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# CANNABIS: WHAT'S NEXT?

**Kelsey Becker Brookes**

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## Status of Legalization of Cannabis

- *Act to Control and Regulate Cannabis* (Bill 26)
- Given Royal Assent on December 15, 2017
- Amends the *Gaming and Liquor Act* to create the *Gaming Liquor and Cannabis Act* (“Act”)
- Regulations released on February 12, 2018



## Status of Legalization of Cannabis

- Primary provincial legislation for the oversight, compliance, retail licensing, sales, and consumption of cannabis in Alberta
- Amended *Act* works in conjunction with the federal *Cannabis Act* to create a comprehensive scheme for regulating cannabis in Alberta



# Cannabis Distribution and Retail Sales

- Treatment in Land Use Bylaws
  - Varied by municipality (use class, permitted or discretionary, development standards)
- Separation distances between retail stores
- Conditioning to address anticipated impact
- Did impacts materialize? Too early to tell?



## Cannabis Distribution and Retail Sales

- Municipalities play a key role in regulating both retail sales, and production and processing of cannabis from a planning perspective
- Unless authorized by the *Act* or a cannabis licence, no person may, (a) display cannabis for sale, (b) store cannabis for sale, or (c) directly or indirectly sell or offer to sell cannabis



## Cannabis Distribution and Retail Sales

- No cannabis licensee may sell cannabis unless it has been produced by a person that is authorized under the federal *Act*
- Problems with supply
- Hours of operation are limited to 10AM to 2 AM



# Licences

- Board may not issue a cannabis licence that authorizes the sale of cannabis unless
  - The business under which the activities authorized by the licence will be carried out is *separate* from any other business of the applicant; and
  - The activities authorized by the licence will be carried out in a location where no alcohol, tobacco, pharmaceuticals or *other things* are sold except cannabis accessories or prescribed things.





# Licences

- Licence authorizes the licensee to purchase cannabis from the Commission and possess, store and sell cannabis in the licenced premises
- Licence requirements include:
  - Background checks for licencees and employees; and
  - Obtaining development permit issued by the municipality.





# Licences

- Other licence conditions and terms include:
  - Requiring certain security, inventory tracking and display measures be taken;
  - Limiting number of licences held by single person or entity; and
  - Prohibiting the consumption of cannabis on a licenced premises or presence of minors in licenced premises.



# Cannabis Production Facilities

- Treatment in Land Use Bylaws
  - New use class or use existing use classes
- Agriculture vs. industrial



# Assessment of Cannabis Production Facilities

- “Farming operations” – the “agricultural use value” standard applies
- “Farm building”
- Hydroponics – machinery and equipment?
- Processing – beyond “farming operations”?



# Public Consumption

- Approaches varied by municipality
- Is it like alcohol or smoking?
- How will consumables changes this view?



## Public Consumption

- Municipalities also play a key role in determining where individuals may smoke or vape cannabis
- Under the amended *Act*, smoking and vaping of cannabis are prohibited in the following areas:
  - In any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other *Act* or the bylaws of a municipality,



## Public Consumption

- On any hospital property, school property or child care facility property,
- In or within a prescribed distance from:
  - A playground,
  - A sports or playing field,
  - A skateboard or bicycle park,
  - A zoo,



## Public Consumption

- An outdoor theatre,
- An outdoor pool or splash pad, or
- Any other area or place that is prescribed or otherwise prescribed in the regulations





## Public Consumption

- S. 10 of the *Tobacco and Smoking Reduction Act* provides nothing in that *Act* affects a municipality's power to make bylaws to regulate, restrict or prohibit smoking
- Where there is a conflict between the *Act* and a bylaw that regulates, restricts or prohibits smoking, the more restrictive provision will prevail
- Able to restrict where smoking and vaping of cannabis may occur



# Public Consumption

- Charter right to use medical cannabis
- Exception to consumption bylaws or deal with through enforcement?



# Nuisance

- Broad power to pass bylaws with respect to safety, health and welfare, and nuisances
- Personal cultivation
  - Inside only?
- Consumption on private property
  - Inside only?



# Nuisance

- Think in terms of enforcement
- Odour – can be dealt with other ways
- Wait and see approach



# Employment

- Drug and alcohol policies
  - Impairment
  - Limitation on testing
- Accommodation for medical use
- Social settings



## Next Up

- Edibles
- Cannabis lounges

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# Thank You For Your Attention Questions Are Welcome

**Kelsey Becker Brookes  
kbeckerbrookes@rmrf.com  
780.497.3304**

**Toll Free: 1.800.661.7673 (RMRF)  
[www.rmrf.com](http://www.rmrf.com)**