



August 3, 2016

The Honourable A. Anne McLellan, P.C., O.C., A.O.E.  
Chair of the Task Force on Marijuana Legalization and Regulation  
Cannabis Legalization and Regulation Secretariat  
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Ottawa, ON K1A 0K9

Dear Ms. McLellan:

On behalf of Alberta's cities, towns, villages, summer villages, and specialized municipalities, the Alberta Urban Municipalities Association is pleased to provide the enclosed input on the legalization of marijuana for recreational use.

Our input reflects the important role of municipalities in public safety and our interest in ensuring access by youth is restricted and that consumption in public places is effectively regulated.

Sincerely,

Lisa Holmes  
AUMA President

Enclosure

cc: Honourable Kathleen Ganley, Minister of Alberta Justice and Solicitor General  
President Clark Somerville, Federation of Canadian Municipalities  
Presidents, Canadian Municipal Associations

## Alberta Urban Municipalities Association

### Response to Consultation on the Legalization of Marijuana for Recreation Use

#### Government's Proposed Measures for Theme 1 – Minimizing Harms of Use – Proposed Measures:

- *Minimum age for legal purchase:* Health protection—particularly for children and youth—demands that marijuana purchase and possession be subject to age restrictions. The science indicates that risks from marijuana usage are elevated until the brain fully matures (i.e., when someone reaches about age 25). For context, age limits for alcohol and tobacco purchases in Canada vary across provinces and territories—either 18 or 19 years of age. In Colorado and Washington, the state governments have chosen to align the minimum age for purchasing marijuana with the minimum age for purchasing alcohol, 21 years.
- *Advertising and marketing restrictions to minimize the profile and attractiveness of products:* Since marketing, advertising and promotion of marijuana would only serve to “normalize” it in society and encourage and increase usage, it has been proposed that these should be strictly limited so as to dampen widespread use and reduce associated harms. This is particularly the case for promotional materials that would otherwise be targeted to impressionable youth. As in the case of tobacco, there may be limitations to possible restrictions on marketing, advertising and promotion of marijuana; however within those limits these restrictions should be as tight as possible. Moreover, other limitations could include products being sold in plain packaging with appropriate health warning messages.
- *Taxation and pricing:* When used appropriately, effective taxation and price controls can discourage the use of marijuana and provide the government with revenues to offset related costs (such as substance abuse services, law enforcement, and regulatory oversight). As such, the design of any regulatory framework should allow accommodation for an appropriate taxation regime in which there is sufficient flexibility in controlling the final price to the consumer. However, the use of taxation and pricing measures to discourage consumption must be properly balanced against the need to minimize the attractiveness of the black market and dissuade illegal production and trafficking.
- *Limits of allowable THC potency in marijuana:* THC is the main psychoactive component of marijuana. Current research shows average THC levels of between 12-15 per cent. In contrast, marijuana from the 1980s had average THC levels of 3 per cent. In addition, various higher potency marijuana products such as "shatter" are available with THC concentrations reaching levels as high as 80-90 per cent. As outlined in section 1, higher concentration products have added risks and unknown long term impacts, and those risks are exacerbated for young people, including children. Given the significant health risks, maximum THC limits could be set and high-potency products strictly prohibited.

- *Restrictions on marijuana products:* Marijuana can be consumed in many ways, including a wide range of products like foods, candies, salves or creams. Some people may choose these methods of consumption, rather than choosing to smoke dried marijuana. However, certain products present increased risks, notably when considering the increased potency of some of these derivative products and the increased harms associated with their use. They also represent an increased risk of accidental or unintentional ingestion, particularly by children. This view is supported by the experience in Colorado, where the availability of edible products led to a rise in the number of accidental or unintentional overdoses (non-fatal). As a result, the state government amended their regulatory framework to enact limits on dosing and potency. It is understood that individuals may choose to create marijuana products, such as baked goods, for personal consumption. However, consideration should be given to how edibles are treated in the new regime in light of the significant health risks, particularly to children and to youth, including whether and how to limit the potency of marijuana and types of products sold.
- *Limitations on quantities for personal possession:* Most jurisdictions have set limits on the quantities of marijuana that an individual may possess, which has the obvious advantages of helping to dampen demand and to minimize opportunities for resale of legally purchased marijuana on the illicit market (particularly to children and youth).
- *Limitation on where marijuana can be sold:* The availability of marijuana via retail distribution is also an important issue when considering means to minimize harms of use. This issue is further explored in Section 3 (Designing an Appropriate Distribution System).

