

2017 Bill 26

Third Session, 29th Legislature, 66 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 26

**AN ACT TO CONTROL AND
REGULATE CANNABIS**

THE MINISTER OF JUSTICE AND SOLICITOR GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 26

2017

AN ACT TO CONTROL AND REGULATE CANNABIS

(Assented to _____, 2017)

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

Amends RSA 2000 cG-1

1 The *Gaming and Liquor Act* is amended by this Act.

2 The title of the Act is repealed and the following is substituted:

GAMING, LIQUOR AND CANNABIS ACT

3 Section 1(1) is amended

(a) by adding the following after clause (b):

- (b.1) “cannabis”, “cannabis accessory” and “cannabis plant” have the meanings given to them in the federal Act;
- (b.2) “cannabis licence” means a licence under this Act that authorizes the purchase, sale, transport, possession, storage or use of cannabis;
- (b.3) “cannabis supplier” means a person who holds a licence under the federal Act that authorizes the person to produce cannabis for commercial purposes or to sell cannabis to the Commission;

(b) in clause (e)

Explanatory Notes

1 Amends chapter G-1 of the Revised Statutes of Alberta 2000.

2 The title presently reads:

GAMING AND LIQUOR ACT

3 Adds definitions and amends definitions.

- (i) **by adding “, bag” after “box” wherever it occurs;**
- (ii) **by adding “or cannabis” after “liquor”;**
- (c) by adding the following after clause (g):**

 - (g.1) “federal Act” means the *Cannabis Act* (Canada);
- (d) by repealing clause (p) and substituting the following:**

 - (p) “licensed premises”

 - (i) in Part 3 and sections 103(4), 105 and 129(l)(q), (r) to (r.3) and (s), means the premises described in a liquor licence,
 - (ii) in Part 3.1 and sections 103(4.1) and 129(l)(q.1) to (q.5) and (r.4) to (r.6), means the premises described in a cannabis licence, and
 - (iii) in all other provisions, means the premises described in a liquor licence or a cannabis licence;
- (e) in clause (aa) by striking out “liquor” wherever it occurs and substituting “liquor or cannabis”;**
- (f) by adding the following after clause (bb):**

 - (bb.1) “smoke”, where used as a verb in respect of cannabis, means inhaling or exhaling the smoke produced by lit cannabis or holding or otherwise having control of lit cannabis or any device or thing that contains lit cannabis;
- (g) by adding the following after clause (ff):**

 - (ff.1) “use”, where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale and consume;
 - (ff.2) “vape”, in respect of cannabis, means inhaling or exhaling the vapour, emissions or aerosol produced by, or holding or otherwise having control of, an electronic cigarette or similar device containing cannabis;

4 Section 3 is amended by adding the following after clause (d):

- (d.1) to control in accordance with this Act the import, purchase, giving, possession, storage, transportation and use of cannabis;
- (d.2) to distribute or control the distribution of cannabis, or both, in accordance with this Act;
- (d.3) to sell or control the sale of cannabis, or both, in accordance with this Act;

5 Section 23(2) is amended by striking out “President of Treasury Board and Minister of Finance” and substituting “President of Treasury Board, Minister of Finance”.

6 Section 26 is amended

- (a) by repealing subsection (1) and substituting the following:**

Revenue from sale of liquor, cannabis and provincial lotteries

26(1) Revenue from liquor and cannabis sold by or on behalf of the Commission and revenue received by the Commission from provincial lotteries, less any amounts paid for prizes and retailer commissions, must be deposited into the Commission’s accounts.

- (b) in subsection (2)**

- (i) by adding the following after clause (b):**

(b.1) the amount the Commission pays for cannabis,

4 Section 3 presently reads:

3 The objects of the Commission are

- (a) to administer this Act;*
- (b) to conduct and manage provincial lotteries for the Government of Alberta;*
- (c) to carry out the functions respecting gaming delegated to it by the Lieutenant Governor in Council under the Criminal Code (Canada) or conferred on it by this Act;*
- (d) to control in accordance with this Act the manufacture, import, sale, purchase, possession, storage, transportation, use and consumption of liquor;*
- (e) to generate revenue for the Government of Alberta.*

5 Section 23(2) presently reads:

23(2) The fees and fines referred to in subsection (1), less amounts for refunds, are to be transferred to the General Revenue Fund as directed by the President of Treasury Board and Minister of Finance.

6 Section 26 presently reads:

26(1) Revenue from liquor sold by or on behalf of the Commission and revenue received by the Commission from provincial lotteries, less any amounts paid for prizes and retailer commissions, must be deposited into the Commission's accounts.

(2) The Commission may pay from the revenue deposited into its accounts under subsection (1)

- (a) federal taxes and duties,*
- (b) the amount the Commission pays for liquor,*
- (c) an amount for deposits and charges relating to containers under the Beverage Container Recycling Regulation (AR 101/97),*

- (ii) **in clause (e) by adding** “, together with any allowance for capital expenditures approved by the President of Treasury Board, Minister of Finance” **after** “expenditures”;
- (c) **in subsection (3)(a) by striking out** “President of Treasury Board and Minister of Finance if the revenue arose from the sale of liquor” **and substituting** “President of Treasury Board, Minister of Finance if the revenue arose from the sale of liquor or cannabis”;
- (d) **by repealing subsection (4) and substituting the following:**
 - (4) The Commission must allocate its operating expenses on a reasonable basis
 - (a) against the aggregate revenue from the sale of liquor and cannabis, for the purpose of determining the amounts to be transferred pursuant to subsection (3)(a), or
 - (b) against revenue from the conduct and management of provincial lotteries, for the purpose of determining the amounts to be transferred pursuant to subsection (3)(b).

