

On 17 October 2018, non-medical cannabis was legalized in Canada. On 17 October 2019, the federal government legalized cannabis edible products. The following information was produced to help B.C. liquor licensees understand cannabis rules and how they relate to their businesses.

**NOTE:** Personal possession and rules of use for medical cannabis authorized by Health Canada are different than the rules for non-medical cannabis. Licensees may wish to obtain independent legal advice regarding the possession and use of medical cannabis by patrons.

This document may be updated from time to time as questions or issues arise. The latest copy of this document will reside [here](#) at the Liquor and Cannabis Regulation Branch's website. *Last updated: 13 December 2019.*

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## Is CBD considered cannabis? What defines cannabis?

The Liquor and Cannabis Regulation Branch has been asked by various liquor licensees whether CBD oil can be added to alcoholic beverages or food. The answer is no.

- Schedule 1 of the federal *Cannabis Act* defines cannabis as “any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant.” Both CBD and THC are phytocannabinoids and thus together, or individually, *is* cannabis.
- The federal *Cannabis Act* prohibits the sale of any mixture of substances that contain cannabis and alcohol.
- The B.C. *Cannabis Control and Licensing Act* prohibits the sale or supply of non-medical cannabis outside of a non-medical retail licenced store. Therefore, businesses cannot add cannabis to food.

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## Basic sales, purchase, possession and consumption rules in B.C. for non-medical cannabis

In B.C., anyone 19 years of age or older is able to legally:

- Purchase limited amounts of fresh or dried non-medical cannabis, cannabis oil, edibles, seeds or plants from authorized licensed private non-medical cannabis retail stores or government operated BC Cannabis Stores.
- Possess up to 30 grams of dried non-medical cannabis, or equivalent (e.g., oils), on their person in public (Note: The BC *Cannabis Control Regulation* allows a person to possess the amount of medical cannabis permitted by their Health Canada authorization over and above the 30 grams of non-medical cannabis they are allowed to possess.)
- [Click here](#) for the federal government's table showing equivalent amounts.
- In B.C., adults can generally smoke or vape cannabis in a public place where smoking and vaping tobacco is allowed.
- However, no smoking or vaping (of medical or non-medical cannabis) is allowed:
  - On patios that are public places, such as food primary, liquor primary or manufacturer patios (there are some liquor establishments in B.C. with a tobacco smoking area on their patio. Cannabis cannot be smoked or vaped there).
  - Within 6 metres of a doorway, window or air intake.
  - At playgrounds, sports fields, skate parks, swimming pools and spray pools, and on any decks or seating areas associated with those places.
  - In regional and municipal parks, except for designated campsites.
  - In provincial parks, except for areas identified or designated by a sign or a park officer.
  - Note: Local governments or Indigenous nations may impose additional restrictions on public consumption of cannabis. Licensees should contact the applicable local government or Indigenous nation to find out if they have such restrictions.
- The reason a person cannot smoke or vape cannabis inside a licensed establishment has nothing to do with the liquor licence or permit, but rather that no one can smoke or vape cannabis in a substantially or fully enclosed workplace. Like tobacco rules, this protects establishment staff from second-hand exposure.
- A business, other than a federally licensed cannabis producer, cannot grow cannabis plants or manufacture cannabis products for any purpose (the Liquor and Cannabis Regulation Branch has received questions asking whether businesses can grow cannabis plants for decoration only, which they cannot).
- A business, other than one holding a non-medical cannabis retail store licence, cannot provide cannabis to anyone. Therefore, establishments such as Food Primary or Liquor Primary establishments cannot use cannabis in their cooking as an ingredient. Additionally, under the Federal *Cannabis Act*, establishments (including liquor manufacturers) cannot infuse liquor with cannabis products or sell any mixture of substances that contain cannabis and alcohol, caffeine, or nicotine.

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## Local governments and Indigenous nations

- Local governments and Indigenous nations can further restrict the public consumption of cannabis beyond the province's rules about public consumption.
- Whether they can completely prohibit all consumption in public within their entire jurisdiction is not something the Province can comment on. Local governments and Indigenous nations need to get independent legal advice on this topic.
- Local governments and Indigenous nations can create rules that are more restrictive than federal or provincial cannabis law, but not less so. For example, the Province doesn't allow smoking or vaping cannabis on a public patio. Therefore, local governments and Indigenous nations can't allow smoking or vaping cannabis on a public patio either.

