issue.

Outline

Starting from this premise Educators for Sensible Drug Policy examined in detail some of the leading influences on the youthful culture and the imperative of treating drug education as a health issue. Dr. Gabor Mate and Dr. Ethan Russo, Marc Lewis PhD and Dr. Rodney Skager each has helped provide a scientific world view.

Cannabis is the second most commonly used substance among Canadian youth behind alcohol. There are several common misperceptions about cannabis. Even when legal it does not necessarily mean it is safe to use. There are possible risks, some of which are most acute among young people. Therefore it is important to view cannabis from a health based approach rather than a criminal justice approach.

The knowledge surrounding a health approach is to:

- 1) **Help youth make informed decisions about cannabis use in order to mitigate possible harm**
- 2) **Remove all misconceptions about cannabis perpetuated by the media**
- 3) **Decrease the social stigma attached to medical cannabis**
- 4) **Develop support systems for medicinal patients**

Educators for Sensible Drug Policy is well aware of the time and effort required to prepare for quality, evidence and health based drug education approaches. Many Educators are ready to support and initiate better and more inclusive drug education for youth, but they need your help! The B.C. Ministry of Education will have to work collaboratively with NGO's like EFSDP, federal and municipal governments to initiate a more progressive move towards educating youth, to help keep them safe, knowledgeable and informed.

The beginning of this new century has accentuated the need to rethink the entire enterprise of drug education, from pedagogy to curriculum to what constitutes a place of new learning. We are entering a new age of drug curriculum. The drug crisis is real and central to this paradigm shift: **health and wellness not crime and punishment.**

Drug education programs can play a vital link as teachers show a fundamental concern about what constitutes teaching and learning in a world comprised of multiple realities that are continuously changing. Drugs are ubiquitous in our society. How much of our past and present drug education practices can be carried forward to the future? If some, if not most of what we've been doing in drug education no longer works, then what should drug education of our unfolding future look like for the youth of British Columbia?

Using factual information, EFSDP recognizes a developing sense of urgency surrounding the need for cannabis education, especially for young people aged 15-24. Some say even younger! To increase the understanding about the issues cannabis can pose to the health and wellbeing of young people education should not only be about the substances negative effects, but also its positive ones too. This holistic approach must be unbiased and non-judgmental.

"Cannabis use is increasingly more commonplace in Canada. As we approach legalization our research suggests that young people's attitudes towards cannabis are ambiguous, many have conflicting positive and negative attitudes towards its use. This is not surprising considering the complexity of the substance as it is used, unlike tobacco and alcohol ~ two substances almost exclusively limited in purpose to recreational situations ~ cannabis can be used both recreationally and medically, although the line between the two is often blurred." Misato Matsutani, Graduate Student, Faculty of Education, Simon Fraser University 2017

More and more for a variety of reasons it has become societies role to educate, to provide support for parents and children. Educators have a responsibility to be esteem builders, to provide support for parents and their

children. This is why it is imperative that Educators work with all three levels of government to help provide a cannabis public education and awareness campaign that enables and empowers communities to **help keep youth safe**. Bill C45 has some good intentions but the Cannabis Act will not prevent youth from using Cannabis. And, it should not subject them to future harms from the law itself.

The provincial government can help assist Educators find a common ground as some people continue to push a prohibitionist agenda. Educators are becoming more aware that adolescents are more at risk from alcohol, pharmaceuticals and opioids. How much more vulnerable do we want our youth to become when what we really want is to advocate for ideas over ideology, compassion over coercion and harm reduction over incarceration. All this is by way of admitting openly that much of what is said regarding our contemporary youth culture is subject to any number of qualifications, values and assumptions that have been in the mainstream of our society for over eight decades. Since 1982 Educators handed over the responsibility of drug education to law enforcement officers. As messengers of failed drug policies it was evident that the approach to Cannabis did not work and was an abject failure.

As a Drug Reform Educator attending the **"President's Dream Colloquium"** at my alma mater Simon Fraser University this year was a significant step forward. I met graduate student Misato Matsutani, from the Faculty of Education. The student's topic was: **'Understanding Medical Cannabis'** Many thanks to Task Force Chair the Honourable Anne McLellan for suggesting I align with graduate students interested in studying cannabis reform. Their 'learning outcomes for student's in Education' Spring 2017 was successful as we continue our quest for quality public education in British Columbia! The follow points were suggested.

- 1) *Protect youth from health related consequences. Frequent cannabis use has potential adverse effects on mental health. There are many cannabis strains available today and their effects are diverse and not necessarily well understood.*
- 2) *Remove misconceptions about cannabis that is perpetuated by the media. Currently youth acquire knowledge about cannabis via the Internet (You Tube) Cannabis normalization is common therefore many consider cannabis as not harmful. This lack of awareness concerning possible negative effects calls for immediate factual drug education.*
- 3) *Decrease the stigma attached to medical cannabis. Many are skeptical towards the use of cannabis for medical purposes, seeing use as a way for 'stoners' to legitimize their recreational use – this is not the case.*
- 4) *Develop better support systems for medicinal patients. Medical cannabis users are often marginalized. An increasing number of families depend on using cannabis to manage their health problems. Research suggests the stigma of cannabis use negatively affects the quality of treatment. Families worry about the fear of being judged and refrain from using it all together.*

Earlier in the year I was invited to participant in the **Federal Liberal Task Force** in 2016. I provided the following recommendations to help understanding how cannabis use/abuse will affect youth health in British Columbia. I offer these to the Cannabis Legalization and Regulation Secretariat of B.C.

1. **to implement drug education based on science, compassion, health and human rights**
2. **to commit to drug education that is honest, balanced, inter-active and delivered with full participation from students**
3. **to help reduce the many harms of drug use and/or drug laws**
4. **to increase and create new partnerships and continue collaborating with existing partnerships**
5. **to deliver, design and evaluate current drug curriculum in British Columbia schools**
6. **to support mentors in the field of health, wellness and drug education keeping in step with historically progressive approaches to social issues as they relate to developing a public school education curriculum based on the principles of:**
 - a) **harm reduction**
 - b) **restorative practices**
 - c) **positive youth development**

Educators for Sensible Drug Policy agrees with the Task Force's recommendation to have the legal age for purchase at 18 years of age.

Reality, progress and knowledge will render it impossible to accept any prohibitionist rhetoric at this time. We cannot pursue a rigid zero tolerance message as we have done in the past with the D.A.R.E. program (Drug Awareness Resistance Education) delivered by law enforcement officers. When youth distrust the messenger they stop listening making them unsafe. It is therefore prudent for Educators and parents to join in partnerships

with health professionals and mental health providers making cannabis public education and awareness for British Columbia youth an urgent call for action.

The struggle of a generation is one of the obvious constants of human affairs. With the legalization of cannabis officially on the table questions about what that means for British Columbia and youth raises important considerations. As politicians continue to debate, Educators are left to ponder, what next?

BETTER=Be Educators That Teach Evidence Research

When it comes to the rights and best interests of youth we must look to evidence and reality based science within the field of cognitive development and mental health. We have learned from past mistakes that criminalization of youth is far worse than the impact of Cannabis itself. We agree that the greatest stakeholders in this discussion are British Columbia school officials, their teachers, parents and youth.

Public education has the potential to alienate youth with campaigns like 'Just Say No' but if one believes as I do that the alienated young are giving shape to something that envisions the vision of a new future, we must learn to listen more carefully, to include and to respond using a new qualitative drug education approach.

"Nothing is more inadequate than a mature judgment when adopted by an immature mind" Goethe

As the Executive Director of Educators for Sensible Drug Policy for over 14 years the invitation to participate in the Federal Liberal's Health Canada **'Partnership Symposium "Cannabis Public Education and Awareness Project"** acknowledges the work I along with my colleagues have been doing as we continue to partner with other organizations. The most valued of these partnerships will be to work with First Nation Educators. I urge the provincial leaders to look more closely at the state of affairs in aboriginal communities. My years working within indigenous communities I witnessed untold multi-generational trauma. The **'from school to prison pipeline'** is real. Jail cells cannot be the new classrooms for First Nation youth. B.C. can lead the way by not targeting marginalized people of color. We must learn to understand what trauma is and its' multiple impacts on human mentality and behavior.

Questions Educators ask:

- a) *What policies should schools have in place regarding use?*
- b) *How should cannabis be discussed and taught in classrooms?*
- c) *How far from school grounds will dispensaries be allowed to stand?*
- d) *What are youth's legal rights surrounding cannabis use?*
- e) *What might the potential benefits of legalization be for public schools?*
- f) *What are the legal ramifications of illegal use or distribution?*

The most recent Health Canada booklet dated October 23, 20-17 **'Drug Free Kids' (Cannabis Talk Kit) 'Know How To Talk With Your Teen'** is a collaborative effort with **Drug Free Kids Canada** which has been shipped to four populous provinces Ontario, **British Columbia**, Alberta and Quebec.

"Soon there will be inevitable changes to the national and provincial landscape and public schools will be expected to adapt. They will need to evaluate current drug policies and practices and make the adjustments to suit the changing world around us. Together we will need to reconsider the way we educate youth about the topic of all drugs, while evaluating their capacity to ensure the safety and wellbeing of all students" Canadian Safe Schools

The project of building a sophisticated framework of thought around drug education is a significant direction towards social change in the history of cannabis legalization in Canada. British Columbia can be the leader in cannabis legalization and youth drug education!

Sincerely,

Judith Renaud

Judith Renaud B.A. M.A.
Executive Director
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Submitted: October 25th, 2017

Reading List

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Organic Solvent Cannabis Extraction

The Case for Light Hydrocarbons in Modern Cannabis Extraction

Date: October 2017

SUBMITTAL INFORMATION: A joint submission to the British Columbia Cannabis Legalization and Regulation Secretariat, on behalf of ExtractionTek Solutions, Abstrax Tech, and Holistek.

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Present Day Use of Solvent Extraction

Organic solvent based extraction is very common throughout the chemical, food, personal care, pharmaceutical and perfumery industries, as well as many others. The modern cannabis industry repurposed current methodologies from these previous industries. Cannabis extraction using organic solvents is easily comparable to the making of absolutes for the personal care and perfumery industries. An absolute is a concentrated, highly aromatic oil extracted from plants. “First, an organic solvent, such as hexane, is added to the plant material to help extract the non-polar compounds. This solution is filtered and concentrated by distillation to produce a waxy mass called concrete. The more polar, fragrant compounds are extracted from the concrete into ethanol. When the ethanol evaporates, an oil—the absolute—is left behind.”^[1] The process explained above involves the use of two consecutive extractions using two different organic solvents. This process or a similar process is used to make vanilla concentrate, rose oil, jasmine concentrate, mimosa concentrate, beeswax, and several other natural derivatives we enjoy in our daily lives. This same process is currently being used to manufacture cannabis concentrates.

