

RCMP Advisory Board – Meeting Minutes

Date: June 8, 2017

Time: 5:30 PM

Location: Town of Antigonish Council Chambers

Present

Chair, Hughie Stewart (Deputy Warden, County)	Carrol MacAdam (Member at Large)
Jack MacPherson (Councillor, Town)	Russel Nichols (Member at Large)
Sgt. Warren MacBeath (RCMP)	Matt Whitehead (Provincial Representative)
Laurie Boucher (Mayor, Town)	Fred Bell (Member at Large)
Vaughan Chisholm (Councillor, County)	
Glenn Horne (Municipal Clerk Treasurer)	

Minutes

1. Call to Order

Deputy Warden Stewart called the meeting to order at 5:32 PM.

2. Approval of the Agenda

Moved by Councillor Chisholm, seconded by Mr. Bell, that the agenda be approved as presented. Motion carried.

3. Approval of the Minutes

Moved by Councillor MacPherson, seconded by Mr. Whitehead, that the minutes be approved with the recommended changes to spelling of names of committee members. Motion carried.

4. Business Arising from the Minutes

There was no business arising from the minutes.

5. Restorative Justice

Councillor MacPherson spoke to a presentation he had recently attended concerning restorative justice. He had further spoken with S/Sgt. Glassford to confirm that changes to legislation allowing adult offenders an opportunity to receive restorative justice rather than traditional court system. Sgt. McBeth stated that this is a common practice for young offenders, but will now be available for adult first time offenders whose crimes are not against a person.

Councillor MacPherson made the point that restorative justice is working where it is available. Sgt. McBeth agreed. The Committee further discussed a local successful example with the Tall & Small Café.

Sgt. McBeth is making arrangements for a presentation to further inform the Committee about restorative justice and the extension to adults to be scheduled for September 2017.

6. Police Advisory Board Training

Councillor MacPherson raised the opportunity for Advisory Board Training, taking place at Pictou Lodge on September 27 – 29, 2017. Mr. Horne will circulate the training information and both the Town and County will provide the opportunity for Committee members to attend.

7. Summary of UNSM Workshop Re: Marijuana Legalization

Notes and presentations were provided by Councillor MacPherson and are attached to these minutes. Councillor MacPherson then spoke to a number of the aspects of this change in federal law, expected to take effect in July 2018, which will impact Municipalities.

A local experience was discussed by Mr. Horne and Sgt. McBeth, where a medical marijuana dispensary and paraphernalia shop is expected to open soon in the Municipality. There was much discussion around the table on the impacts to municipalities, the effects on individuals and challenges associated with legalization. Sgt. McBeth offered that one of the most significant challenges faced by the RCMP is the lack of an approved road-side test for marijuana use.

The Committee felt it would be best to have a similar presentation that was offered by the UNSM locally and invite neighboring municipalities. Following this presentation, it may be in our collective interest to establish a working group to review bylaw, policy and employment considerations. It was further emphasized that we should work together as a region to the greatest extent possible.

8. Police Act (Sections 57 – 68)

Mr. Horne reviewed these sections of the Police Act with the Committee. This was in response to questions as to the role and expectations of the Committee and its members. Generally speaking, the Committee has a dual role to provide advice and guidance to both the local Detachment and Municipal & Town Councils concerning policing and community safety. The Committee may be best positioned to determine a small number of priorities to work on over time, while still offering a voice to short-term challenges.

It was requested that these sections of the Police Act be provided to the Committee as a stand-alone document in the same form as terms of reference for other committees. Mr. Horne will follow up with this request.

9. Other Business

Sgt. McBeth raised the question of participation on this Committee from Paqtnkek First Nation. The Committee was in agreement that the participation of Paqtnkek was in the best interest of the larger community and a letter from the Co-Chairs extending an invitation to Chief Prosper to join the Committee would be taken to Paqtnkek by Sgt. McBeth.

The next meeting of the Committee was scheduled for Thursday, September 7 at 5:30 at the Antigonish RCMP Detachment.

10. Adjournment

Moved by Mr. Bell, seconded by Mr. Nicols, that the meeting be adjourned. Motion carried.

The meeting adjourned at 6:15 PM.

The word "HALIFAX" in a bold, white, sans-serif font, positioned in the upper right corner of the slide. The background features a dark blue geometric shape in the top right and a light blue shape in the bottom right, meeting at a diagonal line.

