

Village of Hussar Cannabis Legalization Workbook



Introduction

This workbook has been created in order to provide residents with information and to gather responses regarding the Village of Hussar's responsibilities in regards to the legalization of cannabis.

We are requesting that you read the following information and provide responses in the space provided and return this workbook to the Village Office by **August 7, 2018**. Responses will be compiled in a report to be presented to Council for further discussion and decision. All responses will remain anonymous.

Background

The Government of Canada has passed legislation that will legalize the public consumption of cannabis and home cultivation of up to four plants per household. This legislation will come into force on October 17, 2018.

The Province of Alberta has also passed legislation that provides municipalities with further information on our responsibilities and powers to further restrict the use and sale of cannabis.

Medical Cannabis

Medical cannabis will continue to be regulated at the federal level. Individuals who hold a prescription for medical cannabis will remain exempt from provincial and municipal bylaws.

Cannabis vs. Marijuana

The term cannabis is used for the purposes of this book as it is the terminology used by both the federal and provincial governments, and is the term that is suggested for all regulatory contexts.

Cannabis Consumption

FEDERAL AND PROVINCIAL LEGISLATION

Individuals who are 18 or older may smoke or vape cannabis at home and in some public places, but not in vehicles, cannabis retail outlets, anywhere smoking or vaping tobacco is restricted, or in areas frequented by children, including school and hospital properties and within five metres of skate parks, spray parks, and playground.

MUNICIPAL POWERS

Municipalities may decide to place further restrictions on where cannabis may be consumed in public places within their community.

Public consumption cannot be regulated by a municipality on the moral grounds that cannabis consumption should be considered a criminal activity. Local bylaws or regulations that are based on a moral position, or perceptions and stereotypes about people who consume cannabis, are unlikely to withstand a challenge before the courts.

Municipalities may not regulate cannabis consumption on private property.

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Retail Sales

FEDERAL AND PROVINCIAL LEGISLATION

Individuals may purchase cannabis products through privately owned and operated specialized retailers. The Alberta Gaming and Liquor Commission (AGLC) will regulate retail licensing and licensees must follow rules set by government, which include where stores can be located, hours of operation, physical store requirements, age of staff and staff training. The maximum hours of operation for cannabis retail stores will be aligned with the limits for alcohol retail stores (10 a.m. – 2 a.m.)

MUNICIPAL POWERS

Municipalities will continue to have the authority to set the development rules for new cannabis developments in their existing land use bylaws, and to make decisions on development applications relating to cannabis retail locations.

Municipalities will have discretion to vary certain rules to be either more restrictive than the regulations set by the province. For example, based on local requirements municipalities could create more restrictive hours of operation for cannabis stores, or they could establish further distances from schools and other sensitive use areas.

WHAT DOES THIS MEAN?

The Village will be determining where cannabis retail stores can be located. For instance, they can be only allowed in our industrial area (on the south side of the railway tracks), in our commercial areas, or anywhere within the Village. They can also be either a permitted or discretionary use within those areas. A permitted use would be automatically allowed, as long as all other requirements are meant; a discretionary use would require council approval and would include an appeal period for any residents who feel their property will be negatively affected by a business in the proposed location. (Please note that an appeal cannot be made on moral grounds or based on stereotypes).

QUESTION

Should the Village allow cannabis retail stores, and if so, which areas of the Village should they be located? Should this be a permitted or discretionary use requiring council approval? Should the hours of operation be less than the provincial regulation, and if so, what hours would be appropriate? Please provide reasons for your answers.

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