



*Cannabis Control and Licensing Act*  
**CANNABIS LICENSING REGULATION**  
**B.C. Reg. 202/2018**

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**Consolidated Regulations of British Columbia**

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

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# *Cannabis Control and Licensing Act*

## **CANNABIS LICENSING REGULATION**

**B.C. Reg. 202/2018**

### **PART 1 – INTERPRETATION**

#### **Definitions**

- 1** In this regulation:
  - “**Act**” means the *Cannabis Control and Licensing Act*;
  - “**applicant**” means an applicant for the issuance, renewal, transfer or amendment of a licence;
  - “**medical cannabis**” has the same meaning as in section 2 of the Cannabis Control Regulation;
  - “**original packaging**”, in respect of cannabis, means the packaging of the cannabis when it was purchased from the government;
  - “**prepaid purchase card**” has the same meaning as in section 56.1 of the *Business Practices and Consumer Protection Act*;
  - “**retail store**” means all or part of a building or structure designated in a retail store licence to be the establishment.

#### **Equivalent amount of cannabis**

- 2** When this regulation refers to “30 g of dried cannabis or an equivalent amount”, “**equivalent amount**” means an amount of cannabis that is equivalent to 30 g of dried cannabis as determined in accordance with the table to section 9 (3) of the Cannabis Control Regulation.

### **PART 2 – LICENCES**

#### **Division 1 – Classes of Licences**

##### **Classes of licences**

- 3** The following classes of licences are established:
  - (a) retail store licence;
  - (b) marketing licence.

#### **Division 2 – Retail Store Licences**

##### **Authorized activities**

- 4** A retail store licence authorizes the licensee to sell cannabis referred to in section 15 (c) of the Act
  - (a) from the retail store to patrons, and

- (b) if approved by the general manager, to a licensee who holds another retail store licence.

**Rules and requirements**

- 5** (1) The following rules and requirements apply to a retail store licence:
- (a) only the following are permitted to be sold from the retail store:
    - (i) cannabis;
    - (ii) cannabis accessories;
    - (iii) bags of a class or type approved by the general manager;
    - (iv) prepaid purchase cards for use in the retail store for the future supply of only the items referred to in subparagraphs (i) to (iii);
  - (b) only the following are permitted to be sold through an online system of the licensee:
    - (i) cannabis accessories;
    - (ii) bags of a class or type approved by the general manager;
    - (iii) prepaid purchase cards for use in the retail store for the future supply of only the items referred to in paragraph (a) (i) to (iii);
  - (c) the only business that takes place in the retail store is the sale of the items referred to in paragraph (a);
  - (d) the payment for cannabis purchased by a patron must take place in the retail store;
  - (e) the transfer of personal possession of cannabis from the licensee to a patron who purchased the cannabis must take place in the retail store;
  - (f) cannabis must not be sold to a person who intends to deliver the cannabis to another person for compensation;
  - (g) the maximum amount of cannabis that can be sold to a patron in a transaction is 30 g of dried cannabis or an equivalent amount;
  - (h) subject to subsection (3), a patron must not have in the retail store personal possession of more than 30 g of dried cannabis or an equivalent amount;
  - (i) cannabis that is sold under the retail store licence must be sold in its original packaging that has never been opened;
  - (j) the licensee must not open the original packaging of cannabis unless
    - (i) the purpose of opening the packaging is to allow patrons to smell the cannabis, or another purpose approved by the general manager, and
    - (ii) cannabis from the opened packaging is not sold;
  - (k) a patron must not open in the retail store the original packaging of cannabis;
  - (l) cannabis must not be consumed in the retail store;
  - (m) subject to limitation by the general manager, sales of cannabis must not take place before 9 a.m. or after 11:00 p.m. of the same day;

- (n) entertainment and games are not allowed in the retail store;
  - (o) Repealed. [B.C. Reg. 31/2019, s. (a).]
  - (p) the retail store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;
  - (q) the entrances and exits of the retail store must not be shared with any other store or business;
  - (r) it must not be possible for patrons entering or exiting the retail store to pass through any other store or business other than
    - (i) the common area of a mall, or
    - (ii) an area approved by the general manager under paragraph (s) (ii);
  - (s) the entrances and exits of the retail store must not require patrons to pass through an area that is enclosed to create exclusive access to an entrance or exit of the retail store and one or more other stores or businesses, other than an area that is
    - (i) the common area of a mall or a hallway, or
    - (ii) subject to subsection (4), an area approved by the general manager;
  - (t) the retail store licence must be posted in a conspicuous place in the retail store.
- (2) For the purposes of subsection (1) (d),
- (a) the payment for the purchase of a prepaid purchase card is not a payment for the purchase of cannabis, and
  - (b) the debiting of a prepaid purchase card to acquire cannabis is a payment for the purchase of cannabis.
- (3) The reference in subsection (1) (h) to a patron having personal possession of 30 g of dried cannabis or an equivalent amount does not apply to medical cannabis if
- (a) the adult is carrying proof of authority to possess medical cannabis within the meaning of section 1 of the Cannabis Control Regulation, and
  - (b) the amount of medical cannabis the patron possesses is not more than the amount permitted under the *Cannabis Act* (Canada).
- (4) The general manager must not approve an area under subsection (1) (s) (ii) if the area provides access to
- (a) a business in which the majority of the goods or services offered for sale are primarily directed at minors, or
  - (b) premises that are subject to a licence issued under the *Liquor Control and Licensing Act* that authorizes patrons to consume liquor, other than the consumption of samples, in the service area under the licence.
- [am. B.C. Reg. 31/2019, s. (a).]

