

EC2018-574**BUILDING CODES ACT
DECLARATION RE**

Under authority of section 37 of the *Building Codes Act* Stats. P.E.I. 2017, c. 61 Council ordered that a Proclamation do issue proclaiming sections 1 and 4 of the said "Building Codes Act" to come into force effective September 29, 2018.

EC2018-575**CANNABIS CONTROL ACT
CANNABIS CONTROL REGULATIONS**

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

- 1.** In these regulations,
- | | Definitions |
|---|-------------------------|
| (a) "Act" means the <i>Cannabis Control Act</i> R.S.P.E.I. 1988, Cap. C-1.2; | Act |
| (b) "community care facility" means a community care facility as defined in the <i>Community Care Facilities and Nursing Homes Act</i> R.S.P.E.I. 1988, Cap. C-13; | community care facility |
| (c) "condominium corporation" means a corporation as defined in the <i>Condominium Act</i> R.S.P.E.I. 1988, Cap. C-16; | condominium corporation |
| (d) "Corporation" means the Prince Edward Island Cannabis Management Corporation established under section 3 of the <i>Cannabis Management Corporation Act</i> R.S.P.E.I. 1988, Cap. C-1.3; | Corporation |
| (e) "designated smoking room" means a designated smoking room as defined in the <i>Smoke-free Places Act</i> R.S.P.E.I. 1988, Cap. S-4.2; | designated smoking room |
| (f) "long-term care facility" means a long-term care facility as defined in the <i>Smoke-free Places Act</i> ; | long-term care facility |
| (g) "nursing home" means a nursing home as defined in the <i>Community Care Facilities and Nursing Homes Act</i> ; | nursing home |
| (h) "tourism establishment" means a tourism establishment as defined in the <i>Tourism Industry Act</i> R.S.P.E.I. 1988, Cap. T-3.3; | tourism establishment |
| (i) "tourism operator" means a tourism operator as defined in the <i>Tourism Industry Act</i> ; | tourism operator |
| (j) "unit" means a unit as defined in the <i>Condominium Act</i> . | unit |
- 2.** A private or semi-private room in a community care facility, long-term care facility or nursing home that is being used by a person as a primary residence is a private dwelling for the purposes of the Act.
- | | |
|--|-------------------------------------|
| | Private dwellings – included places |
|--|-------------------------------------|
- 3.** (1) A person may apply to the Minister in the form approved by the Minister for approval to distribute, possess or consume cannabis for research or educational purposes under subsection 2(3) of the Act.
- | | |
|--|-------------|
| | Application |
|--|-------------|

