

- windows must not be blocked.
 - j) Any business that keeps marijuana on the premises must implement the following security measures:
 - video surveillance cameras must be installed and monitored
 - a security and fire alarm system must be installed and monitored at all times, and
 - valuables must be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation.
 - k) The payment of business licence fees that reflect the costs required to administer the Council-approved regulations and compliance and enforcement strategy.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.

EXECUTIVE SUMMARY

There has been a significant increase in the number of marijuana-related businesses in the city. There are currently 35 known medical marijuana-related businesses operating in Victoria. These include businesses that sell marijuana paraphernalia, provide medical advice or consulting relating to the use of medical marijuana and produce products containing marijuana. 32 of these businesses are currently known to be selling medical marijuana in contravention of federal laws.

Only eight possess business licences that allow for the sale of paraphernalia or the provision of medical advice. These licences do not authorize the sale of marijuana.

In May of 2015, initial direction from Council was to consult with existing dispensaries and bring forward recommended regulations as well as a compliance and enforcement strategy. A first phase of feedback was collected from affected businesses, residents and other stakeholders through an online survey, site visits and in-person meetings. The survey showed strong support for a regulatory scheme including age restrictions, security measures, signage and advertising restrictions, odor control and limits on the number and location of businesses

After the first phase of engagement and conducting a best practices review, a set of proposed regulations for medical marijuana-related businesses was developed and presented to Council in November 2015. At that time, Council directed staff to communicate the proposed regulations broadly to the public and invite feedback. This second phase of engagement occurred during February and March of 2016, involving an online survey and a town hall meeting at City Hall.

Informed by public feedback, staff have developed a revised set of recommended regulations for Council consideration that are both responsive to the specific issues and concerns associated with the operation of these businesses and consistent with the City's regulatory authority. The majority of the regulations being proposed were supported by the public who responded to the survey and are recommended. Based on the feedback received, the following two proposed regulations have not been carried forward as recommended regulations:

- storefront medical marijuana retailers must not sell any food products, other than tinctures, capsules or edible oils, and

- storefront medical marijuana retailers must not deliver or mail products to customers.

If Council approves proceeding with regulations, the bylaws necessary to bring the regulations into effect could be brought forward for Council consideration by June 2016.

PURPOSE

The purpose of this report is to bring forward the most recent public engagement and make further recommendations to Council on regulations for medical marijuana-related businesses.

BACKGROUND

Over the course of the last two years, there has been a significant increase in the number of marijuana-related businesses in the city. The Victoria Police Department reports there were only four marijuana-related businesses operating in the city on April 1, 2014. There are currently 35 known medical marijuana-related businesses operating in Victoria. These include businesses that sell marijuana paraphernalia, provide medical advice or consulting relating to the use of medical marijuana and/or manufacture products containing marijuana. 32 businesses are known to be selling medical marijuana in contravention of federal regulations. Only eight possess business licences that allow for the sale of paraphernalia or the provision of medical advice. These licences do not authorize the sale of marijuana.

Complaints have been received by the City and the Victoria Police Department regarding medical marijuana-related businesses. These include:

- increased foot traffic surrounding businesses
- nuisance to other nearby businesses, potentially impacting their customers
- odour, food safety and other health issues
- exposure of young persons to the sale of marijuana
- infiltration of organized crime, and
- sale to persons without medical need.

The Victoria Police Department is also concerned about the lack of effective or reasonable security measures at these businesses for both the protection of employees and robbery prevention.

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:

1. 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.
2. A proposed compliance and enforcement strategy consistent with the proposed new regulations.

Since Council direction was received last May, the following actions occurred:

- A first phase of feedback was collected from affected businesses, residents and other stakeholders through an online survey, site visits and in-person meetings. The survey showed strong support for a regulatory scheme including age restrictions, security measures, signage and advertising restrictions, odor control and limits on the number and location of businesses. A link to the summary of the feedback from the first phase of engagement is included with this report on the electronic Committee of the Whole Agenda.
- A best practices review was also completed. This included a review of the regulations that other agencies and jurisdictions have put in place, including Health Canada, the City of

Vancouver, the City of Portland and the City of Denver. Best practices suggested by industry associations were also reviewed.

Informed by these, a set of proposed regulations were presented to Council in November 2015. A link to that Governance and Priorities Committee report is included with this report on the electronic Committee of the Whole Agenda. After considering that report, Council directed 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. That the City share their public engagement feedback with the Federal Government for their consideration as they move forward with the legalization and regulation of marijuana.
3. Bring back results of consultation and proposed bylaws for consideration after the public engagement.

Broad public feedback on the proposed regulations was collected through a second phase of engagement that included an online survey, open house and town hall meeting. 1,414 surveys were completed and over 250 people attended the open house and town hall on February 22, 2016. Written submissions were also received.

Respondents were supportive of the majority of the proposed regulations. When asked if they supported the general approach towards regulation, 65% of survey respondents indicated "yes." Speakers at the town hall and individuals submitting written feedback were also generally supportive of the City taking a regulatory approach towards medical marijuana-related businesses. A summary and analysis of the engagement feedback is attached as Appendix A. A compilation of all of the feedback received during the second phase of engagement is attached as Appendix B.

Federal Government

1. Recreational marijuana

Prime Minister Trudeau listed "working with the Ministers of Public Safety and Emergency Preparedness and Health to create a federal-provincial-territorial process that will lead to the legalization and regulation of marijuana" as a top priority. Bill Blair, parliamentary secretary to the Minister of Justice, will be working with a federal-provincial task force to develop the new regime.

On December 17, 2015, Mayor Helps and Bill McKay, the Mayor of Nanaimo wrote to the 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 proposing that the federal/provincial/territorial task force described in federal Liberal policy include a representative of the Federation of Canadian Municipalities, to reflect the concerns and interests of municipalities. No response has been received.

On April 20, 2016, Health Minister Jane Philpott told a special session of the United Nations General Assembly that the federal government will introduce legislation in spring 2017 to legalize marijuana. The legislation will ensure that marijuana is kept out of the hands of children and profits out of the hands of criminals.

2. Medical marijuana

On March 24, 2016, Minister of Health, Jane Philpott, issued a statement indicating that the Government of Canada would be amending the *Marihuana for Medical Purposes Regulations* (MMPR) to give effect to the recent decision of the Federal Court in *Allard v. Canada*. She indicated that the Government's intention is to have completed the amendment process by August 24, 2016.

It is unknown at this time whether the changes to the MMPR might allow for the sale of medical marijuana through storefront retailers. Currently under the MMPR, medical marijuana may only be obtained from a producer licensed by Health Canada. Storefront retail sales are prohibited.

Compliance and Enforcement Strategy

A compliance and enforcement strategy will come forward in a subsequent report. Each regulation will have a specific fine for non-compliance established under the City's Ticket Bylaw. Fine amounts will be established in accordance with the City's standard criteria for assessing Municipal Ticket Information fines. Proactive management and enforcement of the regulatory scheme, if implemented, would require additional staff resources in the Bylaw and Licensing Services Division.

ISSUES & ANALYSIS

A detailed analysis of the proposed regulations is provided in Appendix C. In brief, the proposed regulatory regime being recommended is as follows:

1. Business locations 200 metres from similar businesses and schools.
2. Consumption on premises prohibited.
3. Hours of operation 7 am to 8 pm.
4. Other business on premises only to be accessory to medical marijuana retail.
5. Licence fee \$4,000 to \$5,000 (to be further refined in establishing Bylaw).
6. Age limit on premises 19 and older.
7. No advertising to minors.
8. Require posting of health and safety warnings.
9. Require air filtration system.
10. Require Security Plan.
11. Require minimum of two employees.
12. Require video surveillance cameras.
13. Require secure storage of valuables on premises.

OPTIONS & IMPACTS

1. Zoning Bylaw Regulations

The recommended zoning regulations will have significant time and resource impacts for applicants and staff in the Sustainable Planning and Community Development Department. If Council wishes to proceed with this recommendation, additional staff resources will be required in Development Services. A draft Rezoning Policy is attached for information. A communications strategy will also be required. In view of this, staff present two options for consideration.

Option 1 - Direct staff to proceed with the recommended regulations, with rezoning applications for retailers following the City's typical rezoning process (recommended)

Under this recommended option, by June 2016, staff would bring forward for Council consideration the bylaws necessary to bring into effect the recommended regulations. Proposed amendments to the Zoning Regulation Bylaw would be brought forward for consideration of first and second readings and for scheduling of a public hearing. As the proposed bylaw changes would take effect City-wide, no Community Association Land Use Committee meetings or mail-outs are required. Notice of the public hearing would be provided to all community associations. Individual rezoning applications for storefront retailers will follow the City's typical rezoning process, which includes Community Association Land Use Committee meetings.

Option 2 – Direct staff to proceed with the recommended regulations, including a City-initiated rezoning process for existing retailer locations

This option is largely the same as Option 1, but rezonings would be managed using a single City-initiated rezoning process. This means that the proposed amendments to the Zoning Regulation Bylaw would include both:

- a general prohibition against the use of property for storefront marijuana retailers or businesses that allow the consumption of marijuana on site, and
- provisions allowing storefront marijuana retailers as a permitted use at the business locations currently occupied by storefront medical marijuana retailers.

This option may reduce some degree of time and effort required from City staff but City Council may consider community consultation and less detailed staff analysis of individual site conditions to be impacted adversely.

2. Business Regulation Bylaw

The new proposed Medical Marijuana-Related Business Regulation Bylaw and proposed amendments to the Ticket Bylaw would be brought forward for consideration of first and second readings, with a subsequent opportunity for business comment as required under Section 59(2) of the *Community Charter*. Because of the extensive consultation opportunities to date, Council may consider that a notice distributed to all known medical marijuana-related businesses soliciting written comments is sufficient opportunity for comment.

