
Second Session, Forty-second Parliament
70 Elizabeth II, 2021
Legislative Assembly of British Columbia

BILL 8

**PUBLIC SAFETY AND SOLICITOR GENERAL
STATUTES AMENDMENT ACT, 2021**

Honourable Mike Farnworth
Minister of Public Safety and Solicitor General

Explanatory Notes

SECTION 1: *[Cannabis Control and Licensing Act, section 1]* repeals the definition of “cannabis worker”, replaces the definition of “federal producer” with a definition of “federal licence holder” and adds a definition of “security manager”.

SECTION 2: *[Cannabis Control and Licensing Act, section 2]*

- repeals the application provision that addresses medical cannabis;
- relevant content is moved to sections 13.1 and 20.1, as added to the Act by this Bill.

SECTION 3: *[Cannabis Control and Licensing Act, section 2.1]* provides that certain references to activities authorized under the *Cannabis Act* (Canada) include authority for the activities under the *Allard* order.

SECTION 4: *[Cannabis Control and Licensing Act, section 5]*

- repeals the provision that authorizes the general manager to delegate powers and duties;
- relevant content is moved to section 8 of the Act, as amended by this Bill.

BILL 8 – 2021

**PUBLIC SAFETY AND SOLICITOR GENERAL
STATUTES AMENDMENT ACT, 2021**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**PART 1 – CANNABIS CONTROL AND
LICENSING ACT AMENDMENTS**

1 *Section 1 of the Cannabis Control and Licensing Act, S.B.C. 2018, c. 29, is amended*

(a) by repealing the definition of “cannabis worker”,

(b) by repealing the definition of “federal producer” and substituting the following:

“federal licence holder” means a person who holds a licence under the Cannabis Act (Canada); , and

(c) by adding the following definition:

“security manager” means the security manager appointed under section 7; .

2 *Section 2 (1) is repealed.*

3 *The following section is added:*

Activities under Cannabis Act (Canada)

2.1 When a provision of this Act refers to an activity authorized under the *Cannabis Act* (Canada) and the provision applies to medical cannabis, the reference to the *Cannabis Act* (Canada) includes authority for the activity under the order granted in *Allard v. Canada*, 2014 FC 280, as continued by the order granted in *Allard v. Canada*, 2016 FC 237.

4 *Section 5 is repealed.*

SECTION 5: *[Cannabis Control and Licensing Act, sections 7 and 8]* provides for the appointment of a security manager and the delegation of the general manager's, security manager's and director's powers and duties.

SECTION 6: *[Cannabis Control and Licensing Act, section 9]* adds a reference to the security manager.

SECTION 7: *[Cannabis Control and Licensing Act, section 10]* adds references to the security manager and director.

SECTION 8: *[Cannabis Control and Licensing Act, section 11]* authorizes the minister to enter into agreements to disclose information and records, to exchange information and records or to both disclose and exchange information and records.

SECTION 9: *[Cannabis Control and Licensing Act, section 13.1]* establishes that Part 3 of the Act does not apply to certain activities relating to cannabis for medical purposes if those activities are authorized under the *Cannabis Act* (Canada).

5 Sections 7 and 8 are repealed and the following substituted:

Security manager and director

- 7 The minister must appoint, under the *Public Service Act*, a security manager and a director.

Delegation

- 8 The general manager, security manager and director may delegate, with or without conditions, one or more of their powers and duties under this Act, except the power under this section to delegate, to
- (a) a government employee or other person, or
 - (b) a class of government employee or other person.

6 Section 9 (1) and (2) is amended by striking out “general manager” and substituting “general manager or security manager”.

7 Section 10 is amended

(a) in subsection (1) by striking out everything before paragraph (a) and substituting “The general manager, security manager and director may collect from a person any information necessary for the purposes of exercising their powers or performing their duties under this Act or the regulations, despite”, and

(b) in subsection (2) by striking out everything before paragraph (a) and substituting “If any of the following entities have custody or control of information that the general manager, security manager or director is entitled to collect under this Act, the entity must, despite any other enactment, disclose that information to the general manager, security manager or director on request:”.

8 Section 11 (2) (b) is repealed and the following substituted:

- (b) provides for one or both of the following:
- (i) the disclosure of information and records to that other government;
 - (ii) the exchange of information and records with that other government.

9 The following section is added to Part 3:

Cannabis for medical purposes

- 13.1** Unless the regulations provide otherwise, this Part does not apply to the possession, sale, purchase, promotion, supply or production of cannabis for medical purposes that is authorized under the *Cannabis Act* (Canada).

SECTION 10: *[Cannabis Control and Licensing Act, section 15]* replaces “federal producer” with “federal licence holder” and establishes when the federal licence holder can sell cannabis.

SECTION 11: *[Cannabis Control and Licensing Act, section 16]* replaces “federal producer” with “federal licence holder”.

