



Township of
Langley



Est. 1873

March 8, 2011

The Honourable Leona Aglukkaq, P.C., M.P.
Minister of Health
458 Confederation Building
Ottawa, ON K1A 0A6

Dear Minister:

We as the Mayors of the City and Township of Langley are writing to you, with the support of our respective Councils, as a result of an issue which is becoming critical in every municipality across Canada. We believe that this requires your immediate attention and definitive action. Your government has taken a clear public stand that one of your major goals is to make our communities safer, but we are afraid that the current situation with respect to the issuance of medicinal marijuana licenses and the lack of adequate inspections, enforcement, controls and oversight on their implementation is a significant public safety issue.

We believe that the time for consultation is over and that action needs to be taken. While we understand that the original policy under the Controlled Drug and Substances Act was first introduced by the former Liberal Government in 2001 and then assumed by your government in 2006, we contend that changes need to be made immediately.

We have had ongoing feedback from all our public safety agencies that the current situation requires a new approach that will ensure that those individuals in need of medicinal marijuana have access to it, but in a safe and well regulated environment. The issues that have become clear are:

- We have no ability to know who has a license and where they are in our community;
- Our inability to regulate their standards and ensure that they are safe;

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- We know, based on actual cases, that there is significant misuse of many of the licenses and the volume of product produced often exceeds an individual's personal requirement;
- The size of the grows and number of plants, etc. is out of control and can result in potential home invasions, and other related criminal activity;
- We are sure that growing facilities in residential homes put the residents at risk and may cause long term health issues.

While we understand the rationale for providing the opportunity for clinical use of marijuana, we must reinforce that it has resulted in significant negative issues in our communities. It has created situations where neighbourhoods have become unsafe, individual lives have been at risk and the overall cost to our local governments has risen. Many local governments have petitioned their MPs for a change in policy that to date has resulted in little or no action by your department. It is our understanding that your officials concur that the policy is problematic and that changes should be made. Lack of action is unacceptable and we urge you to intervene immediately to resolve this situation. It is our contention that the solution is straightforward and easy to resolve. In the research we have done, it is clear that it simply requires a change in regulation, not a long drawn out legislative process.

With the foregoing in mind we are simply asking that the current licenses be cancelled and that any medicinal marijuana would in the future be dispensed through licensed pharmacies by doctor's prescription. As this is the practice for other controlled substances such as methadone, we do not see why this cannot be done for medicinal marijuana. We also urge that the marijuana that is dispensed be grown at a government regulated facility. In this way the quality and potency of the drug can be maintained at appropriate levels. We understand that this will require the expansion of current facilities and that a distribution system would need to be set up through the pharmaceutical industry, but those needs pale in comparison to the challenges we face through the current policy.

As two communities that have seen unregulated grow ops spring up without any regulation, we are raising the alarm bell with you and we challenge your government to make the necessary changes in order to ensure our communities are not subjected to the problems that we have already seen.

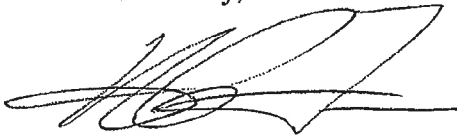
You should know that we intend to send a copy of this letter to every municipality in British Columbia through the Union of British Columbia Municipalities (UBCM) and will also send it to the Federation of Canadian Municipalities. We will ask them to endorse this direction so that you and your government appreciate the depth and breadth of this problem across the country.

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We know that the public support this direction and want to see a resolution by your department and the Government of Canada.

In closing we want to assure you that this issue is not insignificant by any measure and we hope you will take the necessary steps to see it resolved.

Yours sincerely,



Mayor Peter Fassbender
City of Langley



Mayor Rick Green
Township of Langley

cc: The Right Honourable Stephen Harper
Mark Warawa, MP, Langley
Hon. Rich Coleman, Solicitor General, Province of BC
Hon. Mary Polak, Minister of Children and Families, Province of BC
Hon. Colin Hansen, Minister of Health, Province of BC
UBCM Member Municipalities
Federation of Canadian Municipalities



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To the Mayor and Council of Kelowna,

It is with great concern that we write in response to the letter you received from the City and Township of Langley in regards to medical cannabis in our communities.

Although we understand the concerns about organized crime's involvement in this process, the Mayors who wrote this letter seem to be unaware of or misinformed about several of the aspects involved in growing cannabis legally, the history of Health Canada's Medical Marijuana Access Regulations, the history of Prohibition in Canada, and the conclusions and recommendations made by several very thorough and expensive Canadian government commissioned reports on cannabis. In this regard, we have enclosed documents that provide overviews of these issues. We encourage the Mayor and Council to learn about these issues, if they are not already familiar with them, in order to help guide their decisions in regards to medical cannabis gardens in our communities, rather than relying on the letter from the Mayors of the City and Township of Langley.

