

NAVIGATING NON-MEDICAL CANNABIS IN BC

A FIRST NATIONS
COMMUNITY GUIDEBOOK
TO CANNABIS LEGALIZATION



First Nations Health Authority
Health through wellness



First Nations Health
Directors Association
Sharing experience for community wellness



TABLE OF CONTENTS

Preface	4
Introduction	6
Role of Community Leadership	10
BC Regulatory Framework	12
Economic Development and Community Land Use Management	16
Private and Public Consumption	20
Cannabis in the Workplace	24
Enforcement	28
Resources	30

PREFACE

The First Nations Health Authority (FNHA), First Nations Health Council (FNHC) and First Nations Health Directors Association (FNHDA) are committed to working with First Nations communities as health and wellness partners.

We value the rights, interests and self-determination of First Nations individuals, families and communities. Our goal with this guidebook is to support community decision-making about cannabis by providing information and guidance using a health and wellness perspective.


We support a public health approach to cannabis access and use, an approach that protects and promotes health and wellness while reducing negative health outcomes associated with cannabis use.

This means we are dedicated to supporting responsible and informed use, harm reduction, and individual and community health and safety. We recognize that we have a shared responsibility, along with community leaders and our health system partners, to work together to ensure that all First Nations in BC have a good understanding of the facts, considerations, harms and available resources when it comes to cannabis.

Harm reduction is central to our approach to non-medical cannabis. We recognize that individuals use cannabis for a number of reasons – to reduce pain, for sleep and relaxation, while socializing, to name just a few. Our approach is to meet people where they are at with open arms, acceptance and compassion, not judgment or shame.

FNHA's online cannabis portal, www.fnha.ca/cannabis, provides extensive information about the positive and negative health impacts of cannabis use, and supports people in making informed choices about cannabis. The portal also provides many downloadable resources for communities. FNHA continues to add new information and resources to this online portal to keep communities up to date.

We are dedicated to continuous engagement with communities. Engagement leads to beneficial conversations and opportunities to share knowledge throughout BC. Engagement also provides us with forums for learning about community priorities and information gaps. Through community engagement, we will continue to pass along the latest evidence, regulatory information and resources about cannabis. Ongoing public education initiatives, resource development and health care provider training are essential parts of FNHA's approach.



We are also committed to providing clarity and guidance for communities about cannabis legalization to advance the health and wellness priorities for First Nations in BC. We recognize that the legalization of non-medical cannabis is a complex topic that brings with it a broad range of perspectives and approaches. We are dedicated to working closely with health system partners and First Nations in BC to ensure that all communities receive the support and resources they need.

About this Guidebook

Since Canada legalized non-medical cannabis, community leaders have been keenly interested in information and resources that provide guidance through the complex process of legalization.

The main goal of this guidebook is to help leaders and communities prepare for and adapt to the post-legalization environment. Balancing community health and safety needs with economic growth and consumer demand are key areas that will require leadership and vision.

This guidebook introduces central themes, questions and considerations related to the legalization of non-medical cannabis and the potential impacts on communities. Community leaders have a unique opportunity to help shape policies and guidelines that will have a positive impact on their communities into the future.

This guidebook does not make policy recommendations or instruct communities on how to approach legalization. Instead, the guidebook aims to raise relevant themes and ensure community leaders are aware of the issues they may want to consider. Respecting self-determination is key to FNHA's approach to legalization, recognizing that there are diverse views and perspectives among communities.

A comprehensive list of resources is included at the end of this guidebook.

INTRODUCTION

WHAT IS CANNABIS?

Cannabis is the scientific name for the hemp plant. Its leaves and flowers, often called marijuana, contain a psychoactive (mind-altering) compound that can affect how we feel, think and act. Cannabis comes in various forms, including dried leaves and flowers or 'buds' (marijuana), pressed resin from flowers and leaves (hashish or hash), and concentrated resin extracted with a solvent (hash oil).

While often smoked in a joint or through a pipe or bong (water pipe), cannabis can also be vaporized into a mist. Some people bake or make tea with it, while others turn it into a tincture, a concentrated liquid absorbed by placing a drop under the tongue. Some also use it as a salve or cream.

People have been using cannabis since ancient times. Some people use it while socializing to help them relax and connect with friends. Others use cannabis for spiritual reasons or to experience an altered state of consciousness. Based on medical advice, some people use cannabis to soothe anxiety or manage medical conditions. While some individuals may experience benefits from their use of cannabis, like any drug, there are also risks.

In October 2018, the Canadian government legalized dried cannabis, cannabis oil, plants and seeds. In October 2019, Canada legalized cannabis edibles, topicals and extracts. First Nations communities, businesses and neighbourhoods will be affected by cannabis legalization in many ways. By understanding the facts, benefits and risks, First Nations leaders can develop policies and approaches tailored to their communities.

