

## Legalization of Cannabis Information and FAQs

### Introduction

On April 13, 2017, the Government of Canada introduced Bill C-45 (*The Cannabis Act*) which, subject to parliamentary approval, will legalize, regulate and allow retail sales of cannabis in Canada. Based on recent approvals and timelines in the Senate, it is possible that retail sales will be available in summer or fall of 2018.

### What is Cannabis?

Cannabis describes the various products derived from the leaves, flowers and resins of the Cannabis sativa and Cannabis indica plants, or hybrids of the two. Products exist in multiple forms and are used for different purposes.

### Government of Canada's Approach

The *Cannabis Act* creates a framework for regulating cannabis production, setting standards for health and safety, and establishing criminal penalties. Some aspects of *The Cannabis Act* include:

- Allowing adults to legally possess up to 30 grams of cannabis in public;
- Setting the minimum age of purchase and use at 18 years of age, with the ability for provinces to increase the age limit;
- Allowing each residence (not person) to grow up to four cannabis plants for personal use;
- Enabling a regulatory regime for the licensed production of cannabis, controlled by the Federal government;
- Creating new criminal offences to deter sales to minors; and
- Allowing for use of roadside oral fluid screening to determine impairment.

For more information on *The Cannabis Act*, visit: [www.canada.ca/cannabis](http://www.canada.ca/cannabis)

### Government of Alberta's Approach

On November 30, 2017 the Government of Alberta passed Bill 26 (*An Act to Control and Regulate Cannabis*).

The provincial government's approach to cannabis legalization will focus on regulating retail sales, limiting the illegal market for cannabis, keeping cannabis out of the hands of children and youth, protecting public health, and protecting safety on roads, in workplaces and in public spaces.

The retail sale of cannabis in Alberta will be regulated under a licensing system managed by the Alberta Gaming and Liquor Commission (AGLC). The AGLC will be the purchaser/supplier to the retail outlets, and only dry and oil forms of cannabis prepackaged by the AGLC and cannabis accessories will be allowed to be sold in retail outlets. AGLC has set stipulations for physical building requirements, setbacks, advertising, security, staffing and municipal approval requirements for retail outlets.

Bill 26 aligns with the Federal Plan and includes the following:



Possession limit of up to 30 grams of cannabis in public;

18<sup>+</sup>

Minimum age for consuming and possessing cannabis at 18, which also aligns with the Government of Alberta's legal drinking and smoking age;



Ability to grow up to four cannabis plants per residence;



Restricting smoking and vaping with 5 metres of areas frequented by kids, in other public places where smoking is prohibited, and not allowing cannabis consumption in vehicles;



Providing the AGLC with the mandate to oversee distribution, compliance and enforcement of the province's cannabis retail system;



Establishing government-operated online retail sales, and;



Allowing for privately operated cannabis-only retail stores, and establishing authority to set regulatory guidelines and license requirements for private cannabis retail stores. No consumption of cannabis will be allowed on site.

Bill 26 requires the following:

1. Cannabis retail outlets must be confined in a building that has a private entrance, exit, and shipping and receiving area. This means it cannot be an accessory to an existing retail operation. Only approved cannabis products and or paraphernalia will be permitted to be sold in this location.
2. Advertising will not be permitted on the exterior of any building and all displays inside the store must be locked.
3. AGLC mandates that any cannabis retailer must be setback a minimum of 100m from a school, provincial health care center, school reserve or municipal and school reserve.
4. AGLC regulations require municipal approval for any cannabis retailer as part of the licensing process and approval. AGLC has stated a municipality may increase the setback requirements as well as any other requirements it sees fit under bylaw.

The AGLC started accepting applications for private cannabis retailers on March 6, 2018; however, sales of recreational cannabis will not be permitted until it is legalized and private retailers must meet the requirements of both the AGLC and those implemented by Alberta municipalities.

For more information on the provincial government's approach to cannabis legalization, visit:

[www.alberta.ca/cannabis](http://www.alberta.ca/cannabis)

### **Town of St Paul's Roles and Responsibilities**

Based on federal and provincial cannabis legislation, municipalities across Canada have the ability to control and regulate retail sales, production, and public consumption of cannabis through the following mechanisms:

- Land use bylaw controls
- Community standards bylaws
- Business licensing regulations
- Transit bylaws
- Smoking bylaws

The Town is currently undertaking a review of its Land Use Bylaw to ensure alignment with federal and provincial regulations and legislation.

Many topics related to the legalization of cannabis fall outside of the Town's role in decision-making, including:

- Setting a legal age to purchase cannabis. This decision falls under the jurisdiction of the provincial government.
- Rules related to drug-impaired driving. The Town will comply with federal and provincial legislation, has no decision-making authority in this area, and its rules will be enforced by the RCMP.
- Workplace safety. Developing workplace safety regulations fall under the jurisdiction of the provincial government. The Town will align its policies with provincial regulations.

## Frequently Asked Questions

### Where will residents be able to purchase cannabis?

The Government of Alberta's Bill 26 would allow for two kinds of retail sales in Alberta: privately operated retail stores and government operated online retail. More details about privately operated retail stores can be viewed here: <https://aglc.ca/cannabis/retail-cannabis-store-licences>

### Where will Town residents be able to consume cannabis?

The Government of Alberta has proposed to allow the consumption of cannabis in homes and in public spaces where smoking and vaping tobacco is allowed. To protect children and limit second-hand smoke, Bill 26 would restrict public consumption within 5 metres from areas frequented by children, such as playgrounds, sports fields, outdoor pool, etc., on hospital, school and child care facility properties and where smoking is prohibited. Consuming cannabis would also be banned in vehicles. Municipalities may create additional restrictions, such as a Community Standards Bylaw or Smoking Bylaw to further restrict public consumption.

Initially, venues such as restaurants or cafes specific for consuming cannabis will not be permitted. However, Bill 26 provides the Government of Alberta with authority to license these types of establishments in the future, and this issue will be explored once the system for cannabis is established and guidelines for edible cannabis products have been set by the federal government.

### Will advertising be allowed?

The federal government has proposed strict rules about advertising, labelling and packaging cannabis. Restrictions on cannabis advertising and packaging will generally mirror what is in place for tobacco. The Government of Alberta's Bill 26 establishes authority to further regulate advertising, labelling and promotion of cannabis if required.

### Will the sale of cannabis edibles be allowed?

While edible cannabis products will eventually be available, sales of edibles will be phased in at a later date after *The Cannabis Act* comes into force. Until then, only dried and fresh cannabis, cannabis oil, and seeds and plants for personal cultivation will be made available for legal purchase.

### Why is growing cannabis for personal consumption part of the Bill C-45?

Ensuring that adult Canadians can access legal cannabis is part of the Government of Canada's strategy of eliminating the illegal market. Allowing adults to grow their own cannabis plants at home will help improve access for Canadians with limited financial means and residents who live in rural areas, and provide the ability for personal oversight of quality and strain selection.

### What are the regulations regarding cannabis production facilities in Town?

The Town currently has regulations for *Licensed Industrial Hemp Production Facility and/or Premises* and *Licensed Medical Marijuana Production Facility and/or Premises*, both of which are provided in Section 8.17 and 8.18 of the [Land Use Bylaw](#).