Why Hydrocarbons?

Currently, the most popular solvents for cannabis extractions are butane and propane. These solvents are chosen over other organic solvents because they are superior for the purpose of economically producing high quality extracts at an accelerated rate, safely. These are being produced using quality organic solvents that test to instrument grade specifications. Less processing time at a lower cost creates a higher supply of a quality product. This, in turn, drives down the price per unit once the demand is met and results in increased “reasonable access” for patients. It’s important to note that the same quality, price point, or purity of extracts produced from organic solvent extraction cannot be re-produced using CO2 extraction or any other non-organic solvent based extraction method. Consequently, there is a possibility that not allowing these types of products in a legal market will cause a demand for these same products in the black market, at a higher price. Black market hydrocarbon extraction is usually done using a technique called “open-blasting” which is an extreme hazard to the environment due to its high volume of waste from not using a closed-loop system and is an extreme safety hazard likely to cause fires and explosions. Allowing patients to buy these end-products in a store at a low price would deter them from making them at home and potentially endangering themselves, the environment, and their neighbors.

Local Safety Concerns

The use of organic solvents for cannabis extraction is being debated due to the safety of the manufacturing process, the end-consumer, and the environment. Organic solvents as defined by the law are “any organic compound that is explosive or highly or extremely flammable, including petroleum naphtha and compressed liquid hydrocarbons such as butane, isobutane, propane and propylene.”^[2] Superficially, the purpose of this section is to avoid accidents resulting in fires that may endanger the lives of manufacturing operators, the business, and the neighbors. To ensure local safety manufacturers usually take every precaution available as is required by the Authority Having Jurisdiction (AHJ). These precautions can be explained as a 2-pronged approach to eliminate the possibility of fire or explosions. The first prong is making the entire extraction space a Class 1 Division 1 (C1D1) room. The classification of C1D1 room is defined by the National Fire Protection Association, as stated in NFPA 58, Liquefied Petroleum Gas Code. NFPA codes, standards, recommended practices, and guides, are developed through a consensus standards development process approved by the American National Standards Institute. A C1D1 space ensures all the air in the room is constantly being replaced and the entire space (including HVAC and electrical) is completely spark-free. In addition to these protections there is a solvent detector that turns on the emergency HVAC system when the detector senses the solvent level in the room approaches 25% of the lower flammability limit (LFL). The LFL is the absolute lowest amount of solvent that needs to exist in air with an ignition source to cause a flame. The second prong of this 2-prong approach is employing a trained operator to work on a certified, peer-reviewed, closed-loop extractor. Equipment is built specifically for this purpose, engineered to operate in a C1D1 environment with the highest safety standards. In the US the equipment and environment are regularly serviced and inspected for compliance by the AHJ and certifying engineer. As a result of all these protections solvent extraction is extremely safe and there have been no reported major injuries, incidences of fires or explosions in a regulated cannabis extraction facility to date.

Health Safety Concerns

Naturally, there is concern that the operator will be over exposed to solvent causing health complications or the end-consumer may ingest product containing residual solvent that may harm them. As an extraction environment requirement, it is necessary to constantly replace the air in the C1D1 room, spontaneous replace all the air in the event the detector reads 25% of the LFL, and use peer-reviewed equipment by a trained operator. “The 10-min Acute Exposure Guideline Limit (AEGL-1, non-disabling) value is 10,000 ppm (24,000 mg/m³) which is greater than 50% of the lower explosive limit for butane in air of 19,000 ppm. Therefore, extreme safety considerations against the hazard of explosion must be taken into account.”^[3] Likewise a similar response is given for propane; “The AEGL-1 (non-disabling) value is greater than 10% of the lower explosive limit for propane in air of 23,000 ppm. Therefore, safety considerations against the hazard of explosion must be taken into account.”^[4] The AEGL value is the value at which a human can start to feel the effects of exposure to solvent, at AEGL-1 (19,000 ppm over 10 minutes) this effect is drowsiness, at AEGL-2 (24,000 ppm over 10 minutes) this effect is disabling, at AEGL-3 (77,000 ppm over 10 minutes) this effect is lethal. Due to the fire and explosion protections in place the operator is extremely unlikely to feel the effect of exposure to solvent even in the worst-case scenario because he will never be exposed to even half this amount in any given instance over any period of time.

This same concept explained above extends to the end-user's safety. The safety of the solvents used for cannabis extraction need to be re-evaluated from a scientific and health perspective in order to determine if residual solvents in products are detrimental to our health. The best-case study for this is from the oldest regulated cannabis market in the US. Colorado changed their residual solvent content in cannabis extracts to be consistent with the pharma industry. "The proposed limits are consistent with those adopted by international organization ^[5] for residual solvents in pharmaceuticals and by the Association of Public Health Laboratories ^[6] for residual solvents in cannabis extracts. These proposed health-based limits (except benzene) are based on the toxicity of individual solvents and the magnitude of exposure expected to occur from consuming 10 grams." ^[7] In short, the regulation adjusted the maximum residual solvent content in cannabis extracts to be consistent with other industries which raised the limit from <800 ppm of butane to <5000 ppm of butane and from <500 ppm of propane to <5000 ppm of propane. This massive increase was a conclusion "to reflect conservative health-based criteria" ^[7] drawn from scientific data collected and/or analyzed by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use and The Association of Public Health Laboratories. This conclusion makes sense given that a person must be exposed to 10,000 ppm over the duration of 10 minutes to reach AEGL-1 and the act of smoking or using a product derived from concentrate cannot come remotely close to ingesting the amount of solvent needed to cause drowsiness or any other adverse effect. On the manufacturers' side, in practice, the actual likelihood of producing a product with a residual solvent level of 5000 ppm is very unlikely due to the boiling point of butane being -1°C and propane being -42°C and the post-processing steps require the use of low heat under vacuum which lowers these boiling points much further.

Necessary for Research

Allowing cannabis manufacturers to use solvent for processing, like all other related industries, has greater benefits that extends past providing safe "reasonable access" to end-users. Allowing solvents also paves the way for the development of knowledge for the entire industry. To make greater purity products or isolates for better product formulations and research purposes solvents are absolutely necessary. THCA (non-psychoactive) is a very valuable cannabinoid that readily degrades to THC (psychoactive) under pressure, vacuum, and/or heat. The same is true for CBDA, THCVA, CBDVA, CBGA, CBCA, etc. Due to the restriction on research many of these compounds have had only the most minimal amount of research done on them to determine if they do have this medicinal potential. We've also determined there are many more molecules in the plant from diverse genetics that are yet to be discovered. As a research community we need to accumulate more data. Not allowing the use of solvents would create a large opportunity loss of valuable research from manufacturers or the supply of research materials that can benefit others.

Conclusion

The Canadian government should allow the use of organic hydrocarbon solvents for the use of cannabis manufacturing. Under the regulation of the government the benefits will increase "reasonable access" to end-users, create higher quality products for patients, greater diversity of products, give manufacturers the ability to develop cannabis research, and eliminate a potential black market along with the dangers associated with one.

- 1) Karl-Georg Fahlbusch; et al. (2007), "Flavors and Fragrances", *Ullmann's Encyclopedia of Industrial Chemistry* (7th ed.), Wiley, p. 83
- 2) Proposed Bill C-45, Part 1, Division 1, Section 12(3)
- 3) Committee on Acute Exposure Guideline Levels; Committee on Toxicology; Board on Environmental Studies and Toxicology; Division on Earth and Life Studies; National Research Council. Acute Exposure Guideline Levels for Selected Airborne Chemicals: Volume 12. Washington (DC): National Academies Press (US); 2012 Apr 27. 1, Butane: Acute Exposure Guideline Levels. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK201460/>
- 4) Committee on Acute Exposure Guideline Levels; Committee on Toxicology; Board on Environmental Studies and Toxicology; Division on Earth and Life Studies; National Research Council. Acute Exposure Guideline Levels for Selected Airborne Chemicals: Volume 12. Washington (DC): National Academies Press (US); 2012 Apr 27. 7, Propane: Acute Exposure Guideline Levels. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK201461/>
- 5) International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use, ICH Harmonized Tripartite Guideline, Impurities: Guideline for Residual Solvents Q3C (R5) (ICH Q3C), http://www.ich.org/fileadmin/Public_Web_Site/ICH_Products/Guidelines/Quality/Q3C/Step4/Q3C_R5_Step4.pdf
- 6) Association of Public Health Laboratories, Guidance for State Medicinal Cannabis Testing Programs, May 2016, <http://www.aphl.org/aboutAPHL/publications/Documents/EH-Guide-State-Med-Cannabis-052016.pdf>
- 7) Dyke, Myke Van. "Colorado Residual Solvent Rule Change Letter." Scribd, Colorado Department of Public Health and Environment, 15 June 2016, www.scribd.com/document/334002261/Colorado-Residual-Solvent-Rule-Change-Letter.



Founded in 2010, ExtractionTek Solutions is the industry leading designer and manufacturer of closed-loop extraction equipment for the modern cannabis industry. Based in Denver, Colorado USA, ExtractionTek Solutions provides products and services to extraction facilities worldwide. Widely recognized as a key manufacturer for the industry, ExtractionTek provides engineer reviewed equipment, industrial cannabis extraction facility planning, consulting and certified extraction training. ExtractionTek works with local, state, federal and provincial units of government in defining and regulating standards for the safe operation of hydrocarbon extraction equipment throughout the legal cannabis markets. All equipment designed and manufactured by ExtractionTek is fully NAFTA certified and manufactured in North America.



Founded in 2016, Holistek has quickly become an industry leader in cannabis hydrocarbon extractions in Canada. Trained as technicians on ExtractionTek Solutions equipment, Holistek spent almost a year in the research and development phase prior to launching a product for public consumption. Holistek uses only instrument-grade propane sourced from an accredited dealer, and acts pro-actively when it comes to implementing standards and protocols from already legal jurisdictions.



Abstrax Tech Inc. has over 42 years of knowledge in the cannabis industry between the 3 founding officers. Abstrax specializes in consulting on the best manufacturing practices of cannabis concentrates in a variety of markets both locally in California and internationally. Abstrax is responsible for creating, consulting, and supporting some of the largest and most widely known legal cannabis concentrate brands in the United States.



