E-7 - Ethical Standards of Conduct for Elected Officials

Preamble: In keeping with the Regional Districts core values of accountability, good governance, professionalism, integrity and productivity, the District seeks to foster the sustainable socioeconomic and environmental wellbeing of the Central Coast through the professional and efficient delivery of mandated regional and community services,

To help achieve this goal, the board of directors has committed to strive to adhere to a code of conduct so as to ensure that public business is conducted with integrity, in a fair, honest and open manner, and that members respect one another, staff, and the public and recognize the unique role and contribution each person has in making the Regional District a better place to work and live;

Policy: Elected officials shall:

1. **Act in the Public Interest**
Recognizing that the Regional District seeks to maintain and enhance the quality of life for all District residents through effective, responsive and responsible government, members will conduct their business with integrity, in a fair, honest and open manner.

2. **Comply with the Law**
Members shall comply with all applicable federal, provincial, and local laws in the performance of their public duties. These laws include, but are not limited to: the *Constitution Act*; the Provincial *Human Rights Code*; the *Criminal Code,* the *Local Government Act*; *Community Charter*; laws pertaining to financial disclosures, and employer responsibilities; and relevant District bylaws and policies.

3. **Conduct of Members**
The conduct of members in the performance of their duties and responsibilities with the Regional District must be fair, open and honest. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Board of Directors, committees, the staff or the public.

4. **Respect for Process**
Members shall perform their duties in accordance with the policies and procedures and rules of order established by the Board of Directors governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board by District staff. Members of committees shall be aware of the mandate of their respective committee, and act in accordance with it.

5. Conduct of Public Meetings

Members shall prepare themselves for public meetings; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall not interrupt other speakers; make personal comments not germane to the business of the body; or otherwise disturb a meeting.

6. Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. Communication

Subject to paragraph 10, members shall publicly share substantive information that is relevant to a matter under consideration by the Board or a committee, which they may have received from sources outside of the public decision-making process.

8. Conflict of Interest

Members shall be aware of and act in accordance with Part 4 Division 6 of the *Community Charter,* and shall fulfill all parts of their *Oath of Office.*

9. Gifts and Favours

Members shall not accept any money, property, position or favour of any kind whether to be received at the present or in the future, from a person having, or seeking to have dealings with the Regional District, save for appropriate refreshments or meals, except where such a gift or favour is authorized by law, or where such gifts or favours are received as an incident of the protocol, social obligation or common business hospitality that accompany the duties and responsibilities of the member. A member may participate in Regional District programs open to the public and may purchase Regional District property or goods offered for public sale.

10. Confidential Information

Members shall respect the confidentiality of information concerning the property, personnel or legal affairs of the Regional District. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

11. Use of Public Resources

Members shall not use public resources, which are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Advocacy

Members shall represent the official policies or positions of the Regional District to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent the Board of Directors, a committee or the Central Coast Regional District, nor will they allow the inference that they do.

13. Policy Role of Members

Members shall respect and adhere to the Board-Chief Administrative Officer structure of government as practiced in the Central Coast Regional District. In this structure, the Board determines the policies of the District with the advice, information and analysis provided by the public, committees, and District staff. Members, therefore, shall not interfere with the administrative functions of the District or with the professional duties of staff; nor shall they impair the ability of staff to implement Board policy decisions.

14. Positive Work Place Environment

Members shall treat other members, the public and Regional District staff with respect and shall be supportive of the personal dignity, self-esteem and wellbeing of those with whom they come in contact during the course of their professional duties. Members shall be aware of and act in accordance with the Central Coast Regional District Harassment Policy, E-8.

