

## “Complex” legalization process begins with trio of cannabis bills

“We probably picked a good time to change government.”

That surprising – and somewhat facetious – confession was made in early March by Mike Morris, the BC Liberal MLA for Prince George-Mackenzie, during debate on the Budget Estimates for the Minister of Public Safety and Solicitor General.

Morris, prior to the provincial-general election in May 2017, had been a member of Premier Christy Clark’s Executive Council. His portfolio was the same Public Safety and Solicitor General department.

But everything changed with the Clark government’s defeat in the legislature on June 29, and Mike Farnworth – the NDP MLA for Port Coquitlam and a member of Premier John Horgan’s cabinet – now is the minister in charge while Morris sits on the Opposition benches.

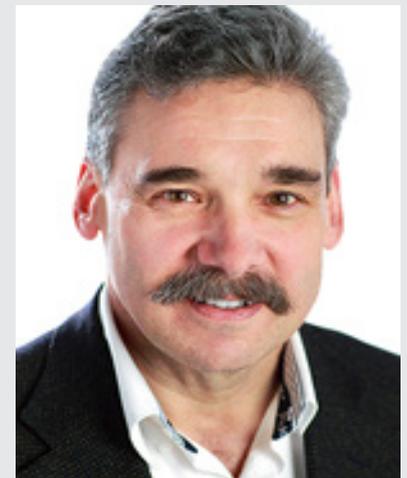
And as debate on Farnworth’s Estimates got underway the discussion turned to the impending legalization and regulation of cannabis, and Morris seemed at least somewhat relieved that the file had been handed over to a new minister.

“I know it’s significantly complex and affects a lot of legislation,” the BC Liberal said, adding with tongue firmly-in-cheek, “I’m glad there’s a brilliant mind to put all this together and lead the charge.”

Farnworth acknowledged Morris’s observation, saying “I appreciate the member’s comments on the time in terms of change of government, because this is quite the issue.”



**Hon. Mike Farnworth**  
Minister responsible for cannabis policy.



**Mike Morris**  
BC Liberal Critic for Solicitor General.

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That debate on the ministerial Estimates took place in the legislature on March 1; it was another eight weeks before Farnworth finally unveiled two government Bills to begin the legalization process in B.C.

On April 26, first reading was given to Bill 30, the *Cannabis Control and Licensing Act*, and Bill 31, the *Cannabis Distribution Act*.

The former Bill, as described by Farnworth, “establishes the provincial regulatory regime for the possession, sale, supply and production of non-medical cannabis in B.C.”

It sets out a licensing scheme for private cannabis retailers, defines training and registration requirements for cannabis workers, and outlines restrictions on the possession, public

use and cultivation of cannabis by adults. It also establishes a comprehensive compliance and enforcement regime for both licensed cannabis retailers and illegal sellers.

The latter Bill establishes a public wholesale distribution regime for non-medical cannabis in British Columbia.

That done, the Solicitor General rose once again to introduce Bill 17, the *Motor Vehicle Amendment Act, 2018*, which tightens the law to detect and deter drug-affected driving.

“This Bill proposes amendments to the Motor Vehicle Act that will make B.C. roads safer by enhancing the provincial administrative framework for drugs and driving,” said Farnworth.

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“One significant change in this bill would restrict new drivers, those in the graduated licensing program, for operating a motor vehicle with any THC in their system. Another important change will establish a new 90-day administrative driving prohibition for drivers who operate a motor vehicle while affected by a drug or a combination of a drug and alcohol.”

It is, to use Morris’s words, “significantly complex.” To give an overview of the Horgan government’s approach to Canada’s looming legalization of cannabis – expected to officially take place across the country later this year – excerpts from the legislative debate on Farnworth’s ministerial Estimates are provided below.

LEGISLATIVE ASSEMBLY

Thursday, March 1, 2018 - Afternoon Sitting

**Mike Morris** (BC Liberal MLA, Prince George-Mackenzie) – “In Budget 2018, there’s \$3.1 million that has been set aside for cannabis. I’m just wondering if you can explain that. I know a lot of that is going towards a secretariat, the expenses of running a secretariat, but if you could just give

me an update on where your ministry is ....”

**Hon. Mike Farnworth** (NDP Minister of Public Safety and Solicitor General) – “... Let’s start with the \$3.1 million. That’s for the secretariat, which is a cross-government effort in terms of dealing with all aspects of legalization that the province is responsible for and how we’re going to deal with them.

“There are 17 individuals involved with that secretariat. ... I really appreciate the work that’s been taking place, because this is a significant public policy shift, the like of which we have not seen in this country in a very long time.

“... as the member knows ... the federal government is responsible for the licensing of production and for the testing of product. They have made the provinces responsible for the distribution model, the retail model and enforcement.

“What we have done, to date, is make decisions in some of the key areas for which we are responsible. For example, on the distribution model, we have

made it that a provincial distribution model will be in place. ... We have also said that the retail model that will be in place will be a mixed model between government stores and private stores.

“... many of our decisions have been framed by the consultation process that we did. ... Through the on-line input, we had over 48,000 submissions. ...

“We established a working group with UBCM, Union of B.C. Municipalities, with local governments ... They are on the front line in terms of how this is going to work. ...

“We’ve made decisions, for example, around co-location – the retailing of cannabis with alcohol. The federal government’s first report that came out recommended that there be no co-location. ... We listened to health officers. We’ve listened to local government on that issue. So there is not going to be co-location.

“The exception, of course, will be in certain rural areas of the province where the ability to retail is limited. ...

