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# **BC Local Government Attitudes Towards the Legalization and Regulation of Marijuana in Canada**

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**Local Government Feedback to the Union of BC Municipalities'  
*Survey on the Legalization & Regulation of Marijuana***

May 19, 2017

## **1. Introduction**

The Union of British Columbia Municipalities (UBCM) represents 100% of the local governments in British Columbia (BC), as well as seven post-treaty First Nations members, and has advocated for policy and programs that support its membership's needs since 1905. The federal initiative to legalize marijuana has drawn considerable interest from BC local governments, who stand to be greatly impacted by new legislation and policies. In September 2016, UBCM members endorsed two marijuana-related resolutions at UBCM's Annual Convention:

### **2016 A2 Marijuana Regulations**

Requesting that the federal and provincial governments directly involve local government, through UBCM and the Federation of Canadian Municipalities (FCM), in the process of establishing a regulatory approach to marijuana in Canada, while ensuring that all orders of government are granted adequate time to align and integrate regional and local regulations and practices with new federal laws.

### **2016 A3 Marijuana Sales and Distribution Tax Sharing for Local Governments**

Calling on the federal government to request that a portion of any future federal or provincial tax collected through marijuana sales and distribution be shared with local governments, and that the concept of tax sharing with local governments be forwarded to the task force looking into the new system of marijuana sales and distribution, for consideration.

In an official response to 2016-A2, the Province outlined its current engagement strategy, which does not include current or future plans to thoroughly consult or involve local governments in the development of a provincial framework for legalized marijuana. Responding to 2016-A3, the Province indicated that before considering a tax revenue transfer to local governments, it would first need to fund the regulatory framework and essential services impacted by marijuana (e.g. health care, education, public safety).

Recently tabled federal legislation (Bill C-45 and Bill C-46) provides insight into some potentially negative impacts on local government resources and finances resulting from marijuana legalization, as well as the necessity for all orders of government to be prepared for a new framework to function effectively. As such, failure on the part of the federal and provincial governments to consult with local governments could lead to significant challenges for the new system.

Over the past several months, UBCM has requested meetings with federal and provincial elected officials and staff members to discuss local government concerns, impacts, and the need for a local government involvement in the

development of a new legalized framework. Thus far, only Bill Blair, Parliamentary Secretary to the Minister of Justice and Attorney General, has formally met with UBCM. During the April 10, 2017 meeting, Mr. Blair discussed, among other things, the necessity for communication between all three orders of government, as well as the need to provide local governments the resources they need to manage responsibilities under the regime for legalized marijuana.

The following report provides information with respect to the concerns that currently exist among British Columbia's local governments. Information is based on UBCM's Survey on the Legalization and Regulation of Marijuana, which ran from March 29 – April 28, 2017.<sup>1</sup> Responses show that local governments agreed on several key issues, which further support UBCM's current policy positions (as determined by recently endorsed resolutions) to inform several overarching recommendations:

- That, given the lack of consultation that has taken place thus far and short time frame for implementation of a new legalized regime, the Province of British Columbia initiate thorough and meaningful consultation with UBCM;
- That provincial and federal governments refrain from downloading responsibilities on local governments without providing adequate funding and resources; and,
- That local government jurisdiction and authority be respected by federal and provincial governments, with consideration towards providing local governments flexibility for regulating certain aspects of a new regime (e.g. personal cultivation, retail sales, zoning requirements).

Furthermore, UBCM will continue to work with its members to provide current information and best practices to help prepare local governments for the legalization of marijuana.

## **2. UBCM's Survey**

The legalization of marijuana has become an emerging issue for BC local governments. Prior to the appointment of the Task Force on Cannabis Legalization and Regulation on June 30, 2016, little was known about the federal initiative to legalize and regulate marijuana. With this appointment came a discussion paper, *Toward the Legalization, Regulation and Restriction of Access to Marijuana*, providing some broad areas for discussion, including an emphasis on protecting youth and keeping marijuana out of the hands of criminals. The November 30, 2016 release of the Task Force's final report, *A Framework for the Legalization and Regulation of Cannabis in Canada*, has provided greater clarity, and guidance for UBCM's survey.

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<sup>1</sup> Please note that a number of responses were received prior to the federal government tabling Bill C-45 and Bill C-46 on April 13, 2017.

In order to help inform its advocacy efforts prior to the legalization of marijuana, UBCM has conducted a survey of its members (see attachment) regarding the following issues:

- Taxation and revenue sharing with local governments;
- Federal and provincial consultation with local governments;
- Local analysis of the Federal Task Force on Cannabis Legalization and Regulation’s final report;
- The potential burden on local government departments and/or services that may result from the legalization of marijuana;
- Existing local policies and bylaws to regulate marijuana;
- Local attitudes towards personal cultivation and retail options;
- Local preference for legalized marijuana distribution, regulatory oversight and enforcement; and,
- Expected implementation timelines and other needs.

These particular issues were identified, prior to the tabling of federal legislation, by examining UBCM’s resolutions; considering prevailing concerns identified through a literature and media scan; analyzing the Task Force’s final report; and, participation in a staff working group with other local government associations.

Information obtained will be used in conjunction with policy set by the membership to further UBCM’s advocacy efforts, which thus far have included:

- A meeting with Bill Blair, Parliamentary Secretary to the Minister of Justice and Attorney General (April 10, 2017);
- Participation in a teleconference with federal Task Force Chair Anne McLellan (October 6, 2016);
- Frequent collaboration with FCM and other local government associations;
- Providing UBCM’s membership with opportunity to comment on the Task Force’s discussion paper.

### 3. Respondents

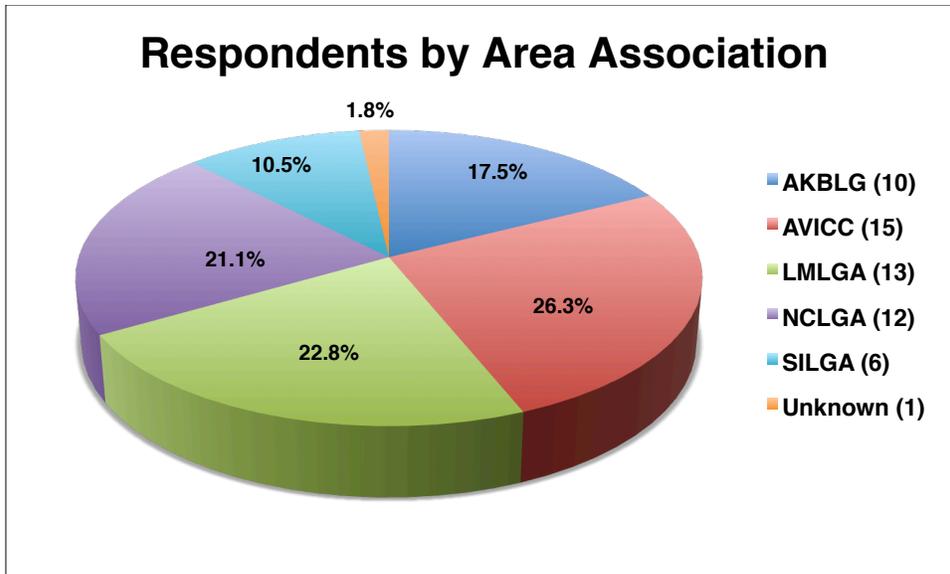
During the review period, UBCM received a total of 57 responses from local government staff members and elected officials:

Local Government	Category	Area Association
Bowen Island (Municipality)	Elected Official	LMLGA
Bulkley-Nechako (Regional District)	Staff Member	NCLGA
Burnaby (City)	Staff Member	LMLGA
Canal Flats (Village)	Staff Member	AKBLG
Cariboo (Regional District)	Elected Official	NCLGA
Central Saanich (District)	Elected Official	AVICC
Cumberland (Village)	Elected Official	AVICC

