



We are pleased to provide an update to our members on the legalization of cannabis in the NWT. It is a complicated transition period and this summary is our best attempt to provide information to assist communities.

Status of Federal Legislation

- Cannabis Legalization Bill has been passed by the Senate with more than 40 amendments.
- The House of Commons now has to accept/modify/reject the proposed amendments. This could lead to delays to royal assent of weeks.
- Federal Government has indicated that 8-12 weeks will be provided for Provinces and Territories to set up retail sales.
- Legal sales will likely occur in September or October.
- Edibles and concentrates are targeted for legalization in 12 months.
- Amendment to Impaired Driving regulation is also required.

Status of Territorial Legislation

- Bill 6 – Cannabis Legalization and Regulations Implementation Act
 - Received 3rd Reading and Assent on June 1, 2018
- Initially GNWT is planning to sell cannabis in the NWT's 6 liquor stores as well as through on-line purchasing.
- The *Cannabis Products Act* allows for the establishment of private cannabis retailers in communities across the NWT, provided that these retailers meet a set of established criteria. These criteria will be finalized within six months of legalization day.
- Smoking Regulations will be under the Cannabis Smoking Control Act. It would appear that restrictions will be in place for
 - In a public (?) building, structure or facility (including school grounds)
 - Any locations where smoking of tobacco is currently prohibited
 - Areas including those commonly used by children or crowded places including children's playgrounds, sporting fields and public parks during public events
- It appears that public consumption will be allowed in some public places such as trails and parks except when they are being used for public events.
- Anticipating regulations to further clarify the Act.
- Please see a copy of GNWT's Bill 6 [here](#). Please be aware that some amendments were made before 3rd reading of the Act that may not be reflected in this version.

Plebiscite

- All communities (municipalities and unincorporated communities) that do not have a cannabis store can request a plebiscite much like under the Liquor Act. The plebiscite will explore whether the community would like to see cannabis within community boundaries
 - Unrestricted
 - Restricted
 - Prohibition
- The community (municipal or band council) must request the plebiscite by resolution submitted to the Minister of Finance. GWNT will conduct a plebiscite within 25 days of receipt of the request.
- Once a community has a cannabis store operating, it can no longer request a plebiscite to restrict or prohibit sales.
- Communities that already have Liquor Stores will need to make application to have a plebiscite to prohibit or regulate cannabis take place prior to cannabis sales start. This applies to Yellowknife, Norman Wells, Inuvik, Fort Smith, Hay River and Fort Simpson. In order to ensure that the plebiscite takes place before sales start, these communities must make their request for a plebiscite by **July 16, 2018**.
- All other communities can request a plebiscite at any time in advance of the opening of a cannabis store.
- Given the planned privatization of sales as early as 6 months after legalization day, if a plebiscite is something that a community may want to pursue, it should consider passing and serving the resolution to the Minister of Finance no later than roughly 4 months after legalization to allow time for the plebiscite prior to a potential opening of a cannabis store.
- Please note that any request for a plebiscite made after July 16 will allow the delivery of mail-order sales to your community until after the plebiscite takes place.
- Act also allows for a temporary prohibition order in communities that do not have a cannabis store. Can be requested by either municipal or band councils.

Zoning and Building Permit By-laws and Business Licensing

- Retail sales will be in Liquor stores for the first 6 months and by mail order.
- Opportunities for private retail will open up after this time.
- In the longer run, this will create the need for communities to look at their zoning by-laws and business licensing by-laws.
- NWTAC will explore developing other resources that may assist with this.
- Include both growing, vending and consumption facilities in your amendments.
- May want to consider Proximity and Clustering Restrictions.
- May want to explore clauses for licencing such as days of operation, age of individuals on the premises, the keeping of records etc.
- See Chapters 2 & 3 in [FCM's Municipal Guide to Cannabis Legalization](#).

Smoking By-Laws & Policies/Public Consumption

- Community Governments can pass their own Smoking by-laws that add to the Territorial Restrictions
 - See by-law template [here](#).
 - Public spaces definition is critical.
- The act reads that a municipal council may make a bylaw governing the smoking of cannabis if it is more restrictive in respect of the places where cannabis may be smoked than the prohibition set out in the Act
- If your council were to attempt to make a bylaw which prohibits the smoking of cannabis completely within municipal boundaries (including in dwelling-houses, etc), that is something that the GNWT would likely take issue with. You should use the plebiscite to achieve this instead.
- Need to also consider Municipally-owned or Managed Property
 - Review your community events and municipal alcohol policies.
- See Chapter 4 in [FCM's Municipal Guide to Cannabis Legalization](#).

Enforcement

- Primary Enforcers of the Act will be the Department of Health and Social Service's Environmental Health Officers. They currently enforce the Territorial Tobacco Control Act.
- Communities can request to have their By-law Officers to be authorized to conduct enforcement of elements of the Territorial Legislation
- Working group being formed to address enforcement planning in NWT
- See Chapter 6 in [FCM's Municipal Guide to Cannabis Legalization](#).

Revenues

- The Federal Government has increased the share of excise revenues to Provinces and Territories from 50% to 75% on the understanding that the increased amount would be passed on to communities.
- NWTAC has made a request for a share of the revenue associated with cannabis sales to be provided to communities. To date the answer has been no but we will continue to lobby on this issue.

Public Education

- Department of Health and Social Services is taking the lead on Public Education.
- Some materials have started to be circulated through mail and radio ads have started.
- NWTAC has offered to assist with providing materials to communities to assist with public education.

Public Housing

- We have requested an interpretation from the Housing Corporation about how they intend to handle the issue of cultivation of plants and smoking in Housing Corp units. Will share the information as soon as we receive it.

Employment Policies

- Workers' Safety and Compensation Commission (WSCC) will be responsible for regulating cannabis in the workplace.
- Council must approve the policy for it to be in effect.
- Be sure and properly introduce your Union or Employee Association to the policy.
- Be sure to provide each employee with 2 copies of the Policy and require that all employees must sign back one copy to be kept on file.
- See Chapter 5 in [FCM's Municipal Guide to Cannabis Legalization](#).
- See NWTAC Policy Template [here](#). This draft has been reviewed by WSCC and Labour Standards.

Resources

Linked for your use are a number of different resources that may assist:

- [GNWT Bill 6](#)
- [GNWT Plebiscite News Release – June 6, 2018](#)
- [FCM's Cannabis Primer](#)
- [FCM's Municipal Guide to Cannabis Legalization](#)
- [NWTAC Marijuana Legalization Implementation Resolution](#)
- [NWTAC Employment Policy](#)
- [NWTAC Smoking By-law Template](#)

Limitation Clause

The legalization of Cannabis in Canada and the NWT is changing constantly. Every attempt has been made to ensure that this information was accurate at the time of publication. It is provided for information purposes only and is not intended to replace the advice of legal counsel.