HALIFAX

Legalization of Cannabis: HRM's Current and Potential Regulatory Role

Bob Bjerke, Director and Chief Planner
May 26, 2017

- **Commercial Production**
- **Personal Cultivation**
- **Retail Sales**

Regulatory Tools

Land Use Controls

- Zoning, site plan, DAs etc.
- Location, size, setbacks, buffering etc.
- May require public consultations & Council approval
- At the time of development

Licensing

- On-going operations
- Performance standards, inspections, additional health and safety controls

Commercial Production

Current Role

- 38 licensed producers (medical) in Canada, 2 in Atlantic Canada, none in NS
- Permitted as a manufacturing, agricultural or greenhouse land use in HRM's various industrial and rural zones
- Two development permits issued, but not developed



Commercial Production

Potential Role

- Define and specifically permit facilities in appropriate zones
- Consider potential licensing requirements
- Balance economic development opportunities with land use conflict concerns



Personal Cultivation



Current Role

- Currently legal for medical purposes
- Expected to become more common place
- No municipal oversight

Personal Cultivation



Potential Role

- Public concerns: safety, property damage, nuisance
- Federal controls expected to limit impacts (4 plants, 1m in height)
- Impacts arguably similar to other activities (backyard composting, home brewing)
- Landlords may create rules under the NS Tenancies Act
- Few municipal examples
- No clear role for HRM

Retail Sales



Current Role

- Cannabis paraphernalia permitted as a retail use in many commercial zones
- Counselling and advocacy permitted as an office use in many commercial zones
- Dispensaries are illegal land uses and not permitted, denied development permits
- Coordinated enforcement approach
 - Compliance Officers: operating without a permit
 - Police: Drug Trafficking

Retail Sales



Potential Role

- Regulation of retail sales delegated to the Province, which has not yet proposed an approach
- Guidance from USA, Western Canada & Federal Task Force
- Anticipate using both land use controls (zoning) and licensing
- Approach will be informed by stakeholder and public consultations

What the past has taught us:

Potential issues:

- We currently have regulations in place to protect the public from second hand tobacco smoke
- We currently restrict smoking within geographic areas, on public transit, etc...
- Municipal staff are monitoring Federal and Provincial initiatives concerning the legalization of cannabis for recreational use which will inform our approach to new regulations.

Questions?



Legalization of Cannabis: Municipal Impacts

Cannabis in the Workplace

**Brian G. Johnston, Q.C.
May 26, 2017**

I. Introduction

- There is already cannabis in the workplace; but that will increase with 4.8 million Canadians age ≥ 15 expected to use in 2018. (Health Canada)
- Until recently marijuana was considered an illicit drug; now it is present as a medically authorized drug and in 2018 it will be a legal drug.

II. Medical Marijuana

- Medical marijuana has been around in various forms since 1999.
- Medical marijuana is different from other prescribed drugs because doctors do not prescribe it; they “authorize” it; albeit for medical purposes based on “sound clinical evidence”.
- Dried marijuana has no Drug Identification Number (“DIN”); nor is it approved by Health Canada.

Medical Marijuana

- Once marijuana becomes legal, there will be questionable need for physician authorization.
- Employers should deal with all prescribed medications by expecting that such do not have any negative impact on productivity/ safety, that the employee discloses the medication if they have such impacts, and that the employer goes through a risk-assessment and accommodation process.

III. Benefit Plan Coverage

- Medical marijuana is expected to remain an ineligible expense for health plans that limit eligible drugs to those with a DIN.
- There will be a lot of pressure on employers to have medical marijuana covered under plans.

IV. Legalization of Marijuana

- Legalization of marijuana changes everything.
- Employers should revise policies on Drug and Alcohol and Workplace Surveillance/ Search.

V. Adverse Effects of Marijuana

- Long term marijuana use can lead to addiction – approximately 9%.
- The effects of short term use are:
 - impaired short term memory;
 - impaired motor coordination;
 - altered judgement.

Adverse Effects of Marijuana

- Effects of long term or heavy use include:
 - addiction;
 - cognitive impairment with lower IQ;
 - diminished life satisfaction and achievement.
- Both immediate exposure and long term exposure to marijuana impair driving ability.

Adverse Effects of Marijuana

- Detection is challenging. Employers will need to rely on trained staff and reasonable suspicion “check lists”.
- Generally employers do not have the right nor do they “test” for drugs or alcohol other than for safety sensitive positions. That may change.

