

The City of Calgary's Advocacy Position –
Comparison to proposed Federal and Provincial Legislation

City of Calgary Advocacy Position <ul style="list-style-type: none"> IGA2016-0737 (2016 November 03) IGA2017-0586 (2017 July 24) 	Government of Canada <ul style="list-style-type: none"> The Cannabis Act 	Government of Alberta <ul style="list-style-type: none"> Alberta Cannabis Framework An Act to Reduce Cannabis and Alcohol Impaired Driving An Act to Control and Regulate Cannabis
<p>Engagement and role clarity:</p> <ul style="list-style-type: none"> Continue to engage municipalities throughout the legalization process to ensure clear delineation of roles and expectations between federal, provincial and municipal governments 	<p>The Government of Canada continues to engage municipalities, primarily through the Federation of Canadian Municipalities (FCM). The latest federal consultations focus on the Government of Canada's proposed tax regime for cannabis and its proposed approach to the regulations that support the Cannabis Act.</p> <p>The Cannabis Act articulates the role of the Government of Canada in legalization as well as what provincial governments, together with municipalities, will be responsible for.</p>	<p>The City of Calgary was in direct communication with the Alberta Cannabis Secretariat (ACS) throughout the summer and fall, communicating City concerns and lending City expertise to inform the draft Framework. ACS has indicated this engagement with The City will continue leading up to legalization in order to finalize all provincial regulations with municipal implications and ensure continued coordination between the two governments.</p> <ul style="list-style-type: none"> The Alberta Cannabis Framework and associated legislation outlines the responsibilities of the Government of Alberta and allows for additional municipal oversight in the areas of public consumption, land use planning and business licensing.
<p>Authority of each order of government:</p> <ul style="list-style-type: none"> Advocate for a national or province-wide licensing system Municipalities should have authority over the planning policy around the growing and sale of medical and recreational cannabis. For example, things like signage, location and size, among others Municipalities should have authority to regulate public and private 	<p>Aligned with position. The Cannabis Act establishes a federal licensing system for production, and provincial (and possibly municipal) licensing for distribution and retail.</p> <p>Aligned with position. The Cannabis Act includes the ability for provinces and territories, together with municipalities, to establish zoning rules for cannabis-based businesses. Flexibility is also provided in the bill to enable provinces and territories, together with municipalities, to tailor rules in their own jurisdictions.</p> <p>Aligned with position. Specifically, the Cannabis Act gives provinces, together with</p>	<p>Aligned with position. The Alberta Cannabis Framework and Bill 26 allow for privately owned and operated cannabis retail stores. These stores will be provincially licensed but there is flexibility for additional municipal business licensing to govern these businesses according to local context.</p> <p>Aligned with position. There will be provincial rules established to control the location of retail stores, in particular, the minimum distance retail outlets must be from schools, community centres, liquor stores and each other. However, the Government of Alberta has indicated that municipalities will be able to set their own zoning and land use requirements.</p> <p>Aligned with position. The City of Calgary expects to have authority to regulate public and private nuisance factors related to cannabis use. Provincial legislation</p>

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nuisance factors related to cannabis use	municipalities, the ability to restrict where cannabis can be consumed.	allows for cannabis to be consumed in most public areas where tobacco can be consumed but allows municipalities to restrict further.
Support a privatized framework for legal retail cannabis sales similar to the existing retail alcohol store model, contingent upon the sharing of tax revenues to compensate for the increased costs to The City.	N/A	Aligned with position. The Alberta Cannabis Framework and Bill 26 allow for privately owned and operated, stand-alone cannabis retail stores that prohibit cannabis from being consumed in stores. This privatized retail system, similar to the existing retail alcohol model, allows municipalities flexibility to regulate and administer retail locations considering the local context.
Restrict residential growing	Aligned with position. The Cannabis Act allows for a limit of four plants per residence grown for personal use. The Act was amended to remove the 1 metre height restriction originally included in the Cannabis Act. In addition, to address issues of local concern, the Act enables provinces to impose more restrictive limits on personal cultivation, including lowering the number of plants or restricting where plants may be cultivated.	Aligned with position. The Government of Alberta is allowing Albertans to grow up to four plants per household with seeds purchased from cannabis retail stores. The provincial government is restricting further and not allowing Albertans to grow cannabis plants outdoors.
Discuss sharing federal tax revenues created by the legalization and regulation of cannabis across all three orders of government.	Not aligned with position. On 2017 November 10 the Government of Canada proposed an excise duty framework for cannabis products not to exceed \$1.00 per gram, or 10 per cent of the producer's sale price of that product, whichever is higher, with this tax room divided equally between the province or territory and the federal government. The Goods and Services Tax (GST) will also be applied. There is no mention of municipalities in the tax proposal. The Government of Canada has allocated funds to Health Canada, the RCMP, the Canada Border Services Agency and Public	More details required. The Alberta Cannabis Framework and Bill 26 does not establish a tax framework for cannabis in Alberta, and the municipal share of revenue remains unclear. Additional aspects of the Alberta Cannabis Framework – such as details around drug-impaired driving, taxation and workplace safety – will be empowered through updates to other pieces of legislation before July 2018. Provincial funding has not been allocated to municipalities.

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	Safety Canada to ensure there is appropriate capacity to license, inspect and enforce all aspects of the proposed Cannabis Act and to undertake robust public education and awareness activities. There have been no federal budget allocations to municipalities.	
Advocate for provincial regulations and funding models that clarify and support the Calgary Police Service's role in enforcing drug-impaired driving.	Aligned with position with concerns. In 2017 September the Government of Canada announced up to \$274 million to support law enforcement and border efforts to detect and deter drug-impaired driving and enforce the proposed cannabis legalization and regulation. Of this, provinces and territories will be able to access up to \$81 million over the next five years for new law enforcement training, and to build capacity to enforce new and stronger laws related to drug-impaired driving.	Aligned with position with concerns. Bill 29: <i>An Act to Reduce Cannabis and Alcohol Impaired Driving</i> outlines new provincial sanctions for cannabis-impaired and cannabis/alcohol-impaired driving offences. The new impaired driving legislation is well crafted and sends a clear message that drug impaired driving will not be tolerated. However, to date, the Government of Alberta has not allocated additional money to support the Calgary Police Service's role in enforcing drug-impaired driving.
Timing: <ul style="list-style-type: none"> Give The City of Calgary and other municipalities time to develop and implement necessary local regulations. Advocate that the province provide their Cannabis Framework in a timely a fashion to facilitate The City's engagement process. 	Subject to parliamentary approval and Royal Assent, the Government of Canada intends to provide regulated and restricted access to cannabis no later than 2018 July. Meeting this deadline will be challenging for Calgary and other municipalities given that so much of the regulatory framework and governance details for recreational cannabis will be under the Province's control. This timeline will likely mean operational activity on municipal bylaws and rules will be happening at the same time as conversations with the provincial government.	The final Alberta Cannabis Framework and associated provincial legislation clarifying the municipal role in legalization was released in 2017 November. There is still considerable work to be done to meet federal timelines and have provincial and municipal rules in place for 2018 July. The Government of Alberta will develop supporting regulations about the sale of cannabis, including licensing criteria and other rules for private retailers in the new year. City staff will continue working collaboratively with the Alberta Cannabis Secretariat on regulations with municipal impacts.