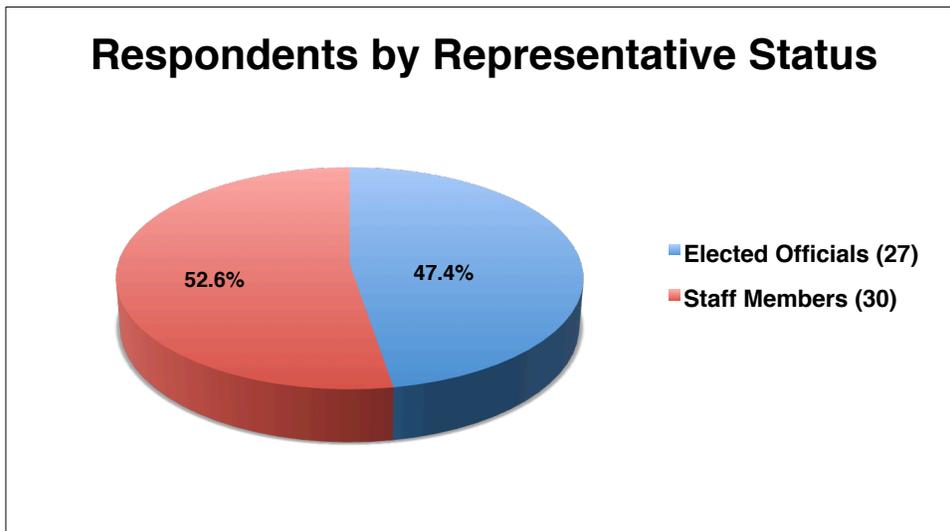
Dawson Creek (City)	Staff Member	NCLGA
Delta (Corporation)	Staff Member	LMLGA
East Kootenay (Regional District)	Staff Member	AKBLG
East Kootenay (Regional District)	Elected Official	AKBLG
East Kootenay (Regional District)	Elected Official	AKBLG
Enderby (City)	Staff Member	SILGA
Esquimalt (Township)	Staff Member	AVICC
Fernie (City)	Elected Official	AKBLG
Fort St. John (City)	Staff Member	NCLGA
Fraser Fort George (Regional District)	Elected Official	NCLGA
Harrison Hot Springs (Village)	Staff Member	LMLGA
Kelowna (City)	Staff Member	SILGA
Kimberley (City)	Staff Member	AKBLG
Kitimat (City)	Elected Official	NCLGA
Kitimat Stikine (Regional District)	Elected Official	NCLGA
Kitimat Stikine (Regional District)	Elected Official	NCLGA
Kitimat Stikine (Regional District)	Elected Official	NCLGA
Lake Cowichan (Town)	Elected Official	AVICC
Logan Lake (District)	Staff Member	SILGA
Mission (District)	Staff Member	LMLGA
Nanaimo (City)	Staff Member	AVICC
Nanaimo (Regional District)	Staff Member	AVICC
Nanaimo (Regional District)	Elected Official	AVICC
Nelson (City)	Elected Official	AKBLG
Nelson (City)	Staff Member	AKBLG
New Westminster (City)	Staff Member	LMLGA
North Cowichan (District)	Staff Member	AVICC
North Cowichan (District)	Staff Member	AVICC
North Cowichan (District)	Staff Member	AVICC
North Saanich (District)	Elected Official	AVICC
Port Moody (City)	Elected Official	LMLGA
Prince George (City)	Staff Member	NCLGA
Richmond (City)	Elected Official	LMLGA
Richmond (City)	Staff Member	LMLGA
Sicamous (District)	Elected Official	SILGA
Sicamous (District)	Staff Member	SILGA
Silverton (Village)	Elected Official	AKBLG
Smithers (Town)	Staff Member	NCLGA
Sooke (District)	Elected Official	AVICC
Squamish Lillooet (Regional District)	Elected Official	LMLGA
Sunshine Coast (Regional District)	Elected Official	AVICC
Thompson-Nicola (Regional District)	Elected Official	SILGA
Unknown	Staff Member	Unknown
Valemount (Village)	Elected Official	AKBLG
Victoria (City)	Staff Member	AVICC
View Royal (Town)	Elected Official	AVICC
Wells (District)	Elected Official	NCLGA
Whistler (Resort Municipality)	Staff Member	LMLGA
White Rock (City)	Staff Member	LMLGA
White Rock (City)	Staff Member	LMLGA

Respondents can also be grouped by Area Association<sup>2</sup> to show input by region.

<sup>2</sup> The Union of British Columbia Municipalities has five local government sub-associations, representing various areas of the Province.



Lastly, respondents can be separated by representative status. The results show a nearly even distribution between elected official respondents and staff member respondents.



These respondents represent 45 different local government jurisdictions.

#### 4. Local Government Feedback

In addition to feedback pertaining specifically to the discussion areas, there were several broad themes that emerged, which warrant careful consideration by provincial and federal governments as they move towards implementation of a new legalized marijuana regime.

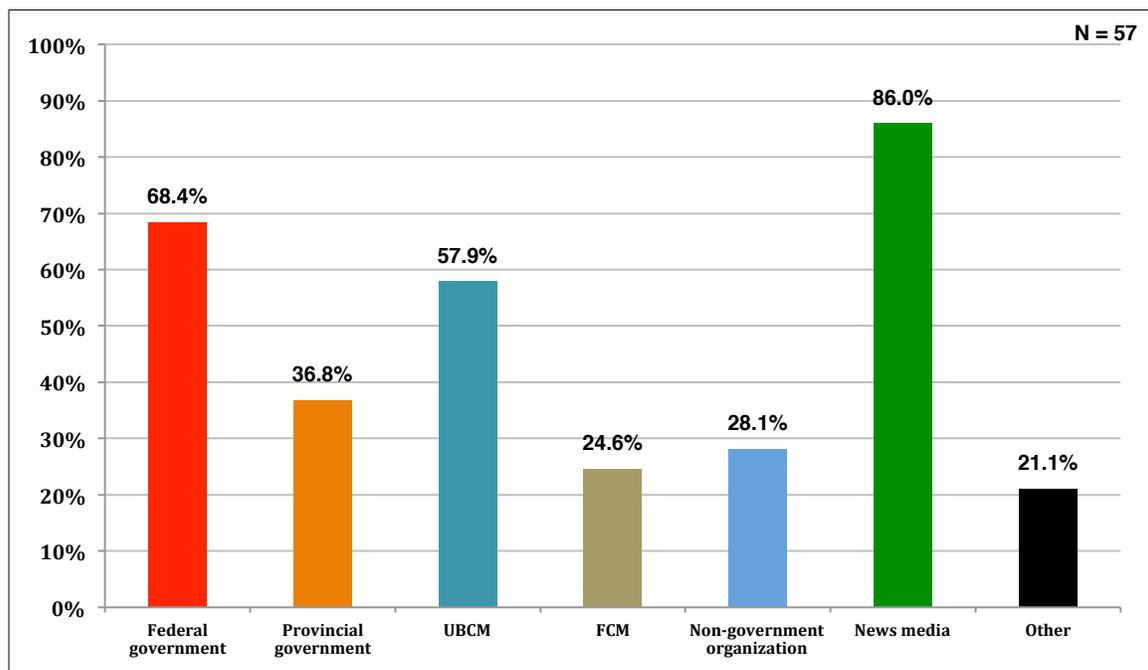
Arguably the most cited overarching concern was the potential for a transfer of responsibilities to local governments without accompanying funding from other orders of government. The need for adequate funding is consistent with resolution 2016-A3, requesting that a portion of any future federal or provincial tax collected through marijuana sales and distribution be shared with local governments. Many respondents were concerned with the potential distribution of revenue, and the necessity for local governments to receive a share.

The lack of communication and consultation between federal and provincial orders of government and local governments was also apparent, as many respondents refrained from answering questions due to a lack of federal/provincial communication. The majority of respondents have not had any formal communication with federal or provincial orders of government.