7 The following is added after Part 3:

**Part 3.1
Cannabis**

Commission’s general authority

90.01 The Commission may import, distribute, purchase, sell, transport, possess and store cannabis.

- (d) the amounts required to be paid under the federal-provincial agreement respecting gaming and betting entered into on June 3, 1985, as amended or replaced from time to time,*
 - (e) the Commission's operating expenses, including the portion of the operating expenses of the Western Canada Lottery Corporation that is attributable to the Province of Alberta and expenses that result from business decisions by the Commission that require additional expenditures, and*
 - (f) any amounts determined by the Commission to be paid as commissions to gaming licensees at whose gaming activities the Commission conducts and manages provincial lotteries pursuant to section 43.*
- (3) After payment of the amounts referred to in subsection (2), the remaining revenue deposited into the Commission's accounts under subsection (1) must be transferred*
- (a) to the General Revenue Fund as directed by the President of Treasury Board and Minister of Finance if the revenue arose from the sale of liquor, or*
 - (b) to the Lottery Fund if the revenue arose from the conduct and management of provincial lotteries.*
- (4) For the purpose of determining the amounts to be transferred pursuant to subsection (3), the Commission must allocate its operating expenses on a reasonable basis*
- (a) against revenue from the sale of liquor, or*
 - (b) against revenue from the conduct and management of provincial lotteries.*

7 Adds Part 3.1, Cannabis.

Issuing cannabis licences

90.02(1) The board may, with or without a hearing, issue a cannabis licence if

- (a) the board considers it appropriate to do so,
- (b) the applicant is eligible to receive the cannabis licence, and
- (c) the requirements of the Act for issuing the cannabis licence have been met.

(2) A cannabis licence must not be issued in respect of more than one premises.

Minors on licensed premises

90.03(1) No minor may enter or be in and no licensee may permit a minor to enter or be in licensed premises.

(2) If a person who appears to be less than 25 years old requests to purchase or be given cannabis from a cannabis licensee or an employee or agent of a cannabis licensee, the licensee, employee or agent must, before granting the request, demand that the person provide proof of age.

(3) If a person who appears to be less than 25 years old enters licensed premises, the cannabis licensee or an employee or agent of the cannabis licensee must demand that the person produce proof of age.

(4) If a cannabis licensee, employee or agent referred to in subsection (2) or (3) demands that a person produce proof of age and the person fails to produce proof of age that is satisfactory to the licensee, employee or agent making the request, the licensee, employee or agent must

- (a) not provide cannabis to that person, and
- (b) refuse the person entry or ask the person to leave the licensed premises.

Prohibition — supplying cannabis to minor

90.04 No cannabis licensee or employee or agent of a cannabis licensee may give or sell or permit any person to give or sell cannabis to a minor in licensed premises.

Duty to intoxicated person

90.05 No cannabis licensee may

- (a) sell or provide cannabis in the licensed premises to a person apparently intoxicated by liquor or a drug, or
- (b) permit a person apparently intoxicated by liquor or a drug to use cannabis in the licensed premises.

Prohibited sales

90.06 No cannabis licensee may sell cannabis unless it has been produced by a person that is authorized under the federal Act to produce cannabis for commercial purposes.

Conditions

90.07(1) The board's policies respecting the activities authorized by a cannabis licence are conditions of the licence, including policies made or amended after the licence is issued.

(2) The Commission must make available to a cannabis licensee the board policies that are conditions of the cannabis licence and must notify the licensee if those policies are amended after the licence is issued.

(3) When issuing a cannabis licence or at any time during the term of the licence, the board may, with or without a hearing, impose conditions on the licence that are in addition to the conditions referred to in subsection (1).

(4) When the board imposes a condition under subsection (3) without a hearing, the board must give the cannabis licensee information about an application for a hearing.

(5) It is a condition of every cannabis licence that the licensee must, in accordance with the regulations,

- (a) keep records respecting the licensee's activities in relation to cannabis that the licensee possesses for commercial purposes, and
- (b) take measures to reduce the risk of cannabis that the licensee possesses for commercial purposes being diverted to an illicit market or activity.

Cannabis control

90.08(1) Subject to the federal Act, no person may import, distribute, grow, transport, store, purchase, sell, give, possess or use cannabis except in accordance with this Act or a cannabis licence.

(2) Subject to the federal Act,

- (a) no person, other than a department or agency designated by the Minister, may sell cannabis online, and
- (b) no person may purchase cannabis online except from a department or agency designated by the Minister.

Separate business

90.09(1) The board may not issue a cannabis licence that authorizes the sale of cannabis unless

- (a) the business under which the activities authorized by the licence will be carried out is separate from any other business of the applicant, and
- (b) the activities authorized by the licence will be carried out in a location where no alcohol, tobacco, pharmaceuticals or other things are sold except cannabis, unless the other things sold are cannabis accessories or prescribed things.

(2) Despite subsection (1)(a), the board may issue more than one cannabis licence that authorizes the sale of cannabis if the business under which the activities authorized by those licences will be carried out is separate from any other business of the applicant.

Eligibility of minors

90.1 No cannabis licence may be issued

- (a) to a minor, or
- (b) to a corporation if any of the corporation's directors or officers are minors, or if the employee or agent who is to be in charge of the premises described in the application is a minor.

