

Municipal Land Use Planning Responses to Cannabis Legalization

**Municipal Development Officers
Association of Nova Scotia
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Sydney, Nova Scotia



Cannabis Legislation

- The *Cannabis Act* (C-45) of June, 2018, paved the way to the legalization of cannabis in Canada on **October 17, 2018**.
- The Nova Scotia *Cannabis Control Act*
 - *First Reading: April 3, 2018*
 - *Second Reading: April 5, 2018*
 - *Third Reading: April 17, 2018*
 - *Royal Assent: **April 18, 2018***
- April to October – **Six Months**

Federal Responsibilities

- Federal areas of control
 - Production (growing and manufacture)
 - Types of cannabis products permitted
 - Packaging and labelling
 - Serving sizes and potency
 - Ingredients (terpenes & TBD)
 - Promotion

Nova Scotia's cannabis laws

Cannabis laws are different in each province and territory in Canada. Here's what you need to know about what is and isn't legal in Nova Scotia.

Nova Scotia

- 19 is the legal age to use, buy, grow or possess cannabis in Nova Scotia. If you're under 19, you can be fined or face criminal charges.
- The ***Smoke-free Places Act*** applies to the use of combustible cannabis in public places. You can be fined up to \$2,000 for a violation. **Municipalities may pass additional bylaws** that further restrict the use of cannabis in public places. Some have, so be aware of local bylaws.
- You can use cannabis in the privacy of your own home. If you rent, your landlord may amend your lease and put rules in place about cannabis smoking or growing.
- Cannabis in any form cannot be used in vehicles by passengers or drivers. You may be fined up to \$2,000 for consumption in a vehicle.
- If you're 19 or over, you can have up to 30 grams of dried cannabis (or equivalent) with you in public. There are no restrictions on how much you can keep in your home, as long as it's for personal use. Store cannabis safely and keep it away from children and pets.

Nova Scotia

- Legal age adults can grow up to **four cannabis plants per household**. Each apartment in a house or building is considered a separate household. Take extra care to grow safely if you have children or pets at home. **Municipalities may pass additional bylaws** that further restrict cultivation. Some have, so be aware of local bylaws.
- The Nova Scotia Liquor Corporation is the **only authorized retailer** of cannabis in Nova Scotia. Cannabis can be purchased by adults 19 or over at designated NSLC stores or online. For more information, visit the Nova Scotia Liquor Corporation. While edibles can be produced at home for personal use, it remains illegal under federal law to sell edibles, including at restaurants and markets.
- The rules for transporting cannabis in a vehicle are the same as alcohol.
- Cannabis legalization **does not affect the way medical patients access cannabis**. If you've been authorized by your health care practitioner and Health Canada to access cannabis for medical purposes, you can still buy it from licenced producer, grow your own for medical use, or designate someone to grow it for you. Health Canada will continue to regulate medical cannabis.

Land Use Considerations

- The Consumer
 - Grow your own
 - Residential Zones
- The Supplier
 - NSLC (For Now)
 - Commercial Zones
- The Producer
 - Licensed Facilities
 - Industrial Zones
 - No Zoning

Planning Tools

- Definitions
- Rezoning
- Development Agreements
- Site Plan Approvals
- Licensing

The Consumer – R1 Zone

The *Cannabis Act* (Canada) allows an individual who is 18 years of age or older to grow **no more than four cannabis plants** at any one time in their dwelling-house. The Cannabis Act (Canada) regulates the growing of four plants by prohibiting:

- cannabis to be grown by an individual who is 18 years of age or older at a place that is not their dwelling-house or to offer to do so; or
- two or more people living in the same dwelling-house from growing more than 4 cannabis plants at any one time in their dwelling-house.

The Cannabis Act (Canada) defines a dwelling-house as “the dwelling-house where the individual is ordinarily resident and includes:

- a) **any land that is adjacent to it** and the immediately contiguous land that is attributable to it, including a yard, garden or any similar land; and
- b) any **building or structure** on any land referred to in paragraph (a).”

How to Regulate?

- Reduce the numbers (but not to zero)
- Reduce the Area (Non serviced areas)
 - Inside Only in Serviced Areas
 - Not within Apartments
- License the Plants
 - Administration?
- Wait and See...

The Retailer – C1 Zone

The *Cannabis Control Act* (Nova Scotia) defines

“authorized cannabis seller” as the Corporation, **or a person authorized by or under the regulations to sell cannabis;**

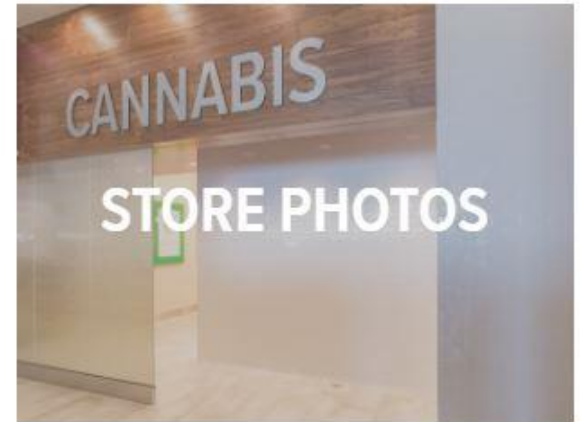
The Corporation is defined as: the Nova Scotia Liquor Corporation.

Typical Retail definition:

- RETAIL STORE means a building in which goods and merchandise, articles or things are offered for sale to potential consumers at retail value;
- DRUG STORE means “a commercial establishment which fills a broad range of pharmaceutical prescriptions, and which includes the display for sale of health and beauty products and general merchandise”.

