



To: General Purposes Committee **Date:** October 10, 2017
From: Cecilia Achiam, MCIP, BCSLA **File:** 12-8000-01/2017-Vol
 General Manager, Community Safety 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: CS
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
From: Cecilia Achiam, MCIP, BCSLA
General Manager, Community Safety
Date: September 27, 2017
File: 12-8060-01/2017-Vol 01
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.

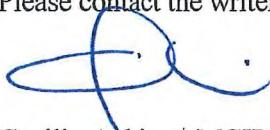
Areas of Focus	Federal Responsibility	Provincial Responsibility	Comments from UBCM Discussions
5. Personal Cultivation	Adults will be allowed to grow a maximum of four plants per household, up to 100 cm. each.	May consider more restrictive provisions	<p>More plants are permitted under the medical-cannabis 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/>