

AGENDA

PUBLIC HEARING

**Tuesday, May 13, 2014
7:00 p.m.**

**Council Chamber, Municipal Hall
355 West Queens Road,
North Vancouver, BC**

Council Members:

Mayor Richard Walton
Councillor Roger Bassam
Councillor Robin Hicks
Councillor Mike Little
Councillor Doug MacKay-Dunn
Councillor Lisa Muri
Councillor Alan Nixon



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PUBLIC HEARING

**7:00 p.m.
Tuesday, May 13, 2014
Municipal Hall, Council Chambers
355 West Queens Road, North Vancouver**

1. OPENING BY THE MAYOR

2. INTRODUCTION OF BYLAWS BY CLERK

Bylaw 8047: The District of North Vancouver Rezoning Bylaw 1308

Purpose of Bylaw:

A proposal to prohibit medical marihuana production and distribution within the District.

3. PRESENTATION BY STAFF

Presentation: Erik Wilhelm, Community Planner

4. REPRESENTATIONS FROM THE PUBLIC

5. QUESTIONS FROM COUNCIL

6. COUNCIL RESOLUTION

Recommendation:

THAT the May 13, 2014 Public Hearing be closed;

AND THAT "The District of North Vancouver Rezoning Bylaw 1308 (Bylaw 8047)"
be returned to Council for further consideration.

7. CLOSING

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The Corporation of the District of North Vancouver

Bylaw 8047

A bylaw to amend the District of North Vancouver Zoning Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

This bylaw may be cited as “The District of North Vancouver Rezoning Bylaw 1308” (Bylaw 8047).

2. Amendments

The following amendments are made to the “District of North Vancouver Zoning Bylaw 3210, 1965”:

- a) by deleting the following text from Section 403A, subsection (1) j):

the sale, distribution, trade or dispensing of cannabis and its preparations, derivatives and similar synthetic preparations, except as authorized under the Controlled Drugs and Substances Act, Marijuana Medical Access Regulations and any other applicable federal legislation

- b) and by replacing the deleted text with the following text into Section 403A, subsection (1) j):

the growing, harvesting, storage, packaging, dispensing or sale of marihuana and its preparations, derivatives and similar synthetic preparations whether under license through the Controlled Drugs and Substances Act, or any other applicable federal legislation, or otherwise, but this prohibition does not apply to anyone who is legally entitled to continue to grow, harvest, store, package, dispense or sale marihuana and its preparations, derivatives and similar synthetic preparations pursuant to a licence issued under the Marihuana Medical Access Regulation.

READ a first time this the 7th day of April, 2014

PUBLIC HEARING held this the

READ a second time this

READ a third time this the

APPROVED by the Ministry of Transportation and Infrastructure this the

ADOPTED this the

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

AGENDA INFORMATION

- ☒ Regular Meeting
☐ Workshop (open to public)

Date:

April 7, 2014

Date:


Dept.
Manager
GM/
Director
CAO

The District of North Vancouver

REPORT TO COUNCIL

March 31, 2014

File: 08.3060.20/005.14

AUTHOR: Erik Wilhelm, Community Planner**SUBJECT: REZONING BYLAW 8047 – ZONING BYLAW AMENDMENT TO PROHIBIT MEDICAL MARIHUANA PRODUCTION AND DISTRIBUTION**

RECOMMENDATION:

It is recommended that Council:

Give First Reading to Bylaw 8047 (Attachment A), which initiates amendments to the Zoning Bylaw to prohibit medical marihuana production and distribution and refer Bylaw 8047 to Public Hearing.

REASON FOR REPORT:

Staff is seeking Council's support to amend the text of the zoning bylaw to prohibit the commercial production and distribution of medical marihuana.

SUMMARY:

The modification of federal legislation regulating the production and distribution of medical marihuana has initiated the proposed zoning bylaw text amendment. The recommendation would initiate a bylaw to prohibit the use of land, buildings or structures for the production and distribution of marihuana within the District. Once prohibited within the District, an applicant could apply to rezone a specific property to allow the use. Council and the public would then be afforded the opportunity to consider an individual application on its own merit. This bylaw does not apply to any personal licenses which are still valid under the old Health Canada regulations.

