



**REGIONAL DISTRICT**  
of Fraser-Fort George

**LIQUOR LICENSE CHANGES AND  
CANNABIS LEGALIZATION:  
REGIONAL DISTRICT  
IMPACTS AND CONSIDERATION**

**MAY 2018**

# OUTLINE

## LIQUOR

- CURRENT PROVINCIAL LEGISLATION
- CURRENT REGIONAL DISTRICT REGULATIONS
- REGULATION OPTIONS TO CONSIDER

## CANNABIS

- CURRENT AND PROPOSED FEDERAL LEGISLATION
- CURRENT AND PROPOSED PROVINCIAL LEGISLATION
- CURRENT REGULATIONS AND OPTIONS FOR REGIONAL DISTRICT

## DISCUSSION

- Q and A
- COMMITTEE DISCUSSION AND SUGGESTIONS

# LIQUOR LICENSES

## CURRENT PROVINCIAL LEGISLATION

- *Liquor Control and Licensing Act* and Regulations:
  - Establishes and regulates the Liquor Control and Licensing Branch (LCLB) responsible for issuing and overseeing liquor licenses in BC
  - Provides framework for local government input into liquor license applications
  - The role of local government when provided a referral for liquor licenses is to consider the impact of the license application on their community and to provide comment

# LIQUOR LICENSES

## CURRENT PROVINCIAL LEGISLATION

- Applications Local Government are Invited to Provide Comment on:
  - New license applications for:
    - Liquor primary
    - Liquor primary club
  - Amendments to a license for:
    - Liquor primary/liquor primary club
      - Relocations Extension to the hours of liquor service
      - Increase in person capacity
      - Patio addition
      - Adding or amending a temporary use area endorsement (golf courses and ski hills only)
      - Transition from a liquor primary club to a regular liquor primary
    - Manufacturers
      - Lounge endorsement
      - Special event area endorsement
      - Increase in the person capacity or hours of a lounge
      - Increase in the capacity/size or hours of a special event area

# LIQUOR LICENSES

## CURRENT PROVINCIAL LEGISLATION

- Applications Local Government are Invited to Provide Comment on:
  - Amendments to a license for:
    - Food primary
      - Patron-participation entertainment (e.g. dine and dance or karaoke)
      - Liquor service past midnight
      - Temporary use area endorsement (golf courses and ski hills only)
  - Other Consultation Requirements:
    - Picnic endorsements at a manufacturing site (new or change applications)
      - requires input in regards to zoning only
    - Liquor primary relocations very close to the existing site (such as next door)
      - input would be in the form of objection/no objection
    - Input is requested for temporary changes (for an event) in the form of objection/no objection:
      - Expand hours or person capacity for liquor primary
      - Expand hours or size/capacity for manufacturer lounge or special event area

# LIQUOR LICENSES

## CURRENT PROVINCIAL LEGISLATION

- Local Government Comments:
  - Local government can provide comment by either:
    - A resolution of the Board; or
    - Delegate authority to Administration to provide comments
- If a local government wishes to provide comments on an application, they must first gather views of the residents.
- Methods that can be utilized to obtain public input includes:
  - Solicit written responses to a public notice of the application
  - Public Hearing
  - Referendum
  - Any other similar process
- A local government can choose to not provide comment, and opt out of the process

# LIQUOR LICENSES

## CURRENT PROVINCIAL LEGISLATION

- In providing comment the local government must take into account the following considerations:
  - The location of the establishment;
  - The person capacity and hours of liquor service of the establishment.
- The local government must comment on the following:
  - The impact on the community in the immediate vicinity of the establishment;
  - the impact on the community if the application is approved;
  - (for a food primary only) whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose;
  - the views of residents, and a description of the method used to gather views; and
  - the local government's/First Nation's recommendations (including whether the application should be approved) and the reasons on which they are based.
- Local government has 90 days to provide comments

# LIQUOR LICENSES

## CURRENT REGIONAL DISTRICT REGULATIONS

- Regional District rescinded its policy regarding the processing of liquor license referrals in 2015
- Since 2015, the Regional District has not processed any liquor license application referrals
- If any were received they would need to be processed on a case by case basis
- Regional District is able to develop a bylaw that outlines public consultation and can delegate the authority to provide comments on liquor licenses (all or some) to Administration



# LIQUOR LICENSES

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS BYLAW FOR LIQUOR LICENSE REFERRALS

- This bylaw would provide guidance to Administration and the public on:
  - what application types the Regional District will provide comment on and what, if any, application types that the Regional District will opt out of commenting on and/or are delegated to Administration; and
  - how public consultation will be conducted prior to the Regional District considering a license application
- Methods that can be utilized to solicit public comments include:
  - Receipt of written comments
  - Public Hearing Process
  - Referendum Process
  - Another method that the local government considers appropriate process

# LIQUOR LICENSES

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS

### FEES FOR LIQUOR LICENSE REFERRALS

- A report to Board that would introduce a bylaw that would introduce fees for processing liquor license referrals
  - It may be reasonable to set fees for the processing of referrals at 100% cost recovery for the Regional District
- Remain Status Quo
  - No fees will be obtained for processing referrals

