

Cannabis Control Act

CHAPTER 3 OF THE ACTS OF 2018



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CHAPTER 3 OF THE ACTS OF 2018

**An Act to Provide for the Regulation
and Sale of Cannabis**

Table of Contents

(The table of contents is not part of the statute)

	Section
Short title.....	1
Purpose of Act.....	2
Interpretation.....	3
Act binds Crown.....	4
Application of Act.....	5
PART I	
Authorized Cannabis Sellers	
Minister responsible for Part I.....	6
Powers of authorized cannabis seller.....	7
Objects of Corporation.....	8
Powers of Corporation.....	9
Restriction on Corporation.....	10
Storage, transportation and delivery.....	11
Prohibitions re supply of cannabis.....	12
Requirements of authorized cannabis sellers.....	13
Regulations.....	14
PART II	
Activities in Relation to Cannabis and Enforcement	
Minister responsible for Part II.....	15
Prohibitions	
Prohibitions applicable to young persons.....	16
Sale or distribution to young persons.....	17
Sale or distribution of cannabis accessories to young persons.....	18
Involving young persons in offence.....	19
Unauthorized sale or purchase.....	20
Sale or purchase to intoxicated individual.....	21
Consumption in vehicle prohibited.....	22
Transportation.....	23
Compliance and Enforcement	
Powers of police.....	24
Seizure.....	25
Forfeiture.....	26
Refusal to give name and address.....	27
Vacation of premises.....	28
Obstruction of police.....	29
Prosecutions.....	30
Offences, Penalties and Regulations	
Offences.....	31
Penalties.....	32
Regulations.....	33

PART III

Transitional, Consequential Amendments
and Coming Into Force

Dissolution of 3313086 N.S. Ltd.	34
Change of landlord's rules	35
Education Act amended	36
Insurance Act amended	37
Liquor Control Act amended	38-45
Motor Vehicle Act amended	46-64
Safer Communities and Neighbourhoods Act amended	65
Smoke-free Places Act amended	66-70
Summary Proceedings Act amended	71
Effective date	72

Short title

1 This Act may be cited as the *Cannabis Control Act*. 2018, c. 3, s. 1.

Purpose of Act

2 The purpose of this Act is to

- (a) regulate and control the purchase, possession, sale and distribution of cannabis;
- (b) establish prohibitions relating to the purchase, possession, sale, distribution, consumption, cultivation, propagation and harvesting of cannabis to
 - (i) protect public health and safety,
 - (ii) protect youth and restrict their access to cannabis, and
 - (iii) ensure that recreational-use cannabis is only sold in accordance with this Act; and
- (c) deter unlawful activities in relation to cannabis through appropriate enforcement and sanctions. 2018, c. 3, s. 2.

Interpretation

3 In this Act,

- (a) “authorized cannabis seller” means
 - (i) the Corporation, or
 - (ii) a person authorized by or under the regulations to sell cannabis;
- (b) “cannabis” means cannabis as defined in the federal Act;
- (c) “cannabis accessory” means cannabis accessory as defined in the federal Act;
- (d) “Corporation” means the Nova Scotia Liquor Corporation;

- (e) “distribute” includes administer, give, transfer, transport, send, deliver, provide or otherwise make available in any manner, whether directly or indirectly, and offer to distribute or have in possession for distribution;
 - (f) “federal Act” means the *Cannabis Act* (Canada);
 - (g) “Government store” means a Government store as defined in the *Liquor Control Act*;
 - (h) “medical-use cannabis” means cannabis used for medical purposes
 - (i) within the meaning of the *Access to Cannabis for Medical Purposes Regulations* (Canada), or
 - (ii) in accordance with a court order;
 - (i) “package” means a package as defined in the federal Act;
 - (j) “police officer” means a member of an agency as defined in the *Police Act*;
 - (k) “premises” means lands and structures or either of them, including trailers and portable structures designed or used for residence, business or shelter, and includes any part thereof;
 - (l) “sell” includes offer for sale, expose for sale and have in possession for sale;
 - (m) “vehicle” means any conveyance that may be used for transportation over land or water;
 - (n) “young person” means an individual under the age of 19 years.
- 2018, c. 3, s. 3.

Act binds Crown

- 4 This Act binds Her Majesty. 2018, c. 3, s. 4.

Application of Act

- 5 (1) Subject to subsection (2), this Act does not apply to
- (a) an activity in connection with medical-use cannabis;
 - (b) an activity in connection with industrial hemp cultivated and produced pursuant to the *Industrial Hemp Regulations* (Canada) or another federal enactment;
 - (c) an activity performed in connection with the enforcement or administration of an enactment of the Province or of Canada;
 - (d) an activity conducted pursuant to a licence, permit, authorization, order or exemption under the federal Act or the regulations made under that Act;
 - (e) an activity prescribed by the regulations; or

(f) a person performing an activity referred to in any of clauses (a) to (e).