BACKGROUND:

As a brief overview, the *Marihuana for Medical Purposes Regulation* recently came into force (April 1, 2014) which replaced the *Marihuana Medical Access Regulation*. Under the new federal regulation, licensed producers are only allowed to grow medical marihuana

SUBJECT: REZONING BYLAW 8047 – ZONING BYLAW AMENDMENT TO PROHIBIT MARIHUANA PRODUCTION AND DISTRIBUTION

March 31, 2014

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within approved commercial facilities. Distribution of medical marihuana to the consumer is only permitted to occur through secure mail delivery services.

On November 4, 2013, Council considered a background report related to fundamental changes to federal legislation governing medical marihuana (Attachment B). Council passed the following motion:

1. Council instruct staff to prepare a text amendment to the existing zoning bylaw by which licenced medical marihuana production facilities would not be permitted without a rezoning and the attendant public input process and public hearing before Council.
2. Staff submit to Council any building permit applications received after November 12, 2013 which staff consider are in conflict with the bylaw in preparation for consideration of a resolution that the building permit be withheld for 30 days pursuant to Section 929 of the Local Government Act.
3. Staff submit to Council any business licence application received after November 12, 2013 where the use to which the land would be put and to which the business licence application relates would be contrary to the use that would be permitted by the bylaw that is under preparation for consideration of a resolution that the business licence be withheld for 90 days pursuant to Section 929(5) of the Local Government Act.

When considering this report Council requested clarification regarding the incoming *Marihuana for Medical Purposes Regulation*. Accordingly, a backgrounder issued by Health Canada is provided within Attachment C.

Council also wanted more information regarding what activities licensed producers could provide onsite. The regulation allows separation of duties (growing, testing, and distributing of medical marihuana); however, staff ascertained that most licensed producers (which Health Canada has already approved 12 licenses across Canada) will be growing, testing, and distributing medical marihuana from a single facility. The only outsourced activity would be the distribution of the medical marihuana through secured mail delivery services. As the regulation requires, there will be no storefront distribution of medical marihuana. Should an applicant apply for zoning to permit this use, staff would require details on security measures, business model, employment information, air purification systems etc. to ensure Council is informed of all activities at a proposed site.

Recently, the *Marihuana for Medical Purposes Regulation* was challenged in court on grounds that the regulation infringed upon the *Canadian Charter of Rights and Freedoms*. The basis of the court challenge related to the projected price increase of medical marihuana and its effect on low income consumers. A federal court judge issued an injunction on March 21, 2014 which effectually rendered all existing licenses held under the outgoing *Marihuana Medical Access Regulation* as lawful. This injunction allows current licensees under the previous regulation to grow and distribute medical marihuana until a subsequent consideration of the injunction through the courts. Bylaw 8047 recognizes these existing licenses and allows continuation of personal production under

**SUBJECT: REZONING BYLAW 8047 – ZONING BYLAW AMENDMENT TO
PROHIBIT MARIHUANA PRODUCTION AND DISTRIBUTION**

March 31, 2014

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previous regulation. All new prospective licensed producers and consumers would need approval under the *Marihuana for Medical Purposes Regulation*.

EXISTING POLICY AND ANALYSIS:

Zoning Bylaw:

- A) The zoning bylaw currently prohibits the use of land, buildings or structures for “commercial agricultural purposes” which includes the commercial agricultural component of medical marihuana production. The proposed revised text within the zoning bylaw would clearly define the multitude of prohibited uses surrounding the production and distribution of marihuana and provide more clarity overall within the bylaw.
- B) In specific industrial zones, the zoning bylaw currently allows ‘manufacture’ and ‘manufacturing’ as a permitted use defined as “*the making, producing, processing, fabricating, assembling, repairing or salvaging of goods, materials, products, substances, things or organisms...*” This definition has created some uncertainty with regards to the processing component of medical marihuana production and distribution facilities. The proposed text amendment would clearly define and prohibit the use and not create ambiguity in relation to ‘manufacture’ and ‘manufacturing’ as defined in the bylaw.
- C) The District’s zoning bylaw generally prohibits “*the sale, distribution, trade or dispensing of cannabis and its preparations, derivatives and similar synthetic Marijuana Medical Access Regulations and any other applicable federal legislation*”. This text within the zoning *preparations, except as authorized under the Controlled Drugs and Substances Act*, bylaw prohibits commercial vending/retail marihuana operations; however, does allow for the sale and distribution of medical marihuana in accordance with the Marijuana Medical Access Regulations.