The impacts of the Business Regulations being proposed can be summarized as follows:

- proposed regulations should mitigate concerns related to health and safety, neighbourhood impacts and security
- some businesses will need to modify current practices in order to comply with the new regulations; however, customers should not be significantly impacted
- implementation of business licensing requirements for medical marijuana-related businesses will maintain integrity of City's business licensing scheme, respond to concerns from licensed businesses and generate revenue that can be used to fund the implementation and enforcement of regulations for this business sector. It is acknowledged that the City is issuing business licences to businesses that are operating in contravention of federal laws.
- implementing the recommended regulations in advance of anticipated changes to federal marijuana laws may have both positive and negative impacts. With regulations already in place, the City will be able to quickly and effectively manage impacts should the federal government decide to legalize storefront sales of marijuana and/or medical marijuana; however, future changes to City regulations may be required to respond to elements of any new federal regulatory scheme

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

Should Council proceed with implementing the recommended regulations, there would be impacts on the Financial Plan in terms of staff resources.

Additional resources in the Sustainable Planning and Community Development Department would be necessary to process an expected influx of more than 30 rezoning applications in a short period of time. The alternative to that would be substantially slower processing of applications, which Council may consider unacceptable. Should Council proceed with implementation of the recommended regulations, a business case would be brought forward providing details of these impacts and options for cost recovery through a special land use application fee for these types of rezoning applications.

As well, on the business licence management and enforcement side, current resources could not effectively administer a proactive monitoring and enforcement regime without significant impacts on other service levels within the Bylaw and Licensing Services Division. Once Council has made decisions on the suite of regulations, as well as the compliance and enforcement strategy, a business case for resourcing could come forward. A previous report to Council on this issue discussed business licensing fees designed around full cost recovery for all city resources that may be required to manage the proposed regime, including police.

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 has directed this approach and to bring forward proposed regulations. Should Council decide to move forward, the approaches noted in this report provide the administrative framework to enact this policy direction.

The storefront sale of medical marijuana is currently prohibited by federal law. Although the recommended regulations fall within the City's authority to regulate business activities and land use within its jurisdiction, the City may be perceived as legitimizing illegal activities. The federal government has announced an intention of legalizing and regulating marijuana sales in the future, which means that the City's regulations if enacted may need to be changed in response to a new federal regime.

Allowing storefront retailers to continue operations without valid business licences is contrary to the City's overall business licensing scheme. The City will be able to more effectively manage concerns related to health and safety, neighbourhood impacts and security once regulations and business licensing for this sector is in place. With regulations already in place, the City will also be able to quickly and effectively manage impacts should the federal government decide to legalize storefront sales of medical marijuana.

Respectfully submitted,



Shannon Craig
Policy Analyst
Legislative and Regulatory Services



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Jonathan Tinney
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Jocelyn Jenkyns
Deputy City Manager



Katie Hamilton
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Report accepted and recommended by the City Manager:



Date:

Apr. 1 29.2016

List of Attachments:

- Appendix A – Phase Two Engagement Summary
- Appendix B – Compilation of all Phase Two Engagement Feedback (provided as separate document)
- Appendix C – Issues and Analysis
- Appendix D – Proposed Storefront Marijuana Retailer Rezoning Policy
- Appendix E – Maps of Known Storefront Medical Marijuana Retailers with 200 m Buffer Zones

Engagement Summary

Proposed Regulations for Medical Marijuana-Related Businesses in Victoria

February-March 2016



Purpose of Engagement

The City of Victoria is currently exploring potential regulations for the operation of medical marijuana-related businesses. The purpose of the regulations is to reduce community impacts of these businesses, while maintaining access to medical marijuana.

During this phase of engagement the focus was to collect feedback from the broader community, on the proposed regulations for medical marijuana related businesses. An online survey, open house and town hall and correspondence were used to collect this feedback.

About Medical Marijuana

Medical marijuana is regulated by Health Canada. Under current Health Canada regulations medical marijuana can be prescribed and then ordered from a licensed producer. Mail order is the only approved way to purchase medical marijuana.

Although some storefront retailers are currently selling marijuana, none have a Health Canada licence that permits this. The federal government has indicated that they will be exploring options to legalize marijuana during their term.

Over the course of the last year, there has been a significant increase in the number of marijuana-related businesses operating in the City of Victoria. It is estimated that there are currently 30 medical marijuana-related businesses in Victoria, with approximately 26 of these operating as storefront medical marijuana retailers.

Previous Public Input

In the fall of 2015 the City of Victoria asked existing medical marijuana-related businesses, other local businesses and some residents about community concerns and benefits relating to the storefront sale of medical marijuana.

Over 80% of survey respondents seemed generally supportive of moving towards the regulation of medical marijuana-related businesses.

There was strong support for: age restrictions, standard security measures, discreet signage and advertising, odor control, limiting the number and location of storefronts selling medical marijuana and focusing on customers with a medical need. There was some concern about developing regulations for an activity that is currently not legal in Canada.

The full engagement summary is available at www.victoria.ca.

Phase Two Engagement

In February and March the focus was to collect feedback from the broader community, on the proposed regulations for medical marijuana-related businesses.

An online survey, open house and town hall were used to collect this feedback. 1,414 surveys were completed and over 250 people attended the open house and town hall. Written submissions, including letters and emails were also received. Full survey results, town hall speaker notes and copies of written submissions received are presented in a separate document.

It is important to note that this topic was of interest to the broader region and not just Victoria residents. Vic West, Downtown, Fernwood and Fairfield had the highest participation rates within the City of Victoria. 34% of all survey responses came from people who live outside of the City of Victoria, predominately from other municipalities within the CRD.

Analysis of Information Obtained Through the Second Phase of Engagement

Engagement participants were supportive of the majority of the proposed regulations. When asked if they supported the general approach towards regulation, 65% of survey respondents indicated “yes.” Speakers at the town hall and individuals submitting written feedback were also generally supportive of the City taking a regulatory approach towards medical marijuana-related businesses.

Proposed regulations that were supported by a majority of survey respondents are shown in the table below, in decreasing order of support:

	Proposed Regulation	% Support	% Did not support	% Unsure
1.	Any business that keeps marijuana on the premises must submit the following information as part of their initial business licence application and on each renewal: <ul style="list-style-type: none"> • a security plan • police information check for the applicant and every on-site manager • proof of a security alarm contract, and • proof of ownership or legal possession of the premises, including the written consent of the landlord if the premises are leased. 	78	13	9
2.	Any business that keeps marijuana on the premises must implement the following security measures: <ul style="list-style-type: none"> • video surveillance cameras must be installed and monitored • a security and fire alarm system must be installed and monitored at all times, and • valuables must be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation. 	78	13	9
3.	Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.	77	16	7
4.	Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public: <ul style="list-style-type: none"> • at least two employees must be on duty, and • windows must not be blocked. 	74	14	12

	Proposed Regulation	% Support	% Did not support	% Unsure
5.	Any business that keeps marijuana on the premises must install and maintain an air filtration system to ensure odour impacts on neighbouring properties are minimized.	68	21	11
6.	Storefront medical marijuana retailers must post health and safety warning signs on the premises, such as: <ul style="list-style-type: none"> - Marijuana is not an approved drug or medicine in Canada. - Products have not been authorized for sale under the Food and Drugs Act. They have not been assessed for safety or efficacy to treat or prevent any disease or symptom. - Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of marijuana products. - For use only by adults 19 and older. Keep out of reach from children. 	67	22	11
7.	Storefront medical marijuana retailers must be at least 200 m from schools and other storefront medical marijuana retailers. (In practice, this would be accomplished through changes to the City's zoning regulation bylaw. There are a number of factors that would impact whether or not rezoning would be required for existing retailers.)	52	33	15
8.	Medical marijuana-related businesses must not advertise or promote the use of marijuana to a minor, including through product displays, names, logos or other signage. Minors should not be able to determine that a business is selling medical marijuana based on signage, displays or advertising that can easily be viewed by a minor.	51	39	11
9.	Storefront medical marijuana retailers must pay an annual licence fee of between \$4,000 and \$5,000	51	26	23

As shown in the table below, two of the proposed regulations had no clear majority either in support or in opposition among survey respondents. Some speakers at the town hall also expressed opposition to a ban on consumption of marijuana on the premises of a medical marijuana-related business.

	Proposed Regulation	% Support	% Did not support	% Unsure
10.	Medical marijuana-related businesses must not allow the consumption of marijuana on the premises.	46	41	13
11.	No other business can be conducted on the premises of a storefront medical marijuana retailer.	38	41	21

A majority of survey respondents were not in support of the following three proposed regulations:

	Proposed Regulation	% Support	% Did not support	% Unsure
12.	Storefront medical marijuana retailers must not sell any food products other than tinctures, capsules or edible oils.	18	74	8
13.	Storefront medical marijuana retailers must not deliver or mail products to customers.	29	57	14
14.	Storefront medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.	37	53	11

Speakers at the town hall also commonly spoke in opposition to the ban on edible products and the restriction on mail and delivery of products.

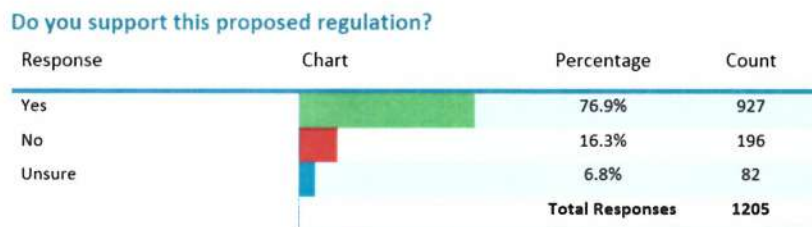
What Was Asked and What Was Heard

The proposed regulations were developed based upon community feedback and research about best practices. Below is an overview of what was heard in this second round of engagement about each proposed regulation.

Topic: Proposed regulations to address health and safety concerns:

- a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.