- (2) An applicant for an approval referred to in subsection (1) shall provide proof satisfactory to the Minister that
- Requirements
- (a) the research or educational purpose cannot reasonably be accomplished unless the cannabis is distributed, possessed or consumed;
 - (b) the research or educational purpose is not inconsistent with the protection of public health and safety;
 - (c) the cannabis shall not be distributed, possessed or consumed by any person under 19 years of age;
 - (d) the cannabis to be used for the research or educational purpose shall be stored securely in circumstances that make it inaccessible to persons under the age of 19 years; and
 - (e) any remaining cannabis will be securely destroyed or disposed of as directed by the Minister at the earliest reasonable time following the conclusion of the research or educational activity.
- (3) The holder of an approval under this section shall comply with the terms of the approval.
- Compliance required
- (4) The Minister may at any time impose additional terms or conditions on an approval as the Minister considers necessary.
- Additional terms or conditions
- (5) The Minister may, on notice to the holder of an approval, cancel the approval, effective on the date specified in the notice.
- Cancel approval
- 4.** For the purposes of subsection 2(4) of the Act, sections 9, 18 and 19 of the Act do not apply to the activities of an employee of the Corporation in relation to cannabis, provided that the person's activities are within the scope of the person's employment and in accordance with the *Cannabis Management Corporation Act*.
- Non-application of Act to prescribed activities
- 5.** (1) For the purposes of subsection 12(2) of the Act, no person shall cultivate cannabis in a private dwelling unless the space in which the cannabis is cultivated complies with requirements set out in
- Requirements for cultivation of cannabis
- (a) any applicable municipal bylaw respecting
 - (i) the safety, health and welfare of people and the protection of persons and property, or
 - (ii) the construction, demolition, removal or alteration of any building or other structure;
 - (b) any applicable regulations made under the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11;
 - (c) any code of fire safety rules or standards for fire safety that the Lieutenant Governor in Council has declared in force under subsection 24(2) of the *Fire Prevention Act*; and
 - (d) any applicable regulations made under *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24, or a successor to that Act.
- (2) Where an owner or lessee cultivates cannabis in a building adjacent to the owner's or lessee's residence, the owner or lessee, as the case may be, shall ensure that the adjacent building is kept securely locked.
- Adjacent building
- (3) Where an owner or lessee cultivates cannabis indoors in a private dwelling, the owner or lessee shall ensure that the space where it is cultivated is inaccessible to
- Indoor cultivation
- (a) any person who does not have express or implied invitation to be in the private dwelling; and
 - (b) any person under the age of 19 years.
- (4) Notwithstanding subsections (1) and (3), no person shall cultivate cannabis in a private dwelling where an early childhood centre, as defined in the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, or a private school registered under the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01, is located.
- Prohibition
- 6.** (1) Where a person cultivates cannabis outdoors, the person shall ensure that the cannabis is surrounded by an enclosure that
- Application of section
- (a) is at least 1.52 metres high; and
 - (b) is kept securely locked.
- (2) Where a person cultivates cannabis outdoors, the person shall ensure that the cannabis is not visible from any public space outside the boundary of the property.
- Cannabis not visible

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

Building - two or more private dwellings

(2) For the purposes of clause 13(1)(c) of the Act, a person may consume cannabis, including by smoking it, in the following places and circumstances:

Places and circumstances where consumption of cannabis is permitted

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

(3) A landlord, the condominium corporation or the operator of a building referred to in subsection (1) may permit the smoking of cannabis in an outdoor area adjacent to the building if the area is owned by the landlord, the condominium corporation or the operator, as the case may be, and no part of the area is within 4.5 meters or 15 feet

Outdoor cannabis smoking area

- (a) of any entrance to the indoor non-smoking areas of the building; or
- (b) of any outdoor air intake for the indoor non-smoking areas of the building.

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

Measurement of distance

8. (1) For the purposes of clause 13(1)(c) of the Act, a person may consume cannabis, including by smoking it,

Consumption of cannabis - tourism establishments

- (a) subject to subsections (2) and (3), in an outdoor area of a tourism establishment that is designated by the tourism operator for that purpose for the use of guests of the tourism establishment and their guests; or
- (b) on an outdoor balcony, deck or patio that is adjacent to a private guest room in a tourism establishment and provided for the private use of the occupant of the guest room and the occupant's guests.

(2) A tourism operator may permit the consumption of cannabis by smoking in an outdoor area if the area is owned by the tourism operator and no part of the area is within 4.5 metres or 15 feet

Location of outdoor area

- (a) of any entrance to the indoor non-smoking areas of a building that contains two or more guest rooms; or
- (b) of any outdoor air intake for the indoor non-smoking areas of a building that contains two or more guest rooms.

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

Prohibition

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

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

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

10. These regulations come into force on October 17, 2018. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 provides that a private or semi-private room in a community care facility, long-term care facility or nursing home that is being used by a person as a primary residence is a private dwelling for the purposes of the Act.

SECTION 3 authorizes an application process for an approval to distribute, possess or consume cannabis for research or educational purposes and specifies the requirements for the application.

SECTION 4 provides that sections 9, 18 and 19 of the Act do not apply to the activities of an employee of the Corporation in relation to cannabis, as specified.