With such a variety of legal cannabis products available, many questions will arise. Engaging in discussions between First Nations leadership and community members to address these questions is critical. Some pressing issues may be:

- How to balance health and safety needs with economic growth and the demand for non-medical cannabis in community?
- How to regulate consumption and distribution while minimizing harms, particularly for youth?
- What do employers need to consider regarding workplace regulations for employees in community?








This guidebook supports leaders who would like to work through these questions in order to develop a customized approach to cannabis legalization for their community.

Medical vs. Non-medical Cannabis

In the case of First Nations in BC, many of whom do not have adequate access to culturally safe health care providers, it is not uncommon for individuals to obtain cannabis for medical purposes through non-medical avenues. We recognize that people use cannabis for personal, often complex reasons, and that everyone's circumstances are unique.

Throughout the legalization process, cannabis has been referred to as 'non-medical' or 'medical' to distinguish the avenues through which it could legally be obtained.

Cannabis prescribed by a health care provider for medical use has been legal in Canada since 2001. Cannabis may help people with a chronic illness managing symptoms and pain. Following the implementation of the Cannabis Act in October 2018, federal regulations for medical cannabis have replaced the previous Access to Cannabis for Medical Purposes Regulations.

NON-MEDICAL CANNABIS	MEDICAL CANNABIS
 Purchased through private or public retail outlets.	 Prescribed by a health care provider.
 Must be 19 years of age to purchase in BC.	 Usage and dosage are planned between the client and provider.
 No medical reason required for purchase	 Quality and safety of the supply are regulated.
 Quality and safety of the supply are regulated.	

Why did the federal government legalize non-medical cannabis?

The government legalized cannabis because prohibition (making cannabis an illegal substance) has not worked. Prohibition did not reduce cannabis consumption or the harms associated with cannabis use.

Legalization gives government the ability to regulate:

- The ingredients used in cannabis products
- Where cannabis can be used
- Who can use it and buy cannabis
- How cannabis is accessed

WHAT IS THE DIFFERENCE BETWEEN THC AND CBD?

Cannabis contains over 100 chemicals called cannabinoids. The cannabinoids you've likely heard about most are THC and CBD.



THC or tetrahydrocannabinol:

THC is known for its psychoactive (mind-altering) effects, which effectively causes someone to feel "high". THC can alter behaviour, consciousness, mood and perception. THC can lead to increased appetite for some people.



CBD or cannabidiol: Unlike THC, Cannabidiol (CBD) is another cannabis ingredient and has no psychoactive properties. In recent years, CBD has become popular for treating nausea, cancer, arthritis, seizures, pain and other ailments and conditions. CBD is useful for people who want the benefits of cannabis without the "high". CBD can be extracted from the cannabis plant and can be processed into a variety of different forms including topical creams, oils, and tinctures. Many First Nations individuals currently use CBD for healing purposes.



These regulations protect cannabis users and reduce risks and harms. For example, a regulated supply protects consumers from toxins such as mould and mildew. Also, regulations provide for monitoring and testing of cannabinoid concentration (such as mind-altering THC) in cannabis products, which ensures consumers receive a known and reliable dosage – just like with prescription drugs sold in pharmacies or alcohol sold at licensed retail stores.

The aims of legalization are to:

- Minimize access to cannabis by youth
- Ensure the safety and quality of cannabis products
- Reduce cannabis-related crime and cannabis cases in the criminal justice system

With time, the underground cannabis economy will shrink due to cannabis legalization.

How does non-medical cannabis legalization impact First Nations communities in BC?

Legalization may lead to changes in community bylaws, business regulations, land use management, and enforcement. When it comes to applications for cannabis retail stores, each First Nations community will need to make decisions about public consumption, land use and retail licensing.

Some topics to consider include:

- Safe consumption at home and in public spaces
- Balancing social responsibility with business opportunities
- Community feedback and engagement
- Cannabis in the workplace
- Cannabis production and the environmental impact
- Enforcement
- Education, public health and safety



First Nations' Jurisdiction

First Nations' jurisdiction over establishing retail and regulatory frameworks has been a common topic of discussion. First Nations have raised challenges and obstacles in applying provincial and federal non-medical cannabis laws in First Nations communities.

First Nations leadership has found it challenging to navigate the current provincial licensing application processes. Many First Nations in BC have also expressed a desire for more flexibility in developing Nation-to-Nation partnerships.

As the non-medical cannabis landscape continues to take shape, consultation and engagement with provincial and federal partners will be critical. A system informed by the impacts of colonialism, discrimination, and First Nations' guiding principles and culture will result in more equitable outcomes.

ROLE OF COMMUNITY LEADERSHIP

Creating Policies Using a First Nations Lens

Historic and present systems of colonialism, racism and discrimination continue to impact First Nations in BC in many ways, including access to health care. Some communities experience a lack of health services, due to doctor shortages and limited clinic space. Other communities have difficulty finding health care practitioners who provide culturally safe care. Some community members travel long distances to seek care. When individuals feel shame or stigma, or if the barriers to seeking help are too high, they may withdraw further from seeking medical support. As a result, some First Nations individuals turn to cannabis to cope with unresolved trauma, and physical or emotional pain.