**Restriction on number of retail store licences that may be held**

- 6** (1) In this section:

**“group of related persons”** means

- (a) a corporation and any affiliate, within the meaning of section 2 of the *Business Corporations Act*, of the corporation,
- (b) an individual and any corporation that is controlled, within the meaning of section 2 of the *Business Corporations Act*, by the individual,
- (c) a person who is a partner in a general partnership and each of the partners,
- (d) a person who is a general partner in a limited partnership and each of the general partners, or
- (e) a person who is a partner in a limited liability partnership and each of the partners;

**“significant shareholder”**, in respect of a corporation, means a person who holds or beneficially owns, other than by way of security only, 20% or more of any class of shares of the corporation that confer the right to vote for the election of directors.

- (2) This section prescribes criteria for the purposes of section 26 (2) (f) of the Act.
- (3) An applicant for a retail store licence or group of related persons must not hold more than 8 retail store licences.
- (4) One or more corporations, referred to in paragraphs (a) to (c) as the licence-holding corporations, must not hold more than 8 retail store licences in any of the following situations:
  - (a) the same person is a significant shareholder in each of the licence-holding corporations;
  - (b) the same person is a significant shareholder in one or more corporations that are significant shareholders in each of the licence-holding corporations;
  - (c) the same person is a significant shareholder in one or more, but not all, of the licence-holding corporations, and each of the remaining licence-holding corporations has one or more significant shareholders that are corporations in which that person is a significant shareholder.
- (5) A person must not, in the general manager’s opinion, through an association, financial interest or family or other connection,
  - (a) likely have direct or indirect influence over licensees who hold more than 8 retail store licences,
  - (b) likely be able to affect, directly or indirectly, the activities carried out under more than 8 retail store licences, or
  - (c) have the influence referred to in paragraph (a) or the ability to affect activities referred to in paragraph (b) with respect to more than 8 retail store licences.

**Licensee must comply with section 6 criteria**

- 7 It is a requirement of a retail store licence that, during the term of the licence, the criteria under section 6 in respect of the licence continue to be met.

**Altering or adding to cannabis**

- 8 A retail store licensee must not
- (a) alter cannabis in smell jars or cannabis in its original packaging, or
  - (b) add a substance to cannabis in smell jars or to cannabis in its original packaging.

**Identifying licence under which cannabis will be sold**

- 9
- (1) A retail store licensee, when purchasing cannabis from the government, must identify the licence under which the cannabis will be sold.
  - (2) A retail store licensee must not sell, under a retail store licence, cannabis that it purchased from the government unless the licence was identified by the licensee under subsection (1).
  - (3) The general manager may exempt a retail store licensee from subsection (2) subject to the condition that the cannabis is sold under a retail store licence held by the licensee.

**Changes to structure or layout of retail store**

- 10 It is a rule of a retail store licence that a change to the structure, including changes to the entrances or exits, or layout of the retail store must not take place unless the licence is amended to allow for the change.

### **Division 3 – Marketing Licences**

**Authorized activity**

- 11 A marketing licence authorizes the licensee to promote cannabis for the purpose of selling it.

[en. B.C. Reg. 173/2019, s. 1.]

**Terms and conditions**

- 11.1
- (1) The general manager may impose terms and conditions on a marketing licence respecting all matters related to the promotion of cannabis for the purpose of selling it, including, without limitation, respecting one or more of the following:
    - (a) to whom the promotional activities may be directed;
    - (b) the type of cannabis that may be promoted;
    - (c) the licensee's clients and the means of proving that a licensee is authorized to promote cannabis on behalf of a client;
    - (d) promoting cannabis for medical purposes;
    - (e) promotional events and hospitality;

- (f) means of identifying employees and other representatives of the licensee;
  - (g) promotional activities while conducting surveys or market research;
  - (h) samples, coupons and other promotional items.
- (2) The general manager may impose terms and conditions under subsection (1) that apply to all marketing licences and section 30 of the Act applies, with the necessary changes, to such terms and conditions.
  - (3) The general manager may impose terms and conditions under subsection (1) that apply to one or more, but not all, marketing licences and section 31 of the Act applies, with the necessary changes, to such terms and conditions.
  - (4) Terms and conditions may establish and provide differently for different classes of matters or things.
  - (5) Terms and conditions are subject to the Act and this regulation.

[en. B.C. Reg. 173/2019, s. 1.]

#### **Prescribed class of licence – section 26 (4) of Act**

- 12** The class of licence prescribed for the purposes of section 26 (4) of the Act is the marketing licence.

