

CANNABIS ACT

CONSOLIDATION OF CANNABIS REGULATIONS

R-009-2020

In force June 1, 2020

(Current to: August 6, 2020)

AS AMENDED BY:

R-018-2020

In force July 15, 2020

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

CANNABIS ACT

CANNABIS REGULATIONS

Definitions

1. In these regulations,

"applicable licence fee" means the licence fee determined in accordance with Schedule A; (*droits de licence applicable*)

"cannabis retail operations area" means the area of a remote sales store where

- (a) cannabis is stored, or
 - (b) orders are processed;
- (*zone d'exploitation du lieu de vente au détail de cannabis*)

"enclosed cannabis store" means a cannabis store that is enclosed in a manner such that the inside of the cannabis store is not accessible or visible by persons who have not been requested or who have not shown proof of age in accordance with section 33 of the Act; (*magasin de cannabis clos*)

"integrated cannabis store" means a cannabis retail location that is within another commercial establishment that is accessible to the public; (*magasin de cannabis intégré*)

"operator" means the Commission, the Agent or the licensee that operates a cannabis store or remote sales store; (*exploitant*)

"subclass of cannabis store" means one of the following:

- (a) integrated cannabis store,
- (b) enclosed cannabis store. (*sous-catégorie de magasin de cannabis*)

General

Storage of cannabis

2. (1) A person who possesses cannabis, including for medical purposes under the authority of applicable federal law, shall store it in a closed, opaque container that is out of sight of minors.

Exception

(2) Subsection (1) does not apply to sensory displays of cannabis in enclosed cannabis stores.

Child day care services

(3) If a person possesses cannabis, including for medical purposes under the authority of applicable federal law, in a place where child day care services are provided,

the person shall ensure that the container referred to in subsection (1) is locked during the times at which the services are being provided.

Possession limits

3. (1) A person shall not possess more than 150 grams of dried cannabis or its equivalent.

Exception

(2) Subsection (1) does not apply to cannabis possessed for the purpose of sale under the Act by the Commission, an Agent, a licensee, or a registered supplier, including

- (a) their authorized employees in the course of their employment; and
- (b) a person delivering, directly or indirectly,
 - (i) cannabis to them, or
 - (ii) a purchase on behalf of a remote sales store.

Prescribed distance

4. The prescribed distance for the purposes of subsections 35(1) and 36(3) of the Act is nine metres.

Signs prohibiting consumption of cannabis

5. A sign that is required to be posted under subsection 35(4) of the Act must

- (a) measure not less than 120 millimetres by 120 millimetres;
- (b) be posted so that the sign is conspicuous and not obstructed from view at each entrance to the place; and
- (c) display, in a form that is at least 100 millimetres in diameter the symbol set out in Schedule B, or a symbol that is substantively similar to that symbol.

Administration

Service of notices

6. (1) This section applies to the service of

- (a) notices under sections 12, 13, 15 and 16 of the Act; and
- (b) written notifications under section 7.

Method of service

(2) Service of a document may be effected as follows:

- (a) personally;
- (b) by sending it to the last known address of the person, using a method that provides an acknowledgement of receipt by the person to be served;
- (c) by sending it by electronic mail to the last known electronic mail address of the person to be served;
- (d) with respect to a notice in respect of a place, by posting it conspicuously at the place.

Deemed receipt

(3) Where service is effected using a method that provides an acknowledgement of receipt by the person to be served under paragraph (2)(b), service shall be deemed to be effected no more than 15 days after the notice is sent.

Electronic mail

(4) With respect to service by electronic mail under paragraph (2)(c), service is not effected unless both of the following conditions are met:

- (a) the person being served confirms receipt of the document being served;
- (b) the confirmation of receipt is made by the person being served
 - (i) by electronic mail from the electronic mail address to which the document was sent, or
 - (ii) in writing, including the person's signature.

Date of electronic service

(5) With respect to service by electronic mail under paragraph (2)(c), service is deemed to have been effected on the day that the confirmation under subsection (4) is made.

Notifications

- 7.** (1) A notification under paragraph 42(4)(a) of the Act may be made by
- (a) speaking to the person in person, by telephone, or by another technology that allows for a simultaneous voice conversation; or
 - (b) by serving a written notification in accordance with section 6.

Record

(2) If a notification is made in accordance with paragraph (1)(a), the person making the notification shall make and retain a written record that indicates the time and date the notification was made.