# CANNABIS

## DEFINITION OF CANNABIS: *Cannabis Act*

1. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2
2. Any substance or mixture of substances that contains or has on it any part of such a plant
3. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

## CANNABIS AVAILABLE FOR SALE: *Cannabis Act*

- fresh cannabis
- dried cannabis
- cannabis oil
- cannabis plants
- cannabis plant seeds

# CANNABIS

## CURRENT FEDERAL LEGISLATION

- Access to Cannabis for Medical Purposes Regulations (ACMPR):
  - Replaced Marihuana for Medical Purposed Regulations (MMPR) in 2016
  - Regulates the production and sale of medical cannabis
  - Allows for access to cannabis for medical purposes by:
    - registering with licensed producers
    - registering with Health Canada to produce a limited amount for their own medical purposes
    - register with Health Canada someone else to produce for them
  - Sales are done through order and delivered by mail or courier
  - Dispensaries that currently operate are contrary to legislation and unlawful

# CANNABIS

## PROPOSED FEDERAL LEGISLATION

- *Cannabis Act:*
  - Expected to come into force by the third quarter of 2018
  - Legislation to legalize cannabis production and supply in Canada
- Should the Cannabis Act come into force, adults who are 18 years or older would be able to legally:
  - possess up to 30 grams of legal dried cannabis or equivalent in non-dried form
  - share up to 30 grams of legal cannabis with other adults
  - purchase dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
    - In those provinces that have not yet or choose not to put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally-licensed producer
  - grow up to 4 cannabis plants per residence for personal use from licensed seed or seedlings
  - make cannabis products, such as food and drinks, at home provided that organic solvents are not used

# CANNABIS

## PROPOSED FEDERAL LEGISLATION

- The federal government's responsibilities would be to:
  - set requirements for producers who grow and manufacture cannabis
  - set industry-wide rules and standards, including:
    - the types of cannabis products that will be allowed for sale
    - packaging and labelling requirements for products
    - standardized serving sizes and potency
    - prohibiting the use of certain ingredients
    - good production practices
    - tracking of cannabis from seed to sale
    - restrictions on promotional activities

# CANNABIS

## CURRENT PROVINCIAL LEGISLATION

- Agricultural Land Reserve Use, Subdivision and Procedure Regulation
  - permits the production of medical marihuana in accordance with federal regulations on lands with the ALR
  - use may not be prohibited by local government
- There has been no information to date regarding non-medical cannabis production being a permitted farm use within the ALR

# CANNABIS

## PROPOSED PROVINCIAL LEGISLATION

- *Cannabis Act*: the provinces and territories would license and oversee the distribution and sale of cannabis, subject to federal conditions. They could also:
  - increase the minimum age in their province or territory (but not lower it)
  - lower the personal possession limit in their jurisdiction
  - create additional rules for growing cannabis at home, such as lowering the number of plants per residence
  - restrict where adults can consume cannabis, such as in public or in vehicles



# CANNABIS

## PROPOSED PROVINCIAL LEGISLATION

- *Cannabis Control and Licensing Act – British Columbia Bill 30*
  - received First Reading on April 26, 2018
  - sets 19 as the provincial minimum age to purchase, sell or consume cannabis
  - allows adults to possess up to 30 grams of cannabis in a public place
  - prohibits 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
  - prohibits the use of cannabis on school properties and in vehicles
  - authorizes adults to grow up to four cannabis plants per household
  - establishes a cannabis retail licensing regime which includes a requirement for consultation with local governments and first nations
  - provides enforcement authority to deal with illegal sales

# CANNABIS

## PROPOSED PROVINCIAL LEGISLATION

- *Cannabis Distribution Act – British Columbia Bill 31*
  - received First Reading on April 26, 2018
  - regulates public retail sales in stores and online
  - establishes a public wholesale distribution monopoly under the control of the Province
- BC Liquor Distribution Branch (LDB) and Liquor Control and Licensing Branch (LCLB)
  - the LDB will be responsible for the wholesale distribution
  - the LDB will operate any government run retail stores
  - the LCLB will be responsible for licensing private stores and monitoring the retail sector
  - the operating rules governing public and private 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
  - the Province recognizes rural areas will require a different approach than those used in urban communities and is evaluating if the rural agency liquor store model can be applied

# CANNABIS

## PROPOSED PROVINCIAL LEGISLATION CANNABIS RETAIL SALES LICENSING

- LCLB will oversee the evaluation and issuance of licenses
- Through the licensing process local governments will be provided the opportunity to decide whether they wish to have non-medical cannabis retail stores in their community
- Local governments will be required to solicit public comment on proposed cannabis retail sales locations. Methods prescribed for public input include:
  - Receipt of written comments
  - Public Hearing Process
  - Referendum Process
  - Another method that the local government considers appropriate process
- The local government decision is to be supplied by way of a resolution.