SECTION 12: *[Cannabis Control and Licensing Act, section 17]*

- replaces “federal producer” with “federal licence holder” and establishes when the federal licence holder can supply cannabis;
- establishes when an adult can supply cannabis to another adult.

SECTION 13: *[Cannabis Control and Licensing Act, Division 0.1 of Part 4]* establishes that Part 4 of the Act does not apply to certain activities relating to cannabis for medical purposes if those activities are authorized under the *Cannabis Act* (Canada).

SECTION 14: *[Cannabis Control and Licensing Act, section 23]*

- repeals the provision dealing with the general manager’s fit and proper determination powers;
- relevant content is moved to Division 1.1 of Part 4, as added to the Act by this Bill.

10 Section 15 (b) is repealed and the following substituted:

- (b) the person is a federal licence holder who sells the cannabis to one or more of the following in accordance with the federal licence:
 - (i) the government;
 - (ii) another federal licence holder;
 - (iii) unless the regulations provide otherwise, a person located in another province who is not a federal licence holder if the person is authorized under the laws of that province to purchase and possess the cannabis; .

11 Section 16 (2) (b) is repealed and the following substituted:

- (b) to a federal licence holder or to an employee of a federal licence holder when the holder or employee is doing the activities referred to in subsection (1) in relation to sales to the government or to persons outside British Columbia, or .

12 Section 17 (b) and (f) is repealed and the following substituted:

- (b) the person is a federal licence holder who supplies the cannabis to one or more of the following in accordance with the federal licence:
 - (i) the government;
 - (ii) another federal licence holder;
 - (iii) unless the regulations provide otherwise, a person located in another province who is not a federal licence holder if the person is authorized under the laws of that province to possess the cannabis;
- (f) the person is an adult who is in lawful possession of the cannabis and the following conditions are met:
 - (i) the supply is to another adult;
 - (ii) no consideration is given for the supply;
 - (iii) the supply is not part of a business activity; .

13 The following Division is added to Part 4:

Division 0.1 – Application

Cannabis for medical purposes

20.1 Unless this Part or the regulations provide otherwise, this Part does not apply to the possession, sale, purchase, promotion, supply or production of cannabis for medical purposes that is authorized under the *Cannabis Act* (Canada).

14 Section 23 is repealed.

SECTION 15: *[Cannabis Control and Licensing Act, section 26]*

- adds new grounds on which the general manager must refuse to issue, renew, transfer or amend a licence;
- replaces “federal producer” with “federal licence holder”.

SECTION 16: *[Cannabis Control and Licensing Act, section 27]* adds new grounds on which the general manager may refuse to issue, renew, transfer or amend a licence.

15 Section 26 is amended

(a) by repealing subsection (2) (e) and substituting the following:

- (e) the general manager determines that the applicant is not fit and proper;
- (e.1) in the general manager’s opinion, a fit and proper determination in respect of the applicant cannot be completed by the general manager for one or both of the following reasons:
 - (i) information, records, fingerprints or consents required by a relevant manager under section 29.4 (2) have not been provided within the specified time;
 - (ii) section 29.6 has been contravened; ,

(b) by adding the following subsection:

- (3.1) Without limiting subsection (1), the general manager must not, except in the prescribed circumstances, issue, renew, transfer or amend a licence if doing so would, in the general manager’s opinion, result in one person or a group of related persons
 - (a) holding or having control over more than the prescribed number of licences, or
 - (b) having influence over licensees who hold more than the prescribed number of licences. , **and**

(c) by repealing subsection (4) (a) to (c) and substituting the following:

- (a) a person who has arranged, or agreed to arrange, with another person to sell the cannabis of a federal licence holder to the exclusion of the cannabis of another federal licence holder,
- (b) a federal licence holder or an agent of a federal licence holder, or
- (c) a person who is so associated with, connected to or financially interested in a federal licence holder or in an agent of a federal licence holder that the person is, in the general manager’s opinion, likely to promote the sale of cannabis of the holder.

16 Section 27 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) The general manager may refuse to issue, renew, transfer or amend a licence if
 - (a) the application requirements in section 22 (1) are not met, or
 - (b) section 22 (2) has been contravened in respect of the application. , **and**

SECTION 16: *[Cannabis Control and Licensing Act, section 27 – continued]*

SECTION 17: *[Cannabis Control and Licensing Act, section 29]* adds a reference to Division 1.1, as added to the Act by this Bill, and makes other amendments to achieve consistency within the Act.

SECTION 18: *[Cannabis Control and Licensing Act, Division 1.1 of Part 4]* adds a new Division that sets out the fit and proper determination powers and duties of the general manager and security manager.

(b) in subsection (2) by striking out “or” at the end of paragraph (a) (iii) and by adding the following paragraph:

(a.1) the licensee has contravened section 47 in a matter that arose before the submission of the application, or .

