

The City of Calgary Advocacy Position on the Legalization and Regulation of Marijuana

EXECUTIVE SUMMARY

In the 2015 Speech from the Throne, the Government of Canada committed to legalizing, regulating, and restricting access to marijuana. The Minister of Justice and Attorney General of Canada, supported by the Minister of Public Safety and Emergency Preparedness and the Minister of Health, has created a Task Force on Marijuana Legalization and Regulation (the Task Force). The Task Force will provide the federal government with advice on the design of a new framework and will report back to the three Ministers in 2016 November. The Government of Canada indicated that legislation to legalize and regulate marijuana will be introduced in the House of Commons in the spring of 2017.

This legislative change has many potential impacts for The City and Calgarians, with municipalities likely playing a role in the regulatory regime for legal marijuana. This report summarizes key issues identified for potential advocacy to the federal government and seeks committee approval for the proposed advocacy position detailed in Attachment 1.

ADMINISTRATION RECOMMENDATION(S)

That the Intergovernmental Affairs Committee approve the proposed advocacy position on marijuana legalization and regulation (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

Administration provided a verbal update on the federal legalization of marijuana to the Intergovernmental Affairs Committee on 2016 July 21.

On 2015 June 16, Council adopted NM2015-011 that directed Administration to report to Council by 2015 October regarding consideration of amendments to the Land Use Bylaw that defined a use to accommodate and regulate medical marijuana counseling businesses. The direction was fulfilled through CPC2016-146, which included bylaw amendments to define and regulate Medical Marijuana Counselling in Calgary.

BACKGROUND

The federal government's Task Force on Marijuana Legalization and Regulation is mandated to engage provincial, territorial, municipal and Indigenous governments as well as experts in relevant fields such as: youth, public health, substance abuse, criminal justice, law enforcement, economics, and industry.

In the summer of 2016, the Task Force released its discussion paper titled "Toward the legalization, regulation and restriction of access to marijuana." The paper gives an overview of the current state, objectives and key areas for discussion and consideration for the legalization, regulation and restriction of marijuana. The discussion paper is provided in Attachment 2 and offers a touch point for various levels of government to provide opinions that reflect their considerations.

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As part of this engagement, The City coordinated a working team of 26 subject matter experts (SMEs) representing the City Manager's Office, Intergovernmental & Corporate Strategy, Law, Planning & Development, Calgary Neighbourhoods, Calgary Community Standards, Calgary Transit, Human Resources and the Calgary Police Service for facilitated sessions to determine the areas of interest for affected Business Unit. The feedback was incorporated into a letter that was sent to the Chair of the Task Force with a summary of areas of concern that impact The City of Calgary in anticipation of the federal and provincial governments' work on the legislative and regulatory framework. This letter is provided in Attachment 2. Administration also attended an expert roundtable hosted by the Task Force in 2016 August and provided feedback aligned with the letter.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The City of Calgary has the opportunity to continue being part of the conversation on marijuana legalization before the legislation is announced in the spring of 2017. Administration is seeking to further refine an advocacy position on a number of key themes related to the legalization, regulation and restriction of access to marijuana. While the implementation of a regulated system must include collaboration with provincial and federal governments, The City wants to preserve existing municipal authority. City Administration and the Federation of Canadian Municipalities (FCM) continue to request regular consultation as the specific legislation and regulatory regime take shape. Administration recommends additional advocacy efforts focus on the following five key themes:

- engaging municipalities;
- the authority of orders of government;
- prohibiting or restricting residential growing;
- sharing federal tax revenues; and
- giving municipalities time to develop and implement necessary local regulations.

The proposed advocacy position provides the details of each of these themes and is provided in Attachment 1. Administration is seeking approval from the Intergovernmental Affairs Committee on the advocacy position to guide further engagement and input to the Task Force and federal government.

Stakeholder Engagement, Research and Communication

SMEs from across the corporation have been engaged about their key concerns and considerations in relation to the legalization and regulation of marijuana. In addition, Administration has been in contact with the FCM on this issue. At this time, no public engagement has been conducted by The City; however, the Task Force is seeking input from the public on the proposed federal regulation. An engagement program will be developed once The City's role in regulating marijuana is defined.

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The Calgary Police Service (CPS) is also developing an advocacy position through the Alberta Association of Chiefs of Police. The City has been engaging with CPS in relation to marijuana and will continue to work with them as the details of the federal legislation are announced.

Strategic Alignment

The proposed advocacy position in Attachment 1 aligns with recent Land Use Bylaw 1P2007 amendments that accommodate and regulate Medical Marijuana Counselling and Medical Marijuana Production Facilities.

Financial Capacity

Social, Environmental, Economic (External)

Legalizing, regulating and restricting access to marijuana has social, environmental and economic implications. Administration has identified five key themes for advocacy. These themes include: engaging municipalities; the authority of orders of government; prohibiting or restricting residential growing; sharing federal tax revenues; and giving municipalities time to develop and implement necessary local regulations.

Financial Capacity

Current and Future Operating Budget

At this time, it is unknown whether any tax revenue will be provided to municipalities. Responsibilities delegated to municipalities from this federal legislative change will likely require additional resources.

Current and Future Capital Budget

There are no capital budget implications associated with this report.

Risk Assessment

By failing to submit recommendations to the Task Force and federal government on Marijuana Legalization and Regulation, The City would risk missing an opportunity to advocate for its preferred legislative and regulatory framework.

REASON(S) FOR RECOMMENDATION(S):

The Government of Canada has announced that in the spring of 2017, legislation will be introduced to legalize, regulate, and restrict access to marijuana. This legislative change has many potential impacts for The City and Calgarians, with municipalities likely playing a role in the regulatory regime for legal marijuana. The City of Calgary has the opportunity to continue being part of the conversation on marijuana legalization before the legislation is announced. This report summarizes key issues identified for potential advocacy to the federal government and seeks committee approval for the proposed advocacy position.

ATTACHMENT(S)

1. The City of Calgary's Advocacy Position – Marijuana Legislation
2. Task Force on Marijuana Legalization and Regulation Discussion Paper
3. City of Calgary Submission to the Task Force on Marijuana Legalization and Regulation