

Report to Council



Date: October 30, 2017
File: 1250-04
To: City Manager
From: Community Planning and Strategic Investments Division
Corporate and Protective Services Division
Subject: Feedback to the Province of BC on the Legalization of Marihuana

Recommendation:

THAT Council receives, for information, the report from the Community Planning Division/Corporate and Protective Services Division dated October 30, 2017 with respect to local government feedback on Provincial Government Marihuana Regulations and Policies;

AND THAT Council direct staff to provide the feedback contained in "Appendix B" related to the Provincial Governments Discussion paper – Cannabis Legalization and Regulation in BC to the Provincial Government Task Force prior to 4pm, November 1, 2017;

Purpose:

The purpose of this report is to consider the impacts of the legalization of marihuana from a local government and community perspective and provide feedback to the Provincial Government of British Columbia.

Background:

In the year 2000 a Federal Court ruled that Canadians have a constitutional right to use marijuana as a medicine. One year later Canadian Medical Marihuana Access Regulation granted legal access to marijuana for individuals with certain illnesses.

Health Canada Marihuana for Medical Purposes Regulations (MMPR) came into effect on July 19, 2013 and full effect on April 1, 2014 and replaced the current Marihuana Medical Access Regulations (MMAR), which was repealed on March 31, 2014. Obtaining a license through MMPR became the only legal access to marihuana for medical purposes, even if someone had had an authorization to possess or a license to produce that had a later date.

In the Summer of 2016, the Federal Government began taking steps towards legalizing the recreational use of marijuana. Federal Government officials were selected to form a task force that will use what they have heard to advise the government on the design of the legislation and the regulatory framework that will include a new system of strict marijuana sales and distribution. The task force provided their recommendations to the Federal Government (December 2016). On April 13, 2017, the Federal Government introduced two bills that will legalize cannabis use in Canada. It is expected that the Federal Government will legalize cannabis in July of 2017. The Federal Government has referred a number of implementation issues related to cannabis legalization to Provinces to manage.

The BC Provincial Government has set a deadline of November 1, 2017 to receive Local Government input under the headings of:

- Minimum Age
- Personal Possession – Adults
- Personal Possession – Youths
- Public Consumption
- Drug Impaired Driving
- Personal Cultivation
- Distribution Model
- Retail

Further details related to these headings can be found in the attached Provincial Discussion Paper labelled "Appendix A". Relevant staff have provided their feedback with regard to the discussion papers as "Appendix B".

Existing Policy:

Municipal Land Use - Current Regulation:

The City of Kelowna's Zoning Bylaw currently does not allow retail marijuana dispensaries in any zone in Kelowna. The production of medical marijuana is permitted in most of the City's industrial zones and the A1 – Agriculture 1 zone.

Internal Circulation:

Communications Advisor, Bylaw Enforcement Manager, Business Licensing Manager

Financial/Budgetary Considerations:

None related to this report although there may be budgeting implications in 2019; the impacts of which depend on the results of the direction the provincial government takes on the legalization of marijuana.

Personnel Implications:

None related to this report although there may be budgeting implications in 2019; the impacts of which depend on the results of the direction the provincial government takes on the legalization of marijuana.

Considerations not applicable to this report:

Communications Comments:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Approved for Inclusion: Ryan Smith, Community Planning Department Manager
David Gazley, Bylaw Services Manager
Greg Wise, Business License Manager