



August 24, 2016

The Honourable A. Anne McLellan
Chair, Task Force on Marijuana Legalization and Regulation
Cannabis Legalization and Regulation Secretariat
Government of Canada
Address locator 0602E
Ottawa, ON K1A 0K9

Dear Chairperson McLellan:

The City of Calgary is grateful for the opportunity to provide this submission to the Task Force on Marijuana Legalization and Regulation (the Task Force) that outlines a municipal perspective on the legalization of marijuana. I would also like to thank the Task Force for inviting us to one of your recent roundtable discussions. Municipalities will be an important partner in developing, implementing and enforcing new regulations in this area. The City of Calgary asks that municipalities continue to be meaningfully engaged throughout the legalization process to ensure clear delineation of roles and expectations between federal, provincial and municipal governments.

The following submission outlines City of Calgary Administration's preliminary concerns and considerations for the Task Force in the areas of land use and business licensing, building and fire code compliance, community standards, enforcement and community safety, information sharing, social supports and federal standards.

The City of Calgary will continue to examine the impacts marijuana legalization will have on our organization and our community, and we look forward to continuing to work with the Government of Canada to create appropriate and effective regulations for legalized marijuana. If you have any questions or require further information, please contact me at your convenience.

Sincerely,



Jeff Fielding
City Manager
The City of Calgary | Mail Code #8003
T 403-268-2109 F 403-537-3027
10th Floor, Calgary Municipal Building
P.O. Box 2100, Station M, Calgary, AB T2P 2M5
Jeff.Fielding@calgary.ca

cc: Brad Stevens, Deputy City Manager, The City of Calgary
Devery Corbin, Manager, Intergovernmental & Corporate Strategy, The City of Calgary

Attachment

Toward the Legalization, Regulation and Restriction of Access to Marijuana

A Municipal Perspective from The City of Calgary

Overview

The Government of Canada's commitment to legalize, strictly regulate and restrict access to marijuana has many potential impacts for The City of Calgary and our citizens. The following submission outlines City of Calgary Administration's preliminary concerns and considerations for the Task Force on Marijuana Legalization and Regulation (the Task Force).

Most importantly, we would ask that municipalities continue to be meaningfully engaged throughout the legalization process to ensure clear delineation of roles and expectations between federal, provincial and municipal governments. Until there is more clarity on how the Government of Canada will structure federal marijuana regulations, The City of Calgary will not be able to fully understand how existing City bylaws, policies and services will be impacted by legalization and how to prepare for this legislative change. Given this, City Administration would encourage the Government of Canada to consider further consultation once it has selected its preferred approach for the legislation and consider the timing of implementing legalization so that municipalities, enforcement authorities, businesses and citizens have time to prepare and adjust to new circumstances.

Municipal Concerns and Considerations

City of Calgary Administration has identified some general areas of concern based on the municipal context for the Task Force's consideration. These include:

- Land use and business licensing
- Building and fire code compliance
- Community standards
- Enforcement and community safety
- Information sharing
- Social supports
- Federal standards

The information provided here is an initial assessment. The City of Calgary will continue to examine the impacts marijuana legalization will have on our organization and our community, and will share these additional details with the Government of Canada. Calgary, like all municipalities, has a valuable perspective to share and we look forward to continued engagement on this issue.

Land Use and Business Licensing

The location and proliferation of marijuana growers and distributors is a primary concern of municipalities like Calgary. The City of Calgary currently regulates the number of liquor stores that can operate in a given area. Similar provisions have been utilized to create specific uses for commercial growing of medical marijuana and medical marijuana counselling clinics. Additional provisions will be required for businesses growing and/or selling medical and recreational marijuana to prevent clustering and ensure public safety. Additionally, City Administration will need to give consideration to how businesses that grow or sell marijuana are licensed in Calgary to ensure businesses are meeting municipal legislative standards and requirements. It is important that local governments continue to have the flexibility to develop regulations in these areas under the new legislation.

Building and Fire Code Compliance

How to handle residential production is of particular concern to City Administration. Residential growing can have significant impact to properties, which poses a risk to current and future residents and home owners. Since April 2013, The City of Calgary, Alberta Health Services, and Calgary Police Service, as part of a multi-agency inspection effort (Coordinated Safety Response Team), have completed 55 safety inspections at residences growing medical marijuana. Findings indicate that there are typically significant building code, electrical code, plumbing and gas code, and health violations in each of the residences. Additional building permits, building and fire code provisions and safety inspections may be required to ensure any additional standards, for example, exhaust or electrical, are met. Consideration should also be given to informing future buyers of properties previously used for medical marijuana grow operations and for the implications of medical marijuana growing in multi-family residences and condos. Going forward, City Administration has significant concerns about any expansion of the production of legalised marijuana in residential properties.

Community Standards

The City of Calgary's system of bylaws set community standards that create and maintain a vibrant, healthy and safe city. As well, these bylaws promote good neighbour relations by setting a standard of acceptable behaviour. The legalization of marijuana will impact many of our existing bylaws and may necessitate the development of new and amended bylaws. For example, bylaws that regulate where citizens can and cannot smoke or vape will need to be updated. Nuisance elements of marijuana, such as smell and use in public places, may also need to be addressed by local governments.

Enforcement and Community Safety

Successful enforcement of the new marijuana regulations will likely require a coordinated approach to regulatory oversight from all orders of government with clear delineation of municipalities' roles and responsibilities. The current Coordinated Safety Response Team (CSRT) is a good example of how effective a collaborative approach can be in safely managing the marijuana product and its evolution. A primary concern for municipalities is the current lack of technology to test the level of THC in an individual's system, which makes enforcement particularly difficult. Until technological advancements are made, it may be preferable to have a zero tolerance policy for driving under the influence of marijuana. In relation to growing and distributing, regulations around and differences between medical and recreational marijuana need to be clear if enforcement efforts are to succeed.

Information Sharing

The sharing of information and data between all orders of government before and after legalization is also an important consideration for The City of Calgary. We currently have limited data on the locations of existing residential medical marijuana operations. Having more information on the existing state of marijuana growing locations in our city would help us maintain public safety for our citizens by ensuring that homes remain safe and allowing us to better prepare for legalization. Ongoing information sharing between all levels of government is critical to a collaborative approach for marijuana regulation.

Social Supports

The City of Calgary seeks out partnerships with other governments and community partners to achieve community well-being. There may be a need for all orders of government to work together on educational initiatives, supports for those who become dependent and other programs to address the social issues that may arise with legalization. It may be necessary to provide dedicated funding to these efforts to ensure the services and supports are available and effective, for example through a portion of potential taxes or revenues from marijuana sales.



Federal Standards

Federal rules on some aspects of legalization would be preferable to ensure a standardized approach across the country and a level playing field between jurisdictions. For example, age limits, level of THC within marijuana sold, limits on quantities, the distinction between medical and recreational marijuana, advertising restrictions and rules for derivatives and edibles. Again, the expectations and roles of all orders of government should be discussed and clarified throughout the legalization process.