Lastly, it is evident that there are a wide range of opinions related to the legalization and regulation of marijuana among the 57 local government representatives that participated in this survey. This speaks to the need for flexibility, in addition to respect for local government jurisdiction and authority that was communicated in the survey responses.

A summary of responses to the survey questions is detailed below.

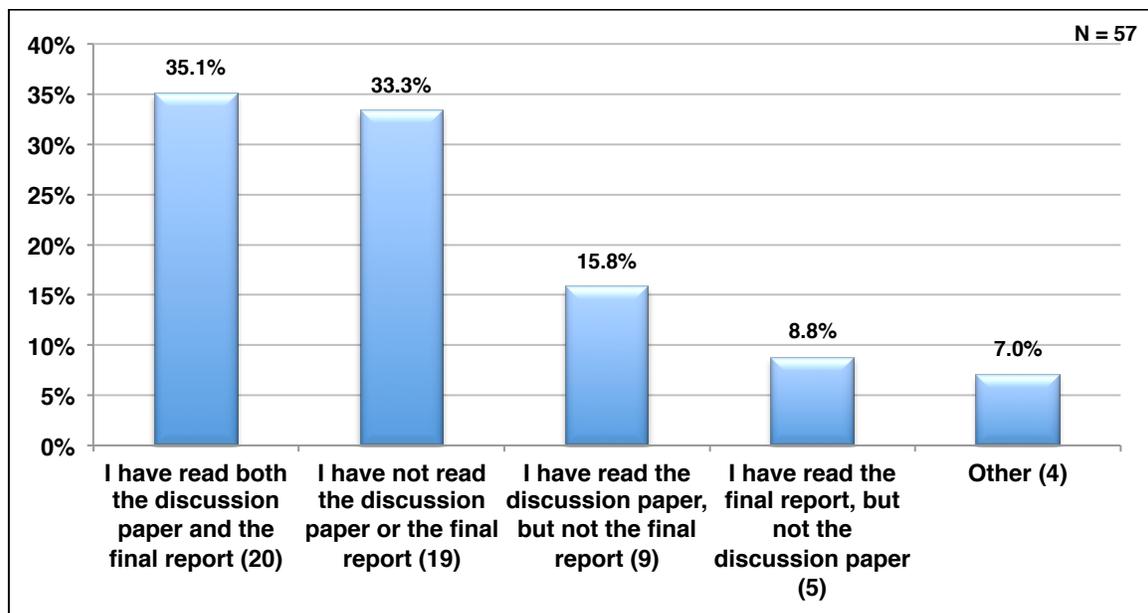
**Question 1: Where do you obtain information about the process to legalize marijuana in Canada?**



This question asked respondents to list their top three sources of information regarding the process to legalize and regulate marijuana in Canada. Given how much attention this issue has received in the media, it is no surprise that news media was the top response with 49 of 57 respondents indicating it was one of their top three sources of information. The federal government has also proven a valuable source of information, in particular because this is where information is found relating to the Task Force, its work (e.g. discussion paper, final report), and federal legislation. Recent editions of UBCM’s weekly e-newsletter (*The Compass*) have also contained much information related to marijuana legalization and regulation, including local government perspectives.

Many of the twelve individuals who listed “other” indicated that they were receiving legal advice or information from local police.

**Question 2: The federal Task Force on Marijuana Legalization and Regulation has released a discussion paper and a final report. Have you read all or part of these documents?**

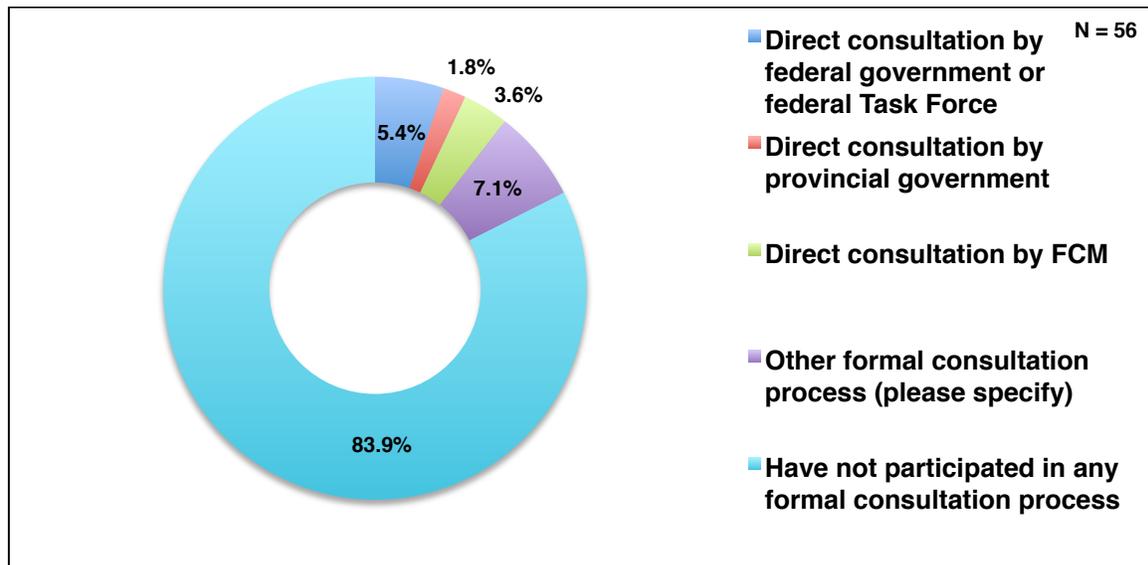


Results show that only 35.1% of respondents had read all or part of both the Task Force’s discussion paper and final report. Additional data shows that 29 respondents (51.0%) read all or part of the discussion paper, with 25 respondents (43.9%) having read all or part of the final report. Only 33.3% of respondents had not seen either report.

Given that the discussion paper spanned 27 pages, and the final report was 106 pages, some may have opted to consult any of the multitude of summaries available online. Of those who answered “other”, several indicated they planned

to read both reports in the near future, while another said that information related to the reports was obtained through summary documents.

**Question 3: In the past twelve (12) months, has your local government participated in consultations about the legalization of marijuana?**



This question allowed respondents to select multiple responses, including all relevant organizations that they have engaged with as part of the process to legalize and regulate marijuana.

The most noticeable statistic is that 83.9% of local government respondents have not participated in any formal consultation process, whether with the federal government, provincial government, or other formal process. Only one respondent indicated having any consultation with the provincial government. Many of the comments provided by respondents indicated frustration with the lack of consultation, as well as a willingness to engage with provincial and federal orders of government.