Eligibility of persons related to Commission

90.11 No cannabis licence may be issued

- (a) to or for the benefit of a person who is a member of the board or an employee or agent of the Commission, or
- (b) in respect of any premises if a member of the board or an employee or agent of the Commission is an owner or part owner of the premises or holds an interest in the premises.

Sales to cannabis licensee

90.12(1) When the Commission sells cannabis to cannabis licensees, the price of cannabis must be the same, at any one time, for all licensees holding the same class of licence.

(2) The Commission must not deliver cannabis it has sold to a cannabis licensee until the licensee has paid for the cannabis in the manner required by the board.

Representatives of Cannabis Suppliers

Registration required

90.13(1) No cannabis supplier may authorize any person to be its representative in the sale of the supplier's cannabis unless the person is registered with the Commission for that purpose.

(2) No person may act as the representative of a cannabis supplier in the sale of the supplier's cannabis unless the person is registered with the Commission for that purpose.

(3) The board is responsible for registrations under this Part.

(4) Registrations are governed by the regulations.

Regulation of Cannabis Licensees and Activities on Licensed Premises

Forced sales

90.14 No cannabis licensee or employee or agent of a cannabis licensee may require or demand, by force or otherwise, that a person buy cannabis in the licensed premises.

Remuneration based on cannabis sales

90.15(1) No person may enter into an agreement in which one party is to receive remuneration for working in licensed premises if the remuneration varies with the amount of cannabis sold at the licensed premises.

(2) An agreement entered into in contravention of subsection (1) is void.

Agreements

90.16 Except to the extent, if any, that the regulations provide otherwise,

- (a) no cannabis licensee may enter into an agreement with a cannabis supplier or registrant to sell or promote the sale of the supplier's cannabis,
- (b) no cannabis supplier or registrant may enter into an agreement with a cannabis licensee to sell or promote the sale of the supplier's cannabis, and
- (c) an agreement entered into in contravention of this section is void.

Advertising and promoting of cannabis

90.17(1) The board may make policies respecting the advertising and promoting of cannabis.

(2) Every cannabis licensee and registrant under section 90.13 must comply with the policies.

Sale of cannabis at licensed premises

90.18 No cannabis licensee or employee or agent of a cannabis licensee whose licence authorizes the sale or provision of cannabis at licensed premises may sell, offer to sell or provide cannabis at the licensed premises except

- (a) where the cannabis is authorized to be sold by the Commission or acquired in accordance with board policies, and
- (b) in accordance with the regulations.

Conduct on licensed premises

90.19(1) No cannabis licensee or employee or agent of a cannabis licensee may permit any activity in the licensed premises that

- (a) is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada,
- (b) is detrimental to the orderly operation of the licensed premises,
- (c) may be injurious to the health or safety of people in the licensed premises, or
- (d) is prohibited under the cannabis licence or by the regulations.

(2) No person may do anything in licensed premises that

- (a) is detrimental to the orderly operation of the licensed premises,
- (b) may be injurious to the health or safety of people in the licensed premises, or
- (c) is prohibited under the cannabis licence or by the regulations.

Leaving licensed premises when requested

90.2 No person may

- (a) remain in licensed premises after having been requested to leave the premises by the cannabis licensee or an employee or agent of the cannabis licensee, or
- (b) enter licensed premises after having been forbidden to enter the premises by the cannabis licensee or an employee or agent of the cannabis licensee.

Leaving licensed premises on closing

90.21(1) Except in those licensed premises prescribed in the regulations, every person other than the cannabis licensee and the cannabis licensee's employees or agents must leave licensed premises when the sale and use of cannabis in those premises are required to cease under the regulations or municipal bylaws.

(2) Except as provided in the regulations, no cannabis licensee or employee or agent of a cannabis licensee may permit any person to be in licensed premises when the sale and use of cannabis in those premises are prohibited under the regulations or municipal bylaws.

(3) No person may use and no cannabis licensee or employee or agent of a cannabis licensee may permit a person to use cannabis in licensed premises when the sale and use of cannabis in those premises are prohibited under the regulations or municipal bylaws.

Activities Involving Cannabis

Sales to Commission

90.22 No cannabis supplier may sell cannabis to any person other than the Commission unless the cannabis supplier holds a licence under the federal Act that provides otherwise.

Prohibited sales

90.23 Subject to the federal Act, unless authorized by this Act or a cannabis licence no person may, through the person's own actions or through the person's employees or agents,

- (a) display cannabis for sale,
- (b) store cannabis for sale, or
- (c) directly or indirectly sell or offer to sell cannabis.

Use of cannabis in vehicles prohibited

90.24 Except as otherwise provided for in this Act or in a cannabis licence, no person may use cannabis in a vehicle unless, when the cannabis is being used, the vehicle is a temporary residence.

Transportation

90.25(1) No person may transport cannabis in a vehicle unless the cannabis is contained in closed packaging that is out of reach of the driver and any other occupants of the vehicle.

(2) Subject to subsection (1), a common carrier or other person may, in accordance with this Act, transport cannabis from a place where cannabis is lawfully located to another place where cannabis may be lawfully located.

Minors

90.26 No minor may

- (a) purchase or attempt to purchase cannabis;
- (b) obtain or attempt to obtain cannabis;
- (c) possess or attempt to possess cannabis.