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First Nations Health Authority Submission for BC Public Consultations on Cannabis Legalization

November 1, 2017

Introduction: First Nations Health Authority and Our Work

The First Nations Health Authority (FNHA) is the first province-wide health authority focused on First Nations in Canada. On October 13, 2011, First Nations in BC, the Province of British Columbia, and the Government of Canada signed the *British Columbia Tripartite Framework Agreement on First Nations Health Governance*¹. This Agreement changed the course of First Nations health in BC with the creation of a new health governance structure to enable First Nations in BC to participate fully in the design and delivery of health services. The work of FNHA has largely focused on: advancing the health and wellness philosophy of First Nations in BC; stabilizing and transforming services and operations; and, nurturing partnerships with First Nations, governments and health system partners.

FNHA is responsible for planning, management, service delivery and funding of health programs, in partnership with First Nations communities in BC. FNHA works to transform the way health care is delivered to First Nations through direct services, provincial partnership collaboration, and health systems innovation, including ensuring that cultural safety and humility and intergenerational trauma informed care are embedded throughout the health system.

FNHA collaborates with the BC Ministries of Health and Mental Health and Addictions, other provincial ministries, regional Health Authorities and other partners to coordinate and integrate health programs and services to achieve better health outcomes for First Nations in BC. FNHA continues to be guided by its Seven Directives² and Shared Values³ and is committed to creating the space for First Nations and Indigenous communities to self-determine their path towards wellness, Nation rebuilding and revitalizing traditional ways of life.

FNHA - Key Issues for BC Government Consideration

An integral focus of First Nations healing and wellness is through the balance and inter-relationships of the physical, mental, emotional and spiritual aspects of wellbeing as represented by the *First Nations Perspective on Health and Wellness*⁴. In line with the Perspective on Health and Wellness, there are a number of key issues around the legalization of recreational cannabis that may have a direct impact on the health and wellness of First Nations in BC.

Overall, FNHA supports a system that minimizes the societal and health concerns related to the criminalization of cannabis for recreational use, given the societal and health concerns associated with the previous system of criminalization. In moving to a legalized and regulated approach, FNHA supports the creation of an equitable regulatory framework that minimizes the direct negative health impacts for individuals who voluntarily choose to recreationally use cannabis, and reduces use from vulnerable populations, such as children and youth.

¹ <https://www.canada.ca/en/health-canada/services/first-nations-inuit-health/reports-publications/health-care-services/british-columbia-tripartite-framework-agreement-first-nation-health-governance.html>

² <http://www.fnha.ca/about/fnha-overview/directives>

³ <http://www.fnha.ca/about/fnha-overview/vision-mission-and-values>

⁴ <http://www.fnha.ca/wellness/wellness-and-the-first-nations-health-authority/first-nations-perspective-on-wellness>

In accordance with the *British Columbia Tripartite Framework Agreement on First Nations Health Governance*, it is our strong expectation that the provincial government will engage further with FNHA before the finalization of the provincial regulatory regime.

FNHA has identified several areas for consideration as the BC government develops its framework for a regulatory system that reflects the needs and values of our population, including:

Cultural Safety and Humility, and Trauma-Informed Care

First Nations in BC continue to be impacted by colonization and oppression, both at the individual and system level, and experience stigma, racism, and discrimination in their health care interactions. Recreational cannabis could be considered by First Nations as a potential mechanism to cope with inter-generational trauma. Currently, alcohol and commercial tobacco are among the substances being used for this purpose, and FNHA has focused on providing the proper education and resources around their many health risks. The establishment of culturally safe approaches should be considered in the context of First Nations dealing with inter-generational trauma. Since there is the possibility that those within our population may use recreational cannabis as a substitute for the medicinal option, they should have easy access to the appropriate information and resources that will help them make the best decision for their individual circumstances.

The factors around First Nations accessing recreational cannabis in a culturally safe manner should be considered within the established regulatory framework. This will help ensure that those who are accessing cannabis for the purpose of coping with inter-generational trauma are not facing the same stigmas and stereotypes associated with other substances. The province should also consider the development and funding of culturally safe and appropriate First Nations specific educational materials around the potential harms of cannabis.

Reducing Stigmas Around Cannabis Use

The province should consider how the overall stigma around cannabis consumption can be reduced. FNHA is focused on ensuring that First Nations in BC are supported through their healing and wellness journeys, and understanding and confronting long-held stigmas around substance use, including cannabis, is a valuable step towards encouraging people to pursue these journeys. For example, reducing stigmas could potentially increase the likelihood of an individual consulting their health care practitioners on potential cannabis usage for pain or trauma. Reducing stigmas may also encourage individuals to consider all the options available to them to address their pain and discomfort, including medicinal cannabis. Creating a positive, stigma-free approach to cannabis will ultimately lead to better health outcomes for both the individual and their communities.

Harm Reduction

Harm reduction is an approach to addressing substance use that is consistent with FNHA's vision of holistic wellness. It is based on respecting an individual's choices while providing a continuum of options to assist the individual, their family and their community on their path to sustaining or improving their health and wellness without judgement or shame. Pain management, and how cannabis can potentially be used to address this issue, should be considered by the provincial government. Furthermore, considering that both recreational and medicinal cannabis options will be available to the public, education and information about the best way for an individual to approach pain management remedies should be widely available to reduce the instances of cannabis misuse and abuse.

In addition, research suggests cannabis has been successful at reducing opioid dependency. Understanding the current opioid crisis in BC, and the disproportionate impact it has on the First Nations population, using cannabis as a strategy to lessen the dependence on opioids, or as an alternative to

prescribed opioids altogether, could be considered. It is anticipated that some individuals may turn to either medicinal or recreational cannabis as a strategy to reduce opioid dependency. It is important that the proper information and health considerations are being made available to guide them through this process, and that the positive and negative factors associated with both avenues of obtaining cannabis for this purpose are well understood from a health and safety context. Legalization will also provide more opportunities to undertake research in the area of opioid addiction and working towards solving the current epidemic.

Mental Health

Mental Health and wellness remains a top priority for First Nations in BC, with a particular focus on child and youth mental health and wellness needs. FNHA has a key role to play in addressing this priority through our governance and partnership roles, the services we deliver directly, and as a funder and supporter of community health services. For First Nations people, mental health and substance use challenges should be understood as *symptoms* of intergenerational trauma.

Research has shown that cannabis use has the potential to increase the risk of developing mental illnesses like psychosis or schizophrenia, and can increase the risk of suicide, anxiety and depression. It is crucial that the province recognizes the link between recreational cannabis use and increased mental health risks as a major concern. The Ministry of Mental Health and Addictions should consider the impact that legalization, and potentially increased usage of cannabis, will have on mental health issues, and associated services, in BC.

Injury Prevention

Injury prevention is an issue that is important to the overall health and safety of First Nations in BC. Injury rates among First Nations are higher than the general population, and reducing and preventing injuries caused by external influences before they occur is a key objective of the organization. In a province with a First Nations population as diverse as BC, there are many components that fall under the injury prevention umbrella. With the legalization of cannabis, there are three main areas of injury prevention that should be taken in to account.

- Vehicle safety – Motor vehicle crashes are a significant cause of injuries and death for First Nations in BC, and are higher than for non-First Nations people⁵. In addition, the age-standardized fatality rate for status First Nations remained more than double that of other residents of BC in 2006⁶. Impaired driving under the influence of tetrahydrocannabinol (TCH), the psychoactive component of cannabis⁷, is well-known as having an impact on driving ability. Road safety has also been one of the main concerns raised at both the federal and provincial levels for ensuring that the risks are both understood and minimized. More people driving under the influence of THC could lead to higher incidents of injuries and fatalities for First Nations in BC, so culturally safe, trauma-informed and destigmatized education and resources should be made available.

⁵ British Columbia Vital Statistics Agency. Regional analysis of health statistics for Status Indians in British Columbia 1992-2002. Victoria, BC: British Columbia Vital Statistics Agency; 2004.

⁶ *Where the Rubber Meets the Road: Reducing the Impact of Motor Vehicle Crashes on Health and Well-being in BC*. Provincial Health Officer's Annual Report; 2016.

⁷ Huestis, Marilyn A. PhD et al. Controlled Cannabis Vaporizer Administration: Blood and Plasma Cannabinoids with and without Alcohol. *Clinical Chemistry*; 2015.

- Water-related incidents – Drowning and boating incidents have also disproportionately affected First Nations in BC⁸, and are among the top injury prevention concerns for FNHA. It is important for people to understand the effect that TCH has on the body and how it can affect operating a boat, as well as awareness and response time while out on the water.
- Workplace safety and employment requirements – Workplace safety in all settings should be factored in to BC's approach to legalization, including for the many First Nations individuals who work in industries where the operation heavy and dangerous machinery is necessary. For example, the risks around operating machinery under the influence of TCH needs to be considered from both the perspective of the employer and employee, and the ramifications that cannabis consumption has on employment status and eligibility.

Substance Abuse and Addiction

Health concerns around mixing cannabis with other prescription medications is well researched and the risks are understood by those familiar with the issue. There are also multiplied health risks related to mixing cannabis with alcohol and tobacco. Studies have revealed that mixing alcohol with cannabis results in higher blood concentrations of THC. This can have impacts on reaction time and impairment and could increase the chance of injuries, such as car crashes, more than using either substance by itself. Research also shows that frequent and heavy cannabis use can cause physical dependency and addiction, and it is estimated that 9% of cannabis users will develop an addiction to it⁹. Knowing that First Nations in BC experience higher rates of substance use than the general population, it will be important that effective health resources and programming are properly established in order to minimize the negative health impacts. As a result, the availability of, and adequate access to, cannabis cessation options should also be considered.

In addition, the coming provincial framework should also take these risks into consideration when establishing a retail model. Stressing the importance of not mixing cannabis with alcohol, tobacco and other prescription medications will potentially minimize the occurrences of substance abuse.

Specific Populations

- Pregnant Women – Cannabis use from pregnant women and new mothers can affect the fetus or newborn child. Heavy cannabis use during pregnancy can also lead to a lower birth weight of the baby, as well as future issues pertaining to memory function, problem-solving skills, hyperactive behaviour and higher risk for future substance abuse. Ensuring that pregnant mothers who use cannabis are aware of these impacts is crucial. Using our knowledge about the health impacts of smoking tobacco and consuming alcohol during pregnancy, and the outcomes it can have on the child (e.g. Fetal Alcohol Syndrome Disorder (FASD), stillbirth and premature delivery), could be adapted for similar approaches and programming around cannabis consumption.
- Children and Infants – Toxins in cannabis are carried through the mother's blood to her fetus during pregnancy and in the breast milk following birth, which can lead to child development problems. There are also potential risks posed to children and infants following the legalization of household cultivation. The province should consider informing parents and families that there are risks around children and infants accidentally consuming and coming into contact with cannabis plants in the

⁸ Analytical Report on Aboriginal Open Water Fatalities: Promising Practices for Prevention. 20 years of research and surveillance. Canadian Red Cross; 2013.