It must be noted that storefront distribution of medical marihuana is not permitted under the *Marihuana for Medical Purposes Regulation*. Nonetheless, staff has prepared a text amendment to the zoning bylaw that would effectively prohibit the production and distribution of marihuana in the District within the confines of the Controlled Drugs and Substances Act, or any other applicable federal legislation (i.e. *Marihuana for Medical Purposes Regulation*).

To summarize, the bylaw proposes to:

- 1) Delete the following text from Section 403A “Uses Prohibited in All Zones” of the Zoning Bylaw:

the sale, distribution, trade or dispensing of cannabis and its preparations, derivatives and similar synthetic preparations, except as authorized under the

**SUBJECT: REZONING BYLAW 8047 – ZONING BYLAW AMENDMENT TO
PROHIBIT MARIHUANA PRODUCTION AND DISTRIBUTION**

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Controlled Drugs and Substances Act, Marijuana Medical Access Regulations and any other applicable federal legislation

2) Replace the deleted text with the following text:

the growing, harvesting, storage, packaging, dispensing or sale of marihuana and its preparations, derivatives and similar synthetic preparations whether under license whether through the Controlled Drugs and Substances Act, or any other applicable federal legislation, or otherwise, but this prohibition does not apply to anyone who is legally entitled to continue to grow, harvest, store, package, dispense or sale marihuana and its preparations, derivatives and similar synthetic preparations pursuant to a licence issued under the Marihuana Medical Access Regulation.

The above amendments to the zoning bylaw would effectively prohibit licenced medical marihuana production/distribution and illegal marihuana production/distribution throughout the District.

Council could still consider site specific rezoning applications to allow the use on a specific site where the concerns of municipal staff, Fire Department, RCMP and affected neighbours could be adequately addressed. Any future rezoning of a property would require proper neighbourhood notification and Public Hearing process enabling full public engagement prior to consideration of approval.

CONCLUSION:

The recommendation would initiate a bylaw to prohibit the use of land, buildings or structures for the production and distribution of medical marihuana within the District. Once prohibited within the District, an applicant could apply to rezone a specific property to allow the use.

OPTIONS:

The following options are available for Council's consideration:

1. Give First Reading to Bylaw 8047 (Attachment A), which initiates amendments to the Zoning Bylaw to prohibit medical marihuana production and distribution and refer Bylaw 8047 to Public Hearing. (staff recommendation); or
2. Deny First Reading of Bylaw 8047.

**SUBJECT: REZONING BYLAW 8047 – ZONING BYLAW AMENDMENT TO
PROHIBIT MARIHUANA PRODUCTION AND DISTRIBUTION**

March 31, 2014

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Respectfully submitted,



Erik Wilhelm, Community Planner

Attach: Attachment A - Bylaw No. 8047

Attachment B - Background Report Regarding Medical Marihuana

REVIEWED WITH:

☐ Sustainable Community Dev. _____
☐ Development Services _____
☐ Utilities _____
☐ Engineering Operations _____
☐ Parks & Environment _____
☐ Economic Development _____
☐ Human resources _____

☐ Clerk's Office _____
☐ Communications _____
☐ Finance _____
☐ Fire Services _____
☐ ITS _____
☐ Solicitor _____
☐ GIS _____

External Agencies:

☐ Library Board _____
☐ NS Health _____
☐ RCMP _____
☐ Recreation Com. _____
☐ Museum & Arch. _____
☐ Other: _____