Survey results:



Comments in support:

- marijuana consumption may be harmful to minors
- aligns with age restrictions for consumption of tobacco and alcohol
- minors shouldn't be exposed to, or have access to, marijuana




Comments in opposition:

- minors should be allowed if accompanied by a parent or guardian; a parent can take a minor into a liquor store
- customers may not be able to make child care arrangements
- minors can benefit from learning about medical marijuana
- the age at which you can enter a retailer should be raised to 21 or 25
- minors may benefit from the use of medical marijuana
- the age at which you can enter a retailer should be lowered to 18 or 16
- it shouldn't matter if minors are in a store as long as they are not allowed to purchase products
- regulations aren't appropriate; retailers are illegal and should be shut down

- b) Medical marijuana-related businesses must not advertise or promote the use of marijuana to a minor, including through product displays, names, logos or other signage. Minors should not be able to determine that a business is selling medical marijuana based on signage, displays or advertising that can easily be viewed by a minor.

Survey results:

Do you support this proposed regulation?

Response	Chart	Percentage	Count
Yes		50.8%	611
No		38.7%	465
Unsure		10.5%	126
Total Responses			1202

Comments in support:

- marijuana consumption may be harmful to minors; promoting its use by minors should not be allowed
- aligns with tobacco and alcohol advertising laws
- there is no need to advertise if the product is being sold for medical purposes; those who need access will know where to find it




Comments in opposition:

- customers will be unable to identify retailers if their signs aren't explicit
- businesses need to advertise in order to survive
- the proposed regulation is too vague; it will be difficult to comply with and/or enforce
- minors can benefit from learning about medical marijuana; there is no need to hide it from them
- will not be effective in limiting access to marijuana; minors know where to buy it
- is stricter than regulations in place for liquor stores
- the proposed regulation doesn't go far enough; no advertising should be permitted
- minors will know what is being sold even if this regulation is in place

- c) Storefront medical marijuana retailers must not sell any food products other than tinctures, capsules or edible oils.

Survey results:

Do you support this proposed regulation?

Response	Chart	Percentage	Count
Yes		18.2%	219
No		74.2%	893
Unsure		7.6%	91
Total Responses			1203

Comments in support:

- avoids children ingesting marijuana inadvertently
- food safety is an issue with edible products
- customers can make their own food products at home
- candies and baked goods are not consistent with medical use; other medicines are not sold in this form
- dosage in baked goods can be hard to determine; easy to ingest too much marijuana in edible products
- limiting edible products will make consumption less appealing to minors
- edible products sold at retailers are not regulated




Comments in opposition:

- many customers prefer to consume marijuana in edible products; many do not want to smoke or are unable to smoke in their homes
- restricting the sale of edibles is contrary to a recent Supreme Court decision
- customers may not be able to bake their own food products
- the City should not allow the sale of any marijuana products; storefront retailers are illegal
- edible products are a more effective form of medication for some customers
- smoking is damaging to the lungs
- a range of products allows customers to have variety

- d) Storefront medical marijuana retailers must post health and safety warning signs on the premises, such as:
- Marijuana is not an approved drug or medicine in Canada.
 - Products have not been authorized for sale under the Food and Drugs Act. They have not been assessed for safety or efficacy to treat or prevent any disease or symptom.
 - Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of marijuana products.
 - For use only by adults 19 and older. Keep out of reach from children.

Survey results:

Do you support this proposed regulation?

Response	Chart	Percentage	Count
Yes		67.3%	806
No		22.0%	263
Unsure		10.8%	129
Total Responses			1198

Comments in support:

- ensures customers are informed regarding the risks of these products; allows customers to make informed choices
- in line with regulations for tobacco and alcohol
- protects retailers from liability


Comments in opposition:

- the proposed statements aren't true
- posted warnings are insufficient
- posted warnings are unnecessary or will be ineffective; customers either already know this or won't read the signs
- if products aren't authorized for sale under the Food and Drug Act then they shouldn't be sold; retailers are illegal and should be shut down
- similar warnings aren't found in other businesses or on other potentially harmful products

e) Storefront medical marijuana retailers must not deliver or mail products to customers.

Survey results:

Do you support this proposed regulation?

Response	Chart	Percentage	Count
Yes		29.3%	350
No		57.2%	684
Unsure		13.5%	162
Total Responses			1196

Comments in support:

- delivery or mailing means there is no control over who receives the product; minors may be able to access without proving their age
- mail order of marijuana is already available through Federally-licensed producers; storefront retailers would be competing against them
- pharmacists don't mail drugs to customers
- storefront sales allow for face to face consultation
- mailing or delivering marijuana is illegal and could be considered as trafficking
- greater risk of theft




Comments in opposition:

- customers in remote areas may have no other source of products
- some customers may be too ill or otherwise unable to attend at a retailer to purchase products
- mail order is the only legal way to distribute medical marijuana
- pharmacies and liquor stores offer delivery
- no distribution of marijuana should be allowed

Topic: Proposed regulations to address neighbourhood impacts:

f) Storefront medical marijuana retailers must be at least 200 m from schools and other storefront medical marijuana retailers. (In practice, this would be accomplished through changes to the City's zoning regulation bylaw. There are a number of factors that would impact whether or not rezoning would be required for existing retailers.)

Survey results:

Response	Chart	Percentage	Count
Yes		52.0%	606
No		32.9%	384
Unsure		15.1%	176
Total Responses			1166

Comments in support:

- reduces exposure of minors to marijuana; makes marijuana less accessible to minors
- there are too many existing storefronts; this proposed regulation may lower the numbers
- appropriate that proposed regulation is similar to process for liquor stores
- gives the community a voice in the rezoning process
- may prevent overabundance of stores in some neighbourhoods; a diversity of retail uses in a neighbourhood is preferred

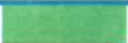


Comments in opposition:

- retailers should be a lesser/greater distance from schools and/or each other
- marijuana shouldn't be sold from retail storefronts; these businesses are illegal
- inconsistent with rules in place for bars, pharmacies and/or tobacco retailers, which aren't required to be a certain distance from schools or each other
- if there is an age restriction to enter retailers, then proximity to schools is not an issue
- clustering of businesses is preferable to having them spread out
- not fair to existing businesses that are too close to schools or other retailers
- should also include a minimum distance from other locations frequented by minors, such as recreation centres, parks, daycares and/or playgrounds
- minors should be exposed to marijuana
- rezoning process will be onerous and expensive
- customers may be impacted if businesses have to relocate or close
- number of available licences should be limited instead
- interferes with the free market economy
- distance should be measured by road, not as the crow flies

g) Medical marijuana-related businesses must not allow the consumption of marijuana on the premises.

Survey results:

Do you support this proposed regulation of not allowing the consumption of marijuana on the premises?

Response	Chart	Percentage	Count
Yes		46.1%	538
No		41.3%	482
Unsure		12.5%	146
Total Responses			1166

Comments in support:




- similar to rules in place at liquor stores for consumption of alcohol
- similar to rules in place for smoking tobacco in public or in a workplace
- consumption on the premises will promote loitering
- consumption on the premises poses a health and safety risk to workers
- other customers/neighbours shouldn't be exposed to marijuana smoke or odours
- consumption in a public place is illegal
- medicine should be consumed at home
- customers may become impaired and then drive
- staff on site will not be able to control consumption, side effects

Comments in opposition:

- a safe place for consumption is necessary for some people; some people cannot smoke at home
- people have a right to use medications wherever they are
- consumption on site will prevent people from consuming on the streets
- there are supportive/social benefits associated with consuming with others
- customers should be allowed to try products before buying
- alcohol can be consumed on site at bars and pubs
- consumption on site can allow staff to demonstrate safe and appropriate usage and monitor customers
- consumption should be allowed as a separate type of business
- people in pain may need to medicate immediately and won't be able to wait until they get home

h) Any business that keeps marijuana on the premises must install and maintain an air filtration system to ensure odour impacts on neighbouring properties are minimized.

Survey results:

Response	Chart	Percentage	Count
Yes		68.0%	796
No		21.3%	249
Unsure		10.7%	125
Total Responses			1170

Comments in support:

- marijuana has a strong odour
- the odour may be unacceptable to some neighbours and they should not be forced to smell it
- children shouldn't be exposed to the smell of marijuana
- odour may affect patrons or staff of neighbouring businesses; could drive customers of neighbouring businesses away
- odour may be enticing to minors
- odour may reduce neighbouring property values
- staff and customers of the retailer should have clean air to breathe

Comments in opposition:


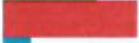

- other businesses that produce odours aren't subject to this type of requirement (e.g., coffee roasters, soap shops, breweries, restaurants)
- there is no odour coming from retailers
- the odour of marijuana is not offensive/harmful
- not necessary if smoking isn't allowed on the premises
- proposed regulation is too vague
- compliance will be too expensive

Topic: Proposed regulations to address security concerns:

- i) Storefront medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.

Survey results:

Do you support this regulation that medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.?

Response	Chart	Percentage	Count
Yes		36.7%	422
No		52.6%	606
Unsure		10.7%	123
Total Responses			1151

Comments in support:

- late night sales are probably for recreational purposes, not medical purposes
- reduces potential neighbourhood impacts from late night traffic
- may assist with robbery and crime prevention
- ensures safety of employees
- allows sufficient opportunity for working customers to obtain their marijuana
- don't want to attract "the bar crowd" with late night hours

Comments in opposition:

- make opening hours even stricter
- it's illegal; retailers shouldn't be open at all
- closing time should be extended to 10 or 11 pm
- should follow same rules as liquor stores/pharmacies
- patients should be able to access marijuana whenever they want; some people may not be able to get to a retailer during these hours
- businesses should be able to set their own hours based on market demand
- other businesses can stay open as long as they want
- there is no harm in being open past 8 pm
- if hours aren't convenient, customers will have to access marijuana through street dealers

j) No other business can be conducted on the premises of a storefront medical marijuana retailer.