17 Section 29 is amended

(a) by repealing subsection (3) and substituting the following:

(3) The general manager may determine whether an executor, an administrator or an appointed person referred to in subsection (2) is fit and proper, and Division 1.1 applies to the determination as though the executor, administrator or appointed person were a licensee. ,

(b) in subsection (4) (a) by striking out “the licence” and substituting “the licence of the licensee referred to in subsection (1) or (2)”, and

(c) in subsection (4) (b) by striking out “authorize” and substituting “order”.

18 The following Division is added after section 29:

Division 1.1 – Fit and Proper Determinations

Definitions

29.1 In this Division:

“**applicant**” means a person who applies for the issuance, renewal, transfer or amendment of a licence;

“**associate**”, in respect of an applicant or a licensee, means a person who, in the general manager’s or security manager’s opinion,

(a) may have direct or indirect influence over the applicant or licensee,

(b) may be able to affect, directly or indirectly, the activities carried out under the licence applied for or held, or

(c) may have a prescribed direct or indirect connection to the applicant or licensee;

“**relevant manager**” means

(a) the general manager when the general manager is making a fit and proper determination, and

(b) the security manager when the security manager is, on the general manager’s request, forming an opinion about whether an applicant or a licensee is fit and proper.

SECTION 18: *[Cannabis Control and Licensing Act, Division 1.1 of Part 4 – continued]*

Powers and duties

- 29.2** (1) This Division sets out the powers and duties of the general manager and the security manager for the purposes of the general manager's determination as to whether an applicant or a licensee is fit and proper.
- (2) In addition to determining whether an applicant is fit and proper for the purposes of section 26 (2) (e), the general manager may at any time determine whether a licensee is fit and proper.
- (3) On the general manager's request, the security manager must provide the general manager with the security manager's opinion about whether an applicant or a licensee is fit and proper.
- (4) In forming an opinion under subsection (3), the security manager is not required to give the applicant or licensee an opportunity for a hearing.
- (5) The security manager is not required to give reasons to the applicant or licensee for an opinion provided to the general manager under subsection (3).

Associates and others

- 29.3** In determining whether an applicant or a licensee is fit and proper or in forming an opinion about whether an applicant or a licensee is fit and proper, the relevant manager may take into account
- (a) any associate of the applicant or licensee, and
 - (b) any person having a connection to an associate of the applicant or licensee.

Investigations and checks

- 29.4** (1) Without limiting other powers of the general manager or security manager under this Act, a relevant manager may, for the purposes of determining whether an applicant or a licensee is fit and proper or of forming an opinion about whether an applicant or a licensee is fit and proper, make inquiries and conduct background investigations and prescribed checks that the relevant manager considers necessary in respect of
- (a) the applicant or licensee,
 - (b) any associate of the applicant or licensee, or
 - (c) any person having a connection to an associate of the applicant or licensee.
- (2) A relevant manager may, for the purposes of determining whether an applicant or a licensee is fit and proper or of forming an opinion about whether an applicant or a licensee is fit and proper, require the applicant or licensee, or an associate of the applicant or licensee or a person referred to in subsection (1) (c), to provide, within the time specified by the relevant manager,

SECTION 18: *[Cannabis Control and Licensing Act, Division 1.1 of Part 4 – continued]*

- (a) information or records specified by the relevant manager that relate to one or more of the applicant, licensee, associate and person,
- (b) fingerprints of the applicant, licensee, associate or person, and
- (c) consents of the applicant, licensee, associate or person to enable the relevant manager to conduct investigations and checks under subsection (1).

Criminal activity

29.5 If the prescribed checks conducted by a relevant manager under section 29.4 (1) disclose that an applicant or a licensee, or an associate of the applicant or licensee or a person referred to in section 29.4 (1) (c), is or has been involved in criminal activity, the general manager may rely on the disclosure, without any underlying sensitive law enforcement information, to determine that the applicant or licensee is not fit and proper.

Information, records, fingerprints and consents

- 29.6** (1) A person must not provide information or a record required by a relevant manager under section 29.4 (2) that
- (a) contains false or misleading information, or
 - (b) fails to disclose a material fact.
- (2) A person must not provide fingerprints required for an individual by a relevant manager under section 29.4 (2) that
- (a) have been altered, or
 - (b) are not the fingerprints of the individual.
- (3) A person must not provide a consent required by a relevant manager under section 29.4 (2) that has been forged or fraudulently made.

Reasons

- 29.7** (1) This section applies in the following situations:
- (a) the general manager determines that an applicant or a licensee is not fit and proper;
 - (b) in the general manager's opinion, a fit and proper determination in respect of an applicant or a licensee cannot be completed by the general manager for one or both of the following reasons:
 - (i) information, records, fingerprints or consents required by a relevant manager under section 29.4 (2) have not been provided within the specified time;
 - (ii) section 29.6 has been contravened.