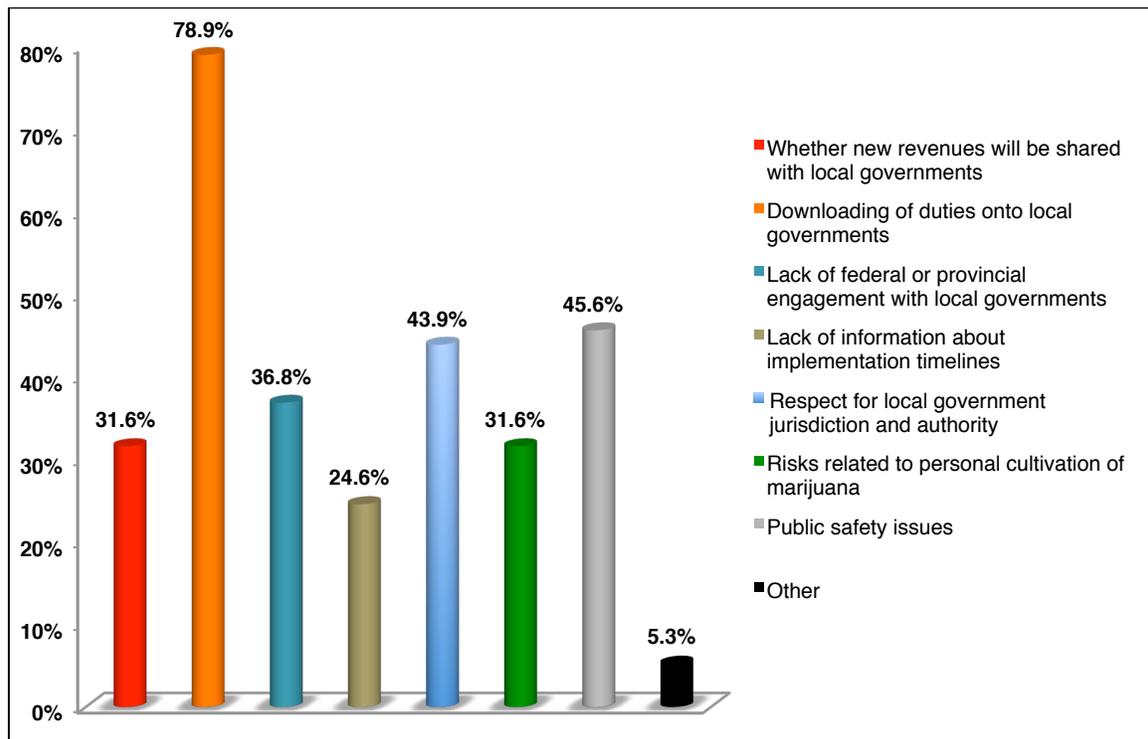
In light of the recently tabled federal legislation (Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and Other Acts*), consultation with the provincial government has become essential for UBCM and its members. Many of the newly assigned provincial responsibilities have the potential to negatively impact local government finances and resources, and as such should be discussed. These responsibilities include:

- Taxation and/or fees, and potential revenue sharing;
- Minimum age for consumption;
- Personal possession limits;
- Personal cultivation regulations;

- Designated areas where adults can consume marijuana (e.g. public places or vehicles);
- Licensing distribution and retail, and carrying out associated compliance and enforcement activities;
- Additional regulatory requirements to address issues of local concern (e.g. age, personal limit, home growing rules, inspections, compliance, etc.);
- Establishing provincial zoning rules; and,
- Amending provincial traffic safety laws to address driving while impaired.

With the federal government intending to legalize marijuana by July 1, 2018, there is a small time frame for the Province of British Columbia and BC local governments to prepare and make necessary adjustments.

**Question 4: Please indicate the top three (3) concerns of your local government regarding a legalized marijuana regime in Canada.**



The options listed in Question 4 were chosen based on an extensive literature review/media scan (identifying local government concerns most cited), engagement with other local government associations and FCM, as well as policy set by UBCM’s membership (see UBCM resolutions 2016-A2 and 2016-A3). Provided that only three respondents chose a response other than the seven listed options, these seem to be the most prevalent concerns among respondents.

Since UBCM's membership endorsed the resolutions 2016-A2 and 2016-A3, the federal initiative to legalize and regulate marijuana has evolved at a rapid pace. Today, local governments are more informed about what the federal government plans to do, and have a better idea of what a legalized regime might look like once legislation comes into force. As such, the responses to this question provide insight into concerns most important to local governments, as they react to what has transpired over the past year, and what may happen in the near future (based on recently tabled legislation).

The most prevalent concern among respondents is the potential for downloading of duties related to the legalization of marijuana (e.g. enforcement, oversight and approval of personal cultivation, education, roadside testing), which would increase local government costs. Many local governments are concerned with a potential increase in enforcement and compliance costs, especially given that policing costs continue to rise (approaching 30% of most urban local government budgets). There are also legitimate concerns related to increased crime prevention, compliance duties, and equipment costs (e.g. testing devices) that could be downloaded onto local governments. Other potential downloads could include licensing, inspection duties (e.g. for personal cultivation) and public awareness duties, among others.

**Question 5: In its final report, the federal Task Force on Marijuana Legalization and Regulation made a number of recommendations. Do any of the recommendations incite strong agreement or disagreement from your local government, and if so, why?**

Many of the comments provided by respondents elaborated on the seven primary concerns listed in Question 4, including how to use tax revenue, the need for consultation with local governments, respect for local government authority and jurisdiction, and a fear of responsibilities being downloaded to local governments without adequate funding. Several respondents felt strongly that personal cultivation should not be allowed; others have echoed this sentiment in light of the risks (e.g. health concerns, building code violations, building damage, fire risks) and costs (e.g. inspections, compliance, regulation) that exist for local governments.<sup>3</sup> Other specific concerns and recommendations included:

- The perceived lack of a federal implementation plan (to the detriment of the Province and local governments);
- Impaired driving risks;
- Ensuring products advertise the amount of THC they contain;
- Establishing a safe and responsible supply chain whereby marijuana only comes from licenced commercial producers;
- Strict regulations, similar to alcohol;

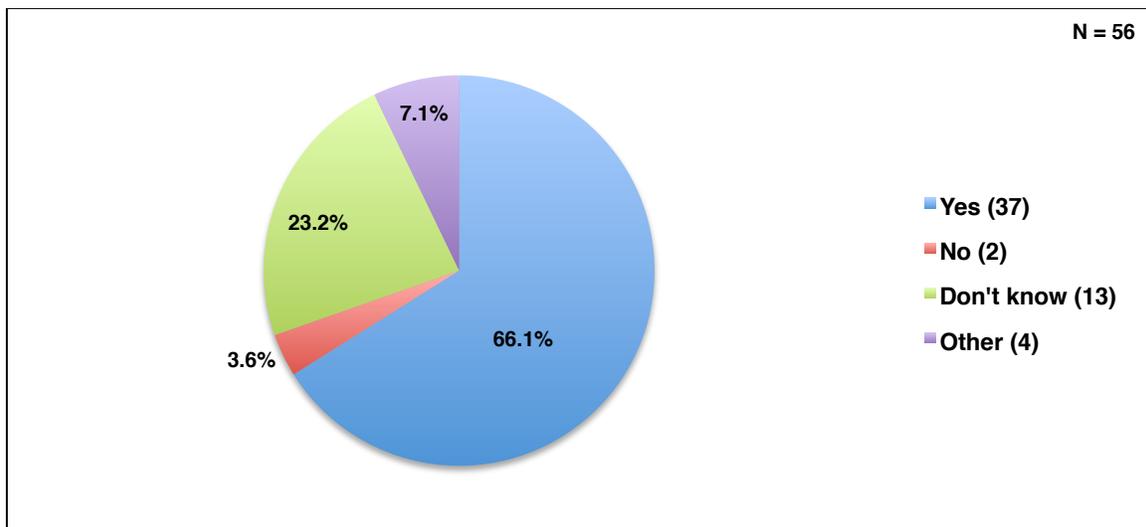
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<sup>3</sup> It should also be noted that one respondent was in favour of personal cultivation, for unspecified reasons.

- Potential exposure to children;
- Unspecified environmental impacts;
- The need to establish consumption limits;
- Risks associated with the co-location of alcohol and tobacco;
- Workplace impairment, and the need to define workplace policies;
- Removing an individual’s right to designate someone else to grow medical marijuana;
- The need for data sharing with all orders of government.