Survey results:

Do you support this regulation that no other business can be conducted on the premises of a storefront medical marijuana retailer?

Response	Chart	Percentage	Count
Yes		38.3%	440
No		40.9%	469
Unsure		20.8%	239
Total Responses			1148

Comments in support:

- harder to regulate if more than one business on the premises
- other businesses may lead to access by minors
- no need to sell other products
- health and safety/contamination could be concerns if another business conducted on the premises
- same model as liquor stores
- retailers are there to serve patients; specialization leads to better informed staff and better products

Comments in opposition:

- other businesses can create a more inviting environment
- health services/paraphernalia sales/art sales/consulting/cafes should be allowed
- similar restrictions aren't in place for pharmacies
- should be no restriction on what businesses want to sell; limits economic growth/free market economy
- proposed regulation is unclear; need for regulation is unclear

k) Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public:

- At least two employees must be on duty, and
- Windows must not be blocked

Survey results:



Comments in support:

- enhances safety of employees, customers and neighbourhoods
- robberies have occurred at Victoria dispensaries
- unblocked windows allow the public to see into the establishment
- will deter criminal activity
- blocked windows are aesthetically unappealing/bad for downtown vitality

Comments in opposition:




- similar rules are not in place for liquor stores, pharmacies, tobacco retailers
- if windows are unblocked, children will be able to see inside
- lack of privacy for purchasers
- financial impacts on businesses to have two staff on duty
- businesses would be safer if windows were blocked
- more security requirements should be in place, e.g., security guards
- unlikely that these measures will deter criminal activity

I) Any business that keeps marijuana on the premises must submit the following as part of their initial business licence application and on each renewal:

- A security plan
- Police information check for the applicant and every on-site manager
- Proof of a security alarm contract
- Proof of ownership or legal possession of the premises, including the written consent of the landlord if the premises are leased

Survey results:

Do you support the above four measures relating to security?

Response	Chart	Percentage	Count
Yes		77.5%	889
No		13.4%	154
Unsure		9.1%	104
Total Responses			1147

Comments in support:

- minimizes risk of criminal activity/involvement
- will improve the safety of the business owners, employees, patrons and landlords
- retailers are high risk establishments; high risk for robberies
- reflect best practices/common sense for any business

Comments in opposition:

- pharmacies/liquor stores/other businesses aren't subject to these regulations
- too much red tape for businesses
- will reduce access for customers
- police information checks should not be required/are discriminatory; business owners may have marijuana-related convictions
- police information checks should be expanded to all employees
- individual businesses can make their own decisions about security

m) Any business that keeps marijuana on the premises must implement the following security measures:

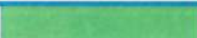


-Video surveillance cameras must be installed and monitored.

-A security and fire alarm system must be installed and monitored at all times.

-Valuables must be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation.

Survey results:

Do you support the above three measures relating to security?

Response	Chart	Percentage	Count
Yes		78.4%	898
No		12.5%	143
Unsure		9.1%	104
Total Responses			1145

Comments in support:

- will deter robberies and break-ins
- sale of marijuana is particularly open to illegal activity
- similar to requirements for other types of businesses; reflect best practices
- will ensure the safety of customers, staff and neighbourhood
- robberies have occurred at retailers

Comments in opposition:

- increases the cost of operations, which will affect customers
- individual businesses can make their own decisions about security
- not required for other types of businesses
- video surveillance is invasive/presents privacy issues

Topic: Proposed Business Licence Fee

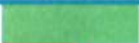


The proposed business licence fee range for storefront medical marijuana retailers has been determined based upon an estimate of the costs required to administer this type of licence, on a cost recovery basis.

Proposed annual licence fee:

At this time, it is anticipated that the annual licence fee for storefront medical marijuana retailers would likely be between \$4,000 and \$5,000.

Survey results:

Do you support this proposed business licensing fee for storefront medical marijuana retailers?

Response	Chart	Percentage	Count
Yes		51.1%	663
No		26.4%	343
Unsure		22.5%	292
Total Responses			1298

Comments in support:

- all businesses operating in the City need to obtain business licences and pay a reasonable fee
- the fee seems appropriate given the type of product sold and the profits that are being made
- the fee will be a good source of revenue for the City that can be re-invested in the community
- the fee will cover the extra costs of policing
- the fee may discourage some retailers from opening




Comments in opposition:

- fee is too low
- fee is too high compared to what other businesses pay
- the City shouldn't be licensing these businesses; they are illegal
- prices for products will increase because businesses will need to recover the fee from their customers
- fee should be lower for non-profits

Topic: General Approach

After reading through the proposed regulations for medical- marijuana related businesses in Victoria, do you support this general approach of regulation?

Survey results:

Response	Chart	Percentage	Count
Yes		65.3%	742
No		19.5%	221
Unsure		15.2%	173
Total Responses			1136

Comments in support:

- regulation is required/better than the current situation
- attempts to keep children, neighbourhoods and the public safe
- allows local government to have some control
- reflects normal business practices
- represents public opinion
- will help to legitimize the industry
- strikes appropriate balance between ensuring access and protecting minors, customers and staff
- most regulations are reasonable

Comments in opposition:

- the City shouldn't be regulating an illegal substance; shut these businesses down
- businesses should be treated like other businesses selling medications or alcohol; marijuana businesses are being singled out
- regulations should go further
- regulations should do more to limit the number of stores
- regulations are too strict/may limit access or increase prices, or drive customers to black market
- perpetuates stigmatization of marijuana and its users
- doesn't address concerns including quality control, product source
- some of the proposed regulations are not within the City's jurisdiction
- many of the requirements aren't justified; concerns are perceived rather than evidence-based; no concerns with current operations
- many of the requirements should be at the discretion of individual businesses
- many have the potential to have negative impacts on the most disadvantaged customers
- educating youth is a better answer than some of the proposed regulations
- appears to be a money grab
- doesn't make sense to regulate now if federal government will be legalizing

Appendix B – Compilation of all Phase Two Engagement Feedback

(provided as separate document)

Engagement Feedback

Proposed Regulations for Medical Marijuana-Related Businesses in Victoria

February-March 2016



Contents:

Town Hall Written Submissions – 8 pages
Town Hall Speaker Presentations -
Email Submissions
Phase 2 Complete Survey Results



Appendix C – Issues and Analysis

Definition of Terms Used in the Regulations

The recommended regulations outlined in this report distinguish between several different types of medical marijuana-related businesses:

- “storefront medical marijuana retailers,” which includes any business distributing medical marijuana to customers directly from a retail storefront. These include non-profit compassion clubs and for-profit businesses.
- “businesses that keep marijuana on the premises,” which includes bakeries and other production facilities and storefront medical marijuana retailers. It does not include Health Canada-authorized licensed producers, which are already subject to stringent federal regulations regarding facility construction and security.
- “businesses that allow consumption of marijuana on site,” which includes any business, whether or not it distributes marijuana, which allows for the consumption of marijuana or products containing marijuana on site. This would include smoking lounges and vapour lounges.

References to “medical marijuana-related businesses” includes all medical marijuana-related business types, regardless of whether they keep or sell marijuana on the premises. This includes paraphernalia shops, medical marijuana consulting services, storefront medical marijuana retailers and medical marijuana bakeries or production facilities.

Analysis of Proposed Regulations

1. Sale of edible products

Many medical marijuana-related businesses operating in Victoria sell capsules, oils, baked goods, candy and other food products containing marijuana. Many of these edible products appear to come from unregulated production facilities. Labelling and packaging varies significantly. Product labels may include the amount of active ingredients (i.e., THC and CBD), the number of doses in the product, a list of other ingredients, dosing instructions and/or health and safety warnings. Some come in child-proof or opaque packaging.

Customers may prefer to purchase and ingest marijuana in edible products for a variety of reasons. Marijuana has different medicinal effects depending upon whether it is inhaled, consumed sublingually or consumed orally. Inhalation may cause irritation of the throat and lungs. Some customers may be too ill or otherwise unable to prepare their own food products using cannabis oils or extracts.

The recent Supreme Court of Canada decision in *R. v. Smith* confirmed that persons with medical authorizations can possess and use cannabis derivatives, including edible products, for medical purposes. Health Canada has responded by allowing licensed producers to produce and sell cannabis oil and fresh marijuana buds and leaves, in addition to dried marijuana.

The primary concerns associated with the sale of edible products containing marijuana are that consumers will overestimate the required dosage or that others will accidentally ingest the products. Some edible products for sale in Victoria retailers are not labelled with information regarding recommended dosage or active ingredients. Products that appeal to children, such as candies, are of particular concern. Anecdotal information provided by the Chief Medical Health Officer with Island Health indicates that hospitalizations due to accidental ingestion of edible products containing marijuana have increased with the increase in medical marijuana-related businesses.

A secondary concern associated with the sale of edible products is food safety. Food products that are not properly prepared, stored and handled may become contaminated or produce toxins or disease-causing microorganisms. Island Health's Environmental Health Officers currently have no involvement with storefront medical marijuana retailers, because the products sold are pre-packaged and would be considered to be low-risk from a food safety perspective. A bakery producing medical marijuana products would be inspected by Island Health for compliance with sanitation and safe food handling practices applicable to any bakery business. Island Health does not regulate marijuana content, packaging or labelling of baked products. Because these products are being produced and sold outside of the federal regulatory regime for medical marijuana, usual federal oversight in areas such as product labelling is lacking.

During the first phase of engagement, the Chief Medical Health Officer with Island Health expressed support for a ban on edible products that is consistent with the City of Vancouver's approach to the issue. The majority of participants in the second phase of engagement were opposed to a ban on the sale of medical products. 74% of survey participants were opposed, as were speakers at the town hall. Comments in opposition included:

- many customers prefer to consume marijuana in edible products; many do not want to smoke or are unable to smoke in their homes
- customers may not be able to bake their own food products
- edible products are a more effective form of medication for some customers
- smoking is damaging to the lungs, and
- a range of products allows customers to have variety.