⁹ Health Effects of Cannabis. Health Canada; 2017.

home. More research will be useful moving forward around the impacts on young children who are regularly exposed to cannabis plants as well as secondhand smoke.

- Youth – Youth are especially vulnerable to the effects of cannabis on brain development and function. A much higher percentage of First Nations youth in BC smoke tobacco than youth among the general population¹⁰, and it will be important to establish data collection and surveillance strategies that will accurately capture similar statistics for cannabis use among youth in the province. Despite the brain not being fully developed until 25, it appears likely that BC will have a minimum age for purchasing set at 18 or 19. The government will need to develop the proper resources and information around this health risk on the developing brain, and the long-term impacts it can have over a life span.

Secondhand Smoke

The dangers of secondhand smoke from cigarettes are generally very well understood, and this area is a key component of FNHA's tobacco education and programming. However, the health risks associated with secondhand smoke from smoking cannabis are not as widely publicized or comprehended.

The province should consider how areas designated for public consumption will increase the exposure to secondhand smoke. Additionally, a secondhand smoke awareness initiative should be developed so that those who choose to smoke cannabis are aware of the impacts it will have on people who are in close proximity, as well as the lasting effects it can have on children who live in the same residence as someone who regularly smokes indoors. Within this strategy, the successes from tobacco secondhand smoke programs should be adapted where possible.

Access to Recreational Cannabis

Approximately 40% of First Nations in BC live in semi-isolated, isolated or remote-isolated areas of the province¹¹. The eventual provincial framework, whether private, public or a mixed-model, will have an impact on access-related issues for our communities.

One of FNHA's primary concerns from the federal Task Force report was that much of the discussion was being focused on the urban environment and did not consider matters of access and control in rural or remote settings. Without proper avenues to access in rural and remote settings, it will not likely be economically feasible for many First Nations to obtain legal, quality-controlled recreational cannabis. This has the potential to result in continued illegal trafficking and illicit distribution networks. Regardless of the retail framework that BC decides on, ensuring that all areas of the province have access to safe and legal cannabis will help communities become safer and healthier.

Conclusion

FNHA is focused on maintaining and furthering our partnerships with the province around public health issues relating to First Nations in BC. **In accordance with the *British Columbia Tripartite Framework Agreement on First Nations Health Governance***, we expect that there will be future dialogues around the many issues associated with cannabis legalization, both during the development of a provincial regulatory framework and beyond the federal legalization date next July. Utilizing these partnerships to navigate through the many health considerations will result in improved health and wellness outcomes for First Nations in BC.

¹⁰ McCreary Centre Society. Raven's Children II: Aboriginal Youth Health in BC [Internet]. Vancouver; 2005. Available from: http://mcs.bc.ca/pdf/Ravens_children_2-web.pdf

¹¹ Office of the Indian Registrar. Indigenous and Northern Affairs Canada; 2017.



October 31, 2017

The Honourable Mike Farnworth
Minister of Public Safety and Solicitor General
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Dear Minister Farnworth,

RE: Cannabis Legalization and Regulation in British Columbia

Thank you for this opportunity to provide input on how cannabis will be regulated in our province. As a health care organization, the Population and Public Health team at Fraser Health is mandated with protecting and promoting the health and well-being of the citizens we serve and will be directly impacted by the legalization of cannabis.

The Tobacco and Vapour Products Control Program is responsible for the enforcement of the *Tobacco and Vapour Products Control Act* (TVPCA) and Tobacco and Vapour Products Control Regulation (TVPCR). This legislation regulates the use, sale, display, advertisement and promotion of tobacco and vapour products in the province. Our enforcement officers conduct regular inspections of approximately 1200 tobacco and vapour product retailers to ensure compliance with these laws. The Fraser Health Healthy Living/Healthy Communities program is also involved in tobacco related work. The focus of this group is smoke-free policy/property and tobacco reduction in our communities. The comments that follow are a collation of feedback from both groups.

Once Bill C-45 comes into force and cannabis is removed from Schedule II of the *Controlled Drugs and Substances Act*, cannabis will meet the definition of an e-substance under the TVPCA and will be subject to all of its requirements. Unless the TVPCA is amended, the regulation of cannabis intended to be used in an e-cigarette (as defined in the TVPCA) will automatically fall under our program's mandate.

Initial cannabis legislation should be consistent with tobacco legislation and be as stringent as possible to protect the youth of this province. The Population and Public Health team of Fraser Health has the following recommendations for your consideration:

Minimum Age

Fraser Health recommends that the province set the minimum age to buy, grow and publically possess cannabis at 19. This is consistent with the minimum age for tobacco, vapour products, and alcohol, and with the BC age of majority.

According to the Canadian Tobacco Alcohol and Drugs Survey (2015), the use of cannabis was the most prevalent among youth aged 15 to 19 (21%) and young adults aged 20 to 24 (30%)¹. In a 2017 survey conducted by the Canadian Centre of Substance Abuse², some of the reasons cited by youth to not use cannabis included fear for consequences, negative effects on body and mind, stigma of

¹ <https://www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-survey/2015-summary.html>

² <http://www.ccdus.ca/Resource%20Library/CCSA-Canadian-Youth-Perceptions-on-Cannabis-Report-2017-en.pdf>

being labeled as a user, and personal beliefs. Education and awareness campaigns through relevant platforms on the risk of cannabis use should be targeted to these age groups with a focus on these key points. Campaigns should begin before legalization.

Public Consumption

It is recommended that the province prohibit smoking and vaping of cannabis in public. Smoking and vaping of cannabis should be restricted to private residences.

While the TVPCA allows smoking and vaping in public, local smoking bylaws are further restricting where smoking is allowed. For example, municipalities such as Surrey, Coquitlam, Chilliwack and Abbotsford, further prohibit smoking in public parks, trails, and recreation centres. In the absence of scientific research on the effects of exposure to second-hand cannabis smoke, cannabis legislation should follow the trend toward restrictive smoking bylaws and prohibit the smoking of cannabis in public to protect citizens from potentially harmful effects.

Edibles possibly could be more appealing to those who would otherwise not smoke or vape cannabis. It's recommended that THC limits be enforced on edible products standardizing serving sizes. We recommend clear THC labelling and child-resistant opaque packaging to discourage children and youth from accidentally consuming edibles.

Public Safety and Protection

Personal possession should be consistent with the federal limit at 30 grams. The maximum THC concentration for non-medicinal use should not exceed 15 percent.

Cannabis impaired driving must be aligned with alcohol impaired driving. We recommend regulations that provide more opportunity for education and resources. A significant educational approach, including public awareness campaigns, to curb drug impaired driving and no minors in vehicle where cannabis is being consumed in any form must be well planned ahead of proclamation of cannabis legislation and subsequent policies.

Production and Distribution

Consideration must be given to cannabis production, e.g. who can grow it, how much they can grow and what growing practices they must adhere to. This should be overseen by the government and communicated clearly to the public.

Additional restrictions should be in place for personal cannabis production. Plants should be in an enclosed locked space to prevent accidental and/or intentional use by children. We agree with the provincial recommendation of a maximum of 4 plants to a height of 100 cm per residence.

Retail

One of the main objectives of the TVPCA and TVPCR is to restrict youth access to tobacco and vapour products. Any new legislation that regulates the sale of cannabis should align with this objective.

The current perception among youth is that cannabis is more readily accessible than alcohol as there is no legal age of access to cannabis, and many end up using cannabis as an alternative to alcohol.³ Cannabis sales should be heavily restricted and enforced.

Similar restrictions on the display, advertisement and promotion of tobacco and vapour products at the retail level should be put in place for cannabis. This means that cannabis and related accessories should not be displayed, advertised, or promoted in a manner that is visible or

³ <http://www.ccdus.ca/Resource%20Library/CCSA-Canadian-Youth-Perceptions-on-Cannabis-Report-2017-en.pdf>

accessible to minors. Municipalities may introduce zoning or licensing bylaws to restrict where storefronts may be located (e.g. cannabis storefronts may not be located near schools or daycares). We recommend restricting sales of non-medicinal cannabis in government owned and operated stores if possible.

Training requirements for cannabis retail store staff should have similar principles as tobacco. There should be training for the recognition, selling and serving of cannabis. Perhaps "Serving it Right" could be revised to provide training on drug impairment as well as alcohol.

One of the gaps with regards to advertising and promotion under the TVPCA and TVPCR is that there are currently no restrictions on the promotion or advertisement of tobacco or vapour products outside the retail store, including exterior signage, sandwich boards, flyers and sign spinners. Cannabis legislation should ensure that advertisement and promotion outside the retail store is restricted.

Regardless of whether the retail system will be public, private, or a mix of both, clear jurisdictions with respect to enforcement should be laid out and enforcement officers should be provided with adequate resources such as personnel, training and educational materials. To ensure smooth implementation, these resources should be in place ahead of July 1, 2018.

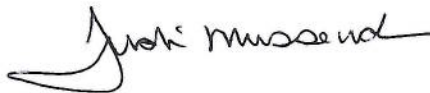
Cannabis generated revenue should be used for stricter and vigilant enforcement resources, research, help develop harm reduction strategies combined with increased public education and awareness campaigns on ongoing basis. A provincial cannabis task force should be established to help address the above.

Canadian youth are the top users of cannabis in the developed world.⁴ Youth access is one of the most important issues to consider when drafting new cannabis legislation. We are hopeful the provincial government will consider our above recommendations.

Sincerely,



Inderjeet Gill
Fraser Health
Population & Public Health
Manager, Health Protection



Judi Mussenden
Fraser Health,
Population & Public Health
Manager, Healthy Living/Healthier Communities

IG/hp

⁴ https://www.unicef-irc.org/publications/pdf/rc11_eng.pdf

Cannabis Legalization in British Columbia Discussion Paper Review

Wil Marsden, Director of Green Energy

Gltanyow Hereditary Chiefs Office

October 2017

This review reflects the opinions of the Gitanyow Hereditary Chiefs on the 'Cannabis Legalization and Regulation in British Columbia Discussion Paper' and the approach and model required to ensure certainty and safety for our community.

Background:

For the past 6 years, the community of Gitanyow and the surrounding areas have had cannabis oil and education on its properties made available to them. This has led to the successful treatments of several cannabinoid deficiencies including cancer, diabetes, arthritis, fibromyalgia, etc.