Appeals to Board

- 8.** An appeal to the Board under section 13 or 16 of the Act must be in writing and include
- (a) the postal address, telephone number and email address of the licensee;
 - (b) the licence number;
 - (c) a copy of the decision being appealed;
 - (d) the reasons for the appeal; and
 - (e) any written evidence the licensee wishes to present to support the appeal.

Sale of cannabis

Proofs of age

9. (1) The following are prescribed as proofs of age for the purposes of section 33 of the Act:

- (a) any identification document with a photograph and date of birth that was issued by the Government of Nunavut, the Government of Canada or the government of a province or another territory;
- (b) a passport;
- (c) a United States passport card;
- (d) a NEXUS card or Free and Secure Trade (FAST) card;
- (e) an enhanced driver's licence issued by a state of the United States.

Canada Post

(2) When a delivery from a remote sales store is made by Canada Post, any identification document with a photograph and date of birth that is acceptable identification under Canada Post's general policies is a prescribed proof of age for the purposes of section 33 of the Act.

Verification of age and identity

10. (1) For the purposes of subsection 33(6) of the Act, the age and identity of a person may be verified by

- (a) the person providing their unique customer identifier set up in accordance with subsection (2);
- (b) confirming that the person has
 - (i) a customer account referred to in section 4 of the *Beer and Wine Store Regulations* made under the *Liquor Act*, or
 - (ii) another similar customer account registered with the Commission;
- (c) verifying one of the types of identification listed in subsection 9(1), or a copy of it, which is given or sent by the person;
- (d) confirming the person's age and identity with a reliable identity verification service; or
- (e) requiring the person to provide a declaration of their age and identity.

Customer identifier

(2) After verifying the age and identity of a person in accordance with paragraphs (1)(b) to (e), the operator of a remote sales store may provide the person with a unique customer identifier which must include

- (a) an account number or user name; and
- (b) a personal identification number or other password.

Official Languages – notices, warnings and instructions

11. (1) An operator shall provide all notices, warnings and instructions directed at consumers in all Official Languages.

Official Languages – other information

(2) If any information on a container of cannabis, or any information provided when cannabis is sold, other than a notice, warning or instruction, is not provided in an Official Language, the operator shall provide, at delivery, a written description of the information in the Official Language that is sufficient to understand the information.

Exception – branding

(3) This section does not apply to brand names and trademarks.

Records to be maintained

12. (1) An operator shall, for cannabis and cannabis accessories, maintain a record of

- (a) inventory, including inventory of sensory display items;
- (b) contracts for purchase ;
- (c) purchase transactions;
- (d) sales transactions, separated by
 - (i) sales to other operators, and
 - (ii) other sales;
- (e) if applicable, shipments made;
- (f) revenue collected;
- (g) the amount of taxes collected and submitted to the Canada Revenue Agency or any other tax collection authority; and
- (h) any other information that is required to meet Nunavut's tracking obligations under the federal Act, its regulations and its orders.

Separate records

(2) Records referred to in subsection (1) must be maintained separately from other records of the operator.

Location of records

(3) An operator shall maintain the records referred to in subsection (1)

- (a) in the case of the Commission, at its headquarters in Nunavut;
- (b) in the case of an Agent, at their main place of business in Nunavut or, if they do not have a place of business in Nunavut, at their main place of business in Canada; or
- (c) in the case of a licensee,
 - (i) at the licenced establishment, and
 - (ii) if the licenced establishment is not in Nunavut but the licensee has at least one place of business in Nunavut, at their main place of business in Nunavut.

Duration

(4) An operator shall maintain the records referred to in subsection (1) for two years following the month to which they relate.

Reporting requirement – licensees

(5) Licensees shall, on or before the 7th day of each month, provide to the Superintendent an electronic copy of the records referred to in subsection (1) for the previous month

- (a) in the format of reports made under the *Cannabis Tracking System Order* made under the federal Act; or
- (b) another format that is acceptable to the Superintendent.

Operation of remote sales stores

- 13.** (1) The operator of a remote sales store shall ensure that
- (a) orders can be made on an Internet website;
 - (b) in the case of a licenced establishment, only products approved by the Superintendent are sold at the cannabis store;
 - (c) the Internet website uses Secure Sockets Layer (SSL) encryption;
 - (d) public service notices that the Minister requires to be posted under section 21 are posted on the Internet website in the manner required by the Minister;
 - (e) customers can make payments with credit cards and debit cards, including prepaid credit cards;
 - (f) orders are shipped in a manner that ensures the contents of the package are not identifiable as cannabis;
 - (g) a person delivering cannabis for the remote sales store knows they are required to request proof of age in accordance with subsection 33(4) of the Act;
 - (h) minors are not present in the cannabis retail operations area;
 - (i) its cannabis retail operations area complies with the security requirements in Schedule C; and
 - (j) the walls, roof, floor and windows of its cannabis retail operations area are reasonably secured in a manner that prevents access other than through the exterior doors.