(2) Section 22 applies in respect of the consumption of medical-use cannabis. 2018, c. 3, s. 5.

PART I

AUTHORIZED CANNABIS SELLERS

Minister responsible for Part I

6 The Minister responsible for the Nova Scotia Liquor Corporation is responsible for the supervision and management of this Part. 2018, c. 3, s. 6.

Powers of authorized cannabis seller

7 Subject to this Act, an authorized cannabis seller may purchase, possess, sell and distribute cannabis. 2018, c. 3, s. 7.

Objects of Corporation

8 The objects of the Corporation with respect to cannabis are to

(a) promote social objectives respecting the responsible consumption of cannabis; and

(b) control and carry out the purchase, possession, distribution and sale of cannabis in accordance with this Part. 2018, c. 3, s. 8.

Powers of Corporation

9 (1) The Corporation may

(a) purchase, possess, distribute and sell

(i) cannabis that has been produced by a person authorized under the federal Act to produce cannabis for commercial purposes, and

(ii) cannabis accessories;

(b) provide for the maintenance or operation of warehouses for cannabis and regulate the keeping in and delivery to or from any such warehouses;

(c) regulate the operation of stores, including Government stores, in which the Corporation sells cannabis;

(d) determine the varieties, forms and types of cannabis that it is to sell and the prices therefor; and

(e) do anything the Corporation considers necessary or advisable to effectively carry out its objects with respect to cannabis.

(2) Subject to this Act, the Corporation may, in pursuit of its objects under this Act, exercise any power, other than a power in relation to liquor, that it possesses under the *Liquor Control Act*, including its powers under Sections 5 and 6 of that Act. 2018, c. 3, s. 9.

Restriction on Corporation

10 Subject to the regulations, the Corporation may only sell or distribute cannabis to the public from

- (a) one or more retail stores operated by the Corporation, including Government stores; and
- (b) an Internet site operated by the Corporation or its agent. 2018, c. 3, s. 10.

Storage, transportation and delivery

11 Notwithstanding Section 23, an authorized cannabis seller or a common carrier or other person authorized by an authorized cannabis seller may, in accordance with the regulations, store, transport or deliver cannabis. 2018, c. 3, s. 11.

Prohibitions re supply of cannabis

12 Except for the Corporation, no authorized cannabis seller shall

- (a) purchase cannabis from any person except the Corporation;
- (b) have on the premises of the store any cannabis that was not supplied by the Corporation or authorized by the Corporation to be supplied to the authorized cannabis seller; or
- (c) sell any cannabis that was not supplied by the Corporation or authorized by the Corporation to be supplied to the authorized cannabis seller. 2018, c. 3, s. 12.

Requirements of authorized cannabis sellers

13 (1) An authorized cannabis seller shall not

- (a) sell cannabis unless the cannabis has been produced by a person who is authorized under the federal Act to produce cannabis for commercial purposes; or
- (b) sell cannabis to any young person.

(2) An authorized cannabis seller shall

- (a) in accordance with the regulations, keep appropriate records respecting its activities in relation to cannabis that it possesses for commercial purposes; and
- (b) in accordance with the regulations, take adequate measures to reduce the risk of cannabis it possesses for commercial purposes being diverted to an illicit market or activity.

(3) An authorized cannabis seller shall comply with this Act, the regulations, the federal Act and every other enactment of the Province and of Canada respecting the distribution and sale of recreational-use cannabis.

(4) An authorized cannabis seller other than the Corporation shall comply with any terms and conditions to which the authorized cannabis seller is subject by or under the regulations. 2018, c. 3, s. 13.

