

# BILL

No. 121

## An Act to Control the Sale, Possession, Consumption, Distribution and Transportation of Cannabis and to Make Consequential Amendments to Other Acts

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PART 8

**Coming into force**

- 8-1 Coming into force

**Appendix**

(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1

**Preliminary Matters**

**Short title**

- 1-1 This Act may be cited as *The Cannabis Control (Saskatchewan) Act*.

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**Definitions and interpretation**

1-2(1) In this Act:

“**applicant**” means an applicant for a cannabis permit;

“**cannabis**” means a cannabis plant and anything referred to in Schedule 1 but does not include hemp, anything mentioned in Schedule 2 or any other prescribed thing;

“**cannabis accessory**” means a cannabis accessory as defined in the regulations;

“**Cannabis Authority**” means a person or body that is an agent of the Crown that is designated by the Lieutenant Governor in Council;

“**cannabis enforcement officer**” means a cannabis enforcement officer designated pursuant to section 4-2;

“**cannabis permit**” means a valid cannabis permit issued pursuant to this Act or the regulations for the possession, sale, distribution or transportation of cannabis;

“**cannabis plant**” means a plant that belongs to the genus *Cannabis*;

“**child care facility**” means a facility as defined in *The Child Care Act, 2014*;

“**commission**” means the prescribed commission;

“**conveyance**” includes a vehicle, train, aircraft, boat or other means of transport;

“**Crown**” means the Crown in right of Saskatchewan;

“**distribute**” does not include:

- (a) selling, offering for sale or otherwise giving, assigning or sending for consideration; or
- (b) bartering or depositing with another person for the performance of a service;

“**dried cannabis**” means any part of a cannabis plant that has been subjected to a drying process, other than seeds;

“**illicit cannabis**” means cannabis that:

- (a) is or was sold, produced or distributed by a person prohibited from doing so pursuant to this Act, the regulations, any other Act, the *Cannabis Act* (Canada), any other Act of the Parliament of Canada or an Act of any other province or territory; or
- (b) was imported by a person prohibited from doing so pursuant to the *Cannabis Act* (Canada);

“**Indian band**” means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

“**justice**” means a justice of the peace or a provincial court judge;

“**minister**”, except in section 2-17, means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**ministry**”, except in section 2-17, means the ministry over which the minister presides;

**“minor”** means a person under the age of 19;

**“organization”** means an organization as defined in the regulations;

**“permittee”** means a person who is issued a cannabis permit, and includes an employee or agent of a permittee, if applicable;

**“person”** includes a partnership, an unincorporated association and any other prescribed entity;

**“police officer”** means a member of the Royal Canadian Mounted Police, a member of a police service as defined in *The Police Act, 1990* or a member of any prescribed category of peace officers;

**“prescribed”** means prescribed in the regulations;

**“private place”** means:

(a) the following places that are genuinely and actually occupied and used as a private residence:

(i) a house or building or any part of a house or building;

(ii) a trailer, camper, mobile home, tent or any combination of them;

(iii) a cottage or cabin or similar construction designed for use on a seasonal basis;

(iv) a moored vessel;

(v) a private guest room in a hotel or motel;

(b) subject to subsection (4), in the case of any place mentioned in subclause (a)(i), (ii) or (iii), the appurtenant land or, in the case of a farm, the lands constituting the farm; or

(c) any other prescribed place;

**“public place”** means:

(a) a place or building to which the public has or is permitted to have access;

(b) a park, playground, cinema, outdoor theatre or other place of public resort or amusement;

(c) a highway, road, street, lane or thoroughfare;

(d) any unoccupied land or building;

(e) in relation to a person who enters occupied land or an occupied building without the consent of the occupant, the land or building so entered;

(f) a conveyance while it is at, in or on any place, building, thoroughfare or land that by virtue of this definition is a public place; or

(g) any other prescribed place;

**“school or independent school”** means a school or an independent school as defined in *The Education Act, 1995*;

**“vehicle”** means vehicle as defined in *The Traffic Safety Act*.

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- (2) For the purposes of this Act, dried cannabis is a class of cannabis.
- (3) For the purposes of this Act, a quantity referred to in Column 2 of Schedule 3 with respect to any class of cannabis referred to in Column 1 of that Schedule is deemed to be equivalent to 1 gram of dried cannabis.
- (4) Clause (b) of the definition of “private place” applies only to the owner or tenant, under a lease of at least 30 days, of the place described in that clause, or to the family, employee or bona fide guest of that owner or tenant.

**Illicit cannabis prohibited**

**1-3** Subject to section 4-13, nothing in this Act authorizes the possession, consumption, sale, transportation or distribution of or any other form of dealing with illicit cannabis.

**No application to cannabis for medical purposes**

**1-4** Unless otherwise prescribed, this Act does not apply to the consumption, possession, distribution, purchase or sale of cannabis for medical purposes that occurs in accordance with the requirements of the applicable federal law.

**PART 2****Possession, Distribution and Consumption of Cannabis****DIVISION 1****Minors****No possession, consumption, etc., by minors**

- 2-1(1)** Unless authorized by this Act or the regulations, no minor shall:
- (a) purchase or attempt to purchase cannabis, directly or indirectly;
  - (b) possess cannabis;
  - (c) consume cannabis;
  - (d) sell cannabis to any other person or organization;
  - (e) distribute cannabis to any other person or organization;
  - (f) except as authorized by the cannabis permit issued respecting a premises, be in or remain in a premises for which the cannabis permit has been issued;
  - (g) present false identification when attempting to purchase cannabis from a person lawfully authorized to sell cannabis; or
  - (h) present false identification when attempting to gain access to or to remain in a premises for which a cannabis permit has been issued.
- (2) Subject to the regulations, a police officer may seize from a minor any cannabis or anything that the police officer believes, on reasonable grounds, constitutes evidence of a contravention of this Act or the regulations whether or not the minor is charged with an offence.

**Offence by minor**

- 2-2(1)** This section and subsection 2-6(3) do not apply to a minor who is under the age of 12.
- (2) A minor who contravenes section 2-1 is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000.

**Employment of minors by Cannabis Authority**

**2-3(1)** Subject to the minimum age requirements established pursuant to *The Saskatchewan Employment Act*, the Cannabis Authority may employ or engage minors for the purpose of monitoring compliance with the provisions of this Act and the regulations respecting the possession, consumption, transportation, distribution, sale and handling of cannabis to or by minors.

(2) If a minor is employed or engaged by the Cannabis Authority for the purpose mentioned in subsection (1), clauses 2-1(1)(a), (b), (f), (g) and (h) do not apply to the minor while the minor is performing his or her duties of employment or engagement.

(3) Subsection 2-7(2) does not apply to the Cannabis Authority or to a minor employed or engaged by the Cannabis Authority for the purpose mentioned in subsection (1) while the minor is performing his or her duties of employment or engagement.

**Minors in premises**

**2-4** No permittee shall allow minors in a premises for which a cannabis permit is issued except in accordance with this Act, the regulations and the terms and conditions of the cannabis permit.

**Giving or selling to minors**

**2-5(1)** No person shall sell, give or distribute cannabis to a minor and nothing in this Act is to be construed as authorizing the sale, giving or distribution of cannabis to minors.

(2) A person may be convicted of contravening subsection (1) notwithstanding that the minor does not appear to be a minor.

**Proof of age**

**2-6(1)** A permittee or an employee of a permittee shall demand proof of age from:

- (a) every person who is attempting to purchase cannabis; and
- (b) every person on the premises who appears or should reasonably appear to be a minor.

(2) If a person fails or refuses to provide satisfactory proof of age when requested to do so pursuant to subsection (1), the permittee or employee shall:

- (a) refuse to sell any cannabis to that person if the person is attempting to purchase cannabis; and
- (b) request that the person leave the premises immediately.

(3) Any person who fails to leave a premises on being requested to do so pursuant to clause (2)(b) is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000.

(4) Any person who is required pursuant to this section to demand proof of age and fails to do so is guilty of an offence.

(5) Any person who knowingly provides a minor with false identification for the purpose of gaining entry to a premises for which a cannabis permit is issued is guilty of an offence.

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DIVISION 2

**Purchase, Possession and Distribution**

**Unauthorized purchase or inducement**

**2-7(1)** No individual who is older than a minor shall purchase cannabis from a person not authorized to sell cannabis pursuant to this Act, the regulations, an Act of the Parliament of Canada or the legislation of any other prescribed jurisdiction.