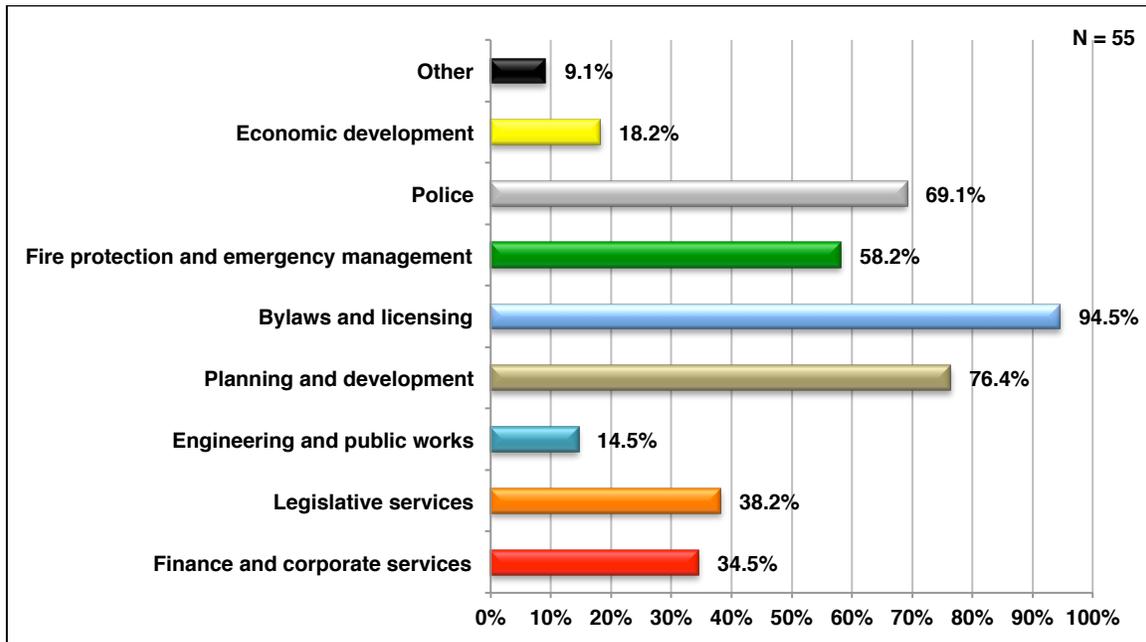
These comments represent a wide spectrum of opinions, and show the need for consultation with local governments to discuss the numerous local government concerns that exist.

**Question 6(a): Does your local government anticipate that any of its departments or services will face additional burden from a new legalized marijuana regime?**



Almost two thirds of respondents were anticipating an additional burden on their local government’s departments or services. Only two respondents (3.6%), both of which were located in the AKBLG region, felt that there would not be any negative impact on departments or services. One respondent to this question noted that his large urban local government had already hired a new staff member to deal with medical marijuana-related business.

**Question 6(b): Please indicate which departments or services in your local government will face additional burden from a legalized marijuana regime.<sup>4</sup>**



Respondents were able to select all options that applied to their local governments. Four options were selected by more than half of respondents, including “bylaws and licensing” which was a concern for 94.5% of respondents. In all likelihood, most local governments will need to develop or amend bylaws to accommodate the new legalized regime. There are also potential duties related to licensing and compliance that could be transferred to local governments.

Duties related to zoning could ensure that planning and development services are affected by legalization, while police could see new costs and duties related to training, procurement of new equipment and additional staff members required to perform these, and other policing duties. Fire protection and emergency management services may be impacted by a potential increase in inspections, as well as negative consequences resulting from increased fire, electrical and other personal cultivation hazards (e.g. pesticide exposure).

In their comments, respondents made the following suggestions (aimed at various orders of government) to deal with the burden that many local government departments and services will face:

- UBCM to provide recommended updates related to zoning, business licensing, etc. as a resource for local governments;
- Not rushing implementation, despite the July 1, 2018 deadline;

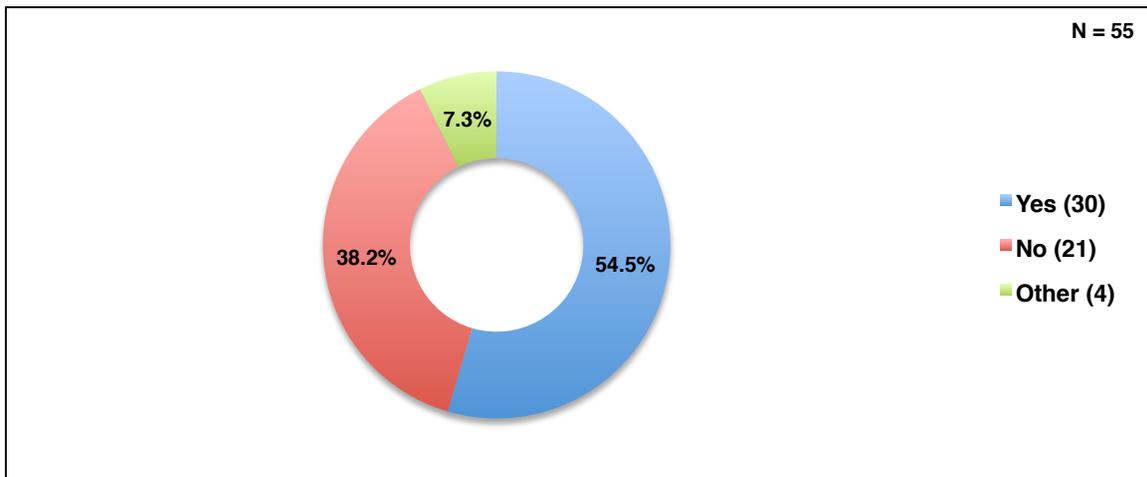
<sup>4</sup> This question was open to all respondents, except for the two who indicated “no” in part (a).

- Increasing the fees for marijuana production applicants;
- Adding a “sin” tax to the price of marijuana, with revenue going to local governments;
- Federal and provincial orders of government overseeing inspection and enforcement.

Several respondents also took time to detail the burden their staff members may face, outlining the following potential duties:

- Amending bylaws;
- Providing reports to councils and boards;
- Managing complaints (e.g. public nuisance, odour);
- Additional investigation and enforcement services (police and bylaw officers);
- Oversight of personal cultivation operations;
- Fire safety responsibilities;
- Managing the influx of business licence and other applications.

**Question 7(a): Has your board or council enacted bylaws or policies to regulate marijuana in your community?**



The question does not differentiate between polices or bylaws related to medical marijuana, or the upcoming legalization of marijuana. Additionally, many of those who answered “other” indicated they were in the process of developing bylaws or policies to regulate marijuana. Due to the prevalence of dispensaries (a.k.a. illegal storefront retailers) in many communities, a large number of local governments have been forced to regulate through bylaws and policies.

Additionally, a BC Supreme Court judge has ruled that local governments have the right to deny business licences to medical marijuana dispensaries, as well as

to enact bylaws prohibiting the sale or cultivation of medical marijuana.<sup>5</sup> This gives local governments the legal authority to regulate medical marijuana dispensaries by bylaw.

**Question 7(b): Please describe the bylaws or policies that your board or council has enacted to regulate marijuana.**

Respondents specifically mentioned the following bylaws and/or policies that have been enacted to regulate marijuana:

Respondent (N = 27)	Bylaw or Policy Enacted	Details
Respondent #1	Zoning Bylaw	Currently disallowing marijuana retail sales. Providing for setbacks from conflictual use, once marijuana is legalized.
Respondent #1	Business Licence Bylaw	Provides for acceptable practices (e.g. security, training, etc.) once marijuana is legalized.
Respondent #2	Medical Marijuana Cultivation and Processing	(No details provided)
Respondent #3	Agricultural Zoning	(No details provided)
Respondent #3	Land Use Planning	(No details provided)
Respondent #4	Business Licence Bylaw	(No details provided)
Respondent #4	Land Use Bylaw	(No details provided)
Respondent #5	Zoning Bylaw	Amended to permit dispensaries in some zones, including distance regulations.
Respondent #5	Medical Cannabis Business Licence Bylaw	(No details provided)
Respondent #6	(No name provided)	Permitting medical marijuana grow operations in the City and the Agricultural Land Reserve (ALR).
Respondent #7	Zoning Bylaw	Created zones where marijuana cultivation is permitted.
Respondent #8	(No name provided)	Require storefront retailers to rezone property and apply for a business licence.
Respondent #9	(No name provided)	Prohibiting retail sale of marijuana through storefront dispensaries until further notice from the provincial or federal government. Also regulated the production and testing of marijuana on industrial land zones.
Respondent #10	(No name provided)	Regulations adopted to address federal Marijuana for Medical Purposes Regulations (MMPR). <sup>6</sup>
Respondent #11	(No name provided)	Restricted new production facilities to heavy industrial zones.
Respondent #12	Zoning Bylaw	(No details provided)
Respondent #12	Workplace Conduct	(No details provided)
Respondent #13	(No name provided)	Restricting medical marijuana production to ALR land only.
Respondent #14	(No name provided)	Policy to disallow marijuana production in the municipality.
Respondent #15	(No name provided)	Regulating grow operations.
Respondent #16	(No name provided)	Keeping medical marijuana operations (unspecified) away from schools, in industrial

