



## RDEK Board Cannabis Presentation

Highlighting the Provincial Cannabis Control Regulations; **Marketing, advertisement or promotion of a place to consume cannabis; 37:** A person must not market, advertise or promote any place as a place to consume cannabis or to spend time after consuming cannabis.

This prevents the licensing of cannabis businesses not associated with primary sales. Examples are cannabis cafes, farm sales, tours, and businesses focused on cannabis culture.

We hope to build support at the AKBLG Convention for the RDCK resolution to be endorsed and move forward to the UBCM Convention.

### **RDCK Resolution on B.C. Cannabis Regulation: Section 37.**

**“THEREFORE BE IT RESOLVED** that the Union of BC Municipalities work with the provincial government to remove Section 37 from the BC Cannabis regulation, which will remove a significant barrier to the success of the cannabis industry in British Columbia.”



Still nowhere to  
socialize and  
enjoy cannabis!

My patch of four did  
great, and I want to  
share!

It's that provincial  
regulation, Section 37,  
that has us stuck.

Surely we could meet  
somewhere better than the  
muddy riverbank.

We need to get rid  
of Section 37.

Then we could meet  
at the cafe, or the  
farmhouse!



## What Is The Issue?

B.C. Cannabis Control  
Regulation Section 37,  
Marketing: A person must not  
market, advertise or promote  
any place as a place to consume  
cannabis or to spend time after  
consuming cannabis.

## What Does It Mean?

No permitted place in town  
to gather, socialize and  
enjoy cannabis.

No farm-gate tastings or  
tours.

## What Can We do?

**Take the Survey!**

**Have informed  
conversations.**



**Section 37 is a full stop prohibition for any business other  
than retail primary such as “Farm Sales” and Cafes.**

This Provincial section prevents people from gathering to  
socialize, share and celebrate their legal cannabis.

The marketing terms “Farm Sales” “Local” and “Craft” are  
becoming more common. People **assume** it is possible.  
Current Provincial cannabis policy must be open for review.

Cannabis farm gate sales, farm tours, and consumption cafes  
will provide job opportunities. Endorsing this resolution  
supports legal business development throughout the  
Kootenays.

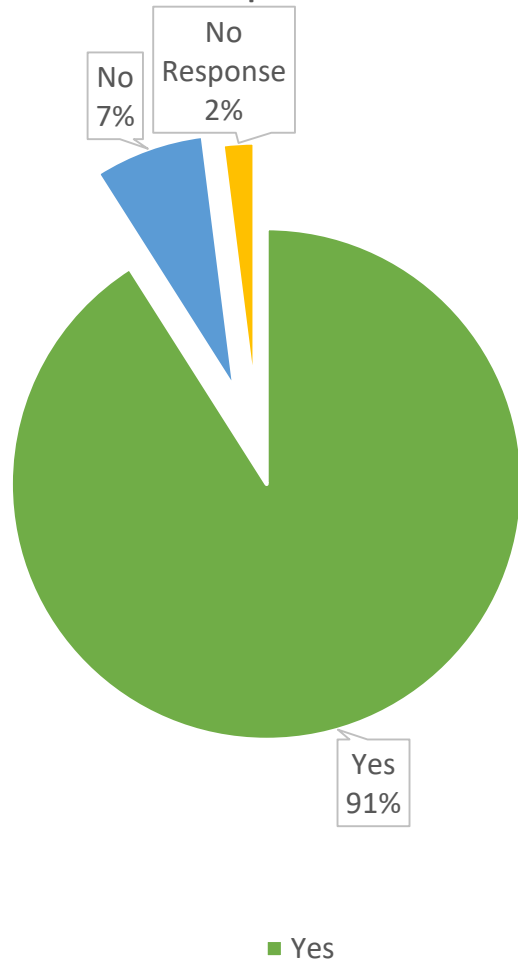
There is currently no federal prohibition on consumption cafes.

Value added agriculture is a recognized regional opportunity.

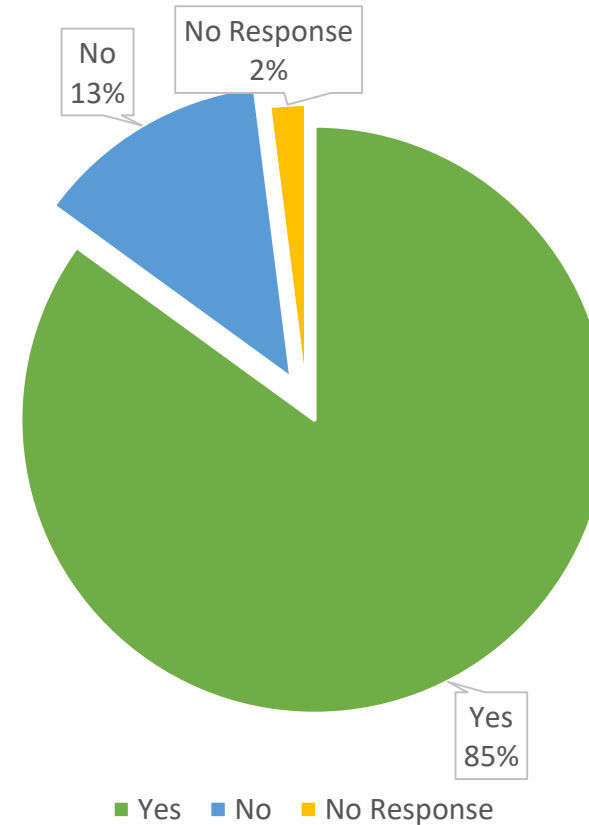
The RDCK Resolution unanimously passed on Jan 16, 2020.