Since the free delivery of cannabis oil education started in Gitanyow in 2012, there have been a total of 2 cured cancer treatments, 2 successful ongoing cancer treatments, 1 successful management of diabetes, 1 successful treatment of fibromyalgia and 5-25 community members using daily maintenance doses (25mg) of cannabis oil found within the Rick Simpson Protocol. A few others have passed on without cannabis oil treatment due to a personal distrust of cannabis and/or the unavailability of 'legal' cannabis.

The community of Gitanyow has been educated on the Human Endocannabinoid System (ECS) and its important relationship to the immune system. Proper daily maintenance doses of 25 mg daily has proven successful in the treatment of elderly with metastatic prostate cancer. Diabetes has been successfully managed when cannabis oil is available. When applied topically by members of the community, cannabis oil has healed third degree burns within days with complete pain relief. When applied topically by community members with breast cancer, post surgical lung afflictions such as mucous, phlegm and cough are dismissed within minutes with complete relief. Most if not all chapters of the Rick Simpson Protocol have been tested and proven successful in the community of Gitanyow.

Free copies of the Rick Simpson Protocol are available to community members for download on social media, and home delivery is offered.

The community of Gitanyow and the surrounding areas are being educated slowly about the importance of keeping a balanced ECS and keeping ECS receptors active to fend off cannabinoid deficiencies which requires daily access to cannabis oil and a reliable supply.

Based on these successful treatments with cannabis and cannabis oil, the Gitanyow Hereditary Chiefs have formed an on-reserve dispensary that will ensure the safe delivery of cannabis and other medicinal plants to its membership.

The Kitwancool Medicinal and Wellness Group, Ltd. (KMWG) is owned and operated by the Gitanyow Hereditary Chiefs and will offer a safe and secure supply of medicinal plants. It will

take the lead in the implementation of the *Kitwancool Medicinal and Industrial Hemp Plan* under the Gitanyow-Canada Federal Reconciliation Framework.

There are a great number of community members who suffer from cancer and disease because of poor diet, potential Radon exposure and other limitations brought on by living on a reserve. It is the opinion of the Gitanyow Hereditary Chiefs that cannabis and other medicinal plants on the Lax Yip must be protected and available to continue healing the Aluugigyet (the People).

Unemployment in the community is very high and cannabis legalization will allow community members to own and operate cannabis co-ops, open field crops, greenhouse operations, hemp biodiesel, textiles, and other business venture opportunities brought on the legalization of cannabis.

There should be no law against any plant that was given to us by Simogit Lax Ha (God/Jehova/Allah). Traditional law will be reconciled with Federal and Provincial laws to allow for the protection of medicinal plants on the Lax Yip (Traditional Territory).

Aboriginal Rights and Title:

- The Gitanyow are title holders to 6200 km² of Lax Yip in the Nass and Skeena watersheds and reside in the community of Gitanyow BC.
- Village sites along the Nass were established by the Gitanyow Lax Gibuu and Ganeda and are now vacated due to the federal reserves imposed on the Lax Yip.
- Gitanyow have occupied and protected their Lax Yip since time immemorial and have the aboriginal right and title to utilize their Lax Yip for cultural, ceremonial, and economic purposes.
- All medicinal herbs and plants found and cultivated on Gitanyow Lax Yip are protected under Gitanyow Ayookxw (traditional law).
- The aboriginal right to protect the medicinal plants found and cultivated on Lax Yip will benefit the overall health of the Aluugigyet.
- Gitanyow have traded medicinal plants and seeds with indigenous and non-indigenous peoples since time immemorial.
- All proposed medicinal and industrial cannabis crops and operations on the Lax Yip will be implemented under the *Kitwancool Medicinal and Industrial Hemp Plan* and implemented jointly under the Gitanyow - Canada Reconciliation Framework.

Reconciliation:

- Cannabis use and the right to grow crops on the Lax Yip and heal the Aluugigyet is part of the Gitanyow-Canada Federal Reconciliation Framework.
- Government to government agreements with First Nations will allow for the incremental legalization of Cannabis as each agreement will be bound under traditional law protecting all traditional medicinal found on traditional territories.

- Government to government agreements will give First Nations capacity to independently own and operate hemp green energy opportunities.

Economic Value of Cannabis:

The Kitwancool Medicinal and Wellness Group, Ltd. was established by the Gitanyow Chiefs who have recognized the medicinal and economic value of medicinal and industrial cannabis crops and have the rights and title to the Lax Yip.

kitwancool.com is owned and operated by the Gitanyow Hereditary Chiefs and will offer a secure medicinal supply of cannabis and other medicinal plants to the Aluugigyet and will be the outlet for all cannabis crops found within the *Kitwancool Medicinal and Industrial Hemp Plan* which includes controlled cannabis fields, greenhouse production and green energy hemp biodiesel plans.

All proposed medicinal and green energy cannabis crops on the Lax Yip are legal and protected under Gitanyow Ayookxw (Traditional Law).

Medicinal Value of Cannabis:

The KMWG educates the community of Gitanyow and surrounding communities in the health benefits of balancing and activating the Human Endocannabinoid System. Free cannabis oil education to those suffering from cannabinoid deficiencies in the community has led to successful treatment of cancer, diabetes, arthritis, and fibromyalgia for the Aluugigyet.

Rick Simpson Protocol / Human Endocannabinoid System:

- Endocannabinoid Receptors are primarily found in the blood stream and vital organs and form the human ECS.
- Cannabis balances the ECS by activating all inactive Endocannabinoid receptors slowly according to the Rick Simpson Protocol.
- Intoxication is present when inactive receptors are activated in mass amounts via. smoking, ingesting, vaping.
- Impaired psychoactive effects of THC and Intoxication are a result of massive imbalanced ECS receptors.
- A balanced ECS and receptor activation in accordance to the Rick Simpson Protocol eliminates all signs of intoxication.
- Activation of ECS receptors applies to all forms of cannabis consumption depending on the form of activation.
- If slowly activated in accordance to the Rick Simpson Protocol all ECS receptors will remain activated and ECS becomes balanced.

- Education on pure cannabis extracts as found in the Rick Simpson Protocol is available to protect the health of the Aluugiyet. This protocol has proven successful in the treatment of cancer patients in the community of Gitanyow.

Comments:

In order for government and the public to make a meaningful decision on cannabis legalization, each must be educated on the health benefits of cannabis and its relationship to the ECS and immune system. Workshops should be made available to health professionals so that they can make the best educated decisions on healing (not just treating) cannabinoid deficiencies such as cancer, diabetes, arthritis, etc.

Once public education has been achieved medicinal and industrial plans can be implemented under government to government agreements between Canada, BC, and First Nations.

The Gitanyow-Canada Reconciliation Framework 2017 allows for a cannabis legalization model that identifies aboriginal title holders and their right to heal and bring economic certainty to their people.

The Reconciliation Framework will allow for on-reserve dispensaries; pharmacies and clinics with doctors and nurses trained in the ECS.

Minimum Age:

Cannabinoid deficiencies are not age restricted. There should be no age limit for cannabis availability. Autism, Epilepsy, and other deficiencies are all successfully managed by cannabis.

Cannabis Vs. Alcohol/Cannabis Vs. Pharmaceuticals::

Cannabis is a very useful tool in removing dependence on alcohol and other harmful substances.

Until the public has been educated on the ECS the same retail model can apply to both cannabis and alcohol with age limit of 19.

Cannabis communicates with the immune system to heal disease and is proven to heal the damage caused by long term pharmaceutical abuse. Cannabis should be available in pharmacies with no age limit with a prescription.

Cannabis should be available in dispensaries, liquor stores, and pharmacies - pre and post public education on the ECS.

Personal Possession, Adults:

Adult personal possession should not be restricted in any form other than to prevent black market sales or trafficking. Possession is not criminal and should never result in criminal charges. Trafficking is criminal.

Personal Possession, Youths:

Until there is massive public education on the ECS youth possession can be restricted and limited to a doctors note and totally dependant on the condition of the individual.

Those suffering from Endocannabinoid deficiencies who manage their afflictions with cannabis should not be punished. Daily cannabis use has proven successful in the treatment of epilepsy, muscle pain, irritable bowel and other afflictions affecting our youth.

Public Consumption:

Same restrictions as cigarettes and alcohol for smoking cannabis. No restrictions for ingestion or vaping cannabis.

Drug Impaired Driving:

Once all ECS receptors are activated all signs of intoxication are removed. Any individual can follow the Rick Simpson Protocol and consume 2+ grams of pure cannabis oil extract and still drive any air, land or sea vehicle. (2 grams of pure 99% cannabis extract oil is equal to eight 1 gram joints in one dose) This is true in balanced ECS via. Rick Simpson Protocol or life long experienced ECS.

There should be no punishment for driving on cannabis: there is none on the Lax Yip.

Personal Cultivation:

A balanced ECS and daily maintenance dose of 25 mg will require a constant supply for the individual in need.

The current prices found on dispensaries make it nearly impossible to afford the amount of cannabis required to treat cannabinoid deficiencies. A constant at-home supply will be required.

There should be no limit on the amount of plants grown at home unless there is a threat of trafficking. There is no limit on the Lax Yip. Voluntary crop information can be used to monitor home grows and there impact to the local supply.

Legalization will allow for families to designate family members for crop production to ensure constant supply for families in need benefiting the overall health of the household.

Distribution Model:

- Pharmacies for government revenue.
- Dispensaries for personal and corporate revenue.
- Liquor Stores for government revenue.

Retail:

Provincially and federally registered as any other corporate or agricultural company.

Conclusion:

The Gitanyow Hereditary Chiefs feel that First Nations agreements with government will allow for each First Nation to follow their respective laws on medicinal plants.

The Cannabis Act and all its restrictions imposed on cannabis would put the Aluugigyet in danger and is therefore unacceptable and would be deemed illegal under the Ayookxw.

Indigenous People of the world deserve the right to heal themselves with traditional medicine regardless of country of origin. The indigenous and non-indigenous people of Asia, the Middle East, the UK, and eastern Europe have all traditionally healed themselves with cannabis and traded their medicines along trade routes the world over.

This aboriginal right must be protected and is in danger under current Cannabis Act draft legislation.



A Response to the Task Force on Cannabis Legalization and Regulation

OCTOBER 2017

The Greatful Med Cannabis Society

OCTOBER 2017

The Right Honourable Justin Trudeau
Prime Minister of Canada

The Honourable John Horgan
Premier of British Columbia

The Honourable Jody Wilson-Raybould
Minister of Justice and Attorney General of Canada

The Honourable David Eby
Ministry of Attorney General British Columbia

The Honourable Ginette Petitpas Taylor
Minister of Health

The Honourable Ralph Goodale
Minister of Public Safety and Emergency Preparedness

Dear Ministers,

Please find attached our response to the work of the task force on Cannabis Legalization and Regulation.