SECTION 18: *[Cannabis Control and Licensing Act, Division 1.1 of Part 4 – continued]*

SECTION 19: *[Cannabis Control and Licensing Act, section 32]*

- ties the content of terms and conditions to matters related to the activities authorized by a licence and to the operation of an establishment;
- clarifies powers to make terms and conditions;
- replaces a reference to medical cannabis with a reference to cannabis for medical purposes.

SECTION 20: *[Cannabis Control and Licensing Act, section 32]* provides for terms and conditions for licences that authorize the promotion of cannabis.

- (2) If the general manager’s determination or opinion referred to in subsection (1) is the basis for a decision made or action taken under section 26 (2) or 37 (2.1) in respect of an applicant or a licensee, the general manager must give written reasons for the determination or opinion to the applicant or licensee, as applicable.
- (3) When the general manager gives written reasons under subsection (2) in respect of a determination that an applicant or a licensee is not fit and proper under section 29.5, the reasons
 - (a) must identify the individual who is or has been involved in criminal activity, and
 - (b) do not have to include the sensitive law enforcement information referred to in section 29.5.

19 Section 32 (1) is amended

- (a) by striking out everything before paragraph (a) and substituting** “The general manager may impose terms and conditions respecting all matters related to an activity that a licence authorizes and to the operation of an establishment, including, without limitation, respecting one or more of the following:”,
- (b) by repealing paragraph (d) and substituting the following:**
 - (d) advertising and branding, including advertising and branding that uses words, phrases, designs, domain names, branding elements or indicia that could indicate that the licensee
 - (i) is associated with another business, or
 - (ii) sells cannabis for medical purposes; , **and**
- (c) by adding the following paragraph:**
 - (j.1) the packaging, purchase and consumption of cannabis; .

20 Section 32 is amended by adding the following subsection:

- (1.1) In the case of a licence that authorizes the promotion of cannabis for the purpose of selling it, the general manager may, in addition to the matters referred to in subsection (1), impose terms and conditions respecting one or more of the following:
 - (a) the licensee’s clients and the means of proving that a licensee is authorized to promote cannabis on behalf of a client;
 - (b) hospitality;
 - (c) means of identifying employees and other representatives of the licensee;
 - (d) promotional activities that take place in conjunction with surveys or market research;

SECTION 20: *[Cannabis Control and Licensing Act, section 32 – continued]*

SECTION 21: *[Cannabis Control and Licensing Act, heading to Division 3 of Part 4]*
removes the reference to consultation.

SECTION 22: *[Cannabis Control and Licensing Act, section 37]* establishes that the general manager must take specified actions against a licensee if the general manager determines that a licensee is no longer fit and proper or forms an opinion that a fit and proper determination cannot be completed.

SECTION 23: *[Cannabis Control and Licensing Act, section 40]* sets out when actions under a compliance order are stayed if the licensee applies for a reconsideration of the order.

(e) samples, coupons and other promotional items.

21 *The heading to Division 3 of Part 4 is repealed and the following substituted:*

Division 3 – Local Governments and Indigenous Nations .

22 *Section 37 is amended*

(a) by repealing subsection (1) (a) and substituting the following:

(a) one or more of the requirements under section 26 or 27, other than section 26 (2) (e) or (e.1), for the issuance, renewal, transfer or amendment of the licence are no longer met; , **and**

(b) by adding the following subsections:

(2.1) The general manager must, after giving written notice to the licensee, take an action described in subsection (2.2) against the licensee if

(a) the general manager determines that the licensee is not fit and proper, or

(b) in the general manager’s opinion, a fit and proper determination of the licensee cannot be completed by the general manager for one or both of the following reasons:

(i) information, records, fingerprints or consents required by a relevant manager under section 29.4 (2) have not been provided within the specified time;

(ii) section 29.6 has been contravened.

(2.2) The general manager must, under subsection (2.1), take one or more of the following actions in respect of the licensee’s licence:

(a) cancel the licence;

(b) suspend the licence or the authority to carry out certain activities under the licence for a period the general manager considers appropriate;

(c) order a transfer of the licence, within the period the general manager specifies, to a person who is at arm’s length from the licensee.

23 *Section 40 (7) is repealed and the following substituted:*

(7) Despite section 38, if the general manager accepts an application for a reconsideration of a compliance order, the actions specified in the order are stayed until the earlier of the following occurs:

(a) the general manager concludes that it would be contrary to the public interest to stay the actions and gives written notice to the applicant that the actions are not stayed;

(b) the general manager makes a reconsideration order with respect to the compliance order.

SECTION 24: *[Cannabis Control and Licensing Act, section 50]* replaces “federal producer” with “federal licence holder”.

SECTION 25: *[Cannabis Control and Licensing Act, section 52]* establishes the maximum amount of dried cannabis or equivalent amounts of cannabis that an adult may possess in a public place.

SECTION 26: *[Cannabis Control and Licensing Act, section 53]* establishes the maximum number of cannabis plants that an adult may possess in a public place.

