



October 18, 2017

Public Board Meeting

Correspondence:

M. Murray, Chairperson, School District No. 42 (Maple Ridge-Pitt Meadows)
BC School Trustees Association

M. Farnworth, Minister of Public Safety and Solicitor General

ADDITIONAL HANDOUT

October 16, 2017

Select Standing Committee on Finance and Government Services
Room 224, Parliament Buildings
Victoria, B. C. V8V 1X4
Attention Mr. Bob D'Eith, MLA and Chair

Dear Committee Members:

RE: Budget 2018 Consultations

First let me advise the Board of Education of School District No. 42 is most appreciative of your government's indication that Education is one of your highest priorities. We cannot agree more that it is the foundation for both a healthy economy and society in general.

We also wish to join the BC School Trustees Association, other Boards of Education and our education partners in expressing our support for the standing committee's previous recommendations that education funding fully address the increased costs faced by School Districts throughout the Province year over year. As has been shared previously adding unfunded increased costs to School District budgets necessarily results in significant cuts to student services. This was the common practice of the previous government and caused great challenges for many boards of education throughout the province.

Previously this Board has suggested there is a need for government to work more closely with local Boards of Education through the BCSTA, the BC Association of School Business Officials and the BC School Superintendent's Association to build an education budget from the ground up that truly reflects the needs of the system. We proposed a resolution to that effect to the 2015 BCSTA AGM which was adopted. It is our genuine hope that some progress can be made along those lines in the upcoming budget deliberations. For many years there has been too great a divide between those who have responsibility for delivering education services at the local level and those in government who set the budget for those services.

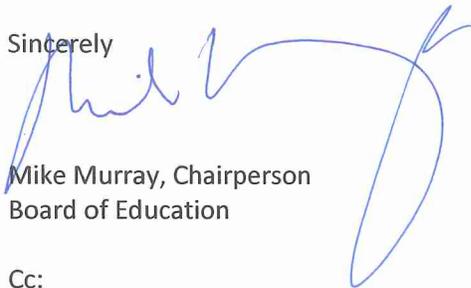
In our view the select committee should reinforce that resolution by recommending the establishment of an education financing task force involving the aforementioned parties, the purpose of which would be to examine such matters in detail including:

- what level of funding the k-12 sector needs in order to bring stability to the system, achieve the desired progress identified in forward thinking education planning, and fund appropriate responses to some of the emerging issues which are being faced by both the health and education systems like youth mental health;

- how long term planning and the expeditious implementation of capital work can be enhanced through the adoption of a relatively firm five year capital budget;
- taxation recommendations related to school property taxes and other taxation necessary to provide the required level of funding;
- the funding formula by which the Ministry's resources are distributed to School Districts throughout the Province; and
- how those responsible for the day to day delivery of public education can have a meaningful and ongoing role in identifying the requirements for and setting the provincial education budget.

We look forward to contributing in any way we can to the further discussion of these matters and thank you for your attention.

Sincerely



Mike Murray, Chairperson
Board of Education

Cc:

Board of Education, School District 42 - Maple Ridge and Pitt Meadows
The Honourable Rob Fleming, Minister of Education
The Honourable, Carole James, Minister of Finance
The Honourable Lisa Beare, Minister of Tourism and Culture
Ms. Sylvia Russell, Superintendent of Schools
Ms. Flavia Coughlan, Secretary Treasurer
Ms. Cathie Watkins, President Maple Ridge Principals and Vice Principals Association
Mr. George Serra, President, Maple Ridge Teachers Association
Ms. Leslie Franklin, President, CUPE local 703
Ms. Kim Dumore, Chair, District Parent Advisory Council
District Student Advisory Council
Mr. Gordon Swan, President, BCSTA
Ms. Patti Dundas, President, BCASBO
Mr. Tom Longridge, President, BCSSA



October 18, 2017

The Honourable Rob Fleming
Room 134, Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Fleming:

Re: Invitation to attend student forum and changes to FSA reporting

Thank you again for announcing the seismic upgrades for two of our schools, and for taking the time to meet with us after last Wednesday's announcement. We very much appreciate both the funding for this important work as well as the opportunity for a one-on-one discussion with you.