#### **Permitted inducements**

- 12.1** (1) In this section, “**promotional event of the marketing licensee**” means a promotional event organized or sponsored by the marketing licensee or that takes place with some other type of involvement of the marketing licensee.
- (2) Subject to subsection (4), a marketing licensee or an employee or other representative of a marketing licensee who offers to make, agrees to offer to make, agrees to make or makes one or more of the following payments is exempt from section 50 (2) of the Act in respect of such offer, agreement or payments:
- (a) payment for travel, meal, accommodation and entertainment expenses of a retail store licensee who holds one retail store licence, or of an employee of the retail store licensee, that are incurred when attending a promotional event of the marketing licensee, if the payments do not exceed \$1 500 in a calendar year in respect of the retail store licensee;
  - (b) payment for travel, meal, accommodation and entertainment expenses of a retail store licensee who holds more than one retail store licence, or of an employee of the retail store licensee, that are incurred when attending a promotional event of the marketing licensee, if the payments do not exceed
    - (i) \$1 500 per individual in a calendar year, and
    - (ii) \$4 500 in a calendar year in respect of the retail store licensee.
- (3) Subject to subsection (4), a marketing licensee or an employee or other representative of a marketing licensee who offers, agrees to offer or provide or provides hospitality to a retail store licensee who holds one or more retail store licences, or to an employee of the retail store licensee, is exempt from section 50 (2) of the

Act in respect of such offer, agreement or hospitality, if the expenses incurred in providing the hospitality do not exceed \$1 500 in a calendar year in respect of the retail store licensee.

- (4) It is a condition of the exemption under subsection (2) or (3) that the promotional event or hospitality, as the case may be, complies with the requirements of the terms and conditions respecting those activities.
- (5) A retail store licensee or an employee of a retail store licensee who requests, accepts or agrees to accept one or more of the following is exempt from section 50 (3) of the Act in respect of such request, acceptance or agreement:
  - (a) a payment referred to and within the limits set out in subsection (2) (a) or (b);
  - (b) hospitality referred to and within the limit set out in subsection (3).

[en. B.C. Reg. 173/2019, s. 2.]

#### **Division 4 – Local Governments and Indigenous Nations**

##### **Recommendations of local governments and Indigenous nations**

- 13** (1) For the purposes of section 33 (1) of the Act with respect to issuing licences, the prescribed class of licence is the retail store licence.
- (2) For the purposes of section 33 (1) of the Act with respect to types of amendments to a retail store licence, the prescribed type of amendment is the permanent relocation of the retail store to a new location, unless the general manager is satisfied that the residents who will be affected by the new location are substantially the same residents who are affected by the retail store.
- (3) The prescribed criterion for the purposes of section 33 (3) of the Act is the location of a proposed retail store.
- (4) The prescribed circumstances for the purposes of section 33 (3) of the Act are that the issuance of the licence may affect nearby residents.
- (5) For the purposes of section 33 (4) of the Act, comments and recommendations must be given in accordance with the following requirements:
  - (a) the comments and recommendations must be in writing;
  - (b) the comments must include the views of the local government or Indigenous nation on the general impact on the community;
  - (c) if the local government or Indigenous nation has gathered the views of residents under section 33 (3) of the Act, the comments must include
    - (i) the views of the residents, and
    - (ii) a description of the method used to gather those views;
  - (d) the recommendations must include a recommendation
    - (i) that the licence be issued or amended, or
    - (ii) that the licence not be issued or amended;

- (e) the recommendations must include the reasons on which they are based.

### **Division 5 – Fit and Proper Determination by Security Manager**

#### **Definition of “security manager”**

- 14** In this Division, “**security manager**” means the security manager appointed under section 15.

#### **Appointment of security manager**

- 15** The minister must appoint, under the *Public Service Act*, a security manager for the purposes of this Division.

#### **Delegation by security manager**

- 16** The security manager may delegate, with or without conditions, one or more of the security manager’s powers and duties under this Division, 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.

#### **Mandatory requirement for licence**

- 17** In addition to the requirements set out in section 26 (2) of the Act, the general manager must not issue, renew, transfer or amend a licence if, in the security manager’s opinion, the applicant is not fit and proper as determined in accordance with section 18.

#### **Fit and proper determination**

- 18** (1) In this section, “**associate**”, in respect of a licensee or applicant, means a person that, in the security manager’s opinion,
- (a) may have direct or indirect influence over the licensee or applicant, or
  - (b) may be able to affect, directly or indirectly, the activities carried out under the licence or licence applied for.
- (2) In addition to determining whether an applicant is fit and proper, the security manager may at any time determine whether a licensee is fit and proper.
- (3) In determining whether a licensee or applicant is fit and proper, the security manager may take into account
- (a) an associate of the licensee or applicant, and
  - (b) a person who has a connection to an associate of the licensee or applicant.
- (4) In determining whether a licensee or applicant is fit and proper, the security manager may conduct background investigations and the checks set out in subsection (5) that the security manager considers necessary in respect of
- (a) the licensee or applicant,

- (b) an associate of the licensee or applicant who the security manager considers relevant, and
  - (c) a person that the security manager considers relevant who has a connection to the associate.
- (5) The following checks may be conducted for the purposes of subsection (4):
- (a) a criminal record check or fingerprint-based criminal record verification by searching the Canadian Police Information Centre database;
  - (b) a police information check;
  - (c) a check of intelligence databases maintained by law enforcement agencies;
  - (d) a check of records in the justice information system of the Ministry of Attorney General;
  - (e) a check of records in the corrections information system of the Ministry of Public Safety and Solicitor General.
- (6) The security manager may, for the purpose of determining whether a licensee or applicant is fit and proper, require the licensee, applicant, associate or person referred to in subsection (4) to provide, within the time specified by the security manager,
- (a) information or records specified by the security manager relating to one or more of the licensee, applicant, associate or person,
  - (b) fingerprints of the licensee, applicant, associate or person, and
  - (c) consents of the licensee, applicant, associate or person to enable the security manager to conduct investigations and checks.