The Corporation of the District of North Vancouver**Bylaw 8047**

A bylaw to amend the District of North Vancouver Zoning Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

1. Citation

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2. Amendments

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- b) and by replacing the deleted text with the following text into Section 403A, subsection (1) j):

the growing, harvesting, storage, packaging, dispensing or sale of marihuana and its preparations, derivatives and similar synthetic preparations whether under license through the Controlled Drugs and Substances Act, or any other applicable federal legislation, or otherwise, but this prohibition does not apply to anyone who is legally entitled to continue to grow, harvest, store, package, dispense or sale marihuana and its preparations, derivatives and similar synthetic preparations pursuant to a licence issued under the Marihuana Medical Access Regulation.

READ a first time this the

PUBLIC HEARING held this the

READ a second time this

READ a third time this the

APPROVED by the Ministry of Transportation and Infrastructure this the

ADOPTED this the

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

AGENDA INFORMATION

- ☐ Regular Meeting Date: _____
- ☐ Workshop (open to public) Date: _____

Dept. Manager	GM/ Director	CAO
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The District of North Vancouver REPORT TO COUNCIL

October 22, 2013
File: 08.3060.01/000.000

AUTHOR: Erik Wilhelm, Planner

SUBJECT: Medical Marihuana Regulations

RECOMMENDATION:

It is recommended that:

1. Council instruct staff to prepare a zoning bylaw which licenced medical marihuana production facilities would not be permitted without a rezoning and the attendant public input process and public hearing before Council.
2. Staff submit to Council any building permit applications received after November 12, 2013 which staff consider are in conflict with the bylaw in preparation for consideration of a resolution that the building permit be withheld for 30 days pursuant to Section 929 of the Local Government Act.
3. Staff submit to Council any business licence application received after November 12, 2013 where the use to which the land would be put and to which the business licence application relates would be contrary to the use that would be permitted by the bylaw that is under preparation for consideration of a resolution that the business licence be withheld for 90 days pursuant to Section 929(5) of the Local Government Act.

REASON FOR REPORT:

To provide Council with information related to recent and pending changes to Medical Marihuana legislation and to seek Council guidance on proposed zoning bylaw text amendments to prohibit the production and distribution of medical marihuana within the District.

This approach would not preclude prospective legitimate licenced producers from applying for a rezoning on a site specific basis to enable full public consultation as part of the consideration of the proposal.

SUMMARY:

The recently introduced *Marihuana for Medical Purposes Regulation* will ultimately replace the prevailing *Marihuana Medical Access Regulation*. Under the new regulation, legally produced medical marihuana will no longer be allowed to be produced in, and distributed from, residential homes and 'licensed producers' will only be allowed to grow and distribute medical marihuana from approved facilities. The intention is for increased security, health and safety measures within medical marihuana production facilities.

In order to clarify and update language within the zoning bylaw, it is recommended that a bylaw be prepared to amend text within the zoning bylaw to prohibit 'medical marihuana licensed producer' facilities throughout the District.

BACKGROUND:

The *Marihuana Medical Access Regulation* (MMAR) was introduced in 2001 and by 2002 Health Canada had provided 422 licences to grow medical marihuana across Canada. By 2013, Health Canada had issued over 30,000 licences to grow medical marihuana and it was forecasted that a total of nearly 50,000 licenses would be issued by 2014 under the MMAR. Under the outgoing program, medical marihuana can be produced in residential homes providing the producer holds a valid Health Canada license. Growers can produce for their own consumption, with a 'personal-use production license', or produce for other consumers with a 'designated person production license'.

The outgoing MMAR has been problematic for municipalities across B.C. and Canada. Many municipalities raised concerns to Health Canada related to fire safety, crime related to 'grow-rips', overproduction and diversion of marihuana to illegal market, misuse of local government enforcement staff, police and fire resources, and lack of inspections by Health Canada.

In response to the concerns raised, the *Marihuana for Medical Purposes Regulation* (MMPR) came into force on June 19, 2013 and will run concurrently with the current regulation until March 31, 2014. After that date, the MMPR will be the prevailing regulation governing the production and distribution of medical marihuana in Canada.