SECTION 27: *[Cannabis Control and Licensing Act, section 56]* establishes that the limit of 4 cannabis plants growing in a dwelling house does not prevent an adult from growing in the dwelling house additional cannabis plants that are medical cannabis.

24 Section 50 (1) is repealed and the following substituted:

- (1) A person must not arrange, or agree to arrange, with another person to sell the cannabis of a federal licence holder to the exclusion of the cannabis of another federal licence holder.

25 Section 52 (1) and (2) is repealed and the following substituted:

- (1) Subject to subsections (2) and (3), an adult must not possess in a public place an amount of cannabis that is more than
 - (a) 30 g of dried cannabis or an amount of cannabis that is equivalent, as determined in accordance with the regulations, to 30 g of dried cannabis, and
 - (b) the maximum amount of medical cannabis that the adult is authorized to possess in a public place under the *Cannabis Act* (Canada).
- (2) Subsection (1) (b) does not apply to an adult unless the adult
 - (a) is carrying the prescribed proof of authority to possess medical cannabis, and
 - (b) produces the prescribed proof on the request of an enforcement officer as defined in the *Offence Act*.

26 Section 53 (1) and (2) is repealed and the following substituted:

- (1) Subject to subsection (2), an adult must not possess in a public place more than
 - (a) 4 cannabis plants, and
 - (b) the maximum number of cannabis plants that are medical cannabis that the adult is authorized to possess in a public place under the *Cannabis Act* (Canada).
- (2) Subsection (1) (b) does not apply to an adult unless the adult
 - (a) is carrying the prescribed proof of authority to possess medical cannabis, and
 - (b) produces the prescribed proof on the request of an enforcement officer as defined in the *Offence Act*.

27 Section 56 is amended

(a) in paragraph (c) by adding “that are not medical cannabis” after “4 cannabis plants”, and

(b) by repealing paragraph (e) and substituting the following:

- (e) if 2 or more adults ordinarily reside at the same dwelling house, no more than 4 cannabis plants that are not medical cannabis are growing at the dwelling house; .

SECTION 28: *[Cannabis Control and Licensing Act, section 58]* establishes that adults can grow in a dwelling house the number of cannabis plants that are medical cannabis that are authorized under the *Cannabis Act* (Canada), as well as up to 4 other cannabis plants.

SECTION 29: *[Cannabis Control and Licensing Act, section 68]*

- establishes that prescribed persons are vicariously liable if a person consumes cannabis in a prescribed place in contravention of section 67;
- makes consequential amendments.

SECTION 30: *[Cannabis Control and Licensing Act, section 70]* amends definitions to reflect the new definition of “federal licence holder”, as added to section 1 of the Act by this Bill.

SECTION 31: *[Cannabis Control and Licensing Act, section 74]*

- replaces “federal producer” with “federal licence holder”;
- allows minors to operate a vehicle in which there are cannabis plants that are not budding or flowering.

28 Section 58 (d) is repealed and the following substituted:

- (d) if the site is a dwelling house, no more cannabis plants are growing at the dwelling house than the sum of
 - (i) the total number of cannabis plants that are medical cannabis that each adult who ordinarily resides at the dwelling house is authorized under the *Cannabis Act* (Canada) to grow at the dwelling house, and
 - (ii) 4 cannabis plants; .

29 Section 68 is amended

(a) by adding the following subsection:

- (3.1) If a person consumes cannabis in contravention of section 67 [*prescribed places*], each person prescribed for the purposes of this subsection in relation to a prescribed place is deemed to have contravened section 67 and each is liable for the contravention. ,

(b) in subsection (4) by striking out “Subsections (1) to (3)” and substituting “Subsections (1) to (3.1)”, and

(c) by repealing subsection (5) and substituting the following:

- (5) If a person is charged with a contravention as a result of being deemed under this section to have committed the contravention, it is a defence to the charge if the person demonstrates having taken reasonable steps to prevent the contravention.

30 Section 70 (1) is amended

(a) in the definition of “authorized cannabis activities” by striking out “held by a federal producer”, and

(b) by repealing the definition of “authorized person” and substituting the following:

“authorized person” means a licensee or a federal licence holder.

31 Section 74 (2) is amended

(a) in paragraph (a) by striking out “federal producer” and substituting “federal licence holder”, and

(b) by repealing paragraph (c) and substituting the following:

- (c) is one or more cannabis plants that are not budding or flowering.

SECTION 32: *[Cannabis Control and Licensing Act, section 81]*

- replaces “federal producer” with “federal licence holder”;
- allows an adult to operate a vehicle in which there are cannabis plants that are not budding or flowering;
- expands the number of individuals who are not subject to section 81 to include individuals who administer or enforce BC or federal Acts relating to cannabis.

SECTION 33: *[Cannabis Control and Licensing Act, section 82]* replaces “federal producer” with “federal licence holder”.

SECTION 34: *[Cannabis Control and Licensing Act, section 84]* requires the general manager to give a receipt referred to in that section within a reasonable time.