#### **Death or bankruptcy of licensee**

- 19** (1) The security manager may determine whether the following persons are fit and proper:
- (a) an executor or administrator of the estate of a licensee who has died;
  - (b) a person referred to in section 29 (2) of the Act who has been appointed for a licensee.
- (2) Section 18 of this regulation applies to the fit and proper determination under subsection (1) of this section as though the executor, administrator or appointed person is a licensee.
- (3) If the security manager determines that an executor, administrator or appointed person is not fit and proper, the general manager must do one or more of the following:
- (a) cancel the licence of the licensee referred to in subsection (1);
  - (b) suspend the licence for the period the general manager considers appropriate;
  - (c) order a transfer of the licence within the period the general manager specifies.

**Collection of information**

- 20** Section 10 of the Act applies to the security manager and references to the general manager in that section must be read as including the security manager.

**Providing information, records, fingerprints or consents**

- 21** (1) A person must not provide information or a record required by the security manager under section 18 (6) that
- (a) contains false or misleading information, or
  - (b) fails to disclose a material fact.
- (2) A person must not provide fingerprints required by the security manager under section 18 (6) for an individual that
- (a) have been altered, or
  - (b) are not the fingerprints of the individual.
- (3) A person must not provide a consent required by the security manager under section 18 (6) that has been forged or fraudulently made.

**Division 6 – General Application Matters****Prescribed circumstances – 27 (2) (b) of Act**

- 22** The following are prescribed circumstances for the purposes of section 27 (2) (b) of the Act:
- (a) the applicant is a licensee who has broken the rule set out in section 10 of this regulation;
  - (b) information, records, fingerprints and consents required by the security manager in respect of the application have not been provided to the security manager in compliance with section 18 (6) of this regulation;
  - (c) the applicant contravenes section 21 of this regulation.

**Right to refuse applications**

- 23** For the purposes of section 24 of the Act, the general manager may refuse to accept an application to issue, renew, transfer or amend a licence if
- (a) the applicant submitted a previous application to issue, renew, transfer or amend the same licence in respect of the same establishment,
  - (b) the general manager refused to issue, renew, transfer or amend the licence,
  - (c) in respect of a refusal based on a recommendation of a local government or Indigenous nation under section 33 of the Act, less than 2 years has passed since the refusal, and
  - (d) in respect of a refusal based on other reasons, the general manager is satisfied that the reasons on which the general manager based the refusal are not addressed by
    - (i) changes to the Act, this regulation or terms and conditions, or

- (ii) changes in the new application.

## **Division 7 – General Rules and Requirements**

### **Record-keeping requirements**

- 24** (1) A licensee must keep the records set out in this section
- (a) for a period of 6 years from the creation of the records during the term of the licence and any renewals, and
  - (b) for a period of 6 months after the licence expires or is cancelled.
- (2) A licensee who has more than one licence must keep a separate set of records set out in this section in respect of each licence.
- (3) The records that a retail store licensee must keep are as follows:
- (a) cannabis purchase records;
  - (b) cannabis sales records, including quantity of cannabis sold and prices charged;
  - (c) when cannabis is disposed of, records setting out the date, location and method of disposal and the type and amount of cannabis;
  - (d) sales records respecting cannabis accessories and prepaid purchase cards sold by the licensee;
  - (e) contracts with other licensees;
  - (f) invoices and purchase receipts for all equipment and other inventory that is used in the operation of the establishment;
  - (g) management contracts that are related to the establishment and records establishing or modifying an arrangement referred to in section 26 (3) (b) of the Act;
  - (h) records of incidents described in subsection (4) that occurred in or adjacent to the establishment;
  - (i) records of court orders and judgments against the licensee respecting the sale of cannabis or cannabis accessories;
  - (j) employee records, including names, addresses, compensation, primary job responsibilities, shift schedules and dates of employment.
- (4) The incidents to be recorded for the purposes of subsection (3) (h) are incidents, such as fights or other disturbances and accidents, that adversely affect
- (a) patrons or staff,
  - (b) people who live or work in buildings adjacent to the establishment, or
  - (c) the operation of the establishment.
- (5) A retail store licensee must prepare and maintain a register of cannabis purchased and received and must keep the register

- (a) for a period of 6 years from the making of each entry during the term of the licence and any renewals, and
  - (b) for a period of 6 months after the licence expires or is cancelled.
- (6) A retail store licensee who has more than one retail store licence must keep a separate register referred to in subsection (5) in respect of each licence.
- (7) The records that a marketing licensee must keep are as follows:
- (a) contracts related to the activities authorized under the marketing licence;
  - (b) if an individual who is the licensee or a representative of the licensee visits an establishment to conduct activities authorized under the marketing licence, a record of the visit that includes information identifying the individual;
  - (c) when an individual who is the licensee or a representative of the licensee attends an event involving cannabis business, including events held by the licensee, a record describing the event that includes information identifying the individual;
  - (d) records of court orders and judgments against the licensee respecting the activities authorized under the marketing licence;
  - (e) employee records, including names, addresses, compensation, primary job responsibilities, work schedules and dates of employment.