Minimizing Harms of Use		
#	Consultation Question	Proposed AUMA Response
1	Do you believe that these measures are appropriate to achieve the overarching objectives to minimize harms, and in particular to protect children and youth? Are there other actions which the Government should consider enacting alongside these measures?	Given that actual enforcement will take place at the local level, the federal government should engage with municipal governments and police forces to determine the best method of achieving their overarching objectives to minimize harms.

2	<p>What are your views on the minimum age for purchasing and possessing marijuana? Should the minimum age be consistent across Canada, or is it acceptable that there be variation amongst provinces and territories?</p>	<p>No position.</p>
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**Government’s Proposed Measures for Theme 2 – Designing an Appropriate Production System:**

- Production Model:* Experience with both home cultivation and government-controlled production in the context of relatively small numbers of medical users suggests neither approach would be in the public interest in the context of the larger numbers of users expected in a legalized market. Therefore, some form of private sector production with appropriate government licensing and oversight could allow for safe and secure production of legal marijuana with adequate choice (both price and strain) for consumers.
- Good production practices:* In general, ingestible products must meet certain quality standards. In the medical marijuana regime, Health Canada has established product content and production controls that have proven effective in minimizing risks to clients. Similarly, safeguards could be put in place to ensure that marijuana is produced and stored in sanitary and secure conditions. There could be strict security requirements to minimize the possibility of diversion. Controls could be placed on pesticides that can be used, and on microbial and chemical contaminants. Marijuana could also be subject to analytical testing so that those consuming can be reliably advised of its contents, particularly amounts of THC and CBD.
- Product packaging and labelling:* The way in which products are packaged and labelled offers an opportunity to minimize the harms of marijuana, particularly for children and youth. Measures to consider implementing include: child-proof packaging to prevent accidental ingestion by children; and, labels on packages to contain both important information about the product (e.g., THC and CBD content) as well as appropriate health warning messages.

Designing an Appropriate Production System		
#	Consultation Question	Proposed AUMA Response
3	<p>What are your views on the most appropriate production model? Which production model would best meet consumer demand while ensuring that public health and safety objectives are achievable? What level and type of regulation is needed for producers?</p>	<p>Municipalities should be enabled to determine the placement and scale of production facilities within their borders through zoning bylaws and business licensing. As well, a streamlined communication process between all levels of government and police forces involved in the regulation of marijuana production is required to ensure public health and safety is preserved. Regular inspections of licensed facilities should be carried out in conjunction with local authorities.</p>
4	<p>To what extent, if any, should home cultivation be allowed in a legalized system? What, if any, government oversight should be put in place?</p>	<p>Residential marijuana grow operations present serious risks to public health and safety including property damage and increased crime. If home growth is enabled, the following restrictions submitted by AUMA into the regulation of the home growth of medical marijuana are required:</p> <ul style="list-style-type: none"> <li>• Limits on the number of plants per residence;</li> <li>• Communication with local law enforcement agencies on the process for determining whether grow operations are legal;</li> <li>• A process for regular, mandatory inspections to ensure that home growers are operating legally and within their required limitations;</li> <li>• The ability to set safety codes to regulate the protection of buildings from the adverse impacts of grow ops;</li> <li>• The requirement for growers to comply with minimum security standards;</li> <li>• Mechanisms to protect the rights of landlords and other dwellers of commonly</li> </ul>

		<p>owned buildings from property damage; and</p> <ul style="list-style-type: none"> <li>• Purchaser protections to ensure that home buyers are aware that properties were the site of marijuana grow operations.</li> <li>• Home growers should be required to obtain insurance covering potential property damages resultant from marijuana production.</li> </ul>
5	Should a system of licensing or other fees be introduced?	Municipal governments already carry out business licensing for other types of businesses. Municipalities should be enabled to require business licensing for marijuana grow operations including fee schedules according to local need and costs to municipalities for servicing and infrastructure.
6	The Marihuana for Medical Purposes Regulations (MMPR) set out rigorous requirements over the production, packaging, storage and distribution of marijuana. Are these types of requirements appropriate for the new system? Are there features that you would add, or remove?	The stringent requirements set out in the MMPR are suitable for the recreational marijuana production facilities. However, this process requires additional and more efficient communication between all levels of government and police forces regarding applications to develop sites and inspections of facilities.
7	What role, if any, should existing licensed producers under the MMPR have in the new system (either in the interim or the long-term)?	No position.

**Government’s Proposed Measures for Theme 3 – Designing an Appropriate Distribution System:**

- *Phased-in approach to distribution:* In the initial stages of legalizing marijuana, only allowing a proven system of distribution (e.g., through the mail, as is currently done in the medical marijuana regime) could minimize the risks of uncontrolled/illegal retail sales outlined above. This system could enable access for adults while using caution in taking a step that may inadvertently put youth at increased risk.