(2) No person shall request or solicit a person to sell cannabis to him or her in contravention of this Act or the regulations.

**Possession of cannabis**

**2-8** Unless authorized by this Act, the regulations or an Act of the Parliament of Canada:

- (a) no individual who is older than a minor shall possess:
  - (i) in a public place, cannabis of 1 or more classes of cannabis the total amount of which, as determined in accordance with Schedule 3, is equivalent to more than 30 grams of dried cannabis;
  - (ii) any cannabis that the individual knows is illicit cannabis;
  - (iii) in a public place, 1 or more cannabis plants that are budding or flowering; or
  - (iv) more than 4 cannabis plants that are not budding or flowering; and
- (b) no organization shall possess cannabis.

**Possession prohibited in certain places**

**2-9(1)** The Lieutenant Governor in Council may make regulations prohibiting, limiting or otherwise regulating the possession of cannabis, or any class of cannabis, in any:

- (a) public place;
- (b) private place; or
- (c) other prescribed place.

(2) A regulation made pursuant to subsection (1) prevails over any provisions of this Act.

**Possession of cannabis in vehicles**

**2-10(1)** Subject to subsection (2), any other provision of this Act and the regulations and an Act of the Parliament of Canada, no person shall possess, consume or distribute cannabis in a vehicle.

(2) Subsection (1) does not render it unlawful to have cannabis in a vehicle for the purpose of transporting the cannabis from the place at which it was lawfully obtained to a place where it may be lawfully had, kept or consumed or from that place to another place where it may be lawfully had, kept or consumed.

**Distribution of cannabis**

**2-11** Unless authorized by this Act, the regulations or an Act of the Parliament of Canada:

- (a) no individual who is older than a minor shall:
  - (i) distribute cannabis of 1 or more classes of cannabis the total amount of which is equivalent, as determined in accordance with Schedule 3, to more than 30 grams of dried cannabis;
  - (ii) distribute cannabis to an organization;
  - (iii) distribute cannabis that he or she knows is illicit cannabis;
  - (iv) distribute 1 or more cannabis plants that are budding or flowering; or
  - (v) distribute more than 4 cannabis plants that are not budding or flowering; and
- (b) no organization shall distribute cannabis.

**Purchase from other jurisdictions**

**2-12** A person may purchase cannabis from a jurisdiction outside of Saskatchewan only in accordance with this Act and the regulations.

**Common carriers and transportation**

**2-13(1)** Subject to subsection (2) and the regulations, the following provisions of this Act do not apply to a common carrier, or its employee or agent, that is transporting or distributing cannabis in the ordinary course of business:

- (a) subclauses 2-8(a)(i), (iii) and (iv);
  - (b) clause 2-8(b);
  - (c) section 2-10;
  - (d) subclauses 2-11(a)(i), (ii), (iv) and (v);
  - (e) clause 2-11(b);
  - (f) any other prescribed provisions.
- (2) No common carrier or other person authorized to transport or distribute cannabis pursuant to this Act or the regulations shall:
- (a) open or break or allow to be opened or broken, a container or package containing cannabis that the common carrier or other person is transporting or distributing; or
  - (b) consume or permit any cannabis to be consumed while the cannabis is being transported or distributed by him or her.

## DIVISION 3

**Consumption****Public places**

**2-14** No individual who is older than a minor shall consume cannabis in a public place or any place other than a private place except as allowed pursuant to this Act, the regulations or an Act of the Parliament of Canada.



**Restrictions on consumption of lighted and other cannabis**

**2-15(1)** The Lieutenant Governor in Council may make regulations prohibiting, limiting or otherwise regulating the consumption of lighted cannabis, or any class of cannabis, in any:

- (a) private place; or
- (b) other prescribed place.

(2) A regulation made pursuant to subsection (1) prevails over any provisions of this Act.

**Child care facilities and schools**

**2-16(1)** Notwithstanding any other provision of this Act, and unless authorized by the regulations or an Act of the Parliament of Canada, no individual who is older than a minor shall consume cannabis at any of the following locations:

- (a) a school or independent school or on the grounds surrounding a school or an independent school;
- (b) a child care facility.

(2) Subsection (1) does not apply to a child care facility that is a group family child care home or a licensed family child care home during the times that no child care services are being provided in the facility.

**Cannabis ban in campground**

**2-17(1)** In this section:

**“campground”** means:

- (a) an area of park land designated as a public campground pursuant to regulations made pursuant to *The Parks Act*; or
- (b) an area of a regional park designated as a public campground in a regional park bylaw made pursuant to clause 13(c) of *The Regional Parks Act, 2013*;

**“minister”** means:

- (a) with respect to a provincial park or a recreation site, the member of the Executive Council to whom for the time being the administration of *The Parks Act* is assigned; and
- (b) with respect to a regional park, the member of the Executive Council to whom for the time being the administration of *The Regional Parks Act, 2013* is assigned;

**“ministry”** means the ministry over which the minister presides;

**“park land”** means park land as defined in *The Parks Act*;

**“provincial park”** means a provincial park as defined in *The Parks Act*;

**“recreation site”** means a recreation site constituted pursuant to section 6 of *The Parks Act*;

**“regional park”** means a regional park established or continued pursuant to *The Regional Parks Act, 2013*;

**“regional park authority”** means a regional park authority that operates a regional park pursuant to *The Regional Parks Act, 2013*.

- (2) Notwithstanding sections 2-8 and 2-14, the minister may, by order, prohibit possessing or consuming cannabis in a campground on the terms and conditions and for the period set out in the order.
- (3) The minister may make an order pursuant to subsection (2) if:
- (a) in the case of a provincial park or a recreation site, the minister considers it necessary for the proper management and control of a campground or in the interest of public safety; or
  - (b) in the case of a regional park, the regional park authority considers it necessary for the proper management and control of a campground or in the interest of public safety and the regional park authority has requested the minister to make the order.
- (4) If an order is made pursuant to this section, the minister shall take any measures the minister considers appropriate to bring the order to the attention of the public, including posting the order on the ministry's website.
- (5) No person shall possess or consume cannabis in contravention of an order issued pursuant to this section, except as allowed pursuant to the regulations or an Act of the Parliament of Canada.
- (6) An enforcement officer appointed pursuant to *The Parks Act* may enforce an order made pursuant to this section with respect to all or any area of park land, and for that purpose, the enforcement officer may exercise all the powers and shall fulfil all the duties of enforcement officers provided in *The Parks Act*.

#### DIVISION 4

#### **Emergency**

##### **Exemption for emergency**

**2-18(1)** For the purposes of this section, “**emergency**” means a situation in which there are reasonable grounds to believe that a person requires emergency medical or law enforcement assistance.

(2) No person who seeks emergency medical or law enforcement assistance because that person or another person is experiencing an emergency is to be charged or convicted of an offence against section 2-1, 2-2, 2-8, 2-9, 2-10, 2-11, 2-14, 2-15, 2-16 or 2-17 if the evidence in support of that offence was obtained or discovered as a result of that person having sought assistance or having remained at the scene.

(3) The exemption pursuant to subsection (2) also applies to any person who is at the scene on the arrival of the emergency medical or law enforcement assistance, including the person experiencing or subject to the emergency.