**Sales strategy**

- 25** A licensee must not use a sales strategy that is likely to promote or encourage the excessive, irresponsible or dangerous use of cannabis.

**Minimum cannabis prices**

- 26** A licensee must not sell to a patron cannabis that the licensee purchased from the government for a price that is less than the price the licensee paid to the government for the cannabis.

**Dormant licences**

- 27** (1) The prescribed period for the purposes of section 37 (5) of the Act is 2 years.
- (2) The prescribed circumstances for the purposes of section 37 (5) of the Act are that the licensee has satisfied the general manager that
- (a) the establishment ceased operations during the period prescribed under subsection (1) of this section because the establishment was substantially damaged by fire, flood or other event beyond the licensee's control,
  - (b) the establishment required extensive renovations as a result of the event, those renovations were started within the prescribed period and work on the renovations continues to the end of the prescribed period, and
  - (c) after the prescribed period, work on the renovations is continuous to the restart of operations in the establishment.

## PART 3 – COMPLIANCE AND ENFORCEMENT

### Compliance with rules and requirements

- 28** A licensee contravenes this regulation if
- (a) a provision of this regulation establishes a rule or requirement with respect to a licence issued to the licensee, and
  - (b) the rule is broken or the requirement is not met.

### Offences and penalties

- 29** (1) A contravention of any of the following provisions is prescribed to be an offence:
- (a) section 5 (1) (b) [*licensee selling cannabis through online system*];
  - (b) section 8 [*licensee altering or adding substance to cannabis*];
  - (c) section 21 (1), (2) or (3) [*providing false information, records, fingerprints or consents to security manager*].
- (2) A person who commits an offence referred to in subsection (1) (a) is liable,
- (a) in the case of a corporation, to a fine of not more than \$100 000,
  - (b) in the case of an individual who is a licensee, to a fine of not more than \$100 000 or to imprisonment for not more than 12 months, or to both, and
  - (c) in the case of an individual who is not a licensee, to a fine of not more than \$50 000 or to imprisonment for not more than 12 months, or to both.
- (3) A person who commits an offence referred to in subsection (1) (b) or (c) is liable,
- (a) in the case of a corporation, to a fine of not more than \$50 000,
  - (b) in the case of an individual who is a licensee, to a fine of not more than \$50 000 or to imprisonment for not more than 6 months, or to both, and
  - (c) in the case of an individual who is not a licensee, to a fine of not more than \$10 000 or to imprisonment for not more than 6 months, or to both.

### Compliance history

- 30** For the purposes of the Act, “**compliance history**” means, in respect of a licensee or former licensee, a record of
- (a) actions taken by the general manager under the Act as a result of the licensee or former licensee
    - (i) contravening the Act,
    - (ii) contravening this regulation, or
    - (iii) failing to comply with a term or condition of the licence,
  - (b) actions taken by the general manager under section 36 or 37 of the Act in respect of the licensee or former licensee,
  - (c) convictions of the licensee or former licensee for committing an offence under section 109 (1) of the Act, and

- (d) convictions, for committing an offence under section 111 of the Act, of an officer, director or agent of a corporation that is the licensee or former licensee.

**Monetary penalties**

- 31** The prescribed schedule of monetary penalties for the purposes of section 38 (2) (b) of the Act is set out in Schedule 2 of this regulation.

**Suspensions**

- 32** (1) The prescribed schedule of licence suspensions for the purposes of section 38 (2) (c) of the Act is set out in Schedule 2 of this regulation.
- (2) If a licence is subject to more than one suspension, the suspensions apply consecutively.

**Prescribed grounds relating to reconsideration orders**

- 33** For the purposes of section 40 (3) (b) of the Act, an application for a reconsideration of a compliance order may be based on the following:
- (a) a failure to observe the rules of procedural fairness;
- (b) an error of law other than an error of law respecting a constitutional question within the meaning of the *Administrative Tribunals Act*.

**Publishing information relating to enforcement actions and convictions**

- 34** (1) If the general manager takes action against a licensee or former licensee under section 38 or 40 of the Act, the general manager may publish the following information in respect of the action:
- (a) the name of the licensee or former licensee;
- (b) the contravention of the Act or regulations by the licensee or former licensee or the term or condition that the licensee or former licensee failed to comply with;
- (c) the action taken by the general manager under section 38 or 40 of the Act and the reasons for taking the action.
- (2) If a licensee or former licensee has been convicted of an offence under the Act, the general manager may publish the following information in respect of the conviction:
- (a) the name of the licensee or former licensee;
- (b) a description of the offence;
- (c) the penalty imposed.