15. Principles of the *United Nations Declaration on the Rights of Indigenous People*

The Central Coast Regional District endorses and support the Principles of the United Nation Declaration on the Rights of Indigenous People. ~~CCRD resolution 15-12-05 approves steps forward in its commitment to Truth & Reconciliation at a local level. Further CCRD resolution 15-12-32 requested Policy E-7 Ethical Standards of Conduct for Elected Officials, includes a section on the principles of the ***United Nations Declaration on the Rights of Indigenous People.***~~

Therefore, Members shall be guided by the Principles of the *United Nations Declaration on the Rights of Indigenous People.*

16. Implementation

The Central Coast Regional District Code of Conduct is intended to be self-enforcing. Members should view the Code as a set of guidelines that express collectively the standards of conduct expected of them. It, therefore, becomes most effective when members are thoroughly familiar with the Code and embrace its provisions.

Members elected or appointed to the Board of Directors will be requested to sign the Member Statement affirming they have read and understood the Central Coast Regional District Code of Conduct. In addition, the Board of Directors shall review annually the Code of Conduct, and shall consider recommendations from staff or committees, and update the Code as necessary.

17. Compliance and Enforcement

The Central Coast Regional District Code of Conduct expresses standards of ethical conduct expected for members of the District Board of Directors. Members themselves have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of the District.

The Board of Directors may impose sanctions on members whose conduct does not comply with the District's ethical standards, such as motion of censure. The Board of Directors may also rescind the appointment of a member to a committee for breaching the Code of Conduct.

To ensure procedural and administrative fairness, a member who is accused of violating any provision of the Code of Conduct with the exception of paragraph 14 shall have a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare his or her case to respond to these allegations. Before considering a sanction, the Board must ensure that a member has:

1. received a written copy of the case against him or her;

2. a minimum of one week, or the time between two consecutive meetings, whichever is greater, to prepare a defence against any allegations; and

3. an opportunity to be heard.

The procedures outlined in Policy E-8, Harassment, have been adopted by the Board for dealing with a complaint under Policy E-8 (see paragraph 14, above).

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Board decision.

Adopted: Nov 12, 1997
Amended: June 14, 2012
Amended: December 12, 2013
Amended: March 10, 2016
Amended: October 12, 2017

MODEL OF EXCELLENCE

Board of the Central Coast Regional District
and Board Appointees to Committees and Commissions

MEMBER STATEMENT

As a member of the Central Coast Regional District or of a District committee, I agree to uphold the Code of Conduct adopted by the District and conduct myself by the following model of excellence.

I will:

Recognize the diversity of backgrounds, interests and views in our community;
Help create an atmosphere of open and responsive government;
Conduct public affairs with integrity, in a fair, honest and open manner;
Respect one another and the unique role and contribution each of us has in making the Regional District a better place to work and live;
Strive to keep the decision-making processes open, accessible, participatory, understandable, timely, just and fair;
Avoid and discourage conduct which is not in the best interests of the Regional District;
Treat all people with whom I come in contact in the way I wish to be treated.

I affirm that I have read and understood the Central Coast Regional District Code of Conduct.

Signature _____

_____
Name (please print)

_____
Office / Committee

Date_____

CENTRAL COAST REGIONAL DISTRICT
OPERATIONS DEPARTMENT
BELLA COOLA AIRPORT
RATES AND CHARGES BYLAW 476

TO: Courtney Kirk, CAO
CC: Board Chair Alison Sayers and Board Members
DATE: October 5, 2017
FROM: Ken McIlwain, R.P.F. Operations Manager
SUBJECT: A Bylaw to Update Bella Coola Airport Rates and Charges

RECOMMENDATIONS:

1. **THAT the CCRD Board of Directors adopt Bylaw 476 "Bella Coola Airport Rates & Charges Bylaw No. 476, 2017"**

1. **BACKGROUND:** Proposed Airport Rates and Charges Bylaw 476 with an accompanying report by Airport Manager Ken McIlwain were originally presented at the July 20, 2017 CCRD Board Meeting. An amended version of proposed Bylaw 476 and a report were presented to the CCRD Board of Directors for consideration at the September 14th, 2017 CCRD regular board meeting. Directors gave first, second and third reading to the proposed bylaw.