## PART 3

**Sale of Cannabis and Other Permitted Activities**

## DIVISION 1

**Powers of Cannabis Authority****Powers respecting cannabis permits**

**3-1(1)** Subject to the regulations, the Cannabis Authority may:

- (a) issue or renew cannabis permits for the purchase, possession, sale, transport or distribution of cannabis;
- (b) charge a prescribed fee for:
  - (i) entering any prescribed process to allocate a cannabis permit; and
  - (ii) the issuance or renewal of a cannabis permit;
- (c) refuse any application for a cannabis permit or for renewal of a cannabis permit;
- (d) require any additional information from an applicant for a cannabis permit in any form determined by the Cannabis Authority;
- (e) set any terms and conditions for cannabis permits, including terms and conditions respecting:
  - (i) minors;
  - (ii) transportation standards;
  - (iii) pricing of cannabis;
  - (iv) the hours and days on which cannabis may be sold;
  - (v) the display, packaging or promotion of cannabis;
  - (vi) security requirements;
  - (vii) cannabis accessories or ancillary items;
  - (viii) the supply and distribution of cannabis to permittees;
  - (ix) record-keeping and reporting requirements; and
  - (x) any other matter that the Cannabis Authority considers necessary;
- (f) for the purposes of clause (e), set different terms and conditions for different cannabis permits or classes of different cannabis permits;
- (g) after issuing a cannabis permit:
  - (i) amend or repeal any term or condition imposed by the Cannabis Authority on the cannabis permit pursuant to clause (e); and
  - (ii) impose any new terms and conditions on the cannabis permit;
- (h) determine the places in which premises for which a cannabis permit has been issued are to be established;
- (i) determine the duration of cannabis permits;
- (j) suspend or cancel a cannabis permit on any terms and conditions it considers appropriate, either alone or in conjunction with assessing an administrative penalty pursuant to section 5-6;

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- (k) assess an administrative penalty pursuant to section 5-6 against a permittee;
  - (l) at the time it assesses an administrative penalty pursuant to section 5-6 against a permittee, determine the date by which the penalty is to be paid in full;
  - (m) fix the minimum price at which cannabis may be sold by a permittee.
- (2) The Cannabis Authority may refuse an application for, or for the renewal of, a cannabis permit pursuant to clause (1)(c) or suspend or cancel a cannabis permit pursuant to clause (1)(j) if it is satisfied that:
- (a) issuing a cannabis permit or not suspending or cancelling a cannabis permit is likely to create a risk to public health or public safety;
  - (b) there are reasonable grounds to believe that false or misleading information was submitted in, or in support of, the application;
  - (c) in the case of an application for a cannabis permit, the applicant is a minor;
  - (d) it is in the public interest to do so;
  - (e) the applicant does not meet the good character requirement as described in section 3-2; or
  - (f) any prescribed grounds for refusal or suspension or cancellation exist.
- (3) If the Cannabis Authority refuses an application for, or for the renewal of, a cannabis permit pursuant to clause (1)(c) or suspends or cancels a cannabis permit pursuant to clause (1)(j), the Cannabis Authority must send the applicant a notice in writing that sets out the reasons for the refusal, suspension or cancellation.
- (4) The Cannabis Authority, in exercising its power to issue cannabis permits pursuant to subsection (1), may establish 1 or more processes in accordance with the regulations for the allocation of cannabis permits.

**Good character**

- 3-2(1)** The Cannabis Authority shall not issue a cannabis permit or may refuse to renew a cannabis permit to an applicant if the Cannabis Authority has evidence that it considers credible and reliable that the applicant is not of good character.
- (2) In determining whether an applicant is or is not of good character, the Cannabis Authority may consider the following:
- (a) any evidence the Cannabis Authority considers relevant respecting the applicant's reputation, past conduct, integrity, financial history or competence;
  - (b) any evidence the Cannabis Authority considers relevant respecting the character of the applicant's employees and associates;
  - (c) if the applicant is a corporation or partnership, any evidence that the Cannabis Authority considers relevant respecting the character of any person who is a shareholder, partner, officer or director of the applicant;
  - (d) if the applicant is an Indian band, any evidence that the Cannabis Authority considers relevant respecting the character of any person who is a member of the council of the Indian band;
  - (e) any other evidence that the Cannabis Authority considers relevant.

## DIVISION 2

**Cannabis Permit Restrictions****Prohibited locations**

**3-3(1)** In accordance with the regulations, a municipality may designate all or some locations in the municipality as locations where prescribed activities that may be otherwise allowed by a cannabis permit are prohibited.

(2) Subject to the regulations, the Cannabis Authority shall not issue a cannabis permit for any location, municipality or reserve if a municipality or Indian band has prohibited prescribed activities that may be otherwise allowed by a cannabis permit in that municipality or reserve.

**Maximum number**

**3-4** The Lieutenant Governor in Council may prescribe, from time to time, the maximum number of cannabis permits of each class of cannabis permit.

**Reduction in number of cannabis permits**

**3-5** Subject to this Act and the regulations, if a reduction in the number of cannabis permits is made pursuant to section 3-4, all cannabis permits in force on the day of reduction continue and may be renewed by the Cannabis Authority.

## DIVISION 3

**General****Compliance required for sale, etc.**

**3-6** Except as expressly provided in this Act, the regulations or an Act of the Parliament of Canada, no person shall personally or by employee or agent:

- (a) display cannabis for sale or distribution;
- (b) keep cannabis for sale or distribution; or
- (c) directly or indirectly sell or offer to sell or distribute cannabis.

**Canvassing**

**3-7** No person shall canvass for, reserve, take or solicit orders for the purchase or sale of cannabis or act as agent or intermediary for the sale or purchase of cannabis or hold himself or herself out as an agent or intermediary unless permitted by this Act, the regulations or an Act of the Parliament of Canada.

**Intoxicated persons**

**3-8** No permittee shall sell or distribute cannabis to a person who appears to be intoxicated.

## DIVISION 4

**Applications****Application for cannabis permit**

**3-9(1)** Only persons who are older than a minor may apply to the Cannabis Authority for a cannabis permit in accordance with this Act and the regulations.

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- (2) Subject to the regulations, any person who applies to the Cannabis Authority for a cannabis permit shall:
- (a) apply in a form acceptable to the Cannabis Authority;
  - (b) pay any prescribed fee; and
  - (c) provide any information that the Cannabis Authority requires for the purposes of assessing the application.
- (3) Before a cannabis permit is issued, the Cannabis Authority may require the applicant to pay any outstanding cannabis related taxes or charges not paid by the preceding permittee of the premises that are the subject of the application.
- (4) An applicant shall satisfy the Cannabis Authority that the applicant:
- (a) is not a minor;
  - (b) has not contravened a condition of another cannabis permit issued pursuant to this Act;
  - (c) meets any prescribed criteria; and
  - (d) is otherwise suitable to obtain a cannabis permit.
- (5) Subject to the regulations, on or before the expiry of a cannabis permit, the permittee may apply to the Cannabis Authority to renew the cannabis permit and for the purposes of that application, the provisions of this section apply.

**Suitability of premises**

**3-10(1)** No applicant or permittee is entitled to obtain or keep a cannabis permit unless:

- (a) the applicant or the permittee, as the case may be, ensures that the premises to which the application or cannabis permit relates conform to applicable building, fire, health and safety standards; and
  - (b) in the Cannabis Authority's opinion, the premises mentioned in clause (a) are being and will be managed in accordance with this Act and the regulations.
- (2) Notwithstanding any other provision of this Act or any other law, the Cannabis Authority has no duty to inspect or to require the inspection of premises for which a cannabis permit has been issued to ensure compliance with this Act or any other Act.
- (3) No action or other proceeding lies or shall be commenced against the Crown, the Cannabis Authority, the minister, the ministry, a delegate of the minister, or any employee, agent or officer of the Cannabis Authority, the minister, the ministry or any delegate of the minister for any loss or damage suffered by a person as a result of the applicant's or permittee's failure to ensure that the premises to which the application or cannabis permit relates conform to applicable building, fire, health and safety standards.

**Restrictions on cannabis permit applications**

**3-11** No person shall:

- (a) use a fictitious name in applying for a cannabis permit pursuant to this Act; or
- (b) apply for a cannabis permit on behalf of a corporation if the person is not, at the time of making the application, an officer or member of the corporation.

**False assertions in applications**

**3-12** No person shall knowingly make a false assertion or omit to provide information in a statement that results in it being a false assertion respecting a fact, opinion or belief or respecting specific knowledge in applying for a cannabis permit pursuant to this Act.

## DIVISION 5

**Cannabis Permit Terms, Conditions and Requirements****Terms of cannabis permit**

**3-13** Every cannabis permit is subject to all the terms and conditions imposed by this Act, the regulations and the Cannabis Authority.

**Mandatory requirements of every cannabis permit**

**3-14** Subject to the regulations, every permittee shall:

- (a) possess, sell, transport or distribute only cannabis that has been:
  - (i) produced by a person that is authorized pursuant to the *Cannabis Act* (Canada) to produce cannabis for commercial purposes; and
  - (ii) supplied by a person that meets the requirements set out in section 3-27;
- (b) not sell or distribute cannabis to a minor;
- (c) keep appropriate records respecting the permittee's activities in relation to cannabis that the permittee possesses for commercial purposes, in accordance with any requirements established by this Act, the regulations, the Cannabis Authority and any Act of the Parliament of Canada;
- (d) take adequate measures to reduce the risk that any cannabis that the permittee possesses for commercial purposes may be diverted to an illicit market or activity; and
- (e) comply with any reporting requirements established by this Act, the regulations or the Cannabis Authority.