SECTION 35: *[Cannabis Control and Licensing Act, section 88]* establishes that the director’s powers apply to the enforcement of section 58 when adults are growing cannabis plants that are medical cannabis at a site that is not a dwelling house.

SECTION 36: *[Cannabis Control and Licensing Act, section 89]* requires the director to give a receipt referred to in that section within a reasonable time.

SECTION 37: *[Cannabis Control and Licensing Act, section 94]* clarifies the amount of a monetary penalty that may be imposed on each person who contravenes section 15 or 18 of the Act.

32 Section 81 is amended

(a) in subsection (2) (a) by striking out “federal producer” and substituting “federal licence holder”,

(b) by repealing subsection (2) (c) and substituting the following:

(c) is one or more cannabis plants that are not budding or flowering. , **and**

(c) in subsection (3) by striking out “section 51 (d)” and substituting “section 51 (c), (d)”.

33 Section 82 is amended by striking out “federal producer” and substituting “federal licence holder”.

34 Section 84 (4) is amended

(a) by adding “, within a reasonable time,” after “the general manager must”, and

(b) in paragraph (b) by striking out “, within a reasonable time”.

35 Section 88 is repealed and the following substituted:

Application of Division

- 88** (1) The powers of the director under this Division do not apply
- (a) to a licensee,
 - (b) to the licensee’s premises as defined in section 83,
 - (c) in respect of section 54 [*maximum possession limit*], or
 - (d) in respect of Division 2 [*Personal Growing of Cannabis Plants*] of Part 5.
- (2) Despite subsection (1) (d), the powers of the director apply to section 58 [*personal growing of plants that are medical cannabis*] in respect of a site used to grow cannabis plants that is not a dwelling house as defined in section 55.

36 Section 89 (3) is amended

(a) by adding “, within a reasonable time,” after “the director must”, and

(b) in paragraph (b) by striking out “, within a reasonable time”.

37 Section 94 is amended by adding the following subsection:

- (2.1) For certainty, each person on whom the director imposes a monetary penalty in respect of the cannabis referred to in subsection (2) (a) or (b) is liable to the monetary penalty calculated under that subsection.

SECTION 38: ***[Cannabis Control and Licensing Act, section 109]***

- makes it an offence to contravene specified provisions added to the Act by this Bill;
- removes the contravention of section 117 as an offence consequential to the repeal of section 117 of the Act by this Bill.

SECTION 39: ***[Cannabis Control and Licensing Act, heading to Division 1 of Part 7]*** changes the heading to reflect the repeal of section 117 and the addition of sections 117.1 and 117.2 to the Act by this Bill.

SECTION 40: ***[Cannabis Control and Licensing Act, section 117]*** repeals the requirement that cannabis workers be registered.

SECTION 41: ***[Cannabis Control and Licensing Act, sections 117.1 and 117.2]*** adds requirements that individuals must hold a security verification before working in an establishment, in a designated activity or in a position that has a connection to a licence or in a prescribed position involved in the administration of the *Cannabis Distribution Act*.

38 *Section 109 (1) (d) is amended*

(a) by adding “29.6,” after “22 (2),” and

(b) by striking out “116 or 117” and substituting “116, 117.1 (1), 118.1 or 118.2”.

39 *The heading to Division 1 of Part 7 is repealed and the following substituted:*

**Division 1 – Training, Worker Security Verifications
and Public Education .**

40 *Section 117 is repealed.*

41 *The following sections are added:*

**Security verifications –
workers in establishments and related workers**

- 117.1 (1) A licensee must not allow a prescribed individual to perform a prescribed work activity related to the licence as an employee, independent contractor or volunteer, on a full-time or part-time basis, in the establishment under the licence unless
- (a) the individual holds a security verification issued in accordance with the regulations, and
 - (b) the security verification has not expired or been revoked.
- (2) The general manager may, in accordance with section 30 or 31, impose on one or more licences or on a class of licence terms and conditions that prohibit an individual from performing a designated activity outside of an establishment or from working outside of an establishment in a designated position unless
- (a) the individual holds a security verification issued in accordance with the regulations, and
 - (b) the security verification has not expired or been revoked.
- (3) The general manager may designate an activity or position in terms and conditions imposed under subsection (2) if, in the general manager’s opinion, the performance of the designated activity or an activity under the designated position
- (a) has a connection to the licence to which the terms and conditions apply, and
 - (b) could pose a risk to the integrity of the scheme for
 - (i) the possession, sale, purchase, promotion, supply or production of cannabis under this Act,

SECTION 41: *[Cannabis Control and Licensing Act, sections 117.1 and 117.2 – continued]*

SECTION 42: *[Cannabis Control and Licensing Act, Division 1.1 of Part 7]*

- prohibits persons from making misrepresentations about being a licensee, operating a business authorized to sell cannabis or being authorized by the government to do something in relation to cannabis;
- prohibits persons from making public use of branding elements or indicia that are related to cannabis that could be confused with branding elements or indicia of the government.