2. **DISCUSSION:** Further review of proposed Bylaw 476 following the September 14th, 2017 board meeting identified some minor changes required. These are as follows:

   1. Some references to the old rates and charges bylaw were removed and the new bylaw number was inserted.

   2. The new rates and charges are set to come into effect January 1, 2018. This works well for operators that report annually and gives sufficient notice for operators to adjust their rates and give notice to clients.

   3. Passenger categories in the terminal fee table located in item 2b of Schedule A had overlapping seat numbering. This has been corrected.

4. The incremental per square inch rate for advertising space in the display case (Item 5 Schedule A) has been increased from $1.00 to $1.25 to reflect the rate paid for an 8.5" x 11" ad.

5. An additional line was added to the table in item 5 of Schedule "A" that outlines advertising fees. The new line contains an advertising location described as "Other" and is included so that if the opportunity arises to sell advertising space in an alternate location to the display case, the CCRD administration may go ahead and negotiate a suitable agreement with respect to a fair rate.

CONCLUSION: Adoption of the new rates and charges bylaw will allow sufficient time for staff to develop the 2018 airport budget and also allow airport operators to adjust their 2018 rates to reflect increases.

Respectfully submitted,

Ken McIlwain, RPF
Operations Manager & Airport Manager

CENTRAL COAST REGIONAL DISTRICT

BYLAW NO. 476

A bylaw to establish the rates and charges for the operation and management of the Bella Coola Airport and to repeal Bylaw No. 452

WHEREAS the board of directors for the Central Coast Regional District has adopted the "Central Coast Regional District Airport and Facilities Conversion and Service Establishment Bylaw, 410, 2011" with Electoral Areas C, D & E participating;

AND WHEREAS pursuant to Section 397 of the *Local Government Act* (RSBC 2015) the board may impose fees and charges in respect of the operation and management of the Bella Coola Airport;

AND WHEREAS the board of directors for the Central Coast Regional District deem it necessary to establish the rates and charges for the Bella Coola Airport Facilities;

NOW THEREFORE THE Board of Directors for the Central Coast Regional District, in open meeting assembled enacts as follows:

1. Bylaw 452 cited as the "Bella Coola Airport Rates & Charges Bylaw No. 452, 2015" is hereby repealed;

2. DEFINITIONS

   Airport: means the Bella Coola Airport, located in the Bella Coola Valley on the south bank of the Bella Coola River between the Snootli Creek and Nooklikonnik Creek junctions of the river, and includes terminal building(s), lease lots, runway, parking area and other things associated with the airport facilities.

3. RATES AND CHARGES

   The rates and charges hereto attached shall be due and payable thirty (30) days after the billing date, if applicable, and any rates or charges remaining unpaid after the said date shall have added thereto a percentage addition of 2% per month on the outstanding balance.

   Rates and charges will be reviewed from time to time and may be subject to an adjustment at the discretion of the board of directors, and in all cases applicable taxes will be added to the amounts contained in the attached Schedules;

4. All users of the airport terminal and facilities shall be subject to the rates and charges for airport passenger user fees, terminal fees, landing fees, fuel surcharges, aircraft parking fees and airport signage/advertising as prescribed in Schedule 'A; attached hereto and forming part of this bylaw, effective January 1, 2018.

5. Schedule 'A' attached hereto and forming part of this bylaw shall be effective as of January1, 2018.

6. This bylaw may be cited as "Bella Coola Airport Rates and Charges Bylaw No. 476, 2017".

READ A FIRST TIME THIS 14 day of September, 2017 .

READ A SECOND TIME THIS 14 day of September, 2017.

READ A THIRD TIME THIS 14 day of September, 2017

ADOPTED THIS day of , 2017.

Chair

Corporate Officer

I hereby certify that the above is a true and correct copy of Bylaw 476 cited as "Bella Coola Airport Rates and Charges Bylaw No. 476, 2017".

