



*Cannabis Control and Licensing Act and  
Cannabis Distribution Act*

**WORKER QUALIFICATION REGULATION**

**B.C. Reg. 214/2018**

Deposited and effective October 16, 2018,  
except sections 2, 4 and 5 effective November 30, 2018  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 214/2018 (O.C. 553/2018), deposited and effective October 16, 2018, except sections 2, 4 and 5 effective November 30, 2018, is made under the *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29, ss. 127, 131, 133, 134, 137 and 139, and the *Cannabis Distribution Act*, S.B.C. 2018, c. 28, s. 22.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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# *Cannabis Control and Licensing Act and Cannabis Distribution Act*

## **WORKER QUALIFICATION REGULATION**

**B.C. Reg. 214/2018**

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### **SCHEDULE**

#### **Definitions**

- 1** In this regulation:

“**Act**” means the *Cannabis Control and Licensing Act*;

“**applicant**” means an applicant for a security verification;

“**associate**”, in respect of an individual, means a person that, in the security manager's opinion, may have direct or indirect influence over the individual;

“**designated offence**” means an offence under any of the following:

- (a) the *Criminal Code*, the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada);
- (b) the *Cannabis Control and Licensing Act*, the *Cannabis Distribution Act*, the *Liquor Control and Licensing Act* or the *Liquor Distribution Act*;
- (c) a provision of an Act of a province or territory if the provision regulates cannabis;

“**retail store**” means all or part of a building or structure designated in a retail store licence to be the establishment;

“**security manager**” means the security manager appointed under the Act;

“**security verification**” means a verification provided by the general manager to an individual stating that the individual has passed a security screening under this regulation.

**Workers in retail store**

- 2 (1) Subject to subsection (2), a retail store licensee must not allow an individual to perform any work related activity as an employee, independent contractor or volunteer on a full time or part time basis in a retail store unless the individual has been provided with a security verification and the security verification has not expired or been revoked.
- (2) The work related activity described in subsection (1) does not include an activity performed by an individual who holds a valid security worker licence under the *Security Services Act* and the activity is security work authorized by the licence.

**Workers outside of retail store**

- 3 (1) The general manager may, in accordance with section 30 or 31 of the Act, impose terms and conditions that apply to one or more retail store licences or to a class of retail store licence that prohibit an individual from performing a designated activity outside of a retail store or from working outside of a retail store in a designated position unless the individual has been provided with a security verification and the security verification has not expired or been revoked.
- (2) The general manager may designate an activity or position in terms and conditions imposed under subsection (1) if, in the general manager’s opinion, the performance of the designated activity or an activity under the designated position
- (a) has a connection to the retail store licence to which the terms and conditions apply, and
  - (b) could pose a risk to the integrity of one or more of the schemes described in section 11 (2).

**Supervision of trade workers in retail store**

- 4 (1) In this section, “**trade worker**” means an individual who repairs, maintains, inspects or constructs something in a retail store or performs some other service in a retail store other than an individual who
- (a) performs a work related activity described in section 2 (1), or
  - (b) performs security work authorized by a valid security worker licence under the *Security Services Act* that is issued to the individual.
- (2) A retail store licensee must not allow a trade worker to perform a service in the retail store unless the trade worker is, while in the retail store, under the supervision of a manager or supervisor of the licensee.

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**Government employees – *Cannabis Distribution Act***

- 5** (1) This section applies to the following government positions involved in the administration of the *Cannabis Distribution Act*:
- (a) the Executive Director, Cannabis Operations;
  - (b) a position that reports directly or indirectly to the Executive Director, Cannabis Operations.
- (2) The government must not employ an individual in a position referred to in subsection (1) unless the individual has been provided with a security verification and the security verification has not expired or been revoked.

