



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **CANNABIS CONTROL ACT CANNABIS CONTROL REGULATIONS**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to October 17, 2018. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



**CANNABIS CONTROL ACT  
CHAPTER C-1.2**

**CANNABIS CONTROL REGULATIONS**

Pursuant to section 36 of the *Cannabis Control Act* R.S.P.E.I. 1988, Cap. C-1.2, Council made the following regulations:

**1. Definitions**

In these regulations,

- (a) “**Act**” means the *Cannabis Control Act* R.S.P.E.I. 1988, Cap. C-1.2;
- (b) “**community care facility**” means a community care facility as defined in the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13;
- (c) “**condominium corporation**” means a corporation as defined in the *Condominium Act* R.S.P.E.I. 1988, Cap. C-16;
- (d) “**Corporation**” means the Prince Edward Island Cannabis Management Corporation established under section 3 of the *Cannabis Management Corporation Act* R.S.P.E.I. 1988, Cap. C-1.3;
- (e) “**designated smoking room**” means a designated smoking room as defined in the *Smoke-free Places Act* R.S.P.E.I. 1988, Cap. S-4.2;
- (f) “**long-term care facility**” means a long-term care facility as defined in the *Smoke-free Places Act*;
- (g) “**nursing home**” means a nursing home as defined in the *Community Care Facilities and Nursing Homes Act*;
- (h) “**tourism establishment**” means a tourism establishment as defined in the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3;
- (i) “**tourism operator**” means a tourism operator as defined in the *Tourism Industry Act*;
- (j) “**unit**” means a unit as defined in the *Condominium Act*. (EC575/18)

**2. Private dwellings – included places**

A private or semi-private room in a community care facility, long-term care facility or nursing home that is being used by a person as a primary residence is a private dwelling for the purposes of the Act. (EC575/18)

**3. Application**

- (1) A person may apply to the Minister in the form approved by the Minister for approval to distribute, possess or consume cannabis for research or educational purposes under subsection 2(3) of the Act.

**Requirements**

- (2) An applicant for an approval referred to in subsection (1) shall provide proof satisfactory to the Minister that
- (a) the research or educational purpose cannot reasonably be accomplished unless the cannabis is distributed, possessed or consumed;
  - (b) the research or educational purpose is not inconsistent with the protection of public health and safety;
  - (c) the cannabis shall not be distributed, possessed or consumed by any person under 19 years of age;
  - (d) the cannabis to be used for the research or educational purpose shall be stored securely in circumstances that make it inaccessible to persons under the age of 19 years; and
  - (e) any remaining cannabis will be securely destroyed or disposed of as directed by the Minister at the earliest reasonable time following the conclusion of the research or educational activity.

**Compliance required**

- (3) The holder of an approval under this section shall comply with the terms of the approval.

**Additional terms or conditions**

- (4) The Minister may at any time impose additional terms or conditions on an approval as the Minister considers necessary.

**Cancel approval**

- (5) The Minister may, on notice to the holder of an approval, cancel the approval, effective on the date specified in the notice. (EC575/18)

**4. Non-application of Act to prescribed activities**

For the purposes of subsection 2(4) of the Act, sections 9, 18 and 19 of the Act do not apply to the activities of an employee of the Corporation in relation to cannabis, provided that the person's activities are within the scope of the person's employment and in accordance with the *Cannabis Management Corporation Act*. (EC575/18)

**5. Requirements for cultivation of cannabis**

- (1) For the purposes of subsection 12(2) of the Act, no person shall cultivate cannabis in a private dwelling unless the space in which the cannabis is cultivated complies with requirements set out in
- (a) any applicable municipal bylaw respecting
    - (i) the safety, health and welfare of people and the protection of persons and property, or
    - (ii) the construction, demolition, removal or alteration of any building or other structure;



- (b) any applicable regulations made under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11;
- (c) any code of fire safety rules or standards for fire safety that the Lieutenant Governor in Council has declared in force under subsection 24(2) of the *Fire Prevention Act*; and
- (d) any applicable regulations made under *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24, or a successor to that Act.

**Adjacent building**

- (2) Where an owner or lessee cultivates cannabis in a building adjacent to the owner's or lessee's residence, the owner or lessee, as the case may be, shall ensure that the adjacent building is kept securely locked.

**Indoor cultivation**

- (3) Where an owner or lessee cultivates cannabis indoors in a private dwelling, the owner or lessee shall ensure that the space where it is cultivated is inaccessible to
  - (a) any person who does not have express or implied invitation to be in the private dwelling; and
  - (b) any person under the age of 19 years.