“What else can I tell you? Edibles, for example, will not be dealt with until next year. That is also going to be important. ... Suffice it to say that there’s a lot of work on this. We’ve got a lot of decisions made, but there’s still a lot left to do.”

**M. Morris** – “... The provincial government, as far as I know, has made the decision that the Liquor Distribution Branch will be the wholesale distributor of that.

“Can the minister tell me what that looks like? Is there new infrastructure that’s being developed to warehouse the cannabis when it comes in from the licensed growers throughout Canada?”

**Hon. M. Farnworth** – “A number of those issues ... are going to be dealt with by LDB, which is under the Attorney General. ... I can tell you that we are anticipating it to be in a separate facility.”

**M. Morris** – “The Liquor Distribution Branch, I was happy to hear that. It’s got some structure to it. We’ve got control coming in, and we’ll have control going out.”

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**Hon. M. Farnworth** – “The member raises a very important issue and it’s one where we are doing a lot of work. ... enforcement will not be left to local government. It will be provincial enforcement. We’ve been very clear on that.

“... in terms of the licensing, it needs to get approved by local government. If it’s not approved by local government, there will not be a provincial licence issued, and there will be extensive and thorough background checks done on all potential licensees.”

**M. Morris** – “Just going back to the retail mix again. ... Will the locations be separate from liquor stores or any other government institution? Are they going to be stand-alone?”

**Hon. M. Farnworth** – “... we do have a public-private model out there in terms of what retail will look like in key parts. ... I have been very clear, right from the get-go, that a model that works in one community may not be the same as what works in another community.

“We have not put a limit on the number of licences. We have not put in place any distance requirements. Local governments have the ability to do that. They will decide how many they feel are suitable in their community. ...

“The bottom line is this. You are going to have to have a local government approval before you are going to get a provincial licence and all the subsequent things that you have to jump through to get a provincial licence.”

**Donna Barnett (BC Liberal MLA, Cariboo-Chilcotin)** – “How will the government monitor whether there are increased costs on enforcement, addictions or other social costs?”

**Hon. M. Farnworth** – ... “A lot of people have said: ‘Oh, this is going to be a windfall for the government in terms of revenue.’ Over the long term there may well be. But we know that there are going to be considerable upfront costs in terms of (1) enforcement, (2) on education, and mental health and addictions are very much a priority.”

**D. Barnett** – “Of course, with more

enforcement and more tracking ... will there be funding for local municipalities to hire more police and more people that are needed ... Who is going to fund all these people to track?”

**Hon. M. Farnworth** – “... We know that local government is going to face some challenge. They are at the front line. Having said that ... we are looking at provincial enforcement, much in the same way as we do for liquor. ...

“Obviously, local bylaw takes care of the local bylaw infractions and things like that. In terms of the actual enforcement, we’re looking at it on a provincial basis. So that’s not something that should impact on local governments.

“In terms of revenue and local government’s expectation, we know that there is a significant interest to receive revenues from the province. We have reached an agreement with the federal government on a 75-25 split.”

**M. Morris** – ... “For everything that I’ve heard you talk about, I see dollar signs. I see more resources required from an enforcement perspective. ... Where are we with our drug recognition experts and the people that we need on the ground in order to provide that level of enforcement?”

**Hon. M. Farnworth** – “This is one of the key areas of concern from the province’s perspective. ...

“Now, it is going to cost money. To date, the federal government has said there’s \$161 million that is allocated for training, and \$81 million of that, over the next five years, is available to the provinces for law enforcement training and to build capacity for drug-impaired-driving enforcement.

“The funding is intended to increase the number of police trained to administer behavioural impairment tests – the standardized field sobriety test, or SFST, conducted at roadside – and the drug evaluation classification assessment conducted by specially trained police drug recognition experts, or as they’re known, DREs, back at the police station; capacity-building for the SFST trainers; and operational data collection as well as support for the purchase of oral fluid screening devices. ...

“We anticipate that there will be a shortfall of funding that B.C. will need to address. We allocated \$500,000 in provincial funding last year as a start.

“In terms of the number of trained officers, currently there are 714 standard field sobriety test officers trained in B.C., which constitutes 15 percent of all front-line police officers. In order to reach the target of 33 percent, an additional 876 officers will need to be trained within three years to bring that total to 1,590.

“Currently there are 115 drug recognition experts in B.C. That constitutes approximately 16 percent of currently trained standard field sobriety test officers. Police indicate that an additional 350 DREs will be required to be trained and certified within five years.”

**M. Morris** – “Just based on my own experience, it’s overwhelming. Personally, I think it’s an impossibility to get to where we are with the resources that they’re allocating for that. Again, it’s going to have an impact on the provincial budget, because the work needs to be done.”

**Hon. M. Farnworth** – ... “To me, it’s one of the biggest challenges in this whole legalization process ... We’ve asked for more money. Our initial proposal to the feds was 50 percent. They have said 33. We have put additional moneys in there. The training is ongoing. It’s already underway.

“In that sense, we are, I think, in a better position as compared to many other provinces. But getting officers trained on the testing is going to be a critical aspect of this whole legalization process ....”

**M. Morris** – “Listening to the minister speaking, there’s a lot of work that still needs to be done. How confident are you that we’ll be ready, by the end of this year, to meet the federal legislation?”

**Hon. M. Farnworth** – ... “We will be ready with the legislative framework that’s required for when legalization takes place. It is not going to happen overnight, once the switch.... We have to be realistic. It is going to be phased in.”