**Prohibited classes of cannabis and substances**

**3-15** Unless authorized by this Act or the regulations, a permittee that is authorized to possess, sell, transport or distribute cannabis shall not possess, sell, transport or distribute:

- (a) any class of cannabis that is not mentioned in Schedule 4; or
- (b) cannabis that contains any substance that is prohibited by the regulations.

**Targeting minors**

**3-16** Subject to the regulations, no permittee shall sell or distribute cannabis that has an appearance, shape or other sensory attribute, or any function, that there are reasonable grounds to believe could be targeted at minors.

**Self-service and dispensing displays and devices**

**3-17** Unless authorized by this Act or the regulations, no permittee shall sell or distribute cannabis:

- (a) by means of a display that allows for self-service; or
- (b) by means of a dispensing device.

**Refusal to admit entry**

**3-18(1)** A permittee may request any person to leave or forbid any person to enter a premises for which a cannabis permit has been issued.

(2) No person shall:

- (a) remain in a premises for which a cannabis permit has been issued after he or she is requested to leave the premises by the permittee; or
- (b) re-enter a premises for which a cannabis permit has been issued that he or she was requested to leave by the permittee before the premises next opens for business.

**Non-application of certain provisions**

**3-19(1)** Subject to this Act and the regulations, a permittee may do anything that is prohibited by the following provisions if the permittee does so as part of the permittee's authorized permitted activities and in accordance with the terms and conditions of the permittee's permit:

- (a) subclauses 2-8(a)(i), (iii) and (iv);
- (b) clause 2-8(b);
- (c) section 2-10;
- (d) subclauses 2-11(a)(i), (iv) and (v);
- (e) clause 2-11(b);
- (f) any other prescribed provision.

(2) A prescribed person may do anything that is prohibited in the provisions mentioned in subsection (1).

## DIVISION 6

**Permitting Administrative Matters****Cannabis permit not transferable**

**3-20(1)** Every cannabis permit must be issued in the name of the applicant.

(2) Subject to this Act and the regulations, no cannabis permit is transferable.

**Cannabis permit property of Cannabis Authority**

**3-21** Every cannabis permit is the property of the Cannabis Authority, and if a cannabis permit is cancelled, suspended or expired, the permittee shall return it to the Cannabis Authority immediately.

**Cannabis permit to be posted**

**3-22** Every permittee shall keep the cannabis permit posted in a prominent position in the premises for which a cannabis permit has been issued.



**Restriction on cancellation**

**3-23** If a cannabis permit has been cancelled:

- (a) no other cannabis permit shall be issued for at least 1 year to the person named as the holder of the cannabis permit; and
- (b) if, after the period mentioned in clause (a), another cannabis permit has been issued to the person mentioned in clause (a) and cancelled, no other cannabis permit shall be issued to that person after that time.

**If premises destroyed**

**3-24** Subject to this Act and the regulations, in the event of the destruction of premises for which a cannabis permit has been issued, the cannabis permit continues in effect for the premises constructed on the site of the destroyed premises or on any other site within the same municipality or reserve approved by the Cannabis Authority and occupied by the original permittee.

**If permittee dies**

**3-25(1)** Subject to this Act and the regulations, in the event of the death of a permittee who is an individual, a cannabis permit continues in force until it expires.

(2) Subject to subsection (3), if a permittee who is an individual dies, the trustee, executor or administrator responsible for the estate of the deceased permittee enjoys all of the rights and is subject to all of the obligations and liabilities that would have applied to the deceased permittee if the permittee had not died.

(3) For the purposes of subsection (2), a trustee, executor or administrator shall not acquire the rights, obligations and liabilities of the deceased permittee unless the trustee, executor or administrator satisfies the Cannabis Authority that the trustee, executor or administrator is:

- (a) of good character; and
- (b) is not a minor.

(4) For the purposes of subsection (3), a trustee, executor or administrator shall provide to the Cannabis Authority any or all of the evidence mentioned in subsection 3-2(2), as requested by the Cannabis Authority.

(5) A trustee, executor or administrator that acquires the rights, obligations and liabilities of a deceased permittee is deemed to be a person to whom cannabis permit has been issued.

**Compliance required**

**3-26** No person to whom a cannabis permit is issued pursuant to this Act shall possess, sell, transport, distribute or deliver cannabis except in accordance with this Act and the regulations.

**Registration of suppliers**

**3-27(1)** No person shall supply cannabis to a permittee unless the person:

- (a) is registered with the Cannabis Authority in accordance with the regulations; or
- (b) has been issued a cannabis permit in accordance with this Act that authorizes the person to supply cannabis to permittees.

(2) A person who is registered with the Cannabis Authority pursuant to clause (1)(a) shall pay any prescribed fees to the Cannabis Authority.

(3) A permittee, at the time of purchasing or leasing premises for which a cannabis permit has been issued to the permittee, may purchase from the vendor or former permittee of the premises any cannabis that the vendor or former permittee has for the purpose of sale pursuant to the vendor's or former permittee's permit at the date of termination of that permit.

(4) A person who is registered with the Cannabis Authority pursuant to clause (1)(a) is deemed to be a permittee for the purposes of sections 4-1, 4-3, 4-4 and any other prescribed provisions.

## PART 4

### Administration and Enforcement

#### Review respecting decisions

**4-1(1)** Subject to the regulations, within 15 days after being notified of a decision by the Cannabis Authority, a permittee, applicant for a cannabis permit or member of any prescribed category of persons may request that the commission:

(a) review a decision relating to that person's permit or application if that person is aggrieved by a decision of the Cannabis Authority to:

(i) issue a cannabis permit;

(ii) refuse to issue or renew a cannabis permit;

(iii) impose terms or conditions on a cannabis permit or amend those terms and conditions;

(iv) amend, suspend or cancel a cannabis permit; or

(b) review any other prescribed category of decisions or actions of the Cannabis Authority.

(2) On completing a review, the commission may confirm, reverse or vary the decision with respect to which the review was requested.

#### Designation of cannabis enforcement officers

**4-2** The Cannabis Authority may:

(a) designate persons or any class of persons to act as cannabis enforcement officers for the purposes of this Act; and

(b) in designating a person or class of person pursuant to clause (a), impose any restrictions on the powers of the person or class of persons that the Cannabis Authority considers appropriate.

#### Inspection powers of cannabis enforcement officers

**4-3(1)** In this section and section 4-4, "**record**" includes any information that is recorded or stored in any form by means of any device or medium.

(2) For the purposes of administering and enforcing this Act and the regulations, a cannabis enforcement officer may:

(a) at any reasonable time, enter and inspect a premises for which a cannabis permit has been issued;

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- (b) make any inspection, investigation or inquiry that the cannabis enforcement officer considers necessary:
    - (i) for the purposes of determining whether or not a cannabis permit should be issued, renewed, suspended or cancelled; or
    - (ii) for any other purposes regarding cannabis permits and related activities;
  - (c) subject to subsection 4-10(3), inspect any record or property that is required to be kept by a permittee pursuant to this Act or the regulations or that relates to the sale, possession, consumption, transportation or distribution of cannabis;
  - (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems or other devices or systems that are ordinarily used in carrying on business at the place or premises;
  - (e) make a copy of any record described in clause (c) or, if the cannabis enforcement officer is unable to make a satisfactory copy, after giving a receipt remove and retain the record for any period the cannabis enforcement officer considers reasonable;
  - (f) engage the services of minors for the purposes of section 2-3;
  - (g) with respect to a person who is in, or has been in, a premises for which a cannabis permit has been issued and to whom the cannabis enforcement officer believes cannabis may have been provided:
    - (i) ask the person for proof of his or her age; and
    - (ii) make other inquiries of the person;
  - (h) with respect to a person who may be a minor in a premises for which a cannabis permit has been issued:
    - (i) ask the person for proof of his or her age; and
    - (ii) make other inquiries of the person.

