

Seven key policy issues are being considered provincially:

1. Minimum age
2. Personal possession
3. Public Consumption
4. Drug-impaired driving
5. Personal cultivation
6. Distribution model
7. Retail model

BACKGROUND

The Federal Government has targeted July 1, 2018 as the date which legislation legalizing cannabis in Canada will come into effect. The Federal Legislation proposes a tiered regulatory framework giving Provinces the option of weighing in with their own legislative regime, or defaulting solely to the federal legislation. The Province of BC is actively involved in creating legislation and has agreed with the UBCM to create a joint Committee to provide input to the newly created Cannabis Secretariat who lead the work.

ISSUES & ANALYSIS

Municipalities are encouraged to submit their feedback to the Province to be considered as they prepare a provincial regulatory model for Cannabis legalization in July 2018. As Council considers key policy issues, it is of note that three of them, Minimum Age, Public Consumption, and Retail Models are areas which the City has existing policy in the Cannabis Business Regulation Bylaw. To assist with the discussion it may prove valuable to consider the direct questions posed to the Union of British Columbia Municipalities (UBCM):

POLICY ISSUE	QUESTIONS
Minimum age	Does UBCM support setting the minimum age to possess, purchase, and consume non-medical cannabis in British Columbia to 19 (to correspond with British Columbia's age of majority)?
Personal Possession	Does UBCM support the federal 30 gram possession limit for non-medical cannabis? Does UBCM support establishing a zero limit for persons under the minimum age in British Columbia to possess non-medical cannabis?
Public consumption	Does UBCM support extending existing restrictions on public tobacco smoking/vaping to non-medical cannabis? Does UBCM support the development of licensed establishments where individuals can consume cannabis?
Drug-impaired driving	Does UBCM support the creation of additional provincial measures to deter drug-impaired driving? If so, what types of measures?

Personal cultivation	<p>Does UBCM have a position on whether the Province should establish additional restrictions on personal cultivation? And if so, what type of restrictions?</p> <p>What, if any, type of restrictions are best established at the local level? Do local governments feel they have the authority necessary to establish those restrictions?</p>
Distribution model	Does UBCM support a public distribution model for non-medical cannabis, similar to that currently in place for liquor?
Retail model	Does UBCM have a position on where non-medical cannabis should be sold?

For the purposes of Council consideration, each policy topic is outlined below with associated considerations related to each. Council may wish to limit comments to those areas in which existing City policy is in place and are more associated with local government jurisdiction.

POLICY ISSUE	PROVINCIAL CONSIDERATIONS	CITY OF VICTORIA
Minimum age	<p>Bill C-45 sets minimum age of 18</p> <p>BC could choose to increase to 19, 21, or higher</p> <p>Many provinces have aligned the minimum age for cannabis possession and purchase, the same as their legal age for possession and purchase of liquor.</p>	<p>The City of Victoria's current bylaws for cannabis-related businesses outlines that cannabis-related businesses must not allow individuals under the age of 19 on the premises. Rationale supporting this age is the consistency with minimum age for consumption of alcohol in BC.</p>
Personal Possession a. Adults	<p>Bill C-45 allows adults to possess up to 30 grams of dried cannabis in public (with equivalent possession limits for some forms of non-dried cannabis).</p> <p>BC can choose to accept the 30 gram limit, or legislate a lower limit</p>	<p>The City of Victoria does not have municipal regulations related to possession.</p> <p>It may be easier from a criminal and provincial enforcement perspective if the possession amount is consistent across all provinces.</p> <p>30 gram (one ounce) limit is the established limit for adults in other jurisdictions where Cannabis is already legal (United States, Uruguay)</p>
b. Youth	<p>Bill-C45 seeks to avoid criminalizing youth and therefore allows youth to possess up to five grams.</p> <p>BC can establish a zero limit for persons under the minimum age.</p>	<p>Five gram limit sends mixed messages about government's position on non-medical cannabis use by youth</p> <p>If five grams, law enforcement would not have the authority to confiscate cannabis from a</p>

