

EMERGING TRENDS IN MUNICIPAL LAW 2018

The Evolving Landscape of Cannabis Regulation



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- Two Parallel Systems
- Production
- Retail
- Home Grow



Overview

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Two Parallel Systems

1. Medical
2. Adult use “recreational”



Overview


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Cannabis Regulation

Medical System

- ACMPR (*Access to Cannabis for Medical Purposes Regulations*)
- Federally regulated
- Cannabis shipped directly from producer to patient

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Medical System

How did we get here?

- **MMAR- (Marihuana Medical Access Regulations)**
 - Introduced July 2001
 - Allowed individuals who held a personal production license to grow their own medical cannabis
 - Also allowed designated growers
 - Issues relating to large grow operations

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Medical System

How did we get here?

- **MMPR (Marihuana for Medical Purposes Regulations)**
 - Introduced July 2013, in force April 2014
 - Introduction of Licensed Producers
 - Dried cannabis only
 - No home grow




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Medical System

How did we get here?


- **Case Law**
 - **R. v. Smith – June 2015**
 - SCC – restriction to dried form inconsistent with Charter
 - **Allard v. Canada - February 2016**
 - Federal Court – MMRP unconstitutional
 - Reasonable access
 - 6 months to fix it

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Medical System

How did we get here?


- **ACMPR (Access to Cannabis for Medical Purposes Regulations)**
 - August 24, 2016
 - Home grow/designated grow re-introduced
 - Licensed Producers
 - Accommodates multiple forms of cannabis

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Medical System

How did we get here?


- **Home Growers** - individuals are able to produce a limited amount for their own use or designate someone to grow it for them.
- **Licensed Producers** - commercial operations that have gone through the rigorous licensing regime put in place by Health Canada and obtained permission to production of cannabis for commercial supply.

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Cannabis Regulation

Adult Use “Recreational” System


- *Cannabis Act*
- Production = federally regulated
- Distribution = regulated by each province


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Cannabis Regulation

Licensed Producer

- Producer under ACMPR = authorized under *Cannabis Act*
- New categories of licenses under *Cannabis Act* (i.e. craft growers, processors)
- Federally regulated



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Cannabis Regulation

What is a Licensed Producer?


- Approximately 80 throughout Canada
- 5 licenses in Alberta
- Extensive Application Process
- Ongoing Regulation – Health Canada
 - Every gram accounted for – seed to sale

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Cannabis Regulation

Licensed Producers

- Security clearance - criminal record and enhanced process for link to criminal organization
- 24/7 visual monitoring
- Restricted access where cannabis present
- Physical barriers

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Cannabis Regulation

What do they look like?



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Cannabis Regulation

What do they look like?



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Cannabis Regulation

Retail

- Provincially regulated
- An Act to Control And Regulate Cannabis
- Cannabis Secretariat

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Cannabis Regulation

Retail



- Privately owned and operated stores – AGLC
- Government operated mail order

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Cannabis Regulation

Retail

- AGLC purchases from LP's
- Product diversification
 - Edibles in 2019?
- Advertising restrictions



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Cannabis Regulation

Home Grow

- Federal government allows it, provinces can restrict
- Alberta laws not restricted
- Up to 4 plants/household
- Must be indoor



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Cannabis Regulation

Conclusion

- Federal and Provincial legislation is targeting July 2018 for implementation of the new Cannabis legislation
- Waiting for Province to finalize legislation
- Municipalities need to get ready now!

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Presented by:



Jillian Swainson
Senior Vice President and General Counsel
Aurora Cannabis Inc.
jill@auroramj.com

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