Corporate Officer

CENTRAL COAST REGIONAL DISTRICT
BYLAW NO. 476

SCHEDULE "A"

BELLA COOLA AIRPORT
RATES & CHARGES

1. Aircraft Landing Fees (Fixed Wing & Rotary Wing)

a)

Maximum Take-Off Weight (Rounded up to nearest 1000kg)	**$/1,000 kg**
Minimum Charge per Landing	$10.00
0 - 5,000 kg	$5.00
5,001 – 10,000 kg	$8.00
>10,001 kg	$10.00

* MTOW is based on aircraft registration documentation or as determined by airport manager.

b) Upon arrival at the Bella Coola Airport, aircraft operators will report to the Airport Attendant and remit payment of all applicable landing fees and airport passenger user fees. For after-hours landings or if the Airport Attendant is unavailable, the aircraft operator will complete the registration form available outside the Airport Attendant's office. The aircraft operator will be invoiced for the fees payable under this Bylaw.

c) The Central Coast Regional District (CCRD) may at its discretion, agree to open an account with a user of the airport facility whereby that user shall file to the CCRD monthly, with each payment of the fees required under this Bylaw, a statement of the numbers of all passengers commencing and terminating flights at the Bella Coola Airport for each day and a total for the applicable month, and the total number of flights for the applicable month, showing in sufficient detail the information necessary to calculate exactly the fees payable under this Bylaw.

2. Airport Passenger User Fees

a) Every Operator of a scheduled air passenger service shall pay to CCRD for each passenger on every flight of the Operator commencing or terminating at the Bella Coola Airport, an airport passenger user fee of $12.00.

b) Operators of commercial, charter, corporate, government or institutional aircraft with a passenger capacity of 8 or more will be charged the greater of the weight based landing fee for the aircraft, or the terminal fee in accordance with the following table:

Terminal Fee	
Air Ambulance Flights	$100
8-10 Seats	$100
11-20 Seats	$180
21-30 Seats	$300
31-40 Seats	$420
41-50 Seats	$540
51-60 Seats	$660

c) Operators of scheduled air passenger service shall file to the CCRD monthly, with each payment of the fees required under this Bylaw, a statement of the numbers of all passengers commencing and terminating flights at the Bella Coola Airport for each day and a total for the applicable month, and the total number of flights for the applicable month, showing in sufficient detail the information necessary to calculate exactly the fees payable under this Bylaw.

3. Fuel Surcharge

A Fuel Surcharge of $0.0347 per litre, applies to all aviation fuel delivered to or through the airport, including both Jet A and 100LL fuel. Calculation and remittance of this payment to the CCRD is the responsibility of the operator.

4. Aircraft Parking Fees

Aircraft Parking – BY MTOW	DAILY	MONTHLY	ANNUAL
0 – 2,000 kg	$7.50	$60.00	$375
2,001 – 5,000 kg	$10.00	$80.00	$500
5,001 – 10,000 kg	$15.00	$120.00	
10,001 – 30,000 kg	$30.00	$240.00	
>30,000 kg	$45.00	$360.00	
NOTE: All long term parking must be arranged through the Airport Manager			

5. Annual Advertising Fees

a)

LOCATION	ANNUAL FEE
Ad Brochure in Display Case – Up to 8.5x11 Inches	$75.00
Additional Ad display space over 8.5x11 Inches	$1.25/sq Inch
Business Card in Display Case	$25.00
Other	TBD by CCRD

NOTE: For those wishing to display or advertise in the terminal building display case, fees must be paid to the CCRD in accordance with this Bylaw. Fees for ads larger in size than 8.5x11 will be prorated based on an additional annual cost of $1.25 per square inch and subject to approval by airport manager based on demand for advertising room. The cost of the display is the sole responsibility of the payee. The format, content, size, shape and placement of the signage must receive prior approval of the CCRD airport administration which reserves

the right to refuse to display advertisements that are considered inappropriate or unacceptable. The CCRD may alter the annual fee based on the size or nature of the display. The annual fee is required to be paid in advance to December 31st of each year or portion of year.

6. Commercial Enterprises Operating on Airport Property

Businesses wishing to operate on airport property shall enter into an agreement with the Central Coast Regional District that stipulates the terms and conditions under which that business may operate while on airport property. CCRD administration is charged with negotiating and entering into agreements with interested parties.