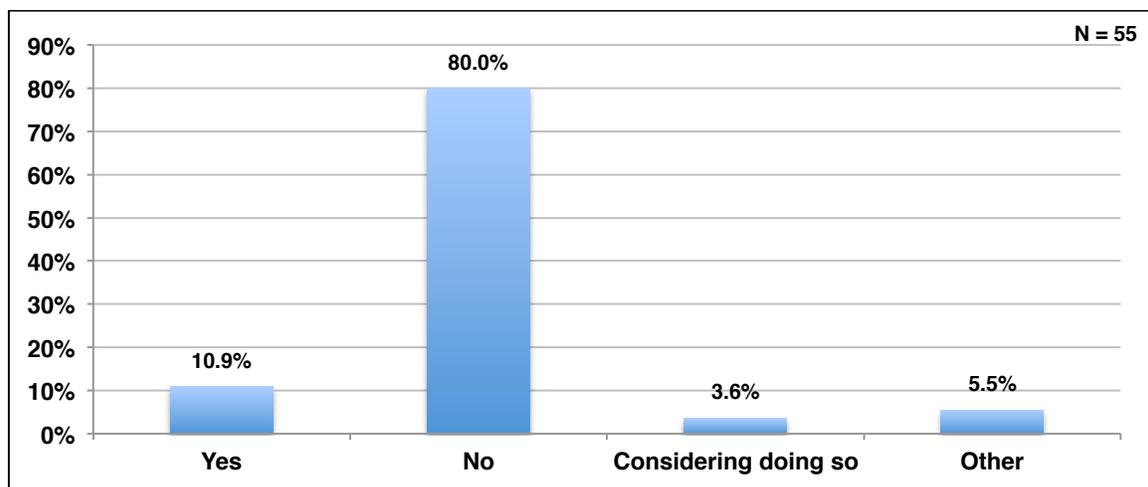
<sup>5</sup> This is the result of a recent court case between the City of Abbotsford and Mary Jane’s Glass & Gifts Ltd.

<sup>6</sup> As of August 24, 2016, the [Access to Cannabis for Medical Purposes Regulations](#) (ACMPR) replaced the Marihuana for Medical Purposes Regulations (MMPR).

		zones.
<b>Respondent #17</b>	(Unspecified Bylaw)	Allowing medical marijuana production within ALR.
<b>Respondent #18</b>	(No name provided)	Allowing for medical marijuana dispensaries to operate with business licences.
<b>Respondent #19</b>	Zoning Bylaw	(No details provided)
<b>Respondent #20</b>	(No name provided)	Limitations (unspecified) in all zones.
<b>Respondent #21</b>	Official Community Plan	Policy (unspecified) for medical marijuana regulation.
<b>Respondent #22</b>	Zoning Bylaw	Allows medical marijuana production facilities, as permitted under MMPR (ACMPR as of August 24, 2016).
<b>Respondent #23</b>	(No names provided)	Amended municipal bylaws to prohibit production in almost all areas, strengthened business licence regulations, allowed for an appeals process to Council for business licence refusals, and increased penalties for bylaw contraventions.
<b>Respondent #23</b>	Zoning Bylaw	Prohibiting production, research and development of medical marijuana on municipal land, excluding the ALR.
<b>Respondent #23</b>	Business Licence Bylaw	(No details provided)
<b>Respondent #24</b>	(No name provided)	Consideration of medical marijuana production facilities regulations.
<b>Respondent #25</b>	(No name provided)	Related to storage, manufacturing and distribution of medical marijuana in specific zones.
<b>Respondent #26</b>	Official Community Plan, Zoning Bylaw, Business Licence Bylaw	Require businesses that produce and distribute marijuana to apply to the City for a business review pertaining to location within the City and approved uses in specific zoning areas.
<b>Respondent #27</b>	Zoning Bylaw	Amendments to regulate commercial production and distribution.

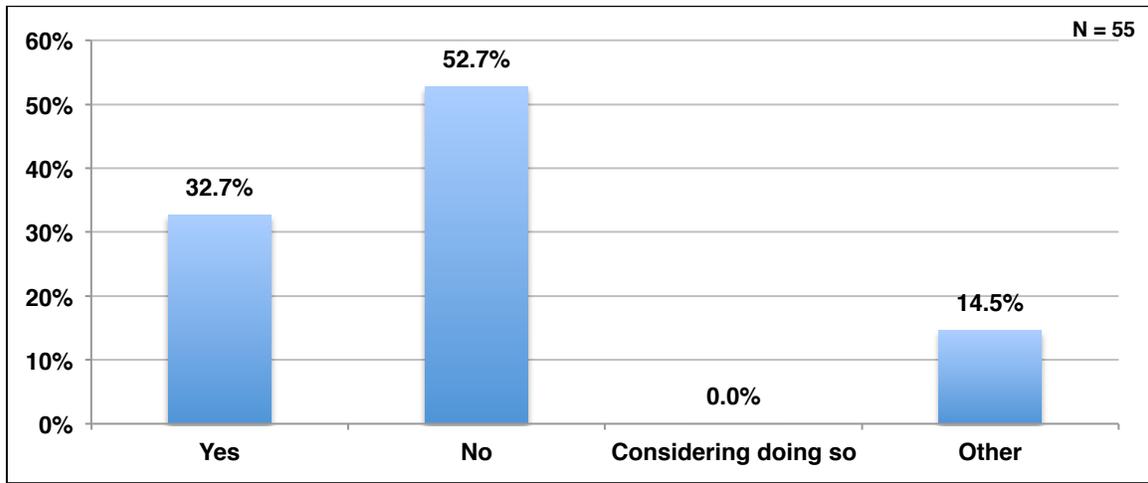
Many respondents' local governments have taken steps to specifically disallow medical marijuana retail sales until federal legislation makes marijuana legal.

**Question 8: As part of regulation efforts, has your community licensed or begun the process of licensing marijuana dispensaries?**



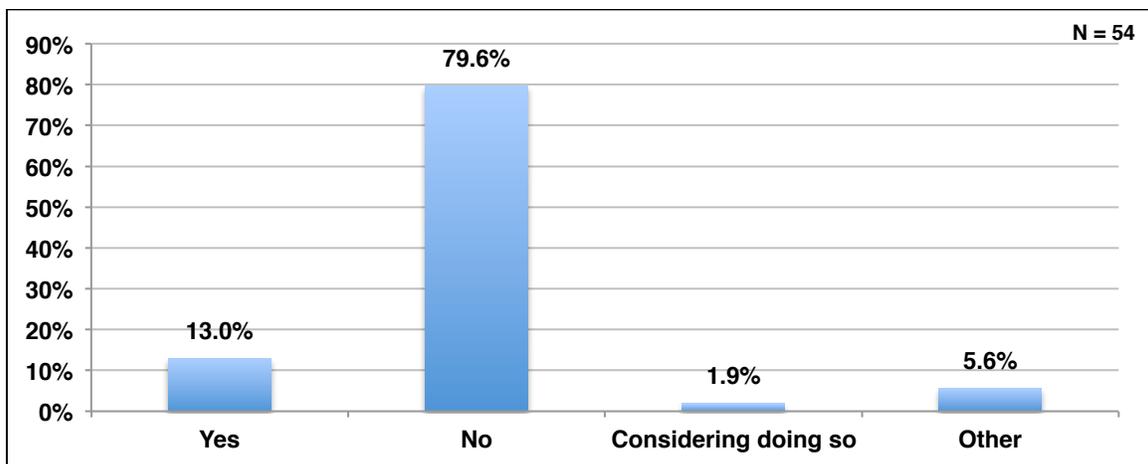
Since the Liberal Party of Canada formed Canada’s federal government, it has been known that marijuana legalization was a strong possibility. As such, many local governments may be waiting to address this issue until after federal legislation clarifies rules around legalized marijuana. The six respondents who responded “yes” are located in the AVICC and AKBLG regions.