We mentioned at last week's event that we would be pleased to have you attend the student forum we are hosting in January. Allow me to formally extend to you an invitation to this student forum, which will run from 9:30 am to 1:30 pm on January 31, 2018 at the Swan-e-Set Bay Resort (16651 Rannie Rd, Pitt Meadows). The forum would provide you with a great opportunity to hear directly from students about their educational experience.

Finally, one of the topics we didn't have an opportunity to discuss with you last Wednesday is FSA reporting. Because the FSAs are an area of concern for our Board, I wanted to take a moment to share these concerns with you here.

The Maple Ridge – Pitt Meadows School District currently has limited student participation in FSA testing due to the way these results are being used by outside organizations to rate and rank schools.

Our Board believes that both the Ministry and our school district can benefit from the new FSA testing to assess how we are doing as a district, and how our students are doing individually. As long as the results are not collected or reported on a school-by-school basis, we know our teachers' association will encourage rather than discourage student participation. The resulting increase in student participation will produce far more valid data than is currently available.

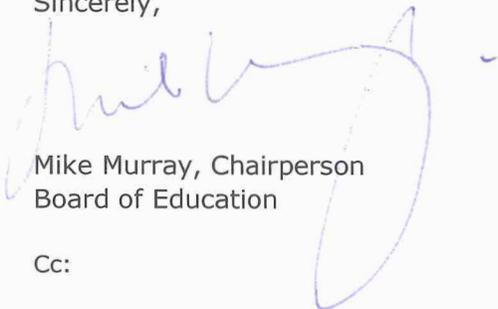
We passed a number of FSA reporting change recommendations along to Minister Bernier last spring, advising him that these recommendations had the support of the Maple Ridge Teachers' Association as well as that of the BCTF President. We asked that a revised FSA reporting model be recommended to the Ministry of Education's advisory group on provincial assessment in which school districts are required to:

- conduct the new foundational skills assessment, collate the data and report district-wide results to the Ministry;
- make individual student results available to parents on request; and
- not collect or publish the data on a school by school basis.

We are hopeful the advisory committee on FSA reporting will be reconvened soon to consider this approach along with its other recommendations to the Ministry on this important subject.

We look forward to hearing any feedback the Ministry or committee may wish to provide and would be happy to discuss the subject further at your convenience.

Sincerely,



Mike Murray, Chairperson
Board of Education

Cc:

Board of Education of School District No. 42 (Maple Ridge-Pitt Meadows)
Mr. George Serra, President, Maple Ridge Teachers' Association
The Honourable Lisa Beare, MLA and Minister of Tourism and Culture
Mr. Bob D'Eith, MLA
Mr. Gordon Swan, President, BC School Trustees Association

Dear Board Chairs,

The BC Ministry of Public Safety and Solicitor General is [seeking feedback](#) from boards of education in preparation for the federal legalization of non-medical cannabis this coming year.

The BCSTA Board of Directors has reviewed the [Cannabis Legalization Discussion Paper](#) published by the Ministry, and would like to reach out to boards for their input into BCSTA's final submission.

The Ministry has set a very tight deadline of November 1, 2017, so with that in mind, we would like to ask for you to discuss, with your board, the **principles** and **discussion points** outlined below. The intention is to give you an opportunity to provide to us your board's feedback by October 24, 2017 via email and then have a short discussion about the topic at the upcoming Annual Board Chairs Meeting on October 26, 2017.

The Board of Directors developed the following **principles**:

1. The health and safety of students and staff are of critical importance to boards of education. All rules and regulations must recognize that importance.
2. BCSTA and Boards of Education encourage the Provincial Government to ensure continued consultation with all levels of local government/boards of education and the public as regulations are determined.