Although we agree that the Health Canada program is completely dysfunctional and needs radical changes, we disagree with the statement in the letter that providing cannabis has resulted in negative issues in the communities. Every report Canada has commissioned on this topic, from the Le Dain Commission in 1972 to the Senate Special Committee on Illegal Drugs in 2002, has come to the same conclusion: Prohibition causes more and worse harms to individuals and society than does cannabis itself. Some even went so far as to state that *prohibition* sends the wrong message to society. So why do most politicians and some media tell us that legalization sends the wrong message to society and that prohibition is a good thing? Shouldn't drug policies be evidence-based? It is important to also note that several other countries have conducted similar thorough investigations into the topic, spending millions of dollars and taking many years to complete, and have arrived at similar conclusions, including even the United States. Sadly, every government has ignored the facts and has refused to implement the recommendations. It is only very recently that a few brave governments have dared to change course.

Mayor and Council must ask themselves why many people with licenses to produce cannabis *do not* abide by municipal by-laws and have their gardens inspected properly, as Health Canada instructs.

If the answer is because the license holders are organized crime and trying to grow lots of cannabis "legally" to make lots of money, well, that's because prohibition is the root cause of the profits involved. If it is because license holders are still too afraid to disclose that information to a city, safety inspectors, electricians, carpenters, air conditioning technicians, etc., again, that is because prohibition has resulted in unnecessary and traumatizing criminal records for well over 1.5 million Canadians for simple possession, most of whom were nonviolent and otherwise law-abiding citizens (e.g., mothers, sisters, brothers, fathers, uncles, aunts, friends, etc.), and many of whom were using cannabis for legitimate medical reasons in the first place. In addition, aboriginal people and other marginalized groups have endured and continue to endure the brunt of prohibition due to unequal and racist enforcement of prohibition laws. If it is because people who are on social assistance or disability have to make the choice between growing medicine dangerously or not being able to grow it at all because they cannot afford the permits, that is



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again because of prohibition. Prohibition has been, and still is, the root cause of lack of proper research into medical cannabis, lack of compensation through the health care system for cannabis as medicine, and the near *necessity* of growing cannabis indoors, to avoid theft and violence, which is much more expensive and intricate than growing outdoors. If the answer is because many municipalities do not actually have any by-laws in place for this kind of activity, that again, is because prohibition drove growing underground, where it *could not* be regulated.

Mayor and Council must also ask themselves why home invasions and other crimes are occurring at these locations. If these incidents are related to the growing of cannabis, as claimed in the letter, then once again, prohibition is the cause.

Mayor and Council must ask themselves why residential gardens put residents at risk and potentially lead to long-term health issues. If the answer is because of improperly implemented indoor gardens, prohibition is the root cause. However, *properly* implemented indoor gardens *are not* a health risk to residents, either short-term or long-term. If gardens could be grown without fear outdoors, there would be no problem at all. We argue that currently acceptable home modifications, such as swimming pools and hot tubs, especially indoor ones, pose a health risk to residents. In addition, smoking tobacco indoors with other family members present, which is currently acceptable although not wise, presents real long-term negative health consequences. Finally, older homes and buildings, that outnumber dangerous legal gardens by orders of magnitude all over the country, pose health risks to their residents due to ancient wiring and piping, molds, asbestos, and other contaminants. We agree the situation is far from ideal and something needs to be done; however, it is patently unjust that medical cannabis gardens be singled out as a hazard to residents in this way when so many more citizens are being more negatively affected by some of the issues mentioned above.

We agree with the Mayors that inaction is unacceptable and that something must be done to solve the problem. However, the suggested “simple” solution to the problem, the cancellation of current licenses to produce and the distribution of medical cannabis exclusively through pharmacies upon a physician’s prescription, is *not* the answer. Considering the proximity of Langley to the oldest medical cannabis dispensary in Canada, the fact that BC has more dispensaries/compassion clubs than anywhere else in Canada, that some of the world’s most knowledgeable and recognized experts in the field reside in British Columbia, and some even in Kelowna, and that Dana Larsen, who is running to become the leader of the BC NDP, is proposing that the Province control and regulate the dispensing of cannabis through medical cannabis compassion clubs/dispensaries, it is odd to us that it appears no consultation with these valuable resources occurred. Before writing the letter it would have served the Mayors well to have consulted with people involved in the medical cannabis community. Had they done so, they would have discovered that Health Canada thought of the pharmacy solution a long time ago. Although we agree pharmacies should be involved in the dispensing of cannabis for those who wish to use this means of distribution, this model alone *does not* and *will not* work.

