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
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:

Guy Gusdal
Manager, Bylaw Services

Larry Orr
Manager, Business Services

GG/LO/eb
Cannabis Legalization and Regulation in British Columbia
Discussion Paper
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 year, 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.

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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

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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.