The Board of Directors further determined that not all issues brought forward in the *Cannabis Legalization Discussion Paper* would be applicable for a provincial response from school trustees. The following **discussion points** are the ones that we believe are important for trustees to focus on:

- **Minimum age**

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- *BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.*
- *BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.*
- *BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.*

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective. ([Cannabis Legalization and Regulation in British Columbia Discussion Paper, page 3](#))

- **Personal Possession –Youths** (as it relates to recommendation on minimum age)

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket. ([Cannabis Legalization and Regulation in British Columbia Discussion Paper, page 4](#))

- **Public consumption**

Bill C-45 will amend the federal Non-smokers' Health Act to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction. BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden. For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- *BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.*
- *BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.*
- *BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.*

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption. ([Cannabis Legalization and Regulation in British Columbia Discussion Paper, pages 4-5](#))

- **Distribution Model**

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- **Government distribution** – *In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.*
- **Private distribution** – *In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.*
- **Direct distribution** – *In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant government oversight and could make it challenging for smaller producers to get their products to market. ([Cannabis Legalization and Regulation in British Columbia Discussion Paper, pages 7-8](#))*

BCSTA would like to ask boards to submit their feedback to Media and Communications Specialist Glenda Ollero at gollero@bcsta.org by Tuesday, October 24, 2017.

BCSTA also encourages individual boards of education to consider submitting a response to the paper, there may be other points that your board feels are critical and require a direct response, or you may have other points that you feel should be raised.

Thank you for your attention to this matter, we look forward to our discussion at the October 26 Board Chairs Meeting.

Respectfully yours,

Gordon Swan *on behalf of the BCSTA Board of Directors*
President
British Columbia School Trustees Association

September 27, 2017

Dear Valued Stakeholders:

Federal legalization of non-medical cannabis is coming next year. In preparation, we are working on how to regulate the product once the Government of Canada makes it legal. The provincial government's approach is to focus on protecting young people, making health and safety a priority, keeping cannabis out of the hands of criminals, and keeping our roads safe. The views of stakeholders, like you, are essential to help us address the many issues and make the important decisions that will need to be made in the coming months.

To provide some background, in April 2017, the Government of Canada introduced two Bills in relation to the legalization of cannabis; Bill C-45 (the *Cannabis Act*) and Bill C-46 (amending the *Criminal Code* impaired driving provisions). The Bills are currently making their way through the federal parliamentary process with the goal of bringing Bill C-45 into force in July 2018, making non-medical cannabis legal in Canada as of that date. The federal government plans to bring into force the amendments related to drug-impaired driving as soon as Royal Assent is received.

While some aspects of non-medical cannabis regulation will be the responsibility of the Government of Canada, the Province of British Columbia will be responsible for other components. Under the proposed *Cannabis Act*, provinces and territories will regulate the distribution and sale of non-medical cannabis within their respective jurisdictions, subject to minimum federal conditions. Provinces and territories will also have the authority to:

- increase the minimum legal age established by the Government of Canada for purchase and possession of non-medical cannabis;
- regulate public consumption;
- establish additional restrictions on personal cultivation and possession limits; and
- address cannabis impaired driving in provincial road safety laws.

.../2

As a result, British Columbia will have number of decisions to make regarding how we regulate non-medical cannabis within our province.

We are very interested in hearing what is important for your organization concerning the legalization and regulation of non-medical cannabis in our province. So as part of the broader engagement to support the development of the provincial regulatory framework, we will be engaging local governments, the public, Indigenous governments and organizations, and stakeholder groups. As part of this engagement, we are inviting organizations to provide written submissions to the Province. To help guide your submission, we have enclosed a discussion paper, which identifies a number of priority policy considerations for the development of a regulatory framework for non-medical cannabis in British Columbia.

Please note that in order to promote the transparency of this engagement process, written submissions will be posted on our website. Submissions can either be made by email to cannabis.secretariat@gov.bc.ca or mailed to the Cannabis Legalization and Regulation Secretariat no later than November 1, 2017 at 4:00 pm at the following address:

Ministry of Public Safety and Solicitor General
Attn: Cannabis Legalization and Regulation Secretariat
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Please ensure your submission does not exceed five pages and does not include third party information or personal information, such as personal telephone numbers or stories that identify specific citizens. In addition, if you have any questions regarding your submission or any other aspect of the regulation of non-medical cannabis, please contact the Cannabis Legalization and Regulation Secretariat at cannabis.secretariat@gov.bc.ca.