7. Airport Fee Discounts and Exemptions

a) Non-commercial General Aviation registered aircraft are exempt from landing fees.
b) Training, touch-and-go & maintenance flights are exempt from landing fees.
c) Repositioning flights within airport property are exempt from landing fees.

(65)

BRITISH COLUMBIA

SEP 21 2017

Dear Mayors/Regional District Board Chairs:

In April 2017, the Government of Canada introduced two Bills in relation to the legalization of cannabis; Bill C-45 (the *Cannabis Act*) and Bill C-46 (amending the *Criminal Code* impaired driving provisions). The Bills are currently making their way through the federal parliamentary process with the goal of bringing Bill C-45 into force in July 2018, making non-medical cannabis legal in Canada as of that date. The federal government plans to bring into force the amendments related to drug-impaired driving as soon as Royal Assent is received.

While some aspects of non-medical cannabis regulation will be the responsibility of the Government of Canada, the Province of British Columbia will be responsible for other components. Under the proposed *Cannabis Act*, provinces and territories will regulate the distribution and sale of non-medical cannabis within their respective jurisdictions, subject to minimum federal conditions. Provinces and territories will have the authority to increase the minimum legal age established by the Government of Canada for purchase and possession of non-medical cannabis. In addition, provinces and territories will have the authority to regulate public consumption, establish additional restrictions on personal cultivation and possession limits, and address cannabis impaired driving in provincial road safety laws. As a result, British Columbia will have a number of decisions to make regarding how we regulate non-medical cannabis within our province.

We are interested in hearing what is important for your community concerning the legalization and regulation of non-medical cannabis in our province. As part of the broader engagement to support the development of the provincial regulatory framework, the Province will be engaging local governments directly, along with the public, Indigenous governments and organizations, and stakeholder groups. As part of this engagement, local governments are invited to provide written submissions to the Province. To help guide your submission, we have enclosed a discussion paper, which identifies a number of priority policy considerations for the development of a regulatory framework for non-medical cannabis in British Columbia.

.../2

Ministry of
Public Safety
and Solicitor General

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4

Please note that in order to promote the transparency of this engagement process, written submissions will be posted publicly. Submissions can either be made by email to cannabis.secretariat@gov.bc.ca or mailed to the Cannabis Legalization and Regulation Secretariat no later than November 1, 2017 at 4:00 pm at the following address:

Attn: Cannabis Legalization and Regulation Secretariat
Ministry of Public Safety and Solicitor General
PO Box 9285 Stn Prov Gvt
Victoria BC V8W 9J7

Please ensure your submission does not exceed five pages and does not include third party information or personal information, such as personal telephone numbers or stories that identify specific citizens.

Recognizing that local governments have a significant interest in the provincial regulatory framework for the legalization of cannabis, the Province intends to commence a process of consultation with the Union of BC Municipalities (UBCM). Provincial consultation with UBCM is anticipated to be ongoing until the provincial regulatory framework is developed. The Cannabis Legalization and Regulation Secretariat will also be holding a workshop on September 26th at the 2017 UBCM Convention. This workshop will provide an opportunity to outline the Province's work to date and start the dialogue with local governments about some of the challenges and opportunities arising out of the legalization of non-medical cannabis.

The Province looks forward to a productive engagement process and to working collaboratively with local governments. Your input is valued and the responses we receive through this engagement will help to inform the development of a regulatory framework that best represents the interests and priorities of British Columbians.

Thank you for sharing your perspectives with us.

Sincerely,

Mike Farnworth
Minister of Public Safety
and Solicitor General

Enclosure

(67)

Cannabis Legalization and Regulation in British Columbia

Discussion Paper

BRITISH COLUMBIA

Ministry of Public Safety and Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The Task Force report was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms.*

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

  However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year[1], we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a $1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an Immediate Roadside Prohibition (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

[1] Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an "L" or "N" designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.[2]

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

[2] Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

  In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

  One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.