Prohibition — growing cannabis

90.27 Subject to the federal Act, no person may grow cannabis except in accordance with the regulations.

Smoking and vaping prohibited

90.28 No person may smoke or vape cannabis

- (a) in any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or the bylaws of a municipality,
- (b) on any hospital property, school property or child care facility property,
- (c) in or within a prescribed distance from
 - (i) a playground,
 - (ii) a sports or playing field,
 - (iii) a skateboard or bicycle park,
 - (iv) a zoo,
 - (v) an outdoor theatre,
 - (vi) an outdoor pool or splash pad, or
 - (vii) any other area or place that is prescribed or otherwise described in the regulations.

8 Section 91(1)(d) is amended by striking out “federal legislation or stadium bylaws” and substituting “federal legislation, stadium bylaws or a municipal bylaw referred to in section 90.21”.

9 Section 94 is amended

- (a) in subsection (1)(b) by striking out “section 38(3) or 61(3)” and substituting “section 38(3), 61(3) or 90.07(3)”;**
- (b) by repealing subsection (3) and substituting the following:**
 - (3) A person whose liquor, cannabis, containers, gaming terminals or gaming supplies have been seized under section 95, 95.1 or 106 may apply to the board for a hearing.**

10 The following is added after section 95:

Disposition of cannabis

95.1(1) When a cannabis licence is suspended or cancelled, the Commission may purchase cannabis from the person whose licence has been suspended or cancelled or authorize the person to sell the cannabis to a cannabis licensee if the cannabis is, in the opinion of the Commission, suitable for resale.

8 Section 91(1)(d) presently reads:

91(1) The board may do any one or more of the things referred to in subsection (2) if the board is of the opinion that

(d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been charged with or convicted of an offence under this Act, the Criminal Code (Canada) or other federal legislation or stadium bylaws;

9 Section 94 presently reads in part:

94(1) A licensee or registrant may apply to the board for a hearing if any of the following has occurred without a hearing in respect of that licensee or registrant:

- (a) the board has made an order under section 91, 91.1(2) or 92;*
 - (a.1) the chief executive officer has, pursuant to a delegation made under section 91(2.1), imposed a fine under section 91(2)(c);*
 - (b) the board has imposed conditions on the licence under section 38(3) or 61(3);*
 - (c) the board has imposed conditions on the registration under the regulations.*
- (3) A person whose liquor, containers, gaming terminals or gaming supplies have been seized under section 95 or 106 may apply to the board for a hearing.*

10 Disposition of cannabis.

(2) If the cannabis in the possession of a person whose cannabis licence has been suspended or cancelled was not lawfully acquired or is not, in the opinion of the Commission, suitable for resale, the cannabis and any containers in which the cannabis is held are forfeited to the Commission and the person must, on the request of the Commission, deliver all cannabis and containers in the person's possession pursuant to the cannabis licence or on the premises described in the cannabis licence to the Commission.

(3) If the person whose cannabis licence has been suspended or cancelled fails to deliver cannabis and containers as requested under subsection (2), the cannabis and containers may be seized by an inspector.

(4) When an inspector seizes cannabis, the inspector must

- (a) give a notice to the person from whom the cannabis and any containers were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and
- (b) deliver the cannabis and any containers that were seized to the Commission.

11 Section 97 is amended by adding "90.07(3)," after "61(3)."

11 Section 97 presently reads:

97(1) Notice of any decision or board order made under section 38(3), 61(3), 91, 91.1 or 92 or of any decision or order made under the regulations that imposes conditions on a registration must be given to the licensee or registrant as follows:

- (a) by registered mail to the last address of the licensee or registrant as shown in the Commission's records;*
- (b) by personal delivery to the licensee or registrant or an agent of the licensee or registrant;*
- (c) by telecopier to the fax number of the licensee or registrant if*
 - (i) the licensee or registrant has provided that fax number to the Commission for the purpose of receiving notices under this Act, and*

12 Section 101 is amended by adding “under section 62” after “registrant”.

13 The following is added after section 101:

Cannabis samples

101.1 A cannabis licensee or a registrant under section 90.13 must, when required by the Commission, provide the Commission with samples of cannabis that the cannabis licensee or registrant is selling or intends to sell.

14 Section 102 is repealed and the following is substituted:

Responsibility of directors and officers

102(1) If a corporation holds a licence other than a cannabis licence or is a registrant under section 62 and a duty is imposed on the licensee or registrant under this Act, the duty is also imposed

- (a) on any director or officer of the corporation, or

(ii) *the Commission receives confirmation that the notice was sent to that fax number;*

(d) *by any other electronic means if*

(i) *the licensee or registrant has consented to receive notices under this Act in that manner, and*

(ii) *the licensee or registrant acknowledges receipt of the notice.*

(2) *Unless otherwise provided for in this Act, any other notice that is to be given to a person under this Act by the board or the Commission may be sent by ordinary mail to the last address of the person as shown in the Commission's records.*

12 Section 101 presently reads:

101 A liquor licensee or a registrant must, when required by the Commission, provide the Commission with samples of liquor that the licensee or registrant is selling or intends to sell.

13 Cannabis samples.

14 Section 102 presently reads:

102 If a corporation is a licensee or registrant and a duty is imposed on the licensee or registrant under this Act, the duty is also imposed

(a) *on any director or officer of the corporation, or*

(b) *if the licence is a liquor licence or facility licence, the director, officer, employee or agent who is in charge of the licensed premises or licensed facility.*

- (b) if the licence is a liquor licence or facility licence, the director, officer, employee or agent who is in charge of the licensed premises or licensed facility.

(2) If a corporation holds a cannabis licence or is a registrant under section 90.13 and a duty is imposed on the cannabis licensee or registrant under this Act, the duty is also imposed on the director, officer, employee or agent who is in charge of the licensed premises.