First, Health Canada was forced by law to implement the medical cannabis program and it still does not officially recognize cannabis as medicine, which is why people are not compensated for their medical purchases. If pharmacies get involved, that would have to change, and that will *not* be simple or timely. Second, the government already provides dried cannabis to medical patients, and it has been disastrous both financially and medically. Very few patients who have tried Health Canada’s cannabis, continue to purchase it, due to quality, strain, irradiation, and



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autonomy concerns. The facts that patients, many of whom are in financial distress, are willing to break the law and often to spend more than it would cost to purchase from Health Canada, should speak volumes. Third, both the Senate Special Committee on Illegal Drugs and the Ontario Court of Appeals have recommended that Health Canada work with compassion clubs/dispensaries and to incorporate them into a legal framework for the dispensing of medical cannabis. However, to date, these court orders and recommendations have been ignored. People who run Medical Cannabis Compassion Clubs have been providing this service since 1996 in Canada, all the while risking their reputations, freedom, family, and finances. In addition, this has been done quite safely and effectively, and they serve more people than Health Canada, at no cost to the taxpayer as it currently stands. If compassion clubs were incorporated into the legal framework for dispensing cannabis, larger gardens could be grown and regulations more easily implemented and enforced. Fourth, despite wanting to phase out individual licenses in favour of pharmacies, Health Canada was forced by a Federal Court Ruling to *expand* the individual license holder regulations. Until 2009, a producer of cannabis could produce cannabis for only one patient and receive no compensation for doing so. Now a producer can grow for two patients and be compensated for doing so. Considering that legal precedent, it is highly unlikely that the current right of individual medical users of cannabis to use and grow cannabis will be taken away from autonomous individuals in a supposedly free and democratic society, when the real problem is prohibition and when cannabis happens to be both the most useful industrial PLANT known to humanity, as well as the most medically beneficial PLANT known to humanity, with well documented positive effects, such as being cancer killing and pain, muscle spasm, and convulsion relieving, along with being nontoxic and unable to cause death by overdose. A move to cancel current production licenses and to dispense solely through pharmacies will only create more problems than it is suggested to solve.

It is important to note that many compassion clubs, and in particular BeKind Okanagan Growers and Compassion Club, are not just dispensing cannabis. They provide assistance navigating the Health Canada regulations and paperwork, which is amazingly complicated; many physicians actually require the assistance of compassion clubs to properly navigate the Health Canada program. Although Health Canada states they provide assistance in completing the forms, the realities on the ground are that they often fail in this regard as well. The service compassion clubs provide is similar to services other organizations in communities offer to help people navigate other issues, such as social assistance, disability, and childcare legal documents. In addition, compassion clubs act as stop-gaps for those who have fallen through the cracks in the system. People are directed to resources in the community they need. Many compassion clubs also offer community for those folks who have lived in isolation due to their illnesses and the stigma associated with using cannabis as medicine. In addition, compassion clubs are a repository of invaluable information in regards to every aspect of cannabis, from the science and history to growing cannabis and policy reform. The argument can be made that cannabis may be more effectively dispensed by those who specialize in cannabis and who offer more than just the selling of cannabis.

Prohibition is the largest and most harmful failed public policy in history, not just here, but globally. If we are truly concerned about the health and well-being of our citizens, if we truly want to protect them, then we should be willing to address the topic of legalization, because the costs of prohibition to all of us are astronomically high. Perhaps the direction that the city should take is to pressure the Province and the Federal Government into a discussion about legalization



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and regulation, because whether we like it or not, cannabis is here, it is staying, and it is only going to increase as the evidence continues to mount in cannabis' favour as the most medically beneficial substance known to humanity. It would serve us all well if we prepared for how to deal with cannabis in a rational, just, humane, compassionate, and *evidence-based* manner, rather than through ideology, rhetoric, and fear.

We have recently helped to found the Okanagan Cannabis Resource Coalition, a grass-roots organization dedicated to helping create change in regards to cannabis legislation through education, research, and policy reform. We invite the Mayor and Council to have an audience with a few representatives of the group, in order to provide a voice for those who would be severely negatively affected by the Mayors' proposed policy, as well as to provide input about how to control and regulate gardens from people who are familiar with every aspect of cannabis.

We hope the Mayor and Council seriously consider our letter and invitation. We look forward to hearing from you and thank-you for your time and consideration.

Sincerely,

Bob K.
CEO and Founder

Paul Mehain
Director and Founder

Rob Callaway, M.A. (Psychology and Health)
Head of Research and Development