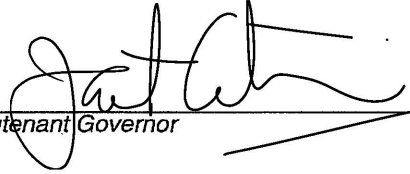


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 542, 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 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. 127, 128, 130, 134, 137, 138 and 139

Other:

R20248343

CANNABIS CONTROL REGULATION

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PART 1 – INTERPRETATION AND APPLICATION

Definitions for regulation

1 In this regulation:

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

“**designated person**” has the same meaning as in Part 14 of the Cannabis Regulations (Canada);

“**former Marihuana Medical Access Regulations**” has the same meaning as in section 309 of the Cannabis Regulations (Canada);

“**health care practitioner**” has the same meaning as in Part 14 of the Cannabis Regulations (Canada);

“**named responsible adult**” has the same meaning as in Part 14 of the Cannabis Regulations (Canada);

“**proof of authority to possess medical cannabis**” means any proof of authority listed in section 20 (1) or 39 (2);

“**registered person**” has the same meaning as in Part 14 of the Cannabis Regulations (Canada).

Definition for Act and regulation

2 In the Act and this regulation, “**medical cannabis**” means

- (a) cannabis, other than cannabis plants or cannabis plant seeds, in the possession of an individual who is authorized to possess it under section 266 (1) or 267 (1) of the Cannabis Regulations (Canada) and who is in compliance with Part 14 of those regulations in respect of that cannabis,
- (b) cannabis plants and cannabis plant seeds in the possession of a designated person, a registered person, or the named responsible adult in a registered person’s registration certificate issued under section 313 (1) of the Cannabis Regulations (Canada), who is authorized in that capacity to possess them under the *Cannabis Act* (Canada) and who is in compliance with Part 14 of the Cannabis Regulations (Canada) in respect of those plants and seeds,
- (c) cannabis that is produced from cannabis plants or cannabis plant seeds referred to in paragraph (b) and that is in the possession of the designated person, the registered person or the named responsible adult,
- (d) dried cannabis in the possession of an individual who is authorized to possess it under the order of the Federal Court of Canada in *Allard v. Canada*, 2016 FC 237, and
- (e) cannabis in the possession of an individual who is authorized to possess it under an exemption referred to in section 156 (1) of the *Cannabis Act* (Canada).

Definition for Act

- 3 In the Act, “**industrial hemp**” has the same meaning as in the Industrial Hemp Regulations (Canada).

Exemptions from Act

- 4 The following are exempted from the Act:
- (a) drugs within the meaning of the Cannabis Regulations (Canada), that contain cannabis;
 - (b) combination products within the meaning of Part 9 of the Cannabis Regulations (Canada);
 - (c) test kits within the meaning of the Cannabis Regulations (Canada).

PART 2 – SALE, SUPPLY AND POSSESSION OF CANNABIS

Sale outside British Columbia

- 5 For the purposes of section 15 (b) (iii) of the Act, a federal producer may sell cannabis to a person located in another province if the person is authorized, under the laws of that province and the *Cannabis Act* (Canada), to purchase and possess cannabis.

Sale authorized under *Cannabis Act* (Canada)

- 6 For the purposes of section 15 (d) of the Act, a federal producer who sells cannabis, in accordance with the *Cannabis Act* (Canada), to any of the following persons is prescribed as a person who may sell cannabis:
- (a) the Minister within the meaning of the *Cannabis Act* (Canada);
 - (b) a person, or a person within a class of persons, to whom an exemption has been granted under section 140 of the *Cannabis Act* (Canada);
 - (c) a person, or a person within a class of persons, in relation to whom the sold cannabis has been exempted under section 140 of the *Cannabis Act* (Canada);
 - (d) an individual referred to in section 4 (1) or (4) of the Cannabis Regulations (Canada).

Supply outside British Columbia

- 7 For the purposes of section 17 (b) (iii) of the Act, a federal producer may supply cannabis to a person located in another province if the person is authorized, under the laws of that province and the *Cannabis Act* (Canada), to receive cannabis from the federal producer and possess it.