SECTION 43: *[Cannabis Control and Licensing Act, section 119]* replaces “federal producer” with “federal licence holder”.

SECTION 44: *[Cannabis Control and Licensing Act, section 121]* provides that refunds that the director is authorized to pay must be paid out of the consolidated revenue fund.

- (ii) the sale, purchase, storage or distribution of cannabis under the *Cannabis Distribution Act*, or
- (iii) the possession, sale, purchase, promotion, distribution or production of cannabis under the *Cannabis Act* (Canada).

**Security verifications –
administration of *Cannabis Distribution Act***

- 117.2** The government must not allow an individual to perform any work activity in a prescribed position involved in the administration of the *Cannabis Distribution Act* as an employee, independent contractor or volunteer, on a full-time or part-time basis, unless
- (a) the individual holds a security verification issued in accordance with the regulations, and
 - (b) the security verification has not expired or been revoked.

42 *The following Division is added after section 118:*

Division 1.1 – Misleading the Public

Misrepresentations

- 118.1** A person must not hold themselves out
- (a) as a licensee unless the person is a licensee,
 - (b) as owning or operating a business that sells cannabis unless
 - (i) section 15 (a), (b), (c) or (d) applies to the person,
 - (ii) the cannabis is prescribed for the purposes of section 15 (d), or
 - (iii) the person is authorized to sell cannabis for medical purposes under the *Cannabis Act* (Canada), or
 - (c) as having the authority from the government to do something in relation to cannabis unless the person has that authority.

Confusion with government branding

- 118.2** (1) A person, other than the government, must not make public use of any words, phrases, designs, domain names, branding elements or indicia that are related to cannabis if they are based on, could be confused with or are likely to be mistaken for any branding elements or indicia of the government.
- (2) Subsection (1) does not apply to the name set out on a licence for an establishment.

43 *Section 119 (3) (a) is amended by striking out “federal producer” and substituting “federal licence holder”.*

44 *Section 121 is amended by adding “or director” after “general manager”.*

- SECTION 45: *[Cannabis Control and Licensing Act, section 129]* replaces a reference to medical cannabis with a reference to cannabis used in certain activities for medical purposes.
- SECTION 46: *[Cannabis Control and Licensing Act, section 132]* adds references to the security manager.
- SECTION 47: *[Cannabis Control and Licensing Act, section 133.1]* adds a power to make regulations respecting the conduct of patrons in establishments and government cannabis stores.
- SECTION 48: *[Cannabis Control and Licensing Act, section 134]* adds a power to make regulations respecting fees for security verifications.
- SECTION 49: *[Cannabis Control and Licensing Act, section 135]* repeals the power to make regulations respecting the registration of cannabis workers.
- SECTION 50: *[Cannabis Control and Licensing Act, section 135.1]* adds a power to make regulations respecting security verifications.

- 45 *Section 129 (1) is amended by striking out “medical cannabis” and substituting “the possession, sale, purchase, promotion, supply or production of cannabis for medical purposes that is authorized under the Cannabis Act (Canada)”.*
- 46 *Section 132 (a) and (b) is amended by adding “security manager or” before “director”.*
- 47 *The following section is added:*

Patrons

- 133.1 The Lieutenant Governor in Council may make regulations respecting the conduct of patrons in establishments and government cannabis stores.
- 48 *Section 134 (a) (iv) is repealed and the following substituted:*
(iv) for security verifications referred to in sections 117.1 and 117.2, and .
- 49 *Section 135 is repealed.*
- 50 *The following section is added:*

Security verifications

- 135.1 The Lieutenant Governor in Council may make regulations respecting security verifications for the purposes of sections 117.1 and 117.2, including, without limitation,
- (a) respecting the powers and duties of the general manager and security manager in relation to security verifications,
 - (b) respecting applications for security verifications and the information, records, consents and fingerprints to be provided,
 - (c) respecting the grounds on which the general manager may refuse to accept an application,
 - (d) respecting the requirements for security verifications,
 - (e) respecting security screenings, background investigations and checks to be conducted in relation to an applicant and others who may have direct or indirect influence over an applicant,
 - (f) respecting conditions that may be imposed on security verifications, and
 - (g) respecting the expiry and revocation of security verifications.

SECTION 51: ***[Cannabis Control and Licensing Act, section 138]***

- authorizes the general manager or director to enter into agreements to disclose information and records, to exchange information and records or to both disclose and exchange information and records;
- repeals the power to make regulations respecting the use of branding elements or indicia by businesses that could indicate that the business is associated with or exercising a function of the government;
- replaces “federal producer” with “federal licence holder” in the regulation-making power respecting records.

SECTION 52: ***[Cannabis Control and Licensing Act, section 140]***

- provides that certain regulations made on or before July 9, 2021 may be made retroactive to a date that is not before July 9, 2018;
- repeals the automatic repeal of section 140.