**Question 9: As part of regulation efforts, has your community shut down or begun the process of shutting down marijuana dispensaries?**



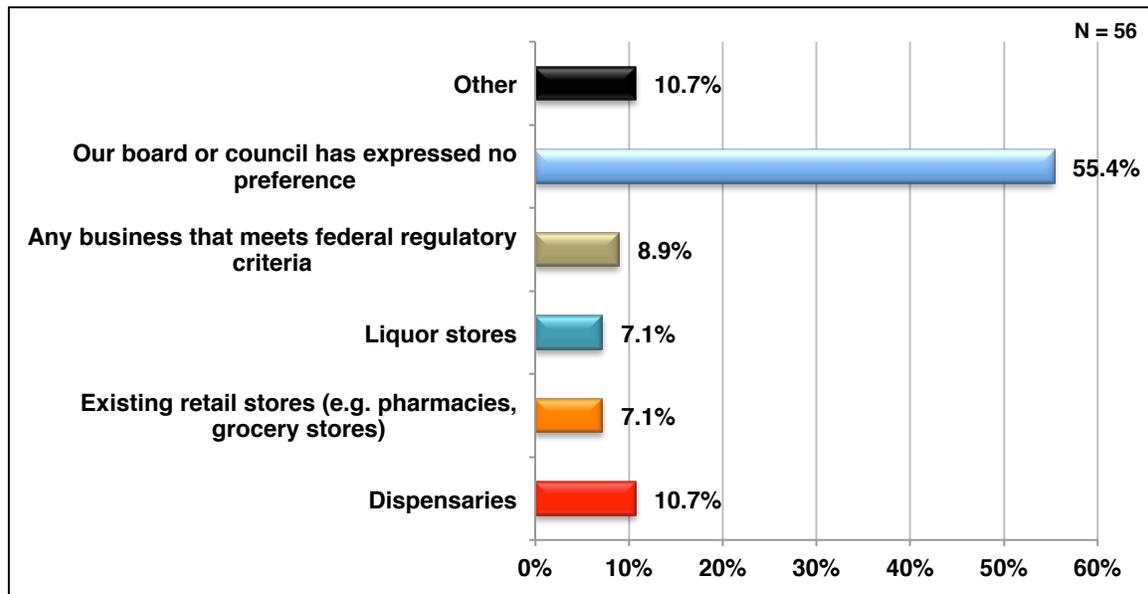
As noted in Question 8, a lack of enforcement action might be due to the impending legalization of marijuana. Shutting down dispensaries also has the potential to utilize scare police resources. Many of the respondents who indicated “other” did so because there are no dispensaries in their communities.

**Question 10: As part of regulation efforts, has your community taken steps to address personal cultivation of marijuana for medical purposes?**



Nearly 80% of respondents indicated that their communities had not taken steps to address personal cultivation. With personal cultivation of medical marijuana once again legal (after a successful legal challenge), individuals who have the authorization of their health care practitioner may now produce a limited amount of medical marijuana, or designate someone to produce it for them. The legality of personal cultivation of medical marijuana limits the regulation efforts that local governments can pursue.

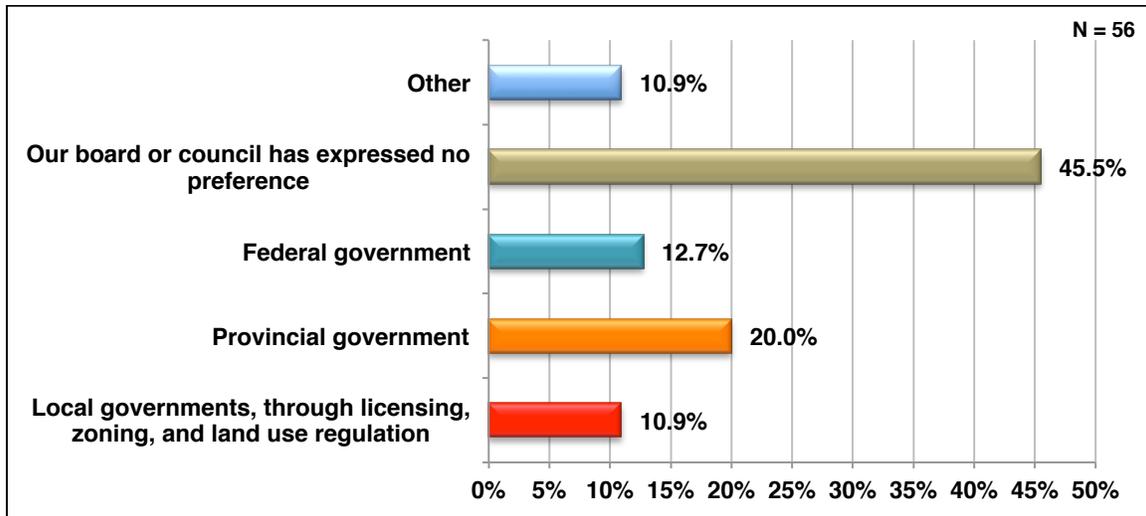
**Question 11: What is the preference of your board or council regarding the distribution of marijuana in a legalized marijuana regime? Where and how do you feel marijuana should be sold?**



Results shows that many local governments have not yet formally taken a position, which might be attributed to the fact that legislation was only recently tabled. Legislation dictates that provinces and territories will bear the responsibility for determining the manner in which legalized marijuana will be sold. The provincial government has yet to take a formal position on the best means for distribution.

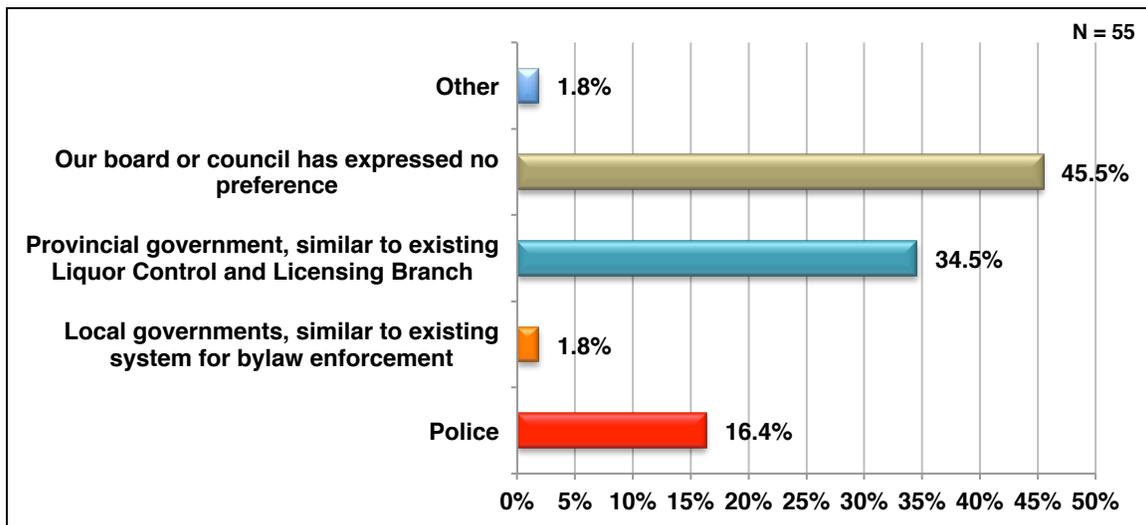
Among those who did indicate a preference, there was no clear consensus among options, with all four primary options receiving support ranging from 7.1% to 10.7%.

