

Chapter 3

AN ACT TO AMEND THE CANNABIS ACT

(Assented to March 12, 2020)

The Commissioner, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **This Act amends the *Cannabis Act*.**
2. **Subsection 2(1) is amended by adding the following definitions in alphabetical order:**

"cannabis retail location" means a cannabis store where

- (a) cannabis or cannabis accessories, or any package or label of cannabis or cannabis accessories, is not publicly displayed, and
- (b) there is no informational promotion or brand-preference promotion, as defined in the federal Act, of cannabis or cannabis accessories; (*lieu de vente au détail de cannabis*)

"registered supplier" means a supplier registered under section 21.1; (*fournisseur inscrit*)

3. **Paragraphs 10(3)(a) and 10(4)(b) are amended by deleting "as defined in the *Business Corporations Act*" wherever it appears.**
4. **The following is added after subsection 18(2):**

Registered suppliers

(3) If the former licensee or successor is a registered supplier, this section does not apply to cannabis produced by them.

5. **The following is added after section 21:**

Registered suppliers

Application

21.1. (1) A person who holds a licence or permit to produce and sell cannabis for commercial purposes under the federal Act may, in accordance with the regulations and upon paying the fee prescribed by regulation, apply to the Superintendent to register as supplier for the purpose of supplying cannabis to the Commission, Agents, licensees and other registered suppliers.

Registration

(2) Subject to subsection (3), the Superintendent shall register a person making an application and paying the fee under subsection (1) as a supplier if they fulfill the requirements prescribed in the regulations.

Exception

(3) The Superintendent may refuse or delay the registration of a person as supplier under this Act if the Superintendent has reasonable grounds to believe that the person has contravened the federal Act, this Act or the regulations.

Revocation or suspension

(4) The Superintendent may revoke or suspend the registration of a person as a supplier under this Act if the Superintendent has reasonable grounds to believe that the person has contravened the federal Act, this Act or the regulations.

Notice

(5) The Superintendent shall, as soon as practicable, provide notice to the Commission, all Agents and all licensees of a revocation or suspension under subsection (4), and, in the case of a suspension, of the duration of the suspension.

Dual regimes

- (6) If a registered supplier is also an Agent or a licensee,
- (a) subsections (3) and (4) do not apply to contraventions of the provisions of this Act or the regulations that apply only because the registered supplier is also an Agent or a licensee; and
 - (b) the following provisions do not apply to contraventions of this section or the regulations made under paragraph 65(1)(o.1):
 - (i) paragraph 5(9)(a),
 - (ii) paragraph 8(8)(a),
 - (iii) paragraph 12(3)(a),
 - (iv) section 15.

Burden of proof

(7) The registered supplier has the burden of proving that a provision referred to in subsection (6) does not apply in the circumstances.

6. (1) The following is added after subsection 22(2):

Exception for registered suppliers

(2.1) Subject to subsection (3), subsection (1) does not apply to a registered supplier selling cannabis to the Commission, an Agent, a licensee or another registered supplier including

- (a) authorized employees of the registered supplier in the course of their employment; and
- (b) persons operating the means of delivery of the registered supplier whether controlled by the same person or another person under contract.

(2) Subsection 22(3) is amended by adding "or (2.1)" after "subsection (2)".

7. Subsection 23(2) is amended

- (a) **by replacing "or a licensee" with ", a licensee or registered supplier"; and**
- (b) **by adding ", purchasing cannabis from the Commission, an Agent, a licensee or a registered supplier" after "employment".**

8. Subsection 24(2) is repealed and replaced by:

Exception for Commission, Agents, licensees and registered suppliers

(2) Subsection (1) does not apply to the Commission, an Agent, a licensee, or a registered supplier, including their authorized employees in the course of their employment, importing cannabis supplied to them by the Commission, an Agent, a licensee, or a registered supplier.

Exception for delivery

- (3) Subsection (1) does not apply to a person delivering, directly or indirectly,
 - (a) a purchase on behalf of a remote sales store; or
 - (b) cannabis to a person or body referred to in subsection (2).

9. Paragraph 31(c) is amended by

- (a) **adding "other than a cannabis retail location," at the end of subparagraph (i); and**
- (b) **repealing and replacing subparagraph (ii) by:**
 - (ii) the part of a cannabis retail location or remote sales store where cannabis is stored,

10. The following is added after subsection 33(2):

Exception – cannabis retail location

(2.1) With respect to cannabis retail locations, paragraphs (1)(b) and (2)(b) apply only to the part of a cannabis retail location where cannabis is stored.

11. Paragraphs 37(2)(c) and 38(1)(c) are amended by replacing "or a former licensee" wherever it appears with "a former licensee, a registered supplier, or a former registered supplier".

12. Subparagraph 44(3)(b)(i) is amended by adding ", a registered supplier" after "licensee".

13. Subsection 62(2) is amended by replacing "or a licensee" with ", a licensee or a registered supplier".

14. The following is added after paragraph 63(1)(f):

- (f.1) a registered supplier;

15. (1) Paragraph 65(1)(o) is amended by replacing "and former licensees" with ", former licensees, registered suppliers and former registered suppliers".

(2) The following is added after paragraph 65(1)(o):

- (o.1) respecting registered suppliers, including
 - (i) applications for registration,
 - (ii) registration fees, and
 - (iii) their obligations, including reporting obligations;

(3) Paragraph 65(1)(aa) is amended by replacing "or licensees" with ", licensees or registered suppliers".

Coming into force

16. This Act comes into force on the same day as any portion of section 8 of the Act comes into force.

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