15 Section 103 is amended

(a) in subsection (1)

- (i) in clause (c) by adding “or cannabis licence” after “liquor licence”;**
- (ii) in clause (e) by adding “or cannabis” after “liquor”;**

(b) by adding the following after subsection (4):

(4.1) In carrying out an inspection relating to cannabis, a cannabis licence or licensed premises, an inspector may

- (a) take reasonable samples of cannabis from the licensee or any person in the licensed premises,
- (b) inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to cannabis, a cannabis licence or licensed premises, or may temporarily remove any of them for those purposes,
- (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
- (d) interview and request identification from any person who appears to be a minor who is found in the licensed premises, or a person who appears to be a minor who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act,

15 Section 103 presently reads:

103(1) To ensure compliance with this Act, an inspector may enter and inspect, at any reasonable time,

- (a) licensed premises and licensed facilities;*
- (b) unlicensed premises and unlicensed facilities where gaming activities have been, are or will be conducted;*
- (c) premises with respect to which a liquor licence has expired or been suspended or cancelled;*
- (d) a facility with respect to which a facility licence has expired or been suspended or cancelled;*
- (e) the offices of a common carrier doing business in Alberta that may contain records and documents relating to liquor stored or transported in Alberta.*

(2) An inspector may enter and inspect, at any reasonable time, premises or facilities described in an application for a licence to determine if the premises or facilities meet the requirements of this Act.

(3) When acting under the authority of this section, an inspector must carry identification in the form established by the board and present it on request to the owner or occupant of the premises or facility being inspected.

(4) In carrying out an inspection relating to liquor, a liquor licence or licensed premises, an inspector may

- (e) interview and request identification from any person who appears to be intoxicated in licensed premises or who is found in the licensed premises after the sale of cannabis has been required to cease under the regulations, or a person who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and
- (f) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.

- (a) *take reasonable samples of liquor from the licensee or any person in the licensed premises,*
 - (b) *inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to liquor, a liquor licence or licensed premises, or may temporarily remove any of them for those purposes,*
 - (c) *interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,*
 - (d) *interview and request identification from any person who appears to be a minor who is found in the licensed premises, or a person who appears to be a minor who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act,*
 - (e) *interview and request identification from any person who appears to be intoxicated in licensed premises or who is found in the licensed premises after the sale and consumption of liquor have been required to cease under the regulations, or a person who is found outside the licensed premises if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and*
 - (f) *seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.*
- (5) *In carrying out an inspection relating to a gaming activity, provincial lottery or gaming or facility licence, an inspector may*
- (a) *take reasonable samples of gaming supplies from the licensee or any person in the licensed facility,*
 - (b) *inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to a gaming activity, a provincial lottery, a gaming or facility licence or gaming supplies, or may temporarily remove any of them for those purposes,*
 - (c) *interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,*

16 Section 106 is repealed and the following is substituted:

Seizure of liquor, cannabis or gaming supplies

106(1) An inspector who, while carrying out an inspection under section 103, finds any liquor, cannabis, gaming terminals or gaming supplies that the inspector believes on reasonable and probable grounds are unlawfully acquired or kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence or registration may immediately seize and remove the liquor or cannabis and the containers in which the liquor or cannabis is held or the gaming terminals or gaming supplies.

- (2)** When an inspector seizes liquor, cannabis, containers, gaming terminals or gaming supplies, the inspector must
- (a) give a notice to the person from whom the liquor, cannabis, containers, gaming terminals or gaming supplies were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and
 - (b) deliver the liquor, cannabis, containers, gaming terminals or gaming supplies to the Commission.

- (d) interview and request identification from any person who appears to be a minor who is found in the licensed facility, or a person who appears to be a minor who is found outside the licensed facility if the inspector has reasonable grounds to believe that the person is contravening or has contravened this Act, and*
- (e) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.*
- (6) When an inspector removes records, documents, books of account and receipts under this section, the inspector must*
 - (a) give a receipt for them to the person from whom they were taken, and*
 - (b) within a reasonable time, return them to that person.*

16 Section 106 presently reads:

106(1) An inspector who, while carrying out an inspection under section 103, finds any liquor, gaming terminals or gaming supplies that the inspector believes on reasonable and probable grounds are unlawfully acquired or kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence or registration may immediately seize and remove the liquor and the containers in which it is held or the gaming terminals or gaming supplies.

- (2) When an inspector seizes liquor and containers, gaming terminals or gaming supplies, the inspector must*
 - (a) give a notice to the person from whom the liquor and containers or the terminals or gaming supplies were seized that sets out the reasons for the seizure and notifies the person of the right to a hearing before the board, and*
 - (b) deliver the liquor and containers or the terminals or gaming supplies to the Commission.*

17 Section 107 is amended

(a) in subsection (1) by striking out “liquor” wherever it occurs and substituting “liquor or cannabis”;

(b) by repealing subsection (2) and substituting the following:

(2) A peace officer who, in making a search under subsection (1), finds liquor or cannabis that the peace officer believes on reasonable and probable grounds is unlawfully kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence may

(a) immediately seize the liquor or cannabis and the container in which it is held, and

(b) if the peace officer believes on reasonable and probable grounds that an offence under section 81 or 90.23 is being or has been committed by the occupant or person in charge of a vehicle in or near which liquor or cannabis is found, seize and remove that vehicle.

