

Running Head: AN ANALYSIS OF SURREY'S MEDICAL MARIJUANA GROW-OPS

**An Analysis of Surrey's  
Medical Marijuana Grow-ops**

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Medical marijuana grow-ops have been a safety issue for everyone involved since its implementation. The city of Surrey is no exception. Twenty three cases were reviewed and there were a number of fire and electrical safety issues within the grow locations, as well as bylaw and zoning issues. Ronald Denault of Health Canada states that “(i)ndividuals licensed under the MMAR (Marijuana Medical Access Regulations) are required to observe all other laws, including by-laws such as zoning, fire and safety regulations” (personal communication, February 17, 2009). As of now, very few medical marijuana grow-ops have been inspected to ensure these regulations are followed. These grow-ops are not inspected and regulated in a way that insures these laws are being followed, causing health and safety issues for the communities containing these medical marijuana grow-ops.

There are many grow-ops that local governments, police, and fire department are unaware of. In a recent paper that analysed national cases related to the marijuana medical access regulations, it was found that there were only three Health Canada Inspectors, for the 1294 Medical Marijuana Authorization to Posses (ATP) Licensees in British Columbia (figure 1). It was stated, “(i)t is possible that an individual authorized to grow medical marijuana may never undergo an inspection of their grow operation” (Canadian Association of Chiefs of Police, 2010, p. 17).

This means they are not being regulated to ensure they are observing all laws, including local bylaws. An online local news site said, “...municipalities participating in the Electrical Fire and Safety Initiative have found 50 medical grow operations during their inspections” in British Columbia (Diakiw, 2011, para. 18). That is only a very small fraction of potential grow-ops that have been inspected to ensure all health and safety regulations are followed.

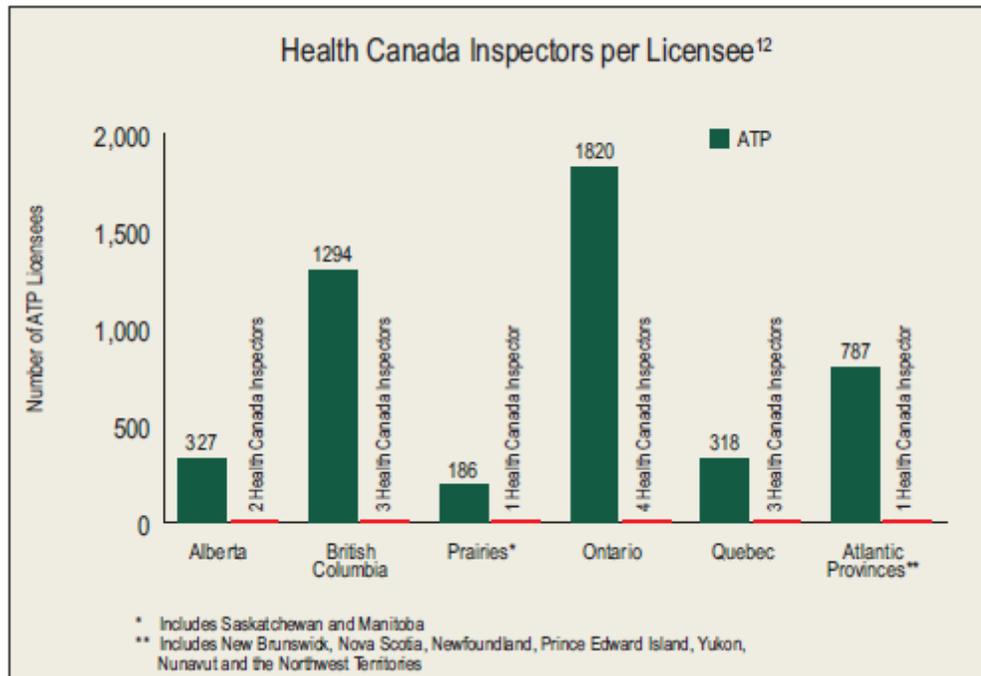


Figure 1: Canadian Association of Chiefs of Police Canadian Association, 2010, p. 12

These grow-ops are brought to attention by police tips, hydro consumption, and a couple by the Fire Prevention Division. Six out of the twenty three cases were tips to the police, due to smell, and strange activities at the grow sites. Nineteen out of the twenty three cases were found due to, higher than what is deemed safe, hydro usage for a single family dwelling. Two out of the twenty three cases were brought to the Fire Prevention Division on annual fire safety inspections of commercial buildings. Health Canada “does not discuss or disclose any information... about an individual’s application, authorization or licence, unless permitted by the MMAR; this includes sharing information with municipalities and fire departments”, Cathy Sabiston, Director General of the Controlled Substances and Tobacco Directorate, recently stated (personal communication, May 10, 2011). This is due to the Privacy Act. This is in part to protect the licensee from violence and grow-rips. This also means that, since none of the local governments are aware of these grow-ops, and are unable to inspect them to ensure that these individuals are following building, fire and electrical safety regulations, along with local zoning and city bylaws. This also

puts first responders at these locations in danger since they do not know what factors could be involved.