Phone sales

(2) The licensee of a remote sales store may also allow for orders to be made over other means of telecommunications.

Dispatching to anywhere in Nunavut

- (3) The operator of a remote sales store may
- (a) dispatch remote sales orders of cannabis or cannabis accessories to anywhere in Nunavut; or
 - (b) deliver orders at a physical location.

Cannabis store and remote sales store in same premises

14. If an operator operates a cannabis store and a remote sales store in the same premises

- (a) the operator may allow customers to pay for and pick up remote sales order at the cannabis store; and
- (b) the operator may dispatch remote sales orders from the cannabis store to anywhere in Nunavut.

Operation of cannabis stores

15. The operator of a cannabis store shall ensure that

- (a) the cannabis store accepts cannabis that is subject to a recall under the federal Act
 - (i) if they sold the cannabis, for a refund, or
 - (ii) otherwise, for a return;
- (b) the following are certified in a cannabis retail training program referred to in section 20:
 - (i) the operator, if they are an individual,
 - (ii) the customer service employees of the cannabis store;
- (c) the persons referred to in paragraph (b) produce proof that they are certified in a cannabis retail training program referred to in section 20 when requested to do so by the Superintendent or an inspector;
- (d) the cannabis store complies with the security requirements in Schedule C;
- (e) the walls, roof, floor and windows of the cannabis store and, if applicable, the commercial establishment in which it is located are reasonably secured in a manner that prevents access other than through the exterior doors;
- (f) the cannabis store is equipped with video surveillance that monitors
 - (i) all entrances and exits of the cannabis store,
 - (ii) all places where cannabis is stored, and
 - (iii) each point of sale;
- (g) video surveillance footage is maintained for one year from the date of recording;
- (h) the cannabis store is equipped with an intrusion detection system that alerts the operator of an unauthorized entry into the cannabis store;
- (i) conspicuous signs indicating that video surveillance is in operation are posted
 - (i) at the entrances to the cannabis store, and
 - (ii) in a conspicuous place within the cannabis store;
- (j) in the case of a licenced establishment, the licence is posted in a conspicuous place within the cannabis store;

- (k) public service notices that the Minister requires to be posted under section 21 are posted in a conspicuous place within the cannabis store; and
- (l) only the following persons have access to cannabis at the cannabis store, other than cannabis that has been paid for by a customer:
 - (i) the operator and their employees,
 - (ii) inspectors and peace officers in the course of their duties,
 - (iii) other persons who are authorized by law to access the stored cannabis.

Physical changes to cannabis stores

- 16.** (1) A licensee shall not, without the prior written approval of the Superintendent,
- (a) alter the structure, walls or layout of a cannabis store; or
 - (b) alter the locks, locking mechanism, intrusion detection system or video surveillance system of the cannabis store.

Superintendent's approval

- (2) Subject to subsection (3), the Superintendent shall approve an alteration referred to in subsection (1) if
- (a) the licensee submits an alteration application that includes the following information and is in a form approved by the Superintendent:
 - (i) the postal address, telephone number and email address of the licensee,
 - (ii) the licence number,
 - (iii) details of the items to be altered and the proposed alterations,
 - (iv) reasons for the alteration,
 - (v) evidence that the item as altered would comply with the security requirements in Schedule C; and
 - (b) in the opinion of the Superintendent, the altered cannabis store would continue to comply with the requirements of the Act and these regulations.

Additional information

(3) The Superintendent may request an applicant to provide additional information or documents that the Superintendent considers necessary to ensure compliance with the Act and regulations, and any such additional information or documents must be provided in order for the application to be considered by the Superintendent.

Exception

- (4) Subsection (1) does not apply if
- (a) a public officer has issued a legally binding order requiring the alteration to be made; or

- (b) the time required to seek and obtain approval would result in damage to property that cannot reasonably be avoided otherwise than by making the alteration.

Notification

(5) A licensee shall, as soon as practicable, notify the Superintendent of any alteration to a cannabis store made without approval, including alterations referred to in subsection (4).