For simplicity sake, the following outlines the primary characteristics of the MMPR:

- personal and designated production by individuals in their homes will be eliminated;
- current options to access marihuana for medical purposes will be replaced by regulated, commercial Licensed Producers who will be able to produce a variety of strains;
- Licensed Producers will have to demonstrate compliance with regulatory requirements such as quality control standards, record-keeping of all activities as well as inventories of marihuana, and physical security measures to protect against potential diversion;

- Licensed Producers will distribute marihuana for medical purposes to the registered client via secure courier;
- storefronts or retail outlets will not be permitted;
- Under the new regulations, licensed producers will have to meet extensive security and quality control requirements. For example, when potential licensed producers apply to Health Canada for a license, they must demonstrate that:
 - Their production site is indoors, and not in a private dwelling. This would reduce the risk of diversion posed by outdoor production and would reduce health and safety risks associated with producing marihuana in a private dwelling;
 - They have provided details of the production site, to the local police force, local fire authority and local government;
 - They employ a quality assurance person with appropriate training, experience and technical knowledge to approve the quality of their dried marihuana;
 - The production site includes restricted-access areas, which would include all areas where a licensed activity is conducted with marihuana and cannabis other than marihuana (i.e. lab, production room, etc.);
 - Access to the production site is controlled at all times and includes 24/7 visual monitoring systems and an intrusion detection system to detect unauthorized access;
 - Key personnel hold a valid security clearance, issued by the Minister of Health;
 - Production facilities are not open to the public.

EXISTING POLICY:

Growing in dwellings (MMAR):

Under the outgoing MMAR program, medical marihuana can be produced in residences providing there is a valid license.

Commercial Growing (MMPR)

The District's zoning bylaw generally prohibits the sale, distribution, trade or dispensing of cannabis and its preparations, derivatives and similar synthetic preparations, except as authorized under the Controlled Drugs and Substances Act, Marijuana Medical Access Regulations and any other applicable federal legislation and also the use of land, buildings or structures for "commercial agricultural purposes". The zoning bylaw does permit 'manufacture' and 'manufacturing' defined as "*the making, producing, processing, fabricating, assembling, repairing or salvaging of goods, materials, products, substances, things or organisms...*"

The definition above and the change to the Federal regulations creates some uncertainty with regards to commercial production facilities and therefore staff recommend amendments to the zoning bylaw to generally prohibit 'medical marihuana licensed producer' facilities within the District.

Timing/Approval Process:

As the MMPR is currently in force, the preparation of a zoning bylaw text amendment to define and prohibit medical marihuana licensed producer facilities within the District should occur at the earliest opportunity in conjunction with a withholding motion.

Concurrence:**Fire Department:**

Planning staff consulted with members of the District's Fire Department in order to ascertain their concerns related to the MMPR. The District's Fire Department has concerns related to the potential for large scale fires within industrial buildings/units from unsafe electrical wiring or non-compliance with the BC Fire Code.

RCMP:

Planning staff consulted with local members of the RCMP in order to ascertain their position related to the MMPR. The RCMP is supportive of the proposed approach.

Other Municipalities:

The following table summarizes what other municipalities are doing related to medical marihuana and the implementation of the MMPR:

Name of Municipality	Allow Medical Marihuana Licenced Production Facilities	Land Use Areas Where Medical Marihuana is Permitted
City of North Vancouver	TBD by Council	TBD by Council
District of West Vancouver	No	None
City of Burnaby	TBD by Council	TBD by Council
City of Coquitlam	Yes	Industrial Areas
City of New Westminster	TBD by Council	TBD by Council
The Corporation of Delta	Yes	Industrial Areas
City of Richmond	TBD by Council	TBD by Council
City of Surrey	Yes	Specific Commercial Zone
District of Maple Ridge	Yes	Agricultural Land Reserve Lands Only
District of Mission	No	Spot rezoning may be considered
City of Abbotsford	No	None
District of Squamish	Yes	Industrial Areas
Village of Pemberton	Yes	Industrial and Agricultural Areas

City of Nanaimo	Yes	Industrial and Agricultural Area
Municipality of North Cowichan	Yes	Industrial Areas
District of Hope	Yes	Rural/Agricultural Areas
City of Chilliwack	Yes	Industrial Areas
City of Kamloops	Yes	Industrial Areas

Social Implications:

The proposed changes to the MMPR will no longer allow personal-use production in a personal residence. This report does not explore whether the MMPR will improve or hamper one's right to readily accessible medical marihuana.