Supply authorized under *Cannabis Act* (Canada)

- 8 For the purposes of section 17 (g) of the Act, the following persons are prescribed as persons who may supply cannabis:
- (a) an individual referred to in section 4 (1) or 5 of the Cannabis Regulations (Canada), to the extent the supply is in accordance with those regulations;
 - (b) an individual in charge of a hospital who supplies cannabis in accordance with section 348 (6) of the Cannabis Regulations (Canada);

- (c) a federal producer who supplies cannabis, in accordance with the *Cannabis Act* (Canada), to any of the following persons:
 - (i) the Minister within the meaning of the *Cannabis Act* (Canada);
 - (ii) a person, or a person within a class of persons, to whom an exemption has been granted under section 140 of the *Cannabis Act* (Canada);
 - (iii) a person, or a person within a class of persons, in relation to whom the supplied cannabis has been exempted under section 140 of the *Cannabis Act* (Canada);
 - (iv) an individual referred to in section 4 (1) or (4) of the Cannabis Regulations (Canada);
 - (v) a research subject referred to in section 28 (4) of the Cannabis Regulations (Canada).

Maximum possession limit

- 9 (1) In this section, “**cannabis non-solid concentrates**”, “**cannabis solid concentrates**”, “**fresh cannabis**”, “**non-solids containing cannabis**” and “**solids containing cannabis**” have the same meaning as in the Cannabis Regulations (Canada).
- (2) For the purposes of paragraph (a) of the definition of “maximum allowable amount of cannabis” in section 54 (1) of the Act, the prescribed maximum amount of dried cannabis is 1 000 g.
- (3) For the purposes of section 52 (1) (b) of the Act and paragraph (b) of the definition of “maximum allowable amount of cannabis” in section 54 (1) of the Act, a quantity referred to in column 2 of the following table in respect of a class of cannabis referred to in column 1 of the table is deemed to be equivalent to 1 g of dried cannabis:

Item	Column 1	Column 2
	Class of cannabis	Quantity that is equivalent to 1 g of dried cannabis
1	dried cannabis	1 g
2	fresh cannabis	5 g
3	solids containing cannabis	15 g
4	non-solids containing cannabis	70 g
5	cannabis solid concentrates	0.25 g
6	cannabis non-solid concentrates	0.25 g
7	cannabis plant seeds	1 seed

PART 3 – CONSUMPTION IN PUBLIC

Smoking or vaping in provincial parks

- 10 (1) In this section, “**park**” has the same meaning as in the *Park Act*.
- (2) Subject to subsection (3), a park is prescribed, for the purposes of section 63 (3) (a) of the Act, as an area in which a person must not smoke or vape cannabis.

- (3) The prescribed area does not include an area within a park if, in that area within the park, it is permitted or authorized under section 11.1 (2) (a) or (b) of the Park, Conservancy and Recreation Area Regulation to smoke tobacco, hold lighted tobacco, use an e-cigarette or hold an activated e-cigarette.

Smoking or vaping in regional and municipal parks

- 11** (1) Subject to subsection (2), a place referred to in section 63 (3) (b), (c) or (d) of the Act is prescribed, for the purposes of that section, as an area in which a person must not smoke or vape cannabis.
- (2) The prescribed area does not include an area within a place referred to in section 63 (3) (b), (c) or (d) of the Act if that area within the place is designated as a campsite by
- (a) a local government pursuant to its powers under the *Community Charter*, *Local Government Act* or *Islands Trust Act*, or
 - (b) the Park Board, established under section 485 of the *Vancouver Charter*, pursuant to its powers under that Act.

Interpretation respecting indoor smoking and vaping

- 12** (1) For the purposes of section 64 of the Act, a place is fully or substantially enclosed if
- (a) it has a roof or other covering, and
 - (b) more than 50% of the nominal wall space is enclosed by any material that does not permit air to flow easily through it.
- (2) For the purposes of subsection (1), the “**nominal wall space**” is the area determined by calculating the length, in metres, of the perimeter of the place, and multiplying it by 2.7 m.