**Application for security verification**

- 6** (1) An application for a security verification must
- (a) be submitted to the general manager,
  - (b) be submitted in the form and manner established by the general manager,
  - (c) include the following information with respect to the applicant:
    - (i) full legal name, any former names and any other names that the applicant uses;
    - (ii) date and place of birth;
    - (iii) home addresses for the last 5 years;
    - (iv) if mailing address is different from current home address, mailing address;
    - (v) current telephone numbers;
    - (vi) current email addresses, if any;
    - (vii) if the applicant has a driver's licence, the driver's licence number and province or territory of issue;
    - (viii) if the applicant has a BC identification card issued by the Insurance Corporation of British Columbia, the identification card's number;
    - (ix) whether the applicant has been arrested, charged or convicted in respect of a designated offence or an offence under the *Narcotic Control Act* (Canada), and
  - (d) include the applicant's consents to enable the security manager to conduct the investigations and checks referred to in section 11 in respect of the applicant.
- (2) An applicant must submit to the general manager any other information or records that the general manager considers relevant to the application within the time specified by the general manager.

**Requirements for security verification**

- 7** The following requirements must be met before the general manager provides a security verification to an applicant:

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- (a) the applicant submits an application and the information, records and consents in compliance with section 6;
  - (b) the general manager is satisfied that the applicant has not contravened section 15 (1) or (2) with respect to the application, information, records or consents submitted in compliance with section 6;
  - (c) the applicant is an adult;
  - (d) information, records, fingerprints and consents required by the security manager in respect of the applicant or an associate of the applicant have been submitted to the security manager in compliance with section 11 (6);
  - (e) the security manager is satisfied that the applicant has not contravened section 15 with respect to information, records, fingerprints or consents submitted to the security manager;
  - (f) the applicant passes a security screening conducted under section 11.

**Refusal to accept application**

- 8** (1) The general manager may refuse to accept an application for a security verification if
- (a) the general manager refused to provide a security verification to the applicant under a previous application and less than 2 years have passed since the written reasons for the refusal were received by the applicant, and
  - (b) in the case of the refusal being based on the applicant's failure to pass a security screening, the general manager is not satisfied, based on information provided by the applicant, that there is a reason to believe that the applicant could now pass a security screening.
- (2) The general manager may refuse to accept an application for a security verification if
- (a) a previous security verification provided to the applicant was revoked and less than 2 years have passed since the written reasons for the revocation were received by the applicant, and
  - (b) in the case of the revocation being based on the applicant's failure to pass a security screening, the general manager is not satisfied, based on information provided by the applicant, that there is a reason to believe that the applicant could now pass a security screening.

**Requirement to give reasons**

- 9** (1) The general manager must give an applicant written reasons for the following decisions:
- (a) refusal to accept an application for a security verification under section 8;
  - (b) refusal to provide a security verification based on a failure to meet the requirements of section 7 (a), (b), (c) or (d).

- (2) If the general manager refuses to provide a security verification to an applicant based on a failure to meet the requirement of section 7 (e) or (f), the security manager must give the applicant written reasons for the decision.

**Security manager's responsibilities**

- 10** (1) In addition to the security manager's purposes under the Cannabis Licensing Regulation, the security manager is responsible for determining if an individual passes a security screening for the purposes of this regulation.
- (2) The security manager may delegate, with or without conditions, one or more of the security manager's powers and duties under this regulation, except the power under this section to delegate, to
  - (a) a government employee or other person, or
  - (b) a class of government employee or other person.

**Security screening**

- 11** (1) In addition to determining whether an applicant passes a security screening for the purposes of section 7 (f), the security manager may at any time determine whether an individual who has been provided with a security verification can still pass a security screening.
- (2) An individual passes a security screening if, in the security manager's opinion, the individual does not pose a risk to the integrity of the scheme for
  - (a) the possession, sale, purchase, promotion, supply or production of cannabis under the Act,
  - (b) the sale, purchase, storage or distribution of cannabis under the *Cannabis Distribution Act*, and
  - (c) the possession, sale, purchase, promotion, distribution or production of cannabis under the *Cannabis Act* (Canada).
- (3) In determining whether an individual passes a security screening, the security manager may take into account an associate of the individual.
- (4) In determining whether an individual passes a security screening, the security manager may conduct background investigations and the checks set out in subsection (5) that the security manager considers necessary in respect of
  - (a) the individual, and
  - (b) an associate of the individual who the security manager considers relevant.
- (5) The following checks may be conducted for the purposes of subsection (4):
  - (a) a criminal record check or fingerprint-based criminal record verification by searching the Canadian Police Information Centre database;
  - (b) a police information check;
  - (c) a check of intelligence databases maintained by law enforcement agencies;

- (d) a check of records in the justice information system of the Ministry of Attorney General;
  - (e) a check of records in the corrections information system of the Ministry of Public Safety and Solicitor General.
- (6) The security manager may, for the purpose of determining whether an individual passes a security screening, require the individual or an associate of the individual to submit, within the time specified by the security manager,
- (a) information or records specified by the security manager relating to the individual or associate,
  - (b) fingerprints of the individual or associate, and
  - (c) consents of the individual or associate to enable the security manager to conduct investigations and checks.