The City has no authority to implement many of the measures that could effectively address the health and safety concerns associated with edible products, such as requirements for mandatory testing, labelling and packaging. However, the majority of engagement participants have expressed their opinion that the benefits associated with the availability of edible products are significant and outweigh any health and safety concerns. For this reason, a restriction on the sale of edible products is not recommended. Recommended regulations regarding health and safety warning signs may mitigate some concerns.

2. Regulation of business locations

Storefront medical marijuana retailers are not currently a defined use under the Zoning Regulation Bylaw because storefront sale of marijuana is illegal under federal laws. Other types of medical marijuana-related businesses are also not specifically defined uses under the Zoning Regulation Bylaw. It is anticipated that the federal government will be amending marijuana laws in the near future but it is unlikely that such amendments will fully address issues that are traditionally a concern for local governments. Therefore, it is important for the City to enact regulations that properly manage any potential negative community impacts of marijuana related businesses so that these regulations are in place should storefront distribution of marijuana become legal in Canada.

Concerns regarding minors' access or exposure to marijuana can be mitigated by regulations that restrict storefront medical marijuana retailers from operating close to schools or other locations where minors gather. Many jurisdictions that allow medical marijuana-related businesses use this approach. For example, Vancouver prohibits businesses from locating within 300 metres of schools, community centres or neighbourhood houses. In Portland, medical marijuana businesses must be at least 1000 feet (approximately 300 metres) from schools. In Denver, medical marijuana businesses must be at least 1000 feet from schools and child care establishments.

Some jurisdictions also regulate the proximity between medical marijuana businesses. These type of business proximity restrictions may be used to mitigate neighbourhood impacts, avoid clustering of businesses and limit the total number of businesses. In Vancouver, businesses must be at least 300 metres from one another. In Portland and Denver, businesses must be at least 1000 feet apart.

The only other business type in Victoria that is regulated in terms of its proximity to schools and other businesses of the same type are liquor retail stores. Under the Zoning Regulation Bylaw and the City's recently amended Liquor Retail Store Rezoning Policy, new liquor retail stores require a zoning amendment in order to permit that use and should be located at least 200 metres from an elementary or secondary school or an existing liquor retail store.

Access by minors has been a commonly expressed concern during both phases of engagement. During the first phase of engagement, the Greater Victoria School District No. 61 indicated that they would like to see a zoning policy in place for medical marijuana-related businesses that is similar to that for liquor retail stores. During the second phase of engagement, 52% of survey respondents were in favour of a 200 m distance requirement between retailers and schools and between retailers. Comments in support of the proposed regulation from engagement participants included:

- reduces exposure of minors to marijuana; makes marijuana less accessible to minors
- there are too many existing storefronts; this proposed regulation may lower the numbers
- gives the community a voice in the rezoning process, and
- may prevent overabundance of stores in some neighbourhoods; a diversity of retail uses in a neighbourhood is preferred.

Comments in opposition included:

- retailers should be a lesser/greater distance from schools and/or each other
- if there is an age restriction to enter retailers, then proximity to schools is not an issue
- clustering of businesses is preferable to having them spread out
- not fair to existing businesses that are too close to schools or other retailers
- should also include a minimum distance from other locations frequented by minors, such as recreation centres, parks, daycares and/or playgrounds
- minors should be exposed to marijuana
- rezoning process will be onerous and expensive, and
- customers may be impacted if businesses have to relocate or close.

In keeping with the feedback from a majority of survey respondents, an amendment to the Zoning Regulation Bylaw is recommended that prohibits storefront marijuana retailers as a use in all zones unless expressly permitted. A proposed policy to guide rezoning applications is attached as Appendix D. The policy indicates that retailers should be at least 200 m from public or independent elementary or secondary schools, and other retailers. Although there is no intention at this time to licence or allow storefront sales of marijuana for recreational purposes in Victoria, in preparation for any future legalization of marijuana sales, the recommended Zoning Regulation Bylaw amendment and policy have been drafted to apply to any retail storefront sales of marijuana.

This recommendation could impact current storefront retailers. Each business location would need to be rezoned to allow marijuana sales as a permitted use. Appendix E includes two maps: the first shows the locations of the 32 known storefront medical marijuana retailers operating in Victoria, as well as the locations of elementary and secondary schools. 200 m "buffer zones" are drawn around each business location. The second map is an enlarged view that shows only the downtown area. Although these maps do not provide sufficient detail for precise distance calculations, it appears that no businesses are currently operating within 200 metres of an active public or private

school; however, particularly in the downtown area, at least one-half of businesses are operating within 200 metres of one another.

The rezoning process for current storefront retailers could be managed in several ways. One possible approach would mirror the City's typical rezoning process. Each storefront retailer would have to apply for a rezoning, which would include a community meeting hosted by the appropriate Community Association Land Use Committee (CALUC) and a public hearing before Council. Based on experience with liquor retail store rezoning applications, it is estimated that each of these applications will take an average of 70 to 100 hours of staff time and take at least six months to complete. Similar to liquor retail store rezoning applications, storefront marijuana retailer rezoning applications will likely involve considerable discussion and liaison with senior governments and other City departments. There is also typically a significant amount of community involvement and questions regarding liquor retail store rezoning applications both before and at the Public Hearing. CALUCs often need a significant amount of staff support.

Alternatively, Council could undertake a City-initiated rezoning process of all locations with existing storefront retailers. If Council chooses this approach, amendments to the Zoning Regulation Bylaw to allow storefront marijuana retailers as a permitted use at all current business locations would be brought forward for two readings at the same time as the general bylaw amendments that would prohibit storefront marijuana retailers as a permitted use in all zones. A public hearing would be scheduled, at which time individuals could present their views to Council on the general amendments and/or one or more of the locations being considered for a rezoning. Although all CALUCs would be provided with notice of the public hearing and the proposed bylaw amendments, no individual CALUC meetings for each business location would be required. This approach would require significantly less overall time and effort from both applicants and staff but would provide less opportunity for community input (e.g., no individual CALUC meetings) and less staff analysis of unique circumstances of each site.

Although it will require additional time and resources to implement, the recommended approach is to use the typical rezoning process for management of storefront retailer rezoning because it would provide for proper neighbourhood consultations and full staff analysis of each application.

3. Mailing and delivering products

A medical marijuana retailer loses the ability to screen customers and prevent purchases by minors if sales are conducted via mail or other form of delivery. Vancouver's regulations include a prohibition against the mailing or delivery of products. Denver and Portland also prohibit mailing of products from medical marijuana retailers.

Several storefront retailers have indicated that they do provide delivery service to members that are unable to attend at the business premises because of illness or mobility challenges. Others have indicated that they mail products, including to members who have moved out of town.

57% of survey respondents were opposed to a prohibition against mailing and delivery of products. Several speakers at the town hall were also opposed. Comments in opposition to this proposed regulation included:

- customers in remote areas may have no other source of products
- some customers may be too ill or otherwise unable to attend at a retailer to purchase products
- mail order is the only legal way to distribute medical marijuana, and
- pharmacies and liquor stores offer delivery.

The health and safety concerns associated with the mailing or delivery of products appear to be outweighed by the benefits that a mail or delivery service may provide to customers who are unable to attend at a storefront retailer. For this reason, a prohibition against the mailing or delivery of products is not recommended.

4. Consumption on the premises

Marijuana can impair concentration, coordination, and judgment. Consumption of marijuana at a business can impair an individual's ability to safely drive or otherwise travel from the business. Liquor consumption poses similar concerns and a similar prohibition against consumption on the premises is in place for BC liquor retail stores. Consumption of liquor is only allowed at licensed establishments where staff are trained and available to monitor consumption and any resulting impairment.

Smoking marijuana at a business is of particular concern. Current CRD prohibitions against smoking in or near a building apply only to tobacco. Smoke from any source is harmful to lung health and second-hand marijuana smoke will be an irritant to some customers. Marijuana smoke can also exacerbate odour concerns.

Participants in the second phase of engagement expressed differing views regarding consumption on the premises. 46% of survey respondents supported the proposed regulation prohibiting consumption on site. 41% were opposed. A number of individuals presenting at the town hall spoke in favour of allowing consumption on-site at storefront retailers.

Comments from engagement participants in support of a prohibition against consumption on the premises included:

- consumption on the premises will promote loitering
- consumption on the premises poses a health and safety risk to workers
- other customers/neighbours shouldn't be exposed to marijuana smoke or odours
- consumption in a public place is illegal
- customers may become impaired and then drive, and
- staff on site will not be able to control consumption and manage side effects.

Comments in opposition included:

- a safe place for consumption is necessary for some people; some people cannot smoke at home
- consumption on site will prevent people from consuming on the streets
- there are supportive/social benefits associated with consuming with others
- customers should be allowed to try products before buying
- consumption on site can allow staff to demonstrate safe and appropriate usage and monitor customers, and
- people in pain may need to medicate immediately and won't be able to wait until they get home.

While there appear to be some benefits to allowing the consumption of products on site at a storefront retailer, the potential impacts to staff, other customers and neighbours are of concern. Vancouver, Portland and Denver prohibit consumption on site for medical marijuana retailers. The vast majority of storefront retailers currently operating in Victoria do not allow consumption on site. Staff are aware of only one business that has an on-site smoking/vaping room.

It is recommended that consumption of marijuana on-site at all medical marijuana-related businesses be prohibited. This would include a prohibition against consumption at businesses that distribute marijuana, as well as a prohibition against the operation of stand-alone smoking or vaping lounges. To bring these regulations into effect, it is recommended that:

- a prohibition against consumption on-site be included in the proposed new Medical Marijuana-Related Business Regulation Bylaw, and
- the Zoning Regulation Bylaw be amended to include a prohibition against “businesses that allow consumption of marijuana on site” as a use in any zone of the City.