Exemptions from prohibition against indoor smoking and vaping

- 13** (1) In this section, “**person in care or resident**” means a person who is
- (a) a person in care or a resident within the meaning of the *Community Care and Assisted Living Act*, or
 - (b) a patient of
 - (i) a hospital providing extended care within the meaning of paragraph (c) of the definition of “hospital” in section 1 of the *Hospital Act*, or
 - (ii) a private hospital within the meaning of Part 2 of that Act.
- (2) The following persons are exempt from section 64 of the Act:
- (a) a person in care or resident who smokes or vapes cannabis in a room designated for smoking or vaping cannabis within a community care facility, assisted living residence or hospital;
 - (b) a person who is registered as a guest under the *Hotel Guest Registration Act*, if the guest is smoking or vaping cannabis in the room or building in which the guest and the guest’s party, if any, have been assigned exclusive accommodation.

No smoking or vaping near doorways, windows or air intakes

- 14** (1) For the purposes of section 64 (3) of the Act, the prescribed distance from a doorway, window or air intake, within which a person must not smoke or vape cannabis, is 6 m.
- (2) A manager, owner or lessee of, or an employer at, a public place is exempt from liability under section 68 (2) or (3) of the Act, as applicable, in respect of any portion of the area within the 6 m distance described in subsection (1) of this section over which the manager, owner, lessee or employer has no control, if a person smokes or vapes cannabis within that portion but that person is not
- (a) under the control of the manager, owner or lessee, or
 - (b) an employee of the employer.

Exemption from prohibition against consumption in vehicles

- 15** (1) In this section, “**industrial road**”, “**motor home**”, “**motor vehicle**” and “**trailer**” have the same meaning as in the *Motor Vehicle Act*.
- (2) A person is exempt from section 65 (1) and (2) of the Act if the vehicle referred to in that section
- (a) is a motor home or other motor vehicle, a camper or trailer,
 - (b) is being used as a permanent or temporary private residence, and
 - (c) is parked in an area where camping is allowed, but not
 - (i) on a highway within the meaning of paragraphs (a) to (c) of the definition of “highway” in the *Motor Vehicle Act*, or
 - (ii) on an industrial road.

Exemptions from prohibition against consumption on boats

- 16** (1) A person is exempt from section 65 (1) and (2) of the Act if the boat referred to in that section
- (a) is equipped with permanent sleeping accommodations, cooking facilities and a toilet,
 - (b) is being used as a permanent or temporary private residence, and
 - (c) is moored or anchored.
- (2) A person is exempt from section 65 (1) (b) and (2) of the Act if
- (a) the boat referred to in that section is being used by its owner or operator to provide marine transportation of passengers to members of the public for a fee, and
 - (b) the person consuming cannabis
 - (i) is a passenger on the boat, and
 - (ii) is consuming cannabis in an enclosed room in which the passenger and the passenger’s party, if any, have been assigned exclusive accommodation.

No smoking or vaping near bus stops

- 17 For the purposes of section 66 (b) of the Act, the prescribed distance from a bus stop, within which a person must not smoke or vape cannabis, is 6 m.

No consuming in area abutting school property

- 18 (1) In this section, “highway” means
- (a) a highway within the meaning of the *Transportation Act*, and
 - (b) a road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles.
- (2) For the purposes of section 67 of the Act, an area, consisting of a sidewalk, boulevard or similar components, that abuts both school property and a highway is prescribed as a place in which a person must not consume cannabis.

No smoking or vaping on public patios

- 19 For the purposes of section 67 of the Act, a patio that is a public place is prescribed as a place in which a person must not smoke or vape cannabis.

