

Created: Feb 06, 2014

This bulletin is for informational purposes only. Please be sure to consult the relevant City of Kelowna bylaw.

PURPOSE

To inform potential license applicants, owners, developers, builders, subcontractors, designers, consultants and staff about the new Health Canada guidelines for a licenced producer under the *Marihuana for Medical Purposes Regulations*.

BACKGROUND

The Marijuana Medical Access Program ends on March 31, 2014. This is also the date that all Authorizations to Possess, Personal-Use Production Licences and Designated-Person Production Licences expire. As of April 1, 2014, the only legal access to marijuana for medical purposes will be through licensed producers under the *Marihuana for Medical Purposes Regulations*, even if you have an authorization to possess or a licence to produce that has a later date.

Changes to the Health Canada's *Marihuana for Medical Purposes Regulations* will require that all City of Kelowna by-law requirements including zoning are met.

Health Canada will only inspect for compliance with the *Marihuana for Medical Purposes Regulations* and any related federal legislation. Licensed producers are required to notify their local government, local police force and local fire officials of their intention to apply to Health Canada, so that local authorities are aware of their proposed location and activities. The contacts are as follows;

1. City of Kelowna - Stephen Fleming 250-469-8660
2. Kelowna Fire Department - Fire Prevention Officer 250-469-8801
3. RCMP Kelowna Detachment - 250-762-3300

The new medical marijuana production facilities use is proposed as being a principal permitted use in certain Industrial zones (e.g. I2 - General Industrial and I3 - Heavy Industrial Zones) while being prohibited in all other zones (e.g. Residential, Agricultural and Commercial). Council will be considering the amending bylaw shortly for this use.

The proposed Health Canada *Marihuana for Medical Purposes Regulations* includes the following compliance requirements:

- The licensed producers are required to comply with all federal, provincial and municipal by-laws. This includes compliance to the City of Kelowna bylaws such as zoning, building, plumbing, gas, development cost charges and business license by-laws.
- The licensed producer is obligated to obtain the required permits prior to commencement of any related work on a chosen development site or building.
- The onus is on the potential licensed producers to communicate with the City of Kelowna to ensure that they do not contravene any municipal by-laws.

Building & Permitting
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- Licensed producers are required to communicate with local authorities whenever there is a change in the status of their license.
- When production ceases, the premises must be cleaned to the standard contained in the Safe Premises Bylaw (currently under development).
- Health Canada identification number must be provided.
- Copy of Health Canada Medical Grow licence must be provided to the City;
- A list of employees must be provided to the City and kept updated;
- Evidence must be presented that all employees have passed an RCMP criminal records check on an annual basis;

Grow Operations Licensed PRIOR to March 31, 2014

The production of marihuana in homes or commercial spaces beyond March 31, 2014, **will be illegal** and may result in law enforcement action. The *Marihuana for Medical Purposes Regulations* license holders under expired federal regulation may contact Health Canada for guidance to dismantle the operation.

The City of Kelowna may be in a position to declare that a building of a grow operation, which was licensed prior to April 01/2014 is in compliance with the legislative health and life safety requirements for the purpose of resale or further occupancy, once the property owner obtains the required permits for dismantling or decommissioning of the grow operation, completes the upgrade work (if any) and passes all inspections.

IMPLEMENTATION

Under the new *Marihuana for Medical Purposes Regulations*, the City of Kelowna Building & Permitting Branch may process a complete building permit application, for any construction or renovations that are required to facilitate the licences facility, upon City Council approval of the following bylaws or text amendments currently in progress:

- Zoning Bylaw No. 8000
- Business License Bylaw No. 7878
- Safe Premises Bylaw No. 10064

More information about the new regulation of Health Canada MMPR may be found at <http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php>