**Inspection powers of police officers**

**4-4** For the purposes of administering and enforcing this Act and the regulations, a police officer may:

- (a) at any reasonable time, enter and inspect:
  - (i) a premises for which a cannabis permit has been issued;
  - (ii) any other premises, place or conveyance that the police officer reasonably believes is being used for the sale, possession, consumption, transportation or distribution of cannabis in contravention of this Act and the regulations;
- (b) make any inspection, investigation or inquiry that the police officer considers necessary regarding cannabis permits and related activities;
- (c) subject to subsection 4-10(3), at any reasonable time, enter any place or premises containing any record or property that is required to be kept by a permittee pursuant to this Act or the regulations or that relates to the sale, possession, consumption, transportation or distribution of cannabis, and inspect those records or that property;

- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems or other devices or systems that are ordinarily used in carrying on business at the place or premises;
- (e) make a copy of any record described in clause (c) or, if the police officer is unable to make a satisfactory copy, after giving a receipt remove and retain the record for any period the police officer considers reasonable;
- (f) with respect to a person who is in, or has been in, a premises and to whom the police officer believes cannabis may have been furnished:
  - (i) ask the person for proof of his or her age; and
  - (ii) make other inquiries of the person;
- (g) with respect to a person who may be a minor in a premises for which a cannabis permit has been issued:
  - (i) ask the person for proof of his or her age; and
  - (ii) make other inquiries of the person.

**Court order for compliance**

**4-5(1)** The Cannabis Authority or a police officer may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations, or a term or condition of a cannabis permit;
  - (b) an order restraining any person from proceeding contrary to this Act, the regulations, or a term or condition of a cannabis permit.
- (2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

**Arrest without warrant**

**4-6** Any police officer may arrest, without warrant, any person whom he or she finds committing an offence against this Act or the regulations.

**Power to demand names, etc.**

**4-7(1)** If a police officer has entered a premises and seized cannabis, the officer may demand the name and address of any person found in the premises.

- (2) If a person mentioned in subsection (1) fails or refuses to provide his or her name and address or provides a name or address that the police officer has reasonable grounds to believe are false, the officer may apprehend that person without warrant and bring him or her as soon as possible before a justice.

**Search with warrant**

**4-8(1)** A justice may issue a warrant to search a place or premises named in the warrant and seize anything that may be evidence of an offence against this Act or the regulations or a breach of a term or condition of a cannabis permit on the oath or affirmation of a police officer or cannabis enforcement officer that there are reasonable grounds to believe that:

- (a) an offence against this Act or the regulations has occurred and that cannabis is being kept for sale, distribution or disposal contrary to this Act or the regulations in the place or premises; or
- (b) an offence against this Act or the regulations has occurred and evidence of that offence or breach is likely to be found in the place or premises.

(2) A police officer or cannabis enforcement officer with a warrant issued pursuant to subsection (1) may:

- (a) enter and search any place or premises named in the warrant;
- (b) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that he or she finds in the place or premises named in the warrant;
- (c) seize anything that may be evidence of an offence against this Act or the regulations or evidence of a breach of a term or condition of a cannabis permit; and
- (d) seize and remove any cannabis and the containers in which it is found.

**Search with warrant re conveyance**

**4-9(1)** A justice may issue a warrant to search a conveyance named in the warrant and seize anything that may be evidence of an offence against this Act or the regulations, or a breach of a term or condition of a permit, on the oath or affirmation of a police officer or cannabis enforcement officer that there are reasonable grounds to believe that:

- (a) an offence against this Act or the regulations has occurred; and
- (b) evidence of an offence is likely to be found in the conveyance.

(2) A police officer or cannabis enforcement officer with a warrant issued pursuant to subsection (1) may:

- (a) enter and search any conveyance named in the warrant;
- (b) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that he or she finds in the conveyance named in the warrant;
- (c) seize anything that may be evidence of an offence against this Act or the regulations or a breach of a term or condition of a permit; and
- (d) seize and remove any cannabis and the containers in which it is found.

**Powers in exigent circumstances**

**4-10(1)** In this section and in section 4-11, “**exigent circumstances**” means circumstances in which a police officer or cannabis enforcement officer has reasonable grounds to believe that the delay necessary to obtain a warrant pursuant to section 4-8 or 4-9 would result in danger to human life or safety or the loss, removal or destruction of evidence.

(2) Subject to subsection (3), a police officer or cannabis enforcement officer may exercise any of the powers mentioned in subsection 4-8(2) or 4-9(2) without a warrant issued pursuant to that section if the conditions for obtaining the warrant exist and there are exigent circumstances.

(3) No police officer or cannabis enforcement officer shall enter a private place without a warrant issued pursuant to section 4-8 or 4-9 unless the occupant of the private place consents to the entry.

#### **Search and seizure of conveyance**

**4-11(1)** A police officer or cannabis enforcement officer may search and seize any conveyance in which the officer finds cannabis that the officer believes, on reasonable grounds, is intended for sale or has been purchased or obtained in contravention of this Act:

- (a) with a warrant issued pursuant to section 4-8 or 4-9; or
- (b) if conditions for obtaining a warrant exist and there are exigent circumstances.

(2) If a conveyance is seized pursuant to subsection (1) and the owner or person in possession of the conveyance at the time it was seized is charged with the commission of an offence against this Act or the regulations, he or she is responsible for all costs associated with the seizure and storage of the conveyance.

#### **Obstruction, false statement, etc., prohibited**

**4-12(1)** No person shall obstruct a cannabis enforcement officer or a police officer who is acting pursuant to the authority of this Act or the regulations.

(2) No person shall knowingly make a false or misleading statement to a cannabis enforcement officer or a police officer or produce a false document or thing to a cannabis enforcement officer or a police officer.

#### **Administration and enforcement activities**

**4-13** Subject to the regulations, every person who obtains cannabis in the course of activities performed in connection with the administration and enforcement of this Act is authorized to do anything that is prohibited by any provision of Division 2 of Part 2 if he or she does so in a manner that is consistent with the activities that he or she is authorized to perform.

### PART 5

#### **Offences and Penalties**

##### **Compliance with terms**

**5-1** No holder of a cannabis permit shall fail to comply with:

- (a) this Act or the regulations;
- (b) any terms or conditions imposed on the permittee's cannabis permit; or
- (c) all other laws regulating the permittee.

**Offences**

**5-2(1)** A person who contravenes any provision of this Act, the regulations or any term or condition of a cannabis permit and for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to:

- (a) a fine of not more than \$25,000 for an individual and not more than \$100,000 for a corporation;
- (b) imprisonment for a term of not more than 6 months; or
- (c) both the fine and imprisonment.

(2) If an offence against this Act or the regulations or a breach of a term or condition of a cannabis permit is committed or continued on more than 1 day, it constitutes a separate offence for each day on which it is committed or continued.

(3) No proceeding for a contravention mentioned in subsection (1) shall be commenced more than 3 years after the day on which the offence was, or is alleged to have been, committed.

**Offence by corporate officers, etc.**

**5-3** If a corporation commits an offence pursuant to this Act, the regulations or a breach of a term or condition of a cannabis permit, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on conviction to the penalties provided by this Act whether or not the corporation has been prosecuted or convicted.

**Employees or agents**

**5-4** In a prosecution for an offence pursuant to this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, even if the employee or agent is not identified or is not prosecuted for the offence.

**Reference to exception, exemption, etc.**

**5-5(1)** No lawful exception, exemption, excuse or qualification is required to be set out or negatived, as the case may be, in an information or indictment for an offence against this Act or the regulations or with respect to that offence.

(2) In any prosecution for an offence pursuant to this Act, the prosecutor is not required, except by way of rebuttal, to prove that a cannabis permit does not operate in favour of the accused, whether or not it is mentioned in the information or indictment.

**Administrative penalties**

**5-6(1)** If a permittee fails to comply with any prescribed provision of this Act or the regulations or any term or condition imposed on a cannabis permit by this Act, the regulations or the Cannabis Authority, the Cannabis Authority may assess a penalty of not more than the prescribed amount against the permittee in accordance with this section.

(2) No penalty is to be assessed by the Cannabis Authority more than 3 years after the date on which the failure to comply with any prescribed provision of this Act or the regulations or any term or condition mentioned in subsection (1) first came to the knowledge of the Cannabis Authority.