PART 4 – MEDICAL CANNABIS

Prescribed proof of authority to possess medical cannabis

- 20 (1) For the purposes of sections 52 (2) (b) and 53 (2) (b) of the Act, the following documents are prescribed as proof of authority to possess medical cannabis:
- (a) a valid and subsisting registration document provided under section 282 (2) of the Cannabis Regulations (Canada) to a client;
 - (b) a valid and subsisting registration certificate issued under section 313 (1) of the Cannabis Regulations (Canada) to a registered person;
 - (c) a valid and subsisting document provided under section 313 (3) of the Cannabis Regulations (Canada) to a designated person who is named in a registration certificate referred to in paragraph (b) of this subsection;
 - (d) a valid and subsisting document provided under section 348 (3) (e) of the Cannabis Regulations (Canada) to a patient or an adult who is responsible for the patient;
 - (e) subject to subsection (2), an authorization to possess issued under section 11 of the former Marihuana Medical Access Regulations that was valid and subsisting on March 31, 2014 and that remains valid and subsisting as a result of the order of the Federal Court of Canada in *Allard v. Canada*, 2016 FC 237, or an exemption referred to in section 156 (1) of the *Cannabis Act* (Canada);
 - (f) a designated-person production licence issued under section 40 of the former Marihuana Medical Access Regulations that was valid and subsisting on March 31, 2014 and that remains valid and subsisting as a result of the order of the Federal Court of Canada in *Allard v. Canada*, 2016 FC 237, or an exemption referred to in section 156 (1) of the *Cannabis Act* (Canada);
 - (g) a copy of a document referred to in any of paragraphs (a) to (f).

- (2) In the case of an individual who was issued a personal-use production licence under section 29 of the former Marihuana Medical Access Regulations, the individual may use as proof of authority the document referred to in subsection (1) (e) of this section, or a copy of it, if the individual is also carrying the individual's personal-use production licence, or a copy of it, that was valid and subsisting on March 31, 2014 and that remains valid and subsisting as a result of the order of the Federal Court of Canada in *Allard v. Canada*, 2016 FC 237, or an exemption referred to in section 156 (1) of the *Cannabis Act* (Canada).

Exemption from possession limits – health care

- 21 The following persons are exempt from sections 52 and 54 of the Act:
- (a) health care practitioners who obtain cannabis under the *Cannabis Act* (Canada) and require the cannabis in their possession for the practice of their profession;
 - (b) individuals in charge of hospitals, when acting in that role, who obtain cannabis under the *Cannabis Act* (Canada).

Exemption from maximum possession limit – medical cannabis

- 22 An individual is exempt from the prohibition, under section 54 (3) of the Act, against possessing at one location an amount of cannabis that is more than the maximum allowable amount of cannabis if
- (a) some or all of the cannabis the individual possesses at the location is medical cannabis,
 - (b) the individual does not possess at the location an amount of cannabis that is more than the sum of
 - (i) the maximum allowable amount of cannabis within the meaning of section 54 (1) of the Act, and
 - (ii) the maximum amount of medical cannabis that the individual is authorized to possess, and
 - (c) the individual has proof of authority to possess medical cannabis and, when at the location, the individual is carrying that proof.

Exemption from prohibition against consumption on school property

- 23 An individual is exempt from the prohibition, under section 61 (a) of the Act, against consuming cannabis in or on school property if
- (a) the individual is a worker or student at the school,
 - (b) the cannabis the individual possesses and consumes is medical cannabis,
 - (c) the individual is carrying proof of authority to possess medical cannabis, other than the proof of authority referred to in section 20 (1) (c), or, in the case of a minor, that proof of authority to possess medical cannabis is on file with the school's principal, superintendent or education authority,
 - (d) the individual or, in the case of a minor, the minor's named responsible adult, parent or guardian, has notified the school's principal, superintendent or education authority of the individual's or minor's authority to possess medical cannabis,

- (e) the individual's health care practitioner directs consumption of cannabis at intervals that overlap with regular school hours or school activities or events, and
- (f) the individual is not smoking or vaping the cannabis.

Exemption from prohibition against consumption in area abutting school property

- 24** An individual is exempt from the prohibition, under section 67 of the Act, against consuming cannabis in a place prescribed under section 18 (2) of this regulation if
- (a) the cannabis the individual possesses and consumes is medical cannabis,
 - (b) the individual is carrying proof of authority to possess medical cannabis, and
 - (c) the individual is not smoking or vaping the cannabis.