**Question 12: What is the preference of your board or council regarding authority over the distribution of marijuana in a legalized marijuana regime? Who should be responsible for regulating distribution and sale?**



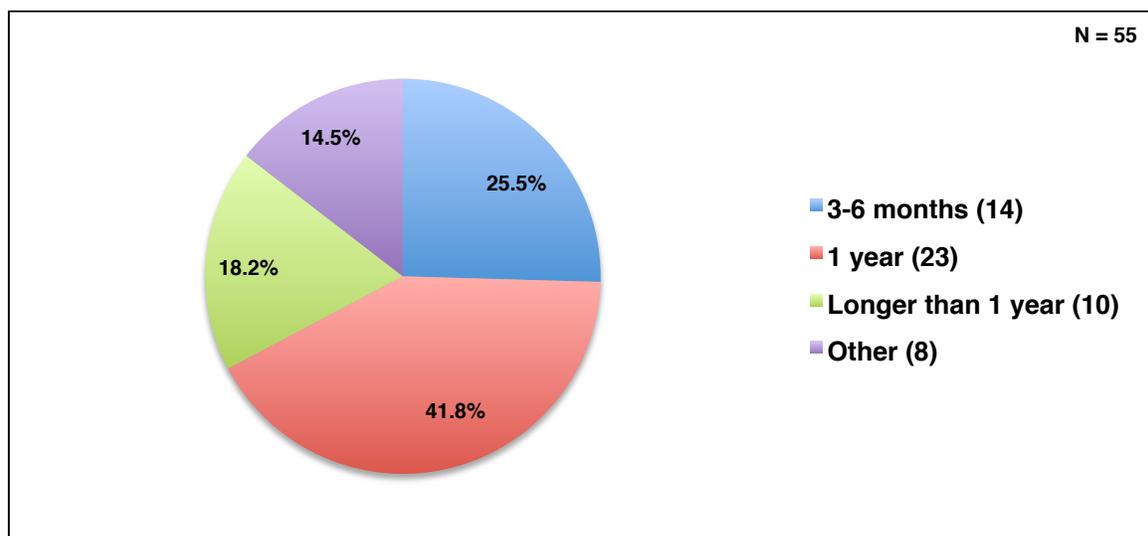
Much like the last question, respondents’ local governments, for the most part, have not taken a formal position regarding distribution and sale of marijuana. Legislation has given the provinces and territories responsibility for regulating distribution and sale, and 20% of respondents (11) agree. Several of the respondents who answered “other” were in favour of a hybrid system, often with a mix of local and provincial authority. One respondent was wary of any system, fearing a download of responsibilities to local governments.

**Question 13: What is the preference of your board or council regarding authority to enforce the distribution of marijuana in a legalized marijuana regime? Who should be responsible for enforcing the regulations?**



Although 45.5% of respondents' local governments did not take a formal position, many (34.5%) formally expressed a desire for the provincial government to enforce distribution, similar to the current liquor enforcement system. Only one respondent felt local governments were most appropriate to assume enforcement duties.

**Question 14: Once a legalized marijuana regime is approved, how much time should the federal government provide for local governments to implement the regime in their own communities?**



This question was developed prior to the tabling of federal legislation. Given that there are provisions for individuals to access recreational marijuana after July 2018 even if their province or territory has not enacted legislation regulating recreational marijuana sales, there may be little opportunity to extend the timelines provided to all orders of government.

There remains just over 13 months until the federal government plans to legalize marijuana. Only 18.2% of respondents (10) felt they need more than one year to prepare for this new regime. Many who responded “other” are waiting to see how implementation occurs (especially with regards to local government responsibilities and involvement), before they can hypothesize as to how much time is needed.

**Question 15(a): What data or information would your local government need in order to implement a new legalized marijuana regime?**

Respondents suggested a number of data/information needs, including:

- Recommendations related to zoning regulations, business licence guidelines, a potential permitting system, and a policing/enforcement approach;
- A clear understanding of the legal framework<sup>7</sup>;
- Regulatory requirements for personal cultivation operations, including the body that will enforce personal cultivation regulations;
- An understanding of how medical and non-medical uses will be differentiated at the retail level (by regulation);
- Provincial direction;
- Type of retail system (and subsequent local government involvement in enforcement);
- The licensing scheme;
- Where marijuana will be able to be consumed;
- Sample bylaws, policies and templates (perhaps as part of a best practices guide);
- Any monetary transfers to local governments, so new positions can be created/funded to manage marijuana-related business;
- Framework detailing the land use, licensing and enforcement tools available (perhaps as part of a best practices guide);
- A thorough outline of the local government role in this new regime;
- Any provincial regulations related to retailers (e.g. minimum distance requirements from other cannabis stores, schools, etc.) and public consumption;
- Provincial licensing requirements for retailers;
- An understanding of any financial support coming from federal or provincial orders of government to support local governments;
- Police will need information about registered and designated persons to produce medical marijuana, as a means to enforcing health and safety regulations.

**Question 15(b): One way to support local governments as they undertake new initiatives is to produce a "best practices" guide. What type of information would you look for in a best practices guide on implementation of a new legalized marijuana regime?**

Local government respondents suggested the following information be included as part of a best practices guide:

- Recommendations related to zoning regulations, business licence guidelines, a potential permitting system, and a policing/enforcement approach;

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<sup>7</sup> As previously noted, many respondents completed this survey prior to federal legislation being tabled.

- Regulations for buildings used to produce marijuana (e.g. HVAC, electrical, water, etc.) to prevent health and safety issues;
- Recommended/sample policies and bylaws (or bylaw amendments);
- Contact information for support/questions;
- Case studies from international regimes and BC dispensary models (e.g. Victoria, Vancouver);
- Zoning controls/restrictions (e.g. distances from schools and parks, licencing fees, enforcement options, and penalties);
- Business licence conditions/framework;
- Examples of implementation in rural/remote areas;
- The difference between medical and recreational regimes;
- Any provincial regulations related to retailers (e.g. minimum distance requirements from other cannabis stores, schools, etc.) and public consumption;
- Provincial licensing requirements for retailers;
- Potential fees associated with the new regime;
- Employment standards and requirements;
- Information related to impaired driving;
- Clarifying role of enforcement (e.g. criminal, bylaw);
- Best practices for public health and safety campaigns regarding the risks associated with marijuana consumption;
- Best practices for the regulation of consumable, topical and inhalant marijuana and hemp-derived products

Many of those who completed the survey prior to the tabling of federal legislation responded by saying they could not provide information until legislation was tabled.

## **5. Conclusion / Recommendations**

UBCM would like to thank all 57 respondents to this survey for providing valuable input towards the legalization and regulation of marijuana in British Columbia, and its potential impact on local governments. Results to this survey provide a snapshot of local government attitudes, actions and concerns related to medical and recreational marijuana. It is the beginning of what will likely be an intensive process to establish provincial and local government regulations prior to July 2018.

The actions and opinions expressed by respondents will help inform UBCM's local government advocacy strategy. In particular, the following over-arching concerns will be conveyed and/or addressed by UBCM going forward:

- That, given the lack of consultation that has taken place thus far and short time frame for implementation of a new legalized regime, the Province of British Columbia initiate thorough and meaningful consultation with UBCM;
- That provincial and federal governments refrain from downloading responsibilities on local governments without providing adequate funding and resources; and,
- That local government jurisdiction and authority be respected by federal and provincial governments, with consideration towards providing local governments flexibility for regulating certain aspects of a new regime (e.g. personal cultivation, retail sales, zoning requirements).

UBCM will continue to work with its members to provide current information and best practices to help prepare local governments for the legalization of marijuana.