Policy to the Point

Preparing for Cannabis Legalization
PREPARING YOUR NONPROFIT FOR CANNABIS LEGALIZATION

The legalization of cannabis on October 17, 2018 will impact nonprofit workplaces and regulations, but also result in a new wave of related services, programs, and nonprofit organizations. As Canada becomes among the first international jurisdictions to legalize cannabis, the beginning stages will require all members of the community to learn, adapt, and be flexible. Ultimately, it will be the duty of all Canadians to become familiar with relevant laws and regulations, and, should they choose, to use cannabis responsibly.

In anticipation of cannabis legalization, nonprofits should:
• review relevant federal, provincial, and municipal regulations and areas of jurisdiction,
• develop or amend workplace policies,
• consider the scope of medical cannabis benefits plan coverage, and
• train and educate staff and volunteers about new policies and implications.

CANNABIS IN THE WORKPLACE

Alberta Occupational Health and Safety legislation requires that employers provide a safe and healthy work environment for workers. When cannabis becomes legal, there is some anticipation that people may assume more flexibility around its use in the workplace. However, the inappropriate use of cannabis can have adverse effects on job performance, the health of all employees, and the safety of the individual and his/her coworkers.

CCVO recommends that nonprofits consider updating or developing a workplace policy to address the use of cannabis. Employers will need to consider both recreational use, which might be similar to a workplace drug and alcohol policy, and the medical authorization to use cannabis, which can trigger an employer’s duty to accommodate. While employers have a right to prohibit impairment on the job, legal guidance is highly recommended in establishing policies, especially if an employer is considering implementing a substance-testing procedure.

MEDICAL CANNABIS AND DRUG PLANS

Cannabis legalization may come with a rise in requests for medical cannabis prescription coverage under health and benefits plans. While employers have discretion to exclude coverage for medical cannabis, there are issues to consider if an employer is interested in exploring the scope of medical cannabis benefits plan coverage.

Nonprofits should be aware of the following benefit plan considerations:
• Historically insurers have not been willing to provide coverage for medical cannabis (except on a case-by-case basis).
• Certain insurers may allow medical cannabis as optional coverage, or as part of health spending accounts.
• Employer sponsored group benefits plans would not cover recreational (non-medical) cannabis.
• If coverage is to be provided, consider whether it is appropriate to include caps on the amount of coverage.
TRAINING AND EDUCATION

The realities of talking about legislation, policy, and enforcement of cannabis can have an impact on a workplace built on trust, collaboration, and teamwork. While CCVO supports the goals of thriving nonprofit work cultures, we encourage employers to share the policies that have been put in place openly with their staff and volunteers to ensure the safety and wellbeing of everyone. Nonprofits may consider delivering a webinar to staff that highlights and educates on the organization’s substance use policy in a way that is informative and engaging. Additional training should be considered to educate staff about the links between stress, mental health, substance abuse, mental illness, and resiliency and coping, as well as to promote overall health and wellbeing.

BACKGROUND

In April 2017, the federal government introduced Bill C-45, known as the Cannabis Act, to legalize recreational cannabis. This bill creates a framework to regulate how cannabis is produced, distributed, and sold across Canada by identifying health and safety standards, establishing criminal prohibitions, and defining responsibilities for provincial and municipal governments. The Cannabis Act is currently awaiting Royal Assent.

In February 2018, the provincial government released legislation and regulations regarding cannabis legalization through its Cannabis Framework. In April 2018, Calgary Council approved bylaw amendments that would enable the future retail sale and put limits on consumption of legalized cannabis in Calgary.