Exemption from prohibition against consumption in vehicles or boats

- 25** An individual is exempt from the prohibition, under section 65 (1) (b) of the Act, against consuming cannabis in or on a vehicle or boat being operated by another person if
- (a) the individual is a passenger on an inter-city bus within the meaning of the *Passenger Transportation Act*, a connector bus within the meaning of the *Passenger Transportation Regulation*, a boat or a train,
 - (b) the cannabis the individual possesses and consumes is medical cannabis,
 - (c) the individual is carrying proof of authority to possess medical cannabis, and
 - (d) the individual is not smoking or vaping the cannabis.

Exemption from prohibition against supplying to minors

- 26** (1) An individual is exempt from the prohibition, under section 69 (2) of the Act, against supplying cannabis to a minor if
- (a) the cannabis the individual possesses and supplies to the minor is medical cannabis,
 - (b) the individual is authorized to possess medical cannabis,
 - (c) the minor is carrying proof of authority to possess medical cannabis,
 - (d) the medical cannabis is supplied to the minor in accordance with the individual's and the minor's authority to possess it, and
 - (e) in the case of an individual who is not the minor's named responsible adult, parent or guardian, the individual has written consent from the minor's named responsible adult, parent or guardian to supply medical cannabis to the minor.
- (2) The written consent referred to in subsection (1) (e) must be signed and dated by the minor's named responsible adult, parent or guardian and set out the following information:
- (a) the name of the minor;

- (b) the name and contact information of the minor's named responsible adult, parent or guardian and the relationship to the minor of that adult, parent or guardian;
 - (c) the name of the individual who is being given consent to supply medical cannabis to the minor;
 - (d) the period of time during which the individual may supply medical cannabis to the minor;
 - (e) the period, specified as a number of days, weeks or months, during which the minor may use the supplied medical cannabis.
- (3) A person is exempt from the prohibition, under section 69 (2) of the Act, against supplying a cannabis accessory to a minor if the minor is authorized to possess medical cannabis and the cannabis accessory is to be used by the minor to consume medical cannabis.
- (4) A person is exempt from the prohibition, under section 69 (3) of the Act, against allowing a minor to consume or possess cannabis in or at a place under the person's control if
- (a) the cannabis the minor consumes or possesses is medical cannabis,
 - (b) the minor is carrying proof of authority to possess medical cannabis, other than the proof of authority referred to in section 20 (1) (c), and
 - (c) in the case of a person who is not the minor's named responsible adult, parent or guardian, the person has written consent from the minor's named responsible adult, parent or guardian to allow the minor to consume or possess medical cannabis.
- (5) The written consent referred to in subsection (4) (c) must be signed and dated by the minor's named responsible adult, parent or guardian and set out the following information:
- (a) the name of the minor;
 - (b) the name and contact information of the minor's named responsible adult, parent or guardian and the relationship to the minor of that adult, parent or guardian;
 - (c) the name of the person or organization that is being given consent to allow the minor to consume or possess medical cannabis;
 - (d) the period of time during which the person or organization may allow the minor to consume or possess medical cannabis;
 - (e) the period, specified as a number of days, weeks or months, during which the minor may possess the medical cannabis.

Exemption from prohibitions against possession and consumption by minor

- 27 (1) A minor is exempt from the prohibitions, under section 73 (1) of the Act, against possessing and consuming cannabis if
- (a) the cannabis the minor possesses or consumes is medical cannabis,
 - (b) the minor's named responsible adult, parent or guardian, who is accompanying the minor, is carrying proof of authority to possess medical cannabis, other than the proof of authority referred to in section 20 (1) (c), and

- (c) in the case of a minor who is not accompanied by the minor's named responsible adult, parent or guardian, the minor is carrying proof of authority to possess medical cannabis, other than the proof of authority referred to in section 20 (1) (c).
- (2) A minor is exempt from the prohibition, under section 73 (2) of the Act, against possessing a cannabis accessory if the minor is authorized to possess medical cannabis and the cannabis accessory is to be used by the minor to consume medical cannabis.