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(3) Before assessing a penalty against a permittee pursuant to subsection (1), the Cannabis Authority shall provide to the permittee a written notice:

(a) setting out the facts and circumstances that, in the opinion of the Cannabis Authority, render the permittee liable to the penalty;

(b) proposing:

(i) the amount of the penalty; and

(ii) if applicable, the period of suspension of the cannabis permit if the permittee fails to pay the penalty in full by the determined date;

(c) advising a permittee that the permittee may make representations to the commission respecting:

(i) whether or not a penalty should be assessed;

(ii) the amount of the penalty;

(iii) whether or not the cannabis permit should be suspended if the permittee fails to pay the penalty in full by the determined date; and

(iv) if the cannabis permit is suspended for the permittee's failure to pay the penalty in full by the specified date, the period of suspension;

(d) informing the permittee that, if it does not notify the commission within 15 days after receiving the notice that it intends to make representations to the commission, the Cannabis Authority may:

(i) assess a penalty up to the amount proposed in the notice;

(ii) determine the date by which the penalty is to be paid in full; and

(iii) order that the cannabis permit is suspended for a period up to that proposed in the notice if the permittee fails to pay the penalty in full by the determined date; and

(e) informing the permittee that, if it notifies the commission within 15 days after receiving the notice that it intends to make representations to the commission, the commission may, either following a hearing conducted pursuant to this section or if the permittee fails, without the prior approval of the commission, to appear at the hearing:

(i) assess a penalty up to the amount proposed in the notice or in any other amount within the prescribed limit;

(ii) determine the date by which the penalty is to be paid in full; and

(iii) order that the cannabis permit is suspended for a period up to that proposed in the notice if the permittee fails to pay the penalty in full by the determined date.

(4) A permittee who receives a written notice pursuant to subsection (3) may, within 15 days after receiving the written notice, apply for an oral hearing with the commission by:

(a) filing an application with the commission; and

(b) paying any prescribed fee.



- (5) The application for an oral hearing mentioned in subsection (4):
- (a) is to be substantially in the prescribed form; and
  - (b) may be accompanied by any other information that the applicant wishes the commission to consider.
- (6) At an oral hearing conducted pursuant to this section, the commission may consider:
- (a) any information submitted by the applicant; and
  - (b) any information given or representations made at the hearing.
- (7) On completion of a review conducted pursuant to this section, the commission may confirm, reverse or vary the penalty with respect to which the review was requested.
- (8) If an applicant who requests an oral hearing pursuant to this section fails to appear at the oral hearing without the prior approval of the commission, the commission may:
- (a) adjourn the hearing to a later date, in which case the commission shall provide written notice of the new hearing date, indicating the time and place of the hearing;
  - (b) consider the application on the basis of the material mentioned in clauses (6)(a) and (b); or
  - (c) dismiss the application.
- (9) If the commission proceeds pursuant to clause (8)(b) or (c), the applicant is deemed to have waived the right to an oral hearing.
- (10) If the Cannabis Authority has provided written notice to the permittee in accordance with subsection (3) and the permittee does not apply for an oral hearing pursuant to subsection (4), the Cannabis Authority may:
- (a) assess a penalty up to the amount proposed in the written notice provided pursuant to subsection (3);
  - (b) determine the date by which the penalty is to be paid in full; and
  - (c) order that the cannabis permit is suspended for a period up to that proposed in the written notice provided pursuant to subsection (3) if the permittee fails to pay the penalty in full by the determined date.
- (11) If the Cannabis Authority assesses a penalty pursuant to subsection (10), the Cannabis Authority shall provide to the permittee a written notice specifying:
- (a) the amount of the penalty;
  - (b) the date by which the penalty must be paid in full; and
  - (c) the period of suspension if the permittee fails to pay the penalty in full by the determined date.

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(12) If the commission approves a penalty following an oral hearing conducted pursuant to this section or in the circumstances mentioned in subsection (8), the Cannabis Authority shall provide to the permittee a written notice specifying:

- (a) the amount of the penalty;
- (b) the date by which the penalty must be paid in full; and
- (c) the period of suspension if the permittee fails to pay the penalty in full by the determined date.

(13) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown and may be recovered in any manner authorized by *The Financial Administration Act, 1993*.

(14) Notwithstanding any other provision in this Act or the regulations, a permittee has no right to a hearing, review or appeal if the Cannabis Authority or commission suspends a cannabis permit for the failure by the permittee to pay a penalty in full by a date determined by the Cannabis Authority or commission in accordance with this section.

#### **Evidence**

**5-7** In any proceeding with respect to a contravention or a prosecution for an offence, a notice of contravention purporting to be issued pursuant to this Act is admissible in evidence without proof of the signature or official character of the individual purporting to have signed the notice of contravention.

#### **Copies of documents**

**5-8** A copy of any document filed with the Cannabis Authority or of any statement containing information from the records kept by the Cannabis Authority purporting to be certified by an official having custody of that document or those records is admissible in evidence in any prosecution for an offence pursuant to this Act and, in the absence of evidence to the contrary, is proof of the facts contained in that document or statement, without proof of the signature or official character of the individual purporting to have certified it.

#### **Notice of certificates**

**5-9** No certificate that is allowed by this Act to be introduced in any proceeding or trial is to be received in evidence in that proceeding or trial unless, before that proceeding or trial, any person who is adversely affected by that certificate has received:

- (a) reasonable notice that the certificate will be introduced; and
- (b) a copy of the certificate.

#### **Describing offences in information**

**5-10** In describing offences respecting the sale, possession, consumption, distribution or transportation of cannabis in any information, summons, conviction, warrant or proceeding pursuant to this Act:

- (a) it is sufficient to simply state the sale, possession, consumption, distribution or transportation of cannabis, without stating the name or kind of cannabis or the price of it or the name of any person to whom it was sold or disposed of or by whom it was consumed; and
- (b) it is not necessary to state the quantity of cannabis sold, possessed, consumed, distributed or transported except in the case of offences where the quantity is essential, and, in that case, it is sufficient to allege the sale or disposal of more or less than the quantity that the case requires.

**Proof of previous convictions**

**5-11** A certificate of a previous conviction pursuant to this Act purporting to be under the hand of the convicting judge, a local registrar of the Court of Queen's Bench or a clerk of the Provincial Court of Saskatchewan is admissible, in the absence of evidence to the contrary, as proof of the facts stated in the certificate without proof of signature or official character of the person purporting to have signed it.

**Conviction for several offences**

**5-12** Convictions for several offences may be made pursuant to this Act even though the offences have been committed on the same day, but the increased penalty or punishment imposed in this Act is to be incurred or awarded only in the case of offences committed on different days and after an information is laid for a first offence.

**Proof of cannabis permit**

**5-13** A certificate issued by the Cannabis Authority stating the following is admissible, in the absence of evidence to the contrary, as proof of the facts stated in the certificate without proof of the appointment or signature of the person purporting to have signed it:

- (a) that a cannabis permit has been issued;
- (b) that no cannabis permit has been issued.

**Certificate of analyst**

**5-14(1)** The Cannabis Authority may appoint or designate any person or class of persons as an analyst for the purpose of analyzing cannabis pursuant to this Act.

(2) The Cannabis Authority may establish the form of the certificate of analysis to be issued by an analyst appointed pursuant to subsection (1).

(3) In every prosecution pursuant to this Act, a certificate of analysis purporting to be signed by a person appointed as an analyst for the purpose of analyzing cannabis is admissible, in the absence of evidence to the contrary, as proof of the facts stated in the certificate and of the authority of the person issuing the certificate without proof of appointment or signature of the person purporting to have signed it.

**Inference respecting cannabis**

**5-15** The judge of the court trying a case may, in the absence of evidence to the contrary, infer that any substance in question is cannabis within the meaning of this Act from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis.

**Proof of contravention**

**5-16** In proving the purchase, possession, sale, consumption, distribution or transportation of cannabis for the purposes of a proceeding respecting an offence pursuant to this Act, it is not necessary to show that money passed or that cannabis was consumed, distributed or transported if the judge hearing the case is satisfied that a transaction in the nature of a sale took place or that any consumption, distribution or transportation of cannabis was about to take place.

**Precise description unnecessary**

**5-17** In a prosecution for the purchase, possession, sale, distribution, transportation or consumption of cannabis in contravention of this Act, it is not necessary that any witness depose directly to the precise description of the cannabis purchased, sold, possessed, distributed, transported or consumed or to the precise consideration for the cannabis.