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## House policies regarding consuming cannabis on an establishment's outdoor property

- A liquor licensed establishment can have a house policy that prohibits cannabis smoking or vaping on its outdoor property or limits it to certain areas. This applies to properties of any size.
- Because smoking or vaping cannabis in a private place, or in an open air public place that isn't a patio, park, playground, or other prohibited place, is not against the law, enforcing a house policy prohibiting smoking or vaping cannabis on an establishment's outdoor property is the responsibility of the licensee.
- If the licensee has trouble with a patron that refuses to cooperate with staff and becomes troublesome, the licensee can ask the police to remove them.

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## Patrons carrying cannabis into a liquor establishment

- A person 19 years of age or older can carry up to 30 grams of dried non-medical cannabis, or its equivalent (e.g. oils, edibles), anywhere in a public place.
- There is no prohibition in provincial law against patrons bringing these products into a liquor establishment. In this way, it is no different from tobacco.

This has raised a of questions from liquor licensees:

- 1) Can a liquor licensee prohibit someone from possessing cannabis within an establishment?
  - A liquor licensed establishment can have a house policy with respect to such activities – just as they do with respect to other legal activities which may occur within an establishment; but because possessing up to 30 grams of dried cannabis (or its equivalent) is not against the law, enforcing such a house policy is the responsibility of the licensee.

- Further, because such a house policy may raise potential human rights/discrimination concerns that are beyond the Liquor and Cannabis Regulation Branch’s jurisdiction, an establishment should seek their own legal advice before developing such a house policy.
- 2) Can someone roll a joint within the establishment?
    - Like preparing a cigarette, it is legal for patrons to prepare joints within the liquor licensed area, provided they do not smoke them.
  - 3) Can a liquor licensee *prevent* someone from rolling a joint within an establishment?
    - See answer for question 1.

Note: A person is allowed to possess the amount of medical cannabis permitted by their Health Canada authorization over and above the 30 grams of non-medical cannabis, or its equivalent (e.g., oils), they are allowed to possess. Such persons must have proof of authority to possess medical cannabis. Federal information about proof of authority is found [here](#) under the “Possession and personal storage limits under the Cannabis Act” section.

Given that medical cannabis use is protected under the *Human Rights Code* and the *Charter of Rights and Freedoms*, a liquor licensee should seek independent legal advice before seeking to establish any house policies or taking any action to restrict possession of Health Canada authorized medical cannabis.

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## Intoxication

Liquor establishments cannot sell or serve liquor to a person who is intoxicated, or allow entry to a person who is intoxicated. Even before non-medical cannabis became legal, intoxication in this context included from drugs and/or alcohol.

The Liquor and Cannabis Regulation Branch has been asked whether a liquor licensee can refuse entry to a person who has used cannabis (for instance, has the smell of cannabis on them) but who is not showing signs of intoxication. This is similar to when a patron may have the smell of liquor on their breath because they previously had some drinks, but may not be intoxicated. The law neither permits nor prohibits a liquor licensee from refusing entry under this circumstance. For this question licensees need to seek independent legal advice.

The information below may help liquor licensees understand how cannabis relates to intoxication rules:

- The licensee continues to be responsible for controlling their establishment and the behaviour of patrons, and must determine how best to achieve this.
- Not much has changed in terms of intoxication since non-medical cannabis was legalized, other than the fact that people can now consume both non-medical and medical cannabis legally. Some people had already been illegally consuming drugs, including non-medical cannabis, before entering liquor establishments. Some had already been legally consuming medical cannabis.
- Smelling cannabis, or liquor, on a patron is a good indication that the licensee or their staff should monitor that patron’s liquor consumption within the establishment.