PART 5 – COMPLIANCE AND ENFORCEMENT

Offences

- 28** A contravention of any of the following provisions is prescribed to be an offence:
- (a) section 33 (3) (a) [*taking down signs relating to monetary penalties*];
 - (b) section 33 (3) (b) [*defacing, obstructing or moving signs relating to monetary penalties*];
 - (c) section 35 [*holding oneself out as licensee*];
 - (d) section 36 [*advertisement of cannabis sales by unauthorized person*];
 - (e) section 37 [*marketing, advertisement or promotion of a place to consume cannabis*].

Penalties

- 29** A person who commits an offence referred to in section 28 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.

Prescribed grounds relating to reconsideration orders

- 30** For the purposes of section 95 (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*.

Fee – application for reconsideration

- 31** (1) The fee for an application for a reconsideration of a compliance order under section 95 (2) of the Act is \$500.
- (2) Fees paid by an applicant for a reconsideration of a compliance order as defined in section 95 (1) of the Act must be refunded if a reconsideration order made under section 95 (10) of the Act rescinds the compliance order.

Publishing information relating to monetary penalties

- 32** If the director imposes a monetary penalty on a person, the director may publish the following information:
- (a) the name of the person;
 - (b) the amount of the penalty;
 - (c) the reasons for imposing the penalty.

Posting of signs relating to monetary penalties

- 33** (1) In this section, “**premises**” means a place or conveyance.
- (2) If the director imposes a monetary penalty on a person, the director may post one or more signs, in prominent locations in the interior or on the exterior of the premises where the contravention occurred, that contain the following information:
- (a) the fact that a monetary penalty has been imposed;
 - (b) the name of the person on whom the penalty was imposed;
 - (c) the amount of the penalty;
 - (d) the period of time, established by the director, that the sign must remain posted.
- (3) If the director has posted one or more signs under subsection (2), a person must not
- (a) take down the signs until after the period for posting specified on the sign has ended, or
 - (b) deface, obstruct or move the signs during the period that the signs must remain posted.

Non-application for adults who administer or enforce legislation respecting cannabis

- 34** Section 81 (1) of the Act does not apply to an adult described in section 51 (c) of the Act.

PART 6 – MISCELLANEOUS

Holding oneself out as licensee

- 35** A person must not hold themselves out as a licensee unless the person is a licensee.

Advertisement of cannabis sales by unauthorized person

- 36** Unless authorized to sell cannabis under section 15 of the Act, a person must not use any words, phrases, designs, domain names or other branding elements or indicia that could indicate that the person owns or operates a business that sells cannabis.

Marketing, advertisement or promotion of a place to consume cannabis

- 37** A person must not market, advertise or promote any place as a place to consume cannabis or to spend time after consuming cannabis.

Information sharing agreement with Ministry of Finance

- 38** The general manager may enter into, with an official of the Ministry of Finance, an agreement that provides for either the disclosure of information and records to that ministry or the exchange of similar information and records with that ministry, or both, for the purposes of
- (a) administering or enforcing an enactment of British Columbia or Canada related to taxation, or
 - (b) collecting amounts owing under the Act.

PART 7 – TRANSITIONAL PROVISIONS

Temporary proof of authority to possess medical cannabis

- 39** (1) In this section, “**former Access to Cannabis for Medical Purposes Regulations**” has the same meaning as in the Cannabis Regulations (Canada).
- (2) In addition to the documents prescribed in section 20 (1), the following documents are prescribed, for the purposes of sections 52 (2) (b) and 53 (2) (b) of the Act, as proof of authority to possess medical cannabis:
- (a) a valid and subsisting registration certificate sent to a registered person under section 178 (3) (a) of the former Access to Cannabis for Medical Purposes Regulations;
 - (b) a valid and subsisting document sent to a designated person under section 178 (3) (b) of the former Access to Cannabis for Medical Purposes Regulations;
 - (c) a copy of a document referred to paragraph (a) or (b);
 - (d) subject to subsection (3), a valid and subsisting registration document sent to a client under section 133 (2) (a) of the former Access to Cannabis for Medical Purposes Regulations.
- (3) A person may use as proof of authority a document referred to in subsection (2) (d), or a copy of it, for a period of 6 months that begins on October 17, 2018.