SECTION 5 prohibits the cultivation of cannabis in a private dwelling except as provided. The space where the cannabis is cultivated must comply with applicable municipal bylaws, applicable regulations made or a code of fire safety rules or standards in force under the *Fire Prevention Act*, and any applicable regulations made under the *Provincial Building Code Act* or a successor to that Act. In addition, a person who cultivates cannabis in a private dwelling must ensure that it is inaccessible to a person who does not have express or implied invitation to be in the private dwelling, and inaccessible to any person under the age of 19 years. Cultivation of cannabis in a private dwelling is prohibited if an early childhood centre or a private school is located in the private dwelling.

SECTION 6 provides rules for the outdoor cultivation of cannabis. The person cultivating the cannabis must ensure that the area is surrounded by an enclosure that is at least 1.52 metres high and is kept securely locked. In addition, the person must ensure that the cannabis is not visible from any public space outside the boundary of the property.

SECTION 7 provides rules respecting the consumption of cannabis, including consumption by smoking, in a private dwelling in a building that contains two or more private dwellings, including a leased private dwelling, a unit or a private or semi-private room in a long-term care facility, community care facility or nursing home.

SECTION 8 provides rules respecting the consumption of cannabis in a tourism establishment, including consumption by smoking.

SECTION 9 establishes the acceptable forms of identification for the purposes of the Act and regulations.

SECTION 10 provides for the commencement of the regulations.

EC2018-576**FISH INSPECTION ACT
REGULATIONS
AMENDMENT**

Pursuant to section 3 of the *Fish Inspection Act* R.S.P.E.I. 1988, Cap. F-13, Council made the following regulations:

1. Subsection 15(1) of the *Fish Inspection Act* Regulations (EC764/72) is amended by the addition of the words “and scallops” after the words “with the exception of squid”.

2. Section 46 of the regulations is revoked.

3. These regulations come into force on September 29, 2018.

EXPLANATORY NOTES

SECTION 1 amends subsection 15(1) of the *Fish Inspection Act* Regulations to add an exception for scallops to the current exception for squid from the requirement that fish buyers shall only buy fish that are alive at the time of purchase.

SECTION 2 revokes section 46 of the regulations. The section imposed a size limit on Atlantic oysters that is no longer a requirement.

SECTION 3 provides for the commencement of the regulations.

EC2018-577**FISHERIES ACT
REGULATIONS
AMENDMENT**

Pursuant to section 9 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01, Council made the following regulations:

1. Clause 1(f) of the *Fisheries Act* Regulations (EC873/95) is amended by the deletion of the words “operated in conjunction with a lobster pound,”.

2. Clause 7(9)(b) of the regulations is revoked.

3. (1) Subsection 8(2) of the regulations is revoked and the following substituted:

(2) The Minister may issue a fish peddling license to a person who meets the vehicle requirements for fish peddlars in Schedule G of the *Fish Inspection Act* Regulations. Requirements

(2) Clause 8(6)(b) of the regulation is amended

(a) in subclause (ii), by the deletion of the word “or” after the comma;

(b) in subclause (iii), by the addition of the word “or” after the comma; and

(c) by the addition of the following after subclause (iii):

(iv) scallops that have had the adductor muscle removed on the fishing vessel,

4. These regulations come into force on September 29, 2018.

EXPLANATORY NOTES

SECTION 1 amends clause 1(f) of the *Fisheries Act* Regulations to remove a requirement that a lobster cookroom be operated in conjunction with a lobster pound, which is no longer necessary.

SECTION 2 revokes clause 7(9)(b) of the regulations. The clause contained a requirement to comply with a regulation that has been revoked.

SECTION 3 revokes subsection 8(2) of the regulations and substitutes a new subsection 8(2) that eliminates a requirement to comply with a regulation that has been revoked. The section also amends clause 8(6)(b) of the regulations to add an exemption from subsection 8(5) of the regulations for scallops that have had the adductor muscle removed on board the fishing vessel. Subsection 8(5) imposes a restriction on the sources of the fish that a pedlar may peddle, and subsection 8(6) contains specified exemptions from the restriction.

SECTION 4 provides for the commencement of the regulations.

