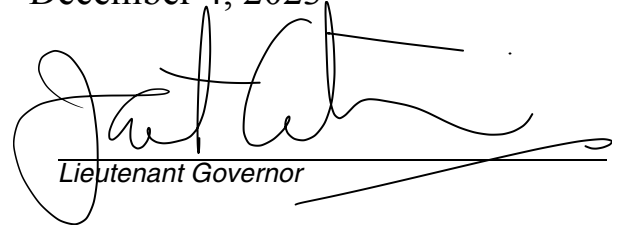


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 653

, Approved and Ordered December 4, 2023



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 January 1, 2024, the Recycling Regulation, B.C. Reg. 449/2004, is amended as set out in the attached Appendix.



Minister of Environment and Climate Change Strategy



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: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21 (1), 138 (2) and 139 (2)

Other: *O.C. 995/2004*

R10551624

APPENDIX

1 *Section 1 (1) of the Recycling Regulation, B.C. Reg. 449/2004, is amended by adding the following definitions:*

“**cannabis product**” has the same meaning as in section 1 (2) of the Cannabis Regulations (Canada);

“**distributor**”, in relation to liquor, has the same meaning as in section 1 (1) of the *Liquor Distribution Act*;

“**liquor**” has the same meaning as in section 1 of the *Liquor Control and Licensing Act*;

“**Liquor Distribution Branch**” means the Liquor Distribution Branch continued under section 2 (1) of the *Liquor Distribution Act*;

“**manufacturer**”, in relation to liquor, has the same meaning as in section 1 (1) of the *Liquor Distribution Act*;

“**manufacturer’s agent**”, in relation to liquor, has the same meaning as in section 1 (1) of the *Liquor Distribution Act*; .

2 *Section 1 (1) is amended in the definition of “producer”*

(a) in paragraph (a.1) (iii) by striking out “or”,

(b) in paragraph (b) by striking out “in respect of” and substituting “subject to paragraphs (c) and (d), in respect of”, and

(c) by adding the following paragraphs:

(c) in respect of the producer of a product within the packaging and paper product category described in section 5 [*packaging and paper products related to liquor*] of Schedule 5 [*Packaging and Paper Product Category*],

(i) the manufacturer, the manufacturer’s agent and the distributor who sells the liquor to the Liquor Distribution Branch, or

(ii) in the circumstances described in section 6 [*Liquor Distribution Branch*] of Schedule 5, the Liquor Distribution Branch, or

(d) in respect of the producer of a product within the packaging and paper product category described in section 7 [*packaging and paper products related to cannabis*] of Schedule 5,

(i) the federal licence holder, within the meaning of section 1 of the *Cannabis Control and Licensing Act*, who sells, offers for sale, distributes or uses in a commercial enterprise the cannabis product in British Columbia, or

(ii) in the circumstances described in section 8 [*administrator under Cannabis Distribution Act*] of Schedule 5, the administrator within the meaning of section 1 of the *Cannabis Distribution Act*; .

3 Section 1 is amended by adding the following subsection:

- (3) For the purposes of paragraph (c) of the definition of “producer”, the definition of “small producer” and section 2 (1) [*duty of producer*],
- (a) each of the manufacturer, manufacturer’s agent and distributor in relation to liquor that is imported into British Columbia is deemed to distribute, in British Columbia, all of the products described in section 5 of Schedule 5 associated with the liquor if the manufacturer, manufacturer’s agent or distributor arranges for the importation into British Columbia, or the distribution in British Columbia, of the liquor,
 - (b) each of the manufacturer, manufacturer’s agent and distributor in relation to liquor that is imported into British Columbia is deemed to use in a commercial enterprise in British Columbia all of the products described in section 5 of Schedule 5 that any or all of the manufacturer, manufacturer’s agent and distributor add to the container that holds the liquor, and
 - (c) the Liquor Distribution Branch is not a producer in respect of any product described in section 5 of Schedule 5 that is added by a manufacturer’s agent to a container that holds liquor.