Regulations

- 14 (1) The Governor in Council may make regulations
- (a) respecting authorized cannabis sellers, including
 - (i) respecting the authorization of persons to sell cannabis,
 - (ii) respecting terms and conditions applicable to the sale of cannabis by an authorized cannabis seller, and
 - (iii) respecting the maintenance and operation of a store operated by an authorized cannabis seller;
 - (b) respecting the purchase, possession, sale, distribution and delivery of cannabis by an authorized cannabis seller;
 - (c) respecting the storage, transportation and delivery of cannabis by an authorized cannabis seller or person authorized by an authorized cannabis seller;
 - (d) respecting the keeping of appropriate records by an authorized cannabis seller respecting its activities in relation to cannabis that it possesses for commercial purposes;
 - (e) respecting the taking of adequate measures by an authorized cannabis seller to reduce the risk of cannabis it possesses for commercial purposes being diverted to an illicit market or activity;
 - (f) prohibiting the sale of particular types of cannabis product;
 - (g) respecting the promotion, packaging, labelling and display of cannabis to be sold by an authorized cannabis seller;
 - (h) respecting agreements with agents of the Corporation;
 - (i) defining any word or expression used in this Part but not defined in this Act;
 - (j) further defining, for the purpose of this Part, any word or expression defined in this Act;
 - (k) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) A regulation made under subsection (1) may be of general application or may apply to such individual or individuals, such class or classes of persons, such class or classes of places or such class or classes of matters or things as the Governor in Council determines and there may be different regulations with respect to different individuals, different classes of persons, different classes of places and different classes of matters or things.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2018, c. 3, s. 14.

PART II

ACTIVITIES IN RELATION TO CANNABIS AND ENFORCEMENT

Minister responsible for Part II

15 The Minister of Justice, or such other member of the Executive Council to whom the administration of this Part is assigned under the *Public Service Act*, is responsible for the supervision and management of this Part. 2018, c. 3, s. 15.

PROHIBITIONS

Prohibitions applicable to young persons

16 (1) No young person shall possess, distribute, consume, purchase or attempt to purchase cannabis.

(2) No young person shall cultivate, propagate or harvest cannabis or offer to cultivate, propagate or harvest cannabis.

(3) No young person shall purchase or attempt to purchase a cannabis accessory.

(4) This Section does not apply to [a] young person who, for the purpose of enforcing or ensuring compliance with this Act, the federal Act or the regulations made under either of those Acts, is acting under the direction of a person whose duty it is to enforce, or ensure compliance with, any of those enactments. 2018, c. 3, s. 16.

Sale or distribution to young persons

17 (1) No person shall knowingly sell or distribute cannabis to a young person.

(2) No person shall

(a) where cannabis is provided to the purchaser at the time of sale, sell cannabis to; or

(b) where cannabis is not provided to the purchaser at the time of sale, deliver purchased cannabis to,

an individual who appears to be under the age of 25 years unless the person selling or delivering the cannabis has been provided a valid government-issued identification document, bearing a photograph of the individual and showing the individual's age, and is satisfied that the individual is not a young person.

(3) It is not a defence to a charge under subsection (2) that the defendant believed the individual to not be a young person unless the individual produced an identification document described by that subsection and there was no apparent reason to doubt the authenticity of the identification document or that it was issued to the individual.

(4) No person shall present as evidence of the individual's age any identification document other than an identification document that was lawfully issued to the individual. 2018, c. 3, s. 17.

Sale or distribution of cannabis accessories to young persons

18 (1) No person shall knowingly sell or distribute a cannabis accessory to an individual who is a young person.

(2) It is not a defence to a charge under subsection (1) that the defendant believed the individual to not be a young person unless the defendant took reasonable steps to ascertain the individual's age. 2018, c. 3, s. 18.

Involving young persons in offence

19 (1) No person shall involve an individual who is a young person in the commission of an offence under this Act.

(2) It is not a defence to a charge under subsection (1) that the defendant believed the individual to not be a young person unless the defendant took reasonable steps to ascertain the individual's age. 2018, c. 3, s. 19.

Unauthorized sale or purchase

20 (1) No person, other than an authorized cannabis seller, shall

- (a) sell cannabis; or
- (b) operate a store that sells cannabis.

(2) No person shall purchase cannabis except from an authorized cannabis seller. 2018, c. 3, s. 20.

Sale or purchase to intoxicated individual

21 No person shall knowingly sell or distribute cannabis to an individual who is or appears to be intoxicated. 2018, c. 3, s. 21.

Consumption in vehicle prohibited

22 Except in the circumstances prescribed by the regulations, no person shall consume cannabis, including medical-use cannabis, in a vehicle. 2018, c. 3, s. 22.

Transportation

23 (1) No person shall transport cannabis in a vehicle unless the cannabis is

(a) contained in closed packaging or packaging that is fastened closed; and

(b) either

(i) out of reach of or not readily accessible to any person in the vehicle, or

(ii) being transported in a manner prescribed by the regulations.

(2) Subject to subsection (1) and the regulations, a person may transport cannabis from a place where cannabis is lawfully located to another place where cannabis may be lawfully located. 2018, c. 3, s. 23.