**Posting of signs relating to suspensions or monetary penalties**

- 35** (1) If the licence of a licensee has been suspended or a monetary penalty imposed on a licensee, the general manager may post one or more signs, in prominent

locations in the interior or on the exterior of the establishment, that contain the following information:

- (a) in the case of a suspension, that the licence has been suspended under the Act and the period of the suspension;
  - (b) in the case of a monetary penalty, that the licensee is subject to a monetary penalty and the period of time, established by the general manager, that the sign must remain posted.
- (2) If the general manager has posted one or more signs under subsection (1), the licensee of the establishment must ensure that
- (a) the signs are not taken down,
    - (i) in the case of a suspension, until after the suspension has ended, or
    - (ii) in the case of a monetary penalty, until after the period for posting specified on the sign has ended, and
  - (b) during the period that the signs must remain posted, the signs are not defaced, obstructed or moved.

#### **Compensation for seized cannabis**

- 36** When a licensee applies under section 105 (3) of the Act for compensation for cannabis that has been seized, the amount of compensation payable for the purposes of section 105 (8) of the Act is the purchase price that the licensee paid for the seized cannabis.

## **PART 4 – MISCELLANEOUS**

### **Division 1 – Minors**

#### **Identification**

- 37** The prescribed identification in respect of an individual for the purposes of sections 69 (4) (a) and 70 (4) (a) of the Act are
- (a) one of the following:
    - (i) the individual's passport;
    - (ii) the individual's driver's licence that displays the individual's photograph and date of birth;
    - (iii) the individual's identification card, issued by a government agency, that displays the individual's photograph and date of birth, and
  - (b) one other piece of identification that displays
    - (i) the individual's name, and
    - (ii) one or both of the individual's signature and photograph.

**Division 2 – Conduct in Stores****Opening packaging**

- 38** A patron must not open the packaging of cannabis in a retail store or government cannabis store.

**Consumption of cannabis in stores**

- 39** For the purposes of section 67 of the Act, the following are prescribed places:
- (a) a retail store;
  - (b) a government cannabis store.

**Division 3 – Service and Receipt of Documents****Ways to give or serve documents – general**

- 40**
- (1) For the purposes of section 122 (1) of the Act, a document that is required or allowed under the Act to be given or served on a person, other than the general manager, must be given or served in accordance with this section.
  - (2) The ways to give or serve a document on an individual are
    - (a) by leaving the document with the individual,
    - (b) by leaving the document at the individual's residence with an adult who apparently resides with the individual,
    - (c) by sending the document by ordinary mail, registered mail or courier to the address at which the individual resides or to a forwarding address provided by the individual,
    - (d) by leaving the document in a mailbox or mail slot for the address at which the individual resides,
    - (e) by attaching the document to a door or other conspicuous place at the address at which the individual resides,
    - (f) by sending the document by email to the email address provided by the individual, or
    - (g) by transmitting the document to a fax number provided by the individual.
  - (3) The ways to give or serve a document on a corporation are
    - (a) by leaving the document with an officer or director of the corporation,
    - (b) by sending the document by ordinary mail, registered mail or courier to the registered office of the corporation,
    - (c) by sending a copy of the document by email to the email address provided by the corporation, or
    - (d) by transmitting a copy of the document to a fax number provided by the corporation.
  - (4) The ways to give or serve a document on a partnership are

- (a) by leaving the document with a partner,
  - (b) by sending the document by ordinary mail, registered mail or courier to the business office of the partnership,
  - (c) by sending a copy of the document by email to the email address provided by the partnership, or
  - (d) by transmitting a copy of the document to a fax number provided by the partnership.
- (5) The ways to give or serve a document on an Indigenous nation are
- (a) by leaving the document with an elected official or administrative officer of the Indigenous nation,
  - (b) by sending the document by ordinary mail or registered mail to the mailing address of the Indigenous nation or by courier to the administrative office of the Indigenous nation,
  - (c) by sending a copy of the document by email to the email address provided by the Indigenous nation, or
  - (d) by transmitting a copy of the document to a fax number provided by the Indigenous nation.
- (6) Additional ways to give or serve a document on a licensee are
- (a) by leaving the document with an individual who works in the establishment,
  - (b) by sending the document by ordinary mail or registered mail to the mailing address of the licensee as set out in the licence, or
  - (c) by leaving the document in a mailbox or mail slot at a business address provided by the licensee.

**Deemed receipt**

- 41** For the purposes of section 122 (2) of the Act, a document given or served in accordance with section 40 of this regulation is conclusively deemed to be received,
- (a) if the document is left with an individual, on the day it is left,
  - (b) if the document is sent by ordinary mail, registered mail or courier, on the fifth day after it is mailed or received by the courier,
  - (c) if the document is left in a mailbox or mail slot, on the third day after it is left,
  - (d) if the document is attached to a door or other conspicuous place, on the third day after it is attached,
  - (e) if the document is sent by email, on the third day after it is sent, and
  - (f) if the document is transmitted to a fax number, on the third day after it is transmitted.