# Results of 2020 Nelson Survey

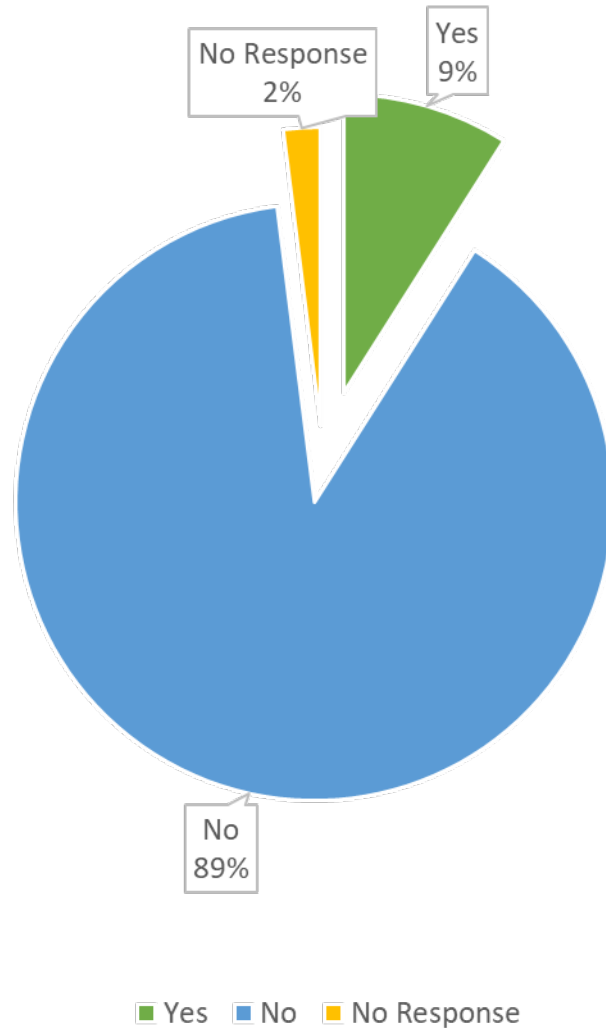
Do you support cannabis consumption cafes?



Section 37 of The B.C. Cannabis Control Regulation states that: a person must not market, advertise or promote any place as a place to consume cannabis or to spend time after consuming cannabis. Is this an unreasonable restriction?

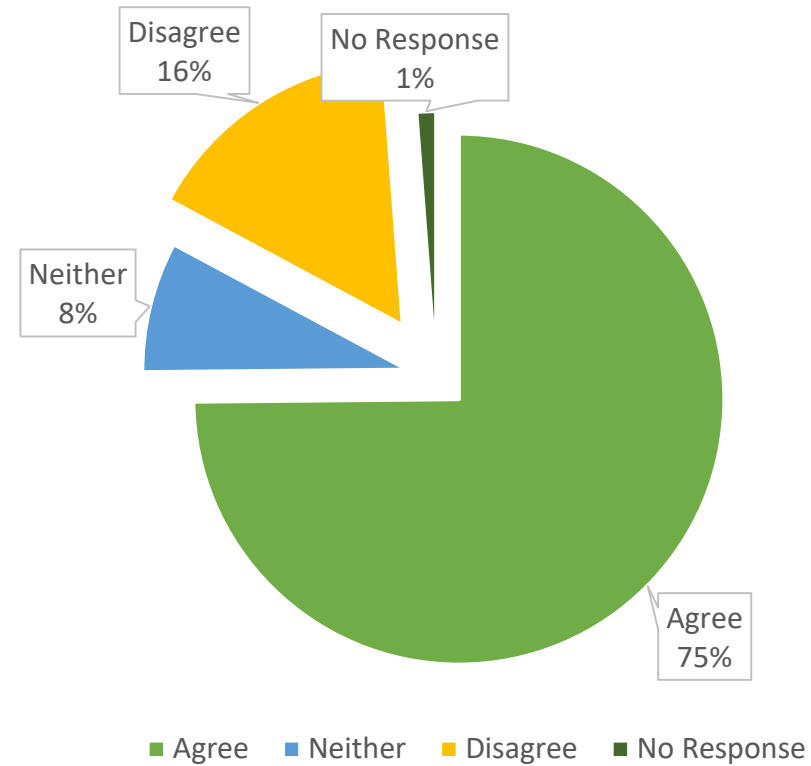


A goal of cannabis legalization was to eliminate the illicit market, does current policy effectively achieve this?



## B.C. Provincial Survey

"B.C. Should consider establishing licensed establishments (such as tasting lounges or cafes.)"





## Section 37 Through The Lens of The Charter of Rights and Freedoms

### Fundamental Freedoms Section 2

Everyone has the following fundamental freedoms:

(c) freedom of peaceful assembly; and

(d) freedom of association

**“The basic theory underlying the Charter is that the state will respect choices made by individuals and, to the greatest extent possible, will avoid subordinating these choices to any one conception of the good life.”**



“An aspect of the respect for human dignity on which the Charter is founded is the right to make fundamental personal decisions without interference from the state. This right is a critical component of the right to liberty. If the State, in pursuing a legitimate objective, uses means which are broader than is necessary to accomplish that objective then the individual's rights will have been limited for no reason.” The effect of overbreadth is that in some applications the law is arbitrary or disproportionate.

We suggest that supporting The RDCK Resolution towards the UBCM will contribute to improved Provincial cannabis policy and regulations.