If Council wishes to allow consumption on-site, the preferred approach would be to consider allowing consumption on a case-by-case basis as part of a rezoning process. Consumption on the premises is properly considered as a land use matter, because it may raise concerns with neighbours and fundamentally alter the nature of the business being conducted at a particular location.

5. Opening hours

Late night hours raise concerns regarding both neighbourhood impacts and security. The three recent armed robberies at storefront medical marijuana retailers have occurred between 8 and 9 p.m. at night. Late night hours are also not consistent with a focus on medical, rather than recreational, marijuana.

A restriction on opening hours for storefront medical marijuana retailers is consistent with best practices from other jurisdictions. Vancouver’s regulations prohibit businesses from operating between 10 p.m. and 8 a.m. In Denver, marijuana retailers can’t be open past 7 p.m. Portland recently amended its permitted hours of operation for marijuana retailers. Retailers in Portland may now be open between 8 a.m. and 10 p.m.

A majority (53%) of survey respondents did not support a proposed regulation that restricted retailers from opening between 8 p.m. and 7 a.m. Comments in opposition included:

- make opening hours even stricter
- closing time should be extended to 10 or 11 p.m.
- patients should be able to access marijuana whenever they want; some people may not be able to get to a retailer during these hours
- businesses should be able to set their own hours based on market demand, and
- if hours aren’t convenient, customers will have to access marijuana through street dealers.

Comments from engagement participants who supported the proposed restriction included:

- late night sales are probably for recreational purposes, not medical purposes
- reduces potential neighbourhood impacts from late night traffic
- may assist with robbery and crime prevention
- ensures safety of employees, and
- allows sufficient opportunity for working customers to obtain their marijuana.

Based on the current opening hours of storefront retailers operating in the city, there would appear to be little impact on businesses and customers from the proposed restriction on opening hours. Many storefront retailers who participated in the first phase of engagement close by 8 p.m. Some indicated they were open until 10 p.m. As the impact appears to be minimal when compared to the potential benefits, a regulation restricting storefront retailers from opening between 8 p.m. and 7 a.m. is recommended.

6. Other business on the premises

The proposed regulations relating to minors on the premises, consumption and opening hours will be difficult for both businesses and enforcement agencies to monitor and enforce if multiple business activities are occurring on the premises. Vancouver prohibits the operation of any other business on the premises of a medical marijuana-related business. A similar restriction was proposed for storefront retailers operating in Victoria.

Survey respondents were not clearly in support or opposed to this proposed regulation. 41% of respondents did not support the proposed regulation; 38% did support, and 21% were unsure. Many respondents indicated that they required more details on the types of businesses that would be prohibited.

The intention of the proposed regulation is not to restrict business activities that are related to the retail sale of medical marijuana, such as the sale of paraphernalia, the provision of medical marijuana consulting advice or the production of products containing marijuana. As the term is defined in the Zoning Regulation Bylaw, these could be considered as “accessory uses” that are normally incidental or normally associated with the principal use. Businesses of particular concern would include:

- coffee shops, restaurants or other similar types of businesses, where customers may wish to consume marijuana that they have purchased on the premises, and
- businesses that cater to, or are frequented by, minors.

To address these concerns, it is recommended that business on the premises of a storefront medical marijuana retailer be restricted to the sale of medical marijuana and accessory uses.

7. Business licence fee

The proposed regulations included an estimated annual business licence fee for storefront medical marijuana retailers of between \$4,000 and \$5,000. That proposed fee range was determined on a cost-recovery basis using the estimated cost of the resources required to administer and enforce the new regulatory scheme. A slight majority (51%) of survey respondents were supportive of the proposed fee. This proposed regulation had the highest number of “unsure” responses from survey respondents (23%). Many survey respondents indicated that they required further information on typical business licence fees in order to form an opinion.

The exact business licence fees applicable to the various types of medical marijuana-related businesses cannot be determined until Council direction on the recommended regulations and the proposed compliance and enforcement strategy is received. Recommended business licences fees will be brought forward for Council approval after this direction is received.

8. Other proposed regulations

The remainder of the proposed regulations received support from a majority of engagement participants and generated few significant concerns. These regulations are all recommended. The rationale for each of these recommended regulations is described in the table below.

Recommended regulation	Rationale
<p>a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.</p>	<p>There are health concerns associated with the consumption of marijuana by youth. A prohibition against minors on the premises is one way of limiting their access to marijuana. This is already standard practice among many medical marijuana-related businesses operating in Victoria. Vancouver's regulations include a similar provision. Denver and Portland also prohibit minors on the premises of medical marijuana retail businesses, unless the minor has a state-issued authorization to use marijuana for medical purposes.</p> <p>Some businesses allow minors on the premises if accompanied by a parent or guardian. Although a prohibition against minors on the premises may be inconvenient for some customers, an absolute prohibition is practical for both businesses and enforcement agencies to monitor and enforce.</p>
<p>b) Medical marijuana-related businesses must not advertise or promote the use of marijuana to a minor, including through product displays, names, logos or other signage.</p>	<p>There are health concerns associated with the consumption of marijuana by youth. Consumption by minors can be discouraged by minimizing their exposure to advertising that promotes use of marijuana. Of particular concern are any advertisements, promotions and product displays geared towards minors and suggesting that products are being sold for recreational, rather than medical, use.</p>
<p>c) Storefront medical marijuana retailers must post health and safety warning signs on the premises, such as:</p> <ul style="list-style-type: none"> • Marijuana is not an approved drug or medicine in Canada. • Products have not been authorized for sale under the Food and Drugs Act. They have not been assessed for safety or efficacy to treat or prevent any disease or symptom. • Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery while under the influence of marijuana products. • For use only by adults nineteen and older. Keep out of the reach of children. 	<p>Signs will help to raise awareness among customers regarding health and safety risks associated with marijuana use. Similar "responsible use" programs are in place for liquor stores and other liquor licensed establishments in BC.</p> <p>Signs will also make it clear that products sold in storefront medical marijuana retailers have not been inspected or approved by any government agency. It will be important for customers to understand that a City business licence does not guarantee the safety or efficacy of the products sold.</p> <p>Other jurisdictions impose similar requirements on medical marijuana-related businesses. Under Health Canada regulations, licensed producers must provide customers with similar safety information. Washington State requires similar warnings in any marijuana-related advertising.</p>

Recommended regulation	Rationale
<p>d) Any business that keeps marijuana on the premises must install and maintain an air filtration system to ensure odour impacts on neighbouring properties are minimized.</p>	<p>Dried marijuana emits a strong odour that many individuals find unpleasant. For some individuals, it can cause headaches or other physical symptoms. The odour can be detected upon entering most storefront medical marijuana retailers. Many businesses already utilize charcoal filter systems but, at some locations, the odour can also be detected outside the business premises.</p> <p>The City has received odour complaints from businesses and residents located near storefront medical marijuana retailers. Proper air filtration systems can effectively eliminate marijuana odour from outside of these businesses. Neighbouring businesses, their customers and residents should not be unnecessarily exposed to smells that they find offensive.</p>
<p>e) Any business that keeps marijuana on the premises must submit the following information as part of their initial business licence application and on each renewal:</p> <ul style="list-style-type: none"> • 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, including the written consent of the landlord if the premises are leased. 	<p>Medical marijuana-related businesses are likely to become a target for criminal activity or the involvement of organized crime. The best opportunity to screen for criminal involvement and ensure that businesses have appropriate security measures in place is at the time of licence application.</p>
<p>f) Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public:</p> <ul style="list-style-type: none"> • at least two employees must be on duty, and • windows must not be blocked. 	<p>The possibility of theft of other criminal activities is minimized when passersby are able to see into a business from the exterior and multiple employees are on site. Vancouver's regulations include similar provisions.</p> <p>These proposed regulations will impact many existing storefront retailers, as many currently have opaque film on their windows, which will need to be removed. Most businesses who provided input indicate that they have at least two staff members on site at any time. Smaller businesses, which may have only one staff person on duty, will be impacted.</p>

Recommended regulation	Rationale
<p>g) Any business that keeps marijuana on the premises must implement the following security measures:</p> <ul style="list-style-type: none"> • video surveillance cameras must be installed and monitored • a security and fire alarm system must be installed and monitored at all times, and • valuables must be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation. 	<p>The consequences of a break-in or other security incident can be minimized by the use of video surveillance cameras and security alarm systems and by limiting access to marijuana and other valuables. Vancouver, Denver and Portland have similar regulations in place.</p> <p>The impact on business from these regulations is expected to be minimal. Many storefront medical marijuana retailers operating in Victoria have already implemented these types of security measures.</p>

Appendix D – Proposed Storefront Marijuana Retailer Rezoning Policy

 CITY OF VICTORIA	COUNCIL POLICY	
	No.	Page 1 of 2
CHAPTER:		
SECTION:		
SUBJECT: Storefront Marijuana Retailer Rezoning		
AUTHORIZED BY:		
EFFECTIVE DATE:		REVISION DATE:

A. PURPOSE

The purpose of this policy is to outline the criteria that may be considered by City Council as part of a rezoning application to allow for a storefront marijuana retailer at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual rezoning applications, each of which will be evaluated on its own merits.

This policy was established in response to the anticipated legalization, or partial legalization, of marijuana by the federal government and the unregulated proliferation of storefront marijuana retailers. It is intended to address potentially adverse community impacts of marijuana-related businesses, including inappropriate exposure of minors to marijuana and undesirable concentration of marijuana-related businesses.

B. DEFINITIONS

Applicant means an applicant for a rezoning that would allow for a storefront marijuana retailer at a particular location.

Storefront marijuana retailer means a premises where marijuana or a product containing marijuana is distributed to customers directly from a retail storefront, whether done for profit or not.

