

Retail Cannabis in Sechelt

Regulations

What regulations exist for the Province?

The *Cannabis Control & Licensing Act* is guided by the Province's priorities: protecting children and youth, promoting health and safety, keeping the criminal element out of cannabis, keeping B.C. roads safe, and supporting economic development. Information on the provincial priorities can be obtained at www.GetCannabisClarity.ca

Under the new regulations, retail recreational cannabis in the form of oils, dried product and seeds, are to be sold exclusively within government run stores, licensed private retailers and the B.C. Government Online store. The regulations prohibit illegal retailers from advertising themselves as licenced retailers and prohibit anyone from advertising a place as a location to consume cannabis or to go to after consuming cannabis (i.e. it currently prohibits consumption lounges). Similar to alcoholic beverages, the only legal cannabis products for sale are those distributed wholesale by the BC Liquor Cannabis Control Board. Information on regulations can be obtained at <https://cannabis.gov.bc.ca>

What is the status of retail cannabis regulations?

Federal and Provincial legislation is now in place to allow the legal sale and use of cannabis for non-medical (recreational) purposes effective October 17, 2018. Information on the Federal Cannabis Act can be obtained at: www.Canada.ca/Cannabis

Regulations for sales in Sechelt are still being developed. The District of Sechelt is permitted to regulate where retail outlets are located and to consider and evaluate any applications for Provincial license.

Products and Sales

What products are legal?

Oils and extracts, dried product, and seeds can be purchased from a licenced retailer. Cannabis food and drink products, body lotions, etc. are not yet legal.

What is the status of Medical Marijuana sales?

The existing federal Access to Cannabis for Medical Purposes Regulations continues to exist. Under this legislation, patients may legally purchase Medical Marijuana oils or the dried medical Marijuana product by telephone, email or fax from any of the 45 federally licensed Medical Marijuana producers across Canada. No retail storefront or dispensary type businesses are permitted by the Federal Government.

How can I obtain Retail Cannabis Business License?

While the District of Sechelt has a business license process for Medical Marijuana, it does not currently permit retail cannabis businesses. The District allowed current businesses to apply for a Temporary Use Permit (TUP) within a defined period of time to allow them to operate and apply for the Provincial License. The products sold there must still meet Provincial and Federal legislation. All other retail cannabis operations are prohibited at this time.



I have applied to the Province for retail Cannabis License... what happens next?

The provincial government is currently accepting applications for provincial retail cannabis licenses. If you apply, the province will contact the applicable municipality and request municipal approval of the site location and to ensure compliance with all municipal bylaws and regulations. The Province has indicated that applications for provincial retail cannabis licenses will not be approved without prior support from the applicable municipality. If the municipality refuses to accept the application, the Province will deny the license.

Will the District review my provincial license application?

The District will not consider any applications received from the Province for retail cannabis licenses until it has completed a public consultation process (scheduled for December 6th). Following the receipt of public input, staff will prepare a report to Council regarding zoning and other requirements for accommodating retail cannabis.

What will happen to my application with the Province?

Once the Province has received and considered an application for retail cannabis, it will notify the District. The District will not be considering any applications until new zoning and business license regulations have been developed, with input from the public, and approved by the District Council.

What about my marijuana production/cultivation business?

If you have a valid business license for a marijuana production/cultivation business, your operations are not affected. The District's zoning bylaw contains provisions to allow federally licensed medical and non-medical marijuana cultivation and processing facilities on lands zoned Industrial or Agriculture, under certain conditions.

What about my proposed medical marijuana retail business?

If you are proposing to operate a retail medical marijuana business, you will not be in compliance with the new provincial and federal legislation and may be subject to enforcement action by the provincial government, including, but not limited to:

- Being ordered to cease business operation;
- Being issued fines for noncompliance;
- Being ineligible from applying or obtaining a provincial license to operate a retail cannabis store.

Zoning

What are the current zoning regulations?

The District adopted new use definitions for the zoning bylaw (Bylaw 25-288, 2018), but these uses are not currently applied to the any zone. Unless regulated under a TUP, non-medical marijuana retail is prohibited in all zones. The Council will seek community input prior to passing zoning use regulations pertaining to retail cannabis operations.

The **new definitions** include (for the complete list of definitions and regulations, please refer to Bylaw no.25-288, 2018 on the District's website)



Cannabis means a cannabis plant as defined in the Federal Government's *Cannabis Act*, as amended from time to time.

Non-medical Marijuana means cannabis that is for-profit, commercial purposes or is used for non-profit personal use cannabis of more than one household, but does not include "Personal Non-Medical Marijuana" or "Medical Marijuana"

Medical Marijuana means cannabis, pursuant to the Federal Access to Cannabis for Medical Purposes Regulations, as amended from time to time, but does not include "Personal Non-Medical Marijuana" or "Non-medical Marijuana".

Personal Non-Medical Marijuana means the use of land, buildings or structures on a lot for the cultivation of not more than 4 cannabis plants per dwelling situated on the same lot, for consumption by the dwelling's residents, and no other persons.

The District's current zoning regulation states the following:

Use Prohibited in All Zones

Except where otherwise permitted in this bylaw, or where permitted temporarily by the issuance of a temporary Use Permit, the following uses are strictly prohibited in any zone:

- a) *Non-Medical Marijuana Retail*
- b) *Non-Medical and Medical Marijuana Consumption Lounge*
- c) *Medical Marijuana sales unless a federally licensed retailer.*

What does the Temporary Use Permit (TUP) allow?

At its meeting of June 6, 2018, the District Council voted to allow cannabis retail operations to apply for a Temporary Use Permit subject to the following:

- Must be located within an appropriate commercial zone
- Is limited to the sale of dray and oil derivative marijuana products in accordance with federal legislation
- Requires heap-filter odour abatement of exhaust air while in operation
- Must agree to apply for rezoning once future regulations are in place
- Must agree to operate in conformance with federal and provincial legislation; and
- Must agree to cease operations if unable to obtain the rezoning or conformance with legislation.

For more information, please contact the District at info@sechelt.ca