VI. ATU Local 113 v Toronto Transit Commission (2017 ONSC 2078)

- TTC dealt with an injunction application by ATU seeking to restrain implementation of random drug and alcohol testing. TTC had a policy which contemplated drug and alcohol testing of employees in safety sensitive positions:
 - when there was reasonable cause;
 - as part of a full investigation into a significant work accident or incident;
 - when employees are returning to duty after violating the policy;
 - when employees are returning to duty after treatment for drug and alcohol;
 - as a final condition of appointment to a safety sensitive position

ATU Local 113 v Toronto Transit Commission

- TTC later decided to amend its policy to require random drug and alcohol testing; (20% of employees would be tested each year).
- The Court did not grant the injunction. It was not satisfied that irreparable harm was proven. Any harm arising from random testing could be dealt with through a damages award.
- The balance of convenience did not favour granting the injunction.
- The Court was satisfied that an oral fluid test was capable of measuring impairment.

ATU Local 113 v Toronto Transit Commission

- Correct cut offs for oral fluid drug testing (i.e. 10 ng/ml for THC) showing a positive test could be associated with the use of that drug which is sufficiently recent that it falls within the known time frames for the impairing effects of marijuana.
- There was a demonstrated workplace drug and alcohol problem, which is hard to detect (and therefore factually different from the *Irving* decision).
- Cannabis was found to impair cognitive and motor abilities necessary to operate a motor vehicle and doubled the risk of crash involvement and that up to 24 hours following the use of marijuana a person's ability to drive or perform activities requiring alertness may be impaired.

ATU Local 113 v Toronto Transit Commission

“If random test proceeds, it will increase the likelihood that an employee in a safety critical position, who is prone to using drugs or alcohol too close in time to come into work will either be ultimately detected when the test result is known or deterred by the prospect of being randomly tested.”

VII. Policies

- Typical Alcohol and Drug policy contains the following elements:
 - Application;
 - Objectives of the policy – protect and promote healthy, productive and safe work environment;
 - Definitions;
 - Expectations;
 - Medications;
 - Prevention and assistance programs;
 - Consequences for policy breach.

Policies

- *Safety-Sensitive Position is one in which job performance requires the Employee to be alert, to be physically coordinated and to exercise good judgement and includes a position where impaired performance should result in considerable risk to...*

VIII. Conclusion

- Educate adverse effects of marijuana
- Educate for “reasonable suspicion”
- Review or create policies

Municipal Governments and Legal Cannabis

Craig Reid

Association of Municipalities of Ontario



Context

- Federal Legislation in April 2017
 - legalization before July 2018
- legal age
- four plant personal growing
- 30 gram possession
- federal licensing of growers/supply
- tools for driving enforcement
- provincial licensing of access to recreational cannabis including age and distribution channels, taxation/revenue



Context

- Left to provincial legislation and regulation

Minimum Age

- 18 +

Distribution System

- Default to Federal
- Public or Private Monopoly
- Private Market
- Mix

Municipal Role?

- Business Licensing
- Proximity to Certain Establishments
 - Schools, Day Cares
 - Recreation Centres
 - Etc.

AMO Taskforce

- AMO principles based on recognition that: municipal provision of safety, public health, infrastructure and other services is likely to be impacted by marijuana legalization
- **Principles**
 - Municipal government flexibility (to have distribution outlets and decide how many)
 - Recognition of local community impacts across province/nation (health and emergency services are likely to be impacted in all communities)
 - Local governments need to be able to respond to local concerns about business location/impacts
 - Information needed for municipal governments to make decisions on how to regulate locally – (issues for consideration, powers and authorities, funding, etc.)
 - Where growing/distribution concentration occurs, local governments should have financial stake (revenue tool for municipal governments that accept these businesses)

AMO Position

Includes:

- Licensing of growers and distribution outlets (including provincial monopoly) to respond to community concerns
- Municipal option of veto/opt out – either officially or through licensing controls
- Recognizing that municipal governments will have increased pressure from cannabis for public health and safety services across provinces – funding
- Current medical marijuana regulations should be revised to ensure local government licensing/influence esp. nuisance (noise, odour, etc.)
- Consumption venues should conform to tobacco smoking rules at least – municipal governments welcome to go beyond
- Dedicated municipal tax (discretionary) to recognize municipal responsibilities when hosting significant industries