COMPLIANCE AND ENFORCEMENT**Powers of police**

24 (1) For the purpose of ensuring compliance with this Act and the regulations, a police officer may, at any reasonable time,

(a) enter and inspect any place or vehicle in respect of which this Act applies, except a private dwelling, and make any examination or inquiry or conduct any test that the police officer considers necessary or advisable;

(b) make inquiries of any person who is or was in a place or vehicle in respect of which this Act applies;

(c) require the production of any documents at a place or vehicle in respect of which this Act applies and inspect, examine, copy or remove the documents;

(d) require the production of a valid government-issued identification document, bearing a photograph of the person offering it, of any person who is or was in a place or vehicle in respect of which this Act applies;

(e) exercise any other powers and perform any other duties that are prescribed by the regulations; and

(f) exercise any powers and perform any duties that are incidental to the powers set out in clauses (a) to (e).

(2) A police officer who removes documents under clause (1)(c) shall give a receipt for the documents and return them as soon as possible after the making of copies or extracts.

(3) In exercising the powers conferred under subsection (1), a police officer may be accompanied and assisted by any person who, in the opinion of the police officer, has special knowledge or expertise. 2018, c. 3, s. 24.

Seizure

25 (1) In the course of exercising the powers conferred under Section 24, a police officer may seize any thing, including cannabis, if the police officer has reasonable grounds to believe that

(a) the thing will afford evidence of an offence under this Act; or

(b) the thing was used or is being used in connection with the commission of an offence under this Act and, unless the thing is seized, it is likely that it would continue to be used or would be used again in the commission of an offence under this Act.

(2) Where an offence appears to have been committed under this Act and a police officer has reasonable grounds to believe, in view of the offence apparently committed and the presence of cannabis, that a further offence is likely to be committed, the police officer may seize the cannabis and any packages in which it is kept. 2018, c. 3, s. 25.

Forfeiture

26 (1) Where a person is convicted of an offence under this Act, the court that convicts the person shall order that any thing seized under Section 25 in connection with the offence be forfeited to Her Majesty in right of the Province, unless the court considers that forfeiture would be unjust in the circumstances.

(2) Any cannabis forfeited to Her Majesty in right of the Province under subsection (1) or any other enactment must, in accordance with any directions issued by the Minister responsible for this Part, be destroyed. 2018, c. 3, s. 26.

Refusal to give name and address

27 Where a police officer finds a person apparently in contravention of this Act or the regulations and the person refuses to give the person's name and address or the police officer has reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without a warrant. 2018, c. 3, s. 27.

Vacation of premises

28 (1) Where a police officer has reasonable grounds to believe that this Act, or a provision of the regulations in respect of which this Section applies, is

being contravened on any premises, the police officer may require that one or more persons vacate the premises.

(2) No person shall

(a) remain on the premises after being required to vacate the premises under subsection (1); or

(b) re-enter the premises on the same day the person is required to vacate, unless a police officer authorizes the person to re-enter.

(3) Subsection (1) does not apply in respect of persons who reside in the premises. 2018, c. 3, s. 28.

Obstruction of police

29 No person shall obstruct, interfere with or fail to co-operate with a police officer in the execution of the police officer's duties under this Act. 2018, c. 3, s. 29.

Prosecutions

30 (1) In a prosecution under this Act, an indication on a container, package, label or sign that the contents of the container or package or the thing to which the label or sign relates is cannabis is proof, in the absence of evidence to the contrary, that the contents or thing is cannabis.

(2) In a prosecution under this Act or any other Act of the Legislature, a certificate or report prepared by an analyst under subsection 131(2) of the federal Act is admissible in evidence and, in the absence of evidence to the contrary, is proof of the statements set out in the certificate or report, without proof of the signature or official character of the individual purporting to have signed it.

(3) The party against whom a certificate or report is produced under subsection (2) may, with leave of the court, require the attendance of the analyst for the purpose of cross-examination. 2018, c. 3, s. 30.

OFFENCES, PENALTIES AND REGULATIONS

Offences

31 (1) A person who contravenes this Part or the regulations made under this Part is guilty of an offence and liable on summary conviction to the penalty set out [in] Section 32.

(2) Where a corporation contravenes this Part or the regulations made under this Part, a director, officer or agent of the corporation who authorized, permitted or acquiesced in the contravention is also guilty of an offence and liable on summary conviction to the penalty set out in Section 32, whether or not the corporation has been prosecuted or convicted.

(3) Where an offence under this Part is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued. 2018, c. 3, s. 31.

Penalties

32 (1) A person who is convicted of contravening Section 16 or subsection 17(4) is liable to a fine of not more than \$150.

(2) A person who is convicted of contravening subsection 17(1) or (2) or 19(1) or clause 20(1)(a) is liable to a fine of not more than \$10,000.