Our response is the product of 20+ years of accumulated knowledge and experience of the owner and operator of Greatful Med, Michael Barcellona. And from the staff he's trained to work at The Greatful Med Society, our costumers, growers and neighbourhood businesses. We would like to present you with our Mom and Pop journey in regards to the framework of recommendations.

Michael Barcellona



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INTRODUCTIONS

My name is Michael Barcellona I own and operate Greatful Med Cannabis Society at 211 E 16th Ave Vancouver BC. I have been a strong proponent of cannabis since my teenage years.

Today I'm presenting to the British Columbian and Canadian government a perspective from the grass roots, the Mom and Pop entrepreneurs with regards to moving cannabis into the BC economy.

Allow British Columbians who have been in the industry to merge into the framework. Please don't allow the lion share to go to deep pockets that have not been on the frontlines of this work of civil disobedience. Give those of us in this space the opportunity to continue to make BC Grown cannabis the envy of all. We have an economic opportunity in an industry established on skirts of civil disobedience, let us continue in cooperation with colleagues to bring high quality BC Bud to market. Grow BC, Buy BC.

We have been in the Mt. Pleasant neighbourhood for 3 years and have been challenged by the City of Vancouver with closure. Greatful Med (Michael Barcellona) successfully won both challenges brought by the City of Vancouver. The Board of Variances of Vancouver granted a 4-1 victory in our favour for the first challenge and 2-1 victory in our second challenge of certification from the City of Vancouver. We at Greatful Med have worked to be prepared for this transitional time of new regulations. Having been vetted by the City of Vancouver and the Mt. Pleasant community to be upstanding and willing community members, we are in the final phase of licensing. I'm asking the government to allow the Mom and Pop entrepreneur to be able to continue providing Vancouver with what has become an everyday part of community life.

British Columbia must allow the Mom and Pop entrepreneur to enter into the cannabis space created by them. Let us prove to you, the B.C. government what we have already proved to the City of Vancouver and the Mt. Pleasant community. I've come too far to stop now, I know that the needed innovation will come from years of experience. Large Producers (LP's) are without the knowledge that the grower community has accumulated over decades of experience.



INTRODUCTIONS

My name is Ellen Hendrix; I'm assisting Michael in preparing these recommendations for the British Columbian government. I came to the Greatful Med two and half years ago as a customer. I started to use cannabis occasionally for recreational purposes in 2015. Then the 'side effects' started happening, having suffered with arthritis I found walking difficult because of the pain, but using CBD I started walking regularly, I'm thankful for the help of the Greatful Med and the positive changes cannabis has been to my health.

I now work at the Greatful Med. I'm paid a living wage, considering minimum wage is 11 dollars in BC I appreciate earning a wage that is meeting my needs and reflecting the experience I bring to the job. My hope is that in this transition to a government regulated market, that the Mom and Pop shops that helped me and so many others are not crushed by bureaucracy.

The Greatful Med employee's eight people, together we have built a positive relationship in the Mt. Pleasant neighbourhood that continues to develop and grow. It is the small business owners in the cannabis space that want to have fair and equal opportunities at full transparency working within the new regulations. Give us this opportunity to show that we can work with the province; we have been self-regulating since 1998 with positive results.



CONSIDERING PUBLIC HEALTH APPROACH AND OBJECTIVES

“Nevertheless, the Task Force acknowledges that..., the harm associated with the use of tobacco or alcohol are greater than those associated with the use of cannabis” (Force, 2016) Our recommendation is to avoid stricter regulations than those imposed on alcohol and tobacco and that relevant, and current information be used to educate and inform regulations.

THC levels should be tested so the consumer has that information, aiding their decision for the proper uses of THC and amounts for them. Medically there are many known and yet to be evaluated benefits to THC especially in pain management. But placing higher taxes in a recommended two-tier system will become a Charters debate, while those in need are priced out of the market. (Hill, 2016)

Testing facilities that come under government regulations should be open to all Canadian growers for plant evaluation. Bringing growers into the regulatory system, where their product can be tested and brought to market meeting industry standards.

The legal age of purchasing cannabis should fall in line with tobacco and alcohol in regard to recreational use, medicinally though an age would fall under the parent's/child's rights and the doctors recommendations as with most medications given to minors. Acknowledging this is a plant, that cannabis is in a unique category one that differs greatly from hard alcohol and tobacco. Cannabis should not lose in the short term for large pharmaceutical gain by trying a blanket control of this varied plant.



ESTABLISHING A SAFE AND RESPONSIBLE SUPPLY CHAIN

The task force referred to 'good production practices' will these practices price the current growers out of the market? Will the cost of licenses and requirements keep those in civil disobedience (illicit) who want legitimization out of transitioning in to the new framework?

Grow BC, Feed BC, Buy BC this is our current provincial government platform. There are many families, individuals and business that have benefited from BC cannabis income. BC is already the leader of cannabis growth, variety and standards in this country, estimated at supplying 40% of Canada's cannabis and 11% of the worlds. (Eagland, 2017) Those in the industry are proud of what has been done in BC. In collaboration with the regulation and legalization of BC's premium product we hope we will continue to bring economic strength to British Columbia and Canada, given the opportunity.

Dedicated 'storefronts' have been in the city of Vancouver since 1998, these Mom and Pop shops should be left in the hands of the entrepreneurs. The current entrepreneurs in cannabis would like a part on the advisory panel of vintners, brewers and craft distillers, the cannabis industry falls somewhere within these three. (BC, 2017) We would like to participate with craft industries in bringing our part of BC products to market.

All of our costumers have expressed that the dispensary model is what they want to continue to enjoy. They have clearly expressed a strong dislike for cannabis being sold in liquor stores and/or Drug Stores. Our experience as a unique boutique has proven to be a wonderful asset to Mt. Pleasant.

There is no industry quite like this for the middle class Mom and Pop entrepreneurs. We hope you are hearing a clear and strong message. From a review on Leafly and a sample of what our community feels about us;

Bigbreezy 6 days ago

"I ran out of meds while waiting for delivery from my LP so I thought I'd check out Greateful Med The atmosphere is really chill and they were stacked with every type of product. Great selection and helpful staff. I wasn't rushed at all and the bud tender was more then happy to go through there's meds until I found the right one. Super professional, knowledgeable and overall great experience. Will be my new go to."



ENFORCING PUBLIC SAFETY AND PROTECTION

Personal possession under a regulated system with a recommended limit of 30 grams per individual and acknowledging MMAR or ACMPR license holders has exemptions. As with alcohol and tobacco there is no limit on purchase amounts in government regulated stores. We would like to caution against over correction and set a personal limit of 30-45 grams.

Dispensaries have been operating since 1998 in Vancouver. These shops have been self-regulating all this time, where have the impact studies been?

“By examining crime rates following the mass closure of 400 unregistered medical cannabis dispensaries in Los Angeles in 2010, researchers have shown that closing dispensaries is actually more likely to result in an increase in neighbourhood crime.” (Chang, 2017)

UBCO study recommends letting civil disobedient (illicit) pot shops to stay open. Their study is recommending not modifying a distribution system that is working. With self-regulation these Mom and Pop shops have, as is the case with The Greatful Med, an established business that assist loyal costumers, and has created jobs. (Waters, 2017)

Driving under the influence of cannabis is being studied for an effective test to determine intoxication. There is no tolerance for risking driving while impaired; the education of the public will hopefully have the same impact as not drinking and drive has had. The debated THC level in blood is deemed unreliable and time constraints of collecting the blood affect the outcomes. Drug Recognition Expert (DRE) believe training in combined observations of psychophysical and eye exams are the best markers for impairment. (Hartman. Rebecca L., 2016) Training and administering as well as looking for better detection will be a key challenge for the government. The labeling used at the Greatful Med, comes with warnings about driving while using. We will continue to responsibly place label warnings on products.



MEDICAL ACCESS

The procedure to acquire medicinal cannabis is cumbersome and has little selection. It is important that we don't lose the central fact: cannabis is a plant. New ideas, methods, devices that develop as our understanding and knowledge of cannabis grows, that innovation will come from the collective cannabis community. Our hope is these opportunities will not be regulated to an institutional system whose restraints leave many out of the development prospects.

I (Michael Barcellona) was diagnosed with ulcerated colitis and have treated it with western medicine and with cannabis. Using cannabis, and specifically CBD 10ml gel cap 4/day I am symptom free and have reintroduced certain foods with none of the previous symptoms returning. I look forward to new research conclusions that will provide many people with alternative choices to addictive opioids. We are happy to participate in gathering information for ongoing studies on the medical uses of cannabis.

I would be very happy to assist the NDP government to work fairly with the Mom and Pop entrepreneurs and the many BC residents have the support they need during this transitional time.



IMPLEMENTATION

Laboratory testing has been established in the civil disobedience (illicit market, our desire is to see these independent operations receive further licensing so they can continue to serve the industry. The government will save on set up costs; training and can receive the data required for research and surveillance. There are many individuals, families and businesses looking to migrate to legalization, is the system ready for the volume of hard working people that make their lively hood in this industry?

As more and more research grants are set aside for cannabis our recommendation is that first considerations should go to those in the established market.

Given the volume of cannabis cultivation in BC why does Ontario have double the amount of 'authorized Licensed Producers'? We would encourage the BC government to move with the BC cannabis industry demanding more opportunity from the federal government. As the established leader BC should have a place at the table to lead Canada, not just with our premium products but also in the new system, adaptable in meeting the needs of all Canadians. Governments do not need to spend large amount of tax dollars to start the process. The cannabis community has invested millions in growing facilities, storefronts, testing laboratories and innovation within the edible sector of cannabis. It is not the LP's that have the deep-rooted knowledge, it is the people who have put their money, many aspects of their lives on the line to come to this point... we demand a chance.



SUMMARY

- All Canadians should be able to test any cannabis product, not just ACMPR (Access to Cannabis for Medical Purposes Regulations) holders (presently only ACMPR holder can test).
- Allow the Mom and Pop's first offerings on growing and dispensary licenses in BC.
- 18 years of age for purchase recreationally and guardian supported medical options.
- No storefronts to be run with/by liquor boards, it will cost too much to implement, provincial governments will be held accountable for the failure and massive cost overruns to implement.
- To restrict or impose extra taxes on high THC will affect people with fixed and low income. Many people with long-term disabilities, generally on restricted income will be unduly burdened. The process for medical prescriptions is cumbersome and expensive.
- Allow BC growers to have their cannabis tested to be sold in the free market.
- Allow present Vancouver City of licenced dispensaries first right to be vetted for provincial approval.
- The Greatful Med Cannabis Society has completed the 3rd and final step of MMRU (Medical Marijuana-Related Use).