Why Municipalities Need to Be Included

- Municipal governments deliver physical and other services depended upon for economic development and daily life – industrial grows need water, waste, roads, transit for workers, etc.
- Local communities need strong influence over businesses – local tolerance for proximity, redress for nuisance, and ability to resolve behaviour if needed
 - Cannabis use, for better or worse, still has social stigma – imposing it on communities will reinforce stigma/resentment
- Municipal governments understand their communities, have pre-existing land use plans, licensing, and economic development strategies built in consultation
 - They can effectively control proximity and concentration issues and community relations needs through these tools
- Implications for municipal human resources and organizational management

Emergency and Health Services Impacts

- Recognize that individuals have access to cannabis **NOW**
- But, increases in consumption by legal age adults have occurred after legalization in other jurisdictions
 - Ambulance calls
 - Hospital visits
 - Police road safety programs
 - In US legalized states there has been an increase in illegal activity and growing – by-product of state-by-state market
 - Public health education
- Requires new tools and training for municipal staff

Emergency and Health Services Impacts

- Drugged driving requires new tests – saliva test and blood test included in federal legislation with new penalties – test kits are thought to be hundreds of dollars each
- Police training to recognize and administer tests will likely increase costs
- Impacts may be seen on greater scale in communities with fewer resources to manage them
- Funds needed to ensure there is a common level of safety and health service



Why Municipal Licensing?

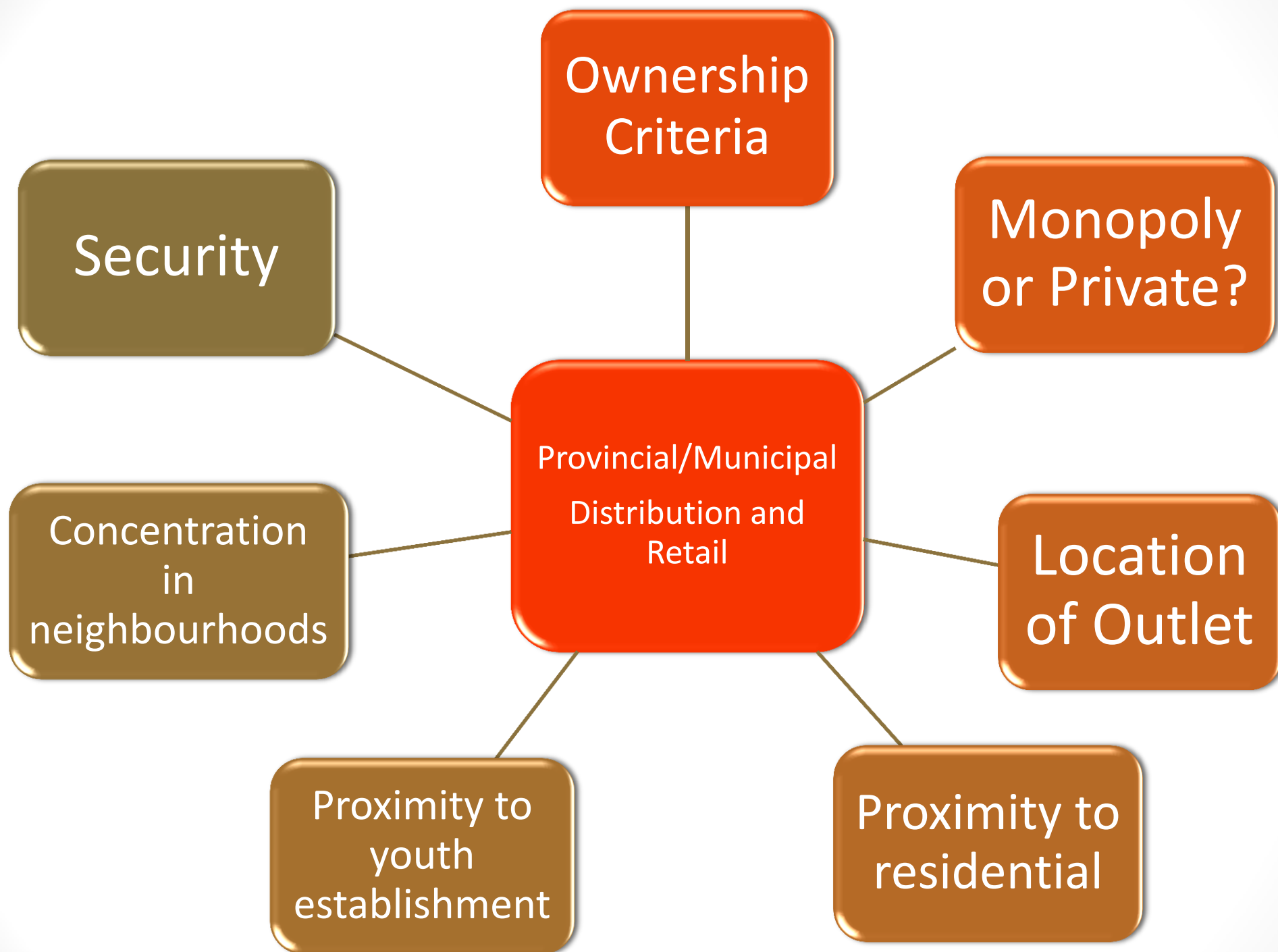
- Local communities must have a strong say in how cannabis is produced and distributed in Ontario
 - Balance between control and demand is delicate and best done at local level
 - Provincial or federal governments are too far away from local concerns/environments to effectively site businesses and gauge community tolerance
 - Response to evolving concerns is faster – especially nuisance
- Major tool for local economic development planning – can effectively develop clusters/concentrations (wineries in Niagara, craft brewers, etc.)
- Ability to include/require neighborhood relations plan as part of a license—proactively mitigates community concerns and creates process for longer-term engagement
- If conditions not met – local government can effectively suspend license or put in place terms and conditions