Cannabis

As of October 17, 2018, customers will be able to purchase recreational cannabis from the NSLC. Here is where you can find information on our new mandate and how we will offer recreational cannabis responsibly.



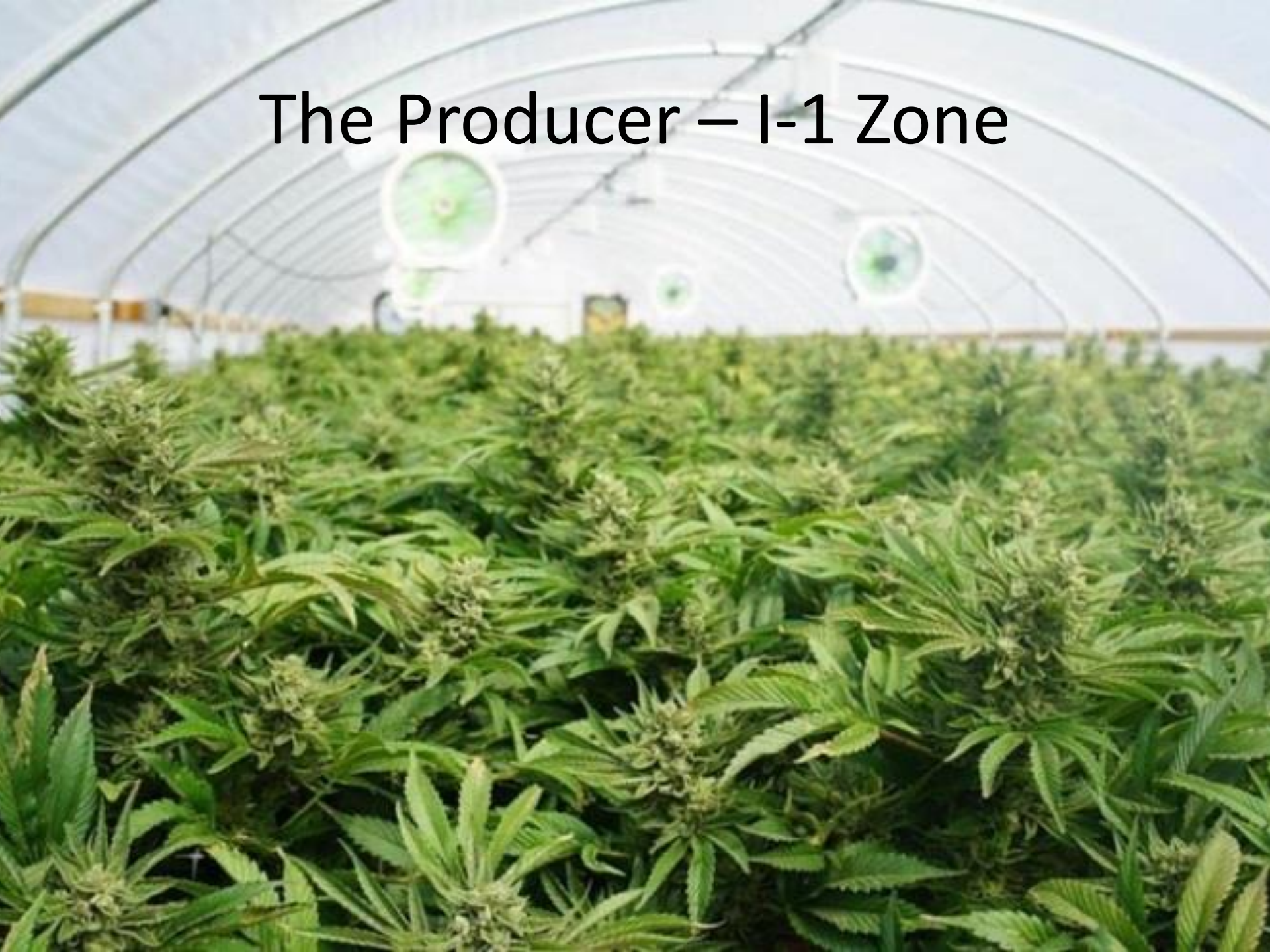
How to Regulate?

- Define your Terms
 - The Humpty Dumpty Principle:
 - “When I use a word,” Humpty Dumpty said, in rather a scornful tone, “it means just what I choose it to mean—neither more nor less.”
- Add it as a permitted Use within the zone
- Create a New Zone – Rezoning Policy
- Allow by Development Agreement
- Wait and See...

HRM Definitions

- CANNABIS LOUNGE means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.
- CANNABIS PRODUCTION FACILITY means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products, (a) including (i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and (ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and (b) excluding (i) industrial hemp, and (ii) premises used for personal production permitted by federal legislation.
- CANNABIS RETAIL SALES means premises used for the retail sale of cannabis, cannabis products or any of its derivatives such as oils or edible products to the general public.

The Producer – I-1 Zone



Other Issues

- Edibles
- Home Businesses –
 - Lighting, Bongs, Paraphernalia
- Compassion Clubs
- Smoking Societies
- Accessory Uses to Production Facilities
 - Restaurants
 - Retail Sales

Google Inspirational Quotes to End On...

When I was in England, I experimented with marijuana a time or two, and I didn't like it. I didn't inhale and never tried it again.

Bill Clinton

When I was a kid I inhaled frequently. That was the point.

Barack Obama

Let's Be Careful Out There.

Sgt. Phillip Esterhaus

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