EC2018-578

JUDICATURE ACT
RULES OF COURT
TWENTY-SECOND SERIES OF AMENDMENTS
TO THE
1996 CONSOLIDATION
AND
PUBLICATION MANNER
DETERMINED

Under authority of subsection 35(1) of the *Judicature Act*, R.S.P.E.I. 1988, Cap. J-2.1, Council approved the Twenty-Second Series of Amendments to the 1996 Consolidated Version of the Rules of Court to come into force effective October 1, 2018, said amendments having been made by the Rules Committee at meetings held on October 30, 2017; January 22, 2018; April 10, 2018; and May 28, 2018.

Further, under authority of subsection 35(5) of the said Act, Council determined that publication of a Notice in the Royal Gazette shall be deemed to be publication of the approved Twenty-Second Series of Amendments to the 1996 Consolidated Version of the Rules of Court and that no further publication relating to the said amendments shall be necessary.

EC2018-579

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RON CRAIG, EMILY ELIZABETH CRAIG
AND MADELEINE JEAN CRAIG
(DENIAL)

Council, having under consideration an application (#N5809) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Ron Craig of King City, Ontario, Emily Elizabeth Craig of York, Ontario and Madeleine Jean Craig of San Francisco, California to acquire an interest in a land holding of approximately sixty (60) acres of land at Cymbria, in Lot 24, Queens County, currently owned by JD MacDonald of Charlottetown, Prince Edward Island.

EC2018-580

**PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
RMC REALTY INVESTMENTS LIMITED
(DENIAL)**

Council, having under consideration an application (#C7486) for acquisition of a land holding under authority of section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to RMC Realty Investments Limited of Newmarket, Ontario to acquire a land holding of approximately sixty (60) acres of land at Cymbria, in Lot 24, Queens County, currently owned by JD MacDonald of Charlottetown, Prince Edward Island.

EC2018-581

**SUMMARY PROCEEDINGS ACT
TICKET REGULATIONS
AMENDMENT**

Pursuant to section 10 of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, Council made the following regulations:

1. Schedule 2 of the *Summary Proceedings Act Ticket Regulations (EC58/08)* is amended by the addition of the following immediately after Part 8:

PART 8.1

**CANNABIS CONTROL ACT
R.S.P.E.I. 1988, Cap. C-1.2**

Item Number	Column I Offence	Column II Section	Column III Penalty for out of court settlement
1	Person under 19 in possession of cannabis.....	7	\$200 (1st offence) 400 (2nd or subsequent offence)
2	Storage of cannabis - not secure and inaccessible to underage resident	8(a)	200 (1st offence) 400 (2nd or subsequent offence)
3	Unauthorized vendor operating store that sells, selling or distributing cannabis	9	5,000 (1st offence) 10,000 (2nd or subsequent offence)
4	Purchasing, attempting to purchase cannabis from unauthorized vendor	10(1)	200 (1st offence) 400 (2nd or subsequent offence)
5	Person under 19 purchasing, attempting to purchase cannabis.....	10(2)	200 (1st offence) 400 (2nd or subsequent offence)
6	Making or accepting a gift of cannabis - donor not in lawful possession	11(a)	200 (1st offence) 400 (2nd or subsequent offence)
7	Making or accepting gift of cannabis - recipient under 19	11(b)	500 (1st offence) 1,250 (2nd or subsequent offence)
8	Person cultivating or offering to cultivate cannabis - not in person's private dwelling	12(2)	200 (1st offence) 400 (2nd or subsequent offence)
9	Person cultivating or offering to cultivate cannabis- not in lawful possession of cannabis	12(2)(a)	200 (1st offence) 400 (2nd or subsequent offence)
10	Person cultivating or offering to cultivate cannabis - space accessible to resident under 19	12(2)(b)	200 (1st offence) 400 (2nd or subsequent offence)
11	Person cultivating or offering to cultivate - space does not comply with requirements in regulations	12(2)(c)	200 (1st offence) 400 (2nd or subsequent offence)
12	Person cultivating or offering to cultivate cannabis - no permission from lessor	12(3)(a)	200 (1st offence) 400 (2nd or subsequent offence)