- While the smell of cannabis may be a good indicator that observation of a particular patron’s drinking patterns is warranted, it is important to note that cannabis products can be taken orally and there may not be a smell of cannabis on the person.
- **Therefore, it is always best practice to monitor all signs of intoxication.**

Signs of intoxication:

- The Liquor and Cannabis Regulation Branch has received numerous inquiries asking for a clear definition of intoxication. Remember, intoxication can be observed and it is possible to form an opinion that someone is intoxicated, but it is very difficult to precisely define what intoxication is.
- While the effects of cannabis vary widely from person to person, the co-use of alcohol and cannabis can produce more ‘intensified’ intoxication compared to either substance alone. This can make a person seem more intoxicated than expected for a given number of drinks.
- The [Serving It Right materials](#) have been updated to include detailed information regarding cannabis consumption, including intoxication, and licensees and their staff should become familiar with these new materials.
- **As an overall reminder: when in doubt about a person’s intoxication, the law gives the licensee and their staff the right to refuse service.**

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## Edible Cannabis Products

- Ever since the 2018 legalization of cannabis a person could legally purchase cannabis from a provincially licensed or government operated non-medical cannabis retail store, take it home and make it into an edible product, balm or tincture for their own personal use.
- As of Oct. 17, 2019, the federal government legalized the retail sale and commercial production of the following cannabis products: baked goods and beverages; cannabis extracts, such as liquids, tinctures, wax, hash and cannabis oil; and cannabis topicals, such as creams, balms and similar products that are meant to be applied to a person’s hair, skin or nails.
- As an important reminder, liquor licensees are prohibited from making or selling food or drinks that contain or are infused with any form of cannabis.
- While patrons cannot smoke or vape cannabis inside the establishment in order to protect establishment workers from second-hand exposure, there is no prohibition against consuming cannabis in some other form inside a substantially or fully enclosed workplace or on a patio that is a public place. (If an establishment is considering a house policy to prevent this, such a policy may raise potential human rights/discrimination concerns that are beyond the Liquor and Cannabis Regulation Branch’s jurisdiction. Therefore, the establishment should seek their own legal advice before developing such a house policy.)
- It is not always possible to know whether someone inside a liquor establishment is ingesting, or has ingested, an edible cannabis product. Therefore, everything comes back to the licensees and their staff’s responsibility to monitor patrons for signs of intoxication.
- As a reminder, section 37 of the [Cannabis Control Regulation](#) prohibits a person from marketing, advertising or promoting any place as a place to consume cannabis or spend time after consuming cannabis. A liquor licensee would be in violation if they advertised that someone *could* bring their own edibles or oils, or any form of cannabis, to consume on their premises.

Note: Licensees should seek independent legal advice regarding the consumption of medical cannabis by patrons authorized by Health Canada to consume cannabis edibles for medical purposes.

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## **Patrons consuming cannabis in parking lot after leaving the establishment**

The issue of patrons consuming cannabis after leaving the establishment has been raised by licensees out of concerns about liability. This question is not something that the Liquor and Cannabis Regulation Branch can answer or provide advice on.

For this issue, the liquor establishment should seek its own legal advice.

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## **Outdoor areas, such as at wineries or public golf courses**

Where a person can or cannot smoke or vape cannabis in relation to any liquor licensed establishment has nothing to do with a liquor licence or permit. The prohibition on smoking inside an establishment is because no one can smoke or vape cannabis in a substantially or fully enclosed workplace. This restriction applies to both medical and non-medical cannabis. Like tobacco rules, this protects establishment staff from second hand exposure. Some things to consider:

- Generally, a person can smoke or vape cannabis in an outdoor workplace. Therefore, this may include such places as tour areas or picnic areas of a winery, a licensed playing area of a golf course, etc.
- The establishment can have a house policy that prohibits cannabis smoking or vaping on its outdoor property, or limits it to certain areas. This applies to properties of any size.
- If the establishment designates cannabis smoking or vaping areas, remember that cannabis smoking or vaping is not allowed:
  - On patios that are considered public places.
  - Within 6 metres of a doorway, window or air intake.
- As a reminder, section 37 of the Cannabis Control Regulation prohibits a person from marketing, advertising or promoting any place as a place to consume cannabis or spend time after consuming cannabis. For example, a licensee cannot market a cannabis smoking area as part of the promotions for their business, but can provide a designated smoking/vaping area for patrons when they are on-site.
- Enforcing a house policy prohibiting smoking or vaping cannabis on an establishment's outdoor property is the responsibility of the licensee.
- If a licensee has trouble with patrons that refuse to cooperate and become troublesome, the licensee can ask the police to have them removed.

