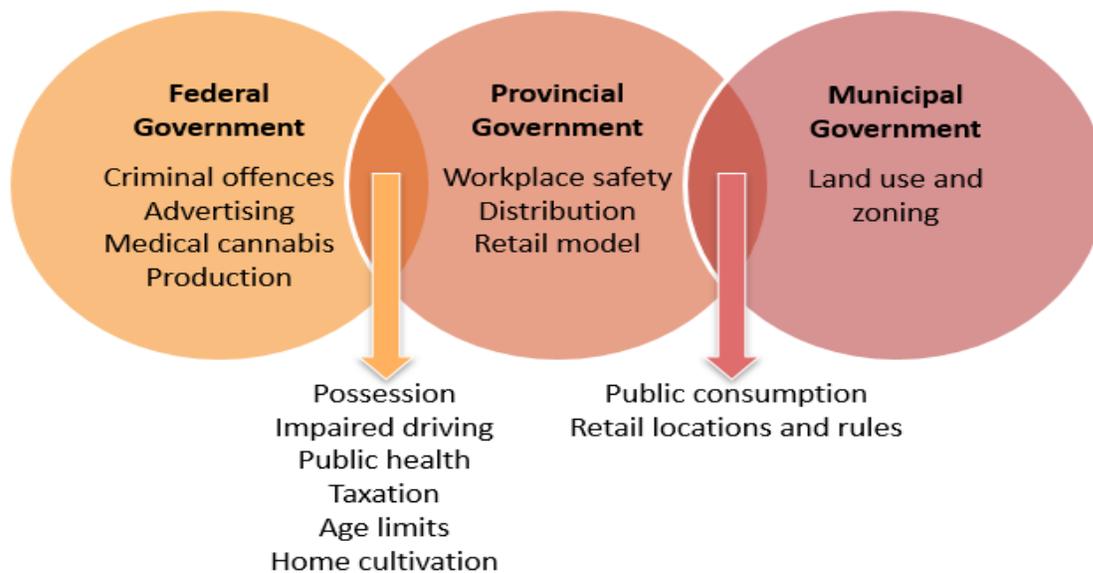


A Primer on Cannabis Regulation

By: Lorian Hardcastle

Legislation Commented On: *Cannabis Act*, [SC 2018, c 16](#); *Cannabis Regulations*, [SOR/2018-144](#); *Gaming, Liquor and Cannabis Act*, [RSA 2000, c G-1](#); *Gaming, Liquor and Cannabis Regulation*, [Alta Reg 143/996](#)

Legal changes that decriminalize recreational cannabis come into effect today, with [17 Alberta stores](#) set to open their doors to the public. This is a complex area of the law that involves all three levels of government (see Figure 1).



(Figure 1)

In addition to legal changes, scores of other organizations have developed or adapted policies to address cannabis, such as [condominium corporation bylaws](#) preventing cannabis consumption within their complexes, [workplace policies](#) addressing cannabis use by employees, and [university policies](#) governing cannabis on campus. This blog post, which is the first in a series relating to cannabis, describes the key features of federal, provincial, and municipal laws.

The Federal Legal Landscape

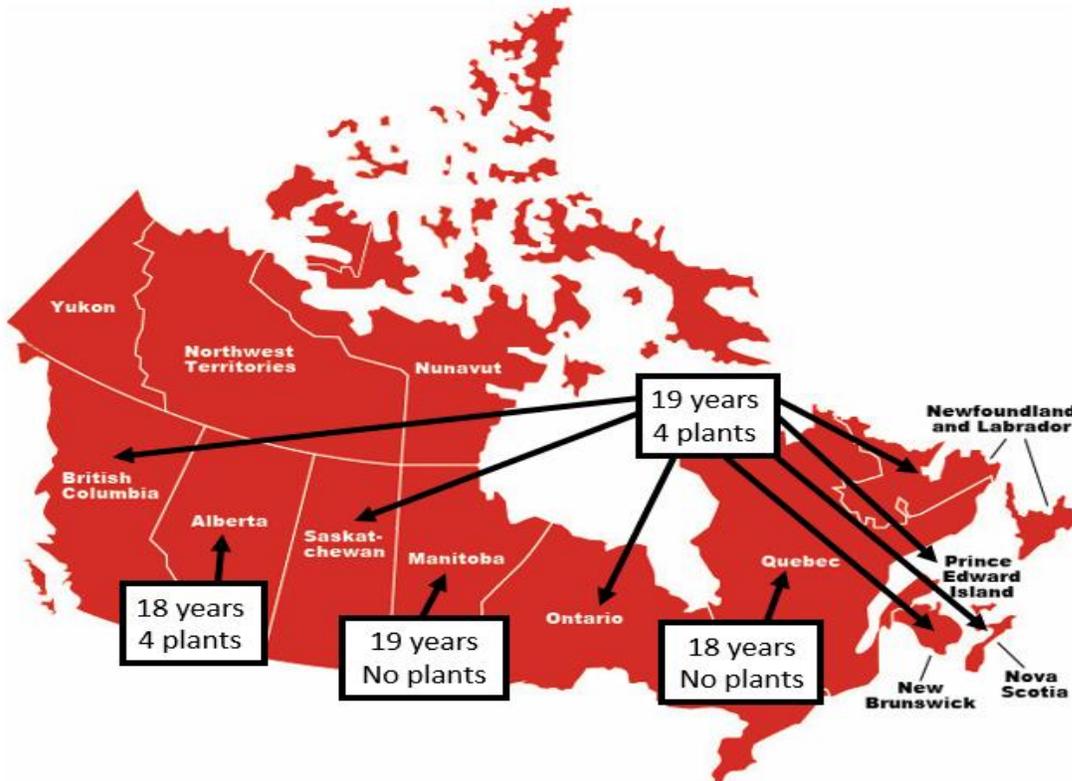
The federal *Cannabis Act*, [SC 2018, c 16](#) and accompanying *Cannabis Regulations*, [SOR/2018-144](#), balance a number of concerns, including preventing young people from consuming