Navigating the complex issues related to cannabis legalization takes time and will lead to many discussions among community members. The cannabis industry provides economic opportunities but also poses risks and harms that are unique to each community. Through open conversation with Elders, families, business leaders, youth and trusted health practitioners, First Nations leaders can create balanced policies and approaches that serve their communities well.






Community Leadership and Responsibilities

First Nations leaders are well-positioned to work collaboratively with community members to develop policies and bylaws that support community needs and wants. Each community will have its own unique opportunities and challenges, as there is no one-size-fits-all approach to cannabis legalization.

Due to social, economic, geographic and cultural differences in each community, a variety of priorities and concerns will need to be assessed to determine if benefits outweigh risks. For example, some communities may choose to allow the commercial production of cannabis, while others may not.

Considerations for First Nations Leaders

When evaluating opportunities and risks, communities have indicated that they are interested in:

-  Balancing the health and safety of individuals and community with economic opportunity
-  Engaging with community members for input and more broadly with other regions
-  Minimizing the harms and risks that non-medical cannabis poses to individuals and the community
-  Ensuring that all cannabis supply in their community is safe and legal
-  Respecting community members' individual autonomy to decide for themselves about non-medical cannabis use

First Nations leadership and communities have expressed interest in having guidance and resources to support them in the following areas:



Retail
& licensing



Public
consumption



Land use
& zoning



Public education
& awareness



Enforcement

Fostering open conversations about cannabis legalization and what it means to your community is an effective way to encourage unity on this delicate topic. Be sure to include family members, health providers, Elders, local law enforcement, teachers and others in the conversation.

BC REGULATORY FRAMEWORK

DID YOU KNOW?

As of October 17, 2019
Canada legally permits
the sale of:



Cannabis oil



Fresh cannabis



Dried cannabis



Cannabis plant seeds



Cannabis plants



Cannabis edibles



Cannabis extracts



Cannabis topicals

Laws in BC for Non-medical Cannabis

The **federal Cannabis Act** defines non-medical cannabis as a substance, what it may contain, how cannabis may be sold, and how much a person may possess. The Act also addresses illegal possessions and penalties.

In BC, non-medical cannabis is governed by two Acts:

- Cannabis Control and Licensing Act
- Cannabis Distribution Act

Q: Who can buy, possess and grow non-medical cannabis?

A: Adults over the age of 19 can buy, possess, and grow non-medical cannabis. It is against the law for minors to buy, possess and grow non-medical cannabis unless licensed to do so for medical use.

Q: How can a person buy non-medical cannabis?

A: In BC, non-medical cannabis is available at government-operated cannabis stores, government-operated online retail stores, or through licensed private retailers. The BC Liquor Distribution Branch is the provincial distributor of non-medical cannabis.

Q: Are cannabis producers licensed and/or regulated?

A: The Cannabis Regulation Branch monitors cannabis quality and safety. Cannabis producers must be licensed by the federal government and follow strict regulations related to:

- Packaging and labeling
- Good production practices
- Seed-to-sale tracking
- Restrictions on promotional activities

Q: How much cannabis can a person possess in public and non-public places?

A: Adults may carry up to 30 grams of dried non-medical cannabis (or its equivalent) in a public place. Adults may possess up to 1,000 grams (1 kg) of non-medical cannabis in a non-public place, such as a private home.

TYPE OF CANNABIS PRODUCT	AMOUNT LEGALLY ALLOWED TO CARRY IN PUBLIC
Dried Cannabis	30 grams
Fresh Cannabis	150 grams
Solids containing cannabis i.e. edible cannabis products	450 grams
Non-solids containing cannabis i.e. cannabis-infused beverages	2.1 kilograms
Cannabis concentrates i.e. tinctures, capsules, vaporizer cartridges, cannabis oils	7.5 grams
Cannabis plant seeds	30 seeds

DID YOU KNOW?

It's illegal to smoke or vape cannabis within six metres of air intakes, windows and doorways attached to public buildings and workplaces.

DID YOU KNOW?

Transporting cannabis into Canada for medical purposes is illegal.

Q: Can people make their own food and drinks using non-medical cannabis?

A: Adults may use non-medical cannabis to make food and drinks at home as cannabis edibles and extracts are legal in Canada.

Storing cannabis products safely and out of reach, especially edibles as they often resemble desserts and candies, will keep children, Elders and pets safe from accidental consumption.

DID YOU KNOW?

It is illegal to cross international borders via land, air or sea with non-medical or medical cannabis. Criminal charges may be filed against anyone attempting to enter other countries with cannabis. A person may be denied entry, withheld, and barred from re-entering that country. Fines may also be applicable.

Q: Is it legal to grow non-medical cannabis at home?

A: It is legal to grow up to four cannabis plants at home. The plants, however, cannot be visible from public spaces such as sidewalks, streets, schools or playgrounds. Further, a home where cannabis is being grown may not operate as a care facility, such as a daycare, long-term care home or assisted living facility.