Of note, storefront medical marihuana dispensaries are not permitted by the MMPR. Medical marihuana must be obtained through certified courier services (directly from the licensed producer) or delivered and then transferred to the consumer at a hospital.

Site Specific Applications

If Council were to move forward with the suggested approach the production and distribution of medical marihuana would be prohibited in the District. Notwithstanding this general prohibition, Council could still consider site specific rezonings on a case by case basis where the concerns of municipal staff, Fire Department and RCMP have been adequately addressed. This process would enable full public engagement prior to consideration of approval.

Public Input:

No public input has been conducted related to this staff report; however, any future zoning bylaw text amendment would require adequate public notification and a public hearing whereby affected residents could provide their comments.

Conclusion:

The recommendations would initiate a bylaw to define and prohibit 'medical marihuana licensed production facilities' within the District. If adopted, medical marihuana licensed production facilities/businesses would not be permitted.

Providing an applicant wished to open a medical marihuana production facility, a formal notification would be provided to the District outlining their intentions to operate in accordance with the MMPR. Upon notification, District staff would inform Health Canada officials and the applicant that the District's zoning bylaw prohibits the production and distributing of medical marihuana. Even if a license was issued by Health Canada, the District would be in its own right to enforce all local bylaws and effectively shut down any operation.

Of note, regardless of any prohibition of 'medical marihuana licensed production facilities' within the District, an applicant could apply to rezone a specific property to allow the use.

Council and the public would then be afforded the opportunity to consider an individual application on its own merit.

Options:

Option A (Staff recommendation):

1. Council instruct staff to prepare a zoning bylaw which generally prohibits 'medical marihuana licensed production' facilities throughout the District of North Vancouver.
2. Staff submit to Council any building permit applications received after November 12, 2013 which staff consider are in conflict with the bylaw in preparation for consideration of a resolution that the building permit be withheld for 30 days pursuant to Section 929 of the Local Government Act.
3. Staff submit to Council any business licence application received after November 12, 2013 where the use to which the land would be put and to which the business licence application relates would be contrary to the use that would be permitted by the bylaw that is under preparation for consideration of a resolution that the business licence be withheld for 90 days pursuant to Section 929(5) of the Local Government Act. (staff recommendation)

or

Option B:

That no further action is required and that Council receive this report as information.

Respectfully submitted,

Erik Wilhelm
Planner

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev. _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Services _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Parks & Environment _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> Recreation Com. _____
<input type="checkbox"/> Economic Development _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Human resources _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____



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About Health Canada

Marihuana for Medical Purposes Regulations

June 2013

[News Release: Harper Government Announces New Medical Marihuana Regulations](#)

[Backgrounder: Transitioning to the New System](#)

New *Marihuana for Medical Purposes Regulations* (MMPR) will come into force in June 2013.

Following broad consultations with stakeholders, the Government of Canada was concerned that the Marihuana Medical Access Program (MMAP) was open to abuse.

The MMPR represent a comprehensive response to a number of concerns raised over the past years and during the public comment period following the introduction of the draft regulations in December 2012.

The regulations aim to treat marihuana as much as possible like any other narcotic used for medical purposes by creating conditions for a new, commercial industry that is responsible for its production and distribution. The regulations will provide access to quality-controlled marihuana for medical purposes, produced under secure and sanitary conditions, to those Canadians who need it, while strengthening the safety of Canadian communities. In addition, the new regulations will also provide more choices of marihuana strains and commercial suppliers.