**Ways to give or serve documents – general manager**

- 42** For the purposes of section 122 (1) of the Act, a document that is required or allowed under the Act to be given or served on the general manager must be given or served in one of the following ways:
- (a) by leaving the document with the general manager;
  - (b) by sending the document by ordinary mail, registered mail or courier to the address of the general manager;
  - (c) by sending the document by email to the email address of the general manager;
  - (d) by transmitting the document to a fax number of the general manager.

**Division 4 – Fees****Fees**

- 43** The fees payable for licences and other matters set out in the description column in Schedule 1 are set out in the fee column in Schedule 1.

**Time for payment of fees**

- 44** (1) Subject to subsection (2), all fees must be paid at the time that an application or request for anything referred to in Schedule 1 is submitted.
- (2) The fees for the first year of a retail store licence may be paid after the application is submitted, but must be paid before the licence is issued.

**When fees for change of name not payable**

- 45** No fees are payable in respect of a change to a name of a retail store licensee or a retail store if the application is made at the same time as an application for a transfer of a retail store licence.

**Refund – application for reconsideration**

- 46** Fees paid by an applicant for a reconsideration of a compliance order as defined in section 40 (1) of the Act must be refunded if a reconsideration order made under section 40 (10) of the Act rescinds the compliance order.

**SCHEDULE 1**

**FEEES**

<b>Item</b>	<b>Description</b>	<b>Fee (\$)</b>
<b>LICENCE APPLICATION</b>		
1	Retail store	7 500
2	Marketing	500
<b>FIRST YEAR OF LICENCE</b>		
3	Retail store	1 500
<b>LICENCE RENEWAL</b>		
4	Retail store	1 500
5	Marketing	200
<b>LATE RENEWAL OF LICENCE</b>		
6	If application for renewal of retail store licence is made after, but within 30 days of, expiry of licence	200
7	If application for renewal of retail store licence is made more than 30 days, but not more than one year, after expiry of licence	550
8	If application for renewal of marketing licence is made after, but not more than one year after, expiry of licence	50
<b>TRANSFER OF LICENCE</b>		
9	Transfer of licence	500
<b>AMENDMENT TO LICENCE</b>		
10	Change of location of retail store	220
11	Changes to structure or layout of retail store	440
12	Change of name of licensee or retail store	220
13	Any other permanent amendment if that amendment does not require a recommendation under section 33 of the Act from a local government or Indigenous nation	220
14	Any other permanent amendment if that amendment requires a recommendation under section 33 of the Act from a local government or Indigenous nation	330
<b>RECONSIDERATION OF COMPLIANCE ORDER</b>		
15	Application for a reconsideration of a compliance order under section 40 (2) of the Act	500

Item	Description	Fee (\$)
<b>MISCELLANEOUS</b>		
16	Licensee providing notice of an addition or change of, or change of name of, director, officer, senior manager, receiver or executor	500
17	Licensee providing notice that (a) licensee has issued new shares to existing shareholders, or (b) existing shareholders have transferred shares to existing shareholders	110
18	Licensee providing notice that (a) licensee has issued new shares to persons who are not existing shareholders, or (b) existing shareholders have transferred shares to persons who are not existing shareholders	330
19	Duplicate copy of floor plan or other record from licence file	30
20	Creation of record on request	30 per hour

**SCHEDULE 2****MONETARY PENALTIES AND LICENCE SUSPENSIONS**

[am. B.C. Reg. 31/2019, s. (b).]

**Definitions**

**1** In this Schedule:

“**contravention**” in respect of a licensee refers to a licensee’s contravention of a provision of the Act or this regulation or a licensee’s failure to comply with a term and condition of the licence, that is set out under the heading “Contravention” in the table to this Schedule;

“**licensee**” includes a former licensee.

**Type of contravention**

**2** A contravention is of the same type as another contravention if each contravention falls within the same item in the table to this Schedule.

**First, second and subsequent contraventions**

- 3** (1) A contravention is a first contravention in respect of a licensee if
- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence, and
  - (b) the licensee has not committed a contravention of the same type at or in respect of that establishment within the 12-month period preceding the commission of the contravention.
- (2) A contravention is a second contravention in respect of a licensee if

- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence, and
  - (b) the licensee has committed one contravention of the same type at or in respect of that establishment within the 12-month period preceding the commission of the contravention.
- (3) A contravention is a subsequent contravention in respect of a licensee if
- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence, and
  - (b) the licensee has committed a second contravention of the same type at or in respect of that establishment within the 12-month period preceding the commission of the contravention.
- (4) If the general manager is satisfied that imposing the monetary penalty or period of suspension for a second contravention or subsequent contravention set out in the table to this Schedule would create undue hardship on a licensee, the general manager may impose a monetary penalty or period of suspension set out in the table to this Schedule for a first contravention.