18 Section 108 is repealed and the following is substituted:

Abandoned liquor or cannabis

108 If a peace officer finds liquor or cannabis on any premises or in any place and the peace officer believes on reasonable and probable grounds that there is no apparent owner of the liquor or cannabis, the peace officer may immediately seize and remove the liquor or cannabis and any containers in which the liquor or cannabis is held, and the liquor or cannabis and the containers are forfeited to the Crown.

19 Section 109 is amended by adding “or cannabis” after “liquor”.

17 Section 107 presently reads in part:

107(1) A peace officer who on reasonable and probable grounds believes

- (a) that liquor is in or near a vehicle and is being kept unlawfully or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence, and*
- (b) that obtaining a warrant would cause a delay that could result in the loss or destruction of evidence*

may without a warrant and, if necessary, by reasonable force conduct a search for that liquor in or near the vehicle or on the person of anyone found in or near the vehicle.

(2) A peace officer who, in making a search under subsection (1), finds liquor that the peace officer believes on reasonable and probable grounds is unlawfully kept or kept for unlawful purposes in contravention of this Act or a condition imposed on a licence may

- (a) immediately seize the liquor and the container in which it is held, and*
- (b) if the peace officer believes on reasonable and probable grounds that an offence under section 81 is being or has been committed by the occupant or person in charge of a vehicle in or near which liquor is found, seize and remove that vehicle.*

18 Section 108 presently reads:

108 If a peace officer finds liquor on any premises or in any place and the peace officer believes on reasonable and probable grounds that there is no apparent owner of the liquor, the peace officer may immediately seize and remove the liquor and containers, and the liquor and containers are forfeited to the Crown.

19 Section 109 presently reads:

20 Section 110 is repealed and the following is substituted:

Disposition of liquor or cannabis on conviction

110 When a conviction under this Act becomes final, any liquor, cannabis and containers in respect of which the offence was committed that were seized are, as part of the penalty for the conviction, forfeited to the Crown.

21 Section 111 is amended by adding “or cannabis” after “liquor”.

22 Section 113 is amended

(a) in subsection (1) by striking out “container or vehicle” and substituting “cannabis, container or vehicle”;

(b) by repealing subsection (6) and substituting the following:

(6) If, on hearing an application involving abandoned liquor or cannabis, the judge is satisfied that the applicant has an interest in the liquor or cannabis and any containers, and it is reasonable that the liquor, cannabis and any containers be released to the applicant or any other person, the judge may grant an order cancelling the forfeiture and requiring the liquor or cannabis and any containers to be released to the applicant or other person.

109 When liquor is seized by a peace officer, a report in writing of the particulars of the seizure must be made, if required by the Commission, in the manner directed by the Commission.

20 Section 110 presently reads:

110 When a conviction under this Act becomes final, any liquor and containers in respect of which the offence was committed that were seized are, as part of the penalty for the conviction, forfeited to the Crown.

21 Section 111 presently reads:

111(1) If a person charged with an offence under this Act is not convicted, the Crown may apply to a justice for an order declaring that any liquor and containers seized with respect to that charge are forfeited to the Crown.

(2) A justice may grant the order after holding a hearing in which notice is given to the persons specified by the justice in the manner specified by the justice.

22 Section 113 presently reads in part:

113(1) Any person who claims an interest in any liquor, container or vehicle that is forfeited to the Crown may apply to a judge of the Court of Queen's Bench for an order under subsection (6) or (7).

(6) If, on hearing an application involving abandoned liquor, the judge is satisfied that the applicant has an interest in the liquor and containers, and it is reasonable that the liquor and containers be released to the applicant or any other person, the judge may grant an order cancelling the forfeiture and requiring the liquor to be released to the applicant or other person.

23 Section 114 is repealed and the following is substituted:

Disposition of forfeited liquor or cannabis

114(1) Liquor or cannabis that is forfeited to the Crown under this Act must be disposed of or destroyed under the direction of the Minister of Justice and Solicitor General.

(2) Liquor or cannabis that is forfeited to the Commission under this Act must be disposed of or destroyed under the direction of the Commission.

Disposition of recalled cannabis

114.1 Where an order under the federal Act

- (a) requires the Commission to recall cannabis, or
- (b) requires a person that, pursuant to a licence under this Act, sells cannabis to recall the cannabis or send it or cause it to be sent to the Commission, or to do both those things,

the Commission may, subject to the federal order, destroy or otherwise dispose of the cannabis.

24 Section 116 is amended

- (a) **by adding** “, 90.03, 90.04, 90.05, 90.06, 90.08, 90.14, 90.15, 90.16, 90.18, 90.19, 90.2, 90.21, 90.22, 90.23, 90.24, 90.25, 90.26, 90.27, 90.28” **after** “90”;
- (b) **by adding** “, 101.1” **after** “101”.

25 Section 119(1) and (2) are amended by striking out “section 73 or 81” and substituting “section 73, 81 or 90.23”.

23 Section 114 presently reads:

114(1) Liquor that is forfeited to the Crown under this Act must be disposed of or destroyed under the direction of the Minister of Justice and Solicitor General.

(2) Liquor that is forfeited to the Commission under this Act must be disposed of or destroyed under the direction of the Commission.

24 Section 116 presently reads:

116 A person who contravenes section 36, 37.1, 37.2, 39, 40, 41, 45, 46, 50, 64, 65(1), 66, 68, 69, 69.1(6), 70, 71, 72, 73, 74, 75, 75.1, 77, 79, 81, 84, 86(2), 87, 89, 90, 99, 100, 101 or 115(1) or a section in the regulations the contravention of which is designated by the regulations to be an offence is guilty of an offence.