Q: Where is it legal to consume cannabis?

A: Adults may consume cannabis legally in public anywhere that commercial tobacco is also allowed. Cannabis cannot be smoked or vaped near or on school property, playgrounds, parks, recreational areas, public transit vehicles, or transit stations. Also, cannabis cannot be consumed in enclosed public areas, such as restaurants and bars, or in the workplace. Exemptions may be provided for those with a licence for medical cannabis use.

Q: What is illegal when it comes to cannabis?

A: Adults may not:

- Give or sell cannabis to anyone under the age of 19
- Use cannabis in a vehicle or operate a vehicle while impaired by cannabis
- Use cannabis in the workplace, on or near school property, or in any place where tobacco use is also not allowed
- Use cannabis in designated recreational areas and parks, enclosed public places, or bus, train or ferry stops
- Take medical or non-medical cannabis across international borders
- Grow their own plants from seeds purchased through anyone other than a legal retailer
- Bring cannabis into Canada. Although cannabis is legal, people entering Canada may not carry cannabis into the country. Anyone attempting to bring cannabis into Canada must declare it to the Canada Border Services Agency. If undeclared, people face arrest and prosecution.

Q: What do I need to know about non-medical cannabis and motor vehicles?

A: BC has introduced stricter regulations by changing the Motor Vehicle Act. Changes included:

- A 90-day driving suspension (Administrative Driving Prohibition) for any driver that police believe operated a vehicle while affected by a drug or a combination of drugs and alcohol.
- There is zero-tolerance for new drivers from the Graduated Licensing Program (GLP) if they test positive for the presence of THC.
- Police may use saliva drug testing during roadside checks to test for THC in a person's system. If THC is found, police can conduct a blood test at the police station.
- Cannabis consumption is generally not allowed in vehicles, whether they are parked or moving.
 - Non-medical cannabis can be transported in a vehicle as long as products are in the original, unopened packaging or are inaccessible to the driver and occupants (for example, in the trunk).
- Non-medical cannabis use is generally not allowed on boats. However, you are allowed to use non-medical cannabis on a boat that is moored or anchored if it has sleeping accommodations, a kitchen and a toilet.
- These regulations also apply to other motorized vehicles, such as snowmobiles and off-roading vehicles.

ECONOMIC DEVELOPMENT AND COMMUNITY LAND USE MANAGEMENT

DID YOU KNOW?

A licence for a non-medical cannabis retail store will not be approved by the BC government without the support of the First Nations community.

There is a delicate balance between seeking revenue and employment opportunities for communities, and focusing on public health and safety concerns for a newly regulated substance.

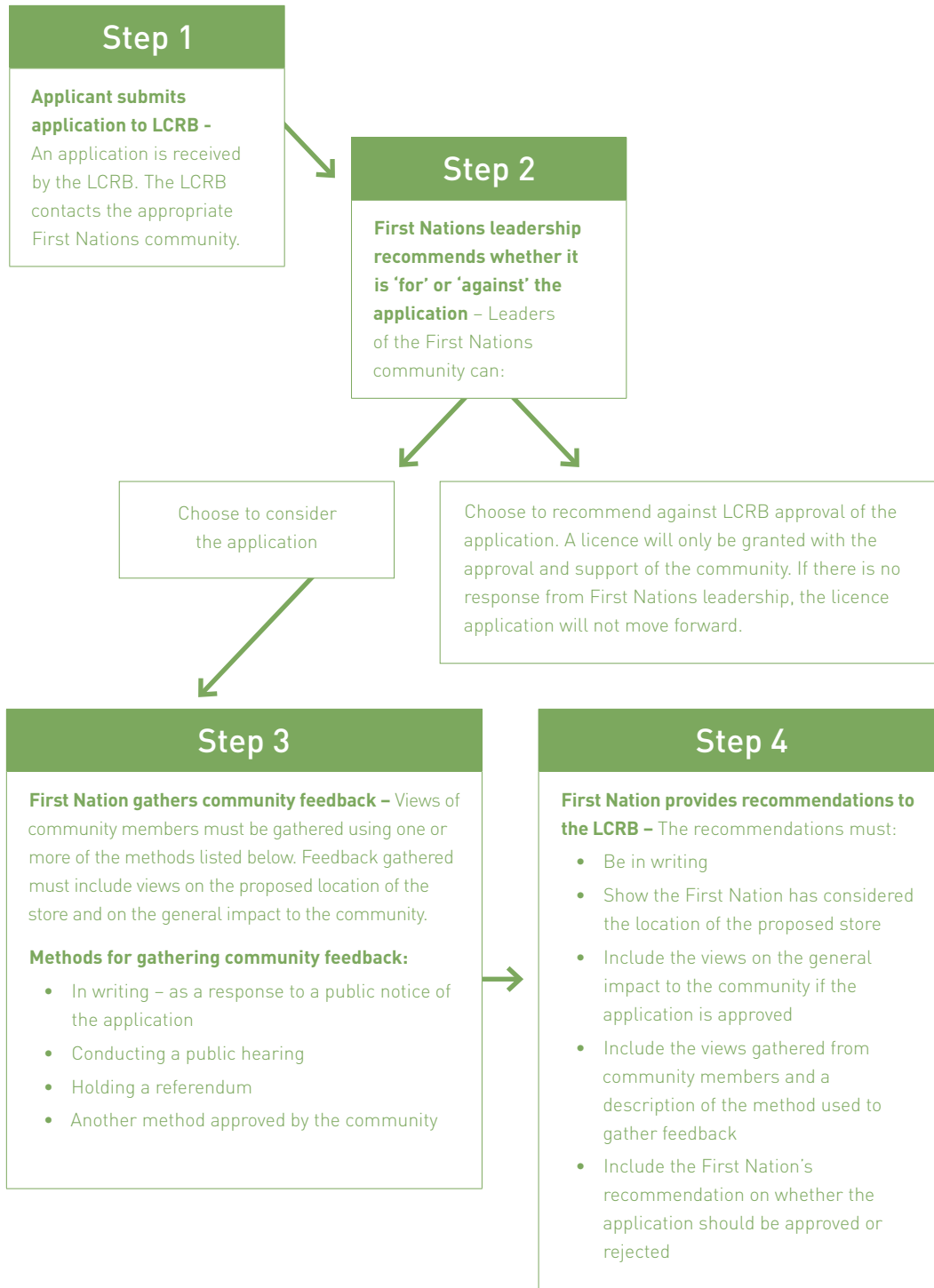
The FNHA, FNHC and FNHDA support community self-determination and recognize that communities will exercise their rights to decide whether to pursue non-medical cannabis-related economic opportunities or permit non-medical cannabis retail outlets. The FNHA, FNHC, and FNHDA hold no position on economic opportunities, including retail licensing.