These medical marijuana grow-ops were found in people's homes, outbuildings, and commercial buildings. Sixteen out of the twenty three grow-ops were found inside people's homes, five were found in outbuilding, which can be sheds or greenhouses, and four grow-ops were found inside commercial buildings. When these grow-ops are residential, there is a greater health and safety risks since there are people living with the grow locations. These residential grow-ops, in their homes or outbuildings, are closer together, putting neighbours at risk. There are electrical and fire safety risks, along with health risks such as mould and mildew that they are exposed to. This may result in long term health issues. There is also a chance of grow rips if people in the area become aware of the grow operation. This endangers the people residing at the grow site and neighbours. The wrong house could be targeted and unsuspecting home owners put in harm's way. One of the grow-ops in surrey had been ripped resulting with the licence holder being shot.

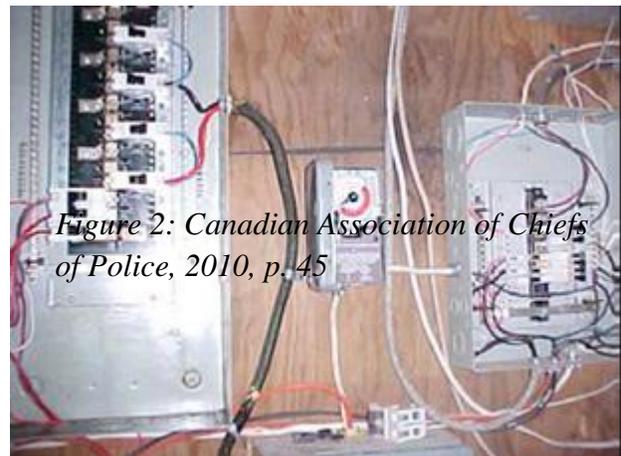
It is also a concern that in some cases children are living in these homes. Out of the twenty three cases in Surrey, two homes had children living there. This puts the children at risk of fire, electrocution, and respiratory problems due to mould and mildew, and maybe even exposed to violence or illegal activity. Some grow-ops are located across from schools or even next to daycares.

The inspection of these grow sites did not have good results. Eighteen of the twenty three grow-ops had electrical issues, three of which had the hydro disconnected. One of the inspections revealed fire damage to the house, and it also had children living there. The city of Surrey states

that “structures housing the grow-ops becom(e) up to 24 times more likely to burn” (Diakiw, 2011, para. 5). This puts people living at these grow sites at a greater risk.



Two of the grow-ops were at a location that was different than the one they were licensed for, called non licensed units. One of the medical marijuana grow-ops in Surrey was found in an area that was against zoning bylaws. It was also found that not all of the grow-ops were zoned for horticultural use either. Meaning there were grow-ops not following the zoning bylaws that the licensees are to adhere to.



A few of the grow inspections revealed more lights put in than what was required for their grow, showing that they were set up to grow many more plants, most likely to sell. Entering the illegal drug trade can be very profitable, and there is a low chance of being inspected when operating a legal grow operation (Canadian Association of Chiefs of Police, 2010, p. 7).



There are many issues with these medical marijuana grow-ops that need to be addressed. From a health and safety standpoint, it would

help greatly to keep these grow-ops in

*Figure 4: Canadian Association of Chiefs of Police, 2010, p.45*

commercial and agricultural areas and set up regulations to be followed. This includes regular inspections to ensure the proper permits were taken out, there are no electrical or fire and safety issues (figures 2-4), and the right number of plants are being grown as per licence. “(T)he overall cost to our local government has risen...” due to the unsafe legal medical marijuana grow-ops, stated the Mayors of the City and Township of Langley (personal communication, March 8, 2011). Pictures of legal grow-ops were shown against illegal ones and there was no observable difference. “You find the same shoddy workmanship, the same health concerns as in the illegal grow-op” (Bellett, 2009, para. 11) said Stephen Gamble, president of the Fire Chiefs’

Association of BC, in a Vancouver Sun article. The further these grow-ops are from residential areas, the less risk there is to the communities that contain them.

Criminal abuse of the MMAR is common due to a number of factors. Due to a lack of inspections and monitoring of medical marijuana grow-ops, there is a low risk of apprehension when people exploit the terms of their licence. And according to an analysis of national cases related to the marijuana medical access regulations, “(i)n the event a licensee is apprehended, prosecution is unlikely” (2010, p. 9). Other factors that may lead up to criminal abuse of licences include large production and possession amounts. There are also multiple licences being granted to multiple people at the same production site, up to a number of four. This can lead to large marijuana grow-ops that are deemed legal (2010, p. 11).

