

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 509

, Approved and Ordered October 4, 2022



Janice Austin
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Cannabis Licensing Regulation, B.C. Reg. 202/2018, is amended

- (a) as set out in the attached Appendix 1, and
- (b) effective November 30, 2022, as set out in the attached Appendix 2.



Minister of Public Safety and Solicitor General and
Deputy Premier



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29, ss. 127, 130, 133, 133.1, 138

Other: OIC 528/2018

R10614540

APPENDIX 1

- 1 Section 5 (1) of the Cannabis Licensing Regulation, B.C. Reg. 202/2018, is amended**
- (a) in paragraphs (a) (i) and (b) (i) by adding “, other than cannabis plants that are budding or flowering” after “cannabis”,**
 - (b) in paragraph (g) by striking out “can be” and substituting “may be”,**
 - (c) by adding the following paragraph:**
 - (g.1) the maximum number of cannabis plants that may be sold to a patron in a transaction is 4; , **and**
 - (d) by repealing paragraphs (h) and (k) and substituting the following:**
 - (h) a patron must not have in the retail store personal possession of
 - (i) a cannabis plant that is budding or flowering, or
 - (ii) subject to subsection (3), more than
 - (A) 30 g of dried cannabis or an equivalent amount, and
 - (B) 4 cannabis plants;
 - (k) a patron must not open in the retail store the original packaging of cannabis unless the patron purchased the cannabis in that retail store in its original packaging that had never been opened; .
- 2 Section 5 (3) is repealed and the following substituted:**
- (3) The reference in subsection (1) (h) (ii) to a patron having personal possession of more than 30 g of dried cannabis or an equivalent amount and 4 cannabis plants does not apply to medical cannabis if
 - (a) the patron is carrying proof of authority to possess medical cannabis within the meaning of section 1 of the Cannabis Control Regulation, and
 - (b) the patron does not possess more medical cannabis than the patron is permitted to possess under the *Cannabis Act* (Canada).
- 3 Section 24 (3) (c) is repealed and the following substituted:**
- (c) when cannabis is disposed of, records setting out
 - (i) the date, location and method of disposal, and
 - (ii) the type and amount of cannabis or number of cannabis plants; .
- 4 Section 38 is repealed.**

APPENDIX 2

- 1 Section 1 of the Cannabis Licensing Regulation, B.C. Reg. 202/2018, is amended by adding the following definitions:**
- “**designated federal licence**” means an eligible federal licence designated under section 7.1 (2);

“eligible federal licence” means a licence of a subclass established by section 8 (3) (a), (b) or (c) of the Cannabis Regulations (Canada);

“federal area” means an area where the holder of a designated federal licence conducts or intends to conduct activities authorized by the designated federal licence;

“retail store licence” means any of the following classes of licences established by section 3:

- (a) cannabis retail store licence;
- (b) producer retail store licence;

“retail store licensee” means a person who holds a retail store licence.

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

- (a) cannabis retail store licence;
- (a.1) producer retail store licence; .

3 Section 6 is amended

(a) in subsection (1.1) by adding “in respect of cannabis retail store licences,” after “For the purposes of section 26 (3.1) (a) and (b) of the Act,”

(b) in subsection (2) by adding “in respect of a cannabis retail store licence” after “Subsections (4) and (5) prescribe criteria”, and

(c) in subsections (4) and (5) by striking out “retail store licences” wherever it appears and substituting “cannabis retail store licences”.

4 Section 7 is amended

(a) in subsections (1) and (2) by striking out “a retail store licence” and substituting “a cannabis retail store licence”,

(b) in subsection (1) (a) by striking out “7 other licences” and substituting “7 other cannabis retail store licences”, and

(c) in subsection (1) (b) by striking out “8 licences” and substituting “8 cannabis retail store licences”.

5 The following sections are added:

**Additional mandatory requirements
for producer retail store licence**

- 7.1** (1) Subsections (2) to (5) prescribe criteria in respect of a producer retail store licence for the purposes of section 26 (2) (f) of the Act.
- (2) The applicant must designate in the application the eligible federal licence that is to be associated with the producer retail store licence.
- (3) The applicant must be the holder of the designated federal licence.

- (4) The designated federal licence must not be associated with any other producer retail store licence.
- (5) The location of the establishment or proposed establishment
 - (a) must be
 - (i) adjacent to the federal area, or
 - (ii) otherwise sufficiently proximate, in the opinion of the general manager, to the federal area, and
 - (b) must not overlap with the federal area.

**Prescribed record –
application for producer retail store licence**

7.2 For the purposes of section 22 (1) (c) of the Act, the prescribed record in respect of an application for a producer retail store licence is a copy of the designated federal licence.

**Application of section 7.1
to producer retail store licence**

7.3 It is a requirement of a producer retail store licence that, during the term of the licence, the criteria under section 7.1 in respect of the licence continue to be met.

6 *The following sections are added to Division 2 of Part 2:*

**Exemption from maximum possession limit –
applicant for retail store licence**

10.03 An applicant for a retail store licence is exempt from section 54 of the Act in respect of cannabis purchased by the applicant under section 4 (b) (ii) of this regulation.

**Producer retail store licence prescribed
for purposes of section 26 (4) of Act**

10.04 The producer retail store licence is a prescribed class of licence for the purposes of section 26 (4) of the Act.

**Tied house exemption –
cannabis grown by producer retail store licensee**

- 10.05** (1) In this section, “**arrangement**” means an arrangement, or an agreement to enter into an arrangement, with another person.
- (2) A person is exempt from section 50 (1) of the Act in respect of an arrangement to sell, under a producer retail store licence, the cannabis grown by the producer retail store licensee to the exclusion of the cannabis of another federal licence holder.

7 *Section 12 is repealed and the following substituted:*

**Marketing licence prescribed
for purposes of section 26 (4) of Act**

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

8 *Section 13 (1) is repealed and the following substituted:*

(1) For the purposes of section 33 (1) of the Act with respect to issuing licences, the following classes of licences are prescribed:

- (a) cannabis retail store licence;
- (b) producer retail store licence.

9 *The following section is added:*

Reporting requirement – producer retail store licence

24.1 For the purposes of section 46 (1) (e) of the Act, in respect of a producer retail store licence, the prescribed circumstance is that the designated federal licence associated with the producer retail store licence expires without being renewed or is renewed, amended, suspended, reinstated or revoked.