cannabis, preventing illicit activities and the illicit production of cannabis, reducing the burden of cannabis-related offenses on the criminal justice system, providing access to a quality-controlled supply of cannabis, and enhancing public awareness of the health risks associated with cannabis (*Cannabis Act*, section 7).

In furtherance of these goals, the *Cannabis Act* regulates and creates offenses relating to a variety of activities, including possession (section 8), distribution (section 9), sale (section 10), import/export (section 11), production (section 12), promotion (section 16), and packaging and labelling (sections 26-27). This legislation also authorizes a national tracking system to obtain information on cannabis, prevent the diversion of legal cannabis into the illicit market, and prevent illicit cannabis from entering the legal market (section 81).

The Shared Federal-Provincial Legal Landscape

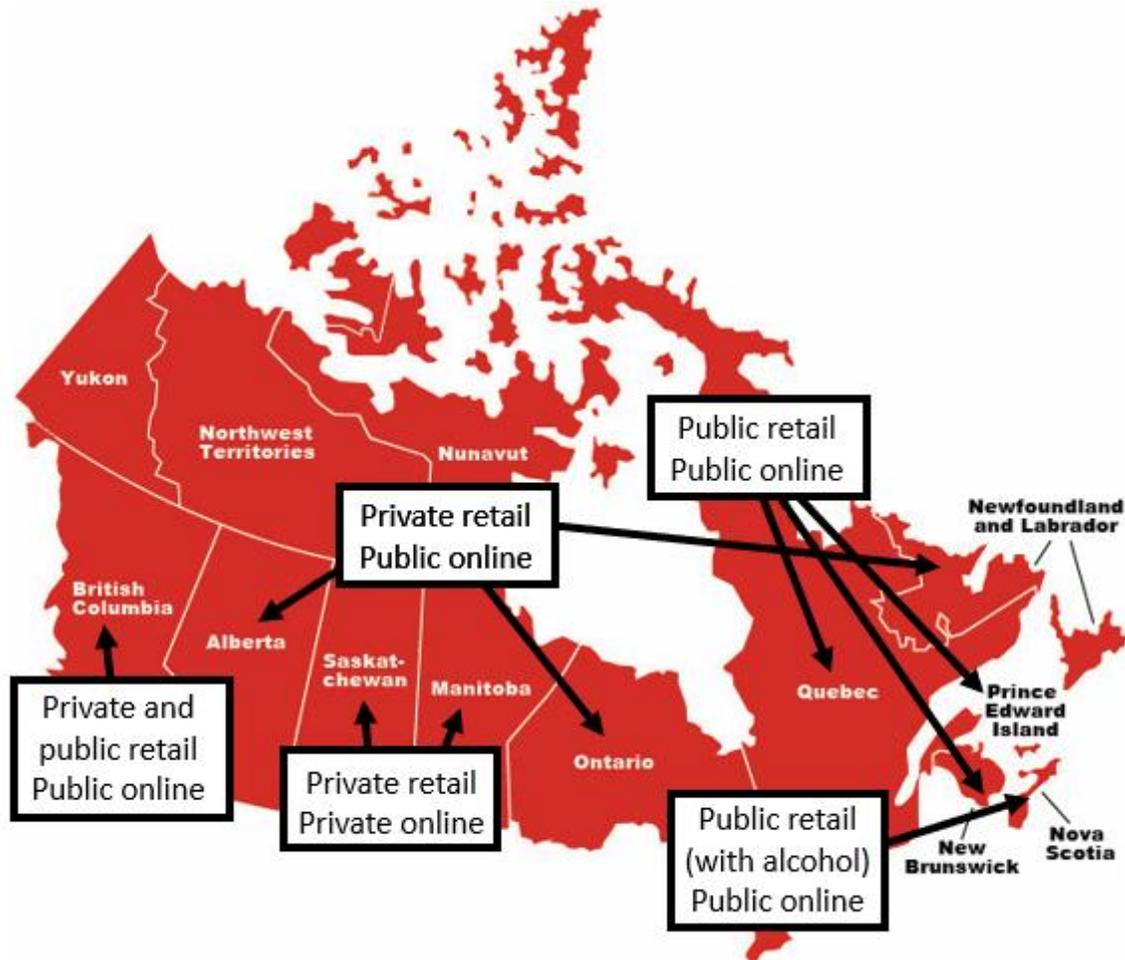
There are several important areas of shared jurisdiction between the provinces and the federal government. According to the federal *Cannabis Act*, individuals who are at least 18 years of age are permitted to possess up to 30 grams of dried cannabis (or its equivalent) and may cultivate up to four plants in their homes. However, as Figure 2 illustrates, several jurisdictions have elected to strengthen the federal law either by increasing the legal age of possession to 19 (generally to coincide with provincial alcohol consumption laws) and/or prohibiting home growth.