(3) A person who is convicted of contravening Section 18, 22 or 23 is liable to a fine of not more than \$2,000.

(4) A person who is convicted of contravening clause 20(1)(b) is liable to a fine of not less than \$10,000 and not more than \$25,000.

(5) A person who is convicted of contravening subsection 20(2) is liable to a fine of not more than \$250.

(6) A person who is convicted of contravening Section 21 is liable to a fine of not more than \$1,000. 2018, c. 3, s. 32.

Regulations

- 33 (1) The Governor in Council may make regulations
- (a) prescribing any place as being a private dwelling;
 - (b) prescribing activities to which this Act, subject to subsection 5(2), does not apply;
 - (c) respecting the cultivation of cannabis and securing of such cannabis while it is being cultivated;
 - (d) prescribing circumstances in which a person is not prohibited under Section 22 from consuming cannabis in a vehicle;
 - (e) respecting the transportation of cannabis;
 - (f) prescribing powers and duties of police officers for the purpose of clause 24(1)(e);
 - (g) prescribing provisions of the regulations in respect of which Section 28 applies if a police officer has reasonable grounds to believe that one or more of the prescribed provisions is being contravened;
 - (h) respecting the prohibition of the consumption of cannabis, other than by smoking within the meaning of the *Smoke-free Places Act*, in places other than a private dwelling and prescribing any such places;

(i) defining any word or expression used in this Part but not defined in this Act;

(j) further defining, for the purpose of this Part, any word or expression defined in this Act;

(k) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Part.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*, 2018, c. 3, s. 33.

PART III

TRANSITIONAL, CONSEQUENTIAL AMENDMENTS AND COMING INTO FORCE

Dissolution of 3313086 N.S. Ltd.

34 (1) 3313086 Nova Scotia Limited is dissolved.

(2) All right, title and interest of 3313086 Nova Scotia Limited in any real or personal property is vested in the Nova Scotia Liquor Corporation.

(3) All the obligations and liabilities of 3313086 Nova Scotia Limited become the obligations and liabilities of the Nova Scotia Liquor Corporation.

(4) In any document, including any deed, lease, agreement, trust or debenture, a reference to 3313086 Nova Scotia Limited is deemed to be a reference to the Nova Scotia Liquor Corporation. 2018, c. 3, s. 34.

Change of landlord's rules

35 (1) Words and expressions used this Section have the same meaning as in the *Residential Tenancies Act*.

(2) Notwithstanding subsection 9A(2) of the *Residential Tenancies Act*, a landlord may, upon four months' notice given to the tenant before April 30, 2019, change its rules that apply to the residential premises to establish, as a consequence of the legalization of recreational cannabis, rules restricting the smoking, as defined in the *Smoke-free Places Act*, or cultivation of recreational cannabis in the residential premises.

(3) Notwithstanding Section 10 of the *Residential Tenancies Act*, where a landlord has given notice to a tenant under subsection (2), the tenant may terminate a year-to-year or fixed-term tenancy by

(a) within one month of being given notice under subsection (2), giving the landlord three months' notice to quit, in the form prescribed by the Director; and

(b) where one or more other tenants reside in the same residential premises,

(i) serving each of the other tenants with a copy of the notice to quit at least three months before the termination of tenancy, and

(ii) giving the landlord proof of service, in the form prescribed by the Director, on each of the other tenants of a copy of the notice to quit.

(4) Where a tenancy is terminated under subsection (3), the tenancy is terminated for all the tenants in the same residential premises, but the other tenants may enter a new landlord and tenant relationship with the landlord with the consent of the landlord, which consent may not be arbitrarily or unreasonably withheld. 2018, c. 3, s. 35.

Education Act amended

36 *amendment*

Insurance Act amended

37 *amendment*

Liquor Control Act amended

38 to 45 *amendments*

Motor Vehicle Act amended

46 to 64 *amendments*

Safer Communities and Neighbourhoods Act amended

65 *amendment*

Smoke-free Places Act amended

66 to 70 *amendments*

Summary Proceedings Act amended

71 *amendment*

Effective Date

72 Part II and Sections 36, 37 and 41 to 71 come into force on such day as the Governor in Council orders and declares by proclamation. 2018, c. 3, s. 72.

Part II, ss. 36, 41-45 & 65-71 proclaimed	-	October 11, 2018
In force	-	October 17, 2018
ss. 46-64 proclaimed	-	October 11, 2018
In force	-	December 18, 2018
s. 37(1) proclaimed	-	October 16, 2018
In force	-	October 17, 2018
s. 37 (2) proclaimed	-	October 16, 2018
In force	-	December 18, 2018