What Would a Municipal Licensing Regime Include?



Growing Operations

- Ownership criteria – funding, prior convictions of owners
- Indoor/outdoor location
- Industrial – water and wastewater services, waste management, energy
- Site security measures in place
- Odour control/nuisance/neighborhood relationship plan
- Transit, transportation of workers and product
- Municipal governments need a way to take action on bad actors/issues – Health Canada may be remote



Consumption Venues

- Some US jurisdictions did not legalize social consumption venues – personal home consumption was the only option
- Denver passed Proposition 300 in 2017 – allows licensing of certain venues (bars and restaurants, clubs)
 - cannot smoke inside or in view of public and cannot sell cannabis where alcohol or food is sold
- If cannabis is legal to consume, people that choose to use it need a place to consume it
 - Can lead to continued prohibition and public use – with criminalization of those without a legal venue
 - Need to consider whether dedicated places of consumption are within the local public interest
 - Municipal governments would be better placed to designate consumption venues than the province or federal government – non-smokers' rights considered



Potential Opportunities

- Colorado 2016 - \$1.3 billion in sales, \$200M state revenues
 - \$40 million to Public School Fund
- Pueblo County - \$425,000 Cannabis Funded Scholarship
 - For local post-secondary students



Potential Opportunities

Canadian Market for Cannabis

\$5 - \$7 billion



Potential Opportunities – New Brunswick

- Investments in/incentives for growers
- College training program for grow workers
- Capitalize on legalization – 300 jobs in 2 growers



Potential Opportunities – British Columbia

- Kwantlen Polytechnic University Cannabis Professional Series
 - growing
 - facilities management
 - marketing and business



Potential Opportunities – Ontario



- Possible transition of tobacco farming
- Northern/rural communities in cannabis cultivation
- Craft cannabis?
 - Growing and retail

Local communities must have a strong say in how cannabis is produced and distributed in Antigonish.

Municipal government flexibility (to have distribution outlets and decide how and where •

Local governments need to be able to respond to local concerns about business location/impacts:

Includes: •

Licensing of growers and distribution outlets to respond to community concerns •

Recognizing that municipal governments will have increased pressure from cannabis for public health and safety services across provinces •

Consumption venues should conform to tobacco smoking rules at least – municipal governments welcome to go beyond •

Dedicated municipal tax (discretionary) to recognize municipal responsibilities when hosting significant industries.

Recognize that individuals have access to cannabis NOW • But, increases in consumption by legal age adults have occurred after legalization in other jurisdictions •

Ambulance calls •

Hospital visits •

Police road safety programs •

Public health education •

Requires new tools and training for Drugged driving requires new tests – saliva test and blood test included in federal legislation with new penalties – test kits are thought to be hundreds of dollars each •

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