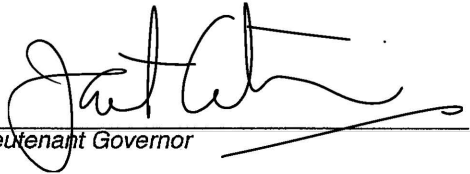


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 541, Approved and Ordered October 5, 2018

  
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, effective October 17, 2018, the attached Cannabis Control and Licensing Transitional Regulation is made.



Minister of Public Safety and Solicitor General



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. 133, 137 and 139

Other:

R10257943

# CANNABIS CONTROL AND LICENSING TRANSITIONAL REGULATION

## Definitions

1 In this regulation:

“**Act**” means the *Cannabis Control and Licensing Act*;

“**medical cannabis**” has the same meaning as in section 2 of the Cannabis Control Regulation;

“**proof of authority to possess medical cannabis**” has the same meaning as in section 1 of the Cannabis Control Regulation.

## Interpretation of “under the *Cannabis Act* (Canada)”

2 In this regulation and in Divisions 1 and 2 of Part 5 of the Act and section 5 (3) (b) of the Cannabis Licensing Regulation, any reference to authority or permission under the *Cannabis Act* (Canada) to possess medical cannabis or to possess or grow cannabis plants that are medical cannabis includes any such authority or permission under the order of the Federal Court of Canada in *Allard v. Canada*, 2016 FC 237.

## Possession of cannabis – cumulative quantity

- 3 (1) Despite section 52 of the Act, an adult who is carrying proof of authority to possess medical cannabis must not possess in a public place an amount of cannabis that is more than the sum of
- (a) the maximum amount of medical cannabis that the adult is permitted to possess under the *Cannabis Act* (Canada), and
  - (b) 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.
- (2) Subsection (1) does not apply to cannabis that is a cannabis plant.

## Possession of cannabis plants – cumulative quantity

- 4 Despite section 53 (1) and (2) of the Act, an adult who is carrying proof of authority to possess medical cannabis must not possess in a public place a number of cannabis plants that is more than the sum of
- (a) the maximum number of cannabis plants that are medical cannabis that the adult is permitted to possess under the *Cannabis Act* (Canada), and
  - (b) 4 cannabis plants.

## Personal growing – non-medical cannabis

- 5 In section 56 (c) of the Act, the reference to “4 cannabis plants” is to be read as a reference to “4 cannabis plants that are not medical cannabis”.

## Personal growing – cumulative quantity for one resident

- 6 For the purposes of section 58 of the Act, it is also a requirement that if the site is a dwelling house at which only one adult ordinarily resides, no more cannabis plants are growing at the site than the sum of

- (a) the maximum number of cannabis plants that are medical cannabis that the adult is authorized under the *Cannabis Act* (Canada) to grow at the site, and
- (b) 4 cannabis plants.

**Personal growing – cumulative quantity for two or more residents**

- 7 In section 58 (d) (ii) of the Act, the reference to “4 cannabis plants, if one or more of the adults is not authorized to grow cannabis plants that are medical cannabis” is to be read as a reference to “4 cannabis plants”.

**Cannabis delivery**

- 8 Despite section 17 (f) of the Act, an adult who is in lawful possession of cannabis must not deliver the cannabis to another adult for compensation.

**Advertisement purporting association with government**

- 9 (1) A person, other than the government, must not use any cannabis-related words, phrases, designs, domain names or other branding elements or indicia that could indicate that the person
- (a) is associated with the government,
  - (b) is exercising a function of the government, or
  - (c) has any authority from the government that the person does not actually have.
- (2) Subsection (1) does not apply to a licensee and the licensee’s employees and agents, when acting under the authority of the licence.

**Offences**

- 10 A contravention of either of the following provisions is prescribed to be an offence:
- (a) section 8 [*cannabis delivery*];
  - (b) section 9 (1) [*advertisement purporting association with government*].

**Penalties**

- 11 A person who commits an offence referred to in section 10 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.