25 Section 119 presently reads:

119(1) An individual who contravenes section 73 or 81 is liable to a fine of not more than \$50 000 or to imprisonment for not more than 12 months, or to both the fine and imprisonment.

(2) A corporation that contravenes section 73 or 81 is liable to a fine of not more than \$100 000.

26 Section 123 is amended

- (a) in subsection (1)**
 - (i) in clause (a) by striking out “disposal of liquor” and substituting “disposal of liquor or cannabis”;**
 - (ii) in clause (b) by striking out “importing of liquor” and substituting “importing of liquor or cannabis”;**
 - (iii) by striking out “kind of liquor” and substituting “kind of liquor or cannabis”;**
- (b) in subsection (2) by striking out “liquor” wherever it occurs and substituting “liquor or cannabis”.**

27 Section 129 is amended

- (a) in clause (f) by striking out “facility licences and liquor licences” and substituting “facility licences, liquor licences and cannabis licences”;**
- (b) in clause (g) by striking out “and” at the end of subclause (ii), adding “and” at the end of subclause (iii) and adding the following after subclause (iii):**
 - (iv) cannabis representatives who are required to be registered under Part 3.1;**
- (c) by adding the following after clause (i):**
 - (i.1) respecting qualifications and conditions for employees of cannabis licensees;**

26 Section 123 presently reads:

123(1) In describing an offence respecting

- (a) the sale or keeping for sale or other disposal of liquor, or*
- (b) the purchasing, giving, receiving, possessing, storing, transporting, using, consuming or importing of liquor,*

in any information, summons, conviction, warrant or proceeding under this Act, it is not necessary to state the name or kind of liquor or the price of it.

(2) It is not necessary to state in any information, summons, conviction, warrant or proceeding under this Act

- (a) the person to whom liquor was sold or disposed of,*
- (b) the person by whom liquor was taken or consumed,*
- (c) the person from whom liquor was purchased or received, or*
- (d) the quantity of liquor sold, kept for sale, disposed of, purchased, given, received, possessed, stored, transported, used, consumed or imported except in the case of offences where the quantity is essential, and then it is sufficient to allege that the liquor was more or less than that quantity.*

27 Section 129 presently reads:

129(1) The Lieutenant Governor in Council may make regulations

- (a) defining, for the purposes of this Act, words and phrases that are not defined in the Act;*
- (b) specifying, for the purposes of the definition of gaming supplies in section 1(1)(j), things that are not gaming supplies;*
- (c) specifying, for the purposes of the definition of gaming worker in section 1(1)(k), persons who are not gaming workers;*
- (d) prescribing the percentage of alcohol by volume for the purposes of the definition of liquor in section 1(1)(q);*

(d) in clause (n) by striking out “and” at the end of subclause (i) and adding the following after subclause (ii):

- (iii) cannabis suppliers, their officers, directors and employees and representatives that are required to be registered under Part 3.1, and
- (iv) cannabis licensees and their businesses and property, and the board, the Commission and its employees or agents;

(e) in clause (o) by striking out “and” at the end of subclause (i) and adding the following after subclause (ii):

- (iii) cannabis licensees and their officers, directors and employees, and
- (iv) the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;

(f) by adding the following after clause (p):

- (p.1) respecting agreements between cannabis suppliers and cannabis licensees that are permitted for the purposes of section 90.16;

(g) by adding the following after clause (q):

- (q.1) respecting the days and hours when cannabis may be sold, given or used in licensed premises;
- (q.2) respecting records a cannabis licensee must keep for the purposes of section 90.07(5)(a) and respecting measures a cannabis licensee must take for the purposes of section 90.07(5)(b);
- (q.3) for the purposes of section 90.09(1)(a) or (2) or both, respecting when a business under which activities authorized by a cannabis licence are carried out is to be considered separate from any other business of the applicant;
- (q.4) prescribing things for the purposes of section 90.09(1)(b);

- (e) *specifying connections for the purposes of the definition of liquor supplier in section 1(1)(t);*
- (f) *establishing classes of gaming licences, facility licences and liquor licences;*
- (g) *establishing classes of registration in respect of*
 - (i) *gaming workers,*
 - (i.1) *persons who provide gaming workers to gaming licensees,*
 - (ii) *people who deal in gaming terminals or gaming supplies, and*
 - (iii) *liquor agents who are required to be registered under Part 3;*
- (h) *respecting application procedures for licences and registration, including requirements relating to the advertising of applications and procedures for obtaining and dealing with public responses to applications;*
- (i) *respecting conditions and eligibility requirements that must be met before a licence is issued or a person is registered;*
- (j) *respecting when licences and registrations expire, the transfer of licences and the posting of licences, notices and information by licensees and registrants;*
- (k) *respecting conditions that may be imposed on registrations;*
- (l) *respecting fees for licences and registrations;*
- (m) *respecting the requirements and consequences that apply despite anything in this Act*
 - (i) *if a licensee sells or assigns the business under which the activities authorized by the licence are carried out, or becomes dispossessed of the business by bankruptcy or operation of law, or*
 - (ii) *if a licensee who is an individual dies;*
- (n) *respecting relationships and activities between*

- (q.5) respecting requirements for premises described in a cannabis licence, including, without limitation, design requirements and minimum distances that must be maintained between the licensed premises and other premises;

(h) by adding the following after clause (r.3):