Under the new regulations:

- the process for applicants and health care practitioners will be streamlined, eliminating the need for individuals to provide Health Canada with their personal information or apply to the department for an Authorization to Possess;
- personal and designated production by individuals in their homes will be eliminated on March 31, 2014;
- current options to access marihuana for medical purposes will be replaced by regulated, commercial Licensed Producers who will be able to produce a variety of strains, thereby offering more choice to individuals who use marihuana for medical purposes;
- Licensed Producers will have to demonstrate compliance with regulatory requirements such as quality control standards, record-keeping of all activities as well as inventories of marihuana, and physical security measures to protect against potential diversion;
- Licensed Producers will distribute marihuana for medical purposes to the registered client via secure courier;
- storefronts or retail outlets will not be permitted; and,

- for the first time, nurse practitioners will be able to support access to dried marihuana for medical purposes, if permitted within their respective province or territory.

Under the new regulations, licensed producers will have to meet extensive security and quality control requirements. For example, when potential licensed producers apply to Health Canada for a license, they must demonstrate that:

- They employ a quality assurance person with appropriate training, experience and technical knowledge to approve the quality of their dried marihuana;
- Their production site is indoors, and not in a private dwelling. This would reduce the risk of diversion posted by outdoor production and would reduce health and safety risks associated with producing marihuana in a private dwelling;
- The production site includes restricted-access areas, which would include all areas where a licensed activity is conducted with marihuana and cannabis other than marihuana (i.e. lab, production room, etc);
- Access to the production site is controlled at all times and includes 24/7 visual monitoring systems and an intrusion detection system to detect unauthorized access;
- Key personnel hold a valid security clearance, issued by the Minister of Health; and,
- They have provided a written notification of their application, providing details regarding the location of the production site, to the local police force, local fire authority and local government.

Health care practitioners will sign a medical document enabling patients to purchase the appropriate amount for their medical condition from a Licensed Producer approved by Health Canada.

To help health care practitioners, Health Canada has updated and will soon publish the *"Information for Health Care Professionals - Cannabis (marihuana, marijuana) and the cannabinoids"* on its web site. The document will present a summary of the peer-reviewed scientific and medical literature concerning potential therapeutic uses and harmful effects of cannabis (marihuana) and cannabinoids.

In order to facilitate the transition from the MMAP to the new regime, both will operate concurrently until March 31, 2014. Program participants can continue to produce marihuana for medical purposes, designate someone to produce for them, or purchase it from Health Canada until that date.

Effective October 1, 2013, new applications for personal or designated production licences will no longer be accepted by Health Canada. At any time during the transition period, individuals can move from their current means of accessing marihuana for medical purposes to purchasing it from Licensed Producers under the new regime.

The current program costs Canadian taxpayers millions of dollars each year because the \$5/gram charged to program participants who choose to purchase from Health Canada is heavily subsidized. Under the new regime, Licensed Producers will set the price for marihuana for medical purposes. Once the first established Licensed Producers have set a price for dried marihuana, Health Canada will align the price of its supply with the market price so as not to undermine the creation of this new industry.

Date Modified: 2013-06-10

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NORTH VANCOUVER
DISTRICT

PUBLIC HEARING

Bylaw Amendment to Prohibit Medical Marijuana Production

- What:** A proposal to prohibit medical marijuana production and distribution within the District.
- When:** 7 pm, Tuesday, May 13, 2014
- Where:** **Council Chambers, North Vancouver District Hall,
355 W. Queens Road**
- What changes?** This proposal requires an amendment to the Zoning Bylaw.
- When can I speak?** We welcome your input Tuesday, May 13, 2014 at 7 pm. You can speak in person by signing up at the Hearing or you can provide a written submission to the Municipal Clerk at input@dnv.org or by mail before the conclusion of the Hearing.
- Need more info?** Relevant background material and copies of the bylaw are available for review at the Municipal Clerk's Office or online at dnv.org/public_hearing. Office hours are Monday to Friday 8 am to 4:30 pm.
- Questions?** Erik Wilhelm, Community Planner, at 604-990-2360 or wilhelme@dnv.org



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dnv.org



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