
MARCH 25, 2014

CLIENT BULLETIN

NEW MEDICAL MARIHUANA REGULATIONS DELAYED BY COURT INJUNCTION

On the afternoon of Sunday, March 16, 2014 a large area in the north Langley Township neighbourhood of Walnut Grove was in lockdown as shots were fired within a licensed medical marihuana grow operation. The police response team which swarmed the area included the Langley and Surrey RCMP and the RCMP police dog service.

One resident of the house where the grow operation was located was shot, another assaulted. A suspect was arrested after a foot chase into a nearby neighbourhood.

The Langley incident illustrates the real fears that neighbours of these licensed grow operations have suffered since the Marihuana Medical Access Regulations, which permitted the personal production of marihuana for medical purposes, were introduced in 2001. These fears were to be addressed by the new Marihuana for Medical Purposes Regulations, which will make the production of marihuana in private dwellings illegal again as of April 1, 2014.

On Friday, March 21, 2014 Judge Michael Manson of the Federal Court of Canada issued an interim injunction exempting patients holding current licences to grow medical marihuana at home from the new regulations.

In the application to maintain the *status quo* the applicants argued that the price and quality of the marihuana to be supplied by commercial growers licensed under the new regulations would make the drug too expensive and ineffective for many of those who needed it to treat their medical conditions. While some of this evidence may have been speculative, the court granted the injunction on the grounds that the applicants would suffer irreparable harm which outweighed the public interest reflected by the new regulations.

One aspect of the new regulations that remains in force is the restriction on possessing more than 150 grams of dried marihuana.

The decision of the court is not final. A full consideration of the issues will take place when the trial is eventually heard months from now.

Municipal concerns about neighbourhood nuisances, building code violations, unsafe electrical practices and the presence of mould in these dwellings will remain for the present time.

While we have not had an opportunity to closely review the decision, it appears that the injunction is limited to those who currently possess a licence to grow marihuana for themselves and for others. Since no new licences will be issued those who require marihuana for medical purposes will have to obtain it from the licensed commercial growers.

In addition, it is doubtful that the decision will protect those who grow more marihuana than permitted under their licenses. Some municipalities have restricted the application of controlled substance bylaws to illegal grow operations that either operate without a licence or propagate more plants than are permitted under their licence.

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