Non-medical Cannabis Retail Licensing for First Nations in BC

The provincial Liquor and Cannabis Regulation Branch (LCRB) has established an application process specific to First Nations communities that would like to operate a non-medical cannabis retail store on First Nations land. This licensing process is outlined below.


The licence application is overseen by the LCRB and can be found in the Resources section at the end of this guidebook. As part of the licensing process, First Nations leadership will need to engage with their community members regarding the approval of retail stores. The location of proposed cannabis retail outlets and the density of existing retail outlets will need to be considered, with attention to the impact on nearby businesses, neighbourhoods, youth, and children.

Retail Licensing Process for First Nations in BC: Four Steps



DID YOU KNOW?

First Nations may charge a fee for assessing non-cannabis retail licensing applications and/or restrict the location of retail stores and limit operating hours.



Individual First Nations may ask the LCRB to approve the application subject to certain conditions, such as limiting the operating hours. The LCRB recommends that the First Nation consult with the LCRB before requesting licence limitations and before submitting their final recommendations.

Large-scale Production Opportunities

Commercialized, non-medical cannabis activities will affect how First Nations zone and manage their land. Commercial production, which includes processing, cultivation and nurseries, are some of the economic opportunities that come with legalization.

How can communities determine if cannabis production is right for them? Leaders will need to work with community members to determine if the community supports the cultivation of non-medical cannabis for business purposes on community land. Talking with community members and providing them with an understanding of all the key issues is a critical step in reaching a decision.

In May 2019, Health Canada announced that new applicants must have a fully-built production site that meets all the requirements of the federal cannabis regulations at the time of application. Other application criteria would need to be satisfied at the time of application as well. However, upon request, First Nations applicants may continue to have their applications reviewed under the previous process, which provides an opportunity for early feedback on an application and could be used to help in financing and construction.

Applications to become a licensed, non-medical cannabis producer are thoroughly reviewed. Health Canada's Navigator Service guides and supports Indigenous applicants through the licensing process.

In applying to obtain a federal licence for processing, cultivation or for a nursery, First Nations applicants can access the support of Health Canada's Navigator Service. The Navigator is a dedicated licensing professional who can provide assistance through each step of the process. Applicants can reach the Navigator Service at navig@canada.ca.



Commercial Cannabis Production and Environmental Impacts

The environmental impact on community is an important consideration when deciding to allow commercial cannabis production. Growing and processing cannabis poses potential environmental risks to a community's natural resources. The use of chemicals and other toxic pollutants risks contaminating the community's water, soil and air. Careful environmental assessment can help leaders decide if lands may be used for commercial production, and if so, which ones.

Another key consideration is the natural resources that will be required to operate the production site and processing plant, and its impact on community. Some rural and remote communities may be especially sensitive to environmental concerns. Updating Nation regulations and bylaws can prevent negative environmental impacts.



PRIVATE AND PUBLIC CONSUMPTION

Different regulations apply to private and public consumption of non-medical cannabis.

What is private consumption?