**Expiry of security verification**

- 12** (1) A security verification expires 5 years after the date of the general manager's decision to provide it and a security verification must set out its expiry date.
- (2) If a security verification was provided to an individual before the date this subsection comes into force, the expiry date of the security verification is 5 years from the date of the general manager's decision to provide it, despite the expiry date set out in the security verification.

[am. B.C. Reg. 184/2020.]

**General conditions**

- 13** (1) The security verification of an individual is subject to the following conditions:
- (a) if the individual works in a retail store or has been hired to perform an activity or fill a position designated in terms and conditions imposed on a retail store licence under section 3 (1), the individual must provide the retail store licensee with a copy of the individual's security verification;
  - (b) the individual must report to the general manager any change in the individual's name, home or mailing address, telephone number or email address within 10 days after the change;
  - (c) if the individual has been arrested or charged in respect of a designated offence, the individual must, within 10 days after being arrested or charged, give the general manager a written report that sets out
    - (i) the alleged offence, and
    - (ii) the place where the alleged offence occurred;
  - (d) subject to subsection (2), if the individual has been convicted of a designated offence or if the individual has been charged with a designated offence and the charge has been disposed of other than by a conviction, the individual must give the general manager a written report on the matters



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- specified in subsection (3) within 10 days after the conviction or other disposition of the charge;
- (e) the information, records, fingerprints and consents required by the security manager under section 11 (6) must be submitted within the time period specified by the security manager.
- (2) The condition in subsection (1) (d) does not apply if the individual has been convicted of an offence under the *Cannabis Act* (Canada) for which the individual is deemed to have received an absolute discharge and not to have been convicted.
- (3) The report referred to in subsection (1) (d) must set out,
- (a) in respect of a conviction, the name of the Act or regulation and provision contravened, the place where the contravention occurred and the sentence imposed, and
- (b) in respect of any other disposition, the name of the Act or regulation and provision identified in the charge, the place where the alleged contravention occurred and a description of the disposition of the charge.

**Revocation of security verification**

- 14** (1) The general manager may revoke the security verification of an individual for one or both of the following reasons:
- (a) the individual has contravened the Act, this regulation or another regulation under the Act or the *Cannabis Distribution Act* or failed to comply with a condition of the security verification;
- (b) the security manager has conducted a security screening of the individual and the individual failed the security screening.
- (2) The general manager must give written notice to an individual before revoking the individual's security verification unless the proposed revocation is based on the individual having failed a security screening.
- (3) The security manager must give written notice to an individual before determining that the individual has failed a security screening.
- (4) If the general manager revokes an individual's security verification, the general manager must give the individual written reasons for the revocation unless the revocation is based on the individual having failed a security screening.
- (5) If the general manager revokes an individual's security verification because the individual failed a security screening, the security manager must give the individual written reasons for the revocation.
- (6) An individual whose security verification has been revoked must, as soon as practicable after receiving the written reasons for the revocation, notify,
- (a) in the case of an individual who is working in a retail store, the retail store licensee,

- (b) in the case of an individual who is performing an activity or filling a position designated under terms and conditions imposed on a retail store licence under section 3 (1), the retail store licensee, and
- (c) in the case of an individual who is filling a government position described in section 5 (1), the administrator under the *Cannabis Distribution Act*.

**Submitting information, records, consents or fingerprints**

- 15** (1) A person must not submit to the general manager or to the security manager an application, information or a record that
- (a) contains false or misleading information, or
  - (b) fails to disclose a material fact.
- (2) A person must not submit to the general manager or to the security manager a consent that has been forged or fraudulently made.
- (3) A person must not submit fingerprints to the security manager for an individual that
- (a) have been altered, or
  - (b) are not the fingerprints of the individual.

