

## *New Cannabis Legislation* Local Government Workshops

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On April 13, 2017, the federal government introduced legislation to decriminalize and regulate the recreational use of cannabis (otherwise known as marijuana) in Canada. The target date for implementation is July 2018, and during the interim provincial and local governments will be under significant pressure to develop and implement regulatory regimes for such matters as: distribution and sales, public consumption, minimum age restrictions, zoning and business licence requirements, fire prevention and safety protocols, to name a few.

One matter of some importance to local governments is the fact that storefronts (such as cannabis dispensaries and tasting rooms) remain unlawful unless and until the federal legislation is brought into force and/or permissive regulatory regimes have been adopted at the provincial and local levels. If the US experience is replicated in Canada, local governments can expect a proliferation of these cannabis operations, in advance of the legislative implementation.

Fulton & Company is offering two separate workshops: one intended for elected officials and one intended for senior management. Each workshop will:

- Provide a brief history of cannabis prohibition and legalization, both in Canada and elsewhere around the world;
- Discuss the intent and effect of the new federal legislation;
- Provide an overview of the matters that will be subject to provincial and local regulation;
- Discuss various strategies employed by other local government jurisdictions: What works? What doesn't? What's at stake?
- Explore options and strategies for your community.

Please contact Denise McCabe if you are interested in scheduling a workshop in your community:

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**We also take this opportunity to provide legal briefing notes regarding the legislation introduced today:**

- Possession up to 30 grams of dried or fresh cannabis permitted;
- Minimum age of 18 – however, provinces may impose more stringent age restrictions;
- Provinces will be responsible for distribution and sale;
- Will be procedure if provinces don't adopt legislation, so as to ensure access to legal cannabis;
- Provinces can decide whether cannabis may be sold at provincial liquor stores;
- Provinces and local governments able to tailor rules for their own jurisdictions, including:
  - Enforcement through ticketing;
  - Rules governing licensing, distribution and retail sales; and
  - Zoning and business licensing rules for cannabis businesses.
- Marketing that appeals to youth is strictly prohibited;
- Self-service displays and vending machine sales prohibited;
- Dried and fresh cannabis will be available first;
- Edible products will become available at a later date;
- New, tightly regulated supply chain – producers will be security cleared and federally licensed;
- Consumers permitted to grow up to 4 plants at home (to a max. 1 meter height), or buy from a provincially licensed and regulated retailer;
- Federal Enforcement Measures:
  - Ticketing for possession that exceeds the personal limit by small amounts;
  - Up to 14 years in jail for illegal distribution or sale;
  - Up to 14 years for giving or selling marijuana to minors;
  - Up to 14 years for using a youth to commit a cannabis-related offence;
  - Youth found in possession up to 5 grams not criminally prosecuted; and
  - Illegal to drive within 2 hours of having an illegal level of drugs in the blood (\$1,000 fine to life- imprisonment, depending on level/injuries/death caused).
- **Existing laws must be respected – there must be an orderly transition**