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**PART 6**  
**General**

**Exemption by Cannabis Authority**

**6-1** The Cannabis Authority may, on any terms and conditions that the Cannabis Authority considers necessary, exempt any person or class of persons, or cannabis or any class of cannabis in relation to a person or class of persons, from the application of all or any of the provisions of this Act or the regulations if, in the opinion of the Cannabis Authority, the exemption is necessary for a medical, scientific, educational or other prescribed public purpose.

**Immunity**

**6-2** No action or proceeding lies or shall be commenced against the Crown, the minister, the ministry, a delegate of the minister, any employee, agent or officer of the minister, the minister mentioned in section 2-17, the ministry mentioned in section 2-17, the commission, the Cannabis Authority, a delegate of the Cannabis Authority, any employee, agent or officer of the Cannabis Authority, a cannabis enforcement officer, a police officer, or any other person acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or any responsibility imposed by this Act or the regulations.

**Conflict of interest**

**6-3(1)** A member or an employee of the Cannabis Authority or a member or an employee of the commission, as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, whether for his or her own benefit or in a fiduciary capacity for another person, shall not:

- (a) be directly or indirectly interested or engaged in any business or undertaking dealing in cannabis;
- (b) be a permittee;
- (c) be directly or indirectly interested or engaged in any business or undertaking with a permittee or any business or undertaking that is associated with a permittee; or
- (d) be directly or indirectly interested or engaged in any business or undertaking dealing in cannabis supplies or services.

(2) The Cannabis Authority may waive any of the provisions of subsection (1) respecting an employee if it appears to the Cannabis Authority that the interest of the employee will not affect his or her ability to carry out his or her duties.

**Regulations**

**6-4(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act, including words or expressions defined in this Act, and defining, enlarging or restricting the meaning of any word or expression differently for different provisions in this Act;
- (b) exempting any person or class of persons, or cannabis or any class of cannabis in relation to a person or class of persons, from the application of any provisions of this Act or the regulations and prescribing terms and conditions that the person exempted shall comply with;

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- (c) prescribing classes of cannabis in addition to those mentioned in Schedules 3 and 4;
  - (d) prescribing categories of peace officers for the purposes of the definition of police officer in subsection 1-2(1) and prescribing their powers and responsibilities;
  - (e) for the purposes of section 1-4, prescribing circumstances in which provisions of this Act will apply to the consumption, possession, distribution, purchase or sale of cannabis for medical purposes;
  - (f) amending any Schedule to this Act;
  - (g) respecting, including regulating and prohibiting, the presence of minors in premises for which a cannabis permit has been issued;
  - (h) prescribing the commission;
  - (i) exempting minors or categories of minors from the application of section 2-1;
  - (j) respecting any seizure from a minor pursuant to section 2-1;
  - (k) respecting, including regulating and prohibiting, the possession of cannabis, or any class of cannabis, or prescribing places for the purposes of section 2-9;
  - (l) respecting, including regulating and prohibiting, the growth and production of cannabis at a private place;
  - (m) respecting, including regulating and prohibiting, the possession and transportation of cannabis;
  - (n) respecting, including regulating and prohibiting, the possession, transportation and distribution of cannabis by common carriers and prescribing provisions for the purposes of section 2-13;
  - (o) respecting, including regulating and prohibiting, the consumption of cannabis and prescribing places for the purposes of section 2-15;
  - (p) respecting, including regulating and prohibiting, the possession or consumption of cannabis:
    - (i) on rental properties;
    - (ii) in condominiums; or
    - (iii) in multi-unit residences;
  - (q) establishing and respecting the classes of cannabis permits that may be issued by the Cannabis Authority and the rights, terms, conditions and obligations respecting each class of cannabis permit;
  - (r) respecting the powers of the Cannabis Authority to issue and renew cannabis permits, including establishing processes to allocate cannabis permits;
  - (s) prescribing fees to be charged for the issuance and renewal of cannabis permits and fees relating to the allocation processes;
  - (t) respecting the powers of the Cannabis Authority to suspend or cancel cannabis permits;
  - (u) respecting any matter for the purposes of section 3-3;
  - (v) prescribing the maximum number of cannabis permits that may be issued for the purposes of section 3-4;

- (w) respecting reductions to the maximum number of cannabis permits that may be issued for the purposes of section 3-5;
- (x) respecting applications pursuant to section 3-9, including:
  - (i) prescribing any application requirements and criteria, including any information that an applicant must provide to the Cannabis Authority; and
  - (ii) prescribing application fees;
- (y) respecting the minimum pricing or any other pricing requirements for the sale of cannabis by a permittee;
- (z) prescribing the hours and the days on which cannabis may be sold by a permittee;
- (aa) respecting the packaging or labelling of cannabis sold by a permittee;
- (bb) respecting the display or promotion of cannabis;
- (cc) defining cannabis accessories and respecting the display, promotion or sale of cannabis accessories;
- (dd) respecting security standards for permittees;
- (ee) prescribing any record-keeping or reporting requirements for permittees, including the requirement to disclose any records to the Cannabis Authority and the form of information and manner of making those records available to the Cannabis Authority;
- (ff) prescribing prohibited substances in cannabis for the purposes of section 3-15;
- (gg) respecting, including regulating and prohibiting, the possession, sale and distribution of cannabis mixed with prohibited substances;
- (hh) prescribing any rule or guideline for the purposes of section 3-16;
- (ii) respecting self-service and dispensing displays and devices for the purposes of section 3-17;
- (jj) for the purposes of section 3-19:
  - (i) respecting any matter or thing that the Lieutenant Governor in Council considers necessary; and
  - (ii) prescribing persons and other provisions;
- (kk) respecting the transfer of cannabis permits mentioned in section 3-20, including any fees payable for the transfer of a cannabis permit;
- (ll) respecting destroyed premises for the purposes of section 3-24;
- (mm) respecting any matter for the purposes of section 3-25;
- (nn) respecting the supply of cannabis to permittees, including prescribing:
  - (i) registration rules and requirements for cannabis suppliers;
  - (ii) reporting requirements for cannabis suppliers; and
  - (iii) registration fees for the purposes of section 3-27;

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- (oo) respecting reviews pursuant to section 4-1, including prescribing:
    - (i) the rules and procedures for requesting a review;
    - (ii) additional categories of decisions or actions of the Cannabis Authority that are eligible for review;
    - (iii) any fees for a review;
    - (iv) any additional rules, guidelines or procedures respecting reviews;
    - (v) any categories of persons who may apply for a review;
  - (pp) respecting inspections pursuant to sections 4-3 and 4-4;
  - (qq) respecting any matter for the purposes of section 4-13;
  - (rr) respecting the seizure of any property or conveyance pursuant to this Act;
  - (ss) respecting the manner of dealing with and disposing of cannabis that is seized pursuant to this Act;
  - (tt) respecting administrative penalties assessed by the Cannabis Authority pursuant to section 5-6;
  - (uu) respecting and establishing rules for oral hearings conducted pursuant to section 5-6;
  - (vv) respecting exemptions granted by the Cannabis Authority pursuant to section 6-1;
  - (ww) respecting the processes relating to restitution or forfeiture of items seized pursuant to this Act;
  - (xx) prescribing fees payable for any goods, materials or services provided by the Cannabis Authority to any person;
  - (yy) prescribing rules regarding business relationships between permittees and producers, processors or suppliers of cannabis;
  - (zz) respecting the transfer and sharing of any record or information between the Crown, the Crown in right of Canada and the Crown in right of any other province or territory of Canada, for the purposes of this Act, the *Cannabis Act* (Canada) and any Act of another province or territory that regulates cannabis;
  - (aaa) respecting the reporting and tracking of any cannabis sold by permittees;
  - (bbb) respecting service of notices and documents, including prescribing means of service and determining when service is effected;
  - (ccc) respecting and establishing rules for the purchase of cannabis from other jurisdictions, including matters relating to registration, reporting requirements, cannabis permits and agreements;
  - (ddd) prescribing Acts and the manner in which the provisions of those Acts are to apply respecting any provision or matter or thing in this Act that the Lieutenant Governor in Council considers necessary to facilitate the operation of those Acts and this Act, including suspending the application of any provision of the prescribed Act or declaring that provisions of any prescribed Act are to apply to persons or entities or any classes of persons or entities and the conditions on which provisions of the prescribed Acts are to apply;

(eee) amending regulations made pursuant to any other Act for the purpose of amending, correcting or repealing provisions in or adding provisions to those regulations to facilitate the incorporation, management and operation of, or to meet the purposes of, this Act;

(fff) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;

(ggg) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to this section may be made retroactive to a day not earlier than the date on which this section came into force.