Non-compliance

(6) Following an alteration made without approval that does not comply with the security requirements in Schedule C, the Superintendent may require the licensee to make further alterations to ensure compliance with those security requirements.

Same

(7) A licensee shall undertake any further alterations required under subsection (6).

Requirements for integrated cannabis store

- 17.** The operator of an integrated cannabis store shall ensure that
- (a) it does not have any sensory display items;
 - (b) nothing other than cannabis and cannabis accessories are sold at the point of sale where cannabis is sold;
 - (c) cannabis or cannabis accessories are not visible to minors;
 - (d) cannabis or cannabis accessories are not sold at the integrated cannabis store
 - (i) on holidays, or
 - (ii) any other day, outside the hours of 8:00 a.m. to 10:00 p.m.;
 - (e) there is no informational promotion or brand-preference promotion, as defined in the federal Act, of cannabis or cannabis accessories at the commercial establishment where the integrated cannabis store is located;
 - (f) prospective customers have access to a price list that includes,
 - (i) for each product of cannabis sold,
 - (A) the product name,
 - (B) the strain of cannabis,
 - (C) the Tetrahydrocannabinol (THC) and Cannabidiol (CBD) content,
 - (D) the price, and
 - (E) the volume or weight, and
 - (ii) public service notices that the Minister requires to be included on price lists under section 21; and
 - (g) the price list referred to in paragraph (f) is only provided to adults who provide a proof of age listed to in subsection 9(1);
 - (h) price lists are not removed from the integrated cannabis store.

Requirements for enclosed cannabis stores

- 18.** The operator of an enclosed cannabis store shall ensure that
- (a) the cannabis store is not open to customers
 - (i) on holidays, or
 - (ii) any other day, outside the hours of 8:00 a.m. to 10:00 p.m.;
 - (b) in the case of a licenced establishment, only products approved by the Superintendent are sold at the cannabis store; and
 - (c) sensory display items in the cannabis store are
 - (i) attached or secured to the building or a fixture, and
 - (ii) closed in a manner that prevents anyone other than the operator or their employees from physically accessing the cannabis.

Approval of additional products

- 19.** The Superintendent shall approve products referred to in paragraph 13(1)(b) or 18(b) if
- (a) the licensee submits a product approval application that includes the following information and is in a form approved by the Superintendent:
 - (i) a description of the product,
 - (ii) intended use of the product,
 - (iii) sale price of the product; and
 - (b) in the opinion of the Superintendent, sale of the product in an enclosed cannabis store does not contravene the Act, the federal Act or their regulations.

Training programs and public service notices

Cannabis retail training program

- 20.** (1) The Minister shall provide a cannabis retail training program that is available to all operators and their customer service employees which includes the following components:
- (a) knowledge of the Act, the federal Act and their regulations as they relate to the sale of cannabis at retail;
 - (b) responsible sale and handling of cannabis;
 - (c) methods for identifying intoxicated persons;
 - (d) any other component the Minister considers appropriate.

Third-party vendor

(2) The Minister may provide the cannabis retail training program through a contract with a third party.

Fees

(3) The operator is responsible, with respect to themselves and any of their customer service employees, for the payment of any fees established for a cannabis retail training program

- (a) by a third-party vendor in accordance with their contract with the Minister; or
- (b) under the *Financial Administration Act*.

Public service notices

21. (1) The Minister may prepare or approve public service notices on the responsible use of cannabis for

- (a) posting in cannabis stores;
- (b) inclusion on price lists at integrated cannabis stores; or
- (c) posting on Internet websites of remote sales stores.

Written requirement

(2) The Minister may, in writing, require

- (a) the operator of an enclosed cannabis store to post public service notices prepared under subsection (1);
- (b) the operator of an integrated cannabis store to include public service notices prepared under subsection (1) on price lists; and
- (c) the operator of a remote sales store to post public services notices prepared under subsection (1) in a manner determined by the Minister.

Destruction of cannabis

Manner of destruction and witnesses

22. (1) A licensee, former licensee or successor who destroys cannabis shall do so

- (a) in a manner that does not result in any person consuming cannabis or being exposed to cannabis smoke;
- (b) in the presence of an inspector or peace officer; and
- (c) by personally being present or ensuring that their management employee is present.