C. POLICY STATEMENTS

Rezoning Considerations

1. A storefront marijuana retailer should be in an established or planned retail location to minimize nuisance to nearby residential neighbours. This may be within a large urban village or town centre as identified in the Official Community Plan, within a commercial area identified in a neighbourhood plan or in a location zoned for other retail use.
2. A storefront marijuana retailer should be at least 200 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary or secondary school.

3. A storefront marijuana retailer should be at least 200 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront marijuana retailer is permitted, whether or not a storefront marijuana retailer is active or not. A reduced distance may be warranted in locations such as a large urban village, town centre or Downtown.
4. The off-street parking requirements applicable to retail stores as outlined in Schedule C of the Zoning Regulation Bylaw will apply to storefront marijuana retailers.
5. Only one storefront marijuana retailer will be allowed per lot.

Application Process

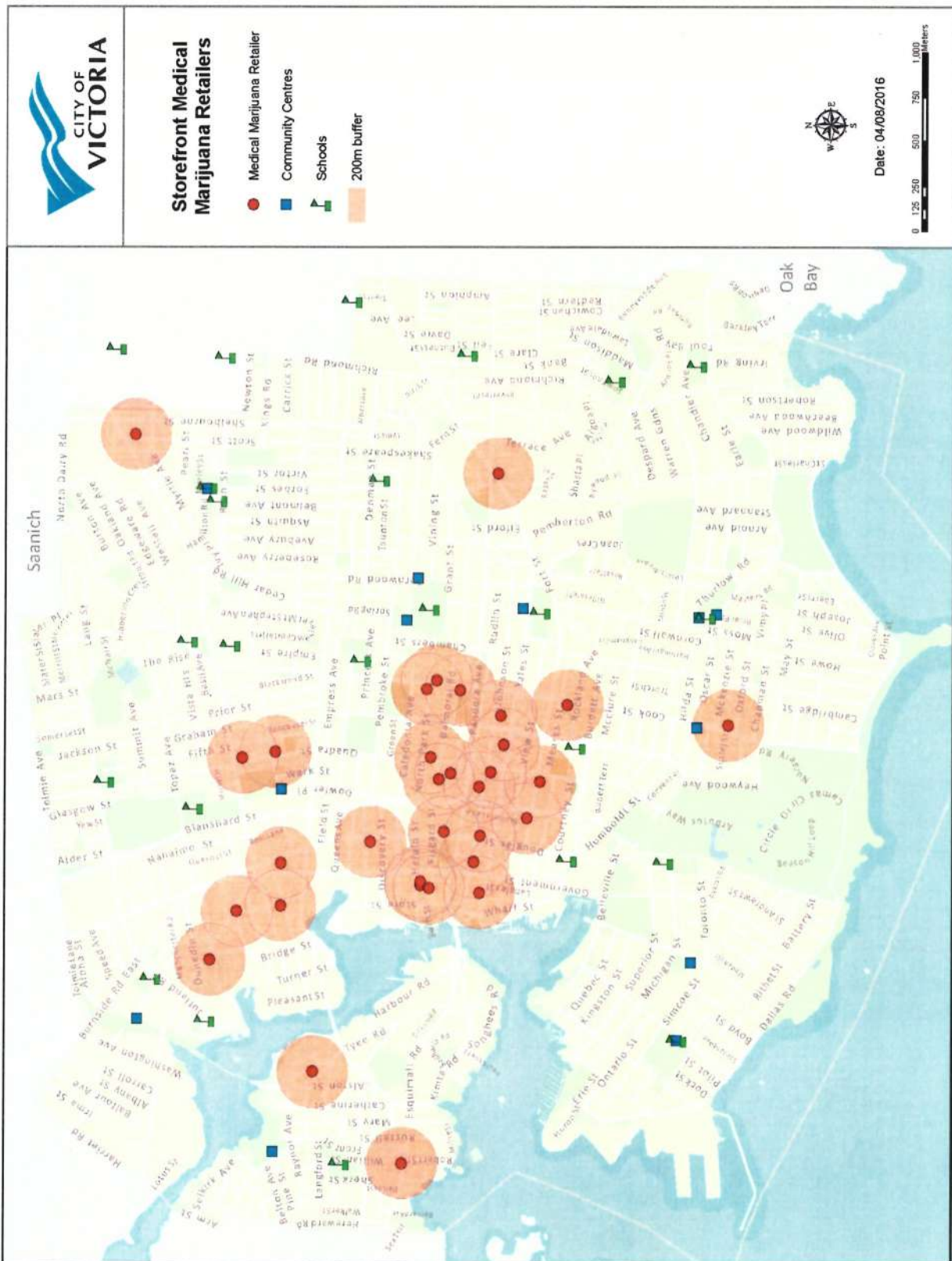
6. The applicant must undertake all of the standard processes required for a rezoning application. This will include participation in a Community Association Land Use Committee meeting (CALUC) prior to the submission of the application.
7. The City will refer the application to School District #61 and Victoria City Police for up to 30 days to ensure that their comments are considered in Council's decision.

D. REFERENCES

City of Victoria Zoning Regulation Bylaw, Bylaw No. 80-159

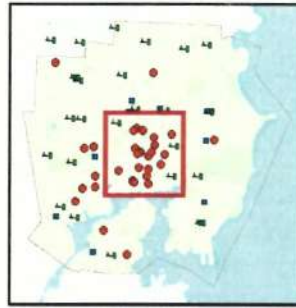
E. REVISION HISTORY

Appendix E – Maps of Known Storefront Medical Marijuana Retailers with 200 m Buffer Zones



Storefront Medical Marijuana Retailers

-  Medical Marijuana Retailer
 Community Centres
 Schools
 200m buffer



Date: 04/08/2016





1054250

May 2, 2016

Mayor Lisa Helps (mayor@victoria.ca)
and Councillors (see attached list)
City Hall
1 Centennial Square
Victoria BC V8W 1P6

Dear Mayor Helps and Councillors:

I read with great concern your proposal to permit cannabis dispensaries to provide edible cannabis containing products to their clientele. While I understand that this position was supported by a majority of those in the community who were consulted- on the basis that they felt the benefits would outweigh the harms-such a conclusion is not based on the evidence. Nor is this position supported by public health officials in British Columbia and is directly contrary to the advice presented to you by Dr. Richard Stanwick, Chief Medical Health Officer for Vancouver Island Health.

I am attaching an evidence review provided by Dr. Patty Daly, Chief Medical Health Officer for Vancouver Coastal Health. She provided this letter to the then City Manager for the City of Vancouver. It lays out the rationale for prohibiting the sale of edible products containing cannabis derivatives, and supports the policy direction taken by that City, which was, and is, to ban edibles, but to permit the sale of cannabis oils.

I write to urge you and Victoria City councillors to reconsider this recommendation.

Respectfully,

P.R.W. Kendall
OBC, MBBS, MHSc, FRCPC
Provincial Health Officer

Attachments

pc: Dr. Richard Stanwick, Chief Medical Health Officer, Island Health
Dr. Patty Daly, Chief Medical Health Officer, Vancouver Coastal Health

Council:

Councillor Marianne Alto malto@victoria.ca

Councillor Chris Coleman ccoleman@victoria.ca

Councillor Ben Isitt bisitt@victoria.ca

Councillor Jeremy Loveday jloveday@victoria.ca

Councillor Margaret Lucas mlucas@victoria.ca

Councillor Pam Madoff pmadoff@victoria.ca

Councillor Charlayne Thornton-Joe cth Thornton-joe@victoria.ca

Councillor Goeff Young gyoung@victoria.ca

June 22, 2015
Dr. Penny Ballem
City Manager
Penny.Ballem@vancouver.ca

Dear Dr. Ballem,

Re: Regulation of Medical Marijuana Retail Outlets in Vancouver – Edible Products

Thank you for the opportunity to provide advice to Mayor and Council on June 10, 2015 regarding the proposal to regulate medical marijuana retail outlets in Vancouver. As I indicated in my presentation of June 10 2015, I support the plan to permit sale of dried marijuana and marijuana oil (including in the form of labelled tinctures or capsules) in licensed retail outlets, but no other edible products.

In light of the Supreme Court of Canada decision regarding access to various forms of marijuana for those holding Health Canada licenses for medical marijuana, and to respond to questions from members of the public regarding edible marijuana products, I am providing additional background information that may be of benefit as this issue is considered by City staff, Mayor and Council.

There are three reasons why the sale of edible marijuana products in retail outlets is a public health concern:

1. Marijuana products in the form of candies and baked goods are palatable and appeal to children, and as a result are an increasing cause of childhood marijuana poisonings due to inadvertent consumption.
2. The pharmacokinetics of edible marijuana are different than smoked marijuana, increasing the risk of intoxication and prolonged impairment among adults.
3. Edible marijuana products should be considered a form of marketing and promotion of a psychoactive drug to the general population by the marijuana industry, to expand sales and general use.

Risk of Childhood Poisoning

The most significant and important risk of edible marijuana products is that edibles in the form of candies, baked goods and sweetened beverages are appealing and palatable to children. Emerging and growing evidence from the United States, where these products are legally available in several states for medical or recreational use, is that they have caused an alarming increase in childhood marijuana poisonings.

Calls to Poison Control Centres can provide a signal of the increase in childhood poisonings related to marijuana. A study published this month (June 2015) examined reports of marijuana poisonings in children under 6 years of age in the U.S. National Poison Data System, which collects data from poison control centres across the country

(Onders et al, *Clinical Pediatrics* 2015). The study found that while there was no significant increase in reports from 2000 to 2006, there was an increase of 147.5% from 2006 to 2013. Most of this increase was from states that had legalized medical marijuana prior to 2000; in those states, the increase in calls over this period was a steep **609.6%**, or 25-30% per year, and the increase does not appear to be leveling off. The median age of exposure was 1.58 years. Of concern is that marijuana poisoning at this young age can cause serious consequences, including coma, respiratory depression and seizures. Of the nearly 2,000 case reports in the study, 7% required admission to a critical care unit. More than 76% of all cases ingested the marijuana, and the authors noted this high percentage was associated with the increasing popularity of marijuana food products, such as candy, cookies and brownies, which look and taste similar to their non-marijuana containing counterparts.

