

MOTION

6. Moratorium on Medical Marijuana-Related Business Development Permit Applications

MOVED by Councillor De Genova

SECONDED by Councillor Ball

WHEREAS

1. On June 24, 2015, Vancouver City Council approved amendments to the City's Zoning and Development By-law pertaining to Retail Dealers - Medical Marijuana-related Uses - with new rules to regulate and control medical marijuana retail businesses in the City of Vancouver;
2. The Government of Canada's Controlled Drugs and Substances Act (CDSA) currently prohibits possession, trafficking, import and export, and production of controlled substances, including marijuana, unless authorized by regulations;
3. The Government of Canada's Marijuana for Medical Purposes Regulations (MMPR) came into force in June 2013 to meet the requirement of the courts to provide Canadians who require marijuana for medical purposes with reasonable access to a legal source of dried marijuana;
4. Neither the Government of Canada's Marijuana for Medical Purposes Regulations (MMPR) nor any other Health Canada regulations currently authorize licensed producers to provide marijuana for medical purposes through a storefront;
5. To operate a medical marijuana-related retail business or compassion club in the City of Vancouver, a development permit and business licence are required;
6. Under the City of Vancouver's amended zoning By-law, the City of Vancouver has deemed 12 applications for medical marijuana-related businesses eligible to move forward with a development permit review, with an additional 30 (thirty) applications that meet zoning requirements (except for the minimum distancing from other medical marijuana-related retail use applicants), some of which could also soon proceed to the permits and licencing process phase;
7. In accordance with the City of Vancouver By-law, the majority of development permit applications for existing medical marijuana-related retail businesses have been refused due to the fact that they do not comply with the City's Zoning and Development By-law requirements and the operators have been informed that they must close by the end of April 2016 or face enforcement actions by the City, ranging from ticketing to injunctions and prosecution;

8. On December 4, 2015, His Excellency the Right Honourable David Johnston, Governor General of Canada, opened the First Session of the Forty-second Parliament of Canada and conveyed, in the Speech from the Throne, that the Government of Canada will introduce legislation to legalize, regulate and restrict access to marijuana;
9. Prime Minister Justin Trudeau's November 2015 Mandate Letter to Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, directs the Minister to work with the Ministers of Public Safety and Emergency Preparedness and Health to create a federal-provincial-territorial process that will lead to the legalization and regulation of marijuana;
10. The intent of the Government of Canada is to create a new regulatory framework that will remove marijuana consumption and incidental possession from the Criminal Code and create new, stronger laws to punish more severely those who provide marijuana to minors, those who operate a motor vehicle while under the influence of marijuana, and those who sell marijuana outside of the proposed new regulatory framework;
11. The intent of the Government of Canada is to create a federal/provincial/territorial task force to design a new system of strict marijuana sales and distribution, with appropriate federal and provincial excise taxes applied, and with input from experts in public health, substance abuse, and law enforcement;
12. In January 2016, it was announced that MP Bill Blair, the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, will be the Government of Canada's point person on the legalization and regulation of marijuana;
13. Neither the outcome of the Government on Canada's upcoming process to legalize and regulate marijuana nor the form of any new regulatory framework are known at this time, and the eventual status, as well as the current legality, of storefront medical marijuana-related businesses remains unclear.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to place an immediate moratorium on all Development Permit Reviews and processes for Medical Marijuana-Related Uses in the City of Vancouver, and that no business licenses for said uses shall be issued, until such time as the Government of Canada enacts legislation to legalize, regulate and restrict access to marijuana and implements a new regulatory framework and system for marijuana sales and distribution, whether it be for medical marijuana or recreational marijuana.

- B. THAT, in accordance with existing Canadian laws, Council direct staff to proceed with the enforcement of closure orders for all existing medical marijuana-related retail businesses in the City of Vancouver, including those in compliance with the City's Zoning and Development By-law, with enforcement actions to begin no later than the end of April 2016.
- C. THAT Council direct Mayor Robertson to write to Prime Minister Justin Trudeau, and the Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, requesting that the City of Vancouver be granted formal status in the federal-provincial-territorial process that will lead to the legalization and regulation of marijuana.
- D. THAT Council direct staff to engage with staff in other B.C. municipalities where storefront medical marijuana dispensaries have attempted to set up shop, as well as with staff in jurisdictions such as the states of Colorado and Washington, to gain from their firsthand experience with marijuana related businesses and any pitfalls they have encountered.

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