**Prohibition**

- (4) Notwithstanding subsections (1) and (3), no person shall cultivate cannabis in a private dwelling where an early childhood centre, as defined in the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, or a private school registered under the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01, is located. (EC575/18)

**6. Application of section**

- (1) Where a person cultivates cannabis outdoors, the person shall ensure that the cannabis is surrounded by an enclosure that
  - (a) is at least 1.52 metres high; and
  - (b) is kept securely locked.

**Cannabis not visible**

- (2) Where a person cultivates cannabis outdoors, the person shall ensure that the cannabis is not visible from any public space outside the boundary of the property. (EC575/18)

**7. Building - two or more private dwellings**

- (1) This section applies with respect to a private dwelling that is located in a building that contains two or more private dwellings.

**Places and circumstances where consumption of cannabis is permitted**

- (2) For the purposes of clause 13(1)(c) of the Act, a person may consume cannabis, including by smoking it, in the following places and circumstances:
  - (a) in relation to a private dwelling that is occupied by a lessee,
    - (i) an outdoor space on the property adjacent to the building that is designated by the lessor for the purpose of smoking, for use by the residents of the building and their guests, and

- (ii) an outdoor balcony, deck or patio that is adjacent to the private dwelling and provided for the private use of the lessee and the lessee's guests;
- (b) in relation to a private dwelling that is a unit,
  - (i) an outdoor space on the property adjacent to the building that is designated by the condominium corporation for the purpose of smoking, for use by the residents of the building and their guests, and
  - (ii) an outdoor balcony, deck or patio that is adjacent to the unit and provided for the private use of the occupant of the unit and the occupant's guests;
- (c) in relation to a private dwelling that is a private or semi-private room in a long-term care facility, community care facility or nursing home,
  - (i) a space within the building that is designated by the operator as a designated smoking room for use by the residents of the building, or
  - (ii) an outdoor space on the property adjacent to the building that is designated by the operator for the purpose of smoking, for use by the residents of the building.

#### **Outdoor cannabis smoking area**

- (3) A landlord, the condominium corporation or the operator of a building referred to in subsection (1) may permit the smoking of cannabis in an outdoor area adjacent to the building if the area is owned by the landlord, the condominium corporation or the operator, as the case may be, and no part of the area is within 4.5 meters or 15 feet
  - (a) of any entrance to the indoor non-smoking areas of the building; or
  - (b) of any outdoor air intake for the indoor non-smoking areas of the building.

#### **Measurement of distance**

- (4) For the purpose of determining whether the location of an outdoor area for cannabis smoking complies with subsection (3), the distance of the cannabis smoking area or any part of it from an entrance or an outdoor air intake of the building shall be measured from the side of the entrance or intake that is closest to the cannabis smoking area or any part of it. *(EC575/18)*

### **8. Consumption of cannabis - tourism establishments**

- (1) For the purposes of clause 13(1)(c) of the Act, a person may consume cannabis, including by smoking it,
  - (a) subject to subsections (2) and (3), in an outdoor area of a tourism establishment that is designated by the tourism operator for that purpose for the use of guests of the tourism establishment and their guests; or
  - (b) on an outdoor balcony, deck or patio that is adjacent to a private guest room in a tourism establishment and provided for the private use of the occupant of the guest room and the occupant's guests.

#### **Location of outdoor area**

- (2) A tourism operator may permit the consumption of cannabis by smoking in an outdoor area if the area is owned by the tourism operator and no part of the area is within 4.5 metres or 15 feet
  - (a) of any entrance to the indoor non-smoking areas of a building that contains two or more guest rooms; or
  - (b) of any outdoor air intake for the indoor non-smoking areas of a building that contains two or more guest rooms.



**Prohibition**

- (3) A tourism operator shall not designate an outdoor space under subsection (1) or (2) that is within 20 metres of a park, playground or swimming pool.

**Confirming distance**

- (4) For the purpose of determining whether the location of an outdoor area for the consumption of cannabis by smoking complies with the requirements of subsections (2) and (3), the distance of the cannabis smoking area or any part of it from a thing or place referred to in subsection (2) or (3) shall be measured from the side or boundary of the thing or place that is closest to the cannabis smoking area or any part of it. (EC575/18)

**9. Forms of identification**

For the purposes of clause 36(n) of the Act, the following forms of identification are prescribed:

- (a) a valid driver's license issued by a government authority;
- (b) a valid passport issued by the proper authority in the passport holder's country of residence;
- (c) any other valid form of identification issued by a government authority that contains the holder's photograph and date of birth. (EC575/18)