

Cannabis Legalization Framework and Timeline

The Government of Canada has started the process to legalize cannabis consumption, possession, sale and production for recreational purposes; with the intent to make recreational cannabis legal by summer 2018. As a bill at the Federal level must pass through both the House of Commons and the Senate, a definite timeline for passage is not available. The responsibility for regulating cannabis is shared between both the Federal and Provincial governments. The responsibilities of the Federal government under the *Cannabis Act* are to:

- set strict requirements for producers who grow and manufacture cannabis
- set industry-wide rules and standards, including:
 - the types of cannabis products that will be allowed for sale
 - packaging and labelling requirements for products
 - standardized serving sizes and potency
 - prohibiting the use of certain ingredients
 - good production practices
 - tracking of cannabis from seed to sale to prevent diversion to the illicit market
 - restrictions on promotional activities

The responsibilities of the Provincial government are to:

- license and oversee distribution and sale of cannabis subject to federal conditions
- increase the minimum age in their province or territory (but not lower it)
- lower the personal possession limit in their jurisdiction
- create additional rules for growing cannabis at home, such as lowering the number of plants per residence
- restrict where adults can consume cannabis, such as in public or in vehicles

The Provincial government has recently passed *Bill 26: An Act to Control and Regulate Cannabis* giving the Alberta Gaming and Liquor Commission (AGLC) authority for oversight, compliance and retail licensing. The *Cannabis Act Canada*, as of March 2018, has not yet passed to become law, leaving a gap between the Federal regulations and the Provincial regulations. The AGLC now has authority to begin taking applications for retail establishments; though at this time the sale of cannabis is still illegal.

Municipalities have a role to play in this new environment, as a license for a store requires prior municipal approval through a development permit. The *Alberta Gaming, Liquor and Cannabis Regulation* has identified minimum setback distances required for licensed establishments from specific land uses, such as schools, health care facilities or school reserves. Since the AGLC has begun accepting applications for these retail establishments, it's necessary for municipalities to bring their Land Use Bylaws up to date with these new uses. This includes defining the new uses and any necessary supplementary regulations, such as those identified in the *Alberta Gaming, Liquor and Cannabis Regulation*. The intent of pursuing Land Use Bylaw amendments for these uses now, is to prevent them from being approved within the community before Councils have had an opportunity to discuss a policy change.



BYLAW NO. 198/2018

A BYLAW OF THE TOWN OF BENTLEY TO AMEND LAND USE BYLAW NO.189/2016

WHEREAS Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Town of Bentley deems it necessary and expedient to amend Land Use Bylaw Number 189/2016;

NOW THERE COUNCIL OF THE TOWN OF BENTLEY DULY ASSEMBLED ENACTS AS FOLLOWS:

1. **THAT** section 1.8 Definitions be amended to include the following definitions, in alphabetical order:

“Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.”

“Cannabis Accessory means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.”

“Cannabis Production and Distribution means an establishment used principally for one or more of the following activities as it relates to Cannabis:

- (a) The production, cultivation, and growth of Cannabis;
- (b) The processing of raw materials;
- (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- (d) The storage or transshipping of materials, goods and products; or
- (e) The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.”

“Cannabis Lounges means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”

Initial

“Cannabis Retail Sales means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”

“Medical Cannabis means a substance used for medical purpose authorized by a licence issued under the federal government’s Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution.”

“Medical Cannabis Counselling means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories.”

“Medical Cannabis Production Facility means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis.”

2. **THAT** section 1.8 Definitions be amended by replacing the definitions listed below with the following:

“Accessory Sales means the sale of goods customarily incidental and subordinate to the main use. This does not include cannabis retail sales or medical cannabis counselling;”

“Commercial means the primary use of land, building(s), or structure(s) for the purpose of buying and selling commodities and supplying professional and personal services for compensation. This does not include cannabis retail sales, medical cannabis counselling or cannabis lounges;”

“Community Market” means the use of land, buildings or structures, or part thereof, for the primary purpose of selling agricultural products and handmade merchandise to the general public. This does not include cannabis retail sales;

“Distribution Facility means a warehouse or other structure used for receipt, temporary storage, and redistribution of goods. This does not include cannabis production and distribution;”

“Drive Through Business means an establishment with facilities for on-site service to customers who remain in their motor vehicles. A drive-through business may include banking, food services, dry cleaning but does not include a drive-in theatre, cannabis retail sales or cannabis production and distribution. A drive-through component of a business shall be deemed accessory to that business;”

Initial

“Drinking Establishment means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises and may also include entertainment, dancing, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises. A drinking establishment includes any premises in which a “Class A” liquor license has been issued and where minors are prohibited on the premises at any time, by the terms of the license as issued by Alberta Gaming and Liquor Commission, but does not include an adult entertainment establishment or cannabis lounge;”

“Greenhouse, Commercial means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies. This does not include cannabis production and distribution or medical cannabis production facility;”

“Heavy Manufacturing means the manufacture of products, the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisance factors which have a high probability of occurring and which may cause adverse effects to the users of adjacent land. This does not include cannabis production and distribution or medical cannabis production facility;”

“Home Occupation, Major means an accessory use of a residential building or a building accessory thereto by a resident for the purpose of financial gain and which may, in the opinion of the Development Authority, generate any additional vehicular traffic. This does not include medical cannabis counselling, cannabis retail sales or cannabis production and distribution. Bed and breakfast establishments and day care facilities are separate uses;”

“Home Occupation, Minor means an accessory use of a residential building or a building accessory thereto by a resident for the purpose of financial gain and which does not, in the opinion of the Development Authority, generate any additional vehicular traffic. Typical uses include self-employed persons providing professional and office services. This does not include medical cannabis counselling, cannabis retail sales or cannabis production and distribution. Bed and breakfast establishments and day care facilities are separate uses;”

“Indoor Merchandise Sales means the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet. This does not include cannabis retail sales or medical cannabis counselling;”

“Light Manufacturing means the manufacture of products, the process of which does not create and emit fumes, gases, smoke, vapours, vibrations, noise or glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land. This does not include cannabis production and distribution facility or medical cannabis production facility;”

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“Office means a facility providing for the administration of business, or government, or the provision of professional, consulting, or office support services. This does not include medical cannabis counselling;”

“Personal Service means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, restaurants and dry cleaners. This does not include cannabis retail sales, medical cannabis counselling or cannabis lounge;”

“Temporary Commercial Sales means the temporary use of a property not exceeding six (6) months for the purpose of mobile commercial sales (e.g. fish trucks, fruit trucks) for which a business license is obtained from the Town and the location is to the satisfaction of the Development Officer. This does not include cannabis retail sales or medical cannabis counselling;”

3. **THAT** Schedule C: Central Commercial District (C) be amended by replacing Permitted Uses *Retail Sales* and *Restaurants* with the following text:

“Retail Sales, except Cannabis Retail Sales and Medical Cannabis Counselling”

“Restaurants, except Cannabis Lounges”

Read a First time in Council this ____ day of _____, 2018

Read a Second time in Council this ____ day of _____, 2018

Read a Third and final time in Council this ____ day of _____, 2018

TOWN OF BENTLEY

Mayor

Chief Administrative Officer