(Figure 2)

The Provincial Legal Landscape

There is considerable inter-provincial variation in the regulation of cannabis. For example, as Figure 3 illustrates, while some provinces permit cannabis to be sold by licensed private retailers (online and/or in physical retail stores), others sell cannabis through government-run stores. To a large extent, whether a province permits private sales of cannabis maps onto whether it permits private sales of alcohol. Nova Scotia is unique in its decision to allow cannabis and alcohol to be sold in the same stores. One potential concern with this approach is that it may encourage the consumption of two impairing substances together, which could affect impaired driving rates.



(Figure 3)

As with other provinces, Alberta's *Gaming, Liquor and Cannabis Act*, [RSA 2000, c G-1](#), and associated *Gaming, Liquor and Cannabis Regulation*, [Alta Reg 143/996](#), address various aspects of cannabis sale and consumption. For example, the *Act* regulates the licensing of retail stores (section 90.02) and their operation, including the presence of minors in stores (section 90.03), sale of cannabis to intoxicated persons (section 90.05), and business signage (section 90.171). The regulations detail the obligations of license-holders, such as maintaining a system to track the sale and inventory of cannabis (section 109(1)), store security (section 109(2)), and qualifications and training of store employees (section 126).

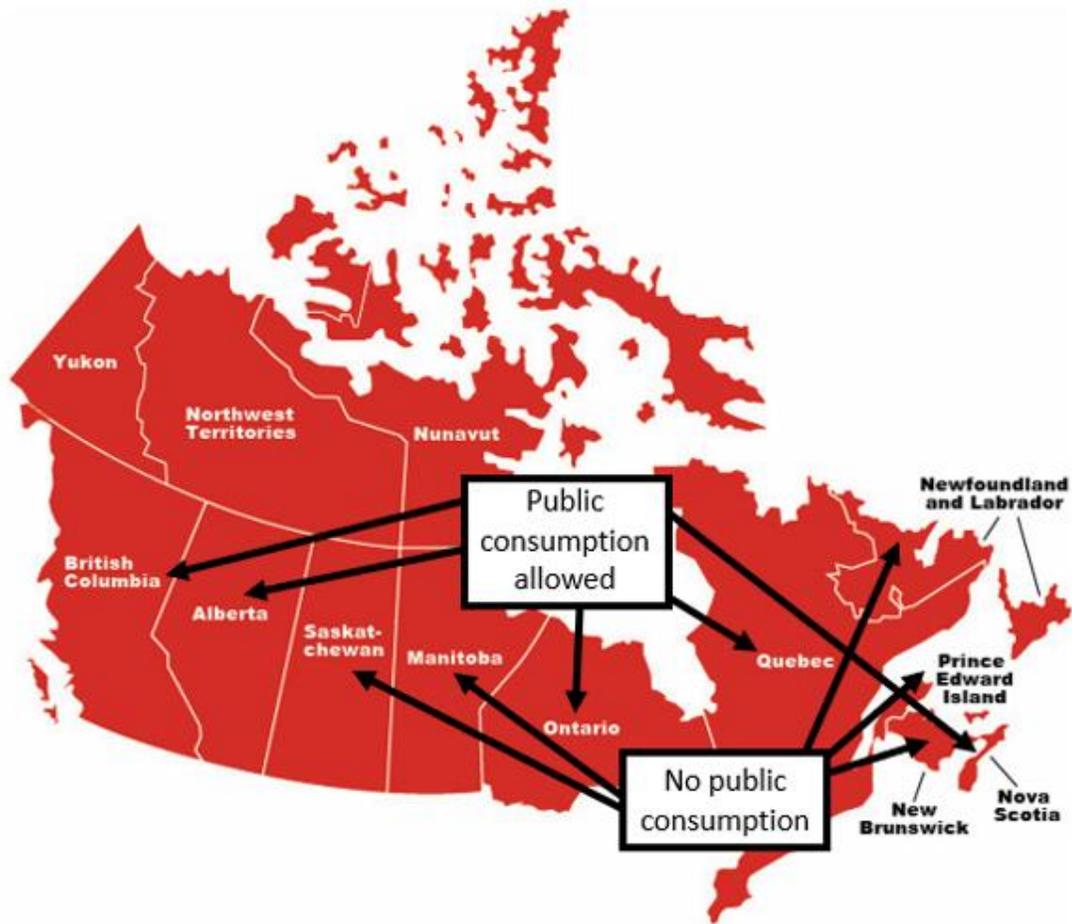
The Shared Provincial-Municipal Legal Landscape