Report of destruction

(2) A licensee, former licensee or successor who destroys cannabis shall, within 10 days after the destruction, provide the Superintendent with a report of the destruction in a form approved by the Superintendent that includes

- (a) the name of the persons present at the destruction;
- (b) the date, time and location of the destruction;
- (c) the method of destruction;
- (d) the reasons for the destruction;
- (e) the product name and stock-keeping unit of the destroyed cannabis; and
- (f) the amount of cannabis destroyed.

Administrative penalties

Quantum

23. (1) For the purposes of paragraph 15(b) of the Act, the Superintendent may order a licensee to pay an administrative penalty determined in accordance with Schedule D.

Subsequent contraventions

(2) The number of administrative penalties that have previously been issued to the licensee for the contravention of a provision in the same row of Schedule D is used to determine whether or not a second, third or subsequent contravention has occurred.

Applications for licensing

Contents of application for new licence

- 24.** (1) An application for a new licence must include
- (a) the postal address, telephone number and email address of the applicant;
 - (b) the information listed in subsections (4) and (7) for
 - (i) in the case of a partnership, the individuals who control the operations of the partnership in whole or in part, directly or indirectly,
 - (ii) in the case of a corporation, the individuals who control the operations of the corporation in whole or in part, directly or indirectly, or
 - (iii) in any other case, the owners;
 - (c) if the applicant is a corporation, its name and registered address;
 - (d) intended hours of operation;
 - (e) a copy of any business licence required by law;
 - (f) in the case of a cannabis store, the subclass;
 - (g) the intended location of the licenced establishment;
 - (h) floor plans of the intended licenced establishment indicating
 - (i) physical dimensions of the licenced establishment,
 - (ii) the location where and the manner in which cannabis will be stored,
 - (iii) the location of point of sale systems,
 - (iv) the location of entrances and exits, and
 - (v) the location and angle of video surveillance cameras;
 - (i) details of the intrusion detection system which will be used in the licenced establishment;
 - (j) details of the inventory management and sales tracking and reporting system which will be used in the licenced establishment; and
 - (k) the applicable licence fee.

Contents of application for a renewal or transfer

- (2) An application for a renewal of a licence or transfer of a licence must include
- (a) the postal address, telephone number and email address of the licensee;
 - (b) the licence number;
 - (c) the information listed in subsection (4), and, for transfer applications, subsection (7), for
 - (i) in the case of a partnership, the individuals who control the operations of the partnership in whole or in part, directly or indirectly,
 - (ii) in the case of a corporation, the individuals who control the operations of the corporation in whole or in part, directly or indirectly, or
 - (iii) in any other case, the owners;
 - (d) if the applicant is a corporation, its name and registered address;
 - (e) a copy of any business licence required by law;
 - (f) in the case of a cannabis store, the subclass;
 - (g) the location of the licenced establishment;
 - (h) proof that the applicant has or, in the case of a transfer application, will have possession of the premises where the licenced establishment is located;
 - (i) the applicable licence fee.

Additional information

(3) The Superintendent may request an applicant to provide additional information or documents that the Superintendent considers necessary to ensure compliance with the Act and regulations, and any such additional information or documents must be provided in order for the application to be considered by the Superintendent.

Owner information to be provided

- (4) An application for a licence, renewal of a licence, or transfer of a licence must include, for each individual listed in paragraph (1)(b) or (2)(c) or subsection (9),
- (a) their name;
 - (b) their date of birth;
 - (c) their civic and postal address;
 - (d) their email address; and
 - (e) their phone number.

Different location – new applications

(5) The applicant for a new licence may change the intended location of a licenced establishment at any time before the licence is issued by submitting to the Superintendent details of all relevant changes to the information submitted under subsection (1).

Notification

(6) If, following the submission of the details of a change of intended location of a cannabis store under subsection (5), the Superintendent determines that the change complies with the requirements of the Act and these regulations,

- (a) the Superintendent shall notify the Minister of the change of the intended location; and
- (b) if consultations under section 6 of the Act have commenced, the Minister shall
 - (i) decide, based on the significance of the change of the intended location and any other relevant factors,
 - (A) to maintain the deadline for the consultation process,
 - (B) to postpone the deadline for the consultation process, or
 - (C) to cancel and recommence the consultation process, and
 - (ii) provide notice of the decision under subparagraph (i) and of the new intended location in the manner provided for in subsection 6(2) of the Act.

Criminal record – new and transfer applications

(7) An application for a licence or transfer of a licence must also include, for each individual listed in paragraph (1)(b) or (2)(c), a criminal record check issued no more than 60 days before the date of application.