Private consumption refers to people growing and consuming non-medical cannabis in their own homes. Adults can legally make or consume non-medical cannabis products for personal use in their homes or in band-owned housing where it is allowed. Adults can possess a maximum of 1,000 grams of dried non-medical cannabis in their homes or on their private property.

Private Consumption in band-owned Housing

Community leaders may determine the guidelines for and approval of growing and using non-medical cannabis in band-owned housing. Some communities may wish to include policies for non-medical cannabis consumption with existing policies for smoking commercial tobacco.

Growing Cannabis at Home

According to BC regulations, growing up to four plants per household for personal use is legal. The plants must be not be visible from the sidewalk, the street, schools and playgrounds. Cannabis may not be grown in homes that operate as care facilities, such as daycares, long-term care homes or assisted living facilities.

What is public consumption?

Public consumption is the use of non-medical cannabis on public property, both inside and outside of buildings. Public smoking and vaping are prohibited where the smoking of tobacco is prohibited.

Locations where vaping and smoking are not allowed:

- On or near school property, parks and recreational areas, swimming pools, ice arenas, sports fields (including decks and seating around these areas), community centres, near child care facilities, hospitals, or in enclosed public spaces such as restaurants
- Inside public buildings and within six metres of air intakes, windows and doorways attached to public buildings and workplaces
- Inside or within six metres of public transit vehicles such as buses, trains and ferries
- In vehicles
- In provincial, regional and municipal parks, except for designated campsites or designated spaces
- On public patios

Second-hand Smoke and Cannabis


Second-hand smoke is a sensitive issue. Many people in BC use cannabis recreationally while others, including First Nations, use medical cannabis to manage chronic pain and other health conditions.

The possible physical and mental health impacts, especially for those who are consistently exposed to second-hand cannabis smoke, must be considered, along with the potential impacts on people with respiratory health issues.

While there is not yet a definite answer about the effects of second-hand cannabis smoke, informing community members about the possible negative effects will be essential.