# CANNABIS

## CURRENT REGIONAL DISTRICT REGULATIONS: CANNABIS PRODUCTION

- Zoning Bylaw No. 2892
  - covers majority of zoned territory in the Regional District
  - currently permits Medical Marijuana use in the following zones: Rural 1 (Ru1), Rural 2 (Ru2), Rural 3 (Ru3), Rural 4 (Ru4), Rural 5 (Ru5), Rural 6 (Ru6), Small Holding (SH) with a minimum site area of 259 ha and in Industrial 5 (M5) with no minimum site area
- Woodpecker-Hixon Rural Land Use Bylaw No. 932
  - covers the populated portions of Electoral Area 'E'
  - it could be reasonably argued that the cultivation of non-medical cannabis could be permitted under uses including but not limited to Agriculture use.
- Valemount Glacier Zoning Bylaw No. 2998
  - cover the proposed Valemount Glacier Resort development in Electoral Area 'H'
  - does not specifically address the cultivation of medical or non-medical cannabis
- Punchaw Lake Zoning Bylaw No. 704
  - covers a small recreational area adjacent to Punchaw Lake in Electoral Area 'C'
  - does not specifically address the cultivation of medical or non-medical cannabis.

# CANNABIS

## CURRENT REGIONAL DISTRICT REGULATIONS: CANNABIS RETAIL SALES

- Zoning Bylaw No. 2892
  - could be reasonably argued that cannabis sales could be permitted under uses that include but not limited to: Agriculture Retail, Commercial Greenhouse, Convenience Grocery/ Gift Store Farm Supplies Centre, Gasoline Service Centre, General Store, Hotel or Retail Store use
- Woodpecker-Hixon Rural Land Use Bylaw No. 932
  - could be reasonably argued that cannabis sales could be permitted under uses that include but not limited to: Convenience Grocery and Gifts Store/ Food Outlet, General Store, Gasoline Service Station/Truck Stop, Hotel, Nursery/ Greenhouse or Retail Store use
- Valemount Glacier Zoning Bylaw No. 2998
  - could be reasonably argued that cannabis sales could be permitted under uses that include but not limited to: Hotel, Personal Services, Resort Day Lodge or Retail Store use
- Punchaw Lake Zoning Bylaw No. 704
  - does not specifically address retail sales

# CANNABIS

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS: CANNABIS PRODUCTION

1. A report to Board that would provide options on where the cultivation of non-medical cannabis may be appropriate throughout zoned territory
  - Could mirror existing medical marihuana production regulations
2. A report to Board that would provide bylaw amendments that would prohibit the establishment of the cultivation of non-medical cannabis throughout zoned territory
  - Control the establishment of the cultivation of non-medical cannabis while federal and provincial governments enact their regulations and processes
3. Remain Status Quo
  - Some permitted uses within established land use regulations that could allow the cultivation of non-medical cannabis

# CANNABIS

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS: CANNABIS RETAIL SALES

1. A report to Board that would provide bylaw amendments that would prohibit the establishment of cannabis retail sales throughout zoned territory
  - Control the establishment of cannabis retail sales while federal and provincial governments enact their regulations and processes
2. A report to Board that would provide options on where cannabis retail sales may be appropriate throughout zoned territory
  - Regulations can include setbacks from lot lines, minimum parcel size, maximum site coverage, distances from schools, etc.
3. Remain Status Quo
  - Some permitted uses within established land use regulations that could allow cannabis retail sales

# CANNABIS

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS: BYLAW FOR CANNABIS RETAIL SALES LICENSE REFERRALS

- Prior to responding to a Provincial licensing referral the local government will be required to undertake public consultation to gather views of local residents by one of the following methods:
  1. Receipt of written comments
  2. Public Hearing Process
  3. Referendum Process
  4. Another method that the local government considers appropriate process
- A bylaw will be forwarded to Board with the preferred method that will provide guidance to Administration and the public on how public consultation will be conducted prior to the Board considering a license application referral



# CANNABIS

## OPTIONS FOR REGIONAL DISTRICT REGULATIONS: FEES FOR CANNABIS RETAIL SALES LICENSE REFERRALS

- A report to Board that would introduce a bylaw that would introduce fees for processing non-medical cannabis retail sales license referrals
  - It may be reasonable to set fees for the processing of referrals at 100% cost recovery for the Regional District
- Remain Status Quo
  - No fees will be obtained for processing referrals

# LIQUOR LICENSE AND CANNABIS

## Q AND A

### DISCUSSION AND SUGGESTIONS

#### LIQUOR LICENSES

Administration is looking for direction from the Committee on the following:

- The preferred liquor license application referral consultation process
- Implementing fees to cover the costs for processing liquor license application referrals

#### CANNABIS

Administration is looking for direction from the Committee on the following:

- Regulating the cultivation of non-medical cannabis
- Regulating the retail sale of non-medical cannabis
- The preferred retail sales licensing consultation process
- Implementing fees for processing cannabis retail sales licensing application referrals