- (r.4) authorizing a municipality to pass bylaws in respect of specified classes of licensed premises that prescribe
 - (i) the hours of sale and use of cannabis on the licensed premises, and
 - (ii) the areas of the licensed premises where the sale and use of cannabis may occur;
- (r.5) prescribing, for the purposes of section 90.21(1) and (2),
 - (i) classes of licensed premises, and
 - (ii) when a cannabis licensee or an employee or agent of a cannabis licensee may be in licensed premises;
- (r.6) prescribing distances and prescribing or otherwise describing areas and places for the purposes of section 90.28(c)(vii);

(i) by adding the following after clause (x):

- (x.1) respecting the display, import, distribution, purchase, sale, transport, giving, growing, possession, storage and use of cannabis;
- (x.2) respecting prices that may be charged for cannabis or specified classes of cannabis;
- (x.3) respecting prices that may be charged for the transportation of cannabis or specified classes of cannabis;
- (x.4) respecting the quantity of cannabis that may be purchased or sold at a time or in a transaction;

- (i) *liquor suppliers, their officers, directors and employees and liquor agencies and representatives that are required to be registered under Part 3, and*
- (ii) *liquor licensees and their businesses and property, and the board, the Commission and its employees or agents;*
- (o) *respecting relationships and activities between*
 - (i) *liquor licensees and their officers, directors and employees, and*
 - (ii) *the board, the Commission, its employees and persons who provide services for or on behalf of the Commission;*
- (p) *respecting agreements between liquor suppliers and liquor licensees that are permitted for the purposes of section 66;*
- (q) *respecting the days and hours when liquor may be sold, given or consumed on licensed premises;*
- (r) *authorizing a municipality to pass bylaws in respect of specified classes of events and classes of licensed premises that prescribe*
 - (i) *the hours of sale and consumption of liquor on the licensed premises, and*
 - (ii) *the areas of the licensed premises where the sale and consumption of liquor may occur;*
- (r.1) *restricting the application of section 69.1 to licensed premises and categories of licensed premises prescribed in those regulations;*
- (r.2) *setting out categories of information for the purposes of section 69.1(4);*
- (r.3) *respecting the collection, use and disclosure of information under section 69.2;*
- (s) *prescribing, for the purposes of section 71,*
 - (i) *classes of licensed premises, and*

- (x.5) respecting advertising, packaging, promotion and labelling of cannabis;
- (x.6) respecting the storage or transportation of cannabis in or on a vehicle;
- (x.7) respecting the public use of cannabis;
- (x.8) prohibiting the distribution and sale of specified classes of cannabis and cannabis accessories;
- (x.9) respecting the growing of cannabis;
- (x.91) respecting training requirements for employees of cannabis licensees;
- (x.92) respecting the distribution of cannabis by the Commission or the control by the Commission of the distribution of cannabis, or both;
- (x.93) respecting requirements for cannabis licensees to report to the Commission regarding their activities;

Consequential and Related Amendments

Amends RSA 2000 cM-26

28(1) The *Municipal Government Act* is amended by this section.

(2) Section 365(1) is amended by striking out “*Gaming and Liquor Act*” and substituting “*Gaming, Liquor and Cannabis Act*”.

(3) Section 640 is amended by adding the following after subsection (6):

- (ii) when a liquor licensee or an employee or agent of a liquor licensee may be in licensed premises;*
 - (t) respecting the quantities of wine, cider and beer that an adult may make under section 86(1);*
 - (u) respecting the kind and quantity of liquor that an adult may import under section 86(3);*
 - (v) respecting gifts of liquor;*
 - (w) respecting licensed premises and facilities, including the persons who may be on licensed premises or facilities, the food service at licensed premises or facilities and the activities that may be carried on in and near licensed premises or facilities;*
 - (x) respecting the display, manufacture, import, purchase, sale, transport, giving, possession, storage, use and consumption of liquor;*
 - (y) designating sections in the regulations the contravention of which is an offence;*
 - (z) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.*
- (2) Regulations under this section may apply generally or to a specific licensee or registrant, specific licensed premises or a specific licensed facility or a specific circumstance or situation.*

Consequential and Related Amendments

28 Amends chapter M-26 of the Revised Statutes of Alberta 2000.

(7) A land use bylaw must be consistent with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(4) Section 642 is amended by adding the following after subsection (4):

(5) Despite subsections (1) and (2), a development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(5) Section 687(3) is amended

(a) **in clause (a.3) by striking out “clause (d)” and substituting “clauses (a.4) and (d)”;**

(b) **by adding the following after clause (a.3):**

(a.4) must comply with the applicable requirements of the regulations under the *Gaming, Liquor and Cannabis Act* respecting the location of premises described in a cannabis licence and distances between those premises and other premises;

29 The following provisions are amended by striking out “*Gaming and Liquor Act*” wherever it occurs and substituting “*Gaming, Liquor and Cannabis Act*”:

Act	Section
Body Armour Control Act	4(c)
Charitable Fund-raising Act	3(c)
Election Act	1(1)(p)
Fair Trading Act	103(2)(a)
Horse Racing Alberta Act	2(6)
Protection of Children Abusing Drugs Act	1(1)(a)

29 Amends references to this Act in other Acts.

Safer Communities and Neighbourhoods Act	3(e)(i)
Security Services and Investigators Act	10(j)
Tobacco and Smoking Reduction Act	1(c)
Youth Justice Act	10(3)

30 This Act comes into force on Proclamation.

30 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To

	Questions and Comments	From	To

Stage	Date	Member	From	To

	Questions and Comments	From	To

Stage	Date	Member	From	To

	Questions and Comments	From	To