Criminal record – renewal applications

(8) For greater certainty, the Superintendent may request, under subsection (3), that an applicant for a renewal of a licence also provide, for any individual listed in paragraph (2)(a), a criminal record check issued no more than 60 days before the date of application.

Reporting issuers

(9) For the purposes of subparagraphs (1)(b)(ii) and (2)(c)(ii) and this subsection, the individuals who control the operations of a reporting issuer as defined in the *Securities Act* are

- (a) its control persons; and
- (b) if a control person of the reporting issuer is a corporation, the individuals who control the operations of the control person in whole or in part, directly or indirectly.

Late renewal

(10) The Superintendent shall process a renewal application that is received after the deadline in subsection 12(2) of the Act but before the end of the licence period, but may impose an administrative penalty in accordance with Schedule D for the failure to conform to that subsection.

Eligibility

- 25.** (1) An applicant may not be issued or transferred a licence if
- (a) the Superintendent has reasonable grounds to believe that the applicant will not carry on business in accordance with the law, or with integrity, honesty or in the public interest, having regard to the past or present conduct of any of the persons referred to in paragraph 24(1)(b) or 24(2)(c) or subsection 24(9);
 - (b) a person referred to in paragraph 24(1)(b) or 24(2)(c) or subsection 24(9) has been convicted or charged with an offence under
 - (i) the Act,
 - (ii) the federal Act,
 - (iii) the *Controlled Drugs and Substances Act* (Canada), or
 - (iv) Part X of the *Criminal Code*;
 - (c) the Superintendent has reasonable grounds to believe that the applicant is carrying on activities that are, or would be if the applicant were the holder of a licence, in contravention of any of the enactments listed in paragraph (b);
 - (d) the Superintendent is not satisfied that the applicant will exercise sufficient control, either directly or indirectly, over the applicant's cannabis retail business;
 - (e) the applicant knowingly makes a false statement or provides false information in the application or in response to a request under subsection 24(3); or
 - (f) the applicant does not provide proof to the Superintendent that they have possession of the premises where the licenced establishment is or will be located.

Exception

(2) Paragraph (1)(b) does not apply if the Superintendent is of the opinion that, due to the passage of time and the nature of the conduct that led to the offence, the applicant is unlikely to contravene any of the enactments listed in that paragraph if the licence is issued or transferred.

Collection of personal information

(3) The Superintendent may collect personal information as defined in the *Access to Information and Protection of Privacy Act* that is necessary for the purposes of this section from any publicly accessible source.

Issuance of licence

- 26.** (1) In addition to the requirements of the Act, a licence issued under the Act must indicate
- (a) the name of the licensee;
 - (b) the location of the licenced establishment;
 - (c) a licence number;

- (d) the expiry date of the licence; and
- (e) the class of licence, and in the case of a cannabis store, the subclass.

Class and subclass

(2) A licensee may only operate the licenced establishment in accordance with the requirements for the class and, if applicable, subclass of their licence.

Duration of licence

27. (1) A licence expires

- (a) if a renewal application, including the applicable licence fee, was filed before the day referred to in paragraph (b), and it is not renewed,
 - (i) if no appeal is filed, on the last day of the appeal period under subsection 13(1) of the Act, or
 - (ii) if an appeal is filed and the non-renewal is confirmed, on the day the notice under subsection 13(6) of the Act is served on the licensee; or
- (b) otherwise, on April 1 following its issue, transfer or last renewal.

Contents of non-renewal notice

- (2) A notice of non-renewal under subsection 12(5) of the Act must also include
- (a) the date the licence will expire if no appeal is filed; and
 - (b) information respecting the requirement for the licensee to dispose of all cannabis held by them in Nunavut in accordance with section 18 of the Act.

Conditions on licence

28. (1) The Superintendent may, upon issuing a licence or under paragraph 15(c) of the Act, impose the following conditions on a licence:

- (a) more restrictive hours of operation than those provided for in these regulations;
- (b) restrictions on the products that may be sold by the licensee;
- (c) any other condition that the Superintendent considers necessary for the proper operation of the licenced establishment.

Application to vary conditions

(2) An application to vary the conditions of a licence under section 14 of the Act must include

- (a) the postal address, telephone number and email address of the licensee;
- (b) the licence number;
- (c) the condition to be varied;
- (d) reasons for the variation;
- (e) requested effective date of the variation;

- (f) any documents the licensee wishes to provide to support the application; and
- (g) the applicable licence fee.