Also of concern, the authors noted that the rate of marijuana poisonings among children is associated with the prevalence of marijuana use in the adult population, which had risen to 7.5% among those 12 years of age and older in the U.S. in 2013. Prevalence of marijuana use among adults in B.C. is much higher, at 12.1% of those 15 years and older based on the 2011 Canadian Alcohol and Drug Use Monitoring Survey.

An earlier U.S. study of nearly 1,000 poison control centre reports of exposures in children up to age 9 years found very similar results, with a median age of exposure of under 2 years of age and 78% exposed by ingestion (Wang et al, *Annals of Emergency Medicine* 2014). In this earlier study, authors noted childhood poisonings in those states that had decriminalized marijuana were more likely to have moderate to major clinical effects and require critical care admission, which they attributed, in part, to the higher potency of THC, the active ingredient in marijuana, in edible products that are usually the source of childhood poisonings.

Finally, a published report from the emergency department of a Children's Hospital in Colorado before and after the expansion in medical marijuana licenses in October 2009 found no reported marijuana ingestions in children under 12 years of age in the 5 years prior to that date, but 14 cases in the 2 years following (Wang et al, *JAMA Pediatrics* 2013). Of the 14 cases, 8 required hospital admission and 2 were admitted to the intensive care unit. Of the 11 children where route of ingestion was known, 9 were exposed from food products. The authors noted that proponents of marijuana suggest it is safer than alcohol, but during the same study period only 2 children were seen in the same emergency department for ethanol ingestion; an 11-year-old who intentionally consumed alcohol, and a 2-year-old who consumed a household product containing ethanol. The authors attribute the increase in pediatric marijuana poisonings to the marketing and sale of medicinal marijuana in the form of edible products that are attractive and palatable to children; no other pharmaceutical agent, tobacco or ethanol is available in these forms.

These reports from the United States are early warning signals that the very recent but dramatic increase in marketing and sale of edible marijuana products poses a serious risk to young children, and that the risk is increasing every year. In BC, the provincial

Poison Control Centre received 203 reports of marijuana exposures from January 1, 2014 to June 10, 2015, and 14 (7%) were in children 0-5 years of age and a further 46 (23%) in children 6-19 years of age (Personal communication, Dr. Tom Kosatsky).

Pharmacokinetics of Edible Marijuana

The second public health concern regarding edible marijuana products is that the pharmacokinetics and metabolism of marijuana consumed in an edible form is different than when smoked, and can increase the risk of intoxication and impairment at *all* ages. Experts from the Colorado Department of Public Health, where medical marijuana was legalized in 2000 and recreational marijuana in 2014, have studied and reported on the issue of edible products (Ghosh et al, *New England Journal of Medicine* 2015). They note that there is great individual variability in the effects of ingested marijuana because of its absorption, making it difficult to know how much to consume, and that the peak psychoactive effects can be delayed up to 4 hours after ingestion, compared to seconds or minutes after inhalation of marijuana smoke. The effects of edible marijuana can also last much longer, up to 8 hours, impairing judgment and coordination in any activities undertaken during that period of time, including driving. Several researchers have noted the lack of standardized dosing and potency for edible marijuana products, and the tendency for producers of these products to increase their potency over time.

Robust surveillance systems for marijuana overdoses and poisonings do not yet exist in Vancouver, but an analysis of cases of marijuana toxicity seen at St. Paul's Hospital on the evening of April 20, 2015 (following a 4:20 demonstration in downtown Vancouver where marijuana products were widely marketed) provide compelling evidence of the risk of edible products after consumption by adults. Of 63 patients seen in the St. Paul's Emergency Department that evening with a diagnosis of marijuana intoxication or poisoning, 54 had a known route of exposure in their chart: 36 had consumed edible marijuana products alone, 5 had consumed edibles and smoked marijuana, and 13 had smoked alone. In summary, of those with a known route of exposure, **76% had consumed edible marijuana products.**

Edible Marijuana is a form of advertising and marketing

Finally, several researchers and public health experts have warned that the dramatic increase in the marketing and sale of edible marijuana products mirrors the growth of the tobacco industry more than a century ago (Levy 2013, Wang et al 2014, Volkow et al 2014, Ghosh et al 2015). In its early days, tobacco was available in loose-leaf format that people rolled into their own cigarettes; the mass marketing of manufactured, machine-rolled cigarettes dramatically increased tobacco use in the general population, when coupled with heavy marketing by the tobacco industry. Marijuana is already big business in North America and is expanding rapidly – it has been estimated in the U.S. that the marijuana industry had \$1.5 billion in sales in 2011 and will have reached \$3.3 billion by this year. With edible products, the industry has a drug format that is increasingly popular with the public and more socially acceptable than smoking, and is now being heavily marketed. And the marijuana industry, learning a lesson from the

history of tobacco, is increasing the concentration of the active drug (THC) in these products, just as the tobacco industry increased the content of nicotine in cigarettes in the mid 20th century.

While I have outlined some of the early warning signals of the harms associated with the increasing availability of edible marijuana products, it may take many years before these harmful effects are clear, and in the interim the industry has a window of product promotion unchecked by regulation. The history of the tobacco and alcohol industry has taught public health experts that it is very difficult to regulate these products after the fact, when they are already widely available and sold in the market place. The marijuana industry understands this history too, which is why they lobbied heavily in Colorado and Washington State for modest regulation of edible products – and they were successful.

In the absence of a regulatory framework for marijuana in Canada, Vancouver City Council has the opportunity to learn from the experiences in the United States and set the standard for a thoughtful regulatory approach to marijuana dispensaries, which will ultimately protect public health far better than either prohibition or unchecked sale and marketing. Prohibiting the sale of edible products is the most prudent approach to protect the health of the population, particularly of our children, and I strongly support this approach.

Sincerely,

Patricia Daly MD, FRCPC
Chief Medical Health Officer

Regulations for Medical Marijuana-Related Businesses in Victoria



Background

- Significant increase in medical marijuana related-businesses since 2014
- Now at least 35 businesses, with 32 storefront retailers
- Some businesses having community impacts that are creating concerns for members of the public, VicPD and the City
- Federal government will introduce legislation in spring 2017 to legalize marijuana
- Changes to federal medical marijuana regime expected by end of August 2016



Council Direction

In May 2015, direction to consult 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, and
- a proposed education and enforcement strategy.



Regulations for Medical Marijuana-Related Businesses in Victoria

Phase One Consultation

- First phase of feedback collected
- Survey showed strong support for regulatory scheme including age restrictions, security measures, signage and advertising restrictions, odor control and limits on number and location of businesses
- Best practices review completed
- Proposed regulations presented to Council in November 2015
- At that time, Council directed staff to communicate regulations and invite feedback online and at an engagement event



Regulations for Medical Marijuana-Related Businesses in Victoria

Phase Two Consultation

- Focus was to collect feedback from the broader community on the proposed regulations
- 1,414 online surveys completed
- Over 250 attendees at open house and town hall
- Engagement participants were generally supportive of the proposed regulatory approach



Regulations for Medical Marijuana-Related Businesses in Victoria

Regulations Proposed for Council's Consideration



Regulations for Medical Marijuana-Related Businesses in Victoria

Edible Products

- Primary concerns are that consumers will overestimate the required dosage, or that others will accidentally ingest products
- Island Health supports ban on edibles
- Public feedback indicates strong opposition to ban on edibles
- Regulations regarding health and safety warning signs may mitigate some concerns
- Based on feedback received, a restriction on the sale of edible products is not being proposed



Regulations for Medical Marijuana-Related Businesses in Victoria

Mail and Delivery

- Retailer loses the ability to screen customers and prevent purchases by minors if sales are conducted via mail or other form of delivery
- Survey respondents and town hall speakers were generally opposed to a prohibition against mail or delivery of products
- Mail and delivery service provides significant benefits to customers who are unable to attend at a storefront retailer
- Based on feedback received, a prohibition against mail and delivery of products is not being proposed



Regulations for Medical Marijuana-Related Businesses in Victoria

Zoning Regulations

- Amendment to Zoning Regulation Bylaw recommended that will prohibit storefront retailers unless expressly permitted
- Proposed rezoning policy indicates storefront retailers should be at least 200 m from schools and other retailers
- Many current businesses are within 200 m of one another
- Typical rezoning process recommended
- Information on Development Services staff resource impacts to follow Council decision



Regulations for Medical Marijuana-Related Businesses in Victoria

Business Regulations

- Storefront retailers must not be open between 8 p.m. and 7 a.m.
- Storefront retailers can only conduct “accessory uses” on the premises (intention is not to restrict related activities)
- No individuals under the age of 19 on the premises
- No advertising or promoting the use of marijuana to a minor
- Health and safety warning signs must be posted on the premises
- No consumption of marijuana on the premises



Regulations for Medical Marijuana-Related Businesses in Victoria

Business Regulations

- An air filtration system must be installed and maintained
- Businesses must submit the following as part of their business licence application and annually:
 - 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.
- 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.



Regulations for Medical Marijuana-Related Businesses in Victoria

Business Regulations

- Businesses must implement the following security measures:
 - monitored video surveillance cameras
 - monitored security and fire alarm system, and
 - valuables must be removed or locked in a safe at all times when the business is not in operation.



Regulations for Medical Marijuana-Related Businesses in Victoria

Recommendations

1. Direct staff to bring forward for Council's consideration a Zoning Regulation Amendment Bylaw that prohibits in any zone of the City unless expressly permitted:
 - a) storefront medical marijuana retailers, and
 - b) businesses that allow consumption of marijuana on site.
2. Direct staff to bring forward for Council's consideration a Medical Marijuana-Related Business Regulation Bylaw incorporating the approved regulations.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.