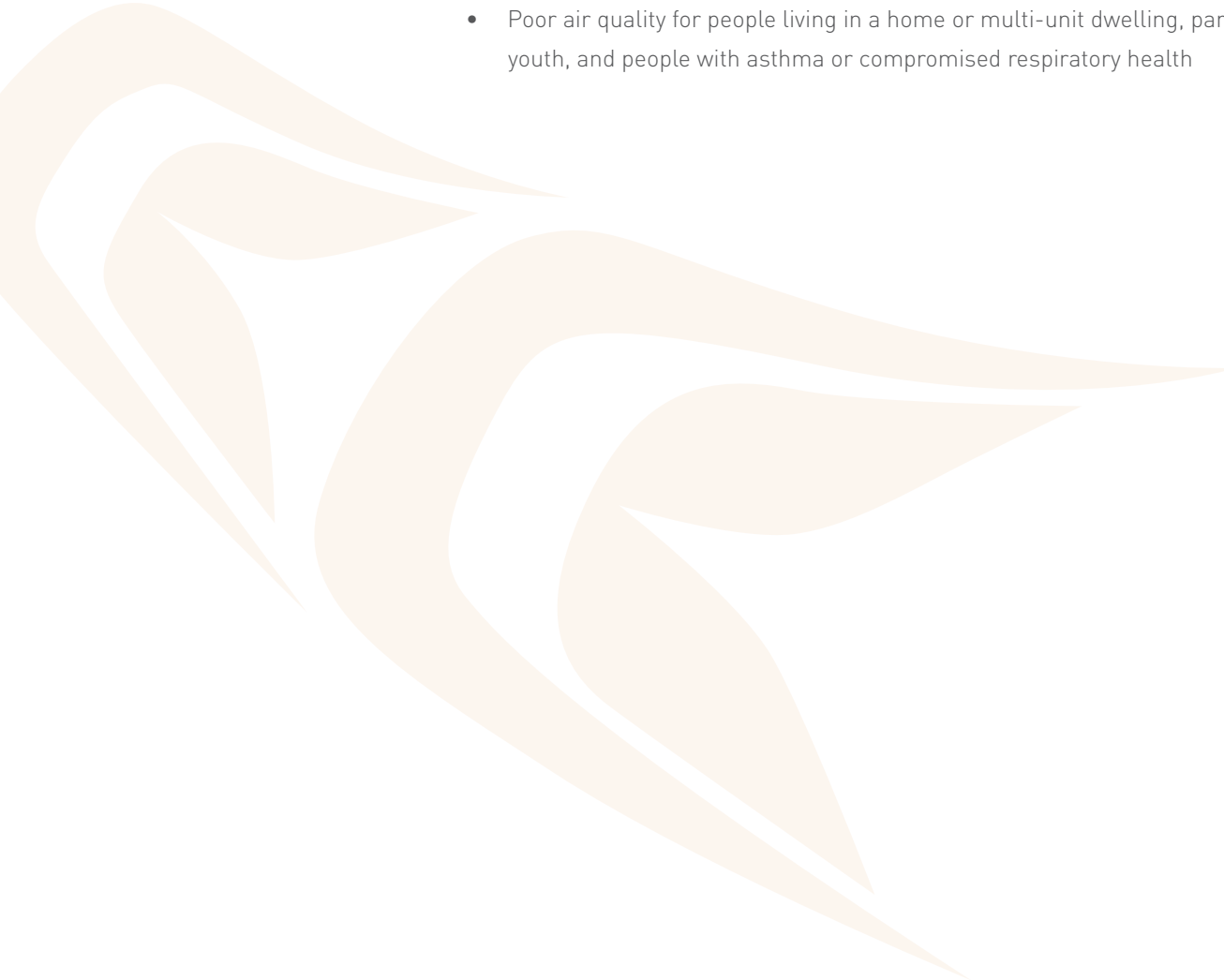
Environmental Health and Public Safety

Community members will have many questions about the health and safety of growing and processing cannabis in community. Also, people interested in pursuing economic opportunities related to cannabis will have questions about operating their new businesses safely.



Ideally, community leaders will encourage opportunities to educate community members on these topics. Public education will result in safer growing and processing practices in community and minimize risk to housing and families. This is particularly important given the housing challenges faced by some First Nations communities in rural and remote areas.

Housing safety hazards include:

- Fire hazards due to the use of chemical solvents or due to the risk of an electrical fire
 - Poisoning of people living in the home, including children and pets. Cannabis food and beverage products pose a risk for accidental or unintentional consumption
 - Mould and contaminants in the home due to poor air ventilation
 - Poor air quality for people living in a home or multi-unit dwelling, particularly children, youth, and people with asthma or compromised respiratory health
- 



CANNABIS IN THE WORKPLACE

Impairment due to cannabis can have a significant impact on workplace safety. Cannabis can impair concentration, decision-making, reaction time and coordination – all of which undermine the ability to work safely.

With the legalization of non-medical cannabis, workplace regulations need to be reconsidered for employees in community. First Nations leaders can work with band administrators to discuss approaches to managing medical and non-medical cannabis use in the workplace. Cannabis legalization also presents an opportunity for community leaders to encourage human resource managers and occupational health and safety (OH&S) teams to re-evaluate policies that ensure employee safety.

All employees have the right to a safe workplace. The impacts of impairment due to cannabis or other drugs are important topics to address, especially in safety-sensitive occupations. A well-defined and culturally appropriate impairment policy will create a solid foundation for the health and safety of employees. The policy will need to be clearly communicated to employees, define impairment, and outline the procedures for when an employee is considered impaired.

Communities can adopt workplace policies and approaches into their current human resources strategy so that employees understand the rules for cannabis use in and around their workplace. For health care facilities, such as clinics, it is important to consider how workplace policies may impact health care providers, especially when there may be patients who use cannabis for medical purposes.



Employee versus Employer Responsibilities

EMPLOYEE RESPONSIBILITY
<ul style="list-style-type: none">• To inform employer/manager if they cannot safely complete their job or pose a risk to themselves or others
EMPLOYER RESPONSIBILITY
<ul style="list-style-type: none">• To identify if employees are impaired and determine if they are fit for work• To act on reports from employees that a colleague may be impaired and not fit for work• To establish, communicate, and follow human resources policies about impairment in the workplace to ensure the health and safety of employees and the public• To inquire and determine 'fitness for work' in a respectful, safe, private, and non-judgemental manner

FNHA's Fitness for Work Approach

At FNHA, 'fit for work' means employees are free from impairment and possess the physical and psychological capacity to perform their jobs in a safe and competent manner. This includes being free of impairment from drugs, alcohol or medications that can cause impairment. The effects of cannabis may last several hours and even longer for edibles and oil products. Employees who are unaware of these effects may be unfit for work unintentionally.

Recognizing the Signs of Impairment

Employers should not assume an employee is impaired without talking with the employee first. There may be other explanations as to why the employee is acting in an unusual way.



The provincial Workers Compensation Act states that workers are required to ensure that their ability to work without risk to the health and safety of themselves or others is not impaired by alcohol, drugs or other causes.

SIGNS OF IMPAIRMENT MAY INCLUDE SOME OF THE FOLLOWING:

- | | |
|--|--|
| <ul style="list-style-type: none">• Euphoria; enhanced sense of well-being• Lack of motivation• Lowered inhibitions; more talkative• Increased appetite• Impaired coordination, concentration and memory• Reduced productivity or quality of work | <ul style="list-style-type: none">• Personality changes or erratic behaviour i.e. increased interpersonal conflicts, overreaction to criticism• Appearance of being impaired i.e. odour of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, poor coordination• Involvement in an incident or working in an unsafe manner• Consistent tardiness or absenteeism |
|--|--|

Note: The signs of impairment listed above should only be used as a guideline.

If the employer decides that an employee is impaired and not fit for work, the employer or supervisor will then follow the human resources policy as directed. In some cases, the policy may direct the employee to a counselor, a support professional, or to seek medical attention.