Reporting convictions

(3) It is a condition of every licence that the operator inform the Superintendent as soon as practicable of any conviction of an offence under the following enactments by a person referred to in paragraph 24(1)(b) or 24(2)(c) or subsection 24(9):

- (a) the Act;
- (b) the federal Act;
- (c) the *Controlled Drugs and Substances Act* (Canada);
- (d) Part X of the *Criminal Code*.

Relinquishment of licence

29. A licensee may relinquish a licence by submitting to the Superintendent

- (a) the licence; and
- (b) the following information in a form approved by the Superintendent:
 - (i) the reasons for the relinquishment,
 - (ii) the amount of cannabis held by the licensee, and
 - (iii) the manner and time of the disposal of the cannabis in accordance with section 18 of the Act.

Licence fees

30. (1) A licensee shall pay all applicable licence fees in accordance with Schedule A.

Definition – retail sales of cannabis

(1.1) In Schedule A, "retail sales of cannabis" means all sales of cannabis other than sales to other operators.

Incomplete year

(2) The first annual licence fee for a new licence is a portion of the annual licence fee provided in Schedule A that is equivalent to the portion of the year that starts on the day the licence is granted and ends on the following April 1.

Refund of annual fees – application rejected

(3) The Superintendent shall refund any annual licence fee paid by a licensee for a licensing year if

- (a) their application for a licence is refused; or
- (b) their application for a renewal for that licensing year results in non-renewal and
 - (i) they do not appeal the non-renewal, or
 - (ii) the Board confirms the non-renewal.

Refund of annual fees – cancellation or relinquishment of licence

(4) The Superintendent shall refund a portion of an annual licence fee paid by a licensee for a licensing year that is equivalent to the portion of the year that they do not hold the licence because it was cancelled or relinquished.

Exception

(5) Despite subsections (3) and (4), the Superintendent may withhold from any refund due under those subsections

- (a) unpaid licence fees; and
- (b) unpaid administrative penalties.

Obligation to pay fees

(6) Fees based on the revenue from the sale of cannabis are payable in full even if a licence is cancelled or relinquished.

Quarterly payments

(7) Quarterly licence fees are due 15 days after each of the following quarters:

- (a) April 1 to June 30;
 - (b) July 1 to September 30;
 - (c) October 1 to December 31;
 - (d) January 1 to March 31.
- R-018-2020,s.2(2).

Registered suppliers

Application

31. (1) An application for registration as a supplier under section 21.1 of the Act must include

- (a) the name and registered address of the applicant;
- (b) a copy of their licence or permit to produce and sell cannabis under the federal Act; and
- (c) a registration fee determined in accordance with Schedule A.

Expiry and renewal

(2) A registration under section 21.1 of the Act expires one year after the date of registration, but may be renewed on a yearly basis by paying the registration fee determined in accordance with Schedule A on or before the day it expires.

Reporting

(3) A registered supplier shall, on or before the 7th day of each month, provide to the Superintendent an electronic copy of the records referred to in subsection (4) for the previous month

- (a) in the format of reports made under the *Cannabis Tracking System Order* made under the federal Act; or
- (b) another format that is acceptable to the Superintendent.

Same

- (4) A report under subsection (3) must include
 - (a) sales transactions to operators, including
 - (i) the identity of the operator, and
 - (ii) the date of shipment; and
 - (b) returns from operators, including
 - (i) the identity of the operator, and
 - (ii) the date of receipt.

Repeal

- 32. The *Cannabis Regulations*, Nu.Reg. R-029-2018, are repealed.**

Coming into force

- 33. These regulations come into force on the same day as any portion of section 8 of the Act comes into force.**

SCHEDULE A *(Section 1, subsections 30(1) and (2),
paragraph 31(1)(c),
subsection 31(2))*

LICENCE AND REGISTRATION FEES

Type of fee	Fee
Licensing fee – application for new licence	\$2,000
Licensing fee – cannabis store licence	\$1,000 per year; and 2% of gross revenue from retail sales of cannabis, paid quarterly
Licensing fee – remote sales store licence, when licensee does not have a cannabis store licence for the same premises	\$500 per year; and 2% of gross revenue from retail sales of cannabis, paid quarterly
Licensing fee – remote sales store licence, when licensee has a cannabis store licence for the same premises	2% of gross revenue from retail sales of cannabis, paid quarterly
Licensing fee – application to vary licence	\$500
Licensing fee – application to transfer licence	\$500
Registration fee – registered suppliers	\$100 per year

R-018-2020,s.3.