Large licence amounts do not follow what actual marijuana plants can yield, resulting in excess marijuana. They can produce more with growing supplies and knowledge of growing techniques,

as well as the type and size of the plants. This excess marijuana has no designated way of disposal. Licence holders are just expected by Health Canada to destroy the excess. This leads to the potential to make a profit off their grow if they choose sell rather than destroy the excess. This makes it appealing to enter the drug trade (Canadian Association of Chiefs of Police, 2010, p 12-13).

Currently, "... law enforcement agencies have no authority to conduct an inspection to ensure licence compliance." To be able to inspect these medical marijuana grow-ops they must have "... reasonable grounds that a criminal activity is taking place..." and obtain a warrant. Many times law enforcement come across these grow-ops and have no idea it is a legal grow until they contact Health Canada. Upon request of law enforcement, Health Canada provides licence details for specific cases (Canadian Association of Chiefs of Police, 2010, p. 25).

Even in cases where the licence holder is not complying to licence regulations there is little law enforcement can do. "In most cases, where the licence holder is producing over their legal limit, law enforcement officials are directed to take the excess plants, leaving the licensee with their allowable amount (Canadian Association of Chiefs of Police [CACP], 2010, p. 7). Even after a person possessing a licence gets convicted of a designated drug offence, Health Canada will revoke a licence to grow, but "... must allow the licence holder to maintain their authorization to possess marijuana for medical purposes as it was supported by a physician" (CACP, 2010, p. 28).

Currently there are no criminal record checks for those applying for a Personal Production Licence or an Authorization to Possess; only those applying for a Designated Person Production Licence, which allows a person to grow for a person with an Authorization to Possess requires

one. According to an analysis of national cases related to the marijuana medical access regulations, fifty percent of people with a licence had a criminal record "... which included production, trafficking, and importing and exporting of controlled substances"; the majority of those with a Personal Production Licence (2010, p. 27).

Surrey council has proposed a new bylaw to change the zoning requirements for medical marijuana grow-ops. "People in Surrey who use or grow medical marijuana will soon have to obtain municipal permits and growers will have to relocate to an agricultural area" according to a local news article (Diakiw, 2011, para. 1). This is a push to get these grow-ops out of residential areas to help minimize health and safety to neighbouring buildings and residents. To help push people toward growing in residential areas, they are making electrical final approval of inspected grow-ops, in residential areas, subject to bylaw approval for zoning and property use; this is seen in recent medical marijuana grow cases in Surrey.

Ideally medical marijuana should be grown by pharmaceutical companies to further reduce health and safety issues, since it would be government regulated with higher security. This way the licence holders would not be putting their families and communities at risk, and will not be tempted to make money on the side in the drug trade. They would have to go to the pharmacy to pick up their medical marijuana like any other prescription. The Mayors of the City and Township of Langley draw attention to the fact that "In this way the quality and potency of the drug can be maintained at the appropriate levels" (personal communication, March 8, 2011).

Health Canada (2008) stated the following on their website:

Health Canada obtains dried marihuana and seeds for medical use from Prairie Plant Systems Incorporated, a company specializing in the growing, harvesting

and processing of plants for pharmaceutical products and research. The production of this specific strain of marijuana is highly standardized and secure. Patients have the option of purchasing dried marijuana and/or seeds in order to grow their own. (sect. 6)

The pharmaceutical approach is already in place, it just needs to be utilized and expanded. This would be beneficial for everyone by solving all the issues while still making medical marijuana readily available for those who need it. It seems it would cost less and be easier to regulate a government facility. This way there is no issue with the Privacy Act, in respect to knowing where the legal grow-ops are located, and ensuring the proper building, electrical and fire safety needs are met.

Changing the regulations, and getting rid of the licences to grow medical marijuana, allows access to the controlled substance, only in controlled quality and amounts, through a pharmacy with a prescription. This works with other drugs such as methadone so it is a valid option to make medical marijuana available to those who need it in a safe and controlled way.

Medical marijuana grow-ops have been a health and safety issue for everyone involved since its implementation. There are fire and electrical safety issues within the grow locations, as well as bylaw and zoning issues. Regulations are not being followed, and without knowing the grow locations; they are not being inspected, and regulations, not enforced. These grow-ops are health and safety risks to the communities that contain them. Moving the grow-ops to commercial and agricultural areas would help minimize the risk, but there is no way for local governments to know where they are due to the Privacy Act. The way to make medical marijuana available to

those who need it is to make it only available with a prescription from a pharmacy in order to ensure that regulations are followed, and the health and safety of everyone involved is obtained.

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