

Regulation of Medical Marijuana-Related Businesses in Victoria



Current Situation

- significant increase in medical marijuana related-businesses over past year
- some businesses selling marijuana in contravention of current federal regulations
- Prime Minister has expressed intention of creating a new regulatory framework for marijuana sales
- only 4 hold valid business licences, which allow sale of paraphernalia and/or consulting services
- some businesses having community impacts that are creating concerns for members of the public, VicPD and the City

Council Direction

On May 14, 2015, Council directed staff to consult with the existing member-based medical cannabis dispensaries in the City of Victoria and bring forward for Council's consideration:

- Proposed bylaw amendments aimed at mitigating community impacts and concerns associated with the operation of medical marijuana-related businesses at a town hall meeting prior to the consideration of proposed bylaws.
- A proposed compliance and enforcement strategy consistent with the proposed new regulations.



Council Direction

On November 12, 2015, Council passed two marijuana-related motions:

- That Council write to the new Prime Minister asking for clarification on whether and when the new federal government intends to implement the legalization and regulation of cannabis in Canada, and
- That Council postpone consideration of the following motion for two weeks: Further, that Victoria City Council postpone consideration of any local regulatory regime until a response to that letter to the Prime Minister is received, or at February 19, 2016, whichever comes first.



Preliminary Engagement

- largely targeted towards stakeholders that would be most directly affected by regulations
- valuable feedback was collected regarding:
 - current operational practices
 - industry best practices
 - health and safety concerns
 - perspectives of the general business community
- online survey also used to collect feedback



Proposed Regulations

To address health and safety concerns:

- a) No individuals under the age of 19 on the premises.
- b) No advertising or promoting the use of marijuana to a minor,
- c) No sale of food products, other than tinctures, capsules or edible oils.
- d) Health and safety warning signs must be posted on the premises.
- e) No delivery or mailing of products.



Proposed Regulations

To address neighbourhood impacts:

- f) Storefront medical marijuana retailers are prohibited in all zones unless expressly permitted. Retailers should be at least 200 m from schools and other storefront medical marijuana retailers.
- g) No consumption of marijuana on the premises.
- h) An air filtration system must be installed and maintained.



Proposed Regulations

To address security concerns:

- i) Businesses can only be open between 7 am and 8 pm.
- j) No other business can be conducted on the premises.
- k) Businesses must submit the following as part of their initial business licence application and on each renewal:
 - a security plan
 - police information checks for the applicant and every on-site manager
 - proof of a security alarm contract, and
 - proof of ownership or legal possession of the premises.



Proposed Regulations

To address security concerns (continued):

- l) The following measures must be implemented while the business is open to the public:
 - at least two employees must be on duty, and
 - windows must not be blocked.
- m) Businesses must implement the following security measures:
 - monitored video surveillance cameras
 - monitored security and fire alarm system
 - valuables must be removed or locked in a safe at all times when the business is not in operation.



Options and Impacts

Option 1 – Await response from the Prime Minister

- staff resources may be used for other priorities
- community impacts and concerns are likely to increase
- delay may impact effectiveness of any regulations respecting business locations
- integrity of City's business licensing scheme called into question

Option 2 – Proceed with engagement event and proposed bylaw amendments (Recommended)

- changes to City regulations may be required once the federal regulatory scheme is implemented.



Recommendation

That Council direct staff to:

1. Communicate regulations being considered broadly to the public, and invite feedback online and at an engagement event by early February 2016.
2. Bring back results of consultation and proposed bylaws for consideration after the public engagement.

