

**An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal code and other Acts**

- This enactment provides legal access to cannabis and control and regulates its production, distribution, sale, and possession.
- The Act seeks to:
  - restrict youth access to cannabis
  - protect young people from promotion or enticements to use cannabis
  - deter and reduce criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import, export or provide cannabis to youth
  - protect public health through strict product safety and quality requirements
  - reduce the burden on the criminal justice system
  - provide for the legal production of cannabis to reduce illegal activities
  - allow adults to possess and access regulated, quality controlled legal cannabis, and
  - enhance public awareness of the health risks associated with cannabis.
- The current program for accessing cannabis for medical purposes would continue under the new Act.
- Cannabis would remain illegal until the proposed Cannabis Act is brought into force.
- No person could sell or provide cannabis to any person under the age of 18.
- In addition, the Act would create two new criminal offences, with maximum penalties of 14 years in jail, for:
  - giving or selling cannabis to youth, and
  - using a youth to commit a cannabis-related offence.
- In order to prevent youth from using cannabis, the Act would also prohibit:
  - products that are appealing to youth
  - packaging or labelling cannabis in a way that makes it appealing to youth
  - selling cannabis through self-service displays or vending machines, and
  - promoting cannabis, except in narrow circumstances where the promotion could not be seen by a young person.
- Penalties for violating these prohibitions include a fine up to \$5 million or 3 years in jail.
- Should the Cannabis Act come into force, adults who are 18 years or older would be able to legally:
  - possess up to 30 grams of legal dried cannabis or equivalent in non-dried form
  - share up to 30 grams of legal cannabis with other adults
  - purchase dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
    - In those provinces that have not yet or choose not to put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally-licensed producer
  - grow up to 4 cannabis plants per residence for personal use from licensed seed or seedlings, and
  - make cannabis products, such as food and drinks, at home provided that organic solvents are not used.
- It would be prohibited for adults who are 18 years of age or older to possess, in a public place, more than 30 grams of legal dried cannabis or equivalent in non-dried form.
- It would be prohibited for adults who are 18 years of age or older to possess any cannabis that they know is illicit cannabis.
- It would be prohibited for a person between the age of 12 and under 18 years of age to possess 5 grams of dried cannabis or equivalent in non-dried form.

- It would be prohibited for individuals to possess, in a public place, one or more cannabis plants that are budding or flowering.
- It would be prohibited for an individual to possess more than four cannabis plants that are not budding or flowering.

#### **Bill 26 – An Act to Control and Regulate Cannabis (AB)**

- Bill 26 was introduced on November 16, 2017 and passed on November 30, 2017. This legislation will:
  - Provide authority for the Alberta Gaming and Liquor Commission (AGLC) to carry out oversight and compliance functions as well as manage the distribution of cannabis
  - Establish the authority to carry out public online sales, and to licence privately owned and operated cannabis stores with strong oversight and provincewide rules, and
  - Establish provincial offences related to youth possession, public consumption and consumption of cannabis in vehicles.
- No person may import, distribute, grow, transport, store, purchase, sell, give, possess or use cannabis in accordance with this Act.
- No person, other than a department or agency designated by the Minister, may sell cannabis online.
- No person may purchase cannabis online except from a department or agency designated by the Minister.
- The board may not issue a cannabis licence that authorizes the sale of cannabis unless the business under which the activities authorized by the licence will be carried out are separate from any other business of the applicant – separate retailers.
- The activities authorized by the licence will be carried out in a location where no alcohol, tobacco, pharmaceuticals or other things are sold except cannabis, unless the other things are cannabis accessories or prescribed things (but not pharmaceuticals).
- There are no commissions on sales of cannabis.
- The board may make policies respecting the advertising and promoting of cannabis.
- No person may use and no cannabis licensee or employee or agent of cannabis licensee may permit a person to use cannabis in licensed premises when the sale and use of cannabis in those premises are prohibited under the regulations or a municipal bylaw.
- Use of cannabis in vehicles – no person may use cannabis in a vehicle unless, when the cannabis is being used, the vehicle is a temporary residence (i.e. parked at a campsite).
- Transportation – no person may transport cannabis in a vehicle unless the cannabis is contained in closed packaging that is out of reach of the driver and other occupants of the vehicle.
- Smoking and vaping – no person may smoke or vape cannabis:
  - In any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or the bylaws of a municipality
  - On any hospital property, school property or child care facility property, or
  - Within a prescribed distance from
    - A playground
    - A sport or playing field
    - A skateboard or bicycle park
    - A zoo
    - An outdoor theatre, or
    - An outdoor pool or splash pad.