SCHEDULE B

(Paragraph 5(c))

SYMBOL INDICATING PROHIBITION TO CONSUME CANNABIS



SCHEDULE C

*(Paragraphs 13(1)(i), 15(d),
subparagraph 16(2)(a)(v) and
subsection 16(6))*

PHYSICAL SECURITY MEASURES

Doors

- 1.** (1) Subject to section 4 of this Schedule, all external doors of a cannabis store or cannabis retail operations area, as well as all doors of a cannabis storage room, must
- (a) be hollow metal doors with a thickness of no less than 1.5 millimetres;
 - (b) have a metal doorframe with a thickness of no less than 1.9 millimetres;
 - (c) have tamper-proof hinges;
 - (d) have commercial grade, non-residential locks with a secured tamper-proof strike plate and a locking device that penetrates the door frame at least 1.25 centimetres; and
 - (e) be constructed of commercial grade materials which secure against unauthorized access.

No master key system

- (2) Locks on entry and exit doors of a cannabis store or cannabis retail operations area must not be on a master key system.

Windows

- 2.** All external windows of a cannabis store or cannabis retail operations area must
- (a) be constructed with wire glass, laminated glass, polycarbonate or composite which is commercial grade and is secure against unauthorized access; and
 - (b) have locks that are located on the interior of the cannabis store or cannabis retail operations area.

Storage

- 3.** Cannabis in a cannabis store or remote sales store must be stored
- (a) in a commercial safe, gun locker or similar device that, subject to section 4 of this Schedule,
 - (i) is rated by Underwriters Laboratories of Canada or UL LLC as burglar resistant,
 - (ii) has a locking system that secures its door in more than one part of the door, and
 - (iii) weighs more than 340 kilograms or is anchored to a fixture in such a manner that it cannot be removed without first opening its door; or
 - (b) in a cannabis storage room.

Equivalences

4. The Minister may approve equivalencies for the requirements under subsection 1(1) and paragraph 3(1)(a) of this Schedule, and a cannabis store, cannabis retail operations area or cannabis storage room complies with this Schedule if it complies with those equivalences.

SCHEDULE D

*(Subsections 23(1) and (2)
and 24(10))*

ADMINISTRATIVE PENALTIES

Provision	Summary of Contravention	Penalty Amount
Any condition of a licence or term of a contract	Failure to comply with any conditions on a license or a term of a contract, other than one specified below	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Subsection 12(2) of the Act and subsection 24(10)	Late application for renewal	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Subsection 12(5) or 22(2)	Failure to comply with a reporting requirement, including late reporting	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Paragraph 13(1)(d) or 15(k), or subparagraph 17(1)(f)(ii)	Failure to post public service notice	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Paragraph 15(b) or (c)	Failure to comply with mandatory training requirements for customer service employees	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Paragraph 15(j)	Failure to display license in a conspicuous place	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Subsection 16(1)	Undertaking physical alterations to a cannabis store without approval from the Superintendent	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Paragraph 17(1)(a)	Use of sensory display items at an integrated cannabis store	1 st contravention: \$1,000 2 nd contravention: \$5,000 3 rd or subsequent contravention: \$10,000

Paragraph 17(1)(b)	Sale of something other than cannabis or cannabis accessories at the point of sale where cannabis is sold	1 st contravention: \$1,000 2 nd contravention: \$5,000 3 rd or subsequent contravention: \$10,000
Subparagraph 17(1)(d)(ii) or 18(a)(ii) or a condition of a licence	Failure to comply with hours of operations or a condition respecting hours of operation	1 st contravention: \$100 2 nd contravention: \$500 3 rd contravention: \$1,000 4 th or subsequent contravention: \$1,000 per day
Paragraph 17(1)(f)	Failure to provide required information on a price list	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000
Paragraph 18(c)	Failure to attach, secure or close sensory display items	1 st contravention: \$1,000 2 nd contravention: \$5,000 3 rd or subsequent contravention: \$10,000
Subsection 28(3) and licence conditions	Failure to inform Superintendent of a conviction	1 st contravention: \$1,000 2 nd contravention: \$5,000 3 rd or subsequent contravention: \$10,000
Subsection 30(7)	Failure to pay quarterly licensing fee within 15 days after the end of the quarter	1 st contravention: \$100 2 nd contravention: \$500 3 rd or subsequent contravention: \$1,000