- *Storefronts*: On the other hand, allowing for some ability for the sale of marijuana to occur in a legal, regulated retail environment may be required in order to provide an alternative to the current illegal sellers that exist in certain Canadian cities. Ensuring that the marijuana sold in such establishments comes from a legal source would be critical.
- *Local choice*: Alternatively, decisions on appropriate distribution mechanisms could be left to provincial and territorial governments to determine the best approach based on their unique circumstances. This scenario could result in different models being adopted across the country.

Designing an Appropriate Distribution System		
#	Consultation Question	Proposed AUMA Response
8	Which distribution model makes the most sense and why?	<p>A phased-in approach should be utilized to ensure that risks in implementation are avoided. Municipalities should be engaged throughout this process to leverage their unique insight into the direct impacts on communities.</p> <p>The resultant distribution system should be regulated by the Federal Government in order to be consistent and uniform across Canada.</p> <p>Sales of recreational marijuana, if distributed through a storefront, should be within pre-existing retail uses such as pharmacies or post offices so as to limit the proliferation of marijuana-oriented businesses in communities.</p>
9	To what extent is variation across provinces and territories in terms of distribution models acceptable?	The federal government should ensure that the distribution system is consistent and uniform across Canada.

10	Are there other models worthy of consideration?	Pre-existing retail uses should be utilized to limit the proliferation of marijuana-oriented businesses in communities.
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**Government’s Proposed Measures for Theme 4 – Enforcing Public Safety and Protection:**

- *Strengthened laws and appropriate enforcement response:* Establishing a successful legalization regime will require the strengthening of laws that will minimize or eliminate criminal involvement. It could also require the strengthening of laws to punish those who choose to operate outside of its parameters, including those who provide marijuana to youth or produce or traffic marijuana outside of the new regulated framework, and move it across Canadian borders.
- *Enforcement tools for marijuana-impaired driving:* There is a need and opportunity for Canada to research, develop, test, train and promote technologies and related guidelines and protocols that can equip law enforcement to deal with possible increased rates of impaired driving, particularly for roadside testing of impairment. This should be complemented by public education campaigns that emphasize risks associated with drug-impaired driving and that advocate preventive measures, as is the case for drinking and driving.
- *Restriction of consumption to the home or a limited number of well-regulated publicly-accessible sites:* Consumption of marijuana could be restricted to private residences. However, the system may need to be pragmatic to respond to the demand for venues to consume marijuana outside the home in order to avoid proliferation of consumption in all public spaces. Consideration could be given to identifying—and strictly limiting and controlling—allowable sites for use by adults. This could serve to minimize normalization of marijuana and protect against the exposure of non-users to second-hand smoke and vapours. In addition, consideration will need to be given to the use of marijuana in workplaces. For example, a zero tolerance policy could be applied for those who operate heavy machinery or conveyances.

Enforcing Public Safety and Protection		
#	Consultation Question	Proposed AUMA Response
11	How should governments approach designing laws that will reduce, eliminate and punish those who operate outside the boundaries of the new legal system for marijuana?	Municipal governments, bylaw officers, and local police forces should be engaged throughout the process, as they will be the ones actually carrying out the enforcement of these laws.
12	What specific tools, training and guidelines will be most effective in supporting enforcement measures to protect public health and safety, particularly for impaired driving?	Municipal bylaw officers and other officials as well as local police forces will require resources in the form of funding and training in order to purchase new equipment and prepare to enforce new laws regarding marijuana use.
13	Should consumption of marijuana be allowed in any publicly-accessible spaces outside the home? Under what conditions and circumstances?	Municipal governments should be enabled to pass bylaws controlling the consumption of marijuana in publicly accessible spaces. Municipal governments already have significant experience in this regard with bylaws controlling cigarette usage in publicly accessible spaces.

**Government’s Proposed Measures for Theme 5 – Accessing Marijuana for Medical Purposes:**

*Continued access to marijuana for medical purposes:* It is anticipated that there could continue to be a need to enable access to marijuana for those who require it for medical reasons, but for whom reasonable access is not possible in the legalized context. This might require allowing different production methods (e.g., home cultivation) not available to others. It could also require carve-outs for medically-authorized youth or those who need high potency products. Physician involvement would still be necessary.

Enforcing Public Safety and Protection		
#	Consultation Question	Proposed AUMA Response
14	What factors should the government consider in determining if appropriate access to medically authorized persons is provided once a system for legal access to marijuana is in place?	No position.