

# Non-medical Cannabis **Legalization** and Regulation in B.C.

In April 2017, the Government of Canada introduced two Bills in relation to the legalization of cannabis:

- » Bill C-45 the *Cannabis Act*; and
- » Bill C-46 amending Criminal Code impaired driving provisions.

The Bills are currently making their way through the federal parliamentary process and the federal government intends to make non-medical cannabis legal in Canada in summer 2018.

On April 26, 2018 the B.C. provincial government introduced legislation to ensure a provincial regulatory framework is in place in time for federal legalization of non-medical cannabis. The Province's approach is guided by the priorities of:

- » Protecting children and youth;
- » Promoting health and safety;
- » Keeping the criminal element out of cannabis;
- » Keeping B.C. roads safe; and
- » Supporting economic development.

## **CANNABIS CONTROL AND LICENSING ACT\***

The proposed Act will:

- » Set 19 as the provincial minimum age to purchase, grow or possess cannabis;
- » Allow adults to possess up to 30 grams of cannabis in a public place;
- » Prohibit cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks and other places where children commonly gather;
- » Prohibit the use of cannabis on school properties and in vehicles;
- » Authorize adults to grow up to four cannabis plants per household. However, the plants must not be visible from public spaces off the property, and home cultivation will be banned in homes used as licensed daycares;
- » Establish a cannabis retail licensing regime similar to the current licensing regime for liquor;
- » Provide enforcement authority to deal with illegal sales, including establishing a new community safety unit that will target illegal sellers;

- » Create provincial offences related to cannabis that could lead to a ticket or prosecution; and,
- » Where necessary, to comply with Charter Rights and human rights law, exemptions will be provided to individuals who are federally authorized to purchase, possess and consume medical cannabis.

### **CANNABIS DISTRIBUTION ACT\***

The Liquor Distribution Branch will be the wholesale distributor of non-medical cannabis in B.C. and will run provincial cannabis retail stores. The proposed\* Act will establish:

- » A public wholesale distribution monopoly; and,
- » Public (government-run) retail sales, both in stores & online.

### **MOTOR VEHICLE ACT AMENDMENTS\***

Under the proposed legislation, B.C. will toughen provincial regulations to give police more tools to remove drug-affected drivers from the road and deter drug-affected driving, including:

- » A new 90-day Administrative Driving Prohibition in circumstances where police reasonably believe—after taking investigative steps authorized under the Criminal Code, including either using an oral fluid screening device, or a standard field sobriety test, followed by an evaluation by a drug recognition expert, as well as analysis of a blood sample or other bodily substance—that a driver operated a motor vehicle while affected by a drug or by a combination of a drug and alcohol; and,
- » New drivers in the Graduated Licensing Program will be subject to a zero-tolerance restriction for the presence of THC (the psychoactive ingredient in cannabis), which police will enforce using oral fluid screening technology approved by the federal government under proposed changes to the Criminal Code set out in Bill C-46.

*\* Proposed provincial legislation being brought into force is subject to federal bills passing and receiving Royal Assent.*

## **CONTACTS AND INFORMATION: PROVINCIAL GOVERNMENT**

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[Cannabis.Secretariat@gov.bc.ca](mailto:Cannabis.Secretariat@gov.bc.ca)
- » **B.C.'s regulatory framework and updates on provincial regulations:**  
<https://www2.gov.bc.ca/gov/content/safety/public-safety/cannabis>
  - **Cannabis Distribution Act:**  
[www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov31-1](http://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov31-1)
  - **Cannabis Control and Licensing Act:**  
[www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov30-1](http://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov30-1)
  - **Motor Vehicle Act amendments:**  
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov17-1>
- » **B.C. Cannabis Private Retail Licencing Guide:**  
[https://news.gov.bc.ca/files/Cannabis\\_Private\\_Retail\\_Licensing\\_Guide.pdf](https://news.gov.bc.ca/files/Cannabis_Private_Retail_Licensing_Guide.pdf)
- » **BC Liquor Distribution Branch (LDB):**  
<http://www.bcldbcannabisupdates.com/>



## FEDERAL GOVERNMENT

### » **Federal Cannabis Legalization and Regulation Secretariat contact:**

Kari Nisbet, Indigenous Outreach Manager:

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General inquires:

[cannabis@canada.ca](mailto:cannabis@canada.ca)

### » **Government of Canada cannabis page:**

<https://www.canada.ca/en/services/health/campaigns/marijuana-cannabis.html>

### » **Licensed cannabis production:**

Licensing cannabis producers is a federal responsibility.

First Nations communities interested in cannabis production can contact the Federal Government's

Indigenous applicants' navigator service at:

[navig@canada.ca](mailto:navig@canada.ca)

### » **Federal economic opportunities:**

The Federal Government's

Community Opportunity Readiness Program:

<http://www.aadnc-aandc.gc.ca/>

[eng/1100100033414/1100100033415](http://www.aadnc-aandc.gc.ca/eng/1100100033414/1100100033415)

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