SECTION 53: ***[Cannabis Control and Licensing Act, section 156]*** repeals a consequential amendment to the *Pharmacy Operations and Drug Scheduling Act*.

SECTION 54: ***[Cannabis Distribution Act, section 1]*** replaces the definition of “federal producer” with a definition of “federal licence holder” and repeals the definition of “medical cannabis”.

51 Section 138 is amended

(a) by repealing paragraph (a) and substituting the following:

(a) authorizing the general manager or the director to enter into, with an official of a ministry of the government, an agreement that provides for one or both of the following:

- (i) the disclosure of information and records to that ministry;
- (ii) the exchange of information and records with that ministry; , **and**

(b) by repealing paragraphs (i) and (j) and substituting the following:

(j) respecting records to be kept, including the form and manner of keeping the records, the length of time they are to be retained and the provision of those records to the director, by the following persons:

- (i) current or former federal licence holders;
- (ii) persons who are or were authorized under the *Cannabis Act* (Canada) to sell, distribute or produce cannabis.

52 Section 140 (2) and (3) is repealed and the following substituted:

(2) A regulation referred to in subsection (1), made on or before July 9, 2021, may be made retroactive to a specified date that is not before July 9, 2018 and, if made retroactive, is deemed to have come into force on the specified date.

53 Section 156 is repealed.

Consequential and Related Amendments

Cannabis Distribution Act

54 Section 1 of the Cannabis Distribution Act, S.B.C. 2018, c. 28, is amended

(a) by repealing the definition of “federal producer” and substituting the following:

“**federal licence holder**” has the same meaning as in the *Cannabis Control and Licensing Act*; , **and**

(b) by repealing the definition of “medical cannabis”.

SECTION 55: *[Cannabis Distribution Act, section 2]* provides that the Act does not apply in relation to industrial hemp or cannabis produced or sold for medical purposes under the *Cannabis Act* (Canada) or under the *Allard* order.

SECTION 56: *[Cannabis Distribution Act, section 3]* replaces “federal producer” with “federal licence holder”.

SECTION 57: *[Cannabis Distribution Act, section 13]* adds a reference to the production or sale of cannabis for medical purposes to the definition of “interested person”.

SECTION 58: *[Cannabis Distribution Act, section 14]* authorizes the minister to enter into an agreement to disclose cannabis records and information, to exchange records and information or to both disclose and exchange records and information.

SECTION 59: *[Jury Act, section 3]* disqualifies a person convicted of an offence or charged with an offence under the *Cannabis Act* (Canada) from serving as a juror.

55 Section 2 is repealed and the following substituted:

Application

- 2** Unless this Act provides otherwise, this Act does not apply in relation to
- (a) industrial hemp, or
 - (b) cannabis that is produced or sold for medical purposes under the *Cannabis Act* (Canada) or under the order granted in *Allard v. Canada*, 2014 FC 280, as continued by the order granted in *Allard v. Canada*, 2016 FC 237.

56 Section 3 (2) (a) is amended by striking out “federal producer” and substituting “federal licence holder”.

57 Section 13 (1) is amended by repealing paragraphs (a) and (b) of the definition of “interested person” and substituting the following:

- (a) produce cannabis for commercial purposes, including medical purposes;
- (b) sell cannabis, including selling cannabis for medical purposes; .

58 Section 14 (3) is repealed and the following substituted:

- (3) Subject to subsections (4) and (5), the minister may, on behalf of the government, enter into an agreement that provides for one or both of the following:
- (a) the disclosure of cannabis records and information to a party to the agreement;
 - (b) the exchange of records and information with a party to the agreement.

Jury Act

59 Section 3 (1) of the *Jury Act*, R.S.B.C. 1996, c. 242, is amended in paragraphs (p) and (q) by striking out “Criminal Code” and substituting “Criminal Code, the *Cannabis Act* (Canada)”.

SECTION 60: *[Liquor Control and Licensing Act, section 73]* authorizes the Vancouver Park Board to designate parks under its jurisdiction as places where liquor may be consumed.

**PART 2 – LIQUOR CONTROL AND
LICENSING ACT AMENDMENTS**

Liquor Control and Licensing Act

60 *Section 73 (2) of the Liquor Control and Licensing Act, S.B.C. 2015, c. 19, is repealed and the following substituted:*

- (2) Subject to subsection (3) and the regulations, a municipality, a regional district or the Park Board, established under section 485 of the *Vancouver Charter*, may, by bylaw, designate a public place over which it has jurisdiction, or part of such a place, as a place where liquor may be consumed.

Commencement

61 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 22	By regulation of the Lieutenant Governor in Council
3	Sections 24 to 33	By regulation of the Lieutenant Governor in Council
4	Sections 38 to 51	By regulation of the Lieutenant Governor in Council
5	Sections 54 to 58	By regulation of the Lieutenant Governor in Council
6	Section 60	By regulation of the Lieutenant Governor in Council