**Record keeping requirement**

- 16** If an individual is required to have a security verification for the purposes of section 2 or 3 in respect of a retail store licensee, the retail store licensee must,
- (a) during the term of the licence and any renewals, keep a copy of the individual's security verification for a period of 6 years after the retail store licensee receives a copy of it, and
  - (b) after the licence expires or is cancelled, keep a copy of the individual's security verification for a period of 6 months.

**Offences and penalties**

- 17** (1) A contravention of any of the following provisions is prescribed to be an offence:
- (a) section 14 (6) [*failing to notify employer that security verification has been revoked*];
  - (b) section 15 (1), (2) or (3) [*submitting false information, records, consents or fingerprints*].
- (2) An individual who commits an offence referred to in subsection (1) is liable to a fine of not more than \$10 000 or to imprisonment for not more than 6 months, or to both.
- (3) A corporation who commits an offence referred to in subsection (1) is liable to a fine of not more than \$50 000.

**Application fee**

- 18** (1) Subject to subsection (2), the application fee for a security verification is \$100 and must be paid at the time that the application is submitted to the general manager.
- (2) The application fee for a security verification for an individual who fills a government position described in section 5 (1) or who has received a written offer of employment to fill a government position described in section 5 (1) may be paid by the government after the application is submitted.

**Monetary penalties and licence suspensions**

- 19** (1) The prescribed schedule of monetary penalties with respect to this regulation for the purposes of section 38 (2) (b) of the Act is set out in the Schedule to this regulation.
- (2) The prescribed schedule of licence suspensions with respect to this regulation for the purposes of section 38 (2) (c) of the Act is set out in the Schedule to this regulation.
- (3) If a licence is subject to more than one suspension determined under the Schedule to this regulation or under Schedule 2 of the Cannabis Licensing Regulation, the suspensions apply consecutively.

**SCHEDULE**

**MONETARY PENALTIES AND LICENCE SUSPENSIONS**

**Application of Cannabis Licensing Regulation**

- 1** Sections 1 to 3 of Schedule 2 of the Cannabis Licensing Regulation apply with the necessary changes to this Schedule.

**Table**

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
1	Contravention of section 2 (1) of this regulation [ <i>worker in retail store not having security verification</i> ]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
2	Contravention of any other provision of this regulation	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11



# AMENDMENTS NOT IN FORCE

*Cannabis Control and Licensing Act and Cannabis Distribution Act*

## WORKER QUALIFICATION REGULATION

B.C. Reg. 214/2018

**amended by B.C. Reg. 78/2020**

*effective September 30, 2020*

### APPENDIX 2

*1 The Worker Qualification Regulation, B.C. Reg. 214/2018, is amended by adding the following sections:*

#### **Matters relating to prescribed training**

- 20** (1) In this section, “**general training program**” means the general training program established by the general manager under section 113 (1) of the Act.
- (2) For the purposes of section 113 (5) of the Act, the prescribed period in respect of a training certificate is 2 years after the day the certificate is issued.
- (3) For the purposes of section 114 of the Act, the type of training prescribed for a retail store licensee is the general training program.
- (4) For the purposes of section 115 (1) of the Act, the type of training prescribed with respect to selling cannabis is the general training program.
- (5) For the purposes of section 115 (2) of the Act, the type of training prescribed for adults who supervise the sale of cannabis is the general training program.
- (6) For the purposes of section 116 of the Act, the general training program is the type of training prescribed for the following classes of persons:
- (a) marketing licensees who are individuals;
  - (b) designated representatives, within the meaning of section 10.1 of the Cannabis Licensing Regulation, of marketing licensees;
  - (c) adults who work for a marketing licensee;
  - (d) adults who act as an agent of a marketing licensee.
- (7) For the purposes of section 116 of the Act, the activities specified in relation to the classes of persons referred to in subsection (6) of this section are the following:
- (a) promoting cannabis for the purpose of selling it;
  - (b) supervising staff who promote cannabis for the purpose of selling it.

**General training program fee**

- 21** (1) The fee to take the general training program referred to in section 20 (1) is \$35 and, subject to subsection (2), must be paid prior to taking the program.
- (2) If an adult who applies to take the general training program works in a government cannabis store, the fee for the training may be paid by the government after the adult takes the training.

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