### **Gaming and Liquor Amendment Regulation (AB)**

- This regulation amendment was introduced on February 16, 2018 and will govern how private cannabis retail stores will operate, including:
  - Who can own cannabis stores
  - Where they can be located
  - Staff requirements
  - Safety and security requirements, and
  - Other operational details.
- The AGLC will carry out licensing, oversight and compliance functions for private cannabis retail stores, as well as manage the distribution of cannabis.
- The board may not issue a cannabis store licence in respect of any premises located in a municipality, unless a development permit has been issued under the *Municipal Government Act* for the proposed use of the premises as described in the application for the cannabis license.
- A premises described in a cannabis licence may not have any part of an exterior wall that is located within 100 metres of
  - A provincial health care facility or boundary of the parcel of land on which the facility is located
  - A building containing a school or a boundary of a parcel of land on which the building is located, or
  - A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.
- A municipality may, in a land use bylaw, expressly vary the distance set above (100 metres) and set a different distance that is applicable to one or more of the types of properties referred above (provincial health care facilities, schools, land designated as school or municipal reserve).
- A cannabis retail store:
  - Must be located in a permanent facility
    - That is a freestanding building that does not contain another business, or
    - That is in a building in which there are other businesses, and
  - If it is in a building envelope where there are other businesses, the cannabis store must
    - Have its own entrance and exit separate from the exit and entrance for any other business
    - Have a common wall between the area to be occupied by the cannabis store and the area occupied by or to be occupied by another business that is a solid floor to ceiling wall constructed of materials other than glass or transparent materials
    - Have its own receiving and storage area separate from any other business, and
    - Not have any point-of-sale checkouts that are also used for another business.
- No more than 15% of the total number of issued cannabis licences in Alberta may be held by
  - One person, or
  - A group of persons in circumstances where, in the opinion of the board, more than 15% of the total number of issued cannabis licences are or would likely be subject to common control in any material respect.
- A cannabis licensee must, in accordance with the terms of the licence, maintain a system that tracks cannabis inventory perpetually and that:
  - Includes a point-of-sale tracking system
  - Enables the tracking of cannabis inventory both by product and by lot number, and
  - Is backed up weekly, with backup data being stored in a secure manner.

- A cannabis licensee must, in accordance with the terms of the licence:
  - Secure the perimeter of the licensed premises
  - Use a camera system to record activity inside the premises and at all points of entry
  - Use a monitored alarm system
  - Ensure that any cannabis and cannabis accessories displayed during hours of operation of the licensed premises are displayed in a locked showcase accessible only by authorized employees of the cannabis licensee
  - Ensure that any cannabis removed from display for viewing or sale is in sealed packaging or an approved display container in accordance with the policies of the board, and
  - Ensure that all cannabis is stored in a locked storeroom after the hours of operation of the licensed premises.
- A cannabis licensee may sell cannabis in the licensed premises only between the hours of 10:00 am – 2:00 am. A municipality may pass bylaws reducing the hours of sale and where a municipality has done so, the reduced hours apply to all licensed premises in the municipality.
- No person may smoke or vape cannabis in a licensed premises and within 5 metres of a playground, sports/playing field, skateboard/ bicycle park, a zoo, an outdoor theatre, or an outdoor pool or splash pad.

#### **Bill 6 – Gaming and Liquor Statutes Amendment Act, 2018 (AB)**

- Bill 6 was introduced on April 9, 2018 to propose additional amendments to the *Gaming and Liquor Act* to further prepare Alberta for the legalization of cannabis. If passed, the amendments would:
  - Rename the Alberta Gaming and Liquor Commission the Alberta Gaming, Liquor and Cannabis Commission (AGLCC)
  - Prohibit naming and branding cannabis retailers and products with terms and symbols that have medicinal connotations such as "therapeutic" or "medicinal"
  - Increase the maximum administrative fines or infractions of the *Gaming and Liquor Act* and regulation from \$200,000.00 to \$1 million
  - Allow a court to rely on a law enforcement officer's ability to infer that a product is cannabis based on its packaging, labelling or smell, for the purpose of offenses under this act, mirror the current practice for alcohol and tobacco, and
  - Create an offence to enable enforcement against an owner or operator of a premises who allows smoking or vaping cannabis where it is prohibited, similar to existing rules for alcohol and tobacco.