

2018-04

October 23, 2018

By E-mail: One Page plus attachments

New Cannabis Regulations

Recreational cannabis is now legal in British Columbia. As you know from our previous *Legislative Updates* [No. 2018-02](#) and [No. 2018-03](#), the BC [Cannabis Control and Licensing Act](#) (CCLA) includes significant restrictions aimed at preventing access to cannabis by minors under age 19, **including** vicarious liability for boards of education and administrators for certain violations of the CCLA.

New regulations set out in the attached *Cannabis Control Regulation* provide further guidance on how the statutory restrictions on recreational cannabis in the CCLA apply to school districts, including:

- Employees or students are exempt from the prohibition on consumption in/on school property if the following conditions are met:
 - The cannabis possessed and consumed is medical cannabis
 - The employee or student carries proof of authority¹ to possess medical cannabis (or in the case of a student, the proof is on file with the school principal, superintendent, or board)
 - The employee or minor student's parent/guardian has notified the school's principal, superintendent, or board of their authority to possess medical cannabis
 - The employee or student's health care practitioner directs consumption of cannabis at intervals which overlap with regular school hours, activities or events
 - The employee or student does not smoke or vape the cannabis.²
- Cannabis must not be consumed on or in school property **or** a sidewalk, boulevard, or similar that abuts school property and a highway (i.e., any road, street, lane, or right of way used or intended for passage of vehicles by the general public).³

Further Guidance

BCPSEA has updated the attached *Impairing Substances in the Workplace Toolkit*, made available earlier this month to reflect these regulatory changes. You can find further guidance [online](#) from the Government of British Columbia on all regulations related to cannabis.

Questions

Please contact your BCPSEA liaison if you have any questions.

Attachments: *Cannabis Control Regulation*
Impairing Substances Toolkit, Revised October 2018

¹ Proof of authority to possess medical cannabis is defined in section 4, *Cannabis Control Regulation*.

² Section 23, *Cannabis Control Regulation*.

³ Section 18, *Cannabis Control Regulation*. There is a similar exemption for members of public consuming medical cannabis in the sidewalk area abutting school property under section 24 of the Regulation.