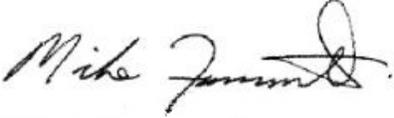
To further support the Province's cannabis engagement initiative, an online cannabis engagement site has been launched. This site provides valuable information regarding non-medical cannabis regulation and includes helpful links to cannabis related reports and publications. A feedback form on the site enables all British Columbians to share their views about non-medical cannabis directly with the Province. The engagement site is: <http://engage.gov.bc.ca/BCcannabisregulation>.

There is a lot of work ahead of us, and we look forward to a productive engagement process and to hearing from people representing a range of interests and regions of BC. Your input is valuable and the responses we receive through this engagement will help to inform the development of a regulatory framework that best represents the interests and priorities of British Columbians.

.../3

Thank you for sharing your perspectives with us.

Sincerely,

A handwritten signature in black ink that reads "Mike Farnworth". The signature is written in a cursive style with a large, looped initial "M".

Mike Farnworth
Minister of Public Safety
and Solicitor General

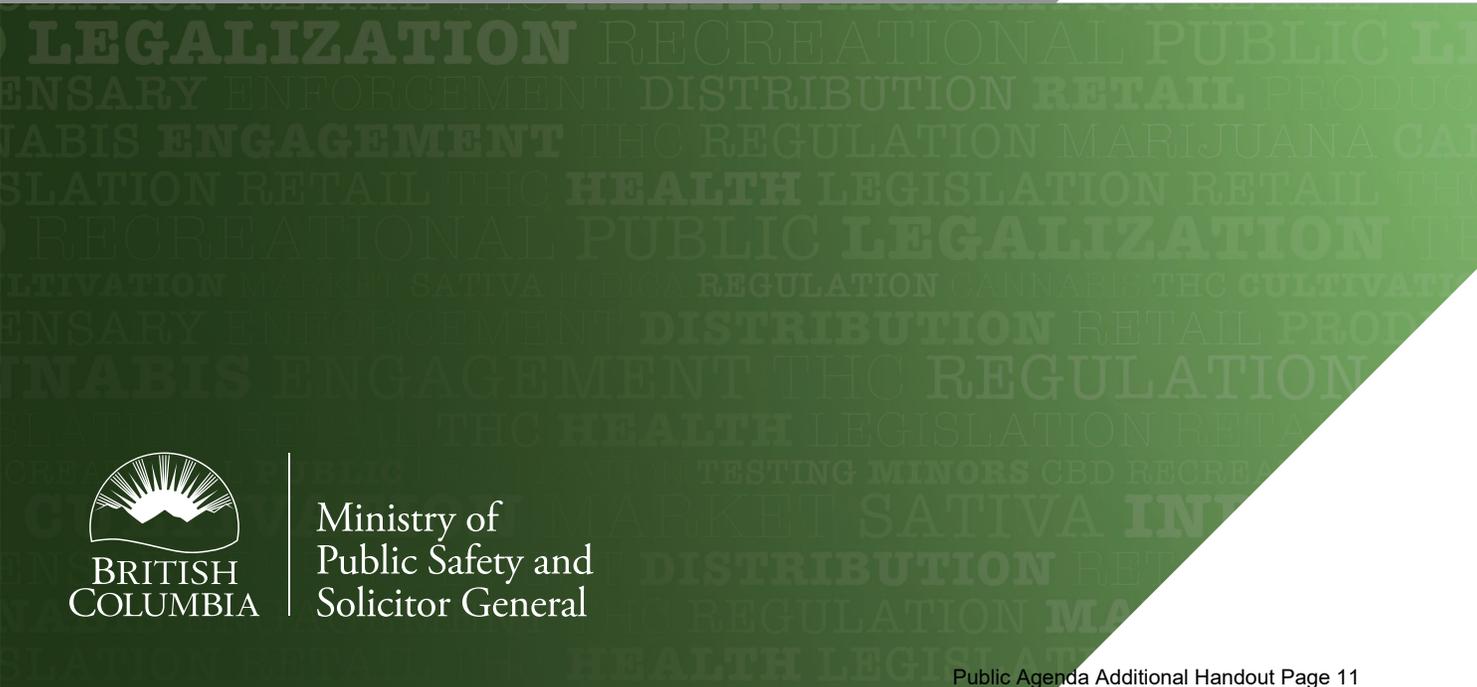
Enclosure

523646



Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.