

Good to Grow?

The Proposed Medical Marijuana Regulation Overhaul

FCM Annual Conference

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Francesca Marzari

Marihuana for Medical Purposes Regulations

Application of *Narcotic Control Regulations*

2. For greater certainty, except in the case of inconsistency with these Regulations, the provisions of the *Narcotic Control Regulations* also apply to cannabis referred to in these Regulations.

Obtaining dried marihuana or cannabis

3. (1) A person listed in subsection (2) may possess dried marihuana and a person listed in subsection (3) may possess cannabis if the person has obtained it

(a) in accordance with these Regulations;...

Marihuana for Medical Purposes Regulations

Possession — dried marihuana

(2) The following persons may possess dried marihuana:

(a) a person who has obtained the dried marihuana for their own medical purposes or for those of another person for whom they are responsible

(i) from a licensed producer or a pharmacist, in accordance with a medical document, or

(ii) from a health care practitioner in the course of treatment for a medical condition;

(b) [pharmacists and registered health care practitioners];

(c) a hospital employee, if the possession of dried marihuana is for the purposes of and in connection with their employment.

Marihuana for Medical Purposes Regulations

Possession — cannabis

(3) The following persons may possess cannabis:

(a) a person who requires cannabis for their business as a licensed producer or licensed dealer;...

Marihuana for Medical Purposes Regulations

Possession limit — medical document

4. (1) An individual who obtains dried marihuana for their own medical purposes or for those of another individual for whom they are responsible from a licensed producer or a pharmacist, in accordance with a medical document, must not possess a quantity of dried marihuana that exceeds the lesser of

(a) 30 times the daily quantity referred to in paragraph 125(1)(d), and

(b) 150 g.

Marihuana for Medical Purposes Regulations

11. (1) Subject to subsections (2) to (7) and to the other provisions of these Regulations, a licensed producer may

(a) possess, produce, sell, provide, ship, deliver, transport and destroy marihuana;...

Restriction — dried marihuana

(4) A licensed producer may sell or provide dried marihuana — but not cannabis other than dried marihuana — to

(a) a registered client of that producer or an individual who is responsible for the client;

(b) a pharmacist;

(c) a health care practitioner; ...

Marihuana for Medical Purposes Regulations

Dwelling-place

12. A licensed producer must not conduct any activity referred to in section 11 at a dwelling-place.

Indoor activities only

13. A licensed producer must produce, package or label marihuana only indoors.

Indoor storage only

14. (1) A licensed producer must store cannabis only indoors at the site specified in the producer's license.

Marihuana for Medical Purposes Regulations

Filtration of exhaust air

44. Restricted areas must be equipped with a system that filters exhaust air to prevent the escape of pollen and odours

Shipping

118. In filling an order referred to in section 117, a licensed producer must not transfer physical possession of the dried marihuana to the registered client or to the individual responsible for that client other than by shipping it to that person.

Marihuana for Medical Purposes Regulations

Health Canada: LICENCE TO PRODUCE MEDICAL MARIHUANA

Licence Holder:	Munchies & Sons Ltd.
Responsible Person In Charge:	Dave Munchies
Authorized Site:	123 Industrial Avenue, Hamlet of High Meadows, B.C.

High Meadows Business Bylaw

Medical Marihuana Producers

1. Every operator of a medical marihuana production must not:
 - a) permit any odour related to the medical marihuana products to be detected outside the boundaries of the property;
 - b) operate without a business license;
 - c) permit retail sales on the same premises, including sales of marihuana products or paraphernalia, pop, chips or mailbox services;

High Meadows Land Use Bylaw

“Medical Marihuana Production” means the use of land or buildings where marihuana is grown, dried, processed, packaged or distributed.

“Industrial Use” means the use of land or buildings for the production or manufacturing or processing of products, but excludes medical marihuana production.

“Agricultural Use” means the use of land for agricultural purposes...

...and includes licensed medical marihuana production.

Marihuana for Medical Purposes Regulations

Issues on Appeal:

- The Hamlet of High Meadows cannot regulate the licensed location of Munchies & Son's marihuana production
- The Hamlet cannot regulate Munchies' operations through bylaws governing nuisance abatement, building safety or business practices.
- The *Charter of Rights and Freedoms* applies to prevent both the Hamlet and the Government of Canada from restricting the method of distribution of medical marihuana.