CONCLUSION

We hope that our recommendations, experience, and community sentiments allow you to hear the voice of the people as they have expressed to us. If you base your political merit on listening to your continuants we hope we have been loud and clear.

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October 30, 2017

Honorable Mike Farnworth
Minister of Public Safety
And Solicitor General

Dear Honorable Farnsworth,

We received your letter from September 28, 2017 regarding the federal legalization of non-medical cannabis.

As a small First Nation community in BC, we have been the casualty of both the federal and provincial governments of the day.

Our community has suffered from those who are addicted and affected by drugs and alcohol. We have mixed feelings on legalization of non-medical cannabis. We have tried to curb the sale of illegal drugs and alcohol. There are a number of illegal sales of drugs such as cannabis ongoing.

Our Council has enforced a Village Council Resolution that any member caught selling illegal drugs will be exiled from our Village.

Although several members claim cannabis assists them with their pain, we do need a medical paper on the use and medicinal claims with which the legalization of cannabis is being approved.

We are concerned about the safety of our young people and of our members who may be jeopardized by unwanted criminals.

We urge both governments to consider not only our community but the well-being of all residents of BC.

Thank you for the opportunity to provide our comments about this matter.

Sincerely,

Dora Wilson
Dora Wilson, Chief
Hagwilget Village Council

Cc Hagwilget Village Council

Cannabis Policy and Regulation to Protect and Promote Health and Safety

The Health Officers Council of British Columbia

October 31 2017



Disclaimers:

This paper represents the views of the Health Officers Council of British Columbia. It does not represent the views of the organizations for which the members work or are affiliated.

This paper provides the initial best advice of the Council at the time it was prepared. Due to the early stage and rapidly evolving nature of this issue this advice may change consequent to evidence that may emerge or further discussions on this topic.

Introduction

The Health Officers Council of British Columbia (HOC) is pleased to provide input to the BC Government process to legalize and regulate cannabis. HOC is a registered society of public health physicians who, among other activities, advise on and advocate for public policies and programs aimed at improving the health of British Columbians.

Our recommendations are based on the report the Chief Medical Officers of Health and Urban Public Health Network to the federal Task Force.¹ HOC supports this report, which contains the background, rationale, references and a number of detailed recommendations, and we suggest the Province use it as a guide. The following are particularly important and relevant to provincial regulation of cannabis:

Principles

Explicit articulation of guiding principles is critical to guiding decisions about both regulatory and non-regulatory measures. We recommend that the following principles be adopted and explicitly articulated:

1. Promote and protect health and safety. This includes:
 - empowering and supporting autonomy of individuals to make informed decisions about use and potential benefits and harms;
 - holding individuals responsible and accountable for actions that harm others;
 - Showing compassion, without stigma or discrimination for people adversely affected by their use of cannabis and providing accessible, evidence-based services for people experiencing problematic use.
2. Proceed with much caution, and err on the side of more restrictive regulations. It is easier to loosen regulations than to tighten them afterwards, should evidence indicate that such loosening will not adversely affect health and safety.
3. Use available evidence to inform policy making.
4. Address determinants of health, equity, and support community development. This includes attending to social justice, racism, respect for human rights and freedoms, respect for spiritual and traditional practices, and consideration of issues that place marginalized populations at increased risk of cannabis-related harms.
5. Fund the regulatory regime and other public health and safety measures adequately.
6. Carefully evaluate, and be prepared to make course corrections.

¹ Chief Medical Officers of Health of Canada & Urban Public Health Network. *Public Health Perspectives on Cannabis Policy and Regulation*. <http://uphn.ca/> (bottom right hand corner). 2016

Purpose

We appreciate that the Province has stated that health and safety, protecting young people, and road safety are priorities, along with reducing criminal involvement. We suggest that an additional goal of improving equity also be a priority, as equity is strongly linked to health, while inequity is detrimental to health. These goals should be enshrined in legislation to ensure long term fidelity to the original purpose of this initiative.

Objectives

Explicit objectives are essential to keeping on track and evaluating results. We suggest the follow objectives:

Prevent cannabis related morbidity and mortality. This includes preventing:

- risky use (e.g., heavy/frequent use, concurrent use with alcohol, impaired driving, use of concentrated products) and harmful routes of consumption (e.g. smoking with tobacco; frequent or heavy smoking);
- child and youth developmental and school problems from cannabis use;
- poisoning and injury, including from false claims and unsafe products;
- aggravation of health inequities due to disproportionate adverse effects on vulnerable populations such as youth, people with mental disorders, pregnant women and their unborn children, and socio-economically marginalized communities, including many Indigenous communities;
- cannabis related work place problems; and
- harm related to illegal markets (e.g. sexual exploitation and violence).

Preventing morbidity and mortality can be achieved by:

- limiting demand, availability, and accessibility;
- increasing public awareness and knowledge;
- preventing and/or delaying onset of non-medical use by young people;
- preventing normalization without stigmatization i.e. avoiding cannabis use becoming normalized like alcohol; and
- having the least risky formulations of substances be the most accessible.

Unintended consequences of legalizing and regulating cannabis can be avoided by:

- preventing stigmatization/discrimination of people experiencing problematic use;
- improving equity by regulating production and distribution through business models and taxation schemes that create reasonably paid jobs and fair wealth distribution and that avoid wealth concentration in few people; and
- ensuring comprehensive evaluation including establishing specific measures and clear targets, getting good baseline data, regularly collecting data to monitor trends, and reporting.

Strategies and Practices

A comprehensive public health and safety oriented approach to cannabis should include:

1. Health protection

Control Structure: Establish a control structure through an arm's-length from government agency with a clear mandate guided by public health and safety goals and objectives. This would allow for stability and clarity of focus, provide insulation from industry influence, and would resist pressures for revenue-generation that would undermine the protection of public health. Control supply through a government monopoly and supply management systems.

Product: Clearly inform users of the constituent concentrations. Packaging should be done in a way that makes single serving/single dose abundantly clear and warns about proper use and adverse effects, through labelling and other mechanisms. Subject all products to rigorous quality control standards.

For raw product sales, only bulk products for smoking, vaping, or personally processing into such products as edibles for personal use should be sold. Pre-packaged raw products such as cigarette type joints should not be allowed as these could facilitate marketing, promotion and glamorization of cannabis, as happened when tobacco began to be sold as cigarettes.

Processed products for ingestion should be required to follow food safety requirements, but should be considered drug containing products and be subject to stringent requirements to prevent them from entering the food supply system and being confused with food products. Define specifically in legislation the limited range of processed products that will be allowed in BC so that they can be tightly controlled. Limit the THC concentration of products sold in BC for non-medical purposes to those with a THC concentration of 15%.

Age: Brain development continues through youth into young adult-hood and is more vulnerable to the effects of psychoactive substances during this period. Higher minimum age for purchase of alcohol reduces the number of motor vehicle crash injuries and deaths. Based on current knowledge, the minimum age of purchase for alcohol, tobacco, and cannabis should be somewhere in early to mid-20s. However, logistics of enforcement, public acceptance, and the goal of undermining the illegal market need to be considered. If the province starts with a legal purchase age of 19, we recommend aspiring to a legal age of sale of 21, combined with a commitment to raise the tobacco and alcohol purchase age to 21. Exemptions for medically indicated use for those younger than the minimum age will be needed.

Retail: Ensure that retail outlets and points of sale are non-promoting in nature (e.g. minimal external displays, limitations on signage), with no point-of-sale advertising or promotions.

Retailers should not be allowed to sell cannabis with products not related to cannabis. In particular there should not be co-sale with tobacco and alcohol products.

Sales or other promotional events such as “happy hours” should be prohibited.

Clustering of retail locations should be avoided. Minimal distances from schools and alcohol outlets may decrease use among youth and use with alcohol.

Shops and consumption locations should be required to include health promotion messaging, have restricted hours of sale, and sell products from behind the counter only.

Pricing: Limit levels of consumption, and thereby harm, by maintaining prices at a highest level possible without encouraging an illegal market. Prices should be linked to THC concentration. This may be done through taxation and other measures.

Consumption: Smoking and vaping cannabis products should be restricted in the same way as tobacco smoking and vaping are to avoid modelling behaviour that could undermine tobacco reduction initiatives, and to prevent second-hand cannabis smoke exposure.

2. Health promotion

Promote equity by establishing a system that allows for a range of size of growers, including ensuring that smaller growers are able to make a reasonable living.

Enable people who choose to use cannabis to increase control over, and improve their health by providing them with the knowledge, skills, and abilities to use cannabis in ways the minimize health risks and maximize benefits. This includes evidence informed public education, and school-based education in all schools, as part of life skills education programs.

The proposed federal allowance of personal production will empower those interested with self-control over their own cannabis supply and will likely decrease harms associated with the illegal market by further undermining its customer base. Avoid overzealous enforcement of personal production limits to not perpetuate harms associated with arrests, charges and criminal records.

Enhance programs that shape the social and physical environments to support health and wellbeing such as supporting healthy pregnancies, enriching early childhood development, ensuring adequate support for child rearing, ensuring adequate housing, income and nutrition. These are not only important health promotion measures for primary prevention of problematic cannabis use, but important for preventing all problematic substance use.

Many factors associated with problematic drug use among youth are associated with other problems. These include housing instability, physical and sexual abuse, school and ethnic/cultural connectedness, a limiting physical or mental health condition or disability, and a family history of suicide attempts.² Problematic youth drug use often has roots in adverse early childhood experiences and/or socio-economic circumstances, and can in part be understood as a symptom of underlying biopsychosocial distress, rather than a condition simply caused by drugs. Prevention of problematic use of cannabis, as well as harms from other drugs, alcohol, and

² Smith, A., Peled, M., Poon, C., Kovaleva, K., Stewart, D., & McCreary Centre Society. *Blunt talk: Harms associated with early and frequent marijuana use among BC youth*. Vancouver, BC: McCreary Centre Society. http://www.mcs.bc.ca/pdf/blunt_talk.pdf. 2016.

tobacco requires continued attention to the determinants of child and youth health, including providing adequate resources and support to lead healthy and meaningful lives.