4 Section 2 is amended

(a) by adding the following subsections:

- (1.01) If there is more than one producer in relation to a product, each producer is jointly and separately responsible for carrying out the duty set out in subsection (1) in relation to the product.
- (1.02) Despite subsection (1.01), if a producer described, in relation to a product, in paragraph (c) (ii) or (d) (ii) of the definition of “producer” in section 1 (1) carries out the duty set out in subsection (1) of this section in relation to the product, each producer described, in relation to the product, in paragraph (c) (i) or (d) (i) of the definition remains jointly and separately responsible for carrying out the duty. ,
and

(b) in subsection (1.1) by striking out “If a franchisor” and substituting “Despite subsection (1.01), if a franchisor”.

5 Schedule 1 is amended in section 1 by repealing the definitions of “liquor”, “Liquor Distribution Branch” and “manufacturer’s agent”.

6 Schedule 5 is amended by repealing section 1 and substituting the following:

Packaging and paper product category

- 1** (1) The packaging and paper product category consists of all of the following:
- (a) packaging that is
 - (i) sold or distributed with the commodity or product that it protects, contains or transports, or

- (ii) attached to a commodity or product or to the container of a commodity or product for the purpose of marketing or communicating information about the commodity or product;
 - (b) packaging, as described in section 2 (1) of this Schedule, that is sold or distributed separately from the commodity or product that it will protect, contain or transport;
 - (c) paper as described in section 3 of this Schedule;
 - (d) single-use products as described in section 4 of this Schedule.
- (2) The packaging and paper product category does not include containers that are in the beverage container product category described in Schedule 1.

7 *Schedule 5 is amended by repealing section 2 (1) and substituting the following:*

- (1) For the purposes of this Schedule and unless excluded under subsection (2) of this section, the following, if ordinarily disposed of after a single use or short-term use and whether or not they could be reused, are packaging that is sold or distributed separately from the commodity or product that it will protect, contain or transport:
- (a) food containers;
 - (b) foil and wraps;
 - (c) bags;
 - (d) boxes;
 - (e) objects purchased by or supplied to consumers expressly for the purpose of protecting, containing or transporting commodities or products.

8 *Schedule 5 is amended by adding the following sections:*

Packaging and paper products related to liquor

- 5** Paragraph (c) of the definition of “producer” in section 1 (1) of this regulation applies to a product within the packaging and paper product category that
- (a) is used by a person other than the retailer or purchaser of the liquor to protect, contain or transport a container that holds liquor that is not manufactured, within the meaning of section 1 (1) of the *Liquor Distribution Act*, in British Columbia and that is imported into British Columbia, or
 - (b) is added by a person other than the retailer or purchaser of the liquor to a container that holds liquor that is not manufactured, within the meaning of section 1 (1) of the *Liquor Distribution Act*, in British Columbia and that is imported into British Columbia.

Liquor Distribution Branch

- 6** For the purposes of paragraph (c) (ii) of the definition of “producer” in section 1 (1) of this regulation, the Liquor Distribution Branch is a producer in respect of the product described in section 5 of this Schedule if
- (a) both of the following circumstances apply:

- (i) the requirements of this regulation apply to neither the manufacturer of the liquor nor the distributor who sells the liquor to the Liquor Distribution Branch;
 - (ii) there is no manufacturer's agent in relation to the liquor, or
- (b) the manufacturer of the liquor, the manufacturer's agent in relation to the liquor and the distributor who sells the liquor to the Liquor Distribution Branch
- (i) are not small producers, and
 - (ii) do not have an approved plan under Part 2 of this regulation.

Packaging and paper products related to cannabis

- 7** Paragraph (d) of the definition of “producer” in section 1 (1) of this regulation applies to a product within the packaging and paper product category that is used to protect, contain or transport a cannabis product.

Administrator under *Cannabis Distribution Act*

- 8** For the purposes of paragraph (d) (ii) of the definition of “producer” in section 1 (1) of this regulation, the administrator within the meaning of section 1 of the *Cannabis Distribution Act* is a producer in respect of the product described in section 7 of this Schedule if the federal licence holder described in paragraph (d) (i) of the definition of “producer” in section 1 (1) of this regulation
- (a) sells the product to the administrator,
 - (b) is not a small producer, and
 - (c) does not have an approved plan under Part 2 of this regulation.