		<p>young person who is in possession of <5 grams.</p> <p>A ban on youth possession is consistent with the overall goals of avoiding criminalization of youth while protecting them from harms.</p>
Public consumption	<p>Bill C-45 does not place restrictions on public consumption.</p> <p>Public consumption is prohibited in most jurisdictions where cannabis has been legalized, but there is wide-spread non-compliance.</p> <p>Consumption of edibles in public spaces is nearly impossible to enforce – public intoxication laws could be used to address problematic public use.</p> <p>A full ban on public consumption may make it difficult for some persons to comply with BC Law.</p> <p>Exception would likely be required for medical users.</p>	<p>City of Victoria does not have municipal regulations related to public consumption. However, the City's regulations prohibit the consumption of marijuana on premises within in a storefront retailer.</p> <p>The City of Victoria and the Capital Regional District do have anti-smoking bylaws in place related to the consumption of tobacco products in public spaces. These regulations do not currently apply to cannabis.</p>
Drug-impaired driving	<p>BC could consider launching a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.</p> <p>Setting a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an "L" or "N" designation)</p> <p>Investing in Standardized Field Sobriety Testing and Drug Recognition Expert training for more police officers.</p> <p>Expanding the Immediate Road side suspension and/or Administrative Driving Prohibition programs to address drug-impaired driving.</p>	<p>The City of Victoria does not have municipal regulations related to drug-impaired driving. However, impaired driving regulations are enforced by our municipal police department.</p> <p>Additional training and equipment will be required by municipal police forces.</p>
Personal cultivation	<p>Bill C-45 allows home cultivation of up to four plants, per household.</p> <p>There are three types of restrictions the Province of BC can consider:</p>	<p>The City does not have municipal regulations related to personal cultivation.</p>

	<ol style="list-style-type: none"> 1. Further limits on the number of plants. 2. Restrictions on where and how cannabis can be grown. 3. A registration requirement for home growers. 	The low plant count is in part established so as to avoid any issues relating to Building and Fire issues within dwellings.
Distribution model	<p>Under Bill C-45, each province will decide how Cannabis will be distributed in its jurisdiction:</p> <ul style="list-style-type: none"> • Public distribution • Private distribution • Direct distribution 	The City has municipal regulations related to retail sale of cannabis, but does not have any regulations related to wholesale distribution.
Retail model	<p>Options for the retail sale of non-medical cannabis include:</p> <ul style="list-style-type: none"> • Public retail • Private retail • Hybrid retail • Online retail • Dedicated cannabis-only storefronts or co-located with other products 	<p>The City has municipal regulations related to private retail sale of cannabis in place.</p> <p>The Province may establish regulations covering retailers and ensuring that they conform to a provincial standard. This approach could reduce the administrative burden on local government.</p>

OPTIONS & IMPACTS

2015 – 2018 Strategic Plan

The proposed regulations support Objective 7 from the 2015 – 2018 Strategic Plan: Facilitate Social Inclusion and Community Wellness.

Impacts to Financial Plan

Ongoing administration and enforcement of the City's regulatory regime required additional staff resources in the Bylaw and Licensing Services Division of the Legislative and Regulatory Services Department. Should the Province move toward a more standardized provincial regime the burden on the City would be reduced to some degree although further discussions around how the regulations are enforced would provide more details. The potential of revenue sharing from the province to offset local costs for administration and enforcement including policing could impact the financial aspects for the legalization. Police has expressed to Council, concern that legalization will add to the costs for policing in the City.

Official Community Plan Consistency Statement

The recommended regulations are consistent with various policies outlined in Section 15 of the Official Community Plan: Community Well-Being. These include policy 15.20 (Collaborating with partners to encourage a safe and thriving Downtown and Neighbourhoods) and policy 15.24.2 (Reducing harm to individuals and communities from the sale and use of both legal and illegal substances).

CONCLUSIONS

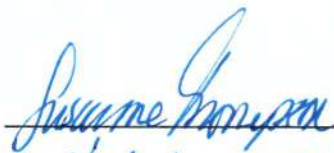
Council may wish to consider a formal response to some or all of the Policy issues identified in this report. The issues of Minimum Age, Public Consumption, and the Retail Model are where the City has established Policy in the Cannabis Related Business Regulation Bylaw.

Respectfully submitted,



Chris Coates
City Clerk

Report accepted and recommended by the City Manager:



Date:

NOV. 6, 2017

List of Attachments:

Appendix A – Cannabis Legalization and regulation Discussion Paper
Ministry of Public Safety and Solicitor General

Appendix B – Cannabis Related Business regulation Bylaw No. 16-061