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## Private member golf courses

This information is related to private member golf courses and cannabis:

- Because a private member golf course is for members and their guests only, the golf course is a private place. Therefore, the golf course can generally allow cannabis smoking or vaping on patios as long as:
  - The patio isn't fully or substantially enclosed.
  - Cannabis smoking or vaping doesn't take place within 6 metres of a doorway, window or air intake.
  - The golf course does not advertise, promote or market the patio as a place to consume cannabis or to spend time in after consuming cannabis (Section 37 of the Cannabis Control Regulation prohibits this). In other words, the golf course can designate the patio as an area for cannabis consumption but they can't market, advertise or promote the place as a place to consume cannabis or to spend time after consuming cannabis.
- Only fully or substantially enclosed workplaces have a prohibition against smoking or vaping cannabis. Smoking or vaping cannabis is generally allowed in outdoor workplaces if the workplace allows it. There is no prohibition against allowing smoking or vaping cannabis inside a liquor service area. Therefore, a private member golf course can choose to allow cannabis smoking or vaping in their existing outdoor smoking areas (or in new cannabis-only smoking areas) around the golf course, even if the entire golf course is outlined as a liquor service area.
- Smoking or vaping cannabis cannot occur inside the clubhouse, and other indoor areas where staff or volunteers work, because cannabis cannot be smoked or vaped inside a substantially or fully enclosed workplace.

**Remember:** Servers cannot provide liquor to a person who is intoxicated. They also can't allow a person who is intoxicated to enter a liquor service or consumption area. These rules apply whether the intoxication is caused by cannabis, alcohol or any other substance.

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## Exceptions for private Liquor Primary Club or Food Primary Club licensed establishments

A private establishment licensed under a Liquor Primary Club or Food Primary Club licence is not a public place because they admit only their members and their member's guests. Therefore:

- These establishments can set their own entry policies. For instance, they can decide to not allow persons to carry cannabis product into the establishment.
- If these establishments have patios, these patios are also not a public place, therefore they can allow smoking or vaping cannabis on their patios if they so choose, provided that the patio is not fully or substantially enclosed, or within six metres of doors, windows or air intakes.
- It is the responsibility of the establishment to enforce any such policies.

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## Special Event Permits

With certain exceptions mentioned below, the Province doesn't prohibit smoking or vaping cannabis in an outdoor area where liquor service is permitted. However, cannabis smoking or vaping is prohibited in workplaces that are substantially or fully enclosed. Like tobacco rules, this protects workers (which would include special event volunteers) from second-hand exposure. However, generally, workplaces that are outdoors can choose to allow cannabis smoking or vaping. Here are rules to consider:

- A special event can choose to allow cannabis smoking or vaping in fully outdoor areas, including setting aside specific areas for attendees to do so.
- A special event can also prohibit smoking or vaping cannabis anywhere at their event if they so choose.
- However, section 37 of the Cannabis Control Regulation prohibits the event organizers from marketing, advertising or promoting the area as a place to consume cannabis or to spend time in after consuming cannabis. For example, the special event cannot market a 'cannabis garden' as part of the promotions for their event, but can provide a designated smoking/vaping area for attendees at the event.
- Smoking or vaping cannabis isn't allowed at special events that are held in indoor public places.
- Special event permits are for providing liquor service at events. The event cannot sell or provide cannabis to attendees.

**Note:** Given that many special events take place outdoors, special event organizers should be aware that smoking or vaping of cannabis is prohibited at the following outdoor places:

- Playgrounds, sports fields, skate parks, swimming pools and spray pools, and on any decks or seating areas associated with those places.
- In regional and municipal parks, except for designated campsites.
- In provincial parks, except for areas identified or designated by a sign or a park officer.
- In any place where cannabis consumption is prohibited by the local government or Indigenous nation.

**Remember:** Servers cannot provide liquor to a person who is intoxicated. They also can't allow a person who is intoxicated to enter a liquor service or consumption area. These rules apply whether the intoxication is caused by cannabis, alcohol or any other substance.

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## For further information:

For questions not covered here:

- Please email [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca), or
- Phone 1 866-209-2111

Useful links:

- Additional cannabis information and links can be found at [www.GetCannabisClarity.ca](http://www.GetCannabisClarity.ca)
- [B.C.'s Acts and Regulations](#) related to cannabis.
- The Government of Canada's [Cannabis Act](#).