## PART 7

### Consequential Amendments

#### SS 1994, c C-10.1, section 36 amended

**7-1 Clause 36(a) of *The Chiropractic Act, 1994* is repealed and the following substituted:**

“(a) a member has been convicted of an indictable offence pursuant to the *Criminal Code*, the *Cannabis Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada)”.

#### SS 2005, c C-46.1 amended

**7-2(1) *The Criminal Enterprise Suppression Act* is amended in the manner set forth in this section.**

**(2) Clause 2(1)(f) is amended by adding “*The Cannabis Control (Saskatchewan) Act*,” after “*The Alcohol and Gaming Regulation Act, 1997*,”.**

**(3) The following clause is added after clause 4(c):**

“(d) directing the Cannabis Authority, as defined in *The Cannabis Control (Saskatchewan) Act*, not to issue a permit pursuant to that Act with respect to any premises used or occupied by the business for the period specified in the order”.

**(4) The following clause is added after clause 6(1)(c):**

“(d) directing the Cannabis Authority, as defined in *The Cannabis Control (Saskatchewan) Act*, not to issue a permit pursuant to that Act with respect to any premises used or occupied by the business for the period specified in the order”.

**(5) The following clause is added after clause 8(h):**

“(i) directing the Cannabis Authority, as defined in *The Cannabis Control (Saskatchewan) Act*, not to issue a permit pursuant to that Act with respect to any premises used or occupied by the business for the period specified in the order”.



**SS 1997, c D-4.1, section 35 amended**

**7-3 Clause 35(a) of *The Dental Disciplines Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Cannabis Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2001, c D-27.1, section 31 amended**

**7-4 Clause 31(a) of *The Dietitians Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Cannabis Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 1996, c E-6.01 amended**

**7-5(1) *The Election Act, 1996* is amended in the manner set forth in this section.**

**(2) The following clause is added after clause 2(1)(i):**

“(i.1) ‘**cannabis**’ means cannabis as defined in *The Cannabis Control (Saskatchewan) Act*”.

**(3) Subsection 193(1) is amended by adding “or cannabis” after “beverage alcohol”.**

**(4) Subsection 195(1) is amended by adding “or cannabis” after “beverage alcohol”.**

**(5) Section 198 is repealed and the following substituted:**

**“No beverage alcohol or cannabis on polling day**

**198(1) No person shall, before 8:00 p.m. on polling day, directly or indirectly give:**

(a) beverage alcohol or cannabis to any voter; or

(b) any money or other thing to enable the voter to obtain any beverage alcohol or cannabis.

(2) A contravention of this section is a corrupt practice”.

**(6) Clause 266(1)(d) is amended by adding “or cannabis” after “beverage alcohol”.**

**SS 2015, c F-13.1001, section 2 amended**

**7-6 Section 2 of *The Fee Waiver Act* is amended:**

**(a) in subclause (1)(a)(i) by striking out “subject to subsection (2),”;** and

**(b) by repealing subsection (2).**

**SS 2000, c L-14.2, section 32 amended**

**7-7 Clause 32(a) of *The Licensed Practical Nurses Act, 2000* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Cannabis Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2006, c M-10.3, section 32 amended**

**7-8 Clause 32(a) of *The Medical Radiation Technologists Act, 2006* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada), or the *Food and Drugs Act* (Canada)”.

**SS 1999, c M-14.1, section 33 amended**

**7-9 Clause 33(a) of *The Midwifery Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2005, c M-36.1, section 293 amended**

**7-10 Clause 293(2)(b) of *The Municipalities Act* is repealed and the following substituted:**

“(b) buildings that are used to grow plants in an artificial environment, other than cannabis plants grown pursuant to the *Cannabis Act* (Canada)”.

**SS 2010, c O-5.1, section 35 amended**

**7-11 Clause 35(a) of *The Opticians Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2007, c P-0.1, section 33 amended**

**7-12 Clause 33(a) of *The Paramedics Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 1996, c P-9.1 amended**

**7-13(1) *The Pharmacy and Pharmacy Disciplines Act* is amended in the manner set forth in this section.**

**(2) Clause 23(4)(b) is repealed and the following substituted:**

“(b) a person who is authorized pursuant to the *Food and Drugs Act* (Canada), the *Controlled Drugs Substances Act* (Canada) or the *Cannabis Act* (Canada) to sell drugs to a pharmacist or practitioner”.

**(3) Clause 37(a) is repealed and the following substituted:**

“(a) the member or proprietor has been convicted of an indictable offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2003, c P-14.1, section 32 amended**

**7-14 Clause 32(a) of *The Podiatry Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 1996, c P-36.1, section 4 amended**

**7-15 Clause 4(1)(a) of *The Public Disclosure Act* is repealed and the following substituted:**

“(a) the individual has been convicted of a prescribed offence against the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or an offence against the laws of another jurisdiction that is equivalent to a prescribed offence”.

**SS 1988-89, c R-12.2, new section 33**

**7-16 Section 33 of *The Registered Nurses Act, 1988* is repealed and the following substituted:**

**“Conviction for indictable offence**

**33** A nurse who has been convicted of an indictable offence pursuant to the *Criminal Code*, the *Food and Drugs Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada), may be expelled from the association without further inquiry by resolution of the discipline committee, if that committee finds that the conduct of the nurse giving rise to the conviction makes the nurse unfit to continue to practise registered nursing”.

**SS 2006, c R-22.0002, section 32 amended**

**7-17 Clause 32(a) of *The Respiratory Therapists Act* is repealed and the following substituted:**

“(a) the member has been convicted of an offence pursuant to the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or the *Food and Drugs Act* (Canada)”.

**SS 2009, c S-46.002, section 27 amended**

**7-18 Subsection 27(2) of *The Seizure of Criminal Property Act, 2009* is amended:**

**(a) in clause (b) by adding “or section 93 of the *Cannabis Act* (Canada)” after “*Criminal Code*”;**

**(b) in clause (c) by adding “or section 91 of the *Cannabis Act* (Canada)” after “*Criminal Code*”;**

**(c) in clause (d) by adding “or section 94 or 95 of the *Cannabis Act* (Canada)” after “*Criminal Code*”; and**

**(d) by repealing clause (e) and substituting the following:**

“(e) any other property forfeited to the Crown pursuant to a prescribed provision of:

(i) the *Criminal Code*;

(ii) the *Cannabis Act* (Canada); or

(iii) any other prescribed Act”.

PART 8  
**Coming into force**

**Coming into force**

**8-1(1)** Subject to subsection (2), this Act comes into force on proclamation.

(2) Section 7-6 comes into force on assent.

**Appendix**

## Schedule 1

*[Section 1-2, definition of “cannabis”]*

1 Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2

2 Any substance or mixture of substances that contains or has on it any part of a cannabis plant

3 Any substance that is identical to any phytocannabinoid produced by, or found in, a cannabis plant, regardless of how the substance was obtained

## Schedule 2

*[Section 1-2, definition of “cannabis”]*

1 A non-viable seed of a cannabis plant

2 A mature stalk, without any leaf, flower, seed or branch, of a cannabis plant

3 Fibre derived from a stalk referred to in item 2

4 The root or any part of the root of a cannabis plant

## Schedule 3

*[Subsection 1-2(3) and sections 2-8 and 2-11]*

	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<i>Class of Cannabis</i>	<i>Quantity that is equivalent to 1 gram of dried cannabis</i>
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

Schedule 4  
[Section 3-15]

**Classes of Cannabis That a Permittee May Sell**

<b>Item</b>	<b>Class of Cannabis</b>
1	dried cannabis
2	cannabis oil
3	fresh cannabis
4	cannabis plants
5	cannabis plant seeds





SECOND SESSION

# Twenty-eighth Legislature

SASKATCHEWAN

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## B I L L

No. 121

An Act to Control the Sale, Possession, Consumption,  
Distribution and Transportation of Cannabis  
and to Make Consequential Amendments to  
Other Acts

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don Morgan

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