3. Harm-reduction

Adopt and implement the lower risk cannabis use guidelines that have been published.³ These should be tailored to higher risk populations such as youth, people with low literacy, and include gender and cultural considerations. Incentivizing lower risk products, such as lower concentration products will likely assist with reducing harm. It will be important to determine the best ways to minimize harms of smoking and of non-smoked products such as edibles.

4. Injury and disease prevention

Prevent impaired driving and other negative consequences including injuries incurred while under the influence. Impaired driving measures to consider include having “zero tolerance” for drivers with learner and novice licences. The high risk of combining alcohol and cannabis needs to be highlighted with detection of both products meriting more severe penalties.

Monitor for diseases potentially related to cannabis consumption e.g. smoking related diseases and psychoses, and institute prevention measures.

5. Emergency preparedness and response

Be prepared for potential product hazards and the need to recall contaminated products.

6. Services for people who develop problems

Treatment for people with problematic substance use is already insufficient in comparison to the enormity of the need, and the health and social consequences of these health issues. This is in part a reflection of historical and current societal stigmatization and discrimination of people with these problems, including prohibition and criminalization of currently illegal drugs. The BC Government should anticipate an increased demand for services to assist people deal with problematic cannabis use and should further invest in evidence based interventions, while disinvesting in programs that have little evidence of efficacy.

7. Intersection with provision of cannabis for therapeutic/medical purposes

Ensure that unapproved claims of health improvement or health benefit are prohibited in the retail environment. Make available, for both patients and providers, accurate information about indications, adverse effects, risks of use and ways to mitigate risks overall.

³ Fischer, B., Russell, C., Sabioni, P., van den Brink, W., Le Foll, B., Hall, W., Rehm, J. & Room, R. (2017). Lower-Risk Cannabis Use Guidelines (LRCUG): An evidence-based update. American Journal of Public Health, 107(8). DOI: 10.2105/AJPH.2017.303818.
http://www.camh.ca/en/hospital/about_camh/newsroom/news_releases_media_advisories_and_backgrounds/current_year/Pages/Public-health-guidelines-aim-to-lower-health-risks-of-cannabis-use.aspx

8. Health Assessment, Surveillance, Research and Evaluation

This is a large scale societal experiment and uncertainty of the impact of cannabis regulation underscores how critical it is that it be rigorously evaluated. Baseline data is needed before regulations around cannabis change so that the desired pre and post-intervention information can be properly captured. There must be adequate resources dedicated to monitoring and research to detect problems early, make course corrections, and document and successes.

9. Working with Indigenous Communities

Indigenous governments will likely have important responsibilities and roles to play in this initiative, and their engagement will be essential. However, we do not comment further on these issues as we have not engaged with representatives of Indigenous governments in preparation of this paper. We recommend that the BC Government actively engage with Indigenous communities in view of the potential far reaching impacts of this policy change.

Conclusion

We agree that cannabis prohibition and criminalization are not working and are harmful, and are concerned about the high rates of use by Canadian youth, the imposition of criminal records for cannabis offences, and the fueling of organized crime with profits of cannabis sales.

We agree that a more productive approach is to legalize, regulate, and tax cannabis, provided it is done by adopting a strong public health and safety orientation. We are encouraged that the federal and provincial governments are emphasizing prevention, health protection and health promotion. We suggest that this orientation could be strengthened by explicitly adopting the public health oriented principles, goals, objectives, strategies and practices outlined in this paper and as further elaborated in the paper by the Chief Medical Officers of Health and Urban Public Health Network.⁴ Furthermore, we emphasize that entrenching these elements in legislation and official policy documents is important to ensure fidelity to this approach long into the future.

⁴ Chief Medical Officers of Health of Canada & Urban Public Health Network. *Public Health Perspectives on Cannabis Policy and Regulation*. <http://uphn.ca/> (bottom right hand corner). 2016



Inclusivity in Provincial Cannabis Regulation

A stakeholder submission by Hillside Pharms

Background

If there is anywhere in Canada, perhaps the world, to look towards when discussing cannabis, it should be right here in British Columbia. Historically, we have had a homegrown industry that dates back generations, and while the industry has long been operating in a grey area, many involved are willing to come into the light and are looking towards the Province of British Columbia to aid in the transition process.

Hillside Pharms represents a collective of craft producers and processors. On behalf of our members, staff and our customers we would like to express our gratitude for the chance to be heard and to contribute to this important step in shaping the landscape of provincial cannabis regulation. We encourage the BC Government to focus on acknowledging the historical relevance and wealth of industry experience that exists within the province by helping to foster future innovation through leadership in creating an inclusive provincial regulatory system.

Making an allowance for regulated craft producers and distributors will be a proactive approach to avoiding product shortages, maintaining product diversity for consumers, continuing ease of access for existing users and encouraging the survival of small business throughout BC.

Supporting Local Business

We advocate for a regulated approach to provide opportunity for the transition of the existing system of dispensaries and their supply chain partners. Currently, the majority of cannabis produced and sold in Canada today is not through the Licensed Producer program, but through a system of regulated and unregulated dispensaries and their supply chain producers.

Consumers have overwhelmingly voted with their feet when it comes to the sale and distribution of cannabis throughout Canada. They have chosen the dispensary model supported by craft producers. This evidenced by the proliferation of storefronts and the continuing consumer use of these distribution points.

Evidence strongly supports the notion of inclusivity and a provincially focused solution. Comments by policy makers in legislature and the judiciary as well support by the majority of B.C residents show this:

- **Public Safety Minister Mike Farnworth said:**
"It is important to get it (cannabis legalization) right." "We are unique in BC", the Minister said, adding that we have a "long established history".
- **The Final Report of the Task Force on Cannabis Legalization and Regulation:**
"Use licensing and production controls to encourage a diverse, competitive market that also include small producers."
- **The Supreme Court of Canada's Judge Phelan, during the Allard trial, declared that:**
"dispensaries are at the heart of access to cannabis for patients".
- **Public sentiment in strongly in favor:**
"Marijuana dispensaries are already operating in some cities—we should find ways to allow them to operate without harming the public". 74% agreed, with only %16 in disagreement¹ when evaluating the statement ;

¹ https://insightswest.com/wp-content/uploads/2016/10/Marijuana2016_CAN_Tables.pdf#

Studies have shown that the contribution of cannabis to British Columbia's economy outweighs other key sectors, including forestry, mining, fishing, and natural gas. In BC, an estimated 60-100,000 jobs and \$2 to \$7 billion in annual revenues hang in the balance, dependent on inclusive regulations for existing cannabis businesses.

A program utilizing the depth of experience available through BC's local communities would offer a "Made in BC" solution to the question of provincial cannabis regulation. This would protect regional economies, as well as help in the creation new employment and industry in many areas with depressed economies and high unemployment.

To be sure, the benefits of a localized approach are many:

- **Providing an opportunity for businesses that are currently self regulating and willing to transition to a provincial regulatory system undermines the black markets current competitive advantage by co-opting best practice participants**
- **Cost reductions in regulating an existing, working system rather than creating a new one.**
- **Resource allocation focused regulating existing businesses rather than increased costs for police and legal actions to remove them.**
- **An expedient transition to regulated sales and tax revenue generation is created.**
- **Regional economies are stabilized, not undermined.**
- **Reduction of the burden on the placed on medical users of the current system that implementation of a new system of access would cause.**
- **Avoiding supply shortage issues through regulation of existing supply chain.**

Lessons in Legalization

Many areas of the world are also embracing legalization and we can take note of the regulatory approaches taken by others before us, and learn from their successes and failures.

In fact, the Federation of Canadian Municipalities in its submission to the federal Task Force noted, “...the use of a standalone, privately-owned retailer system such as that of Vancouver or Denver is effective in generating reliable tax-revenue, rigid adherence to age restrictions and a source of revenue for municipalities”.²

The American states of Alaska, Colorado, Nevada, Oregon, and Washington all currently permit adult-use cannabis sales while California, Massachusetts, and Maine are in the process of developing regulations and licensure.

Of these states, only one, Washington, did not facilitate the process for existing dispensaries to transition into the adult-use market. Notably, Washington also had the most trouble implementing its law, faced lawsuits and product shortages, and took the longest to begin legal sales. These factors combined with Washington’s unusually high cannabis tax has resulted in a cannabis black-market continues to thrive in Washington state today.³

In California, a business operating in compliance with local requirements was permitted to continue operating until its application for licensure is approved or denied. Rather than shutting down businesses and then allowing them to reopen, California allows dispensaries to continue in compliance with local laws until California fully licenses or deny them. This has allowed existing and compliant businesses to transition into the state-legal and fully-regulated market.⁴

In Colorado, existing dispensaries were given a mandate to consolidate producer partners from within their existing supply chain, thereby creating legal production, distribution and retail from an existing industry in one stroke.

This inclusive approach created a very successful regulatory system. It allowed a significant reduction in the burden on police, produced a large number of compliant and productive businesses, and a steady stream of tax revenue. Studies have shown no statistically significant change in crime or youth cannabis use.

² Transitioning Canada’s Cannabis Industry CAMCD Brief to Standing Committee on Health, August 2017

³ <http://www.seattleweekly.com/news/four-years-after-legal-weed-seattles-black-market-still-thrives/>

⁴

http://www.camcd-acdcm.ca/wp-content/uploads/2017/08/Transitioning-Canadas-Cannabis-Industry.Brief_.pdf

Learning from the precedents and best practices already implemented by other jurisdictions can offer cost savings benefits and expedite the path to a new regulatory system.

Conclusion

A framework of dispensaries working together with their supply chain has provided Canadians with a safe, self regulated system of cannabis access for years with a very low incidence of negative events. Most of these businesses are not resisting regulation but rather, they are taking the steps necessary to work within their local municipalities to help define those regulations and undergoing the economic burden to do so without any assurance that they will be allowed to operate.

We encourage the province and cities to create regulatory and license structures for existing cannabis businesses to ensure that the principles of access, affordability, diversity and inclusivity are upheld by a cohesive, province specific set of standards that focus restricting youth access and providing a safe, tested, and regulated product.

We need to ensure that small businesses and our local communities be allowed to flourish rather than fade, as many have in the past, when traditional resource extraction industries left little opportunity for residents of once vibrant regions. Great economic benefit can be brought to British Columbia, by recognizing and regulating the expertise and production capability already available within our province. This can improve unemployment in small locales, increase the provincial tax base, promote investment and increase tourism. B.C should take advantage of it's history and seize the opportunity to become a world leader in a new, multi-billion dollar industry.

By taking advantage of the unique opportunity to regulate, not eliminate, the years of industry experience possessed by the local population we can facilitate the birth of a new cannabis industry and offer a "Made in BC" solution as the world watches Canada move towards an inclusive system of cannabis regulation.