Key Questions to Consider in the Workplace

When creating policies for cannabis and workplace safety, take the time to consider the questions your employees may have. Some common questions to address through workplace policies may include:

- Can I possess, consume, sell or share cannabis at work?
- I already use medical cannabis and have a prescription. What do I do?
- I suspect a co-worker may be impaired. What do I do?
- What resources are available if I need support for myself or a family member?
- Can I use cannabis during my lunch hour and coffee breaks?
- My employer thought I was impaired and sent me home. What about lost wages?
- Can my employer fire me for consuming cannabis at work?
- I would like to dispute allegations that I was impaired at work. What can I do?
- Can my employer test me for cannabis or any other drug if they suspect I am impaired?



ENFORCEMENT

Keeping First Nations Communities Safe

Providing communities with updated information on the facts, risks and benefits of non-medical cannabis will keep people safe and informed.

Adequate planning for policing will help manage non-medical cannabis-related enforcement. This may require assigning more staff to certain locations, such as an area where a newly licensed non-medical cannabis retailer is operating, or conducting patrols more frequently where consumption is illegal, such as parks and playgrounds. For example, if retail licences are restricted by certain operating hours, regular patrols can help alleviate potential issues.

Under the provincial Cannabis Control and Licensing Act (CCLA), police officers can enforce laws primarily through BC's **Community Safety Unit**. There are various provincial, non-medical cannabis offences. These offences may result in large fines and/or imprisonment of 3-12 months. In addition, communities may introduce their own bylaws, which will also require enforcement.

Training and allocation of policing staff are some of the considerations for First Nations leaders when it comes to enforcing new laws and amending existing ones.

Helping Community Members Understand the Law

With the potential for new bylaws and changes to existing regulations, it will be helpful to raise public awareness. Public education activities can help community members understand what is and is not legal so that they can make informed choices.

Some ways to share information and increase awareness about laws and regulations include:

- Discussion circles with Elders, leaders and community members
- Community gatherings with Q&A sessions
- Public service announcements

Road Safety and Awareness

Ensuring that community members understand that cannabis can impair driving ability is critical. Cannabis impairs a person's ability to drive by:

- Affecting motor skills
- Slowing reaction time
- Impairing short-term memory and concentration
- Causing drivers to vary speed and to wander
- Reducing the ability to make decisions quickly or handle unexpected events, such as a pedestrian darting out onto the road or another driver slamming on the brakes

Through effective law enforcement and public awareness of the penalties of driving while high, First Nations communities can help keep their roads safer.

RESOURCES

Health

- Cannabis Public Education Campaign (FNHA) www.fnha.ca/cannabis
- Health Considerations for First Nations in BC (FNHA) <https://www.fnha.ca/WellnessSite/WellnessDocuments/FNHA-Non-medical-Cannabis-Legalization-Health-Considerations-for-First-Nations-in-BC.pdf>
- Common Themes from First Nations Communities (FNHA) <https://www.fnha.ca/WellnessSite/WellnessDocuments/FNHA-Non-medical-Cannabis-Legalization-What-We-Have-Heard-So-Far.pdf>
- Harm Reduction and Cannabis (FNHA) <https://www.fnha.ca/WellnessSite/WellnessDocuments/FNHA-Harm-Reduction-and-Cannabis.pdf>
- Maternal Health and Parenting Resources (FNHA) <https://www.fnha.ca/Documents/FNHA-Maternal-Health-and-Parenting-Resources.pdf>
- Pregnancy and Cannabis – Things You Need to Know (FNHA) <https://www.fnha.ca/Documents/FNHA-Pregnancy-and-Cannabis-Things-You-Need-To-Know.pdf>
- Breastfeeding and Cannabis – Things You Need to Know (FNHA) <https://www.fnha.ca/Documents/FNHA-Breastfeeding-and-Cannabis-Things-You-Need-To-Know.pdf>
- Indigenous Strengths Videos (FNHA) <https://www.fnha.ca/what-we-do/mental-wellness-and-substance-use/non-medical-cannabis/indigenous-strengths>
- Indigenous Strengths Campaign Posters (FNHA) <https://www.fnha.ca/Documents/FNHA-Cannabis-Campaign-Poster-Letter.pdf>
- Cannabis Talk Kit (Drug Free Kids Canada) <https://www.drugfreekidscanada.org/order-cannabis-talk-kit/>





Regulatory

- Cannabis Act: The Facts (Health Canada) <https://www.canada.ca/en/health-canada/news/2018/06/backgrounder-the-cannabis-act-the-facts.html>
- Cannabis for Medical Purposes under the Cannabis Act: Information and Improvements (Health Canada) <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/medical-use-cannabis.html>
- Provincial Cannabis Information Portal (BC Government) <https://cannabis.gov.bc.ca/>
- Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores (BC Government) <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/local-gov-indigenous-nations/role-of-local-governments-and-indigenous-nations-in-cannabis-retail-licensing>