Provincial laws regulating cannabis sale and consumption overlap in some respects with municipal bylaws. Three key areas of shared responsibility include hours of sales, location of stores, and public consumption.

The Alberta *Gaming, Liquor and Cannabis Regulation* states that cannabis stores may be open from 10 a.m. to 2 a.m. (Schedule 3, Part 2, section 5), but that municipalities may reduce these hours (section 121(2)). It is notable that several other provinces, particularly those that plan to sell cannabis in publicly-run stores, will close earlier than 2 a.m. Future public health research may explore whether later hours are accompanied by issues such as increased consumption or higher rates of impaired driving accidents involving cannabis. At this time, neither Edmonton nor Calgary has opted to reduce store opening hours from the provincial standard, although other municipalities have. This decision is consistent with [public engagement](#) conducted by the City of Calgary, in which 59% of respondents felt that cannabis stores should have the same hours as liquor stores.

According to Alberta's regulations, a cannabis store cannot be located within 100 metres of a provincial health care facility or a school (section 105(3)), although municipalities may pass further restrictions (section 105(5)). Several Alberta municipalities have opted to strengthen these requirements either by increasing the prescribed distance or adding additional buffer zones. For example, Edmonton's [Zoning Bylaw 12800](#) requires 200 metres between cannabis stores, 200 metres between cannabis stores and libraries or educational facilities, and 100 metres between cannabis stores and sites being used for purposes such as community recreation facilities. Calgary's [Land Use Bylaw](#) increases the distance between cannabis stores and schools from 100 metres to 150 metres, and adds a 150 metre buffer zone between cannabis stores and emergency shelters and a 300 metre separation between cannabis stores (with exceptions granted in certain districts of the city).

As Figure 4 illustrates, while some provinces have elected to regulate the public consumption of cannabis in a manner similar to alcohol (which cannot generally be consumed in public), others treat cannabis similar to tobacco (which can generally be consumed in public, subject to exceptions). Alberta law regulates cannabis smoking similar to tobacco, whereby it can be consumed in public, subject to certain exceptions (such as school property, *Gaming, Liquor and Cannabis Act*, section 90.28).



(Figure 4)

Municipalities may further restrict public consumption. For example, [Calgary prohibits](#) public consumption, although it is exploring options for designated public consumption sites and public consumption permits (for example, for outdoor concerts and festivals). This would enable individuals who cannot consume at their homes (such as those who live in condominiums where it has been prohibited) to legally consume elsewhere. Interestingly, Calgary’s decision to prohibit public consumption conflicts with the results of its [public engagement](#) survey, in which only 19% of respondents said that cannabis should be regulated like alcohol, while 43% said it should be regulated like tobacco. In contrast to Calgary, Edmonton’s [Public Places Bylaw](#) generally allows public consumption, subject to various exceptions in addition to those contained in provincial law (such as cemeteries, ski hills, city-owned golf courses, and certain parks).

The Municipal Legal Landscape

Apart from the above-mentioned rules relating to buffer zones and public consumption, municipal bylaws regulate various other aspects of cannabis retail in conjunction with their discretion to grant development permits and zone land. The topics addressed in bylaws vary by municipality but may include such matters as landscaping and lighting (to ensure visibility), the

permitted width of cannabis store facades, a requirement that stores obtain development permits and the necessary documents for such permits, and a designation of which city districts may have cannabis stores.

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