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BLOG

A CHRONIC ISSUE: BC RELEASES DETAILS ON HOW CANNABIS WILL BE SOLD

On February 5, 2018, the Provincial government released further details about the highly-anticipated legislation to regulate the distribution, retail sale, and consumption of cannabis in BC. In developing local responses to the legalization of cannabis for non-medical purposes, below is a summary of key points local governments should be aware of.

Distribution

The Province has confirmed that BC will have a government-operated wholesale distribution model, with the Liquor Distribution Branch as the wholesale distributor of non-medical cannabis. Retailers will only be able to sell non-medical cannabis that has been acquired from the Liquor Distribution Branch.

Retail Outlets

The Liquor Distribution Branch will also operate retail stores, and the Liquor Control and Licensing Branch will be responsible for licensing private stores and monitoring the retail sector. It is anticipated that the operating rules governing public and private cannabis retail stores will be similar to those currently in place for liquor.

In urban areas, licensed retailers will not be able to sell cannabis in the same stores as liquor or tobacco. Different rules may be in place for rural communities. Non-medical cannabis sales will only be permitted at licenced retail stores, although offsite sales may be considered in the future.

The Province will not be regulating the location of cannabis retail stores. Local government jurisdiction over land use management is recognized, including jurisdiction to set requirements for the proximity of a store to another cannabis store, schools, daycares or other land uses.

Local governments must also be in support of the particular location of a proposed store, including a government retail store, for the Province to issue a licence. The process to obtain local government support has not yet been established, however, the [Cannabis Private Retail Licencing Guide](#) indicates the issuance of a private licence may require public consultation, a council or board resolution, and notification of the resolution to the Liquor Control and Licensing Branch.

Public Consumption

The Province will generally allow adults to use non-medical cannabis in public spaces where tobacco smoking and vaping are permitted. There will be additional restrictions on smoking and vaping non-medical cannabis in areas frequented by children, including community beaches, parks and playgrounds. The use of cannabis in any form will also be prohibited in vehicles.

Local governments will be able to set additional restrictions on cannabis consumption, as they do now for tobacco use. Landlords and strata councils will also be able to restrict or prohibit non-medical cannabis smoking at tenanted and strata properties.

Personal Cultivation

The Province has indicated that adults will be permitted to grow up to four cannabis plants per household, as provided for in the proposed federal *Cannabis Act*, but the plants must not be visible from public spaces off the property. Cultivation will also be prohibited in dwellings that are used as daycares. Landlords and strata corporations will be able to prohibit this use of residential dwellings.

Conclusion

The provincial legislation to regulate cannabis is forthcoming, and the federal government remains committed to passing the proposed Cannabis Act in July 2018. Local governments are encouraged to consult legal counsel to prepare the regulatory framework that best represents the interests of their communities.

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