



Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 28 September, 2018)

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from an Indigenous nation on whose reserve, Nisga'a Land or treaty settlement land the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of Indigenous nations in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the relevant Indigenous nation.

Upon receipt of notice, Indigenous nations can:

- choose not to recommend approval of any cannabis retail store licences
- impose restrictions on where cannabis retail stores can be located
- limit the hours that cannabis retail stores can operate
- charge fees for assessing applications.

If the Indigenous nation decides to consider the notice of application, it must gather the views of area residents and provide comments and a recommendation to LCRB in accordance with the statutory requirements. The province cannot issue a licence unless the Indigenous nation for the area in which the store is proposed to be located gives the LCRB a positive recommendation that the licence be issued.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the Indigenous nation decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- receiving written comment in response to a public notice of the application
- conducting a public hearing in respect of the application
- holding a referendum, or
- using another method the Indigenous nation considers appropriate.

It is up to the Indigenous nation to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the Indigenous nation.

What must the Indigenous nation's recommendation include?

The recommendations and comments the Indigenous nation provided to the LCRB must:

- be in writing
- show that the Indigenous nation has considered the location of the proposed store
- include the views of the Indigenous nation on the general impact on the community if the application is approved
- include the views of residents if the Indigenous nation has gathered residents' views, and a description of how they were gathered
- include the Indigenous nation's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The Indigenous nation should also provide any supporting documents referenced in their comments.

What if the Indigenous nation does not want to provide a recommendation?

If an Indigenous nation does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from an Indigenous nation. If a response is not received, LCRB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the comments and recommendation do not meet the regulatory requirements, the LCRB will ask the Indigenous nation to provide new or amended comments that address outstanding issues.

How long does the Indigenous nation have to provide comments?

Indigenous nations are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is responsible for the delay, the Indigenous nation should notify the LCRB. If the applicant is not making efforts to move an application forward, the application may be cancelled by the LCRB.

Can the Indigenous nation recommend approval subject to certain conditions?

In some circumstances, the Indigenous nation can recommend that LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing such restrictions.

If the Indigenous nation intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the Indigenous nation should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

An Indigenous nation may also impose other operating rules on the proposed store through the terms and conditions of a business licence. The Indigenous nation is responsible for enforcing these conditions.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Indigenous nations are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.