13 Person cultivating or offering to cultivate cannabis - cultivation in unit prohibited	12(3)(b)	200 (1st offence) 400 (2nd or subsequent offence)
14 Person consuming cannabis - not in lawful possession ..	13(1)	200 (1st offence) 400 (2nd or subsequent offence)
15 Person consuming cannabis - not in person's private dwelling, vacant land or place specified in regulations.....	13(1)	200 (1st offence) 400 (2nd or subsequent offence)
16 Person consuming cannabis - in private dwelling where private school is located	13(2)(a)	200 (1st offence) 400 (2nd or subsequent offence)
17 Person consuming cannabis - in private dwelling where early childhood centre is located	13(2)(b)	200 (1st offence) 400 (2nd or subsequent offence)
18 Person consuming cannabis - on vacant land where public has access for consideration.....	13(2)(c)	200 (1st offence) 400 (2nd or subsequent offence)
19 Person under 19 consuming cannabis	13(3)	200 (1st offence) 400 (2nd or subsequent offence)
20 Person knowingly permitting person under 19 to consume cannabis	13(4)	500 (1st offence) 1,250 (2nd or subsequent offence)
21 Person consuming cannabis or medical use cannabis in vehicle on highway or trail	14(1)	200 (1st offence) 400 (2nd or subsequent offence)
22 Person consuming cannabis or medical use cannabis in or on boat not used as private dwelling	14(2)	200 (1st offence) 400 (2nd or subsequent offence)
23 Cannabis in possession of person with care and control of vehicle or boat	15(1)	200 (1st offence) 400 (2nd or subsequent offence)
24 Selling or providing cannabis to person who appears intoxicated or impaired by alcohol or a drug	17(1)	200 (1st offence) 400 (2nd or subsequent offence)
25 Selling or providing cannabis to person under 19	17(2)	500 (1st offence) 1,250 (2nd or subsequent offence)
26 Person other than authorized vendor displaying cannabis, including package or label	18	200 (1st offence) 400 (2nd or subsequent offence)
27 Person other than authorized vendor promoting cannabis	19	200 (1st offence) 400 (2nd or subsequent offence)
28 Person involving person under 19 in contravention of Act or regulations	20	500 (1st offence) 1,250 (2nd or subsequent offence)
29 Person hindering or obstructing inspector or person assisting	23(1)	200 (1st offence) 400 (2nd or subsequent offence)
30 Person tampering with equipment, etc., in or results of inspection, investigation, etc.	23(3)	200 (1st offence) 400 (2nd or subsequent offence)
31 Person failing to comply with request to produce proof of age	27(4)	200 (1st offence) 400 (2nd or subsequent offence)
32 Person contravening provision of Act or regulations for which no other penalty is specified	32(1)	200 (1st offence) 400 (2nd or subsequent offence)

2. These regulations come into force on October 17, 2018.

EXPLANATORY NOTES

SECTION 1 amends Schedule 2 of the Ticket Regulations to add a new Part 8.1 that sets out the ticketable offences and associated penalty amounts under the *Cannabis Control Act* and regulations.

SECTION 2 provides for the commencement of these regulations.

EC2018-582

UNIVERSITY ACT
BOARD OF GOVERNORS
OF THE
UNIVERSITY OF PRINCE EDWARD ISLAND
APPOINTMENTS

Pursuant to clause 8(1)(a) of the *University Act* R.S.P.E.I. 1988, Cap. U-4 Council made the following appointments:

NAME	TERM OF APPOINTMENT
James Bradley Summerside (vice Duncan Shaw, term expired)	18 September 2018 to 31 May 2021
Bertha Campbell New London (reappointed)	31 May 2018 to 31 May 2021
Brian Thompson Charlottetown (vice Tracey Cutcliffe, term expired)	18 September 2018 to 31 May 2021