The federal, provincial, territorial, and municipal governments share responsibility for overseeing the proposed new system and have released the following information to guide the public:

According to the Federal Cannabis Act, adults will be allowed to legally engage in the following activities:

• Purchase fresh or dried cannabis, cannabis oil, plants, and seeds for cultivation from either a provincially or territorially regulated retailer, or where this option is not available, directly from a federally licensed producer.
• Possess up to 30 grams of dried legal cannabis or equivalent in public.
• Share up to 30 grams or equivalent of legal cannabis and legal cannabis products with other adults.
• Cultivate up to four plants in their own residence (four plants total per household).
• Alter cannabis at home in order to prepare varying types of cannabis products (e.g., edibles) for personal use provided that no dangerous organic solvents are used in the process.
• Medical cannabis will continue to be available through medical authorization as it was before.
According to the Alberta Cannabis Framework:

- Individuals must be 18 or older to purchase or consume cannabis.
- Local rules will vary on where it is permissible to consume cannabis.
- No cannabis use is allowed in vehicles – even by passengers.
- Licensed producers will sell products to the Alberta Gaming and Liquor Commission (AGLC) which will oversee distribution and ship products to privately owned cannabis retail outlets across Alberta.
- While the province has set restrictions on where the cannabis retail stores can be located, detailed rules are set by local municipalities.
- AGLC will oversee retailers and enforce province-wide regulations.
- Cannabis will be available online exclusively through AGLC.
- Medical cannabis will continue to be available through medical authorization as it was before.

According to Calgary Municipal bylaw development:

- It will be illegal to consume recreational cannabis in any form (smoking, vaping, or edibles) in public places, except for designated cannabis consumption areas.
- Consumption methods other than smoking or vaping of medically prescribed cannabis will be permitted in all public settings. This includes: consumption of edibles, caplets, tinctures or sprays, or the application of oils or creams.
- Cannabis may be consumed on private property although, landlord/tenant agreements or condo bylaws will be able to restrict cannabis consumption under provincial regulations.
### Government of Canada

**Areas of Responsibility**
- Possession limits
- New criminal offenses
- Advertising and packaging
- Impaired driving
- Medical cannabis
- Production
- Age Limit (Federal limit)
- Public health
- Education
- Taxation
- Home Cultivation
- Regulatory Compliance

### Regulation

**Bill C-45: Cannabis Act**
- Provide laws for controlling the production, distribution, sale, and possession of cannabis

### Government of Alberta

**Areas of Responsibility**
- Impaired driving
- Public health
- Education
- Taxation
- Workplace safety
- Distribution/wholesaling
- Retail model
- Retail locations and rules
- Regulatory compliance
- Public consumption

### Regulation

**Bill 26: An Act to Regulate and Control Cannabis**
- Provides oversight for wholesale and distribution
- Regulates sales and consumption
- Provides tools for law enforcement
- Provides oversight for employers to ensure safety on roads and at work

### City of Calgary

**Areas of Responsibility**
- Retail locations and rules
- Public consumption
- Land-use and zoning education
- Education

### Regulation

**By-laws and Policies**
- Amendments to Land Use By-law 1P2007
  - Regulates business operating within the municipality
- Cannabis Consumption in Public Places By-Law 24M2018
  - Regulates public consumption

**Education and Enforcement**
- Educating citizens and enforcing municipal, provincial, and federal regulations
Disclaimer: This publication is intended to provide general information about cannabis legalization and the potential impact on the nonprofit sector. If legal or other expert assistance is required, the services of a professional should be sought. Other organizations are welcome to distribute, use and quote from any of our publications. We ask that you acknowledge CCVO as the source.

Resources:

Federal Government Cannabis Laws and Regulations

Alberta Bill 26 An Act to Regulate and Control Cannabis

City of Calgary Approach to Cannabis Regulation

Sample HR Policies for Nonprofits

Endnotes

1 www.osler.com/en/webinars/employment-labour/watch#jun-12-2018
2 Currently, there are no designated cannabis consumption areas. As Council designates them, a list of their locations will be available. An exemption to the Cannabis Consumption Bylaw exists for medical cannabis.
3 The City of Calgary Land Use Bylaw 1P2007
4 Bylaw Number 24M2018 Bylaw of the City of Calgary to Restrict the Consumption of Cannabis in Public Places