**Table**

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
<b><i>UNLAWFUL POSSESSION, SALE OR SUPPLY OF CANNABIS</i></b>							
1	Contravention of section 14 of the Act <i>[unlawful possession of cannabis]</i>	\$15 000 – \$50 000	\$15 000 – \$50 000	\$15 000 – \$50 000	15 – 90	15 – 90	15 – 90
2	Contravention of section 15 of the Act <i>[unlawful sale of cannabis]</i>	\$15 000 – \$50 000	\$15 000 – \$50 000	\$15 000 – \$50 000	15 – 90	15 – 90	15 – 90
3	Contravention of section 17 of the Act <i>[unlawful supply of cannabis]</i>	\$15 000 – \$50 000	\$15 000 – \$50 000	\$15 000 – \$50 000	15 – 90	15 – 90	15 – 90
4	Contravention of section 48 (a) of the Act <i>[sale of cannabis or cannabis accessories by way of self-service]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
5	Contravention of section 48 (b) of the Act <i>[sale of cannabis or cannabis accessories by means of dispensing device]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
6	Contravention of section 9 (2) of this regulation <i>[sale of cannabis under different licence]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
<b>MINORS</b>							
7	Contravention of section 69 (1) or (2) of the Act <i>[selling or supplying cannabis or cannabis accessories to a minor]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
8	Contravention of section 69 (3) of the Act <i>[allowing a minor to consume or possess cannabis in or at a place under the licensee's control]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
9	Contravention of section 70 (2) (a) of the Act <i>[allowing a minor to enter or be in a specified place]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
10	Contravention of section 70 (2) (b) of the Act <i>[allowing a minor to work in an office or place that is associated with the licensee's cannabis business]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
11	Contravention of section 71 (1) of the Act <i>[allowing a minor to take part in cannabis marketing, advertising or promotional activities]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
12	Failure to comply with term and condition restricting the display of cannabis or cannabis accessories in view of minors	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
<b><i>ALLOWING DISORDERLY OR UNLAWFUL CONDUCT</i></b>							
13	Contravention of section 49 (2) (c) of the Act <i>[allowing violent or disorderly conduct in an establishment]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
14	Contravention of section 49 (2) (d) of the Act <i>[allowing unlawful activities or conduct in an establishment]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
<b><i>INTOXICATED PATRONS</i></b>							
15	Contravention of section 49 (2) (a) of the Act <i>[selling cannabis to a person showing signs of intoxication]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
16	Contravention of section 49 (2) (b) of the Act <i>[allowing an intoxicated person to enter or remain in an establishment]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
<b>WEAPONS</b>							
17	Contravention of section 49 (2) (e) of the Act <i>[allowing a person who has a weapon to enter or remain in an establishment]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
<b>DISTURBANCE OF PERSONS</b>							
18	Failure to comply with term and condition that requires licensee to take reasonable measures to ensure that the operation of an establishment does not disturb persons in the vicinity	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
<b>CANNABIS CONSUMPTION</b>							
19	Contravention of section 5 (1) (1) of this regulation <i>[allowing cannabis consumption in a retail store]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
<b>ADVERTISING AND BRANDING</b>							
20	Repealed. [B.C. Reg. 31/2019, s. (b).]						
21	Failure to comply with term and condition restricting advertising, promoting or displaying cannabis or cannabis accessories	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
22	Failure to comply with term and condition restricting advertising or branding of a retail store	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
<b><i>TIED HOUSES AND INDUCEMENTS</i></b>							
23	Contravention of section 50 (1) or (3) of the Act [ <i>tied houses and inducements</i> ]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
24	Failure to comply with term and condition to report to general manager information respecting tied house arrangements	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
<b><i>DEFAULT IN MONETARY PENALTIES</i></b>							
25	Contravention of section 38 (11) or 40 (12) of the Act [ <i>failure to pay monetary penalty within required time</i> ]	\$15 000 – \$25 000	\$15 000 – \$25 000	\$15 000 – \$25 000	15 – 90	15 – 90	15 – 90
<b><i>INSPECTIONS AND SEARCHES</i></b>							
26	Contravention of section 85 (1) (a) or (c), (2) or (3) of the Act [ <i>failing to cooperate during general manager inspection</i> ]	\$15 000 – \$25 000	\$15 000 – \$25 000	\$15 000 – \$25 000	15 – 90	15 – 90	15 – 90
27	Contravention of section 85 (1) (b) of the Act [ <i>failure to produce records or things</i> ]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
28	Contravention of section 102 (4) (a) or (b) of the Act [ <i>obstructing or attempting to obstruct a peace officer</i> ]	\$15 000 – \$25 000	\$15 000 – \$25 000	\$15 000 – \$25 000	15 – 90	15 – 90	15 – 90

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
<b>MISCELLANEOUS CONTRAVENTIONS</b>							
29	Contravention of section 8 of this regulation <i>[altering or adding substance to cannabis]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
30	Contravention of section 10 of this regulation <i>[making a change to the structure or layout of a retail store before amending licence]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
31	Contravention of section 24 (5) of this regulation <i>[failing to maintain a register of cannabis purchased and received]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
32	Contravention of (a) section 22 (2) (a) of the Act <i>[providing false or misleading information in application to the general manager]</i> (b) section 47 (2) (a) of the Act <i>[providing false or misleading information in information or record to the general manager]</i> (c) section 85 (2) (b) of the Act <i>[providing false or misleading information in inspection performed by general manager]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
<b>GENERAL</b>							
33	Contravention of any provision of the Act or this regulation, or failure to comply with a term and condition, not specifically referred to in this Schedule	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11

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